Exploring police methods and challenges of identifying human trafficking activities in the City of Tshwane Metropolitan Municipality, South Africa

Rescar Chauke (a) Puleng Mtotalekgosi (b) * Puleng Mtotalekgosi (c)

(a) PhD Candidate, Department of Safety and Security Management, Tshwane University of Technology, 2 Aubrey Matlala Street, Soshanguve South Campus, 0512, Pretoria, South Africa
(b) Senior Lecturer, Department of Safety and Security Management, Tshwane University of Technology, 2 Aubrey Matlala Street, Soshanguve South Campus, 0512, Pretoria, South Africa
(c) Professor and African Research Chair for the Campus and School Public Safety, Department of Safety and Security Management, Tshwane University of Technology, 2 Aubrey Matlala Street, Soshanguve South Campus, 0512, Pretoria, South Africa

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ABSTRACT

This article explored police methods and challenges in the identification of human trafficking activities by the South African Police Service (SAPS). A qualitative research method was employed in this study that used semi-structured interviews to collect data. Participants were sourced from three key stakeholder groups: (1) the SAPS (Headquarters), (2) Sunnyside Community Service Centre, and (3) Directorate for Priority Crime Investigation (DPCI) officials with expertise related to human trafficking. This sample comprised 15 participants and a purposive sampling procedure was adopted. The study found that there are various methods of identifying human trafficking identified by the SAPS in the City of Tshwane Metropolitan Municipality (CTMM). Furthermore, the findings highlighted that human trafficking has a national dimension despite that trafficking could occur within the same province or policing area. However, it remains a concern that policing methods to reduce the scourge are not effectively implemented hence an increased rate of human trafficking not only in the CTMM policing area but in many parts of South Africa. It was also found that in the process of identifying human trafficking activities, the SAPS is often faced with various challenges that may be linked to ineffective implementation of methods of identifying human trafficking activities.

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Introduction

Human trafficking is an ancient and global crime against humanity that brought about international challenges in areas of human rights, security, and health (Amahazion, 2015; Zimmerman & Kiss, 2017). It diminishes victims’ sense of purpose, right to existence, and meaningful contribution to life and livelihoods. Society continues to struggle with a plethora of ills such as poverty, hunger, a fragile environment, widespread discrimination, and war, which are pull factors that facilitate the scourge of human trafficking. Whether through criminal justice processes, communities, or homes structures to curb the scourge, fundamental human rights are denied by perpetrators who seem to be in control of the displacement of many victims affected by this act of cowardice and thus also brought increased global concerns (Bello, 2015; Davy, 2016; Motseki, 2022a, 2022b, 2022c, 2021a, 2021b; Motseki & Mofokeng, 2022). Despite its negative social, health, and legal consequences and the list of human rights violations getting longer, human trafficking is a growing business for criminal organizations (Wheaton, Schauer, & Galli, 2010). While human trafficking has attracted considerable public and political concern in recent years, this phenomenon is not new (Mofokeng & Olutola, 2014; Shelley, 2010).

* Corresponding author. ORCID ID: 0000-0003-1290-9732
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It has been described as a diverse form of trade that is as old as trade itself, even though there is great diversity in what is trafficked, what trade is prohibited, and by whom over time (Andreas, 1998). South Africa is one of the countries in Southern Africa that is a key destination and, to a lesser extent, a country of origin and transit for women and children to be trafficked, particularly in Gauteng, and exploit them in sex trafficking locally and in urban centers, such as Johannesburg, Cape Town, Durban, and Bloemfontein and this has been reported over the past five years. It is astonishing and a cause for concern that not only does the South African Police Service (SAPS) make no mention of human trafficking in its 2020/2021 annual crime statistics report, but Statistics South Africa’s (2022) report on the Governance, Public Safety, and Justice Survey is also silent on human trafficking. It comes as no surprise that the US Department of State (2022a) contends that South Africa does not fully meet the minimum standards for the elimination of trafficking.

It cannot be business as usual when there are consistent media reports on human trafficking (Pijoos, 2022; Ngwenya, Sitole, & Tsewu, 2022; Stoltz, 2022). However, it is encouraging that South Africa is making strides in the fight against human trafficking through the conviction and sentencing of traffickers to substantial terms of imprisonment. It is also a milestone that South Africa identified 83 trafficking victims, compared with 16 victims in the previous reporting period (US Department of State, 2022a). This means that 67 more victims were identified during the current reporting period. This huge margin increase could be attributed to factors such as improved identification methods and/or an increased rate of human trafficking.

It is against the foregoing backdrop that this study sought to explore police methods of identifying human trafficking activities in the City of Tshwane Metropolitan Municipality (CTMM) policing area in an attempt to determine whether trafficking identification methods are effective and what the challenges experienced thereof are. This study aims address the following research questions: 1). What are police methods and challenges of identifying human trafficking activities in the City of Tshwane Metropolitan Municipality (CTMM) policing area? 2) What is the effectiveness of the trafficking identification methods applied by the SAPS and the HAWKS in the CTMM?

A qualitative research method was employed in this study that used semi-structured interviews to collect data. Participants were sourced from three key stakeholder groups: (1) the SAPS (Headquarters), (2) Sunnyside Community Service Centre, and (3) Directorate for Priority Crime Investigation (DPCI) officials with expertise related to human trafficking. This sample comprised 15 participants. Purposive non-probability and snowball sampling techniques were adopted for this study. The collected data were analyzed using thematic analysis. An interpretive phenomenological approach was also utilized. The interviews with the participants were transcribed verbatim, and all notes taken during the interviews were typed up.

This paper is organized as follows: following the introduction part, a second part is a literature review with theoretical and empirical studies that shed light on linkage between theory and practice. The third part introduces the background information on research and methodology. After findings and discussions of the study, authors finally concludes with key points, recommendations and limitations.

**Literature Review**

The purpose of this study’s review is to gain an understanding of the current state of knowledge about the police methods and challenges of identifying human trafficking activities (du Plooy-Cilliers, 2014). It summarises claims that have emerged from prior research efforts in respect of human trafficking in general. First, a brief theoretical framework and conceptual background is presented. This is followed by an empirical review with a focus of the historical snippet of human trafficking in South Africa, South Africa as a regional human trafficking hub and conclude this section with trafficking victim identification.

**Theoretical and Conceptual Background**

Although there are differing opinions as to what constitute a theory, a comparison and contrast of the diversity of opinions on what constitute the virtues of a good theory is important. De Vos, Strydom, Fouché, & Delport (2011) define theory as a set of interrelated hypothesis, concepts, constructs, definitions and propositions that present a systematic view of phenomena based on facts and observations, with the purpose of explaining and predicting the phenomena. Rychlak (1968) posits that the four functions of a theory are (a) descriptive, (b) delimiting, (c) generative, and (d) integrative.

The theoretical framework underpinning this study is rational choice theory. Therorists, who support the rational choice perspective, speak in terms of “opportunity”, “benefits” and “costs” when discussing the offender’s decision to commit a crime (Motseki, 2018; Motseki & Mofokeng, 2022). Van Der Westhuizen (1998), states that a human being consider certain options, pros and cons, and then chooses, in a rational way, the action which holds the maximum benefit. The individual considers, in this way, only the consequences his/her actions will have for him/her and does not necessarily think how these actions will affect other people (Motseki & Mofokeng, 2022). Cornish and Clarke (2014) cited in Motseki and Mofokeng (2022), posit that if crimes are the result of rational choices, based on the anticipated cost and benefits, criminal behaviour becomes more crime-specific.
These authors argue that more attention should be paid to the criminal event itself as well as the background or historical and situational factors that influence its commission. This supposes that the decision-making process can be affected by various factors of which situational factors (poverty, unemployment, poor economies and social circumstances) are the most important part of the process in deciding to commit crime. All things considered, it extremely evident that perpetrating wrongdoing depends on the discerning decision of the person. There are causes and contributing factors that lead to women and children to be casualties of human trafficking. It is the perspective on the researchers that it is a decision of human traffickers to draw the powerless individuals to human trafficking and it is likewise the decision to a specific degree that people become casualties of human trafficking. Factors, for example, neediness, joblessness, poor economies, political hazards, and absence of chances make women and children to be helpless against human trafficking.

**Empirical Review**

*Historical snippet of human trafficking in South Africa*

Although Mofokeng and Olutola (2014) argue that human trafficking-related cases in South Africa are difficult to measure in terms of statistics, this phenomenon has a history. There is evidential documentation of human slavery between the 26th and 19th centuries in South Africa. Many such documents could be traced to the 16th century, especially with the establishment of a Fort and refreshment station in the Western Cape by Dutch settlers, for their ships on the way to East Indies (Mountain, 2005). Subsequently, the Dutch settlers were able to establish a colony in the Western Cape, partly arising from finding protection in the Western Cape due to its weather conditions, but mainly because they were able to establish a trading station for their vessels. The need for human labour to assist with, or work on their vessels, led to a period of massive importation of slaves from Asia, Europe, and some parts of Africa to South Africa (Mollema, 2013).

Over time, the Cape Colony became famous for slave importation and slave ownership, for exploitation into various forms of business activities including shoemaking, cloth-making, furniture-making, and farming (Martins, 2019). The slaves were often treated in a range of dehumanising manners, including whipping, denial of food for several hours, maiming and amputation of hands. Slave owners had the privilege to inflict injuries on erring or stubborn slaves. Slavery was finally abolished in the Republic of South Africa in 1838, which led to the freedom of 38,427 slaves in the Cape colony (Bijsterbosch & Fourie, 2020; Badenhorst, 2020).

A simple reflection and scrutiny of this historical snippet may be interpreted as activities that are tantamount to human trafficking in today’s terms. The only difference is there was no clear-cut documentation of incidences of human trafficking that characterised the period between the 16th and 17th century in the Western and Eastern Cape (Bello, 2015) until 1810. The only known incidence of human trafficking in earlier South Africa occurred in 1810, shortly before the abolition of slavery. It was the case of a South African lady – Saartjie Baartman – a 21-year-old servant who, in search of a better life, consented to travel to London with Dr. William Dunlop (Masake & Limage, 2021). Unfortunately, she was treated in a gruesome and dehumanising manner. She was show-cased or presented in the nude before crowds in London who paid one shilling each to gawk at the Hottentot Venus from Africa (Martens, Pieczkowski & Vuuren-Smyth 2003; Mollema, 2013).

Eventually, trying to survive on her own when all hope was lost in the face of financial constraints, and linguistic and cultural barriers, she turned to prostitution. She died six years after leaving the shores of Cape Town. Martens, Pieczkowski & Vuuren-Smyth (2003), account that her body was dissected, her skeleton was removed and her brain and genitals were pickled and displayed as curiosities in the Musée de l’Homme in Paris for the next 160 years. The tragic experience of this young lady is a brief reflection of the grave experiences of several South Africans and indeed African women and children in the hands of human traffickers, centuries ago. However, slavery in South Africa has transformed over time into what is popularly referred to in modern times as human trafficking (Bello, 2015). Though human trafficking is different from slavery, it still contains some structural practices similar to slavery. One such practice is reflected in the high demand for the human commodity to be sold for profit-making on one hand, and the factors that compel the migration of persons from the rural to urban centres and from outside the Republic into South Africa, mainly for prostitution and spectrums of other dehumanising economic activities on the other (Bello, 2015).

*SOUTH AFRICA AS A REGIONAL HUMAN TRAFFICKING HUB*

Adding to the high volume of trafficking in human cargo, especially for prostitution, that took the centre stage in South Africa, Anti-Slavery International (ASI) reported the incidence of trafficking of several Mozambican children into South Africa to be used as what Vines (1991) referred to as sex chattels. Victims of human trafficking in South Africa were mostly women and children from several parts of Africa and beyond (Molo Songolo, 2000; Martens, Pieczkowski & Vuuren-Smyth 2003). South Africa serves as a major hub for the trafficking business. The interception of foreign nationals by Love Justice International teams is evident to the fact that South Africa remains a major hub for human trafficking in the African region. Two Namibian females were intercepted en route to South Africa to meet an Instagram friend. Two Zimbabwean boys were intercepted while planning to travel to South Africa for work (Love Justice International, 2021). There is a considerable amount of factors that are responsible for the majority of these criminal activities in the Republic of South Africa.

Until recently, the Republic of South Africa had the largest economy in Africa (BBC Business News, 2019). It provides an enabling environment and markets for the services of trafficked persons on regional and extra-regional levels (Rossi, 2003). South Africa is a
regional powerhouse in the Southern African axis and the second powerhouse following Nigeria, at the continental level. It's Gross Domestic Product (GDP) is four times greater than its Southern counterparts.

The various crises that ravaged the African continent, such as conflicts, cataclysms, insurrections, poverty, hunger, unemployment, kidnapping, terrorism, amongst others, are dominant in the continent and serve as major factors that make South Africa a magnet that attracts migration flows both from the Southern African Development Community (SADC) and from other African countries (Kreston 2007). Schwarz et al. (2016) identifies poverty, lack of education, English language limitations, LGBTQ status, gender inequality, addiction, housing insecurity or homelessness, political unrest or war, and early childhood trauma or abuse as common human trafficking risk factors that push people toward trafficking. Consequently, traffickers in South Africa and from other parts of Africa and beyond, see the aforementioned challenges as a viable opportunity to exploit the vulnerability of people from crises-ridden countries for the available sex industry, plantations, and cheap labour in industries. In the context of this paper, vulnerability refers to a condition resulting from how individuals negatively experience the complex interaction of social, cultural, economic, political and environmental factors that create the context for their communities.

South Africa in the post-apartheid era serves as a source, transit, and destination country for human trafficking (US Department of State, 2013, 2014 & 2015; UNESCO, 2007). According to Adepoju (2005), trafficking in women and children for sexual exploitation is a simmering problem in Southern Africa, especially in Lesotho, Mozambique, Malawi, South Africa, and Zambia. Though trafficking routes are complicated and complex in recent times, South Africa continues to serve as a major hub for both internal and external trafficking. South Africa is a signatory to several UN Conventions including the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children which supplements the UN Convention Against Transnational Organised Crime (UN, 2000). It must be stated at this stage that this international instrument is the foundation upon which state signatories build their national legal framework to criminalise human trafficking.

To give effect to this international instrument, South Africa ultimately promulgated the Prevention and Combating of Trafficking in Persons Act 7 of 2013. This is indeed a single statute that addresses human trafficking holistically and a comprehensive legislative document to combat human trafficking in South Africa from a criminal justice perspective (Bello, 2015; Mofokeng & Olutola, 2014). It must be noted that before the promulgation of Act 7 of 2013, chapter 18 of the Children’s Act 38 of 2005 was utilised to criminalise human trade directly or indirectly in South Africa. According to Kruger and Oosthuizen (2012), this law doesn’t adequately deal with the problem of human trafficking and doesn’t fully define trafficking, and never empowered police and prosecutors.

The promulgation of Act 7 of 2013 saw a change in how human trafficking must be handled in South Africa and this could be seen from the following inter alia objectives of this Act:

i. to provide for an offence of trafficking in persons and other offences associated with trafficking in persons;
ii. to provide for measures to protect and assist victims of trafficking in persons;
iii. to provide for the coordinated implementation, application and administration of this Act; and
iv. to prevent and combat the trafficking in persons within or across the borders of the Republic (South Africa, 2013).

Trafficking victim identification

The foregoing objectives of Act 7 of 2013 form the basis on which the police must deal with human trafficking as a criminal act. In other words, This Act gives the police powers to identify the victims of trafficking, and investigate and arrest any persons suspected to be perpetrators of human trafficking. This study focuses on the identification methods and would therefore delimit itself to the identification responsibilities of the police. This is consistent with Elliott (2009) assertion that trafficking is the kind of crime that places some responsibility on third parties concerning victim identification, the police. Law enforcement agencies often struggle with the identification and classification of human trafficking as a crime that is presumably more hidden than other crimes that the police routinely deal with, such as property crime, robbery and assault, and other common crimes (Farrell et al., 2019). According to the International Organisation for Migration (IOM) (2020), victim identification comprises all the processes undertaken to assess whether a person or a group of persons are victims of trafficking and are not merely irregular migrants, smuggled migrants, or persons involved in other cases. Elliott (2009); Clawson and Dutch (2008) agree that the identification of victims of trafficking is commonly difficult because victims often do not identify themselves, making the role of the third party, the police, even more vital to take active steps. It is for this reason that McAdam (2013) notes that the identification responsibility requires police officials to have the capacity to ensure that the rights and dignity of migrants are respected.

It is against the foregoing backdrop that we contend that victim identification activity is the most important and initial step of the process of combating human trafficking. It is therefore important that it must be handled with the utmost caution by people with the necessary and appropriate skills. It is certainly not desirable that the police would fail to identify victims of trafficking and consequently arrest, charge them with crimes such as illegal migration and prostitution and ultimately prosecute, deport or imprison them. This, could in turn, perpetuates the lack of trust between victims and law enforcement (IOM, 2020:14). In this regard, the US Department of State (2022b) outlines the following non-exhaustive list of the possible red flags that could alert police and other role players in identifying victims of trafficking: living with the employer, poor living conditions, multiple people in cramped space,
inability to speak to individual alone, answers appear to be scripted and rehearsed, the employer is holding identity documents, signs of physical abuse, submissive or fearful, unpaid or paid very little, under 18 and in prostitution.

As can be seen from the foregoing list, it may not be as easy to identify victims of trafficking and would require special skills. Mofokeng and Olutola (2014) have found that one of the main contributing factors in the criminal justice is a lack of understanding of human trafficking as a crime among police, prosecutors, and other key stakeholders. This could mean that human trafficking in South Africa would often go unrecognised, or possibly, be reduced to a mere lesser crime. It is not surprising that the US Department of State (2022b) has found that agencies responsible for identifying, referring, and certifying trafficking victims lacked coordination, resulting in victims being unable to access emergency services. Law enforcement continued to lack the necessary training to avoid victim re-traumatization.

It is therefore important that the police dealing with human trafficking must be trained to acquire a certain level of specialised skills. This will equip them with knowledge and understanding that the identification of victims of trafficking is done for specific reasons including but not limited to ensuring victims are rescued; receiving timely protection and assistance; restoring victims’ rights; disrupting the trafficking process and preventing the exploitation of individuals; and prosecuting the perpetrators (IOM, 2020). According to the International Association of Chiefs of Police (IACP), (2018), the police commonly depend on victims to provide critical information about the criminal event or enterprise, the crime perpetrators, and the facts surrounding their victimisation. This information is necessary to develop intelligence, establish probable cause, and ultimately solve crimes and protect others from future victimisation. Key to the successful identification of victims of trafficking is the methods used to do so. This means that methods used by law enforcement to identify trafficking victims are dependent on interaction with suspected victims. This makes a requisite of specialised skills for the identification of victims of trafficking even more crucial.

IOM (2020) offers mechanisms that can be used to identify victims of trafficking including reactive, proactive, and disruptive methods. The reactive method refers to situations where the victim directly reports the trafficking case or is identified through other means, for example, through other routine law enforcement activities such as patrol. The proactive method is an intelligence-generated or police-led approach. The disruptive method is a multi-agency alternative approach that is generally used in the process of stopping trafficking and other criminal activities.

Research and Methodology

This study employed a qualitative research approach that used semi-structured interviews to collect data. This enabled the collection of thick and in-depth data from the participants, given their years of experience and expertise in their current occupations. The qualitative research approach allows participants to express their personal feelings and in-depth experiences of the phenomenon at hand (Fischer & Guzel, 2022; Ahmadin, 2022). Eight males and seven females participated, who had between five and 30 years of experience in their current positions. Purposive non-probability and snowball sampling techniques were adopted for this study. The study targeted participants from three key stakeholder groups: (1) the SAPS (Headquarters), (2) the Sunnyside Community Services Centre (Police Station), and (3) the Directorate for Priority Crime Investigation (DPCI) (Hawks), as officials with expertise related to human trafficking. The sample consisted of 15 participants, whereby five participants were recruited from each key stakeholder group.

Before the interview sessions began, verbal informed consent was obtained from the participants, and they were informed of their right to opt out at any time should they feel like doing so. The interviews were audio recorded and transcribed, and lasted between 20 and 40 minutes. All the sessions were conducted in English and follow-up questions were asked as deemed necessary. To ensure consistency, an interview schedule was used to guide the interview process for all groups. Fieldnotes were made during the interviews and the authors monitored the wellbeing of the participants due to the sensitive nature of the topic. The interview questions focused on the following topics: the concept of human trafficking, methods of identifying human trafficking activities, as well as challenges faced by law enforcement in identifying human trafficking victims.

Data Analysis

The collected data were analyzed using thematic analysis. An interpretive phenomenological approach was also utilized. The interviews with the participants were transcribed verbatim, and all notes taken during the interviews were typed up.

Findings and Discussions

Findings

As a point of departure, it was deemed important to provide context to the objective of this study by asking participants to define the concept of human trafficking. This also helped to determine the level of understanding of the crime itself by law enforcement officers in the CTMM. Participants were divided into three groups. Group 1 consisted of 5 members from the SAPS headquarters, group 2 consisted of 5 members from the SAPS Sunnyside Community Service Centre, and group 3 consisted of 5 members from the Directorate for Priority Crime Investigation (DPCI) also known as the Hawks.

To ensure anonymity, participants were individually interviewed and identified in numbers with no particular order as follows:

...
Saps Headquarters
- Participant 1
- Participant 2
- Participant 3
- Participant 4
- Participant 5

Sunnyside Community Services Centre
- Participant 6
- Participant 7
- Participant 8
- Participant 9
- Participant 10

Directorate For Priority Crimes Investigation (Hawks)
- Participant 11
- Participant 12
- Participant 13
- Participant 14
- Participant 15

The following three themes emerged from this study:

**Emerging Theme 1: Definition of human trafficking.**

According to (Motseki & Mofokeng, 2022), human trafficking is a complex concept and phenomenon that needs to be further explained and defined for comprehensive understanding. The concept is often used interchangeably to imply human smuggling, prostitution, slavery, and illegal migration (Bello, 2015). It is through the definition of the concept of human trafficking that the authors were able to comprehend the elements of the crime associated with human trafficking according to the participants’ responses within the area of this study. This theme was brought up to establish whether police officers within the area of study did understand what human trafficking is. The United Nations (UN) (2000), defines human trafficking as the recruitment, transportation, transfer, harbouring, or receipt of persons, through the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or 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 exploitation. Based on this definitions, the participants’ responses were captured below.

**Group 1 (SAPS Headquarters)**

Participants were asked to provide their understanding of the term human trafficking. All the participants responded positively. They indicated that human trafficking involves recruiting, transporting, transferring, exchanging, selling, and receiving another person within or across the borders of the Republic using threat or harm for sexual exploitation, forced labour, and various forms of servitude.

This group further revealed that human trafficking victims are illegally smuggled out of their countries based on promises of better jobs and better living, but eventually are captured and used against their will. Responses provided by respondents during interviews are as follows:

*The term means human smuggling from one country to the other to do a certain task and one is benefiting or remunerated for taking or transporting the said human illegally – (Participant 1)*

*Human trafficking is the trade of humans for the purpose of forced labour, sexual slavery or commercial sexual exploitation for the trafficked – (Participant 2).*

*Human trafficking deals with recruitment, transportation and exploitation of victims. Victims are given false promises (e.g jobs, or any other offer) but eventually are captured. These captured victims are used for prostitution and cheap labour – (Participant 3).*

*Unlawful taking of people from one country to another for the purpose forced labour or sexual exploitation – (Participant 4).*

*It is an unlawful movement of human beings from one place to another, it could be within the country or outside the country, to use them for illegal activities such as prostitution, drug trafficking, etc. – (Participant 5).*

**Group 2: Sunnyside Community Services Centre**

Similarly, individual participants from this group were asked to provide their understanding of the term human trafficking. All the participants responded positively. Below are their answers to the question posed:
It is kidnapping other people by force to another country unknown to them for the purpose of using them for personal gain – (Participant 6).

It is making business out of selling people illegally either male or female for sexual business, slavery or labour – (Participant 7).

Human trafficking is when making a business of selling people for the purpose of getting money, e.g., for prostitution, or slavery or labour – (Participant 8).

Human trafficking is a trade of humans for the purpose of labour and commercial sexual slavery for the trafficked – (Participant 9).

It is the selling or the buying of transported human beings for the purpose of slavery, prostitution, debt bondage and forced labour – (Participant 10).

The above definitions by the participants indicate that police perceptions of human trafficking differ from one another; however, their explanations indicate some degree of knowledge and understanding they possess concerning the phenomenon.

**Group 3: Directorate for Priority Crimes Investigation (Hawks)**

Based on the foregoing statement, participants of this group were also asked to provide their understanding of the term human trafficking. All five participants responded positively and their responses provided during interviews are as follows:

**One person having control over another by means of threat, abuse or payment to another to have control over a person, exploitation** – (Participant 12).

**Human trafficking involved the illegal trafficking of persons for the purpose of exploitation** – (Participant 13).

**It is the abuse and control of humans by powers to benefit financially or obtain power over another human to seduce the human for other benefits** – (Participant 14).

**The perpetrator uses a deceptive approach to exploit the victim, for the purpose of sexual exploitation, forced labour, illegal adoption, child labour and removal of organs** – (Participant 15).

While four participants of this group relied heavily on their own understanding to shed light on the meaning and the definition of human trafficking, Participant 11 defined human trafficking more precisely according to section 4 of the Trafficking in Persons Act, and paraphrased it as follows:

**The offence of “TIP” is defined in Section 4 of the Trafficking in Persons Act – Any person who delivers, recruits, transports, transfers, harbours, sells, exchanges, leases or receives another person within or across the borders of the Republic, by means of a threat of harm; the threat or use of force or other forms of coercion; the abuse of vulnerability; fraud; deception; abduction; kidnapping; the abuse of power; the direct or indirect giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; or the direct or indirect giving or receiving of payments, compensation, rewards, benefits or any other advantage, aimed at either the person or an immediate family member of that person or any other person in close relationship to that person, for any form or manner of exploitation, is guilty of the offence trafficking in persons** - (Participant 11).

From the above responses, it is observable that some participants were unable to draw a distinction between human trafficking and other crimes related or associated with it such as human smuggling, human migration, human slavery, and prostitution. Perhaps this is because human trafficking is considered a complex concept that is not easy to define (Bello, 2015). Although four respondents did not provide the precise definition of human trafficking as enshrined in the Prevention and Combating of Trafficking of Persons Act, their discussions did shed light on various aspects of human trafficking which, of course, plays a vital role in providing an understanding of the crime, its nature, and extent.

**Emerging Theme 2: Methods of identifying human trafficking activities**

This theme was brought up to establish the methods or techniques that the police use to identify the crime of human trafficking. Bello (2015), indicates that human trafficking is a complex phenomenon and that an effective Criminal Justice response to it will require the investigation of the root causes of the crime and addressing them. The responses referred to are inclusive of effective methods of identifying such a crime. It is therefore important to get an understanding and in-depth knowledge regarding methods or techniques applied to identify human trafficking activities by the police within the area of study.

**Group 1: SAPS Headquarters**

Participants from this group were asked to outline methods their departments utilise to identify human trafficking activities. Participants from this group responded positively and outlined various methods they utilised in identifying the crime of human trafficking. They indicated that these methods include, amongst others, the use of informers; home affairs; roadblocks; media and lodged complaints. They emphasised the use of informers as a primary source of information that leads to the identification of human trafficking activities. The responses of the participants were as follows:
Since this crime is more complex or organised, the department utilises the informant method i.e. deploy informers to assist in tracking such crime – (Participant 1).

Social media method, utilization of the Department of Home Affairs through fingerprinting and photo image identification and Telecommunications through section 205 documents – (Participant 2).

We have informers to get human trafficking information. Lots of times I receive calls from random people reporting human trafficking activities. We also have lawyers, stakeholders and the Red Cross who inform us about human trafficking activities – (Participant 3).

Use of informers and members of the community since it happens at their doorsteps – (Participant 4).

The most common methods are roadblocks, search and seizure, as well as through the assistance of Government Departments e.g. Home Affairs. An investigation using informers and by using a grabber – (Participant 5).

Group 2: Sunnyside Community Services Centre

Participants from this group were asked to outline methods their departments utilise to identify human trafficking activities. 4 out of 5 participants from this group indicated that they are not familiar with any methods used to identify human trafficking. Only participant 6 responded positively as follows:

Our station has no specific members assigned to identify cases of human trafficking; however, our department of SAPS as a whole, uses informers to track human trafficking activities – (Participant 6).

Group 3: Directorate for Priority Crimes Investigation (Hawks)

The HAWKS are mandated to prevent, combat and investigate national priority offences focusing on Serious Organised Crime; Serious Commercial Crime and Serious Corruption (South Africa: 1995). Human trafficking is an organised crime, thus, falling within the scope of the HAWKS. The Hawks are responsible for identifying and investigating the crime of human trafficking. Based on the above statement, participants of this group were asked to outline the methods and strategies their department follows to identify human trafficking activities. The following were responses from participants during interviews:

Human trafficking victims can often be identified through excessive and burdensome labour conditions, or visibly strained or awkward. Interpersonal dynamics with their companions can help to identify human trafficking activities – (Participant 11).

Interview with victims to see and establish Modus Operandi of offenders – (Participant 12).

Interviewing of suspects and victims – (Participant 13).

We visit massage shops and inspect the legality of workers and working rights, in the mines we check the legality of workers and their status. Social workers also provide us with human trafficking information – (Participant 14).

We identify the places where exploitation is common e.g. brothels, mines, farms, and cleaning places to inspect the documents of the workers and to know their status. This often leads to the tracking down of victims and the offenders of human trafficking – (Participant 15).

From the responses above it seems that the Hawks’ primary method of identifying human trafficking activities, is by doing inspection in various commercial places where they suspect human trafficking activities. Millions of men, women and children are victims of human trafficking for sexual exploitation in various brothels and streets, forced labour in various farms and mines and other forms of exploitation for commercial purposes worldwide (Maluleke & Mabaso, 2015). The Hawks also appear to rely on interacting with human trafficking victims to obtain information regarding the crime, which may eventually lead to arresting offenders and rescuing victims under captivity.

Emerging Theme 3: Challenges encountered during the identification of human trafficking activities

This theme was brought up to identify the challenges that the Police come across in the process of identifying the crime of human trafficking. Various scholars argue that the crime of human trafficking is sophisticated in nature, and that it is often difficult to identify trafficked persons (Munania, Odhiambo & Kimokoti, 2022; Nkosi & Mphatheni, 2022; Hargreaves-Cормany et al., 2022). It is true that most trafficked persons are often mistaken for traditional employees or willful prostitutes (Helpingstine, Stephens & Madhivanan, 2022). Under this theme participants were asked to outline the challenges they come across when it comes to identifying human trafficking activities. Their responses are as follows:

Group 1: SAPS Headquarters

If human trafficking was not a sophisticated crime, today we would be having a large number of convicted traffickers, but since the opposite is true; the numbers are very low. Against the foregoing, the participants of this group were asked to outline the challenges that they come across in the process of identifying human trafficking activities. Various challenges were highlighted by the participants. Below is their responses:

Victims of this human trafficking rarely report this crime, largely because they often don’t see themselves as such – (Participant 1).
The crime of human trafficking is of hidden nature on its own. This on its own poses challenges for us. It is always difficult for us to tell whether what is in front of us is human trafficking or abduction – (Participant 2).

There is a thin line between human trafficking and other related crimes such as prostitution, rape, child labour. It is often difficult for us to tell whether or not someone is into prostitution wilfully or was trafficked and coerced into it – (Participant 3).

Investigations are not successful because it is difficult to prove since the victim is not even aware that crime is committed when he or she is forced to work for long hours without compensation – (Participant 4).

The investigations are not always successful just like any other crime. It is because the community is not well aware of human trafficking, not only the community but also the general police at the station are not aware – (Participant 5).

From the responses given by Group 1 participants, the authors noted that the SAPS indeed encounter different challenges when identifying human trafficking activities. One participant indicated that most of the time they fail to identify human trafficking activities because often times the very trafficked persons themselves are often not aware that they are being trafficked. Another participant mentioned that the challenge they have is that the community which is supposed to help them to identify human trafficking activities is not aware of the crime. The responses above, corroborate with literature review where victims often blame themselves (Helpingstine et al, 2022), and think they are paying their debt (Hamid, 2022; Vorrath, 2022), others think they are being employed whereas that is not the case.

Group 2: Sunnyside Community Services Centre

Members of this group were asked to outline challenges that they are aware of, which hinders them from effectively identifying human trafficking activities. It worth noting that their responses were similar to the ones provided by the first group. Below is their responses:

Human trafficking is complex in nature. Human traffickers always operate in the shallows, hence it is always difficult for us to trace their movements – (Participant 6).

Unlike other crimes, victims of human trafficking scarcely come forward. They fear for their lives. If they came forward, we would be able to open a case and arrest the suspects – (Participant 7)

Human trafficking tops the category of crimes with low reporting. The thing is: victims of this crime live under constant threats from the traffickers – (Participant 8)

Based on my personal knowledge the crime of Human Trafficking is very complicated that you only hear about very few people who get convicted for this crime, for example, Omotoso arrested in Port Elizabeth – (Participant 9).

It is not just one challenge that we face, they are many. But I think one of the contributing factor is our lack of proper training and effective identification mechanisms – (Participant 10)

Group 3: Directorate for Priority Crimes Investigation (Hawks)

In outlining the challenges encountered when identifying human trafficking activities, some members of this group said the following:

The only challenge that we have, is that we do not have members who are trained enough in the DPCI – (Participant 11).

The police morale for investigating human trafficking is low. One of the contributing factor is that most of these cases are often struck of the roll. Low conviction rates often discourages the police – (Participant 12).

The challenge is that we deal with prosecutors who in general just have no interest in dealing with cases of human trafficking – (Participant 13).

It is always difficult to deal with an unreported crime. Human trafficking is scarcely reported. Even when it is reported, it often turns out that what was reported is actually not human trafficking, but something else – (Participant 14).

Our challenge is when a victim is not cooperative, this way a perpetrator will not be arrested – (Respondent 15).

One Participant (Participant 11), mentioned that police members are often not trained enough to be able to correctly identify the crime of human trafficking. This sentiment is consistent with the views of Motseki (2022a) who found that the police still lack intensity training on issues of human trafficking. Another challenge mentioned is the lack of willingness on the part of prosecutors. This, according to the participants, have played a role in lowering police morale when it comes to identifying human trafficking activities. This means that if there were significant numbers of criminal convictions, the police would be encouraged to hunt for more traffickers. Speaking of low prosecution and conviction rate, scholars such as Cunha, Gonçalves and Matos (2022) and Lee & Persson (2022) support the participant’s argument, stating that conviction rates are very small compared to the overall trafficking.

Discussions
During fieldwork, participants were asked to provide their understanding of the term human trafficking. This question was posed with the intention to assess whether police officials possess basic knowledge of the phenomenon of human trafficking. A lack of clarity related to even basic terms and definitions as observed from Group 2: Sunnyside Community Services Centre responses, pointed to the concerns and uncertainty regarding what measures work and what do not have contributed to a lack of systematic and consistent implementation, and sustainable action at the Community Service Centre. As most of crimes are first reported at these centres, there is a risk that those who are supposed to be protected, might be exposed to greater risks of being re-captured by perpetrators. Participants were not able to define what could indicate their knowledge and understanding, which will indicate their level in reviewing major national and global anti-trafficking trends and strategies perpetuated by traffickers and, and which inform national responses, from their own experiences and identifying elements that constitute best practices.

Lack of awareness by the public was highlighted as one of the challenges in this study. This shortcoming by the police pointed to current vulnerability of the justice system to curb this scourge. This will go a long towards improvement of current processes of prevention and the practical emphasis on public awareness as the primary tool to prevent the occurrence of this crime. The improvement of this vulnerability by relevant stakeholders, such as the SAPS and all others mandated to tackle this national and global crime, could expand understanding of prevention among the public which directly might enhance reduce the vulnerability of at-risk individuals and the fostering of an environment where crime cannot prosper will assist in the development of comprehensive prevention strategies.

It is the view of the authors that greater awareness among both the SAPS, stakeholders, and the public about this phenomenon, the effective would be the assessment to determine how effective criminal justice responses are through the quantification of arrest made and convictions. Furthermore, more clarity on the definition of this concept, would reduce differences in national definitions of the crime of trafficking among the police, public and other stakeholders, to demystify as well as who constitutes a victim of trafficking, along with a consistent, reliable and comparable data. Thus, a comprehensive understanding of the crime of this magnitude is strikingly appropriate (Bello, 2015) if human trafficking must be combated. Group 1: SAPS Detectives participants responded differently to this question. Some participants’ responses highlighted some degree of understanding on the meaning of human trafficking, however, others confused human trafficking with human smuggling, migration, slavery and prostitution. It emerged that this group’s responses were related to those of Group 2 (Hawks), who in their responses discussed the aspects of human trafficking instead of the phenomenon itself. This position is relevant with the work of Bello (2015), who indicated that there is a variation in the police level of understanding or knowledge of human trafficking and that, although many may have a good understanding of what human trafficking really is, yet they often mix human trafficking with smuggling and other related crimes.

The findings also highlighted that, some of the preventative methods that the police employ and rely on to identify the crime of human trafficking, was through the utilisation of informers. Group 1: SAPS Detectives participants simply mentioned informers as their primary source of information. Informers are certain individuals who secretly work hand-in-hand with the police, whose duty is to provide privileged information to the police about persons or organisations which are under police investigation (Giulione, 2020). Informers’ information of course has helped the police on many occasions and in various ways in tracking down offenders of various crimes committed in our societies (Bagarić, Xynas & McCord, 2019). However, human trafficking is a different kind of a crime which would require a multifaceted strategic approach. As a complex and sophisticated crime, human trafficking would require a holistic approach (Hume & Sidan, 2017; O'Brien, 2018; Cockbain & Bowers, 2019), perhaps more effective and progressive than informers, which would lead to the tracing of the suspects and the rescuing of victims. According to participants from the Hawks, methods that seems to be effective in identifying human trafficking activities are conducting police inspections at commercial places where they suspect human trafficking activities, visiting known brothels and farms. This finding is supported by a study conducted by Barrick, Panichelli, Lambdin, Dang and Lutnick, (2021) which found that nearly half of human trafficking incidents identified by law enforcement resulted from police action, such as police-initiated operations at massage establishments or hotels.

Answering the same question, Group 2: Hawks outlines various methods which they apply in tracing human trafficking activities. These methods included, amongst others, inspecting brothels, massage shops and mines to determine the legality and the status of the workers and to observe whether working conditions and rights are being observed at all times or not. This group revealed that there are certain characteristics, which often surround trafficked persons, which are: burdensome labour conditions, violated labour rights and various types of exploitation (Cockbain & Bowers, 2019). This Group is of the view that people who have been trafficked may believe that they must work against their will; be unable to leave their work environment; show signs that their movements are being controlled; feel that they cannot leave or escape; be subjected to violence or threats; be distrustful of the authorities; be afraid of revealing their immigration status; have false I.D. or travelling documents; receive little or no payment for their services; have no access to their earnings; have no access to medical care; be unable to communicate freely with others; be under the perception that they are bonded by debt; have acted on the basis of false promises (Simmons, 2022; Bentch & Crews, 2022). The foregoing statement made by Group 2 is in agreement with literature review findings of this article.

Group 2 further revealed that interviewing victims is one of the crucial things they often do to obtain human trafficking information. Information obtained from the victims is eventually utilized to identify potential offenders, establish their modus operandi (method of operation) and rescue victims still under their control. It is true that information furnished by cooperative trafficking victims can lead to the identification of traffickers and their subsequent arrest. However it worth noting that most victims don’t cooperate with the police for the fear of their captors (Thiemann, 2022; Hamid, 2022; Peterson-Iyer, 2022).
Based on the analysis of the above information, it is our view that the participants have not responded adequately, to highlight to what extent, has the SAPS implement effective measures to reduce the scourge of human trafficking in the area of this study. Therefore, it could safely be argued that, not adequate preventative measures implemented in applying methods which would lead to the correct identification of human trafficking activities. Thus, prevention as one of the strategies is inadequately addressed in anti-trafficking strategies. This could be perhaps because of uncertainty of responses by some of the participants, which informed policy and practice and thus, link to the effectiveness of different preventive techniques.

The lack of consistent definition by participants, also highlighted a possibility of a lack of monitoring and evaluation strategies of prevention programmes has would make it a challenge to identify those strategies which have been implemented. Numerous complex factors contribute to human trafficking, including a variety of underlying and root causal factors that influence the decisions made by individuals that lead to trafficking and that contribute to a social and economic environment in which trafficking, and exploitation can flourish. These factors include economic crisis, social exclusion, gender discrimination and a weak legal or social protection system. The remedies for these shortcomings require a broader set of actions than those designed specifically to stop trafficking.

When asked to outline challenges that police often encountered while conducting human trafficking investigations, some members from Group 1 indicated various challenges, ranging from the lack of interpreters when dealing with foreign victims of human trafficking which often hindered the progress of the police investigations, corruption by government officials whereby traffickers are in most cases protected by these officials who work hand-in-hand with them in the human trafficking industry. Members of this group pointed out the ignorance of the community as one of the major obstacle in the investigation of human trafficking. They indicated that the community showed no willingness to participate in the efforts of combating human trafficking. Without community participation, it will almost be impossible for law enforcement agencies to effectively combat human trafficking, due to the fact that human trafficking activities occur within our communities. Many studies have found that a positive relationship between the police and the community would have a positive influence on crime, disorder and public safety (McManus, Graham, Cullen, Burton Jr. & Jonson, 2022; Murphy & Persson, 2022; Rwamushizi & Irechukwu, 2022; Madsen & Kammersgaard, 2022). Such a relationship should be maintained at all times in order to effect progressive law enforcement operations to combat human trafficking and crime in general. Group 2 members also mentioned few challenges which hinder progress when investigating human trafficking. These challenges ranged from language barriers, corruption and a lack of trust, poor prosecution and so on. This group indicated that most members in the DPCI are not well trained to handle human trafficking investigations. According to this group, prosecutors’ interest of prosecuting human trafficking offenders is often very low and as a result many traffickers always evade justice.

Conclusions

This paper has explored police methods and challenges of identifying human trafficking activities in the CTMM, South Africa based on both an understanding of the what constitutes these crimes, which informs conditions that render an individual vulnerable to trafficking and the empowerment of the individual to resist potentially dangerous situations in the presence of viable alternatives. The definition of the term human trafficking provided with mixed responses and thus, indicate the challenges that could render victims of human trafficking to be subjected to more exploitation by perpetrators. The findings of this study, has offered as a guideline to the police, researchers and policy makers in developing countries such as South Africa, on measures needed to provide greater awareness among the law enforcement agencies, public and other relevant stakeholders of what constitutes human trafficking. This will in turn, inform policy and practice and, enhance comprehensive prevention strategies as well as to identifying those responsible for changing potentially harmful policies and practices. It has been proven through this study that, although research in human trafficking has been conducted by various scholars and institutions in South Africa and abroad, the SAPS still struggle to convey information about human trafficking and although various revelations have been brought to light, yet stakeholders, including the SAPS, still struggle to understand the nature of the crime of human trafficking. Bello (2015) concurs that the phenomenon of human trafficking is not well understood especially by role players and much of these gaps are traceable to insufficient understanding of its conceptualisation. There is an existing need of engaging SAPS members and other stakeholders to various training programs, which would enhance their knowledge and understating of the phenomenon. Practically, a more knowledgeable police officer is more likely to be confident and fruitful in his work, than the one who is not. The SAPS is the main role player in combatting crime in general – understanding the nature and the aspects of human trafficking would be one step towards the prevention of the crime, human trafficking in particular. This study has found that the police relied on informers to obtain human trafficking information. Although this is an acceptable method, it might similarly be a hinderance because many of human trafficking victims, who are supposed to be informers, are reluctant to provide information. This ultimately makes human trafficking detection by police very difficult. The police should employ various means which will provide solid intelligence, rather than relying solely on informers. As alluded to, informers always have their role to play in the police, however, when dealing with human trafficking the police have to employ a multifaceted information-gathering mechanism which will accelerate their operative performance in combatting the crime.

Human trafficking is a complex phenomenon, therefore, advanced initiatives should be employed, if the crime is to be impacted drastically. One of the effective identification method recommended to the police by scholars, is the monitoring of online sexual services. The services of trafficked persons are said to be often advertised on the internet (Eaton, 2022). Again, healthcare systems have been identified as a potential point of identification (Peterson-Iyer, 2022). Injured victims of human trafficking usually consult
hospitals for treatment (Marcinkowski, Caggiula, Tran, Tran & Pourmand, 2022), therefore cooperation between the police and health facilities could lead to more identification of human trafficking activities.

The findings of this study further proved that human trafficking remains a complex crime which is not yet fully comprehended by stakeholders, including the police, who are seen as the main role players in combatting human trafficking. Practically, the nature and the extent of the crime are beyond the knowledge and the legal arsenal of our law enforcement agencies.

Furthermore, the findings of this study indicated that although there is an organised crime unit in the SAPS and in the HAWKS which are responsible for tackling human trafficking, a lot of members in this unit are not properly trained to handle human trafficking cases. Lack of proper training amongst members has resulted in poor prosecution of offenders; with many human trafficking cases struck off the roll, resulting in low conviction rate. Thus, it is recommended that the Government initiate a comprehensive training program which will strive to thoroughly equip police officials with the knowledge of human trafficking and on how to effectively combat the crime. Highly trained members will be able to uncover illegal and sophisticated operations sheltered by traffickers in the fast-growing human trafficking enterprise and to bring them to justice.

The findings of this study also revealed that, although the SAPS alone cannot prevent human trafficking, as a forerunner, it plays a crucial role in the prevention process. Meaning the SAPS’ determination and participation in combatting human trafficking would tremendously facilitate the role played by other stakeholders. However, sadly the findings of this article further revealed that human trafficking was not prioritised in the police (De Vries & Farrell, 2022; Motseki, 2022). Of course human trafficking might be enlisted amongst other priority crimes, however lack of initiative and tactics to enhance the prevention of the crime, indicate that the crime is not yet prioritised by the police. The researchers observed that some members regarded human trafficking as a crime outside their duties, whereas others’ behaviour indicated they were not ready to handle human trafficking cases.

This study relied on the judgment and experience of the researchers to determine an adequate sample as supported by the nature of the research method, which was qualitative in nature. Four clusters were initially selected with the intention of conducting in-depth interviews. These were the Sunnyside Community Services Centre, SAPS Headquarters, the DPCI (Hawks), and Crime Intelligence. Access to identified members of the SAPS in the Crime Intelligence unit proved to be a challenge, despite the permission obtained from the Divisional Commissioner of Research in the SAPS. Several attempts were made to conduct interviews, including rescheduling appointments to suitable time slots, but all failed. Crime Intelligence is considered one of the crucial units to combat human trafficking in South Africa. As such, this study could have benefitted from including Crime Intelligence officials’ perspectives. This is seen as an opportunity to conduct further research that focuses only on Crime Intelligence perspectives on human trafficking.

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References


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