

# Wolves in sheep's skin

A Rapid Assessment of  
Human Trafficking in Musina,  
Limpopo Province of South Africa



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***Wolves in Sheep's Skin***

**A Rapid Assessment of Human Trafficking in Musina, Limpopo Province of South Africa**

Prepared for IOM by

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IOM International Organization for Migration



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NORWEGIAN EMBASSY

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## Executive Summary

There is a dearth of information on the incidence and prevalence of human trafficking in Musina, a city in the Limpopo Province of South Africa. In order to overcome this gap in understanding, the International Organization for Migration (IOM) initiated a rapid assessment in Musina. A consultant gathered data over a 15-day period in August 2009. This qualitative study employed semi- and unstructured interviews with state and non-state key informants and migrants themselves to gather information about vulnerability/risk factors, the incidence and prevalence of human trafficking, and the policies and practices in place to combat it. Although much of the findings rest on hearsay or anecdotal accounts, they do suggest that trafficking in persons does occur in Musina. Evidence was found of trafficking for the purposes of sexual exploitation, sexual slavery, labour exploitation, sale of illegal substances and goods, forced criminal activity, extortion and other forms of exploitation. These crimes are perpetrated by what one migrant described as “wolves in sheep’s skin”. According to this migrant, these people say “my brother you are in trouble” and then proceed to exploit a migrant’s desperation through false offers of safe transportation and employment.

While many migrants are at risk of being trafficked because they are trying to escape from dire socio-economic circumstances and political violence, or are inexperienced and not informed of immigration procedures and the dangers of travelling through non-border post crossings, the report found that particular groups of migrants are more at risk than others. These groups include victims of sexual and gender-based violence (SGBV) those who have been stranded, robbed and subjected to other forms of violence; women and girls involved in prostitution and transactional sexual behaviour; and “unaccompanied” minors travelling alone, with so-called relatives and *Malaisha* (taxi drivers/smugglers). The assessment found that there is a protection system in place to support undocumented Zimbabwean adults and children in terms of shelter, food and health assistance; however, there are a number of weaknesses and gaps in this system that hinder adequate responses to human trafficking.

Health issues emerged as a cross-cutting issue in this assessment. The assessment found that suspected trafficked persons are vulnerable to the following health related concerns: sexual and reproductive health problems, sexually transmitted infections (STIs) including HIV, physical trauma, negative psycho-social reactions, malnutrition and limited access to adequate health care. Health concerns such as unwanted pregnancies and psychological trauma and mental health problems such as depression and anxiety, also emerged as impacts, as well as risk factors that enhance people’s vulnerability to trafficking. Although more research is needed on health consequences related to trafficking and irregular migration more generally, the findings suggest that migrants face a number of physical and health problems in the pre-departure, transit/transportation, destination and assessment, reintegration and integration phases. These problems place them at risk of being trafficked, and they are also an outcome of being trafficked.

This report concludes with a set of recommendations on how stakeholders can strengthen their interventions to more effectively combat human trafficking and provide material, psychosocial and health assistance to trafficked persons.

## Acronyms

ART	Anti-retroviral therapy
CMR	Christelike Maatskaplike Raad (Christian Social Council)
DHA	Department of Home Affairs
DOH	Department of Health
DOL	Department of Labour
DSD	Department of Social Development
ETD	Emergency Travel Document
ILO/IPEC	International Labour Organization/International Programme on the Elimination of Child Labour
IOM	International Organization for Migration
INGO	International Non-Governmental Organization
LHR	Lawyers for Human Rights
MLAO	Musina Legal Advice Office
MSF	Médecins Sans Frontières
NGO	Non-Governmental Organization
NPA	National Prosecuting Authority
SAPS	South African Police Services
SANDF	South African National Defence Force
SCUK SAP	Save the Children UK South Africa Programme
SCN	Save the Children Norway
SGBV	Sexual and gender- based violence
SMG	Soutpansberg Military Grounds
UN	United Nations
UNICEF	United Nations Children's Fund
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
URC	Uniting Reform Church

VEP	Victim Empowerment Unit
VFU	Victim Friendly Unit (Zimbabwe Republic Police)
ZRP	Zimbabwe Republic Police

## **CHAPTER 1: Introduction**

### **1.1 Objectives**

This rapid assessment sought to “understand and tailor responses to the vulnerabilities and characteristics of trafficking in the Musina border area of South Africa” (IOM, 2009). The report was designed to overcome the lack of concrete data on the trafficking of persons in Musina in order to inform policy-making and programming. Anecdotal evidence suggests that trafficking in persons may be taking place in Musina, given the high level of migration of people from Zimbabwe into South Africa in search of a better life. Research reports have described the vulnerability of these migrants to violence, deception and exploitation in South Africa, but have not explored the relationship between this violence and deception, and their movement into exploitative situations. In Musina, economic migrants, unaccompanied minors, asylum seekers and others wait in abhorrent conditions for the possible regularization of their legal status. These migrants may be vulnerable to trafficking and related health concerns. Against this backdrop, this assessment sought to explore these vulnerabilities in order to develop future interventions to protect and secure the well-being of all migrants in Musina, particularly those most vulnerable.

### **1.2 Scope of work**

The specific research themes that guided the research process, as laid out in the Terms of Reference, were as follows: trafficking routes; trafficker and victim profiles; health risks for victims; and security concerns for victims. During the course of the assessment, additional themes were used to guide the interviews and analyse the data:

- What is the nature and scope of human trafficking in Musina?
- Risk and resiliency: What are the factors and root causes that enhance the vulnerability of some persons to human trafficking, while protecting others?
- Mechanisms and processes: What are the mechanisms and processes by which persons are trafficked? What is the relationship between movement, deception, coercion and abuse of power, and exploitation of children and adults?
- Evidence-based policy and programming: What are the strengths and weaknesses in existing policies and programmes implemented by government, UN, international non-governmental organization (INGO)/non-governmental organization (NGO) and other civil society actors? How can these activities be strengthened to ensure better outcomes and sustainable impact?

Data was collected by a consultant with logistical support from IOM’s offices in Musina and Beitbridge. Research was conducted in both of these locations over a period of 15 days from 29 July 2009 to 15 August 2009. In addition to focus group discussions, semi- structured and unstructured interviews were conducted with 95 state and non-state key informants and migrants themselves, on the streets, in brothels, in shelters, on farms and at the border. In Beitbridge, 45 respondents were consulted in interviews and focus group discussions (see

Appendix 1 for list of respondents). A snowball sampling technique was employed to access a wide range of respondents in these communities.

<b>Respondents in Musina</b>	<b>No.</b>
Government officials	11
INGO respondents	18
NGO respondents	4
Community-based organizations (CBOs) (e.g. church organizations)	4
Farm managers	4
Migrants (see breakdown below)	53
Malaisha	1
<b>Total</b>	<b>95</b>

<b>Migrant Respondents in Musina</b>	<b>No.</b>
Male migrants (shelters, farm workers)	19
Female migrants (shelters, street sellers, prostitutes)	14
Girl migrants (shelters)	4
Boy migrants (shelters, street children)	16
<b>Total</b>	<b>53</b>

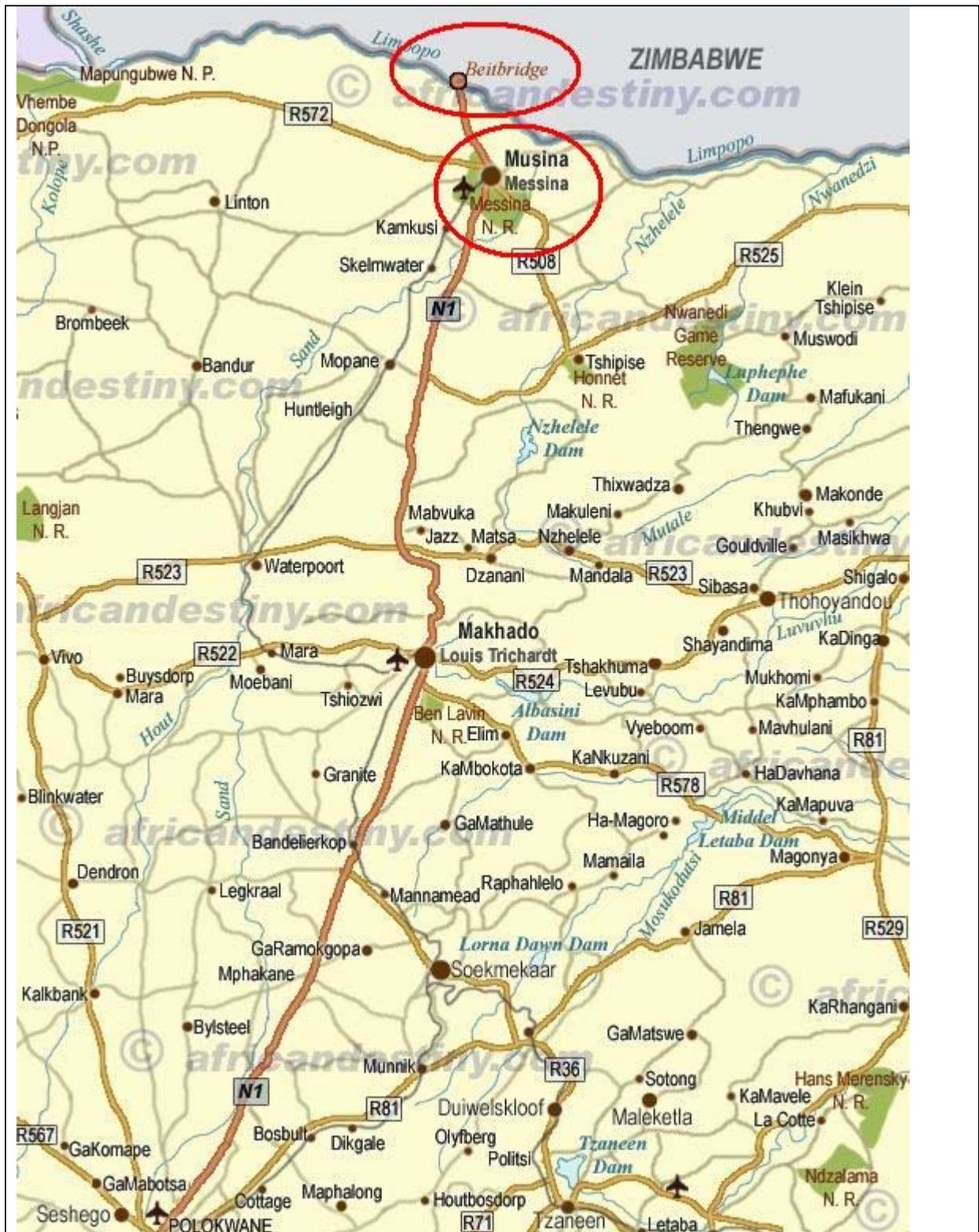
<b>Respondents in Beitbridge</b>	<b>No.</b>
Government official	4
INGO	11
NGO	1
Brothel (x4 – focus groups)	23
Malaisha	6
<b>Total</b>	<b>45</b>

The data was analysed qualitatively using content analysis. Emphasis was placed on using migrants' "voices" in order describe their perceptions and experiences of violence, exploitation and trafficking. Although the terms of reference called for quantitative analysis where possible, this was very difficult given the small sample size and the lack of clarity around definitions employed by respondents.

Map 1: Provincial map of South Africa



Map 2: Limpopo Province, South Africa



### 1.3 Challenges and limitations

A number of challenges were encountered in the research process. Although the assistance of IOM staff facilitated access to a number of key informants, there were numerous challenges related to hierarchy and lines of authority, as some government officials and NGO workers in the field were not available for interview. Some had not been informed about this research in advance and/or required official permission from their supervisors to be interviewed. In other cases, interviews were conducted “off the record”.

Furthermore, it was often difficult to access suspected victims of trafficking due to the initial resistance of gatekeepers in transit centres and orphanages, who were either seeking to protect the people in their care and/or did not understand the nature of the research. Access was negotiated with the assistance of IOM staff, and repeated visits were made to the shelters to build trust.

Language constraints also emerged as an issue. IOM staff members assisted with simultaneous translation into Shona on more than one occasion. Although this is likely to have an effect on the reliability of the findings and the manner in which quotes are expressed, efforts were made to ensure the validity of findings by employing triangulation: speaking to a number of actors about a case or issue, without divulging sensitive and confidential information.

Although efforts were made to interview all relevant stakeholders, the time frame and the nature of the snowball sampling methodology mean that no claims to a representative sample can be made. Further research is needed, particularly with the migrants themselves. Time constraints rendered it impossible to explore the provincial dimension, and therefore more attention should be directed at key informants in Polokwane, Thohoyandou and other more rural communities. Furthermore, more research should be focused on small, privately owned farms in the areas surrounding Musina.

An important limitation to be noted throughout the research report is that by focusing only on a transit and, in some cases, destination area, it is very difficult to determine with certainty if a case is that of trafficking. In order to gain a comprehensive understanding of the migration/smuggling/trafficking trajectory, in-depth research should be conducted in source communities in Zimbabwe, as well as in so-called destination sites such as Johannesburg and Cape Town.

Although this research report provides detailed information about certain themes such as evidence-based policy and programming, longer-term and more participatory and child-centred research with migrants themselves would enhance the findings. Given the small sample size, the findings should be interpreted carefully and should not be generalized. Furthermore, as many of the cases that were provided were second-hand accounts or based on hearsay, caution should be employed when deriving quantitative conclusions about incidence and prevalence. Instead of focusing on statistics, this report has attempted to draw out the complexities of this phenomenon and highlight respondents’ conceptual confusion about concepts such as exploitation, trafficking, smuggling and kidnapping.

## 1.4 Ethics

The research protocol was based on a number of key principles related to ethics and protection (IOM, 2009; De Sas Kropiwnicki, 2007). In order to ensure meaningful participation, all efforts were made to consult a wide range of actors. Attempts were made to give respondents – both adults and children – an opportunity to express themselves in their chosen environment, using the research methods that they felt most comfortable with. Many adult respondents preferred to meet and talk in an informal setting on what are often very sensitive and politicized topics. Given these concerns, dictaphones were not used.

In general, meaningful participation was facilitated by giving the respondents ownership of the research methods: instead of employing structured questionnaires, open-ended questions were used so that respondents could lead the direction of the interviews. These interviews amounted to “guided conversations” which enabled respondents to express themselves, while providing valuable information about the topic at hand.

All efforts were made to ensure that both adults and children understood the nature, intention and outcomes of the research project so that they could provide informed consent (and withdraw it at any time). In all interviews, respondents were asked if they were happy with the time set aside for the interview and the location of the interview. Permission was always sought from gatekeepers before speaking to children and women in shelters. Children were always asked if their parents, caregivers and, in some cases, “gatekeepers” knew about our presence and would be happy for them to be interviewed. This was a challenge when interviewing child migrants, and children living and working on the streets.

All attempts were made to prevent respondents’ expectations from being raised, although this was a particularly difficult challenge to overcome, since the assessment team was attached to IOM. Respondents were told from the outset and at the conclusion of the interview that they would receive no remuneration and no material rewards for participating in this research project, but that the information that they provide will allow government and stakeholder organizations to improve the work that they are doing and thereby assist other migrants.

All of the interviews were confidential, in that no name or identifying feature of the respondents was used in this report. In the event that a case of ongoing abuse, exploitation or trafficking was encountered, a referral process was elaborated from the outset with IOM staff. There was no need to use this referral process during the course of the assessment.

In order to be sensitive to the struggles and strengths of migrants and suspected victims of trafficking and other forms of violence, emphasis was placed on their rights to protection and on their agency and the positive decisions that they have made – and can still make – to improve their situation. Given low levels of awareness on human trafficking at the community level, it was felt this research process could serve as a useful tool not only for data gathering, but also for awareness raising. As a result, at the end of interviews with migrants, information was relayed to migrants on how to identify trafficking and who to contact at IOM if they encounter such a case.

## CHAPTER 2: Research Definitions and International Conventions

Due to the scarcity of literature on trafficking in human beings, few publications broach the issue of terminology, definitions and concepts. It is argued that differences in definitions have a significant impact on estimates of incidence and prevalence, and the manner in which policies and programmes are designed to combat human trafficking. For instance, the conceptual debate often overlooks that the international definition of child trafficking is distinct from the definition of trafficking in human beings, which creates additional conceptual challenges. Trafficking is often conflated with kidnapping or smuggling (Kelly, 2005). In order to ensure the full protection of victims of human trafficking, international, regional and national legislation should be comprehensive and complementary. The ratification of international treaties should be accompanied by national legislation and detailed plans for implementation.

### 2.1 Trafficking in persons

The *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime* (otherwise known as the Palermo Protocol) provides the first internationally agreed upon definition of trafficking:<sup>1</sup>

*(a) ‘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 (Article 3).*

This definition contains three elements:

1. Acts (*recruitment, transportation, transfer ...*)
2. Means used to commit those acts (*by means of the threat or use of force or other forms of coercion...*)
3. Purposes (*for the purpose of exploitation [which] shall include, at a minimum, the exploitation of the prostitution of others...*).

The subsequent paragraph of Article 3 of the Palermo Protocol provides that:

*(b) The **consent** of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.*

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<sup>1</sup> United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. General Assembly Resolution A/RES/55/25. 8 January 2001.

In the Palermo Protocol, consent is irrelevant if it is obtained by means of coercion, deceit,<sup>2</sup> including abuses of power without physical force. This applies to cases when individuals consent initially (e.g. to migrate or work) but are then subjected to exploitation. If there is no realistic possibility of free fully informed consent or refusal, it amounts to trafficking.<sup>3</sup> In Article 3(c) of the Palermo Protocol, the question of consent is irrelevant in the case of a child, who is defined as a person under 18 years of age (Article 3d):

*(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article.*

According to the Palermo Protocol, exploitation may include:

- sexual exploitation (including the exploitation of prostitution of others or and other forms of sexual exploitation – such as pornography and forced marriages);
- forced labour or services;<sup>4</sup>
- slavery<sup>5</sup> or practices similar to slavery, servitude;
- the removal of organs.<sup>6</sup>

The exploitative outcome need not be fulfilled for it to constitute a case of trafficking, if the intent is discovered. In Article 3, border crossing is not included as a constituting element of “trafficking in human beings” as trafficking may occur within a country.

The South African government signed this Protocol on 14 December 2000 and ratified it on 20 February 2004.

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<sup>2</sup> Deception can relate to the nature of the services to be performed as well as the conditions under which the person will be forced to perform such services.

<sup>3</sup> This applies also to those persons who entered prostitution voluntarily and were later subjected to work under coercive or slavery-like conditions in the sex market by any means set forth in Article 3 of the Palermo Protocol.

<sup>4</sup> Defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (Article 2 (1) *ILO Convention No. 29 Concerning Forced Labour*).

<sup>5</sup> Defined as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” (*Slavery Convention, 1927*).

<sup>6</sup> The Palermo Protocol does not specifically mention the recruitment of children for hazardous work or illegal adoption. However, in accordance with other binding international legal instruments, States should take action to stop any person under 18 from being employed in hazardous work and from being adopted in violation of the applicable international law on adoption (respectively, the *ILO Convention No. 182 On the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour* and the *Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption*).

## 2.2 Sale of children

*The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, which was adopted on 25 May 2000 and entered into force in January 2002, calls upon the prohibition of the sale of children, sexual exploitation in prostitution and pornography committed domestically or transnationally on an individual or organized basis. The following key definitions are pertinent:

Article 2 (a) Sale of children: *“any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”*

Article 2 (b) Sexual exploitation of a child in prostitution: *“use of a child in sexual activities for remuneration or any form of consideration”*

Article 2 (c) Sexual exploitation of a child in pornography: *“any representation, by whatever means, of a child engaged in a real or simulated explicit sexual activities or any representation of the sexual parts of a child for primary sexual purposes”*

Article 3 calls for the criminalization by States Parties of *“offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation of the child; transfer of organs of the child for profit; engagement of the child in forced labour”*. It further criminalizes *“improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption.”*

The sale of children constitutes trafficking when children are moved by someone who has an intention to exploit them.

The South African government acceded to this Protocol on 30 June 2003.
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## 2.3 Exploitation

In line with International Labour Organization/International Programme on the Elimination of Child Labour (ILO/IPEC) Conventions, it is necessary to distinguish between child work and child exploitation. In particular, the Minimum Age Convention No. 138 of 1973 and the Worst Forms of Child Labour Convention No. 182 of 1999 are relevant to this analysis. The former calls for the abolishment of child labour and for the establishment of progressively rising minimum age, which “shall not be less than the age of completion of compulsory schooling and (...) shall not be less than 15 years” (Article 2.3). The latter convention calls for poverty-alleviation activities to overcome child labour (Preamble), including free basic education and vocational training (Article 7) in the medium- to long- term, and the immediate prohibition and elimination of the worst forms of child labour in the short term (Article 1) (ILO, 2007). It prohibits:

a) *all forms of slavery or practices similar to slavery, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict (Convention N° 182, Art. 3 [a]);*

- b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances (Convention N° 182, Art. 3 [b]);
- c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties (Convention N° 182, Art. 3 [c]);
- d) work which, by its nature or circumstances in which it is carried out, is likely to harm the health, safety or morals of children (Convention N° 182, Art. 3 (d) and Convention N° 138, Art. 3);
- e) work done by children below the minimum age for admission to employment (Convention N° 138, Art. 2 & 7).

This convention, together with ILO Recommendation No. 190, calls upon States Parties to conduct detailed and comprehensive assessments involving all relevant national stakeholders to identify which aspects of work pose risks for children in terms of health and development.

The South African government ratified this Convention in June 2000.
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## 2.4 Migrant worker’s rights

Relevant to this report, The *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* (1990) seeks to protect migrant workers against slavery and forced or compulsory labour (Article 11). It prohibits the seizure of migrant workers’ identity documents (Article 21), and provides that migrant workers are not discriminated against in working conditions and remuneration (Article 25 (1)). These rights apply regardless of migrant worker’s legal status in the country or “any irregularity in their stay or employment” (Article 43).

The South African government has not ratified or signed this Convention.
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## 2.5 Other international instruments

South Africa is party to the following international and regional instruments:

Instrument	Status: South Africa
International Covenant on Civil and Political Rights	Ratified on 10 December 1998
International Convention on the Elimination of All Forms of Racial Discrimination	Ratified on 10 December 1998
UN Convention relating to the Status of Refugees	Ratified on 12 January 1996
International Covenant on Economic, Social and Cultural Rights	Signed on 3 October 1994
African Charter on Human and Peoples’ Rights	Ratified on 9 July 1996
OAU (Organization of African Unity) Refugee	Ratified on 15 December 1995

Convention	
SADC (Southern African Development Community) Protocol on Health	Ratified on 4 July 1994

## 2.6 National legislation

There is no specific law prohibiting trafficking in persons in South Africa. However, there is legislation that provides constitutional and legal obligations related to the protection of victims of trafficking.

At a general level *The Constitution of the Republic of South Africa* (1996) provides for the protection of adults and children from maltreatment and exploitation. No specific reference is made to trafficking in the Bill of Rights.

The *Criminal Law (Sexual Offences and Related Matters) Amendment Act no. 32 of 2007* amends the Sexual Offences Act (No. 23 of 1957) and the common law relating to sexual offences. It categorizes and criminalizes certain sexual offences involving children and adults. It provides an expanded definition of sexual exploitation, and refers specifically to the use of children in pornography or displaying pornography to children. It criminalizes trafficking for the purposes of sexual exploitation, but does not outline any sanctions for this activity. Furthermore, no reference is made to victim protection in this Act.

*The Children's Act no. 38 of 2005* refers specifically to child trafficking in Chapter 18. It adopts a definition that is in line with the Palermo Protocol, and goes beyond this to include illegal adoption as a purpose for which children are trafficked in line with the Hague Convention.<sup>7</sup> It contains a clause that provides for assistance and repatriation processes for child victims of trafficking. Certain sections of this Act came into force on 1 July 2007, but it will only fully come into force when the Children's Amendment Bill is gazetted.

The *Basic Conditions of Employment Act, 57 of 1997* makes it an offence to "cause, demand or impose" forced labour on any person (Section 48). Sections 43 (1) and Section 43 (2) prohibits employment of those under the age of 15 years, who are under the minimum school leaving age (where the age is 15 years or older), or are involved in inappropriate work or work that puts them at risk (for those under the age of 18).

*The Immigration Act 13 of 2002* aims at combating organized transnational crime, which includes human smuggling and global terrorism. It refers to processes around the issuing of work permits, and the detention and deportation of illegal foreigners. This Act was amended in 2004 and replaced with the Aliens Control Act (1991, amended 1995). No specific mention is made of trafficking but the Act prohibits those who have been convicted of genocide, terrorism, murder, torture, drug-related charges, money laundering or kidnapping from entering South Africa (Section 29). Furthermore, it states that "*anyone who knowingly assists a person to enter or remain in, or depart from the Republic in*

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<sup>7</sup> Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (No. 33), 1993.

*contravention of this Act shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding one year” (Section 49(2)).* As it deals with transnational crime, it is relevant to cross-border trafficking.

*The Refugee Act, 130 of 1998* ensures refugee’s safety, protection and access to services. Section 32 deals specifically with unaccompanied children of foreign nationality, who it states are entitled to assistance from the Children’s Court in order to apply for refugee status. This Act also provides that refugees are entitled to full legal protection. The *Occupational Health and Safety Act* (Act 85 of 1993) obliges employers to provide safe and healthy working conditions for their workers, which include migrants.

The *South African Constitution* guarantees the right to access to health care for all (Article 27(1), 27(2) and 27(3)). A Revenue Directive, issued by the Department of Health (DOH) in September 2007, reaffirms refugees and asylum seekers’ rights to access health services, regardless of their documentation status. This includes free health care at primary health care facilities and access to free antiretroviral therapy (ART). This is reaffirmed in the HIV & STI and STI Strategic Plan for South Africa (2007-2011) and in a letter from the Gauteng Department of Health to all hospital CEOs, district family physicians and district managers (MSF, 2009; IOM, 2008). The *National Health Care Act* (No. 61 of 2003) promotes the rights of the people of South Africa (including migrants) to access health care services. Chapter 6 will discuss the application of these policies in relation to migrants’ access to health care in Musina.

*The Films and Publications Act, 65 of 1996 as amended in 2004*, classifies (and prohibits) certain films and publications. Schedule 1 and Schedule 6 refer to child pornography and the sexual exploitation of children.

*The South African Law Reform Commission into Trafficking in Persons (Project 131)* was tasked with investigating the measures that are required to prosecute traffickers, protect victims of trafficking and prevent trafficking in persons. An Issue Paper on Trafficking in Persons was published in January 2004, and this was followed by the publication of a Discussion Paper in early 2006.<sup>8</sup> This publication included draft legislation on trafficking in persons, which had to be commented on in June 2006. The South African Law Commission into Trafficking in Persons finalized the text in June 2007 and recommended it to the Department of Justice in 2008 (IOM, 2008).

*The proposed bill* against trafficking in persons does not provide a specific definition of trafficking for children; rather it defines trafficking as:

*...the recruitment, sale, supply, procurement, capture, removal, transportation, transfer, harbouring or receipt of persons, within or across the borders of the Republic*

*i) by any means, including the use of threat, force, intimidation or other forms of coercion, abduction, fraud, deception, abuse of power or the*

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<sup>8</sup> *Trafficking in Persons*, Discussion Paper 111 (Project 131), <http://www.doj.gov.za/salrc/dpapers.htm>.

- giving or receiving of payments or benefits to achieve the consent of a person having control or authority over another person; or*
- ii) *by abusing vulnerability, for the purpose of exploitation.*

It includes clauses pertaining to the prevention of trafficking, imprisonment of perpetrators and those who procure services of a victim (for up to 2 years), protection and compensation to victims (UNESCO, 2007).

## CHAPTER 3: Literature Review

A review of the literature on the situation of migrants in Musina suggests that there is a significant gap in information on trafficking in persons and their vulnerability to health problems. Reference is frequently made to the violence that Zimbabwean migrants face when crossing the border into South Africa, as well as the exploitation that some face when working in South Africa. However, there has been little attempt to assess the relationship between the perpetrators of this violence during transit and the people who exploit migrants at the destination. Similarly, there is frequent discussion of Zimbabweans being smuggled into South Africa, only to find themselves in a situation that does not match their expectations. Yet, no efforts have been made to investigate whether these smugglers deceive them into believing false promises of safe transportation and employment. In other words, there is little analysis of cases of human trafficking in Musina apart from general reports that refer to trafficking from Zimbabwe to South Africa.

### 3.1 Trafficking from Zimbabwe to South Africa

IOM's 2006 report on the trafficking of women in East and Southern Africa states that South Africa is a source, transit and destination country for men, women and children. It refers to a previous IOM report, published in 2003 and entitled *Seduction, Sale and Slavery*, to argue that Lesotho, Mozambique and Malawi, and other refugee-producing countries such as Angola, Rwanda and the Democratic Republic of the Congo (DRC) are source countries, because of the nature of the conflict/post-conflict setting, high levels of gender-based violence and limited access to health care. IOM's 2006 report also states that Zimbabwe is a source, transit and destination country for women and children who are trafficked internally or into countries such as South Africa, China, Egypt and Zambia with false job or scholarship promises. The authors also note that "there are reports of South African employers demanding sex from undocumented Zimbabwean workers under threat of deportation" (IOM, 2006, p.23). Zimbabwe is also listed as a transit country for women and children from Malawi, Zambia and the DRC who are destined for South Africa (IOM, 2006).

Published in 2009, the *Global Report on Human Trafficking* of the United Nations Office on Drugs and Crime (UNODC) states that three South African victims were repatriated from Zimbabwe and the Middle East. It also states that among other countries, four victims of trafficking from Zimbabwe and seven from the DRC were assisted by IOM in South Africa from 2005 to 2006 (UNODC, 2009: 128). In Zimbabwe itself, the report (2009: 131) said that one person was convicted of sexual exploitation in the absence of a law against human trafficking). No other statistics were available.

IOM's report on internal trafficking in South Africa does not discuss Musina as a source or destination site for human trafficking, although graphically it notes that Polokwane is a destination city along internal trafficking routes (IOM, 2008: 33). In terms of routes and trends, the report (2008: 41) notes that people are trafficked from rural Limpopo to Johannesburg for the purposes of sexual exploitation. In terms of labour exploitation in the

agricultural sector, the report (2008: 51) notes that “migrants from countries such as Mozambique and Zimbabwe were frequently noted as targets for labour exploitation. Because of the vulnerable economic situation and lack of documentation, these migrants were particularly vulnerable and prone to exploitation and abuse”. In Limpopo, the report (2008: 61) also found trafficking for the purposes of *muti* (traditional medicine) such as removal of bodily organs.

Molo Songolo’s (2008) rapid assessment of the effects of the FIFA Football World Cup on child protection, referred to trafficking links between South Africa and other countries, including Zimbabwe. It notes that trafficking has increased as “Zimbabweans flee a desperate situation at home”. In addition, it refers to an increase in child labour and sexual exploitation in the Limpopo Province, as well as the use of children for begging and criminal activities.

The US Department of State *Trafficking in Persons Report 2008* states that Zimbabwe is a source country for Botswana, Mozambique, South Africa, Zambia, People’s Republic of China, Egypt, the United Kingdom, the United States and Canada, as well as a transit and destination country (US Department of State, 2009).

*A Joint Assessment Report on the Situation of Migrants from Zimbabwe in South Africa 2007* found that smuggling has the potential to turn into trafficking. This assessment report notes that “there are reports of smuggling scenarios turning into trafficking once in South Africa. The Malaisha sometimes request additional money for transporting migrants and keep them in servitude until additional payments have been made or the women are sold into prostitution” (IOM, 2007: 5). Furthermore, the assessment report mentions that Zimbabweans are vulnerable to gender-based violence which includes transactional sex, prostitution, rape and trafficking (2007: 7). No information is provided to support these claims.

### **3.2 Children on the move**

A number of reports discuss vulnerability or risk factors that enhance the likelihood that a child will be subjected to violence and exploitation. A report by Save the Children UK (SCUK) and Save the Children Norway (SCN) entitled *Our Broken Dreams* states that young children in particular are at risk, but this is combined with their lack of experience and undocumented status: “But the ‘illegality’ of migrants today, combined with an often hostile host population and the vulnerability that comes with their young age and lack of experience, means that children encounter levels of abuse and exploitation that are extreme” (SCUK & SCN, 2008: ix). The introduction to this report clearly states that attention should be directed away from the specific issue of trafficking to other problems faced by children on the move:

*In this context it is important to note that much of the recent discussion and concern about vulnerable children crossing in southern Africa focuses on organized trafficking. While more can and should be done to deal with this situation where people – mostly women and children – are forcibly taken from their homes or made false promises about work and schooling abroad, and then subjected to sex work and exploitative labour, the voluntary movement*

*of children across borders needs to be a higher priority on the child rights agenda” (SCUK & SCN, 2008: xiii).*

The report’s section on child migration from Zimbabwe to South Africa reveals how the *Magumagumas* (robbers) and *Malaishas* “prey on children’s vulnerability and powerlessness” through robbery, physical violence, rape and kidnapping. No mention is made of trafficking in this chapter (SCUK & SCN, 2008).

Another report by SCUK based on the regional seminar on children who cross borders in southern Africa (Johannesburg, 25-27 May 2009), features a quote from a Zimbabwean migrant child who was calling for protection: “If people abuse us and attack us the police must protect us and they should also stop abusing us” (SCUK, 2009). The report discusses xenophobia, negative treatment at the hands of the police and violence perpetrated by smugglers, but no mention is made of trafficking. The report is written in the same vein as an earlier SCUK report (2007) that calls for a distinction between trafficking and unaccompanied child migration; the former, it is said, fails to recognize the numbers of children who migrate for reasons other than trafficking, and children’s agency and decision-making. This report describes Zimbabwean migrant girls offering sex in exchange for transport from truck drivers and for entry into South Africa from South African National Defence Force (SANDF) members, as well as the use of Malaisha for smuggling and physical assault at the hands of the Magumaguma (SCUK, 2007). No incidence of trafficking is referred to.

United Nations Children’s Fund (UNICEF) (2009) recently published a report on migrant children’s rights in South Africa on the basis of a review of secondary sources (Palmary, 2009). It found that unaccompanied minors in particular are vulnerable to “exploitative working conditions, violence and denial of basic rights” (UNICEF, 2009: 3). The findings suggest that boys are more vulnerable to violence than girls, but the authors attribute this to the hidden nature of the private spaces within which girl children work. A Forced Migration Studies (2007) report states that 40 per cent of migrant children have experienced violence in South Africa at the hands of criminals (44%), rapists or abusers (18%), peers (16%) and police or border guards (14%). Twelve per cent were hurt by smugglers (Forced Migration Studies, 2007: 30). The report states that 10 per cent of the child migrants interviewed were forced against their will by a parent to come to South Africa, and 8 per cent advised by a relative or friend (UNICEF, 2009). Other than this, no reference is made to deception or coercion as being a factor behind children’s decision to migrate to South Africa, or work in exploitative conditions. Trafficking is not mentioned in this report.

### **3.3 Adults on the move**

IOM (2009) has published two reports on *Migrants’ needs and vulnerabilities in the Limpopo Province*. The first report for Phase 1 (November-December 2008) included a sample of 1,155 respondents in Musina and surrounding areas, using quantitative and qualitative research techniques. Once again, reference is made to violence but not trafficking. The report states that nearly a third of the respondents, of which 75 per cent were men, encountered violence or robbery on their journey. Three per cent had experienced gender-based violence, of which the majority were women. The report notes that “...While violence

was directed almost equally at men and women, gender-based violence has continued to impact on the lives of survivors. From the stories collected through the survey, the migration process can be incredibly traumatic, with women and children often being sexually assaulted and feeling very isolated in the host country” (IOM, 2009: 27). The report also raised the issue of children travelling with friends, alone or with strangers as an issue of concern. No reference was made to trafficking.

In the second IOM report for Phase 2 (February-March 2009), 1,128 respondents were consulted in Musina and surrounding areas and in the town of Makhado/Louis Trichardt. Yet again, the researchers found that the Malaishas and Magumagumas exploit migrants’ vulnerability: “It became clear through our research that Malaishas and Magumagumas were taking advantage of people’s desperate circumstances, their impulse towards informal channels of migration, as well as their lack of knowledge about South Africa’s immigration law to exact money and abuse people in a desperate and vulnerable position” (IOM, 2009: 3).

This vulnerability is enhanced by the relative youth of migrants and “unequal power relations” such that “many migrants were unable to defend themselves or seek retribution. On the other hand, perpetrators committed these acts of violence and crime with impunity and little fear of authorities” (IOM, 2009: 3). Thirty-three per cent of the migrants had made some form of payment to cross the border. Eighteen per cent claimed to be victims of violence, of whom 64 per cent were men. Although the researchers found it difficult to access girls and women for whom at that time there was no established shelter, they received reports of transactional sex, which, as argued in the findings of this report, is significant when analysing the issue of exploitation:

*There were also reports of women engaging in transactional sex. There were allegations that men were paying as little as R5 or exchanging a plate of pap for sexual intercourse. While we were unable to explore these allegations further they were worrying indicators of a potentially abusive situation ... The desperate situation many find themselves in has led to considerable abuse. For example, one respondent was being pressured to have sex with several young men. She said they were promising her employment but she continued to refuse. Another woman interviewed at the Musina Showgrounds<sup>9</sup> claimed to exchange sex for shelter (IOM, 2009: 24).*

An IOM baseline assessment in March 2009 did not include reference to Zimbabwean migrants but found that commercial sex, transactional sex and forced sex were prevalent among workers in the fishing, mining and agricultural sectors of Mozambique, South Africa, Swaziland and Zambia (IOM, 2009: 26). An IOM (2004) report on the vulnerability of migrant farm workers on the South African-Mozambican border found that the seasonal and temporary nature of employment contracts on farms has negative consequences for HIV-related risk: “It discourages the formation of stable relationships because of continually changing employment opportunities and forces many women to engage in transactional sex out of necessity, very often with men on many different farms” (IOM, 2004). While no mention is made of trafficking, these findings are pertinent to this assessment.

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<sup>9</sup> An open field where DHA established a Refugee Reception Office; it was moved to a private compound in May 2009.

Musina Legal Advice Office's (MLAO) reported that they received cases where people have been deceived into travelling to a farm where they were exploited:

*In its unrelenting commitment to assisting migrant labourers, MLAO assisted a significant number of Zimbabwean men and women who had been deceived into going to a farm in Dendron, under slave-like conditions. Despite having been told of good working conditions and good remuneration, on getting to the farm the migrants were made to work long hours without breaks and were sometimes assaulted as they worked. The worst reported case was that of a woman who had been thrown into a fenced area with lions and was separated from her 7-month-old child who was left on the ground crying, outside the said area (MLAO, 2009: 5).*

Although this case includes movement, deception and coercion, and exploitation in slavery-like conditions, it was not described as trafficking by MLAO. Furthermore, the report mentions that children, especially females, seem to be disappearing: "Of major concern, amongst the irregular migrants made contact with, is the issue of children, who are coming unaccompanied thus resulting in some of them being street children and some, especially the girl children, disappearing without a trace"(MLAO, 2009: 6). The authors do not link this to potential trafficking, but this is a possibility.

A 2009 report by Médecins Sans Frontières (MSF) entitled *No Refuge, Access Denied* describes the violence, physical and verbal abuse and police harassment faced by Zimbabwean migrants entering South Africa. In April 2009 it ran a daily mobile clinic at the Showgrounds, and in May 2009, it opened a fixed clinic at the Central Methodist Church in Johannesburg. In that month, 75 per cent of clients were raped crossing the border; 60 per cent were raped by more than one person; 70 per cent had been raped with armed threat; and almost 50 per cent had associated injuries (e.g. deep knife wounds, broken bones, whip marks, etc). They also observed an increase in the number of unaccompanied migrants reaching the Central Methodist Church, where MSF also runs a clinic. In May 2009, the number had reached 150 children aged 7-18 years (MSF, 2009). They do not mention trafficking in their report.

### **3.4 Conclusion**

In conclusion, there is information about trafficking in persons from Zimbabwe to South Africa, and some reference to labour and sexual exploitation in Limpopo Province generally. However, these reports do not contain any specific information about the situation of Musina and the particular experiences of vulnerable children and adults in the context of trafficking. In terms of the former, there are reports on children's vulnerability to abuse, violence and exploitation, but there is no indication of child trafficking. Similarly, reports on adult migration refer to violence and exploitative practices, but do not analyse whether deception or coercion is used by individuals or groups to recruit or transport migrants into exploitative circumstances. While the importance of moving beyond a narrow focus on trafficking to broader protection issues faced by adults and children is supported, it is also important not to lose sight of the fact that trafficking may be occurring and that it needs targeted responses to prevent and combat it. Targeted responses require research on risk

and resiliency factors, incidence and prevalence of trafficking, and existing policies and interventions, each of which will be discussed in the findings section of this report.

## CHAPTER 4: Research Findings

### 4.1 Vulnerability/risk factors

Respondents identified a number of risk factors that enhance the vulnerability of some persons to trafficking, at the macro, interpersonal and individual levels. It is believed that a cumulative and complex combination of these factors may increase the likelihood that some adults and children are likely to be actively coerced or deceived into exploitative situations in different communities or countries.

#### 4.1.1 Macro political and socio-economic factors in Zimbabwe

At the macro level, all key informants focused on conditions in Zimbabwe. Reference was made to political violence, poverty and the collapse of the social welfare and education system, which ensures that Zimbabweans are so desperate that they will easily believe false promises: “They are so vulnerable when they come from that side. Anything you say to them sounds better than that side.”<sup>10</sup> It is held that South Africa’s relative wealth has been a pull factor for job-seeking migrants on the mines and farms.<sup>11</sup> Given its geographical location, Musina feels the ripple effect of what is happening in the rest of Africa, as economic migrants and refugees from the DRC, Rwanda, Somalia and elsewhere<sup>12</sup> seek work, prosperity and safety in South Africa and come into the country through Musina. As they are so desperate, it is held that these migrants – especially Zimbabweans – are more likely to be taken advantage of. “I have not personally seen that foreigners work for less money, but they are more willing to work and work harder. This is often exploited,” said a farm manager in Musina.<sup>13</sup> The following quote from a female farm worker, suggests that many Zimbabweans are so desperate that they are also more likely to accept exploitative working conditions: “I am used to people. If you are cruel or rough, I don’t mind. I will just do my job.”<sup>14</sup>

#### 4.1.2 Porous borders

Many respondents highlighted the porous South Africa – Zimbabwe border as a source of risk. Farm owners along the border pointed to the fence that has become so damaged, that cigarettes, drugs (*dagga*, cocaine and *tik*), diamonds and gold (from Zambia and Northern Zimbabwe) and humans are smuggled – and potentially trafficked – through it.<sup>15</sup> South African Police Services (SAPS) staff are now attending farmers union meetings to brief them

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<sup>10</sup> Interview with key informant at local organization, Musina, 30 July 2009.

<sup>11</sup> Interview with law enforcement official, Musina, 7 August 2009.

<sup>12</sup> Over the April-June 2009 period, MLAO assisted people in Musina from the following countries: Bangladesh, Burundi, DRC, Ethiopia, Ghana, India, Malawi, Nigeria, Mozambique, Rwanda, Somalia, Zambia and Zimbabwe.

<sup>13</sup> Interview with farm manager, Musina, 3 August 2009.

<sup>14</sup> Interview with farm worker, Musina, 3 August 2009.

<sup>15</sup> Interview with farm manager, Musina, 2 August 2009.

about security issues on the border line.<sup>16</sup> Even in the vicinity of the official border crossing point, immigration officers stated that the broken fence has opened the way for smuggling and trafficking. It is held that despite the checks that are carried out on passing vehicles at the border point, people can hide in the cars and trucks, especially when immigration officers are overwhelmed by the sudden arrival of multiple buses and countless other vehicles.<sup>17</sup> Zimbabwean and South African police officers patrol the border fence separately and jointly. A key informant from the SAPS stated that cross border operations are run with the Zimbabwean Police, SANDF, Immigration and South African Revenue Service (SARS) in the middle of the month and at month end. However, these patrols are hindered by challenges related to human resources and manpower.<sup>18</sup> An immigration officer stated: "They are supposed to do it 24 hours a day, but they are short staffed so they are not able to go to all the points."<sup>19</sup> South African police officers are not permitted to patrol the border at night given the lack of visibility and dangers in the bush.<sup>20</sup> Even if they are present, many state and non-state key informants, as well as migrants and Malaisha themselves, claim that people can pass through the fence easily by bribing police officers. However, as argued by a member of the SAPS, despite numerous allegations of corruption, it is difficult to prove, investigate and combat.<sup>21</sup> It is held that this "porous" border can be exploited by smugglers and traffickers.<sup>22</sup>

#### 4.1.3 The visa regime

The visa regime has also been highlighted as a risk factor. Some argue that the regularization of Zimbabweans' legal status since May 2009 has enhanced the protection of adult and child migrants who no longer face deportation if they obtain Section 11 asylum permits in South Africa, which are valid for 90 days.<sup>23</sup> Entry into South Africa has been facilitated by reducing the requirement for a passport and visa; instead migrants can enter with an emergency travel document (ETD). This is issued on the day that the application is received and can be used for a maximum of six months. According to respondents, as more migrants can enter South Africa legally, they do not have to use non-border post crossing routes through the bush and Limpopo River where they are vulnerable to the elements, as well as to violence, exploitation and trafficking.<sup>24</sup> On the other hand, some respondents argue that the passport (USD190) and ETD (USD50) fees are still too exorbitant for the average person, given the current socio-economic situation in Zimbabwe. Although official national statistics are not available, it is important to bear in mind that civil servants may earn USD150 a month, while domestic workers only earn USD10, according to key

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<sup>16</sup> Interview with law enforcement official, Musina, 14 August 2009.

<sup>17</sup> Interview with immigration officer, Beitbridge, 5 August 2009.

<sup>18</sup> Interview with law enforcement officer, Musina, 14 August 2009.

<sup>19</sup> Interview with immigration officer, Beitbridge, 5 August 2009.

<sup>20</sup> Interview with law enforcement officer, Musina, 7 August 2009.

<sup>21</sup> Interview with law enforcement officer, Musina, 13 August 2009.

<sup>22</sup> Interview with government official, Musina, 12 August 2009.

<sup>23</sup> Interview with government official, Musina, 12 August 2009.

<sup>24</sup> Interview with law enforcement officer, Beitbridge, 4 August 2009. Children reportedly cross the Limpopo river at Beitbridge, Chikwalakwala, Dete, Thohoyandou, Sango Border Post, Crooks Corner, Mahenye. Save the Children UK and Save the Children Norway in Mozambique (2008) *Our Broken Dreams: Child Migration in Southern Africa*. Zimbabwe and Mozambique.

informants.<sup>25</sup> Furthermore, in order to obtain an ETD one requires a birth registration document, which many do not have in their possession. As a result, many migrants continue to bypass the border post when crossing into South Africa so that they can avoid these fees, bureaucracy and delays. In the process, they encounter criminal networks who exploit their desperation and ignorance about the immigration process.<sup>26</sup>

#### **4.1.4 Criminal networks and a “culture of violence and deception”**

These migrants enlist the services of taxi drivers, otherwise known as the Malaisha, who transport them to the river and then either arrange for another Malaisha to meet them on the other side of the river, or drive through the main border to collect them on the other side of the river. While waiting at the river, these migrants are subjected to attacks at the hands of the Magumagumas. Further enquiry suggests that this is a collective name used for all those who live and operate by the river; although there is the suggestion that they are now also operating in the locations in Beitbridge and in Musina itself since fewer people are using the bush and river crossing. The Magumagumas target migrants crossing into South Africa using these illegal entry points or those who are returning to Zimbabwe with wages, groceries etc. The main vulnerability or risk factor is documentation status, as a female farm worker stated: “If you have a work permit, it’s no problem. Only the border jumpers have problems: they stop and rape you.”<sup>27</sup> It is important to note that some farm workers who have corporate permits cross through the river when their farm is in close proximity to the border, or when they have children who do not have any documents. As a female farm worker stated: “The problem is that they say that kids need a permit but kids don’t have permits here, even though they go to school. So you can’t take them through the border, you have to go around where the Magumagumas are. It’s dangerous because those people are raping and killing there.”<sup>28</sup>

Respondents suggest that Magumagumas and Malaisha work together to deceive migrants. It is held that the Magumagumas target people who are uninformed, lost and stranded in Beitbridge either directly or with the assistance of the Malaisha. A male farm worker stated: “Some people do not know the way to South Africa. You see them in Beitbridge, stranded. If they take you to the river, they take your belongings and hurt you. The Magumagumas are everywhere. They say that they will help you carry your luggage. They say R50 but then they ask for R500. They operate in different ways.”<sup>29</sup> In other cases, respondents stated that the Malaisha transport them to the Magumagumas. For instance, a male migrant stated:

*The cars promise to take you to Joburg (Johannesburg) but then take you to Magumagumas. On the Zimbabwe side, they are waiting for those who look confused. They tell you not to go through the border. They take you this way to the Malaisha. They take you to Joburg and say ‘pay on arrival’. They then take*

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<sup>25</sup> Interview with INGO practitioner, Beitbridge, 4 August 2009.

<sup>26</sup> Interview with government official, Musina, 12 August 2009.

<sup>27</sup> Interview with farm worker, Musina, 31 July 2009.

<sup>28</sup> Interview with farm worker, Musina, 3 August 2009.

<sup>29</sup> Interview with farm worker, Musina, 2 August 2009.

*you to houses where you are kept or they take you anywhere or they drop you outside Musina. That's their business. You are definitely not going to Joburg.*<sup>30</sup>

When interviewing Malaisha in Beitbridge, they admitted that some drivers “cheat” their customers:

*Violence is everywhere. Some take money and promise trips to Johannesburg but leave them in Musina. A promise is something that is not real. Sometimes they get them to Joburg and they do not have money to pay, so they just leave them. They can't bring them back as it costs food and accommodation. People still think that they need asylum documents so they go with people who promise this.*<sup>31</sup>

He stated that some Malaisha lie to people about what documents they need to cross the border. An IOM staff member explained that people “trust them because they know how to evade the police. If they come themselves, parents would not know how to cross. They say, ‘if you pay me I will bring your wife or child’. People don’t know how visa requirements have changed. People don’t know that they don’t need to pay money to re-enter Zimbabwe.”<sup>32</sup>

However, the Malaisha stated that they should not all be implicated in this deception and violence. It was held that only certain drivers engage with the Magumagumas. A taxi driver on the South African side of the border stated that those who use private cars and transport migrants with no documents are the source of this trouble:

*We treat women and children very nice, but if they don't have travel documents, there are some other guys waiting outside our place, so they can get raped. There is some misunderstanding. It's the taxi drivers in the small vehicles who are involved. They are pirates who are carrying people with no permits. They are killing our jobs. They use their own cars to pick up people. The municipality is not helping us to fix this problem. It is these people who are robbing the people.*<sup>33</sup>

A Malaisha in Beitbridge called for a meeting with stakeholders to discuss this problem because “people (migrants) are pointing a finger at us.”<sup>34</sup>

#### **4.1.5 Gender**

Gender has also been raised as a risk factor. NGOs in Musina have observed that increasingly more girls and young women in their early 20s as well as elderly women, are travelling into South Africa. However, the question that was voiced repeatedly by key informants was “Where are the girls?”<sup>35</sup> Several key informants note that both boys *and* girls cross the border. Boys themselves state that they cross with girls, but on arrival in Musina, the girls seem to disappear. Boys can be found in shelters or on the streets, trying

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<sup>30</sup> Interview with male migrant, Musina, 1 August 2009.

<sup>31</sup> Interview with Malaisha, Beitbridge, 4 August 2009.

<sup>32</sup> Interview with Malaisha, Beitbridge, 4 August 2009.

<sup>33</sup> Interview with Malaisha, Musina, 1 August 2009.

<sup>34</sup> Interview with Malaisha, Beitbridge, 4 August 2009.

<sup>35</sup> Interview with INGO practitioner, Musina, 6 August 2009.

to earn a living through begging or piece meal jobs. It is held that girls aged 13-17 may appear at shelters or on the streets, only when they are pregnant. "So where are they all this time?"<sup>36</sup> Some girls are reportedly employed as domestic workers, clean local shops and or engage in prostitution. Some become "wives" of South African men and adopt transactional sexual practices in exchange for accommodation and food. It is held that these girls are so desperate that they are likely to be tempted by offers of money and love; for many, money and material stability represents love and affection. As a social worker in Zimbabwe stated: "Girls are more at risk; they are easily exploited due to conditions. When men approach them, they will always think you will be loved. You will always see something good, especially a man with posh cars and lots of money. They will always think that they will make it."<sup>37</sup> The absence of a shelter for girls in Musina, has been raised as a significant risk factor, as many girls are forced to rely on men for accommodation (see Chapter 5).

#### **4.1.6 Unaccompanied child minors**

Key informants have also observed an increase in the number of children entering South Africa unaccompanied by adults. A farm owner stated that children crossing the river near his farm and walking on the N1 highway have become more visible.<sup>38</sup> A police officer stated that these children have been intercepted leaving the bush in groups: generally two or three older ones with a very young child, often carrying boxes of cigarettes for sale. Children aged 10-14 years have also been observed carrying infants into South Africa.<sup>39</sup> It is believed that only a small portion of these children reach transit shelters in Musina, but many are picked up by truck drivers and taken elsewhere. The intention of these truck drivers – and the outcomes for these children – are unknown, as Musina is just a transit point for many who are on a journey to cities like Johannesburg and Cape Town. Some of these children are transported into South Africa by Malaisha with the permission of their parents during school holidays.<sup>40</sup> Key informants in Musina and Beitbridge have raised a number of protection concerns about these arrangements, which they fear for some children could shift from transportation and smuggling services to incidences of trafficking.

#### **4.1.7 Interpersonal problems in the home of origin**

At an interpersonal level, reference was made to children from single-parent households or households where children are cared for by their grandmothers.<sup>41</sup> It is held that divorce has an effect on children's decision to runaway, particularly in light of stories of maltreatment at the hands of step-parents.<sup>42</sup> Key informants stated that children whose parents are already working in South Africa are more likely to migrate in pursuit of them. Alternatively, these parents arrange for children to be transported to see them in South Africa during school holidays.<sup>43</sup> Reference was also made to children who are responsible for caring for their

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<sup>36</sup> Interview with INGO practitioner, Musina, 6 August 2009.

<sup>37</sup> Interview with social worker, Beitbridge, 4 August 2009.

<sup>38</sup> Interview with farm manager, Musina, 3 August 2009.

<sup>39</sup> Interview with law enforcement officer, Musina, 14 August 2009.

<sup>40</sup> Interviews with key informants, Musina, August 2009.

<sup>41</sup> Interview with nurse, Beitbridge, 4 August 2009.

<sup>42</sup> Interview with social worker, Musina, 1 August 2009.

<sup>43</sup> Interview with INGO practitioner, Musina, 6 August 2009.

younger siblings; some migrate to South Africa and are so desperate for work that they may believe a false promise of employment.<sup>44</sup> Alternatively, it is held that under pressure from siblings and peers, children migrate and then find themselves in risky situations.<sup>45</sup> Concerns were also raised about sex workers travelling with truck drivers, unaccompanied children and adults travelling with Malaisha in cahoots with the Magumagumas, and migrants being maltreated by farmers and foremen. Other interpersonal risk factors will be discussed in greater depth in the next chapter.

#### 4.1.8 Lack of awareness and experience

At an individual level, a key risk factor that was identified relates to ignorance. It is held by key informants in Beitbridge that when speaking to migrants who are en route to South Africa, they do not know about the changes in visa requirements and what documents they need to possess in order to cross the official border post. They are not aware of what the border looks like and what dangers exist if they cross through the bush or river.<sup>46</sup> One INGO respondent attributed this to migrants' failure to inform each other of the dangers when they return home: "When people go back home, they do not talk about the bad things that happen when they cross or in SA. Perhaps this is a coping mechanism to block these things."<sup>47</sup> A male migrant stated that there is little point sharing this information because you will not be believed – people will just think that you do not want them to succeed in South Africa: "If you spread the news, they think you are jealous and lying, and do not want them to come. Information is not reaching every corner of the country."<sup>48</sup>

When asked why people still believe these false promises, he stated: "People from Zimbabwe know nothing. They need information. They think this is good luck. They don't know they are putting their lives at risk."<sup>49</sup> This is echoed by another male migrant: "People need to know about the bad route. Even if they know the Magumagumas are there, they do not know who they are. They come like a *wolf in sheep's skin*. They say, 'my brother you are in trouble.'<sup>50</sup> People cannot distinguish. So men are raped, and brothers made to rape sisters."

While many migrants are at risk of being trafficked because they are inexperienced and ignorant of immigration procedures and the dangers of travelling through non-border post crossings, the report found that particular groups of migrants are more at risk than others. This includes victims of sexual and gender based violence; those who have been "dropped", robbed and subject to other forms of violence; women and girls involved in prostitution; and "unaccompanied" minors travelling alone, with so-called relatives and Malaisha. This will be discussed in greater depth in the next section.

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<sup>44</sup> Interview with INGO practitioner, Musina, 6 August 2009.

<sup>45</sup> Interview with nurse, Beitbridge, 4 August 2009.

<sup>46</sup> Interview with INGO practitioner, Beitbridge, 4 August 2009.

<sup>47</sup> Interview with INGO practitioner, Beitbridge, 4 August 2009.

<sup>48</sup> Focus group with migrants, Musina, 1 August 2009.

<sup>49</sup> Focus group with migrants, Musina, 1 August 2009.

<sup>50</sup> Focus group with migrants, Musina, 1 August 2009.

## 4.2 Cases of human trafficking

This assessment uncovered cases involving trafficking for the following purposes: sexual exploitation; labour exploitation; sale of illegal substances; forced criminal activity; servitude, extortion and other forms of exploitation. In addition to specific references to human trafficking, the respondents' descriptions of violence, deception and exploitation suggest that the cases that have come to light might only be the tip of the iceberg. Many of the cases of smuggling (a) may become trafficking beyond the transit or origin point of Musina or (b) may constitute trafficking if further information is obtained or (c) be defined as trafficking if the key informants were trained on how to identify this phenomenon. As argued previously, key informants confused and conflated the concepts kidnapping, smuggling or trafficking, either because they did not understand how these crimes differed, did not have the skills to investigate the cases or did not have enough information on hand to distinguish them. To reiterate the previous discussion, trafficking involves movement of a person internally or transnationally with an intention to exploit, and in the case of adults must involve deception, coercion or an abuse of power. Kidnapping is capturing of a person against their will and holding them in imprisonment; this does not include intention to exploit. Smuggling on the other hand, is the illegal transportation of people across a transnational border; it does not involve coercion or exploitation but is an act of agency undertaken by a person for a variety of reasons, such as finding better employment or fleeing persecution. Smuggling and kidnapping might become trafficking, if the perpetrator exploits them on arrival at the destination point. Officials in Musina found it difficult to distinguish between these concepts.

### 4.2.1 Kidnapping, smuggling or trafficking?

Key informants in Beitbridge stated that the majority of migrants cross the border voluntarily: "We have never heard of a victim being taken by a truck or being coerced, they come on their own, but in the bush they are sexually abused," a social worker said.<sup>51</sup> This is echoed by another key informant:

*Smugglers agree with the person who wants to be transported to SA. They are transported willingly. There is no force. When they reach the agreement there is trust, but they pass through Limpopo River, where they experience sexual abuse, robbery and some are even killed. The smugglers are known by migrants. They are local people, but those who instil violence are staying at the river, they are the Magumagumas.<sup>52</sup>*

Hence, people are smuggled into South Africa, but en route they become victims of violence; as there is no deception or coercion in the process of movement, they are not victims of trafficking. However, a number of cases reported by key informants during the field work process suggest that this notion of "voluntary" movement needs to be

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<sup>51</sup> Interview with social worker, Beitbridge, 4 August 2009.

<sup>52</sup> Interview with law enforcement official, Beitbridge, 4 August 2009.

interrogated, as the people who are transporting migrants are using deception. They are lying about the visa requirements into South Africa and making false promises of safe entry, transportation and employment.

Key informants state that it is very difficult to determine whether a case is that of human smuggling or trafficking. In 2007, police officers found people from the DRC hidden under the tarpaulin of a truck. The driver of the vehicle received a fine of approximately R2,000 for carrying irregular immigrants, and the people themselves were sent to the detention centre in Polokwane. With little available information, the police were not able to determine the intention of the driver, and classified it as a case of attempted smuggling.<sup>53</sup> However, recently the police classified a similar case as attempted trafficking.

In August 2009, 11 Congolese and Burundian women were discovered with another 10 or 11 Congolese men sitting behind the petrol station on the South African side of the border.<sup>54</sup> They were identified by Save the Children UK South Africa Programme (SCUK SAP) staff, who contacted the SAPS. The officers suspected that it constitutes a case of human trafficking. Despite the language barriers, interviews with the women found that they had left the DRC due to war and had hitchhiked and used public transport to arrive in Zimbabwe where they met the Malaisha. It is important to note the comment of one key informant: "Every week we see Somalis who walk to Zimbabwe, but these guys do not look like they have walked from Burundi. They look like they have been dropped there for someone else to pick up."<sup>55</sup> The Malaisha promised to take them to Cape Town which they told their passengers was only an hour away from Musina. They then dropped them at the border. The women were placed at the Uniting Reform Church of Musina (URC) women's shelter overnight, and although they were instructed not to leave during the ongoing investigation, the women departed after two days with a relative from Johannesburg.<sup>56</sup> The men who had transported the women could not be found. When asked what methods they used to characterize this case as trafficking and not smuggling, respondents pointed to the clandestine nature of their movement and the fact that they were found concealed behind the garage.<sup>57</sup> No reference to the means by which they were moved (deception, coercion or an abuse of power) or the intention to exploit them, was made.

In another case reported by IOM staff in Beitbridge, two Zimbabwean women were employed by a man from Burkina Faso who ran a cleaning service in Johannesburg.<sup>58</sup> One of the girls became involved in a relationship with this man. However, when the relationship turned sour she resigned from her job. On 15 August 2006, she went to collect money for travel back to Zimbabwe from this man and was not seen again. Over the subsequent months the man allegedly sent a threatening cellular phone text message to her mother: "Some people disappear for two months; some, for two years; some, forever. You have started crying this time, make any moves I am ready even if it means death."<sup>59</sup> This was followed by another message: "Even if you report this case to the police, I will give the

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<sup>53</sup> Interview with law enforcement official, Musina, 7 August 2009.

<sup>54</sup> Interviews with government and non-government key informants, August 2009.

<sup>55</sup> Interview with paralegal, Musina, 14 August 2009.

<sup>56</sup> Interview with social worker, 13 August 2009.

<sup>57</sup> Interview with paralegal, Musina, 14 August 2009.

<sup>58</sup> IOM Beitbridge, Case Report, 2006.

<sup>59</sup> IOM Beitbridge, Case Report, 2006.

police officers money and there is nothing they will do to me, I have got the money.”<sup>60</sup> After the death of her mother, this man tried to give the elder sister money and gifts. She reported the case to the SAPS in Johannesburg on more than one occasion, until a docket was opened for kidnapping on 17 September 2006. She returned to Zimbabwe for her mother’s funeral but was not permitted to re-enter South Africa to act as a key witness at the behest of the police captain.<sup>61</sup> The outcomes of this case are unknown and it is therefore impossible to know if the victim has been abused or exploited; only the latter would constitute trafficking.

These cases suggest that it is very difficult to distinguish between trafficking, kidnapping and smuggling if there is no information about the outcomes of the movement, or the intention of the person who transported them. Furthermore, focusing only on the means by which they are moved (deception, coercion or an abuse of power) in order to establish whether it constitutes a case of trafficking is not useful in determining whether it is trafficking. As victims en route may themselves not be aware that they have been deceived, it may appear as though they have consented to this movement, which in the case of adults, would be classified as smuggling.

### **4.3 Trafficking for sexual exploitation**

The assessment found two specific cases of suspected trafficking for the purposes of sexual exploitation, and one more anecdotal case. In these cases women and girls were forced to engage in prostitution by physical threat. Trafficking for the purposes of sexual slavery at the destination point appeared to be more common, in that in three cases reported by key informants, women and girls were transported to Musina, Pretoria, Johannesburg and Durban, where their freedom of movement was restricted and they were forced to have sex with the person who transported them, and often with other men. There were many more cases of this happening to women and girls who were en route from Zimbabwe at the hands of the Magumagumas and the Malaishas. Many were kept in a place called Makakvhuele where they were raped repeatedly by their “smugglers” and by other men. It is not known whether these men paid anything to the Magumagumas for these purposes. As they were entrapped and their freedom of movement and choice denied, this constitutes sexual slavery. Many of these women and girls are left stranded and have little choice but to engage in prostitution to survive.

Apart from the three cases of trafficking for the purposes of prostitution that were reported by key informants, the findings suggest that women are not physically coerced or deceived into entering prostitution, but do so to survive. This decision is made in a context where transactional sex is common and perceived as “normal”. This path is often taken under the influence of peers and other sex workers. While these women and girls are not victims of trafficking they are at a great risk, particularly since they travel with their clients (mainly truck drivers) into South Africa, where some have been dropped and abused, and others reported missing.

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<sup>60</sup> IOM Beitbridge, Case Report, 2006.

<sup>61</sup> IOM Beitbridge, Case Report, 2006.

### 4.3.1 Sexual exploitation

Two cases were reported by key informants that suggest that some women and girls are trafficked for the purposes of sexual exploitation. A staff member at SCUK SAP shelter recounted the case of an 18-year-old Zambian girl who arrived at their offices on 8 May 2009.<sup>62</sup> She stated that a woman had asked her to accompany her to Johannesburg to find work. She agreed to go with her because her mother had died, her father was away at work and she was unhappy living with her aunt. Upon arrival in Johannesburg, the woman brought in a man to her room and instructed the girl to fulfil the job that she was brought there for – prostitution. The girl refused to have sexual intercourse with the man and managed to escape. She hitchhiked to the SCUK SAP offices in Musina. SCUK tried to contact the Zambian High Commission. However, on 11 May 2009 the girl ran away from their offices, when they were trying to trace her father. She repeatedly stated that she is afraid of her father who will beat her if she returns home. The respondent stated that this is a case of trafficking because the girl was moved from Zambia by someone who used deception with the intention of exploiting her for the purposes of sexual exploitation.<sup>63</sup>

The case that was reported to IOM in 2006 and later appeared in the press (See *The Herald*, 7/15/2006) involved a 16-year-old girl who was approached by a Tanzanian man on her way from school in Chiredzi. He offered her work in his shops in South Africa. Just before they crossed the Beitbridge border post, he tied her hands and gagged her, before throwing her into his boot. She was taken to a house in Pretoria where bestiality was filmed. She was raped repeatedly by different men. She was then injected, wrapped in a white cloth and placed in a coffin that was loaded into a car. She was taken to Mozambique and later Zambia where she was raped by men, all of which was filmed for pornographic purposes. She managed to escape and found her way to the Zimbabwean High Commission. IOM assisted in bringing her back to Zimbabwe where she received medical assistance and counselling.<sup>64</sup>

Three cases were reported by key informants that suggest that trafficking for the purposes of sexual slavery does occur: women are transported from their homes of origin to another community under a false promise of transportation and employment. On arrival they are held in confinement and raped repeatedly. They become trapped in slavery-like situations where they lose power over their own decision-making and movement. They cannot choose to do otherwise. A respondent highlighted a case in 2009 where a woman was brought into Musina with a Malaisha. He took her to a house in the location in Musina where she was raped by him and a few of his friends. She managed to escape out of a window and hitchhiked to Pretoria where she reported the case to the police.<sup>65</sup>

In a similar case identified by IOM Beitbridge, a 16-year-old Zimbabwean girl from Chiredzi was transported by a man to South Africa with the promise of work.<sup>66</sup> She was working in a

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<sup>62</sup> Interview with INGO key informant, Musina, 6 August 2009.

<sup>63</sup> Interview with INGO key informant, Musina, 6 August 2009.

<sup>64</sup> IOM Beitbridge, Case Report, 2006.

<sup>65</sup> Interview with law enforcement official, Musina, 7 August 2009.

<sup>66</sup> IOM Beitbridge, Case Report, 2007.

restaurant in Chiredzi and he offered her a better-paying job. However, when she arrived in South Africa she was locked up at his home in Musina for a month where she was raped repeatedly. "She relates that she had no alternative but to stay with the perpetrator because she had no accommodation in Musina."<sup>67</sup> When she managed to escape, she was arrested on 27 July 2007 and deported, after which time she was referred to IOM's Reception Centre in Beitbridge.

In another case reported by IOM Beitbridge, a 17-year-old girl who was waitressing at a restaurant in Beitbridge was approached by a man and his brother who offered her a job waitressing in South Africa.<sup>68</sup> She agreed and crossed the border illegally on 18 December 2005. They then travelled to Pretoria where she was introduced as his wife to a friend. On arrival at the house of the man who transported her, she was raped and her movement restricted. She was not allowed to leave the house, was beaten and received little food. Neighbours indicated that he had done the same to other Zimbabwean girls. When she threatened to run away the man stated that "he did not care as he would find other easy targets in Zimbabwe."<sup>69</sup> The now pregnant girl escaped in February 2006. She was assisted by a woman who took her to a farm in Limpopo Province. Her case was attended to by South African Social Welfare. The Zimbabwean consulate was contacted to assist the girl. The consulate then contacted IOM to manage the case. Following the birth of her child on 7 September 2006, she was transported back to Zimbabwe. This was classified as a trafficking case.<sup>70</sup>

Another case that was classified as trafficking by IOM Beitbridge involved a Zimbabwean woman who in April 2004 crossed the border illegally and when in Musina, met a long-distance truck driver who offered her a babysitting job.<sup>71</sup> As he was en route to Zimbabwe, they arranged to meet at a later point. In the meantime, the woman travelled to Johannesburg with friends where she worked as a domestic worker. A month later she called the truck driver who came to collect her in Johannesburg. He took her to Durban to care for his three children. On the way, he raped her twice and then asked another truck driver to take her to his house. On arrival at his house, his mother and two sisters treated her very badly. They did not give her food and confined her to a room. When the truck driver returned, he raped her repeatedly. When they discovered that she was pregnant and sick, they gave her money to return to Zimbabwe. In Zimbabwe she did not receive any help from her family, so she returned to South Africa. She reported her experiences to the police, who ordered the truck driver to pay maintenance for his baby. He promised to take her back to Durban, but dumped her and the child next to the road. She reported the case to Social Welfare Officers in Durban who referred her to the Zimbabwean High Commission. They referred her to Home Affairs, and she was deported from South Africa and later received assistance at the IOM Reception and Support Centre on 15 February 2007.<sup>72</sup> This was also classified as a trafficking case because the woman was repeatedly raped and maltreated in conditions similar to sexual slavery and servitude.

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<sup>67</sup> IOM Beitbridge, Case Report, 2007.

<sup>68</sup> IOM Beitbridge, Case Report, 2006.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> IOM Beitbridge, Case Report, 2007.

<sup>72</sup> Ibid.

### 4.3.2 Sexual exploitation in transit

Numerous respondents stated that while migrants may not be trafficked, they are subject to various forms of violence en route, which (a) in addition to SGBV might contain an element of exploitation and (b) leave migrants at risk of further exploitation or trafficking. All of the respondents stated that the Magumagumas are the perpetrators of this violence, in collusion with the Malaisha.

It is held that the Malaisha collaborate with the Magumagumas who rob people of their belongings. A farm owner stated that they target his employees on pay day or after they receive goods from INGOs.<sup>73</sup> Other respondents stated that the Magumagumas assault and rape migrants. Both men and women are victims of this sexual violence: men and women are raped, and men are forced to rape women. Since March 2008, the NGO Family Support Trust based at the hospital in Beitbridge has encountered more than ten cases of migrants who have been raped en route; however, the nurses added that women rarely report this violence.<sup>74</sup> An INGO in Beitbridge stated that since early 2009, they have encountered 31 cases of migrants who have been raped, including four men and two children.<sup>75</sup> Although it is difficult to quantify, it is evident that SGBV is highly prevalent.

Sexual and gender-based violence either happens in the bush or victims are taken to a place which has been frequently described as Makakvhuele, 20 km outside of Beitbridge in Zimbabwe. At this place, they are further raped and assaulted, and in more than one account, other men arrive to rape the women.<sup>76</sup> A staff member of a women's shelter recounted the case of three women who were kept in this house and continually raped. An INGO in Beitbridge stated that they started to hear reports about this house three months ago; it is held that groups of women and children are kept and raped for up to a month. They are not free to leave: "Even if the door is not locked, fear stops them from leaving. In most cases, people do not know much about Beitbridge and are afraid to move. They do not know who is a part of the group. They are afraid of people monitoring them."<sup>77</sup>

A 16-year-old girl in the women's shelter described her experiences at Makakvhuele:<sup>78</sup>

*On 20 January 2009, I travelled with my sister from Harare to Beitbridge. We arrived at 4 a.m. At 8 a.m. I was caught by the Magumagumas. They offered me a lift to SA for R300. At first we were scared, but because of the way they were talking, we thought that they were good guys. They put me in a place called Makakvhuele. They said we must stay there. The girls who were there were raped and cut. Many people who were cheated were taken there. We ran away. They caught us and cut me. I managed to run away. Another woman carried me*

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<sup>73</sup> Interview with farm manager, Musina, 31 July 2009.

<sup>74</sup> Interview with nurse, Beitbridge, 4 August 2009.

<sup>75</sup> Focus group with INGO practitioner, Beitbridge, 5 August 2009.

<sup>76</sup> Focus group with INGO practitioner, Beitbridge, 5 August 2009.

<sup>77</sup> Ibid.

<sup>78</sup> This homestead was also mentioned in IOM (2009), *Migrants' Needs and Vulnerabilities in the Limpopo Province, Republic of South Africa. Report on Phase 2 February-March 2009*, p. 25.

*to the hospital. They stitched me and then I crossed the border. I was arrested by the police and taken to SMG. They took me to the Showgrounds [in Musina] and then MSF brought me here. My sister went to Johannesburg to look for her mother. She is at the Methodist Church – she called to say she is ok. Now I am happy because I am going to school.*<sup>79</sup>

Respondents stated that they do not know if men who visit Makakvhuele pay a fee to the Magumagumas to rape the women. If the Magumagumas do receive benefits or payments from facilitating the transportation and rape of these children and adults, it would constitute trafficking. According to a key informant in Musina, it is highly likely that the Magumagumas are involved in the sexual exploitation or trafficking of women given their power and women's relative position of vulnerability: "When in the Magumaguma's control, anything can happen. They can rape you or make you rape your colleague in front of them. They have that power. There is every reason to think that if a recruiter comes to take people to Johannesburg, they are at their mercy. There is a high possibility that the recruiter can approach and pay Magumagumas for girls."<sup>80</sup>

If the Magumagumas are transporting, deceiving/coercing *and* exploiting migrants they can be described as traffickers. One migrant stated that when it comes to female passengers, the Malaisha "make them do sex business in Johannesburg". The issue of sex work will be discussed in the next section.

#### **4.3.3 Sex work as a risk factor in the context of trafficking**

Apart from the three specific cases of forced prostitution described above, no others were encountered that suggest that women are being physically coerced or deceived into prostitution or pornography. The findings of this research suggest that the majority of women and girls are not trafficked into prostitution, nor are they forced to engage in prostitution by a particular person, but that they are "forced" by circumstance. For many migrants, this is a survival strategy which is often devised under the influence of others in circumstances that do not necessarily include deception or an intention to exploit. The peer group, namely women and girls, who are already engaged in prostitution, emerged as significant in the decision to enter into prostitution. Furthermore, many girls state that they are not involved in prostitution *per se*, but in "normal" relationships; by normal they are referring to the transactional nature of many relationships, where there is a nexus between love, sex and material reward.<sup>81</sup> In exchange for sexual intercourse, women obtain shelter, food and other material goods, all of which they take to represent love. As men have access to wealth and employment, women use their sexuality as a resource through transactional sex and/or prostitution. It becomes a source of power for them. Despite this agency, once they enter they get involved in transactional and commercial sex they are at a greater risk of being trafficked, as many travel with their clients to other communities and countries, and are subject to various forms of violence and abuse.

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<sup>79</sup> Interview with migrant, Musina, 1 August 2009.

<sup>80</sup> Interview with paralegal, Musina, 3 August 2009.

<sup>81</sup> Focus group discussions with sex workers, Beitbridge, 4-5 August 2009.

Prostitution of both adults and adolescent females is highly prevalent in Musina and Beitbridge. A number of risk factors were attributed to the prevalence of prostitution: first, the presence of truck drivers and male soldiers/police officers at the border line; second, the need for women and girls to earn money to migrate into South Africa; and third, their desperation once they have been robbed and raped in transit. It is reported by key informants in Beitbridge that women who have been subjected to SGBV by Magumagumas and others are too ashamed to return home, nor do they have any money to continue their journey into South Africa. As there are limited shelter facilities available for them in Beitbridge, many sleep in the open areas around the bus and taxi rank where they are raped again or invited to stay with men or other women already engaged in prostitution. It is at this point that they are introduced to sex work.<sup>82</sup> As a representative from the Zimbabwe Republic Police Victim Friendly Unit (ZRP VFU) stated: “You don’t often hear of rape cases because the women are taken to work in prostitution.”<sup>83</sup> A key informant described the case of a 17-year-old girl who was raped en route into South Africa. As she had nowhere else to go, she slept in the bus rank area and had sex with men for *sadza* (maize meal). Another case was described of a 31-year-old woman who was turned away at the official border post because she did not have a yellow fever card. After she was raped, a sex worker provided her with accommodation and is allegedly “asking the guys to go with the new prostitute”. It is not known whether the sex worker would receive any money from these men for introducing them to a new prostitute.<sup>84</sup>

Two of the sex workers that were interviewed in Beitbridge, had been abandoned by a person with whom they were travelling to South Africa and in order to survive they decided to engage in prostitution. In the first case, one of the girl’s friends was living in South Africa: “She said come here and come with me. She was looking good; with expensive clothes ... She never said ‘I’ve got a job for you’. I just followed her. We separated when we got there.” After working as a prostitute for two months in Musina, this girl was deported back to Zimbabwe.<sup>85</sup> In the second case, the girl travelled to Musina and after she obtained her asylum documents, she proceeded to Pretoria. She found a job on a farm but as it only paid R20 a day, she decided to return to Zimbabwe. Through hitchhiking and prostitution, she managed to find her way back to Beitbridge over a three-week period.<sup>86</sup>

It is reported by key informants that since there are so many sex workers in Musina, prices have dropped. As a result, many girls prefer to work in Beitbridge where truck drivers wait up to three days to obtain their permits to enter South Africa. IOM’s HIV programme assisted 300 sex workers in Beitbridge from March to May 2009, and 350 sex workers from May to June 2009. This programme is based on outreach work, whereby Information Disseminators visit truck drivers and sex workers in the community to inform them of their rights and to disseminate contraceptives. IOM Beitbridge estimates that there are more than 80 brothels in Beitbridge, which usually consists of rooms at the back of a main house that women and girls share.<sup>87</sup> For the most part, the prostitutes who were interviewed insisted that they are working for themselves, and that this is not an

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<sup>82</sup> Focus group discussion with INGO Practitioners, Beitbridge, 5 August 2009.

<sup>83</sup> Interview with law enforcement official, Beitbridge, 4 August 2009.

<sup>84</sup> Focus group discussion with INGO Practitioners, Beitbridge, 5 August 2009.

<sup>85</sup> Focus group discussions with sex workers, Beitbridge, 4-5 August 2009.

<sup>86</sup> Focus group discussions with sex workers, Beitbridge, 4-5 August 2009.

<sup>87</sup> Interview with INGO practitioner, Beitbridge, 5 August 2009.

organized business controlled by a pimp per se. Although prostitutes do have to pay the owners of the main house for rent, they are in charge of their earnings which they use to support themselves and their families.<sup>88</sup> According to an IOM outreach worker, the peer group plays a key role in the recruitment of new sex workers. The extent to which these peers exploit them needs to be further investigated:

*These ones are recruited by older, experienced sex workers when they go home. When they phone home they use South African lines, so everyone thinks that they are in South Africa. They do not want their families to know. They wear nice clothes and tell good stories so people think that they are working in South Africa, only to find themselves working in Beitbridge. They say they have a good job in South Africa but don't tell them that they are sex workers. In the end they do not take money from them but play a managerial role, e.g. buying beer or braai (barbecue) meat for the manager.<sup>89</sup>*

In other words, older sex workers encourage girls to join them in South Africa, but then when they arrive in Beitbridge they introduce them to sex work. In exchange for alcohol and food, the older sex workers assist the “newcomers” to find clients.

All of the prostitutes who were interviewed described extreme forms of violence at the hands of their clients. Many are beaten, raped and forced to have sex without a condom. In terms of trafficking, most of the girls have travelled with their clients into South Africa or into Zambia and Namibia. The nature of the violence that they face leaves these women at risk of being trafficked. Many are dropped in outlying areas without their clothes or money: “Some go with truck drivers on a journey. If you do not give them enough attention they dump you on the way. You agree on the amount but they do not give you the same amount. Sometimes you do not know the attitudes. There are many pretenders, but you think that they are a good person.”<sup>90</sup> They provided the following example of someone they know: “Another girl lives in Harare. She went with two girls in a truck with three men. They were sleeping with each one of them, but when they came into South Africa they were dumped. One of the girls (17 years) had a relative who helped her come back after she had been sleeping on the street for a week in Johannesburg. She has STIs, and is very sick. The other two are still in SA. We do not know what happened to them.”<sup>91</sup> In other words, as sex workers travel with many of their clients, they are vulnerable to being trafficked.

Despite these dangers, when asked whether they would go with their clients or accept a job offer in Johannesburg, the responses of sex workers suggest that financial issues are their overriding concern: “If you are satisfied with the offer and how much they will pay, then you go. We have heard stories of girls staying in hotels or flats doing sex work. Good stories, of course.”<sup>92</sup>

In order to reduce the likelihood of violence, the sex workers try to be selective and make discerning judgements about their client’s character before consenting to travel with them: “Through how someone is speaking, the way they approach you. Some of the clients use

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<sup>88</sup> Focus group discussions with sex workers, Beitbridge, 4-5 August 2009.

<sup>89</sup> Interview with INGO practitioner, Beitbridge, 5 August 2009.

<sup>90</sup> Focus group discussions with sex workers, Beitbridge, 4-5 August 2009.

<sup>91</sup> Focus group discussions with sex workers, Beitbridge, 4-5 August 2009.

<sup>92</sup> Focus group discussion with sex workers, Beitbridge, 4 August 2009.

bad language.”<sup>93</sup> Another added that she relies on referrals from other women: “If he just gives me his money I will know he is a not a rough-rider, or if he is referred by other women who live here, they can tell you if he is good or not to go...”<sup>94</sup> Another woman stated that she would only travel with someone that she knows: “Take a job offer in SA? It depends, only if you know someone. Even if you say come with us, we won’t go with you. You could sell us...”<sup>95</sup> In general, however, the perception was that “you can’t judge if they are good or bad, because anyone can have good or bad in them”.<sup>96</sup> Hence, it is very difficult for these women to determine risk in relation to violence (including trafficking) when selecting their clients.

#### 4.3.4 Rethinking gender-based exploitation

The following account by a female migrant highlights the difficulties in identifying a case of trafficking. Although it includes the components of trafficking, namely movement, deception/coercion and exploitation, some key informants argued that this does not constitute exploitation in the traditional sense. Yet key informants who are familiar with this case, state that this was a long-ongoing relationship that cannot be considered as trafficking.<sup>97</sup>

A 26-year-old Zimbabwean woman met a Congolese man while selling food in the Showgrounds.<sup>98</sup> He told her that he is a pastor and that he would like to take her to Johannesburg and marry her. “I thought that he was an honest guy,” the woman said.<sup>99</sup> The man told her that he had plans to open a restaurant in Johannesburg and that he would provide accommodation for her. On arrival in Johannesburg, he tried to have sexual intercourse with her. She refused because she asked him to undergo an HIV blood test first. It is at this point that the relationship changed: “He started drinking. He showed his true colours. He became harsh. I had to sleep with this guy. I thought he was maybe a Magumaguma. After three days he said he doesn’t love me and I must go. He used my name to get money from the UN. He beat me.”<sup>100</sup> When she complained to someone, the Congolese man lied and said that he loves her and is married to her: “He pretends to love me when the secretary at the shelter asks questions.”<sup>101</sup> He said we are married, so if I tried to report it to the owner of the shelter, they will think I am lying. I only followed him because he pretended to be a pastor. I am worried that I have HIV or diseases from sex with him. I took a rope and wanted to kill myself.”<sup>102</sup>

She was then moved to another shelter, and was then referred to Lawyers for Human Rights (LHR) and the United Nations High Commissioner for Refugees (UNHCR). She asked to return to Musina to renew her asylum documents. She is currently residing in a shelter and

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<sup>93</sup> Focus group discussions with sex workers, Beitbridge, 4-5 August 2009.

<sup>94</sup> Focus group discussion with sex workers, Beitbridge, 4 August 2009.

<sup>95</sup> Focus group discussions with sex workers, Beitbridge, 4-5 August 2009.

<sup>96</sup> Focus group discussions with sex workers, Beitbridge, 4-5 August 2009.

<sup>97</sup> Interview with INGO staff, Musina, 13 August 2009.

<sup>98</sup> Interview with migrant, Musina, 1 August 2009.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

receiving counselling and material support. She still receives telephone calls from this man. During the interview, she repeatedly stated: "I want to ask the guy face to face why he disturbed my life." When asked about her perception of his motives, she explained: "He gets benefits from saying he is married. He gets more money."<sup>103</sup> From her account it appears as though he received accommodation and some material handouts from the shelter because he claimed to be married to a Zimbabwean woman. In other words, he was extorting money and material benefits, by exploiting the fact that Zimbabwean women are receiving support from international agencies. This constitutes a form of exploitation, and if her story is valid, this scenario may constitute that of trafficking. However, key informants who have provided assistance to her are adamant that she was in a relationship with this man and that he did not "move" her intentionally for the purposes of exploitation. He may have opportunistically appropriated the material handouts that she received, rather than intentionally devising a plan to transport, deceive and use her in this manner.

#### 4.4 Trafficking for labour exploitation

Respondents provided a number of stories of children, men and women who have been deceived by false promises of employment. A number of these stories are based on hearsay or on the experiences of returning migrants. Some of these false job offers have reportedly led to exploitation, which constitutes an example of trafficking. For the most part however, migrants and key informants described cases that are not necessarily trafficking in that they do not include exploitation but they do contain movement and deception, coercion and an abuse of power.

It is important to note some of the fears expressed by migrants themselves. For instance, a female farm worker stated: "Inside Zimbabwe, the man says he has a job for you in Johannesburg. You go with him but then he rapes you."<sup>104</sup> While females fear sexual violence, male migrants tend to fear being "cheated" by someone. As a male farm worker stated: "When things are not good in Zimbabwe, everyone is forced to come here for a better life. So you will cheat him like say you will do something good, but then you do something wrong."<sup>105</sup> Another male migrant stated: "They promise people heaven on earth. They promise people that they can go into SA and work, but they have something else in mind."<sup>106</sup> Despite these fears, many migrants continue to accept such offers and either travel transnationally into South Africa or from Musina to Johannesburg or Cape Town. A nurse on a farm stated: "There are plenty of stories of people going to JHB [Johannesburg] but we don't see them again."<sup>107</sup> Farmers stated that their pickers often leave for what they believe are greener pastures: "They think there is better work in Joburg but when they get there, there is no job like they were promised ... some of them are being cheated and dropped around the corner."<sup>108</sup>

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<sup>103</sup> Ibid.

<sup>104</sup> Interview with farm worker, Musina, 31 August 2009.

<sup>105</sup> Interview with farm worker, Musina, 31 August 2009.

<sup>106</sup> Interview with migrant, Musina, 1 September 2009.

<sup>107</sup> Interview with farm nurse, Musina, 2 September 2009.

<sup>108</sup> Interview with farm manager, Musina, 2 September 2009.

#### 4.4.1 “Being dropped”

Many children, men and women recounted stories of having been promised work and transport in exchange for payment, but then being “dropped”. A male migrant stated that a taxi driver promised him a lift to Thohoyandou but then abandoned him after robbing him of his belongings and asylum papers. He had to walk for over 100 km to get back to Musina.<sup>109</sup> A Malaisha who transports people inland into Zimbabwe stated that he has heard many stories of people who say that they are from Bulawayo and Plumtree but have been dumped in Beitbridge by someone who promised them a lift into South Africa.<sup>110</sup> A farm worker complained that an old friend from Zimbabwe arrived at his house on the farm compound with an 18-year-old boy from Ulwange, in Zimbabwe. This boy was promised employment in Johannesburg in exchange for two goats. The man who brought him said that he was going to Louis Trichardt to discuss a job, but he never returned to collect the boy. The boy stayed for over three days with the farm worker. “He [the boy] was very angry. You can’t take someone and leave him with strangers!,” the farm worker said.<sup>111</sup>

A 16-year-old boy stated that a group of boys in Bulawayo offered to take him to Johannesburg in exchange for a fee, but then they disappeared when they reached Musina, leaving him alone and without money.<sup>112</sup> In a focus group discussion with seven youths at the border, they complained that people promise them piecemeal jobs like carrying boxes or cleaning local restaurants, but “the problem is that they say they will take you to this place but they take you to another place and leave you. So you have to find a way to come back, because bad things could happen.”<sup>113</sup>

According to a key informant in Beitbridge, these bad things could include abuse, violence and trafficking. She stated that a 14-year-old boy described his experiences in South Africa. He was promised a job but when he arrived in Johannesburg he was dumped and was picked up by someone else: “There was sex, drugs and alcohol abuse. They have no way of saying no; Zimbabwe is far away.”<sup>114</sup> Hence, in order to pay for their transportation back to Zimbabwe, many may become vulnerable to abuse and exploitation. This does not constitute trafficking, if they are not exploited by the person who transported them or by arrangement with this person. That said, it is important to bear in mind that some migrants may be “dropped” by people who had an intention to exploit them, but had changed their minds or had suddenly encountered obstacles such as the police. In other words, their plans to exploit their passengers were thwarted before they were executed. According to the Palermo Protocol, such cases would still be considered trafficking, although they are very difficult to prove. Nevertheless, those who have been dropped may be at risk of being trafficked by people who exploit their desperation. As a farm worker stated: “They see you are stranded and they say ‘come, you will get work’. But when you get there, there is nothing like that.”<sup>115</sup>

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<sup>109</sup> Interview with migrant, Musina, 1 August 2009.

<sup>110</sup> Interview with Malaisha, Musina, 1 August 2009.

<sup>111</sup> Interview with farm worker, Musina, 6 August 2009.

<sup>112</sup> Interview with migrant child, Musina, 13 August 2009.

<sup>113</sup> Focus group discussion with youths, Musina, 1 August 2009.

<sup>114</sup> Interview with nurse, Beitbridge, 4 August 2009.

<sup>115</sup> Interview with farm worker, Musina, 31 July 2009.

A group of street youths debated the merits of travelling with someone who offers them a job elsewhere. One stated: "If I know that person, I will mostly agree, but if you offer money and a place to stay, I will go."<sup>116</sup> Another stated that it is difficult to determine whether one can trust people who make these offers: "It's a difficult one, because of your reflection. I see IOM on your shirt but anyone can come, so I can't trust you."<sup>117</sup> These youths emphasized that they would not travel with truck drivers "because I know about what others experience. Because if you are going with a driver, they can kill you and rape women."<sup>118</sup> In contrast, a 15-year-old Zimbabwean boy living in a transit shelter stated: "I wouldn't go with the Malaisha, as I have heard stories that they kill and rob people. So I wouldn't go."<sup>119</sup> A 17-year-old boy from the same shelter stated: "I know who the Malaisha are, so I won't let them cheat me."<sup>120</sup> Despite this awareness, countless stories suggest that children and adults continue to accept promises of transport and work, with often dire consequences.

#### **4.4.2 Labour exploitation**

**There were a number of reports of migrants being subject to labour exploitation; however, there were only a few isolated accounts of adults who were moved with an intention of exploiting them in this sense. If they moved voluntarily and there was no deception or abuse of power, and were then exploited, this does not constitute trafficking. The findings suggest that labour exploitation is prevalent, but trafficking for the purposes of labour exploitation is not. In terms of labour exploitation more generally, the following cases were recounted by key informants: a woman who was raped when she asked to be paid for the piece job that she had completed; labourers who were chased by the police just before they were paid for their work on a construction site; domestic workers who are not paid enough or work very long hours; and children who complete piece work but are not paid. Many respondents pointed to exploitation on the farms; however, these were rarely backed up with specific details.**

If an employer is to be regarded as a trafficker, he would have to recruit his workers in a different community or country by himself, or with the assistance of another person, transport them or arrange for them to be transported, and then subject them to exploitation. In terms of recruitment, it is important to note that the farm owners and managers, who were interviewed in this study, stated that they do not actively recruit workers in Zimbabwe and transport them over the border. Instead they inform the foreman or their workers that they need more employees, and they in turn bring relatives and friends from Zimbabwe. Their corporate permits are arranged upon arrival.<sup>121</sup> A farm owner stated that he has heard stories about foremen receiving R10 or sexual intercourse from migrants for a job on a farm.<sup>122</sup> Despite this, most respondents argued that foremen are arranging

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<sup>116</sup> Focus group discussion with youths, Musina, 1 August 2009.

<sup>117</sup> Focus group discussion with youths, Musina, 1 August 2009.

<sup>118</sup> Ibid.

<sup>119</sup> Interview with migrant child, Musina, 13 August 2008.

<sup>120</sup> Ibid.

<sup>121</sup> Interviews with farm managers, Musina, August 2009.

<sup>122</sup> Interview with farm manager, Musina, 3 August 2009.

these jobs as favours to their friends and relatives, rather than out of an intention to exploit them.

In contrast, some key informants stated that farmers do actively recruit and transport workers using agents: “Agents recruit people to work on farms. They promise them accommodation, salary, everything. But when they arrive they become a victim of violence and torture. Under the pretext of work, they come with trucks but it is the opposite from what is promised: they become slaves. Not every employer is like this but there are serious cases with farmers. The situation is not what they have been told.”<sup>123</sup>

To support this claim, this key informant described the case of a farmer in Dendron, 120 km east of Musina. He allegedly recruited and transported Zimbabwean workers in Musina to his farm in Dendron. Working conditions were not as he had promised and the workers were beaten. Two female workers and some men, including a boy about 14 or 15 years old, accused this farmer of placing workers in between the two fences that separate lions from the public. This case is currently under investigation.<sup>124</sup>

In terms of working conditions, the farms that the researcher visited during the course of this assessment were large commercial farms geared for export. Their workers’ conditions are monitored and controlled not only by South African labour legislation but also by other international codes of conduct such as the Global Gap and Euro Gap. Farmers have to comply with certain health and labour standards to qualify for product export. The cost of contravening these codes of conduct is very high. “If there are any irregularities we could lose our licence,”<sup>125</sup> said one farmer. Farm managers emphasized that although more and more children are arriving at their farms, hungry and looking for work, they do not employ them. Respondents suggested that exploitation does not happen on these large commercial farms but in the smaller, privately owned farms just outside of Musina. As one farmer stated: “It happens on emerging farms in the Madimbo area; farmers who get land from the government. They employ Zimbabweans with no permits, and children. On my farm, people decide if [they] want to go or stay: the odd ones go on, but most stay.”<sup>126</sup> According to a key informant, migrants prefer to work on large, commercial farms where they are protected: “They are more protected on the big farms but the problem is the small farms, especially where they work for a private person. They received low pay or wait for months to be paid.”<sup>127</sup>

Some of the migrants that this researcher interviewed in shelters in Musina recounted stories of exploitation on the farms. Some, in fact, stated that farm managers or foremen came into Musina, made false promises about salary and working conditions, and then exploited them upon arrival. One migrant stated: “Some people come here and want people for certain jobs. They are taking us for a ride. When they get there, they are treated like animals...People [are] threatened that if they didn’t do the job, they will be thrown in with the lions. So if people come and say they have a job, we don’t believe that they are serious.

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<sup>123</sup> Interview with paralegal, Musina, 3 August 2009.

<sup>124</sup> Ibid.

<sup>125</sup> Interview with farm manager, Musina, 3 August 2009.

<sup>126</sup> Interview with farm manager, Musina, 2 August 2009.

<sup>127</sup> Interview with law enforcement officer, Musina, 7 August 2009.

We try to ask more questions about the conditions. But some are desperate so they just go.”<sup>128</sup>

This was echoed by another migrant: “Some come back to the church shelter. They are forced to work but at the end of the day they do not get anything. They have no time to rest. Their rights are not respected. They do not see us as human beings but as animals.”<sup>129</sup>

An SCUK staff member described the case of a 17-year-old boy who left the boy’s shelter on 18 June 2009, to find employment on a tomato farm near Musina. He was kept in a large room with other boys aged 13 and above. He was not given blankets, but had to use sacks for warmth. If he wanted blankets or clothing, he was told that it would be deducted from his salary. He stayed there for two weeks, until he was picked up by the police for not carrying the correct documents. He was placed back at the boy’s shelter.<sup>130</sup> As this boy travelled of his own accord to the farm, this constitutes a case of labour exploitation, but not trafficking for the purposes of labour exploitation.

Similarly, in another case, a 16-year-old boy was never paid for his work on a citrus farm.<sup>131</sup> The accounts suggest that children travel on their own accord to the farms alone or with friends, and are then subjected to labour exploitation. If, however, these children are transported by a farm manager, foreman or agent to the farm, and then exploited, this would constitute trafficking even if the children went voluntarily. According to a key informant in Musina, the latter does occur: “Most boys go and look for piece jobs but some farmers go to the Showgrounds and announce that they are looking for ten workers but the promises that they make are not what they are doing.”<sup>132</sup> If farmers are transporting children for the purpose of exploitation, this would constitute human trafficking.

There is evidence of sexual exploitation on the farms, although many do not describe these practices as exploitation but as a survival strategy for female migrants. As a male farm worker explained: “Some people call young ladies and say that they have a job for them, but when they cross the border they ask you to become a wife for them. The ladies do not know where they are going. They do not know anyone. They are forced by the man to live with them for accommodation or food.”<sup>133</sup>

In other words, they are deceived into believing that there is shelter and work for them. This would only constitute trafficking, if the person who deceived the woman had an intention to turn her into his own “sex slave” or accepted payment from another man for this purpose, or sought to exploit her in another way for instance, through domestic work.

A female farm worker stated that this is a normal state of affairs: “It’s obvious, that she becomes a wife when there is no accommodation.”<sup>134</sup> In one of the dramas presented by an INGO on the farms, they show a migrant woman who wants a job but must have sex with the foreman first. The response from the audience is laughter and some recognition, but the

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<sup>128</sup> Focus group discussion with migrants, Musina, 1 August 2009.

<sup>129</sup> Ibid.

<sup>130</sup> Interview with INGO practitioner, Musina, 3 August 2009.

<sup>131</sup> Ibid.

<sup>132</sup> Interview with INGO practitioner, Musina, 3 August 2009.

<sup>133</sup> Interview with farm worker, Musina, 31 July 2009.

<sup>134</sup> Interview with farm worker, Musina, 6 August 2009.

INGO staff state that “this is hidden”.<sup>135</sup> It is held that when they fall pregnant, these women lose their jobs on the farm. The farm managers that the researcher interviewed in this assessment stated that they have single-sex compound housing, and that housing is only provided to couples upon production of a marital certificate. Furthermore, they stated that pregnant women are not dismissed but do receive maternity leave in accordance with labour legislation.<sup>136</sup> Further investigation is needed of the smaller, private farms where these practices may be occurring.

#### **4.5 Trafficking for the sale of illegal substances and criminal activity**

Some respondents raised concerns that children are being moved to assist with the selling of illegal goods and substances. A social worker in Beitbridge stated that it is difficult to identify children living on the streets because of their engagement in the illegal trade of cigarettes: “They tend to [be with] someone who takes advantage of them. They are used in illicit dealings like tobacco smuggling at the border. Children are used because they are likely to pass through easier. Some get something little but others get nothing. If the child complains or requests payment, they would threaten the child. Some stay with these people. That’s why it is difficult to identify street children. We can’t do anything because they say they live with their aunty.”<sup>137</sup>

In this account, physical coercion is used to force children to travel across the border to sell cigarettes for an adult person. This would constitute trafficking if the money that the children earn from the sale of these cigarettes is appropriated by the person who pressurized, forced or coerced them into smuggling these illegal goods into South Africa.

Another key informant in Beitbridge stated that a 16-year-old boy was smuggled into South Africa with some men, but on arrival they left him with strangers in a small town where he was forced to sell narcotic drugs: “He had no food and no clothes. They wanted him to sell drugs – small packets. One day when he wanted to run away he was cut with a knife.”<sup>138</sup> He was eventually returned to Zimbabwe with the assistance of IOM. These cases suggest that the trafficking of illegal substances and the trafficking of persons is linked, in that Zimbabwean migrants may be physically coerced to traffic illegal substances, for which they receive no/little benefit.

In terms of criminal activity, an INGO key informant stated that he referred the following case to the IOM Protection Unit in Beitbridge. A man in his mid-twenties claimed that when he arrived in Johannesburg, the men who provided him with transport locked him up in a room and would only let him out to “rob and kill”. He managed to escape and found his way back to Musina where he was deported by the South African authorities and later assisted by IOM Beitbridge.<sup>139</sup> This case suggests that people may be trafficked for the purposes of criminal activity.

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<sup>135</sup> Interview with INGO staff member, Musina, 3 August 2009.

<sup>136</sup> Interviews with farm managers, Musina, August 2009.

<sup>137</sup> Interview with social worker, Beitbridge, 4 August 2009.

<sup>138</sup> Interview with nurse, Beitbridge, 5 August 2009.

<sup>139</sup> Interview with INGO practitioner, Beitbridge, 5 August 2009.

## 4.6 Trafficking of children for extortion and exploitation

### 4.6.1 “Unaccompanied minors”

Stakeholders in Musina and Beitbridge are very concerned about unaccompanied children on the move. They have observed more children travelling without parental care, especially during the school holidays. Some are travelling with relatives or people who claim to be relatives. In terms of the latter, a key informant stated: “There are cases of children at SMG who say that they are travelling with their uncle but the ‘uncle’ does not know the child’s last name and does not have proof that he will deliver the child to his mother.”<sup>140</sup> A number of cases were reported by key informants that lead one to question whether children are travelling with their relatives, are being kidnapped or trafficked either into South Africa or out of South Africa. The risk of trafficking was discussed at a stakeholder workshop on 8-9 July 2009, which was organized by UNICEF, UNHCR and IOM. Since then more adults have been intercepted travelling with children, to whom they are not biologically related.

Key informants stated that it is difficult to determine whether a case is that of kidnapping or trafficking, because they do not know whether the suspected perpetrator intends to exploit the child when they leave South Africa. They identified two cases of children who were suspected as having been kidnapped in South Africa and intercepted trying to cross the border into Zimbabwe.<sup>141</sup> In June 2009, a 6-year-old girl was reportedly taken from Johannesburg by two men who were stopped at the border. Officials questioned the girl in Beitbridge and found that the girl did not know the two men that she was travelling with. They brought the child to the Victim Empowerment Unit (VEP), which is based at the SAPS in Musina but is a Department of Social Development (DSD) initiative. The men claimed that the child was an orphan and that her uncle had asked them to transport her to her grandmother in Zimbabwe. The two men were released when the uncle confirmed their story. Instead of returning the child to her uncle, social workers in Zimbabwe traced her grandmother in Zimbabwe. She was not willing to take the child, so the Children’s Court placed the child in an orphanage in Thohoyandou.<sup>142</sup>

In another case in June 2009, a 9-month-old girl was taken by a Zimbabwean man from Dobsonville, which is located in Roodepoort, Gauteng Province.<sup>143</sup> When the mother, who was working at the time, noticed that the girl was missing, she reported the incident to the police in Dobsonville. Officers apprehended the man on the South African side of the border. He claimed that he was taking the child back to Zimbabwe. Officers brought the child to the VEP. Investigators found that a case had been opened in Dobsonville. They brought the mother to Musina, who recognized the child. The suspect, mother and child all returned to Dobsonville, and the suspect was charged with kidnapping. The case was postponed until September 2009.<sup>144</sup>

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<sup>140</sup> Interview with paralegal, Musina, 12 August 2009.

<sup>141</sup> Interview with law enforcement official, Musina, 4 August 2009.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

In terms of movement into South Africa, in May 2009 officials at SMG found that a woman travelling with a child had used the birth certificate of another child to enter South Africa; the birth date was written as 2005, but the child appeared to be less than 2 years old. She also lied about the birth place of the child stating that the child was born in Dendron, which differed from the place listed on the card. She was insistent that the child was hers. As the child was so young, staff felt that they could not intervene and remove the child from her care at SMG. Two days later, the woman ran away with the child. The following week, officials encountered a similar case. A woman was travelling with two children under the age of 4 years. She had no proof that they were her biological offspring. People who were travelling with her observed her caring for the children in the vehicle, but stated that she did not arrive at the taxi rank with the children. Officials decided to hold her for the night as they wanted to do family tracing to verify that she had children. During the night she managed to run away with the children. Key informants were very suspicious given that these two cases were discovered in such close proximity to each other.<sup>145</sup>

More recently in July 2009, key informants discovered a woman at SMG who had four children, of which only one was her biological child. She claimed that she had been sent by the mother of the three children to collect them from Zimbabwe. They also questioned a man with a small child about 6 or 7 years old. The child was kept at the boy's shelter until the mother came to collect her. In the middle of August 2009, two women and five children who were not related to them (apart from one step-son), were brought to the URC Women's Shelter. One of the women claimed that a relative had asked her to bring them to South Africa. During their two day stay at the URC, LHR verified the story by contacting their parents, who faxed the children's birth certificates. The parents travelled to Musina to collect their children, and the one woman left with her stepson. They were apparently "mad" (angry) that they had been stopped.<sup>146</sup> During an interview with a social worker at the URC shelter, the SAPS arrived with three adults and six children who were stopped at the border. The outcome of this case is unknown.

On 3 August 2009, SAPS intercepted 14 Zimbabwean children who were travelling with two Malaisha in two separate vehicles.<sup>147</sup> Most of the children were aged 5-7 years but the eldest was 15 years old. The Malaisha claimed that they had been asked by the children's parents to bring them to South Africa as schools had closed that week. However, they had no proof of parental permission and the children did not possess the correct documents. The children did not know the people that they were travelling with as they had been collected at their homes or at a central point in Bulawayo. One of the children said that he knew the man, but his sister denied this. The children's parents were called to collect them after faxing through affidavits providing authorization. What was particularly suspicious was that two women with ETDs were also travelling with the group, but were not related to any of the children. The ETDs listed some of the children's names. One of these ETDs was issued on 24 July 2009, well in advance of the travel date. Hence, the ETD was made specifically to transport these children. Another woman had been turned away at the border that same day, for carrying a forged ETD. Three of the children's names had been listed on this ETD, despite the fact that they were travelling separately and only arrived much later than her.

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<sup>145</sup> Interview with paralegal, Musina, 14 August 2009; interview with government official, Musina, 12 August 2009.

<sup>146</sup> Ibid.

<sup>147</sup> Interview with paralegal, Musina, 14 August 2009; interview with social worker, Musina, 13 August 2009.

Despite these suspicious circumstances, the Malaisha were released as there was nothing to charge them with. The parents collected their children from the border.<sup>148</sup>

Apart from these specific cases, key informants estimate that 350-400 Zimbabwean children cross the border every day without passing through the official border post. They are particularly concerned about the Malaisha, who are transporting more and more unaccompanied minors. Some are concerned that removing the child from the Malaisha will lead to secondary separation, as information about the parent's whereabouts will be lost. It is complicated by the fact that parents enter into this agreement with the Malaisha, many of whom they trust and have known for years.<sup>149</sup> For instance, a farm worker stated that he only uses one Malaisha who brings his child to him during the school holidays and takes his groceries and some of his income back to his sister in Beitbridge. He described this Malaisha as "an honest person".<sup>150</sup>

While the field work was being undertaken three boys aged 9, 10 and 12 years old were taken from the Malaisha by the police. In this case the Malaisha helped the INGO staff to contact the child's family. A 14-year-old was brought to the boy's shelter by the police; however, as he left his clothes in the Malaisha's vehicle, they traced him back to the shelter to return his clothes. According to a staff member: "Not all of these children are 'unaccompanied', as they are with someone they are entrusted to. Not all Malaisha are bad as some are ferrying children to their friends and family. The good ones will contact relatives for you. They are honest and give all the information they have about the child. There is no trafficking behind his back. The bad ones will give you false information."<sup>151</sup>

According to a Malaisha on the South African side of the border, they only carry children with the permission of the parents, and only when there are no other options: "Some taxi drivers have permission to take children especially to school, but they only do it if there is no other transport. Small children must be carried by an adult. We sometimes take them outside Musina, but take them directly to the place."<sup>152</sup> A Malaisha in Beitbridge described this as "door to door delivery."<sup>153</sup> Another Malaisha in Beitbridge stated that he distributes "contact cards" (business cards) and parents call him to transport their children. Every trip he carried two or three children. Before he departs he calls the parents to confirm that he is taking their children.<sup>154</sup> A Malaisha did, however, state that he prefers not to carry children because they bring problems: "They are always crying about food, they always want food".<sup>155</sup> Another stated that last year he transported a child who fell sick and there was no one to receive or collect the child at the destination point.<sup>156</sup>

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<sup>148</sup> Ibid.

<sup>149</sup> Interview with INGO practitioner, Musina, 31 July 2009.

<sup>150</sup> Interview with farm worker, Musina, 6 August 2009.

<sup>151</sup> Interview with INGO practitioner, Musina, 31 July 2009-1 August 2009.

<sup>152</sup> Interview with Malaisha, Musina, 1 August 2009.

<sup>153</sup> Interview with Malaisha, Beitbridge, 4 August 2009.

<sup>154</sup> Interview with Malaisha, Beitbridge, 4 August 2009.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

#### 4.6.2 Debt bondage

Despite this service, there is the risk that children will be maltreated, as an INGO staff member stated: “Those who pretend to accompany them can abuse them, like a business. In the disguise of helping, they abuse them.”<sup>157</sup> Another INGO staff member stated that children are told to lie about their relationship to the Malaisha, which makes it difficult for the police to detect. “When police ask, I tell you to pretend that you are my child. So if we get to a destination, it will be a better life.”<sup>158</sup> This secrecy suggests that the Malaisha may have other motives. A key informant from law enforcement services classified this as trafficking or posing a risk of trafficking: “Malaisha are taking children to their mothers in Johannesburg. That’s trafficking. Small children are taken to their parents, but what about the girls and young ladies – what do they do with them? And the bigger boys, they might use them for work.”<sup>159</sup> As they are en route, it is difficult to determine whether the Malaisha have an intention to exploit the children. However, cases where children are held for “ransom” or forced to work to pay back a debt should be seen in the light of exploitation.

Some of the Malaisha insist on full payment before departure to South Africa. Others prefer half upfront, and half on arrival. The requested amount upon arrival may change in accordance with what one Malaisha described as “logistical costs”: paying for food and shelter on the journey, paying bribes to police-men, dealing with car trouble etc. For instance, a Malaisha stated that he normally charges R1,000 per person for transportation to Johannesburg. He normally carries 16 or 17 people at a time, so he can make R17,000, but at least R7,000-R8,000 is spent on logistics. So he sometimes has to raise the fee on arrival at the destination.<sup>160</sup>

Migrants state that they are not told in advance that the rate will change, but that en route they are suddenly asked for more and more money, which many cannot afford. As a result, upon arrival at their destination, the Malaisha contact relatives or people whom their passengers know, and ask them to collect them and pay the outstanding amount. In some cases, respondents are locked up in a house for many days while waiting for someone to collect them. They are not allowed to leave, and according to the migrants’ responses, they do not receive adequate food and shelter, and are often subject to abuse. If no one collects them, they may be forced to work to pay the Malaisha back. A Malaisha stated: “We call those people, like a relative, who say they will pay. We stay three or four days until they pay. If they can find a job and pay themselves, they can do it. If he has a relative then we drop him, or he gets a job.”<sup>161</sup> Alternatively they are dropped in Johannesburg, because the Malaisha cannot afford to bring them back to Musina and Beitbridge: “Sometimes we get

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<sup>157</sup> Interview with INGO practitioner, Musina, 14 August 2009.

<sup>158</sup> Interview with INGO practitioner, Musina, 14 August 2009.

<sup>159</sup> Interview with law enforcement official, Musina, 12 August 2009.

<sup>160</sup> Interview with Malaisha, Beitbridge, 4 August 2009.

<sup>161</sup> Interview with Malaisha, Beitbridge, 5 August 2009.

them to Joburg (Johannesburg) and they do not have money to pay, so we just leave them. We can't bring them back because it costs us food and accommodation.”<sup>162</sup>

A key informant described the case of a group of people who in mid-July 2009 paid a Malaisha to bring them to Beitbridge from elsewhere in Zimbabwe. He then handed them over to another Malaisha to take them to Musina. This person asked for another payment. In the bush they met another group of people who demanded another payment. They were then taken to a house in Nancefield where they were kept and physically abused, while the owner demanded another payment. When they were finally freed they informed LHR and the police.<sup>163</sup>

A staff member from SCUK SAP's shelter described the case of a 16-year-old Zimbabwean boy from Chipinge, who was offered transportation and employment in South Africa.<sup>164</sup> Both of his parents were unemployed, so he left because he wanted to be “self-sufficient”. The Malaisha charged him R400, which he paid from his piece-job earnings. In a bushy area in Beitbridge, they locked him in a house for three days while they went out to find fuel and additional customers. They returned with other young boys and girls. He was then asked for an additional R100, the last of his money. When they left through the main border, money was paid to a policeman at the bridge. Upon arrival in Johannesburg he was locked in a room while they tried to reach his relatives to pay the outstanding fee. “They were saying, ‘if you have a relative phone him so that he can pay R1,000.’”<sup>165</sup> His brother could not help him so he was locked up for seven days. They did not give him food and he had to use a bucket for a toilet. When he tried to ask for anything, he was beaten. Eventually they sent him out to find work. Over ten days had passed since he left Zimbabwe. The men threatened that they would beat him if he did not find work to pay them back. When he failed to find work, they brought him back to Musina and left him at the Showgrounds, where he was referred to the boys' shelter on 21 July 2009. He was then returned home to Zimbabwe with the assistance of IOM on 29 July 2009. He did not know what had happened to the other 14 children with whom he had travelled.<sup>166</sup>

Stories about migrants being locked up in houses in Nancefield and Johannesburg need further investigation. IOM Beitbridge reported the case of a man who crossed the border with his 7-year-old son on 21 September 2008, by paying officials at the main border crossing. They then boarded a mini-bus with 13 other people to Johannesburg where he planned to meet his nephew. Instead of dropping them off at Park Station, the mini-bus took them to a house where they were ordered into a room which only had three blankets. He was separated from his son and locked in the room for two days. He could hear his son crying. On the third day, he was robbed of his money and ordered back into the mini-van. He managed to jump out of the vehicle. His son was nowhere to be seen. He filed a report at the police station, but on his way to try and locate the house, he was arrested by the police

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<sup>162</sup> Interview with Malaisha, Beitbridge, 4 August 2009.

<sup>163</sup> Interview with law enforcement officer, Musina, 7 August 2009.

<sup>164</sup> Interview with INGO practitioner, Musina, 1 August 2009.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

who did not believe his explanation. He was placed at Lindela from 25 September to 2 October before he was deported. The child is still missing.<sup>167</sup>

The findings suggest that the Malaisha are perpetrators of debt bondage: they do not disclose the full amount that has to be paid by the passenger and in this sense deceive them into a situation of debt bondage. Whether this constitutes trafficking or smuggling and then kidnapping and extortion requires further investigation. At the moment, Malaisha only receive a fine of approximately R2,000 for carrying undocumented people.<sup>168</sup>

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<sup>167</sup> IOM Beitbridge, Case Report, 2008.

<sup>168</sup> Minutes of the workshop to address child smuggling and possible child trafficking, 8-9 July 2009, Musina Municipality, organized by UNICEF, UNHCR and IOM.

## CHAPTER 5: Policy and Practice with regard to Trafficking in Persons

This section will outline the policies and practices that are in place to identify cases of human trafficking, assist victims and prosecute perpetrators in Musina and Beitbridge. The findings suggest that there are many government and non-governmental actors who are trying to address the needs of undocumented Zimbabwean adults and children in terms of shelter, food and medical assistance. However, children and adults who are at a high risk of being trafficked are not adequately assisted in these interventions. There are services in place for victims of SGBV; however, these need to be strengthened in both Musina and Beitbridge for victims of human trafficking.

### 5.1 Identification of trafficking cases

Identification of potential trafficking cases was said to be very difficult in transit areas such as Musina. A large proportion of the efforts around identification are oriented towards child trafficking, as officials do not know how to identify the trafficking of adults. Training and workshops on the trafficking in persons are focused largely on children. This is a significant gap in terms of identification.

Immigration officers on the Zimbabwean side of the border state that in order to identify trafficking cases they direct their attention to people who are travelling in groups or men with many children, or children of the same age.<sup>169</sup> They have also started to stop Malaisha if they do not carry an affidavit from parents, handing over temporary custody of the child. If they suspect that it is a case of trafficking, they interview the child and the person they are travelling with separately. Some officers have received training from SCN in Beitbridge on how to interview children, although it was reported that more child-sensitive training is needed. Once identified, the case is then referred to the Zimbabwe Republic Police (ZRP).

Members of the SAPS on the South African side of the border have received training from SCUK on how to interview children and the people that they are travelling with.<sup>170</sup> Since a recent workshop with UNICEF, UNHCR and IOM on 8-9 July 2009, officers are targeting people who are travelling with children. Much attention has been directed at intercepting men who are travelling with children, despite the fact that women may also be trafficking children and adults themselves may be trafficked: "We cannot trust men who transport girls. If we find a child with a male, we ask where he is taking the child and ask for the documents of the child."<sup>171</sup>

A key informant from the South African Department of Home Affairs (DHA) stated that it is very difficult for them to investigate any of the (unaccompanied) children cases that they deal with in regard to "refugee status". Refugee Status Determination Officers at DHA cannot determine if a child is biologically related to a parent, particularly since migrants do

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<sup>169</sup> Interview with immigration officer, Beitbridge, 5 August 2009.

<sup>170</sup> Interview with law enforcement official, Musina, 13 August 2009.

<sup>171</sup> Ibid.

not need to present any documents when applying for asylum. He argued that LHR and MLA0 have more rights to question a case, and can play a key role in identifying human trafficking.<sup>172</sup>

Even when a suspected case of trafficking is identified, if the intention of the person that migrants are travelling with is unknown, it is difficult to determine with certainty whether it is a case of trafficking. Victims themselves may not know that they have been trafficked. Furthermore, they may have been instructed to give false information. Alternatively they may not feel ready to trust those who ask questions about their destination. As a nurse stated at the Family Support Trust in Beitbridge: “The problem is that when you talk to clients, they talk to you but leave out some information. Information comes out when you talk to different people.”<sup>173</sup>

## 5.2 Referral

The findings of this research suggest that in Musina there is an inter-agency and inter-governmental referral process for victims of SGBV, unaccompanied minors and other migrants who have no documents, shelter or food. However, there is no clear referral process for victims of trafficking. When key informants were asked who they would first refer a case of trafficking to, the responses included the following:

- Christian Social Council (CMR) for counselling services, although it is important to note that CMR tends to refer cases directly to social workers at DSD
- LHR and MLA0 for litigation and to inform victims of their legal rights
- MSF for medical treatment
- IOM for repatriation and return home
- SCUK SAP Protection Officer for children’s cases

What is evident is that there is no clear standard operating procedure that is shared across agencies for cases of human trafficking. Some people are required to make an internal report to their line managers/ protection personnel before referring the case to other actors. When referrals are made to other actors, it is unclear who would take responsibility for following up on the case and ensuring that the rights and well-being of the suspected victim is ensured. In other words, there is no clear referral protocol. What is also important to note is that government departments, particularly SAPS and DSD, are rarely listed as the first point of contact when encountering a trafficking case. Although this will be discussed in greater depth in Section 5.3, the perception was that “you can’t report it to the police, they would just laugh at you”<sup>174</sup> and that “there is no guarantee that the police will follow it up.”<sup>175</sup> In terms of the DSD, what was frequently said was that “I do not know where DSD is” or “they are now Save the Children”. One stakeholder was particularly concerned that DSD tends to be bypassed even though they have statutory power when it involves children.

Stakeholders in Musina stated that coordination on migrants’ protection issues has improved due to various weekly meetings and workshops with civil society and government

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<sup>172</sup> Interview with government official, Musina, 12 August 2009.

<sup>173</sup> Interview with nurse, Beitbridge, 4 August 2009.

<sup>174</sup> Interview with FBOMusina, 31 July 2009.

<sup>175</sup> Ibid.

agencies. From March to June 2009, INGOs, NGOs and government actors were in emergency mode because of the high influx of Zimbabwean migrants into South Africa. However since June, efforts have been made to streamline activities in terms of shelter, food provision and documentation. Concerns were raised about the effectiveness of cross-border collaboration and information dissemination between Musina and Beitbridge. A respondent from the South African government stated that more needs to be done by means of coordination at local and national levels: "IOM needs to organize more regular meetings with all stakeholders. The problem is that the government is not informed about what is happening on the ground. If they have more regular meetings, they will know more about the suffering of migrants and how to classify them. We also need more coordination meetings with head offices and equivalent in Pretoria."<sup>176</sup>

Other stakeholders felt that more efforts should be made to move beyond coordination to capacity building so that local NGOs and government institutions can assume responsibility for the activities that are currently being driven by INGOs, as the situation becomes more stable.<sup>177</sup>

### 5.3 Investigation and prosecution

A number of key informants and migrants complained about what in their opinion is inertia on the part of the police in terms of arresting the Magumagumas and other perpetrators of violence.<sup>178</sup> Reference was made to corruption both at the main border and at irregular border crossing points, although it is held that levels of corruption have gone down since more workshops and discussions have been held on this issue. In terms of successes, the respondent from the ZRP VFU stated that in mid-August 2009, two Magumagumas were arrested in Zimbabwe for kidnapping and raping a 15-year-old girl five times. They were each sentenced to 50-70 years in prison within a week of the case being filed. As the girl could identify the vehicle they were travelling in, the accused and complainant were taken to the Victim Friendly Court without delay.<sup>179</sup> One issue of concern is that the VRP often do not have vehicles to take complainants to the Victim Friendly Court in Gwanda and so need to use the local court, where they face problems related to a lack of sensitivity towards SGBV cases.<sup>180</sup>

A key issue that emerged is related to jurisdiction. As much of the violence occurs along the river, it is difficult to determine under whose responsibility it falls. There was a call for greater collaboration between the South African and Zimbabwean police when investigating and prosecuting cases.<sup>181</sup> Furthermore, these border patrols do not have specialized personnel who can respond to cases involving children or cases of rape where victims are too traumatized to talk. If they find such cases they are taken to CMR, which refers them to DSD.<sup>182</sup>

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<sup>176</sup> Interview with government official, Musina, 12 August 2009.

<sup>177</sup> Interview with paralegal, Musina, 14 August 2009.

<sup>178</sup> Interview with key informants, Musina and Beitbridge, August 2009.

<sup>179</sup> Interview with law enforcement official, Beitbridge, 4 August 2009.

<sup>180</sup> Ibid.

<sup>181</sup> Interview with law enforcement official, Musina, 7 August 2009.

<sup>182</sup> Interview with law enforcement official, Musina, 14 August 2009.

Generally, it is often difficult to obtain information from people who are found in the bush because they are so traumatized. Alternatively, Zimbabwean victims of violence in South Africa only report cases when they return to Zimbabwe and not directly to the South African Police Services. As a result, social workers in Beitbridge state that not much action can be taken apart from filing a report.<sup>183</sup> A police representative in Zimbabwe explained that it is in the local culture not to report forced marriage or rape. As a result, officers encourage people to use anonymous suggestion boxes scattered in local communities to report sexual violence and trafficking.<sup>184</sup>

Investigations are also hindered by the fact that violence frequently occurs at night in the bush, and victims are unable to pinpoint where exactly it has taken place. Often the police receive reports of missing persons but the only information that is provided is where they saw the person last, at the taxi rank or when crossing the border. Officers open a docket but as there is no specific information it is difficult to investigate their whereabouts. Alternatively cases are only opened when victims reach their final destination, such as Johannesburg and Pretoria.<sup>185</sup> Many do not report the violence either because they are scared of the repercussions both in terms of physical threats and fear of being ostracized, or because they do not know where to locate a police station. Language constraints also hinder in-depth investigations, especially with children.<sup>186</sup> According to a law enforcement official, SAPS do not have official interpreters, so they often rely on migrants to assist with translation when cases involve persons from the DRC, Somalia, etc. This may make a victim feel uncomfortable or undermine promises of confidentiality. Furthermore it is often difficult to find witnesses who can confirm the complainant's statement, as people do not want to get involved in "private matters", especially when this involves the police.<sup>187</sup>

Additional delays are caused during the judicial process. As courts only hold a few trials per day and magistrates often have to travel from Makhado, cases are repeatedly postponed. Similarly, lawyers are often not available to appear on a particular court date. Police officers complained that victims who make these claims cannot be found when cases finally come to court: "Victims think it's better to find something to eat than wait for a court date. So when it finally comes to court, you can't track them. These are foreigners in transit, so you can't locate them."<sup>188</sup> Unlike witnesses, complainants are not provided with a stipend to cover their transportation, food and lodging. As a result, it is difficult to locate the complainant during the court process, which hinders prosecution. A key informant stated: "We arrest most of the Magumagumas if a victim can describe them. As we know the syndicates, they are easy to locate. But once they are arrested, the case gets postponed. Because of these delays in justice, the victim gives up. We cannot proceed if the complainant does not appear in court, since the suspect also has a right to pose questions against the complainant."<sup>189</sup>

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<sup>183</sup> Interview with social worker, Beitbridge, 4 August 2009.

<sup>184</sup> Interview with law enforcement official, Beitbridge, 4 August 2009.

<sup>185</sup> Interview with law enforcement official, Musina, 7 August 2009.

<sup>186</sup> Interview with law enforcement official, Musina, 13 August 2009.

<sup>187</sup> Interview with law enforcement official, Musina, 7 August 2009.

<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

Alternatively victims fear that the perpetrator will be released or that they will be ostracized in the community. If they do report the case, members of the VEP accompany them to and from court and try to empower them not to fear anything.<sup>190</sup>

#### **5.4 Shelter and assistance**

The VEP, which is a DSD initiative based at the SAPS office in Musina, has the capacity to provide shelter for only five victims of violence (children and adults) at a time due to limited accommodation and staff capacity.<sup>191</sup> It caters for victims, who need counselling, medical treatment and shelter when they open a case. Efforts are made to ensure that they are not further victimized. This Unit receives both adults and children. The adults tend to be women who are victims of SGBV. Women and children stay overnight under the care of an officer or volunteer. Children give statements in front of the police officer or social worker who acts as a guardian. Social workers then apply to a Children's Court, which determines whether a child should be sent to a shelter. An officer in this unit complained that the three female volunteers and social worker who assist him face challenges, especially when caring for infants or small children, who require constant care and attention. These children often become attached to a particular staff member and find it difficult to cope, when their shifts end and someone else takes over. Staff also support adults who are victims of violence, through counselling, transportation to the hospital and to and from court. The greatest challenge that staff encountered was that as they tend to be migrants, it is difficult to encourage them to stay at the VEP for the duration of their court cases. As the complainant leaves, prosecutions are compromised. A key informant suggested that this unit be enlarged and manned by trained paid personnel (rather than volunteers), who have the skills to interview children and victims of SGBV.<sup>192</sup> It is important to note that the police officer manning this unit, has not been trained on trafficking-related issues. So although the VEP may be able to provide some immediate assistance to suspected victims of trafficking, they may not be able to identify trafficking in persons or provide specialized support and care.

Cases of human trafficking that have not been detected and identified by the police may be classified initially as smuggling or yet another case of an undocumented migrant. Migrants are placed temporarily (no longer than 48 hours) at the SMG, a detention facility that caters for 90 to 110 migrants.<sup>193</sup> This number increases dramatically during weekends, when migrants wait for the DHA officials to pick them up on Monday to take them to the DHA reception centre where they can apply for an asylum permit. They receive food and rest on sponge mattresses with blankets. Concerns were raised about hygiene and sanitation facilities on site.<sup>194</sup> Although SMG is divided into different sections for men and women, it is not appropriate for children. From there, migrants are taken to DHA's reception centre, where their asylum permits are processed or they are referred to a shelter. UNHCR and LHR regularly interview migrants at the SMG, and in more than one occasion, came across a suspected case of human trafficking as was described in the previous section.<sup>195</sup> This

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<sup>190</sup> Interview with law enforcement official, Musina, 13 August 2009.

<sup>191</sup> Interview with law enforcement official, Musina, 13 August 2009.

<sup>192</sup> Interview with law enforcement official, Musina, 7 August 2009.

<sup>193</sup> Interview with law enforcement official, Musina, 7 August 2009.

<sup>194</sup> Interview with INGO practitioner, Musina, 13 August 2009.

<sup>195</sup> Interview with paralegal, Musina, 14 August 2009.

temporary shelter is not adequate for victims of human trafficking, who may be intercepted or placed there because officers do not know how to distinguish them from other cases of smuggling. Officers need to be trained on how to identify trafficking cases, before potentially traumatized victims are placed at SMG.

If a boy has been trafficked it is likely that he will be placed with other unaccompanied child migrants. Boys aged 9 and 10 upwards are housed at the URC or SCUk SAP's shelter on the same property.<sup>196</sup> According to the memorandum of understanding between SCUk and URC, SCUk can accommodate 50 children at any given time, but given the delays in reunification there are often more than 50 children present. At the time of this assessment, there were 80-85 children. Boys are placed at SCUk's shelter temporarily while their families are being traced. Three DSD social workers assist the SCUk SAP in terms of registration of children and opening of children's files for tracing and return. Children are meant to stay 5-7 days in the shelter but some spend 2-3 weeks while their asylum application is being processed. During this time they receive counselling and life skills, creative art, singing and informal education classes. Formal education was raised as a gap by children themselves. Staff state that if suspected trafficking cases are encountered they are referred to the SCUk SAP child protection officer who decides on the best course of action.<sup>197</sup>

There are approximately 200 boys at the URC shelter, excluding the 80-85 children attached to the SCUk shelter on the same site. There are no age differences between the boys at the two shelters. The main difference is the type of assistance that the children receive, with the SCUk shelter geared towards short term stay, tracing and family reunification and the URC shelter geared towards longer-term stay. Boys in the URC shelter receive longer term assistance, and attend school. Sixty-four children entered primary school in January 2009, while 74 are waiting for placements at secondary school institutions. Eight mobile classes for primary and secondary education are also run by URC. Resources to purchase school uniforms and shoes were raised as a gap, as are bedding and beds for such large numbers of children. Children are integrated into the community through church youth groups.<sup>198</sup> Recently, efforts have been made to integrate the boys from the two shelters through shared meals, although the children complained about bullying between the two groups of children. MSF provides medical assistance to the children and DSD social workers assist with counselling. Caregivers and security guards operate 24 hours on a daily roster.<sup>199</sup>

Infants and young children are currently housed at the URC Women's Shelter,<sup>200</sup> but El Shaddir, a faith-based organization, is in the process of establishing a centre for babies and young children, which will contain 12 beds for persons requiring medical attention.<sup>201</sup> Stakeholders are currently discussing the establishment of a transit shelter over the next three months called "Park Homes", just on the outskirts of Musina. This will be a DSD and Save the Children initiative that will provide accommodation to children.<sup>202</sup>

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<sup>196</sup> Interviews with FBO and INGO staff, Musina, August 2009.

<sup>197</sup> Interviews with INGO practitioners, Musina, 3 August, 6 August and 13 August 2009.

<sup>198</sup> Interviews with FBO practitioners, Musina, 1 August and 13 August 2009.

<sup>199</sup> Interviews with INGO and FBO practitioners, Musina, August 2009.

<sup>200</sup> Interview with FBO practitioner, Musina, 1 August 2009.

<sup>201</sup> Interview with FBO practitioner, Musina, 31 July 2009.

<sup>202</sup> Interview with INGO practitioner, Musina, 31 July 2009.

If a woman is found to have been trafficked, it is likely that she will be referred to the shelter for female migrants and victims of SGBV, namely the URC M.G. Matsao Women's Shelter.<sup>203</sup> For the most part, this shelter is geared for vulnerable women who are survivors of SGBV, disabled and pregnant. They are permitted to stay for five days, after which time their case is reviewed by a Committee, composed of staff, religious leaders and social workers. The board of directors, which includes the Musina Legal Advice Office and UNHCR, has some input into this. Some women have stayed there for more than six months. This shelter receives funding from UNHCR and legal support from LHR. MSF provides bunk beds, medical services and trauma counselling. IOM has provided some material and food assistance in the last year. Although this shelter is meant to cater for 50 women, there tend to be more in residence, many of whom sleep outdoors on the ground or in the garage. There are no activities (e.g. sewing, arts and crafts) that women can engage in during their stay, so boredom was raised as an issue of concern that may have a negative effect on their psychosocial well-being.<sup>204</sup> Although the shelter is guarded at night, one protection issue was raised involving men visiting the shelter and taking the women out with them. As a staff member stated:

*I am aware that women are trafficked. Men come here and offer women jobs. They rush to that, but you never see them again. Some say I was with X but the person then disappears in a car. Women are attracted by a man who invites them to go with them. The security is aware of this. So if you want to go with a man, you need to be released from the books.*<sup>205</sup>

This was echoed by another staff member: "Sometimes guys come here and want the girls to go out. They promise them jobs and then rape them. So that's why the gates close at 7 p.m and security officers ask women where they are going and for what purpose."<sup>206</sup> In particular, staff members were concerned about a disabled woman who goes out with these men and returns with comments such as "I am only crippled in the legs."<sup>207</sup> This is particularly worrisome, as girls and women who have been abused or raped, may be vulnerable to further SGBV, including trafficking.

It is also important to note that this shelter has one room for girls referred by SCUK SAP. Given the traumatic experiences that many of the resident adult women have faced, stakeholders do not feel that it is appropriate for them to be living with girls who have not experienced such trauma.<sup>208</sup> The absence of any shelter specifically catering for girls was raised as a serious issue of concern. One stakeholder identified a 15-year-old pregnant girl who could not find shelter.<sup>209</sup> As girls are particularly vulnerable to being trafficked, the absence of any shelter for young female migrants is a significant gap. It encourages the transactional relationships described above, whereby girls and women engage in sexual intercourse with a man in exchange for food and shelter.<sup>210</sup>

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<sup>203</sup> Interviews with FBO practitioners, Musina, 1 August, 12 August and 13 August 2009.

<sup>204</sup> Ibid.

<sup>205</sup> Interview with FBO practitioner, Musina, 1 August 2009.

<sup>206</sup> Interview with FBO practitioner, Musina, 13 August 2009.

<sup>207</sup> Ibid.

<sup>208</sup> Interview with FBO practitioner, Musina, 13 August 2009; interview with INGO, Musina, 13 August 2009.

<sup>209</sup> Interview with INGO practitioner, Musina, 3 August 2009.

<sup>210</sup> Ibid.

Male migrants receive shelter at “I believe in Jesus”,<sup>211</sup> which has capacity for 350 male migrants as set by the municipality. At this shelter, men can sleep overnight on mattresses; they receive an evening meal; and have access to showers and toilets. Concerns were raised about the placement of this shelter as members of the local community have voiced some complaints about hygiene and sanitary conditions on site. The pastor of this shelter is currently seeking funding to replace the broken fence that surrounds the site with a brick wall. He hopes that this will pacify the local community.

In Beitbridge, shelter is provided to vulnerable adults and child migrants by IOM and SCN respectively. Prior to the regularization of Zimbabwean migrants’ legal status in South Africa, IOM provided transport, food, logistics and overnight shelter to migrants who were deported from South Africa.<sup>212</sup> SCN still provides shelter to children who would like to leave South Africa and return home. The centre caters for 40 children, but at times the staff was overwhelmed by the numbers. Children can stay for one or two nights, but if all is in order they are moved and reunited with their families on the day that they arrived with the assistance of IOM’s mini bus. Since SCN Zimbabwe started operating in July 2006, they assisted 8,000 children. At the peak of deportation, they were assisting 200 children per month. At the moment, they help approximately 30 children per month.<sup>213</sup>

In Beitbridge, stakeholders raised concerns about the absence of a shelter for vulnerable women, who have tried to cross the border but have been raped and are now stranded in Beitbridge. Furthermore, a nurse at the Family Support Trust located at the hospital in Beitbridge raised concerns about children in the local community who have been raped by their fathers or relatives, but have nowhere to go. Some of the matrons give them accommodation at their own homes, but many may decide to runaway and use river crossings into South Africa.<sup>214</sup> The ZRP VNP is not able to provide shelter to victims and complained about not having the transportation and resources needed to take them to another shelter.<sup>215</sup> The main issue of concern raised by stakeholders in Zimbabwe is that INGOs may start to downgrade their activities, and that local institutions and NGOs do not have the capacity to provide shelter and assistance to victims of violence, exploitation and trafficking.<sup>216</sup>

## 5.5 Return and reintegration

SCUK staff described a number of challenges that they encounter when trying to return children to their guardians. Some children do not want to be returned to their parents. “They believe that they have failed their parents or fallen short of their parent’s expectations. They do not want to face their parents, maybe because they have nothing to show for their time in South Africa. Others do not want to go home where the family is harassing them or not loving them. Life may be tough here but it is better than going home.”<sup>217</sup> The nurse at the Family Support Trust in Beitbridge stated: “Maybe there was no

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<sup>211</sup> Interview with pastor, Musina, 1 August 2009.

<sup>212</sup> Interview with INGO practitioners, Beitbridge, 4 August 2009.

<sup>213</sup> Interview with INGO practitioners, Beitbridge, 4 August 2009.

<sup>214</sup> Interview with nurse, Beitbridge, 5 August 2009.

<sup>215</sup> Interview with law enforcement official, Beitbridge, 4 August 2009.

<sup>216</sup> Interview with government official, Beitbridge, 4 August 2009.

<sup>217</sup> Interview with INGO practitioner, Musina, 3 August 2009.

food. Maybe a frail grandmother back home. This is why some run away and don't want to go back. Some tell lies about where they come from. They divert you and then try and get away."<sup>218</sup> Some parents do not want to take them back because they sent them to South Africa to find work or a better life.

There are a number of logistical challenges encountered in this process of return and reintegration related to a shortage of vehicles and manpower, as well as difficulties locating caregivers in South Africa or Zimbabwe. Staff need to ask for second or third preferences from the child. INGOs also find it difficult to verify kin-related claims.<sup>219</sup> For instance, in an interview with a boy living in a shelter, the child stated that he had located his brother who has offered to put money into his bank account so that he could join him in Cape Town. He is very frustrated that staff members have not permitted him to go and join his brother.<sup>220</sup>

Stakeholders in Beitbridge were concerned about the absence of pre- and post-placement assessments. In terms of pre-placement assessments, it is held that verification is generally done on the telephone, which is open to abuse. SCN Zimbabwe states that it does home visits to determine whether the placement is suitable for the child, but this is often hindered by transportation problems, particularly since they only have one vehicle, and children originate from all over Zimbabwe. This vehicle is also used for follow-up visits to evaluate the situation of the child and to link children up with service providers in their local communities.<sup>221</sup> IOM donated a vehicle to the Department of Social Welfare in Beitbridge, but it was appropriated for other provincial purposes.<sup>222</sup>

## 5.6 Prevention

On 8-9 July 2009, UNICEF, IOM and UNHCR facilitated a workshop in Musina to address child smuggling and possible child trafficking between Zimbabwe and South Africa. The plan of action listed the following annotated activities:

- *establishment of local task team and develop terms of reference;*
- *government and civil society to play a monitoring role;*
- *engage with Malaishas;*
- *seek ways to regulate the operation of the malaisha;*
- *lobby the government;*
- *develop a resource directory;*
- *agree on target groups and activities;*
- *develop protocol/procedures, referral pathway;*
- *engage with government officials in Zimbabwe.*<sup>223</sup>

The workshop report notes that overall responsibility for these activities in South Africa fall the National Task Team against Human Trafficking headed by the National Prosecuting

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<sup>218</sup> Interview with nurse, Beitbridge, 4 August 2009.

<sup>219</sup> Interview with INGO practitioner, Musina, 3 August 2009.

<sup>220</sup> Interview with migrant child, Musina, 13 August 2009.

<sup>221</sup> Interview with INGO practitioner, Beitbridge, 4 August 2009.

<sup>222</sup> Interview with social worker, Beitbridge, 4 August 2009.

<sup>223</sup> Minutes of the workshop to address child smuggling and possible child trafficking, 8-9 July 2009, Musina Municipality, organized by UNICEF, UNHCR and IOM.

Authority (NPA) under the Sexual Offences and Community Affairs Unit. It has established a Provincial Task Team, which held its first meeting on 28 July 2009. A local task team will be established in due course, to be headed by the NPA. The Task Force is in the process of developing a National Action Plan focusing on prevention, victim support and response, to be implemented before 2010.<sup>224</sup> One of the challenges of this task team will be to coordinate what at the moment appear to be disjointed and ad hoc efforts in the area of prevention.

IOM staff from Pretoria has provided training on human trafficking at national and provincial levels to which local officials from Musina were invited. From July 2008 to March 2009, training was conducted by IOM in partnership with NPA, for the EU Funded Programme “Assistance to the South African Government to Prevent and React to Human Trafficking.”<sup>225</sup> IOM’s offices in Beitbridge and Musina facilitated workshops in 2008 targeting DSD, DOH, DHA, DOL, NPA and SAPS on how to protect the rights of migrants. In terms of training, representatives from SAPS and DHA stated that IOM in Musina should “pass on their knowledge to the police”<sup>226</sup> on trafficking-related issues. Neither of the two respondents from SAPS and DHA had ever been trained on how to respond to trafficking. The representative from the SAPS VEP has received training on victim empowerment, SGBV and safer schools, but not on trafficking.<sup>227</sup>

**Table: IOM Training on Human Trafficking in Limpopo Region, July 2008-March 2009<sup>228</sup>**

<b>Date</b>	<b>Location</b>	<b>Target</b>	<b>Number of participants</b>
28-30 July 2008	Polokwane	Provincial Government: DSD and NGO Service Providers	36
1-3 September 2008	Polokwane	Law Enforcement Officials from NPA, DSO, DHA and SAPS (Organized Crime Unit)	33
16-18 October 2008	Beitbridge, Zimbabwe	Law Enforcement Officials from NPA, DSO, DHA and SAPS (Organized Crime Unit)	30
18-19 September 2008	Nelspruit/ Limpopo	DOH: Government nurses from inner cities, casualty and forensic nurses, urban and border locations	30
13 October 2008	Beitbridge	DHA Border Officials	21
14 October 2008	Beitbridge	DHA Border Officials	13

<sup>224</sup> Ibid.

<sup>225</sup> IOM (2009) “Trainings on human trafficking: July ’08-March ’09. Limpopo Region”.

<sup>226</sup> Interview with government official, Musina, 14 August 2009.

<sup>227</sup> Interview with law enforcement official, Musina, 13 August 2009.

<sup>228</sup> Conducted in partnership with NPA, for the EU Funded Programme “Assistance to the South African Government to Prevent and React to Human Trafficking”.

22 January 2009	Limpopo Province	DOL including Labour Inspectors, Team Leaders and Inspectors	26
<b>Total</b>			<b>189</b>

SCUK SAP, LHR, DSD, and SAPS with funding from UNICEF are in the process of establishing a Children’s Desk at the border. Stakeholders are currently discussing its structure and proximity to the border. The Border Control Operational Coordinating Committee states that the Children’s Desk cannot be established at the entry point, but must be at least 2 km away. This matter is under discussion.<sup>229</sup>

This Children’s Desk will provide advice and legal support to children on the move, and thereby act as a means of information-sharing and awareness-raising, as well as assist officers to identify and refer cases of trafficking. Its specific activities will include:

- attending to individual children;
- outreach to reach vulnerable children when crossing illegally;
- providing guidance, advice and counselling when required;
- dissemination of an information booklet on safe passage;
- registration of children and determining what support they require;
- referral to interim care;
- protection, awareness, guidance and counselling; and
- referral services such as medical, legal, counselling and other protection support.<sup>230</sup>

SCUK SAP is currently focusing their activities on the shelter, the farms, the border and the streets. Through its outreach work it seeks to learn more about the situation of children to inform programming responses. Registration officers register children who have no documents, and with the assistance of DSD and paralegals, obtain asylum permits for children so as to ensure their safe movement and enhance their protection against abuse, exploitation and trafficking.<sup>231</sup>

Staff from the URC Women’s shelter received training from People Opposing Women Abuse (POWA) on how to assist SGBV survivors. This training touched on the issue of trafficking.<sup>232</sup>

MSF in Musina has embarked on their first attempts to raise awareness of SGBV and HIV. Staff members have visited five farms, reaching approximately 200 workers. Using dramatic skits they emphasize the importance of visiting clinics as soon as possible. They do not focus on the issue of trafficking, although it has emerged in some discussions as an issue of concern.<sup>233</sup>

<sup>229</sup> Selected interviews with practitioners, Musina, August 2009; see also Minutes of the workshop to address child smuggling and possible child trafficking, 8-9 July 2009, Musina Municipality, organized by UNICEF, UNHCR and IOM.

<sup>230</sup> Minutes of the workshop to address child smuggling and possible child trafficking, 8-9 July 2009, Musina Municipality, organized by UNICEF, UNHCR and IOM.

<sup>231</sup> Interview with INGO practitioners, Musina, 6 August 2009.

<sup>232</sup> Interview with FBO practitioners, Musina, 1 August 2009.

<sup>233</sup> Interview with INGO practitioners, Musina, 3 August 2009.

UNHCR have daily briefings at shelters and the asylum seeking site informing people about how to protect themselves. They also engage with the police around the issue of violence faced by migrants.<sup>234</sup>

The Department of Social Welfare in Zimbabwe is trying to raise awareness of issues pertaining to human trafficking.<sup>235</sup> Child welfare activists include child trafficking as a component of their child rights awareness campaigns at the village level, which involve child protection committee members and children themselves. In schools, child-led workshops focus on child rights and child protection, which according to the Social Welfare Officer, includes a component on trafficking. This initiative is coordinated by DSW and funded by stakeholders such as SCN Zimbabwe, World Vision, the Family Support Trust, MSF, Red Cross and others. Social workers were trained by IOM in Beitbridge on issues related to trafficking and smuggling since 2007. The Social Welfare Officer called for a refresher course that focuses less on definitions, and includes more information sharing and practical measures to be followed when encountering a case of trafficking.<sup>236</sup>

The District Administrators office commended the efforts that IOM has made in raising the awareness of migrants around the dangers of travelling without the correct documents.<sup>237</sup> IOM's eight information disseminators in Beitbridge are currently carrying out an SGBV campaign that also addresses the issue of human trafficking. They feel that it is necessary to design a new phase that includes the use of opinion leaders at community level to raise awareness of human trafficking. They also believe that more interventions need to be developed in the schools.<sup>238</sup>

SCN Zimbabwe held a workshop with approximately 20 Malaisha in 2008. This workshop focused on child protection and child welfare issues. This organization is also trying to create awareness in the community about the dangers of illegal entry points into South Africa, and the importance of children crossing legally. They are currently holding stakeholder meetings to link children with NGOs, because they believe that the main reason why children are going to South Africa is because their basic social needs have not been fulfilled.<sup>239</sup>

MSF in Beitbridge have sought to raise the awareness of migrants about SGBV, trafficking and the dangers of smuggling. They inform migrants that they have a right to seek assistance from the police if they have been trafficked into South Africa, regardless of their legal status.<sup>240</sup>

Despite these efforts, most of the respondents' recommendations centred on awareness-raising in the vernacular at the community level. It was suggested that these campaigns should target, on the one hand, villages alongside the border, and on the other hand, more inland, rural and outlying areas in Zimbabwe. A nurse in Beitbridge said: "We need massive awareness-raising not only in the towns, but also in the rural areas where there is poverty,

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<sup>234</sup> Interview with INGO practitioners, Musina, 13 August 2009.

<sup>235</sup> Interview with social worker, Beitbridge, 4 August 2009.

<sup>236</sup> Ibid.

<sup>237</sup> Interview with government official, Beitbridge, 4 August 2009.

<sup>238</sup> Focus group discussions with INGO practitioners, Beitbridge, 4-5 August 2009.

<sup>239</sup> Interview with INGO practitioner, Beitbridge, 5 August 2009.

<sup>240</sup> Focus group discussion with INGO practitioners, Beitbridge, 4 August 2009.

granny-headed households and child-headed households. Awareness is the key.”<sup>241</sup> Awareness campaigns should also target schools, as a social worker in Zimbabwe stated: “We need more and more awareness campaigns in schools where children are told not to accept offers and love proposals from strangers especially those who want to transport them out of the country, especially when they do not know what happens from there. Those who have faced trafficking must come into the public. It will be a learning lesson for others.”<sup>242</sup> In border towns like Beitbridge and Musina, it was held that the awareness-raising must be contextually-specific: it should include reference to the “bad routes”, the Magumagumas and the agencies to visit (not just call) when faced with violence, exploitation or trafficking.<sup>243</sup>

The FIFA World Cup football tournament to be held in South Africa in 2010 was raised as a concern by many actors. It is reported that it will lead to an increase in prostitution, some of which “will come voluntarily, or otherwise...”<sup>244</sup> A stakeholder stated that it will lead to false offers of employment: “Everyone has 2010 fever. We can foresee a situation where people are offered jobs in South Africa, only to make the people work as sex workers.”<sup>245</sup> A female farm worker stated that people will accept false offers of transport to the games: “If someone says we will take you to the games, trafficking will start. So they should give vehicles for people to go to the games.”<sup>246</sup> Some were worried about protection issues for children and the number of children who would like to go to the games either as spectators or for piece work, alone or with adults. A farm manager attended a Farmers Union meeting where this issue was discussed.<sup>247</sup>

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<sup>241</sup> Interview with nurse, Beitbridge, 4 August 2009.

<sup>242</sup> Interview with social worker, Beitbridge, 4 August 2009.

<sup>243</sup> Interviews and focus group discussions with key informants, Beitbridge and Musina, August 2009.

<sup>244</sup> Interview with farm manager, Musina, 6 August 2009.

<sup>245</sup> Interview with FBO practitioner, Musina, 31 July 2009.

<sup>246</sup> Interview with farm worker, Musina, 2 August 2009.

<sup>247</sup> Interview with farm manager, Musina, 6 August 2009.

## CHAPTER 6: Health Risks Associated with Trafficking in Persons

Health risks emerged as a cross-cutting concern in this assessment. The assessment found that suspected trafficking victims are vulnerable to the following health-related concerns: sexual and reproductive health problems, STIs including HIV; physical trauma; psychosocial and mental health problems; malnutrition and limited access to adequate health care. There were other health concerns that were also highlighted as risk factors that enhance people's vulnerability to trafficking.

### 6.1 Origin or pre-departure phase

Available research indicates that most trafficked persons are exposed to health risks before, during and even after the trafficking experience. In the pre-departure phase, certain mental and physical health factors place individuals at risk of being trafficked. This could well be a result of complex social and macro-level factors such as poverty, high socio-economic inequalities, poor educational access, poor nutrition and a general lack of knowledge and health information about their own bodies, sexual and reproductive systems, HIV infection, among others. Chapter 4 described some of the risk factors that were identified by respondents. Health risks emerged as a cross-cutting theme in this assessment. The assessment found that suspected trafficking victims are vulnerable to the following health related concerns: sexual and reproductive health problems including STIs/HIV; physical trauma; mental health problems; malnutrition and limited access to adequate health care. Health concerns also emerged as risk factors that enhance people's vulnerability to trafficking.

It is useful to refer to the IOM report, *Breaking the Cycle of Vulnerability* (2006) which describes the effect of physical and mental health on people's vulnerability to trafficking. For instance, a history of domestic violence, child abuse and incest will impact on a person's state of mind, such that they become more vulnerable to this context. The trauma induced by a trafficking experience may induce or exacerbate mental health problems which manifests in post-traumatic stress disorder, depression and anxiety, psychoses, severe and behavioural disorders, suicidal behaviour and other severe mental health problems. Practitioners have noted altered behaviours such as agitation, inability to sleep or concentrate, confused speech, withdrawal, self-neglect and self-harm among victims of trafficking. This chapter will describe some of the physical and mental health factors that emerged as significant in the following phases of the trafficking cycle: pre-departure, transit/travel, destination and integration/reintegration. It will also address victim's access to medical care. It is important to note that in addition to some specific cases of trafficking that have been discussed in depth in Chapter 4 this chapter will look at some of the broader health issues related to irregular migration.

In the origin or pre-departure phase, certain mental and physical health factors place individuals at risk of being trafficked. This is informed by the social context and macro-level factors such as poverty, high socio-economic inequalities, poor educational access, poor

nutrition and lack of information about HIV. Chapter 4 described some of the risk factors that were identified by respondents. This includes the political and socio-economic situation in Zimbabwe, porous borders, the visa regime, the prevalence of criminal networks and a culture of violence, constructions of gender and childhood. These factors have an effect upon interpersonal relationships. For instance, reference was made to gender-based violence and maltreatment at the hands of step-parents. Peers and siblings exercised a high level of influence over migrants' decisions to migrate. These macro-level factors and interpersonal relationships have an effect upon migrants' health-related behaviour. Frequent reference was made to hunger and poor nutrition as a factor behind the decision to leave Zimbabwe. No pre-existing health conditions such as malaria or tuberculosis were mentioned. Little detailed information was provided by the respondents about histories of abuse and violence in their homes of origin, although a 16-year-old boy stated that his stepmother had attempted to poison him and that is why he chose to run away to South Africa.

A 23-year-old woman described a case of unwanted pregnancy that motivated her decision to migrate to South Africa. She fell pregnant when she was at school (Form 5/ Grade 11). As she was too scared to inform her mother about the pregnancy, her elder sisters gave her money (R1,400) to run away to South Africa, where she intended to find employment. She crossed into South Africa via a non-official crossing point, and paid R300 to South African soldiers manning the point to gain access into the country. She was travelling with another girl. The girls received a lift to the women's shelter but as it was dark, they could not find the entrance. A man lied about the directions, walked with them and whistled to his friends. The two girls were then raped by multiple men. They found refuge in a neighbouring house and then went to the women's shelter the next day. The respondent states that she is not interested in people who promise jobs in Johannesburg, as she has learnt from experience never to trust anyone. She plans to work to get money so she can return home to face her family.<sup>248</sup>

## **6.2 Transit/transportation phase**

As was argued earlier in Section 4 and 5 of the report, many children, men and women are subject to both physical and sexual violence while in transit to South Africa. In addition to being raped by multiple men, women reported being sexually assaulted with an object. Key informants also stated that boys and men are sexually assaulted, or forced to rape women. Some are exposed to high-risk border crossings and arrest. They are concealed during the transportation process and in some cases are kept confined to a particular site, under threat of physical violence.<sup>249</sup>

The migrants expressed a wide range of emotions in relation to the violence that they had experienced during the transit phase. Some were angry with the Malaisha, Magumagumas and the police for perpetrating, aiding and abetting the crime, or just permitting the violence to continue. Some were more complacent and described a sense of apathy in relation to the violence. They explained that this has become a reality that they have been forced to cope with. According to a law enforcement officer, many continue on their

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<sup>248</sup> Interview with migrant, Musina, 14 August 2009.

<sup>249</sup> Interviews with key informants, Musina and Beitbridge, July-August 2009.

journey within days of having been raped or physically assaulted. He explained: “They are not like us. They have to get on with things to survive.”<sup>250</sup>

Key informants stated that girls and women who are raped while in transit on their way to South Africa often seek assistance from MSF and the Family Support Trust in Beitbridge. Many are too ashamed to return home pregnant. As there are few shelters for these women, many are vulnerable to being abused, exploited or trafficked.<sup>251</sup> The following case study shows how women who are raped feel ashamed, isolated and helpless. They do not know where to turn for support. Many would like abortions but wait too long to report their cases.

A 26-year-old woman from Zimbabwe left for Johannesburg as an economic migrant in September 2008 after her husband passed away. She left her child with her parents. Upon arrival in Johannesburg, she slept in an open area as she could not find shelter. She was raped that night by a stranger. She feared that if she reported the incident to the police, she would be arrested and deported to Zimbabwe. Now pregnant, she managed to get temporary employment as a housemaid, for which she received sufficient funds to travel to Musina. She chose Musina as she was afraid to return to Zimbabwe while pregnant, as she had left another child with her already burdened parents. When she arrived in Musina, she was issued with an asylum permit by the DHA. She also approached MSF, as she intended to have an abortion, but she was informed that the procedure could not be performed as the baby was already fully developed in the womb. MSF also referred her to the women’s shelter. She bore a baby girl whom she loves, despite her bad experience with the baby’s father. Her greatest needs are employment, food, soap and baby formula. She does not intend to return to Zimbabwe soon as she still cannot face her parents and disclose what has happened to her. She says that she would travel with someone who makes an offer of employment in Johannesburg, but only if the matron of the shelter approves of the arrangement.<sup>252</sup>

Key informants raised concerns about women and girls who try to migrate when they are pregnant or carrying young infants.<sup>253</sup> It is held that many have miscarriages in transit or the infants die en route from malnutrition or from exposure to the elements. Farm managers raised concerns about women and girls dumping their newborn babies before arriving at the farms, as they fear that they will not receive employment with a baby in tow.<sup>254</sup>

Respondents were very concerned about malnutrition among migrants arriving at the farms and in Musina.<sup>255</sup> Many have walked and hitchhiked for days without food provisions. Some state that they pack adequate food supplies, but these are taken from them by the Magumagumas.<sup>256</sup> The report described cases of children and adults being held captive en route and at their destination point, without adequate food and nutrition (See Section 4.6.2). Additional health conditions that were raised among migrants in transit were malaria

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<sup>250</sup> Interview with law enforcement official, Musina, 7 August 2009.

<sup>251</sup> Focus group with INGO practitioners and nurse, Beitbridge, 4-6 August 2009.

<sup>252</sup> Interview with migrant, Musina, 14 August 2009.

<sup>253</sup> Interview with law enforcement official, Musina, 14 August 2009.

<sup>254</sup> Interview with farm manager, Musina, 3 August 2009.

<sup>255</sup> Interviews and focus group discussions with migrants and key informants, Musina, July-August 2009.

<sup>256</sup> Focus group discussion with migrants, Musina, 1 August 2009.

and cholera. Furthermore, anecdotal reference was made to migrants who were swept away by the river or eaten by crocodiles when trying to cross into South Africa.

### **6.3 Destination phase**

When they arrive at the destination point, trafficked victims are subject to various forms of exploitation. Many are physically and sexually abused, and may even be forced to consume alcohol and other substances. Despite these experiences, many find it difficult to access adequate health care in South Africa.

#### **6.3.1 Physical health problems**

Section 4.4.2 described labour exploitation experienced by children and adults who have migrated from Zimbabwe to South Africa. It includes reference to workers who are denied access to safe and healthy working conditions; those who are subject to physical abuse and other threats; and others who are not paid adequately. This has led to physical injuries and in some cases, longer-term disabilities. A number of violence-related injuries were described, including bruises from physical beatings, superficial cuts induced by blades, glass bottles and other objects, stab-wounds caused by knives, *pangas* and other weapons, burns and other injuries.<sup>257</sup> These conditions are likely to have a significant effect on both their physical and mental well-being.

#### **6.3.2 Sexual and reproductive health problems**

Sexual and gender-based violence at the destination point may lead some migrant women to fall pregnant, which in turn often leads them to become destitute and subsequently places them at risk of being trafficked internally within South Africa. Given the absence of adequate shelter facilities for girls, many engage in transactional relationships with men for food and accommodation. However, when the girls fall pregnant, these relationships break down and girls are abandoned and left destitute.<sup>258</sup> For instance, a key informant stated that a 16-year-old Zimbabwean girl moved into the house of a man living in a location in Musina. When she fell pregnant he forced her to leave, and now she is working at the dumping site with her infant.<sup>259</sup> With reference to the farms, a key informant stated that once girls fall pregnant they are dismissed or lose their accommodation with foremen or other male workers. These women may be at risk of being trafficked, because they desperately seek food and accommodation for themselves and their children.<sup>260</sup>

The report also found two cases as reported by IOM Beitbridge where girls had fallen pregnant after they had been trafficked for the purposes of sexual exploitation (see pg. 32). The first case involved a 17-year-old girl who was taken to Pretoria in December 2005 and then managed to runaway after she fell pregnant in February 2006. She was identified by IOM while in the hospital upon the referral of DOH. She gave birth to the child on 7

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<sup>257</sup> Interviews with key informants, Musina and Beitbridge, July-August 2009.

<sup>258</sup> Interview with INGO practitioner, Musina, 3 August 2009.

<sup>259</sup> Interview with NGO practitioner, Musina, 3 August 2009.

<sup>260</sup> Interview with paralegal, Musina, 3 August 2009.

September 2006, before being repatriated back to Zimbabwe with IOM's assistance.<sup>261</sup> The second case involved a woman who went to work as a babysitter for a driver in Durban, but on arrival was held captive, denied food and raped. She was made to leave when it was discovered that she was pregnant. She tried to obtain maintenance from the driver to no avail.<sup>262</sup>

The two accounts of trafficking for sexual exploitation (prostitution and pornography), as described in Section 4.3.1., include reference to diseases that the girls returned with and in one case, reportedly died from. As one sex worker stated: "She came back and died, from some disease... in her private parts."<sup>263</sup> The woman who was deceived by a pastor while travelling with him to Johannesburg where he physically abused, raped and extorted money from her, was very concerned that she had received a disease or HIV from him: "I am worried that I have HIV or diseases from sex with him."<sup>264</sup> Although she has already been tested for HIV, she was concerned that a second test would find her to be positive.

In terms of sex workers who are at risk of being trafficked, many stated that they are more concerned about STIs than HIV, the former being more visible.<sup>265</sup> The sex workers stated that men become very violent when they find that they have an STI. They do, however, seem to be less concerned about HIV. Many even offer the women more money to have sex without using a condom. Another girl complained: "When wearing condoms, they pretend but at the end they tear off the tip."<sup>266</sup> A young prostitute stated that when she heard that a new client had HIV she turned him down, but was then forcibly raped: "Someone told me that he is HIV positive. I told him I was afraid, so he started beating me in the bush. He told me it is his job to take girls and have naked sex... Now if I meet him, I run away."<sup>267</sup>

#### **6.3.4 Limited access to health care**

Limited access to health care at the destination point was raised as a concern. Stakeholders were concerned about migrants' ability to access health services at the hospital in Musina. It was held that they are charged fees because the clerks (and their computers) are not able to classify them adequately in accordance with salary scale and other categories such as pensioner, student, etc. NGOs such as MSF are currently advocating for the DOH to develop a clear policy on this issue.<sup>268</sup>

Victims of SGBV (which include victims of trafficking) also face difficulties accessing these services. If rape victims go directly to the hospital, they are sent away to obtain a police report, before doctors are willing to see them. They are required to give a statement to the police and obtain a case number.<sup>269</sup> This leads to delays, leading some not to disclose that they have been raped, so that they can obtain medical assistance quickly. If they do not

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<sup>261</sup> IOM Beitbridge, Case Report, 2006.

<sup>262</sup> IOM Beitbridge, Case Report, 2007.

<sup>263</sup> Interview with sex worker, Beitbridge, 4 August 2009.

<sup>264</sup> Interview with migrant, Musina, 1 August 2009.

<sup>265</sup> Focus group discussions with sex workers, Beitbridge, 4-5 August 2009.

<sup>266</sup> Focus group discussions with sex workers, Beitbridge, 4-5 August 2009.

<sup>267</sup> Focus group discussions with sex workers, Beitbridge, 4-5 August 2009.

<sup>268</sup> Interview with INGO practitioners and paralegals, Musina, August 2009.

<sup>269</sup> Interview with law enforcement official, Musina, 13 August 2009.

report it to the police immediately and wait longer than 72 hours, it is too late to administer rape kits. Victims need immediate care after sexual assault through post-exposure prophylaxis to prevent HIV, STIs, hepatitis and pregnancy. HIV prevention treatment and emergency contraception needs to start within 72 hours and five days respectively.<sup>270</sup> It is held that some police officers refuse to open rape reports if the victims cannot identify their assailants; this causes further delays in their attempts to obtain medical treatment.<sup>271</sup>

Officers from the VEP of the SAPS try to accompany rape victims to the hospital.<sup>272</sup> They complained that rape victims are not given priority, but are forced to stand in lengthy queues with everyone else. If a police person from this unit is present when the woman who has been raped goes to the hospital, she often feels this leads to stigma and feelings of shame: “When we take victims to hospital, we must stand in a queue with them. The community knows well that this means that they have been raped. Women don’t feel comfortable standing for one or two hours. When they have been raped they have a complex, so they think everyone knows something. They feel ashamed. They should be given first preference instead of standing in a queue.”<sup>273</sup>

MSF offer curative services and counselling for victims of SGBV. It provides immediate medical assistance and psychosocial counselling through mobile units which currently visit five farms as well as the shelters. It also has a more permanent medical clinic (tent) at the site of the DHA reception centre. The mobile clinic includes a counsellor, nurse and health assistant and offers diagnostic services, including rapid testing for HIV, syphilis and malaria. Samples are sent away to laboratories for TB, cholera and dysentery.<sup>274</sup>

In terms of additional sources of health care, El Shaddir, a faith-based organization<sup>275</sup>, has made provisions to provide immediate assistance, for instance to migrants with burn wounds. They offer 12 beds to patients who need shelter while they heal.<sup>276</sup> Some of the farms visited in this study have their own clinics and nurses, but generally when medical problems arise, transportation is provided to the hospital in Musina.<sup>277</sup>

In Beitbridge, officers from the VEP complained that although the Family Support Trust based at the hospital is able to provide immediate assistance to victims of violence, they often have to wait lengthy periods of time to be seen by a doctor who is in surgery or absent. Doctors need to complete the Medical Report Form, which is used as evidence in court.<sup>278</sup>

The Family Support Trust in Beitbridge collects demographic data, offers counselling and access to a doctor for medical examinations.<sup>279</sup> All services are free as it is sponsored by UNICEF undertaken in partnership with the government’s Department of Health. Girls can

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<sup>270</sup> Focus group with INGO health practitioners, Musina, 3 August 2009.

<sup>271</sup> Interview with paralegal, Musina, 14 August 2009.

<sup>272</sup> Interview with law enforcement official, Musina, 13 August 2009.

<sup>273</sup> Ibid.

<sup>274</sup> Focus group with INGO health practitioners, Musina, 3 August 2009.

<sup>275</sup> This faith-based organization currently provides meals to migrants.

<sup>276</sup> Interview with FBO practitioner, Musina, 31 September 2009.

<sup>277</sup> Interviews with farm managers, Musina, July-August 2009.

<sup>278</sup> Interview with law enforcement official, Beitbridge, 4 August 2009.

<sup>279</sup> Interview with nurse, Beitbridge, 4 August 2009.

take pregnancy tests and have vaginal swabs for micro-sensitivity to test for STIs. If they come in within 72 hours following a rape, rape kits are used including PEP. The nurse did, however, state that most victims do not arrive within 72 hours because they are in the process of travelling from South Africa. Follow-up is also difficult because these women are in transit. Nurses try to encourage them to return for a second test or refer them to the nearest clinic, or their sister clinics in Mutare and Harare. This is, however, a challenge as most are on the move:

*The main challenge is that as a nurse, we want to know how the child is doing but as the child is in transit, it [sic] is lost. You won't see the child again. At times children come in the afternoon and say that they are leaving tomorrow. This is a problem when the doctor who is based in the hospital may be in theatre for the day. We need more days to work with them.*<sup>280</sup>

MSF Zimbabwe started operations in Beitbridge in February 2009. They have a fixed clinic that provides primary health care from 4 p.m. to 10 p.m. They have also started two other mobile clinics in Latumba (20 km outside of Beitbridge, along Harare Road) and one behind the Total Garage in Beitbridge. Health care is only provided to the most vulnerable as determined through a screening activity: sick migrants, sex workers, and orphans and vulnerable children. Victims of sexual violence receive medical care including STI treatment, treatment of wounds, emergency contraceptives, PEP, counselling and follow-up. Community outreach by MSF has also provided a link for vulnerable persons to medical care.<sup>281</sup>

#### **6.4 Reception, integration and reintegration phases**

IOM's report (2006) notes that trafficking victims experience anxiety, depression, isolation, aggressive feelings, self-stigmatization or perceived stigmatization through others. They may adopt negative coping behaviour such as drinking and drug use, or find it difficult to communicate with sources of support.

Although one cannot generalize about the effects of the traumatic experiences that many have faced, there is evidence to suggest that experiences of violence will have a negative effect on migrants' sense of self-esteem and in turn, their behaviour in relation to others.<sup>282</sup> For instance, a social worker attributed the bullying and displays of aggression among the boys at the URC and SC SAP shelters to their acting out the violence that they themselves experienced in transit to South Africa.<sup>283</sup> No reference was made to addiction or alcoholism. In terms of coping mechanisms, some respondents state that victims engage in criminal behaviour or prostitution; this is not simply a source of income but is a means by which they can build their self-efficacy – their sense of power and control over their lives. According to a key informant in Beitbridge: "They are violated emotionally, then physically. They are distressed as they have no shelter and no-where to go. They are left in the bush and don't know where they are. Their coping mechanism is to adopt another way of life-like

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<sup>280</sup> Ibid.

<sup>281</sup> Focus group discussion with INGO practitioners, Beitbridge, 5 August 2009.

<sup>282</sup> Focus group discussion with INGO practitioners, Beitbridge, 5 August 2009.

<sup>283</sup> Interview with social worker, Musina, 3 August 2009.

prostitution or become thieves. It's the only way that they feel human and get people to notice them again."<sup>284</sup> Once again, it is important not to generalize about the coping strategies adopted by migrants; however, it is important to note the extent of the distress that many migrants experience in contexts characterized by high levels of violence (IOM, 2008).

Another key informant in Beitbridge stated: "Any victim of violence is traumatized. One cannot say that one is more traumatized than others but these people are alone."<sup>285</sup> As argued above, this sense of isolation and helplessness is aggravated by the absence of adequate shelter for girls in Musina, and women victims of violence in Beitbridge. Many are too ashamed to return home for fear of being rejected or ostracized in the community. As a representative from the SAPS VEP stated: "When they have been raped, they have a complex, so they think everyone knows something. They feel ashamed."<sup>286</sup> Some are too scared to return home for fear of being physically punished for a "misdeed" or "failure" on their part. For instance, the Zambian girl who it was suspected, had been trafficked to South Africa ran away from SCUK SAP's offices, when they tried to contact her parents in May 2009, because she was worried that she would be beaten by her father.<sup>287</sup> These factors contribute to a victim's sense of isolation, hopelessness and despair, and make it difficult for them to develop new relationships or disengage from negative and abusive relationships (IOM, 2008).

For instance, the woman who travelled to Johannesburg with a person claiming to be a pastor kept repeating: "I want to ask the guy face to face why he disturbed my life."<sup>288</sup> After being beaten, raped and held virtually captive, this woman purchased a rope and threatened to commit suicide. Despite the anger that she expressed towards this man, she continued to exhibit signs of dependency on him. During the interview, she received messages and phone calls from him, which she complained about, but still read and responded to (See Section 4.3.4).

Many victims of SGBV do not trust people who try to assist them. They may refuse to disclose the trauma that they have faced (IOM, 2008). For instance, a 26-year-old woman who was living at the Roman Catholic Church in Musina for a year was raped by three men on her way back to the shelter. As she feared that the matter would not be handled confidentially, she did not disclose her ordeal to anyone for six days, but all the while, cried when she was alone and worried about herself. Six days after the incident, MSF social workers came to the shelter to perform awareness campaigns, and it is after this discussion that she privately approached one of the staff who then assisted her medically and with counselling. She also requested to be moved to the women's shelter.<sup>289</sup>

This fear of disclosure is exacerbated by stories of people being deceived into coming forward and then being arrested or deported. According to a key informant at a church shelter in Musina: "There are a lot of stories about people being forced or told lies at the

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<sup>284</sup> Interview with nurse, Beitbridge, 4 August 2009.

<sup>285</sup> Focus group discussion with INGO practitioners, Beitbridge, 5 August 2009.

<sup>286</sup> Interview with law enforcement official, Musina, 13 August 2009.

<sup>287</sup> Interview with INGO practitioner, Musina, 6 August 2009.

<sup>288</sup> Interview with migrant, Musina, 1 August 2009.

<sup>289</sup> Interview with migrant, Musina, 14 August 2009.

moment, so they do not trust us. We need to build a relationship and then they will speak to us.”<sup>290</sup> A key informant in Beitbridge stated that Malaisha are fuelling these rumours: “They are told before not to trust or talk to anyone. So it takes time to gain their trust, before you can give them a message.”<sup>291</sup> As a result, many fabricate the truth out of fear and do not open up to psychosocial counselling. A nurse in Beitbridge stated: “The problem is that when you talk to clients, they talk to you but leave out some information. Information comes out when you talk to different people.”<sup>292</sup>

According to this nurse, many victims of violence exhibit different signs of distress: “Some do not want to talk. They are withdrawn. This is contributed [*sic*] by thinking that they will be sent back home.”<sup>293</sup> As was argued earlier on in this report, many children do not want to be repatriated back to their homes (See Section 5.6). As a result, in addition to the possibly traumatizing experiences that they may face, some deliberately do not disclose the whereabouts of where they live. As the IOM report (2006: 24) notes, “problems are complicated if the person returns to an abusive family context...”

Hence, although more research is needed on health concerns related to trafficking and irregular migration more generally, the findings suggest that migrants face a number of physical and health problems in pre-departure, transit/transportation, destination and assessment, reintegration and integration phases. These problems place them at risk of being trafficked, but are also an outcome of being trafficked.

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<sup>290</sup> Interview with FBO practitioner, Musina, 31 July 2009.

<sup>291</sup> Interview with INGO practitioner, Beitbridge, 5 August 2009.

<sup>292</sup> Interview with nurse, Beitbridge, 4 August 2009.

<sup>293</sup> Interview with nurse, Beitbridge, 4 August 2009.

## Conclusion and Recommendations

This rapid assessment sought to “understand and lay the groundwork for responses to the vulnerabilities and characteristics of trafficking in the Musina border area of South Africa”.<sup>294</sup> The assessment identified cases involving trafficking for the following purposes: sexual exploitation; sexual slavery; labour exploitation; sale of illegal substances; forced criminal activity; extortion and other forms of exploitation. These findings need to be treated with caution given the fact that respondents used the terms kidnapping, smuggling and trafficking interchangeably. Furthermore, it is difficult to determine whether exploitation is the final outcome, as Musina tends to be a source or destination city. Many of these cases are based on hearsay or anecdotal accounts; therefore, it is difficult to derive definitive conclusions about the incidence and prevalence of human trafficking. Bearing in mind this cautionary note, the findings suggest that trafficking does occur in Musina and that protection programmes need to be strengthened to respond more effectively to this violation of human rights.

Three cases were discussed that reveal how difficult it is to distinguish trafficking, kidnapping and smuggling. Most respondents argue that people are smuggled “voluntarily” into South Africa but en route become victims of violence. However, a number of accounts suggest that this notion of “voluntary” needs to be questioned as many migrants decide to enter South Africa or travel with a particular person, on the basis of false promises of safe entry, transportation and employment. Furthermore, even if the migrants claim to have made the decision voluntarily, they themselves may not be aware that they are being trafficked, until they reach their destination point and are subject to exploitation. When people go missing it is difficult to determine whether they have been kidnapped or trafficked, or used for another purpose.

In terms of trafficking for sexual exploitation, the assessment found two specific documented cases, and one that was recounted anecdotally. Three cases of trafficking for the purposes of slavery at the destination point were also found, where women and girls were transported to a place where they were kept as virtual prisoners and subjected to physical assault and rape. In addition, numerous cases of this happening to women and girls en route in a house in Zimbabwe (known as Makakvhuele) and in Nancefield (the location in Musina), were also found. The research found that the victims of this SGBV are more likely to engage in prostitution as a survival strategy, and may in turn be more vulnerable to trafficking. In terms of prostitution, the findings suggest that most women and girls are not physically coerced or deceived into entering prostitution, but do so to survive. This decision is made in contexts where transactional sex is common and perceived as “normal”. It is often made under the influence of peers and other sex workers. While these women and girls are not victims of trafficking they are at great risk, particularly since they travel with their clients (mainly truck drivers) into South Africa, where some have been dropped and

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<sup>294</sup> IOM (2009) *Terms of Reference – Research Consultant: Rapid Assessment of Human Trafficking and Related Health Concerns at the Musina Border*, Pretoria.

abused, and others reported missing. The findings suggest that sexual exploitation may take another dimension whereby men may be exploiting the handouts and shelter that Zimbabwean women receive. It may appear on the outside to be an intimate relationship, but the women themselves describe deception, fear and a sense of being used and manipulated.

In terms of trafficking for labour exploitation, the respondents provided a number of cases of people who have been deceived about a job offer and then simply dropped – leaving them stranded without money. Although they may not have been trafficked, these people are vulnerable to exploitation and trafficking. There was only one case involving trafficking for labour exploitation, although some key informants stated that this does occur. Exploitation seemed to be more prevalent. As the research was conducted on large commercial farms, it was difficult to find information about trafficking and exploitation, which allegedly is being perpetrated by private, smaller farm owners who are not subject to the same stringent codes of conduct and inspections. On the large farms, workers tend to come on their own accord, or are brought by friends and relatives. Farmers also state that workers are free to leave (and many do) if they believe that they are being exploited. Children were not found to be working on these commercial farms. With this in mind, two cases of children being exploited on farms were reported by key informants, although it was difficult to identify the farms in question.

Reports of sexual exploitation on the farms were also provided, whereby women are promised jobs and accommodation but on arrival at the farm find that the only way that they can find shelter is by having sexual intercourse and becoming the “wife” of a male labourer. This was described as a “normal” state of affairs and a survival strategy for women, which in their opinion, is not tantamount to exploitation. This would only constitute trafficking if the person who deceived the woman had an intention to turn her into his own “sex slave” or accepted payment from another man for this purpose. No evidence of this practice was found.

The assessment also found one reference to children being forced to travel into South Africa to sell cigarettes; one case of a boy being forced to sell narcotic drugs; and a man being forced to engage in criminal activity in Johannesburg, all at the instruction of the people who facilitated their transportation and movement. These cases suggest that trafficking in persons overlaps with trafficking in goods and substances, and other criminal activity.

An issue that was raised as a concern was the influx of “unaccompanied” minors into South Africa. Despite this label, many are accompanied by adults, some of whom are relatives or pretend to be relatives, or are Malaisha. The assessment found two cases of children being taken from South Africa to Zimbabwe, which were initially classified as kidnapping cases by police officers. As has been argued, it is difficult to distinguish between kidnapping and trafficking as the intention of the perpetrator is not known. The assessment also found at least five cases of unaccompanied minors who were taken into South Africa by Malaisha or people pretending to be relatives. These cases were intercepted by the police or by NGOs because they looked particularly suspicious. Key informants are concerned that the transportation of these minors poses high risks for children who could easily be abused, exploited and trafficked. In fact, the researcher was informed of three cases of children who were kept confined in a house upon arrival at their destination, and held to “ransom” or

forced to work, so that they or their relatives could pay back the debt incurred (unknowingly) on their journey.

The assessment outlined some of the health concerns described by key informants. It was argued that people who face certain physical and mental health problems are vulnerable to being trafficked. Furthermore, during the transit/transportation and destination phases, key informants stated that trafficked persons face a number of health problems including physical trauma, negative psychosocial reactions, malnutrition, sexual and reproductive health problems and limited access to health care. More research is needed on this issue.

### **Evidence-based policy and practice**

The assessment found that there is a protection system in place in Musina to support undocumented Zimbabwean adults and children in terms of shelter, food and medical assistance. However, there are a number of gaps in this system and it is not adequately geared to combat human trafficking and provide assistance to victims.

#### **Identification**

In terms of identification, although some training has been provided, on the whole SAPS officers and frontline workers in DSD and NGOs identified the need for more training and refresher training on how to employ gender and child-sensitive techniques to identify cases of human trafficking.

Service providers such as school teachers, social workers and health practitioners who are in contact with children, should be trained on how to identify, report and refer children who are at risk of being trafficked and/or those who have been trafficked. Service providers and other community-based actors who interact with children should be subject to background protection checks, and should receive general child rights training. Child Protection Codes of conduct should be developed, signed and amount to a precondition for employment. Allegations of abuse at the hands of these actors should be investigated and be accompanied by immediate dismissal and other punitive action.

The government's relationships with community members such as traditional leaders, local leaders, church leaders, women's groups, etc., should be strengthened so that these actors can assist in the identification of cases of trafficking. This will require a mapping of stakeholders at the local level, community-level dialogue, training and a targeted awareness-raising campaign.

People themselves should be empowered through capacity-building to identify cases of trafficking so that they are able to identify and report on situations that they may feel are risky or constitute trafficking.

#### **Referral**

I/NGOs and other civil society actors should be legally required to report cases of trafficking to law enforcement officials and the DSD. In terms of the referral process, an inter-agency

and inter-departmental standard operating procedure needs to be developed that does not bypass the statutory power of DSD and the role of the SAPS. An institution or agency needs to be identified that will take responsibility for referring, coordinating and monitoring the response to particular cases of suspected trafficking. This referral protocol should feed into a broader regional referral protocol involving both state and non-state actors.

### **Investigation and prosecution**

Investigation and prosecution is being hindered by an overall perception that the SAPS are not fulfilling their duties. This has a negative effect on reporting patterns. Efforts need to be made to overcome the challenges faced by the SAPS related to logistics, resources and jurisdiction through decentralization, employment of trained personnel and cross-border collaboration. Agencies should lobby for the prosecution and incarceration of perpetrators of violence and corruption. Formal registration and questioning by law enforcement authorities of victims of trafficking must be short and appropriate to their age and gender. It must be followed by immediate referral to social welfare services, without transferring the victim to a closed “isolation and observation centre”. In the case of children, further interviewing and documentation necessary for the inquiry should be done only with the consent of the child and his/her parent or appointed temporary guardian.

Immigration and law enforcement officials should receive training on gender-sensitive interviewing techniques. Allegations of sexual harassment and sexual exploitation at the hands of these officials should be investigated and followed with punitive action. Emphasis should be placed on transparency, accountability and rule of law. More efforts should be made to improve the profile of law enforcement officials, so that civil society actors would be willing to report cases of trafficking to them.

Anonymous reporting could be enabled through professional hotlines, based on specific questioning, recording and counselling standards. Formal referral and inquiry would then only take place when the person is willing to officially come forward. There should also be a greater incentive for victims to report their cases in terms of a stipend, shelter and security. For instance, victims should be entitled to witness protection.

### **Assistance**

Shelter for suspected victims of trafficking is a significant gap. Minimum standards such as the “Standard Operating Procedures” developed by IOM, should be disseminated on the basic facilities and services that are available to victims in shelters.<sup>295</sup> These Standard Operating Procedures and the “Caring for Trafficked Persons” guidelines address security and personal safety issues, referral, cooperation with law enforcement agencies, communication and data management, research, documentaries and the media.

The VEP needs to be expanded to accommodate more victims and more trained personnel. The URC Women’s shelter needs support in terms of income-generation and other “self-development/empowerment” activities for victims of SGBV. Its capacity in terms of space,

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<sup>295</sup> IOM, “Victims Assistance Standard Operating Procedures”, Southern African Counter Trafficking Assistance Programme (SACTAP).

resources and training needs to be increased. The location of this shelter needs to be reviewed, since the victims' identity cannot remain confidential, and their safety and security is potentially under threat by men (and women) from the surrounding community. Furthermore, the absence of shelter for migrant girls is an enormous gap in this protection system, bearing in mind young girls' vulnerability to abuse, exploitation and trafficking. For many, transactional sexual relationships are the means by which they can find shelter and food. Similarly, in Beitbridge the absence of a shelter for women victims of SGBV is enhancing their vulnerability to repeated abuse, exploitation and trafficking. The capacity of the government, NGOs and CBOs needs to be strengthened.

With regard to accessing medical assistance, victims of sexual and gender based violence, which also include victims of trafficking, are often denied access to health care due to bureaucracy and the absence of clear procedures and protocols that should prioritize their free and immediate medical treatment and confidentiality. An advocacy strategy around the health rights of migrant women needs to be devised. Health care professionals should be trained on how to provide timely, gender-sensitive and child-friendly assistance to victims of trafficking, exploitation and SGBV-related crimes. This training should include a component on documentation and reporting so that evidence can be captured and recorded adequately. Health care professionals should share these records with law enforcement officials within an allotted time frame, to assist with the investigation and prosecution process, if the victim agrees to this information being shared and wants to take his/her case forward.

### **Return and reintegration**

In terms of return and reintegration, the challenges encountered by INGOs in assisting migrants should be considered as lessons when developing protocols for the return and reintegration of victims of trafficking. Time and resources should be invested in pre- and post-placement assessments, so that victims are not returned to homes that they purposefully ran away from, or in the case of children, to parents who purposefully sent them away.

Victim's needs and wants need to be considered when designing individualized assistance activities for them. All efforts including capacity building should revolve around participation, in order to ensure that children and adult victims are consulted. All institutions and NGOs should practice the principle of non-discrimination: all victims regardless of ethnicity, nationality, legal status and gender should be legally entitled to receive assistance.

A regional referral system needs to be developed to ensure that victims' rights are not violated when they are repatriated home. This referral system should involve collaborative efforts by state and non-state actors working in similar ministries across borders. Bilateral agreements will need to be set up to facilitate this process. I/NGOs should also find collaborative partners in neighbouring countries, especially in border areas. Clear procedures need to be established on how this is to be undertaken, and what preparation and follow-up is needed by all actors to ensure that the process is not prolonged and does not lead to further trauma for the victim. Transit centres should be equipped and subsidized to provide for lengthy delays in this tracing, return and reintegration process.

## **Prevention**

Despite training workshops and awareness-raising campaigns on SGBV, more work needs to be done specifically on the issue of trafficking. Instead of separate disjointed campaigns, there should be greater inter-agency coordination around the messages that are relayed to migrants and the reporting/referral protocols that are displayed. Awareness-raising campaigns should be targeted to each audience (at risk persons, community members, potential traffickers, etc.). They should employ clear, succinct and locally grounded messages, which are presented in the vernacular.

One of the most effective ways of developing and testing messages and activities is to involve representatives of target groups. In order to be more effective and get their messages across, interventions should move beyond poster campaigns to include activities that community members can design and participate in.

The media should play a greater role in these awareness-raising campaigns; this will require training of journalists in relation to issues such as confidentiality, and ongoing monitoring on reporting patterns. Given the sensitivity, stigma and lack of understanding that may be associated with the words “trafficking” and “exploitation”, campaigners should gauge whether it is appropriate or sensible to even use the word “trafficking” in communities where it may not be understood or seen as relevant. Local terms and phrases will be more appropriate and effective in terms of changing behaviour.

Awareness-raising campaigns should focus not only on definitions of trafficking but should actively equip communities, parents and children with practical advice on how to report suspected cases of trafficking, and how to ensure their own safety and security in risky circumstances etc. Adults and children should be empowered to protect themselves and make informed decisions. They should be taught not only about their rights but also their responsibilities to themselves, their families and communities. This should be included in broader awareness-raising on human rights and an attitude of zero tolerance to all forms of abuse, SGBV and exploitation.

## **Training**

Although training has been provided by INGOs in the area of counter trafficking, concerns were raised about the content, length and inclusivity of these training workshops. Training modules should be adapted to the Musina context, both in terms of language, actual examples and referral protocols. Training should not be conducted in a one-off fashion but there should be ongoing refresher training for service providers every 3-6 months. Training on counter-trafficking responses should also be included in the curriculum of service providers including members of the judiciary, law enforcement officials, immigration officers, health practitioners, social workers etc. In order to ensure that the training reaches more people at the county level, emphasis should be directed to training of trainers, who should be equipped with the skills, handouts, resources and materials to run follow-up workshops with their colleagues in border areas and outlying communities.

## **Migrants at risk**

Interventions should be targeted at children and adults who may be at risk of being trafficked. Although they should focus on the specific needs of individual victims, holistic

approaches are needed that involve the victim, his or her family and the wider community. These should rest on a systems model of protection, whereby trafficking is seen a cross-cutting issue that is either causally related or linked with other protection risks.

### **Coordination**

These interventions will require high levels of collaboration and communication between a range of state and non-state actors. Impact and sustainability will depend largely on the extent to which officials show a clear commitment to these issues as affirmed at a legal and policy level, and in the allocation of resources. In addition, it will depend upon the extent to which the community can exercise some ownership over these programmes, in terms of their design, implementation and monitoring and evaluation.

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