

AN EVALUATION OF PERPETRATORS *MODUS OPERANDI* ON HUMAN TRAFFICKING IN THE THREE SELECTED AREAS OF GAUTENG PROVINCE, SOUTH AFRICA

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Abstract

Despite increased media coverage regarding the prevalence of trafficking in humans and the means and methods used by organised criminal groups, the evidence base remains underdeveloped. The glaring knowledge gaps confronting the policy makers as well as law enforcement agencies, amongst others, are the lack of empirical studies and research into the extent of the challenge. This article therefore, attempts to explain the modus operandi (MO) of perpetrators in human trafficking in three selected areas of Gauteng Province. This article begins with an examination of the extent of the challenge and the response by the relevant stakeholders especially, the criminal justice system (CJS). This research was carried out utilising a qualitative approach. Thirty seven interviews were carried out among officials deployed in the Directorate for Priority Crime Investigation (DPCI), the South African Police Service (SAPS), the Department of Home Affairs (DHA), the Department of Social Development (DSD), the Gauteng Provincial Office as well as with the victims regarding their views and experiences on the MO organised crime groups utilise to engage victims. The interviews were analysed according to the phenomenographic approach to identify the participants' responses. The reason for this choice was to identify key or knowledgeable participants about human trafficking in three selected areas of Gauteng province.

The key findings indicated that the the MO of perpetrators is becoming so organised that many victims, are not even aware that they have been trafficked in such interactions, due to MO organised crime groups utilise to engage victims, including discursive tactics. The findings also highlighted that MO applied to lure victims included but not limited to the use of various social media platforms to recruit vulnerable victims; targeting of vulnerable and poor victims with the promise of employment, scholarships, and modelling careers. The findings further

indicated that average age of victims are those between the ages of 16-30 years and are lured mostly from rural areas, the Southern African Development Community (SADC) regions as well as South America. Based on the findings, the authors provided with possible recommendations such as; possible strategies which involves improved unconventional methods, advanced training and better education including improved awareness strategies; and the strengthening of enforcement responses and reporting techniques.

Keywords: *Human trafficking, modus operandi, policing, South Africa, victims*

JEL Classification: K42

1. INTRODUCTION

As wars and instability continue to ravish Africa, a bygone scourge of humanity is making a devastating comeback: the sickness called human trafficking. Human trafficking has been on the rise globally, and Africa has been an integral part of the worldwide market in human beings (Cucumanova, 2010:4). Even in South Africa there is no exception; the extent of this problem is despite no official statistics, the problem is real, hidden in plain sight and tearing at the social fabric of the nation as the demand for cheap labour, and sexual services keeps growing. Unaccounted thousand victims if not more of the victims of human trafficking for sexual, forced labour and other forms of exploitation South African are yet to be known as well as the *modus operandi (MO)* utilised by criminals. Without doubt, the human and economic costs of this take an immense toll on individuals and communities in South Africa. Mofokeng and Olutola (2014:115) and Van der Watt (2018:5) concur that human trafficking is by no means a recent phenomenon in South Africa and has shown to be an emergent property of the country's past and present deep and dense structural inequalities. Mofokeng and Olutola (2014:115) point out that human trafficking is not a crime of nowadays only, since in ancient times, human trafficking was there in the different corners of the whole world. The first known human trafficking incident is written in the Biblical Story of Joseph, when he was trafficked by his own brothers to some Midianite traders for only twenty pieces of silver (Genesis 37 verses 12-36 as cited in Mofokeng & Olutola, 2014:115). Research asserts that this modern day slavery otherwise known as trafficking in persons or human trafficking can be described as the recruiting, harbouring, transporting, providing, or obtaining a person for compelled labour or commercial sex acts through the use of force, fraud, or

coercion (Davidson, 2008; Delport, 2007; Dess, 2013; Mofokeng & Olutola, 2014).

2. RELEVANT LEGAL FRAMEWORKS

Apart from international and regional requirements to combat the trafficking of persons, the Constitution of the Republic of South Africa 1996, correspondingly provides national human rights commitments relevant to human trafficking. The rights of all people in South Africa are protected in the Bill of Rights within the Constitution and therefore places an explicit obligation on the South African Government to “respect, protect, promote and fulfil” these rights of the people. It is thus clear that the government’s duty to uphold fundamental rights also applies to the rights of trafficked persons, even though the Constitution does not specifically make provision for or refer to human trafficking. Section 21 of the Constitution of the Republic of South Africa 1996, It is pellucid from the above section of the Constitution that, when perpetrators of human trafficking trafficked their victims, they deprive them their right of freedom of movement as the victims will be coerced to be in particular areas or coerced to be in a particular house. Victims of human trafficking from other countries are deprived their right to leave the Republic and to have their passports in their possession, and domestic victims are deprived their right to remain and reside in the Republic as they are transported to other countries.

The protection of the rights of children are enshrined in the Bill of Rights in chapter 2 of the Constitution. Section 28 of the Constitution provides the context for legislation that forbids children, and offers what many children’s rights activists regard as the cornerstone for developing concrete legislation proscribing trafficking in persons – categorically children (Pithey, 2004:7). Act 7 of 2013, give effect to the Republics obligations concerning the trafficking of persons in terms of international agreements; to provide for an offence of trafficking in persons and other offences associated with trafficking in persons; penalties that may be imposed in respect of the offences; measures to protect and assist victims; coordinated implementation, application and administration of the Act and lastly prevention and combating the trafficking in persons within or across the borders of the Republic. Since the Act was implemented, relevant stakeholders have the tool to fight these scourge, prosecution and sentencing rates has increased.

3. STATEMENT OF THE PROBLEM

Kempen (2016:33) points out that human trafficking is a big issue worldwide. Despite increased media coverage regarding the prevalence of trafficking in humans and the means and methods used by organised criminal groups, the evidence base remains underdeveloped. The glaring knowledge gaps confronting the policy makers as well as law enforcement agencies, amongst others, are the lack of empirical studies and research into the extent of the challenge. The victims of human trafficking not given necessary support by the relevant stakeholders involved. South Africa still does not have adequate interpreters in terms of accommodating the victims of human trafficking who don't understand English and other South African official languages. This article therefore, attempts to explain the extent of the problem as well as the *modus operandi* (MO) of perpetrators in human trafficking in three selected areas of Gauteng Province.

4. RESEARCH METHODS

4.1 Nature of research

For the purpose of this study, a qualitative research approach was used in order to properly research the *MO* of perpetrators in combating human trafficking three selected areas of Gauteng Province. The researchers decided on a qualitative approach because they wished to obtain practical answers to the problem, as well as the explanations provided by participants who are practitioners in the field (Creswell, 2009:30). Atieno (2009:85) explains that a qualitative research is good at simplifying and managing data without destroying complexity and context. Qualitative methods are highly appropriate for questions where preemptive reduction of the data will prevent discovery. Qualitative research is a proper response to some, but not all, research needs. Qualitative research is more humanistic, moral/ethical, worthy, feminist, radical, or admirable. The interviews were from more than one person, because the goal was to identify differences and similarities across participants in a sample. In-depth interviews were used by the researchers, and the reason being that in-depth interviews are conducted with unique individuals or a small number of people (Creswell, 2014:15).

4.2 Population and sampling

The target population is the population to which the researcher ideally would like to generalise his or her results (Welman, Kruger & Mitchell, 2005:122). White (2005:113) defines population as all possible elements that can be included in the research. The ideal population of this study consisted of officials from DPCI unit, which deal with human trafficking, four officials were interviewed and their ranks were Lt Colonel, Warrant Officer and Captain, all of them were males in terms of

gender, and three of them had between 24 and 34 years of experience. From the SAPS sampling, 24 participants in total were interviewed from three selected areas of Gauteng Province, namely Pretoria, Springs and Kempton park, comprised of Constables, Sergeants, Warrant officers, and Captains. Of these, 8 were females and 16 males. Their experiences ranged between 10 years to 27 years. In terms of DSD, two officials interviewed from the Head Office in Pretoria. Both males, holding position of Deputy Director: Coordinator of the prevention combating of the trafficking in persons and Director: Social crime prevention. One (1) female from Gauteng Provincial Office, working as a Social Work Policy Developer (Trafficking in Persons Coordinator) also participated. From the DHA, five participants interviewed. Three females and two males. Of these participants, three held positions of Assistant Directors: Analysis, one was the Assistant Director: Immigration Service and the last one, Assistant Director: Tracing and Monitoring. Four of the participants from DHA had between 2 to 3 years of experience and, one had 28 years of experience. One survivor or victim of human trafficking also formed part of this study. She has been trafficked for 8 years between Western Cape to Gauteng Provinces.

Kumar (2014:229) highlights that a sample is the process of selecting a few from a bigger group as the basis for estimating or predicting the prevalence of an unknown piece of information, situation or outcome regarding the bigger group. This study followed a purposive sampling. The rationale behind the choice of a purposive sampling premised on the fact that the authors have knowledge of selected areas of this study including certain individuals from the organisations who took part in this study. Non-probability sampling was adopted, whereby a purposive sample was selected as the members of the population for focus group discussions (FGDs) and key informant interviews (KIIs) were chosen haphazardly. The criterion used for selection of the sample was based on the number of participant's years of service, which translate to experience and knowledge on the subject matter. Participants were White, Indians, and Africans speaking different languages; some were fluent in isiZulu, English and Sesotho, to be precise, and any language of understanding referring to selected residents of Gauteng Province. The authors are of the opinion that this study presents a significant contribution to the identification of victims of human trafficking and *MO* incidents in South Africa and subsequently, presents practical recommendations emanated from the findings, which could be used during the identification of this phenomenon in South Africa.

4.3 Data collection

For the purpose of complementing data gathering method in addition to the literature study, focus group discussions (FGDs) and key informant interviews (KII) were conducted. Permission for data collection was approved by the SAPS Head office, DPCI, DSD head office and Gauteng provincial office, National Prosecuting Authority (NPA) and DHA. Gauteng and North West provinces. Data was collected by utilising unstructured interviews to identified FGDs and KII. The following SAPS police stations were visited around Gauteng: Pretoria central, Kempton Park and Springs. The phenomenological approach was used to understand the everyday experience of the participants. According to Creswell (1998:51-52) phenomenological studies describe the meaning of the life experience of a phenomenon by several individuals.

4.4 Data analysis

De Vos et al. (2005:333) suggests that data analysis involves reducing the volume of raw information, sifting significance from trivia, identifying significant patterns, and constructing a framework for communicating the essence of what the data reveal. According to Welman and Kruger (2000) the analysis of information gathered by means of unstructured interviews is based on the interviewer's record. During this record-taking process, the interviewer took notes, with a view to writing a more detailed, and complete, report afterwards. Voice recorder was used when interviews were conducted, with the view to transcribing the information gathered at a later stage. The researcher then organised the data by categorising it on the basis of themes, concepts, or similar features. This is further argued by Leedy et al. (2005:150) who stated that data analysis takes place whenever theory and data are compared. Using ATLAS.ti, version 4.2 (ATLAS.ti, 1999) qualitative information were coded via a data-driven process using the risk and protective factors as preliminary categories. Following Braun and Clarke's (2013); Braun, Clarke and Rance (2014) as well as Braun, Clarke and Terry (2014) guidelines for thematic analysis, the transcript were read, re-read and coded into salient themes. These themes were then either collapsed into one another to form larger themes. Themes were labelled and defined. The organising of themes were further structured into a tabular format and categorised into broader global themes (Attride-String, 2001: 385-405). While this process was cyclical and requires multiple levels of re-reading and recording, the results were presented linearly for the purpose of clarity. After having collected data, the researcher compared and contrasts the information given and then interprets the data (Fink, 1995:43).

All interviews were transcribed and then studied several times in conjunction with the corresponding non-verbal clues given by the participants. Field notes provided further guidance during the data-analysis process, supporting the process of dividing the data into identifiable themes. During the process, the results were verified continuously by means of audio and visual recordings of the interviews, which proved very helpful as a means of ensuring data quality. This also provided the opportunity to follow a process by which the different themes could be compared and relations between the different themes could be studied, so as to become aware of patterns that could be categorised. The interviews lasted between 30 and 45 minutes each and were audio-taped, then transcribed for data analysis. A summary of the main data categories and the sub-categories is presented in the form of themes. Two processes were followed to ensure effective data control. Firstly, all questions asked were written down and then studied several times. Secondly, data results were compared with existing literature, to identify similarities or discrepancies that might call for further research in future. In addition, field notes that were also written down provided further guidance during the data-analysis process, supporting the process of dividing the data into identifiable themes. Data analysis yielded five themes: (1) Insufficient knowledge and application of a clear strategy to combat human trafficking, (2) Lack of specialised courts to deal or finalise human trafficking cases, (3) Lack of capacity, resources and training to deal with human trafficking, (4) Limited awareness and information about the human trafficking scourge, (5) Lack of capacity and multi-disciplinary unit within the DPCI.

4.4.1 *Modus operandi* of perpetrators of human trafficking in three selected areas of Gauteng Province

It should be noted that findings such as those given below were similar among all the selected participants, regardless of the study location. Examples of some of the remarks regarding their experiences in terms of dealing with cases of human trafficking were similar. The participants when asked about the *MO* of perpetrators of human trafficking in three selected areas of Gauteng province, explained that social media is mostly used by perpetrators to lure the victims. They emphasised that the perpetrators use the media to advise fake jobs, scholarships, modelling opportunities and employment opportunities. These are some of the responses from the participants (related verbatim):

“In human trafficking there is full deception or partial deception. Modus operandi of perpetrators of human trafficking is deception. Debt bondage is

involved. Social media is another MO used by perpetrators of human trafficking” (FGDs-10:2:10).

“Most of the victims of human trafficking are being promised jobs at massage parlours, spar, and they get to such its brothel. Advertise fake jobs on social media, newspapers and internet. Fake advertisement on social media” (KII-10:4:12).

“They advertise on magazine the jobs and opportunities, and they advertise in the media. Stakeholders does not conduct awareness on social media although the traffickers recruit from the media” (FGDs-11:3:12).

“Job offer with an attractive salary/package. Glamorous life style abroad. Modelling/ scholarship abroad(Work while you study). We are dealing with traffickers here and they are glued up, if close one tap the other one opens. Modus operandi is very complicated of human traffickers” (FGDs-03:18:15).

4.4.2 Based on your experience, explain what are the strategies in place to combat Human Trafficking in your organisation

The participants clearly indicated that the strategy used to combat human trafficking is awareness campaigns especially the DPCI, DHA and DSD. However, the participants from the SAPS highlighted that they deal with crimes like kidnapping, rape, drugs and murder. The following were some of their responses quoted verbatim, and no corrections of their language were made:

“Human trafficking is very complex crime and DPCI has its investigating team dealing with human trafficking. The main strategy is awareness campaigns at the farms, shopping malls during the week, shopping complex and road shows, and the legislation, before there was no Act dealing with human trafficking, in 2015 the president signed into law the Act 7 of 2013” (KII-10:1:07).

“We (DHA) conduct disruptive operations, where we target certain areas where we feel human trafficking is taking place. We conduct also awareness campaigns at the Bus stops, distribute pamphlets, visit refuge areas, we do go to the borders gates. We also have the hotlines which is open to the public. The hotline focuses on human trafficking and smuggling” (KII-8:2:1).

“Our role is prevention, care and support to the victims of human trafficking as social development. Strategies will be provision of shelters we give to victims and

everyone is expected in prevention to create awareness, I think you have noticed that awareness is a challenge in our country so we are expected by the legislation to do awareness” (KII-7:3:2).

“The Department of Social Development has been continuously conducting Training & Capacity building throughout the Gauteng province to various stakeholders i.e professional DSD staff, Non-governmental organisations (NGOs) sectors, faith based organisations, civil society organisations, the SAPS & Johannesburg Metropolitan Police Department (JMPD) members, medical practitioners. Furthermore, the trainings are conducted intergratively with other key role players in the field of TIP. The trainings are aimed at empowering service providers with the relevant tools of trade (knowledge, resources) so that they are able to raise awareness appropriately within the communities they serve. This also serves as part of prevention, awareness and education. The department has on a continuous basis engaged in media interviews/awareness regarding TIP (radio, television) as part of prevention and awareness. TIP Week commemoration month October is dedicated to raising awareness and throughout the year regional offices and NGOs are engaged in activities that are aimed at prevention, education, awareness. The department has dedicated special funding to TIP accredited shelters that accommodate victims of trafficking and renders programmes aimed at restoration and healing i.e toiletries, psychological services, medical needs, clothing, repatriation. The department is also an active member of the Gauteng Provincial TIP Structures namely Rapid Response Task Team and Gauteng Ant TIP Task Team” (FGDs-03:18:1).

When asked whether these strategies have impact in combating human trafficking, these were their views:

“Yes, they are effective although we are not doing the impact level, because prior 2015 we were not having the Act, we used to rely on statutory and common laws. In Joburg there was a Nigerian who was sentenced to 20 years, Eastern Cape there was life sentence because of the Act trafficking in Persons (KII-10:1:08).

“Legislation has helped a lot, now people can be punished according to crimes that they have committed. Majority of people are still not aware of human trafficking, they don’t know if it’s a crime (KII-10:1:06).

“Those strategies are working although I can’t say its effective, this crime is still new to them so they are still crippling to combat it (KII-8:2:2).

“Surely, they do work the strategies, we are complementing the services of other departments (KII-7:3:3).

“The strategies have an impact but this can only depend on the officials carrying out their duties effectively and efficiently. The trainings conducted have a huge impact in that more service providers have included TIP as part of their programme and are rendering the service i.e door-to-door, school visits, etc. They now collaborate with each other in the fight against TIP. Outreach campaigns serve as a platform in enlightening communities to be on the lookout for recruiters. People are now aware that it is possible for one human being to sell another for sole purpose of exploitation. Communities are encouraged to come forward and even report suspicious activities. This platform allows reporting without judging” (FGDs-03:18:2).

5. MANAGEMENT AND POLICY IMPLICATIONS

Expertise about techniques to detect traffickers, identify and care for their victims and prosecute traffickers is yet to be realised in South Africa. Reports of the arrest and conviction of traffickers are frequent yet not from the CJS. The implications based on the findings on human trafficking in South Africa are compelling and require concerted effort from all relevant stakeholders within the CJS. Though the SAPS due to competing priorities, has not yet codify this crime for consumption by the public, it is essential that the official statistics made known to the public. Comparing the number of prosecutions with the number of identified victims would highlight the extent of the problem. The release of official statistics, though argued as unreliable, would nevertheless, provide as an awareness regarding the *MO* utilised by perpetrators, reported/detected cases in relation to conviction rate to the prospective victims and the public. This would assist all role-players, to develop minimum standards concerning the response of CJS to trafficking cases as well as improved services to the victims. From the physical abuse and torture of victims to the psychological and emotional trauma, to the economic and political implications of unabated crime, the impact on individuals and society is clearly destructive and unacceptable.

A lack of role clarity from the relevant role-players related to servicing victims, and uncertainty regarding what measures work and what do not have contributed

to a lack of systematic and consistent implementation, and sustainable action. Each calls for different dynamics in policy and programme planning. A focus on vulnerability will enhance the human rights component of trafficking prevention policies. An improved cohesion between relevant role-players, would go a long way to align the day-to-day tactics into a long a long term anti-trafficking strategies and national responses, sharing from their own experiences and identifying elements that constitute best practices. A multi-disciplinary unit within the DPCI is a necessity, which should include amongst others; officials from the DSD, the SAPS, NPA, DHA, as well as the Department of International Relations (DIR). This collaboration enable the unit to be effective in reducing the ever-increasing phenomenon of human trafficking in three selected areas of Gauteng Province.

The *MO* involved during the trafficking victims can be difficult for third parties to understand, while victims can find it difficult to comprehend what has happened to them, or to discuss it with or explain it to others. Victims may appear to those around them, even support persons, to be uncooperative, irritable, hostile, aggressive or ungrateful. The stigma attached to the victims has a significant and ongoing impact on their lives, including in the trauma experienced as well as the possibility of physical rejection by family and/or community. The long-term consequences of human trafficking for victims are complex and depend on many factors, with no guarantee of recovery. Re-victimisation is often a further consequence of the experience.

6. EMERGING THEMES AND RECOMMENDATIONS

6.1. Theme 1: Insufficient knowledge and application of a clear strategy to combat human trafficking

6.1.1 Recommendation and strategy to improve theme 1

This study recommends that intelligence led approach be used as a strategy to combat human trafficking in three selected areas of Gauteng province. Intelligence led approach can be used successfully and effectively together with other models of policing, and human trafficking can be controlled and combated. The relevant stakeholders should when using intelligence led approach, they should work closely with the National intelligence agency.

6.2. Theme 2: Lack of specialised courts to deal or finalise human trafficking cases

6.2.1 Recommendation and strategy to improve theme 2

Human trafficking is a very complex and hidden crime which needs undivided attention of those responsible to combat it. A specialised courts dealing with human trafficking should be established within Gauteng Province and other provinces of South Africa. Human trafficking cases be a priority like other contact crimes for the policy makers as victims of this scourge should not wait months before their cases presented before the courts.

6.3 Theme 3: Lack of capacity, resources and training to deal with human trafficking

6.3.1 Recommendation and strategy to improve theme 3

It is essential that more resource allocation provided to the DHA, DSD, SAPS and DPCI to adequately, respond to human trafficking. The authors further, recommend the upskilling of officials with up-to-date training on regularly basis. During data collection, the DSD and the SAPS members especially the visible policing members highlighted that it was difficult for them to differentiate between the victims of human trafficking and those doing prostitution. At the regional and provincial levels, numerous training materials and reference guidelines, be circulated published to inform and train a wide range of role-players about what they can do in response to trafficking. The materials are should be translated into official languages, coordinated from the Head Office for the purposes of consistency in the contents.

6.4 Theme 4: Limited awareness and information about the human trafficking scourge

6.4.1 Recommendation and strategy to improve theme 4

It was clear during the data collection that all the stakeholders dealing with human trafficking use awareness as the main strategy to fight and combat human trafficking. The study recommends that all the relevant stakeholders should ensure that awareness is done in the areas where there are lot of potential victims of human trafficking. The authors based on the findings, further recommend that the relevant stakeholders utilise social media platforms in terms of raising awareness. Human traffickers use different social media platforms to lure and recruit their potential victims.

6.5 Theme 5: Lack of capacity and multi-disciplinary unit within the DPCI

6.5.1 Recommendation and strategy to improve theme 5

It is recommended that the available unit within DPCI dealing with human trafficking should be capacitated and be multi-disciplinary. The unit should be capacitated, expanded, and be given more budget and human resource. The members from DHA, DSD, NPA, communication department, international relations department and National intelligence agency should be incorporated under this unit and human trafficking should only be their primary function.

6.6 Theme 6: Scourge of corruption and bribery on DHA officials, SAPS members, and social development officials.

6.6.1 Recommendation and strategy to improve theme 6

To eliminate corruption caused by human traffickers on the government officials, the authors therefore, recommend that the officials appointed at the national and provincial levels or departments, subjected to constant security clearances. Transfer of officials to other environments not dealing with victims implemented as some of the measures imposed on those found to be vulnerable to corruption.

7. CONCLUSION

The findings of this study indicated that the *MO* of perpetrators of human trafficking differs based on different locations. The participants highlighted that the perpetrators of human trafficking use social media platforms to lure their potential victims. The participants also highlighted that the potential victims are between the age of 14 to 28 years from within South Africa and 22 to 31 years from outside South Africa. Based on the findings, it emerged that the majority of perpetrators were mostly Nigerians, Somalians, Chinese followed by South Africans.

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