


Myth-making, myth-breaking:
Considerations for policy responses to
the problem of human trafficking and
'sexploitation'

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Introduction

 Initial outrage

 Literature review reveals that trafficking is a political concept that has found currency at particular historical moments where issues of morality, migration and prostitution come together as a concern in the public imagination


 International focus on trafficking inseparable from the discourse on prostitution (and now organised crime)


 ISS/SWEAT research led to a different assessment of 'trafficking' from that which ultimately expresses a law enforcement objective rather than a concern for human rights and social justice









Creation of the myth

- 📖 Abolition of slavery and rise of global capitalism in early 20th Century resulted in increased migration/mobility
 - 📖 Women who sought to move independently and engaged in prostitution regarded as in need of rescue
 - 📖 Gave rise to fears about the 'white slave trade'
 - 📖 Narrative of women's enslavement, entrapment and deception.
 - 📖 Migration of women became linked to notion of the 'white slave trade'
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Creation of a myth

-  Discussion at League of Nations on 'traffick of women and children'
 -  International campaign that resulted focused on the abolition of prostitution as a solution to the White Slave Trade
 -  1949 *UN Convention for the Suppression of Traffick in Persons and the Exploitation of the Prostitution of Others*
 -  Between 1949 and 1970 little attention paid to the issue.
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Current international response

- Renewed interest from the 1970s raised by feminists concerned about the sexualization of women's labour in Asia post-Vietnam
 - Feminists took the position that prostitution was inherently a violent and abusive expression of the worst forms of patriarchal domination
 - By 1980 a central issue for the international women's movement
 - At that time trafficking linked to organised crime and efforts were made to shift the focus away from prostitution. Trafficking framed as an international crime problem.
 - 2000 the Protocol to Prevent, Suppress and Punish TIP, especially women and children. Additional Protocol to the UN Convention against Transnational Organisational Crime
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Current international response

-  Despite lip service to 'other' forms of trafficking focus has remained on the sexual exploitation of women-and-children
 -  The focus now on crime, punishment and immigration control to counter the scourge
 -  In this way departs from a human rights approach which seeks to address broader social conditions
 -  Focus remains on the irregular migration of women and the need to rescue them.
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Trafficking in SA: Setting the scene for response

- 📖 2000: Molo Songololo Report "The trafficking of children for the purposes of sexual exploitation in South Africa"
- 📖 Media Reports: "A lack of proper legislation was creating a lucrative sex market in South Africa in which children as young as four-years-old (sic) were becoming sex slaves, according to a report by a ..children's organisation" (Sept 2004)
- 📖 2003: IOM Report "Seduction, Sale and Slavery: Trafficking in Women and Children for Sexual Exploitation in Southern Africa."



Tip Report

2004 South Africa placed on Tip reports' tier 2 watch list

Countries where *inter alia*:

- (a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing
- (b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials




Pressure to comply

- 📖 South Africa on the list due to lack of evidence of increasing efforts to combat severe forms of trafficking. Advised to: (i) pass legislation, (ii) launch public awareness campaign, (iii) prosecute more traffickers
- 📖 Despite no solid information about prevalence
- 📖 Tier-two watch list creates enormous pressure (failure to comply threatens loss of non-humanitarian or non-trade related assistance or even US opposition to certain forms of assistance from international financial institutions).





South African responses


- 📁 2000 South Africa signs Palermo Protocol (ratified in 2004)
 - 📁 March 2004: SA adopts National Plan of Action on Trafficking
 - 📁 2006 SALRC releases discussion paper and draft legislation
 - 📁 National Task team formed
 - 📁 NPA begins process to establish specialised unit
 - 📁 IOM hotline for victims and provides training to law enforcement officials
 - 📁 Child Act contains provisions to act against trafficking of children
 - 📁 CASE/TECL project does regional analysis of services for child victims
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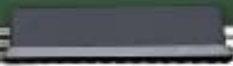



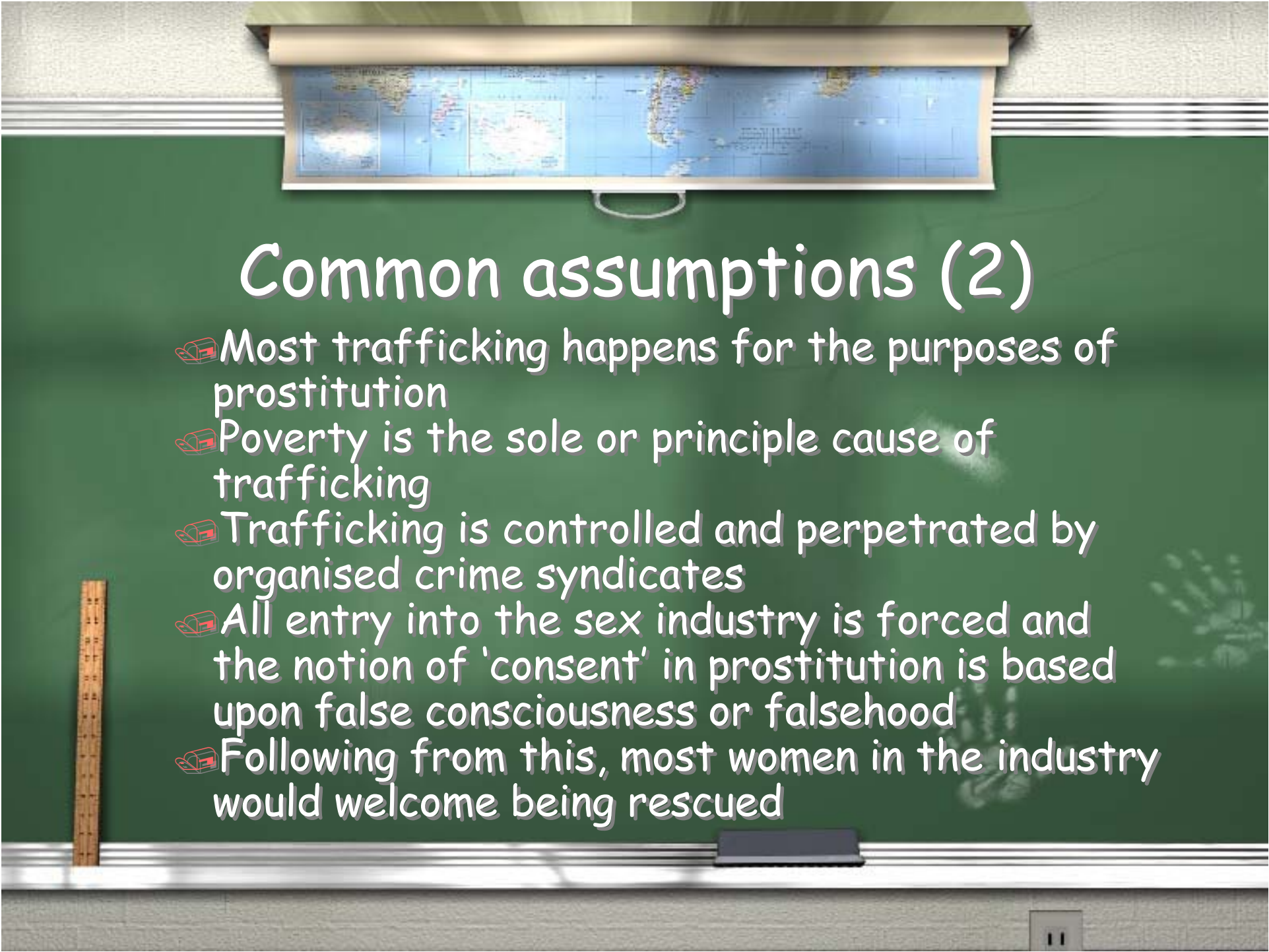
Common assumptions

 Jyoti Sanghera (advisor on trafficking at the office of the High Commissioner on Human Rights in Geneva) compiled a list of common assumptions that include

 Trafficking of children and women is an ever-growing phenomenon


 Increasing numbers of victims of trafficking are younger girls









Common assumptions (2)

- ❏ Most trafficking happens for the purposes of prostitution
- ❏ Poverty is the sole or principle cause of trafficking
- ❏ Trafficking is controlled and perpetrated by organised crime syndicates
- ❏ All entry into the sex industry is forced and the notion of 'consent' in prostitution is based upon false consciousness or falsehood
- ❏ Following from this, most women in the industry would welcome being rescued











Common assumptions (3)

-  Increased law enforcement - particularly raids on brothels - will reduce the problem
 -  Awareness raising campaigns that increase fear of migration, false job advertising and fear of cities and strangers will prevent trafficking; and
 -  "Law enforcement is a neutral and unproblematic category and all it needs is sensitization and training on issues of trafficking in order to intervene effectively to curb the problem of trafficking."
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ISS/SWEAT research




-  Research area: 140 suburbs, 54km radius from Cape Town CBD
 -  Quantitative Methods
 -  Determination of size and nature of industry
 -  Survey based on representative sample size
 -  Mapping indoors and outdoors
 -  Indoors: database based on media analysis and data capture with verification
 -  Outdoors: intensive observation and documentation, consultation with sex worker advisory panel, sex work assistance
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Research Methods



Qualitative data collection

-  Interviews with brothel owners
-  Interviews with sex workers (indoors and outdoors)
-  Focus groups discussions with emphasis on determining agency

Research to date:

-  74 indoor surveys administered
-  19 brothel owners interviewed,
-  20 qualitative interviews with sex workers
-  10 focus group participants
-  25 outdoor surveys (planned)
-  Total = 123 to date

Findings: Indoors

Number of agencies by type

| Type of Agency | Number |
|----------------------|--------|
| Residential brothels | 67 |
| Club/Massage parlour | 34 |
| Unknown | 2 |
| Total | 103 |



Findings: Nature and Size of the Industry

Gender Profile (Indoors)

| Gender | Number |
|-------------|-----------|
| Women | 867 (90%) |
| Men | 85 (9%) |
| Transgender | 12 (1%) |
| Total | 964 |



Findings: Outdoors

Size and gender profile (11 areas)



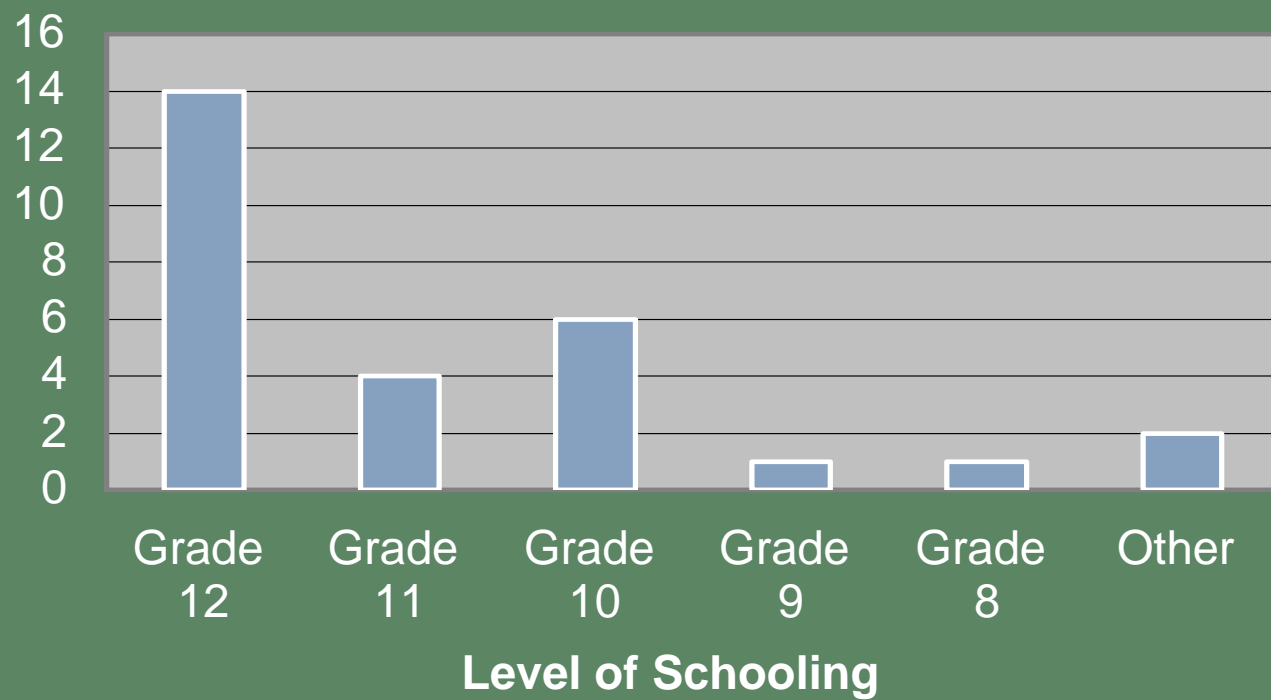
| Gender | Number |
|-------------|-----------|
| Women | 209 (85%) |
| Men | 21 (8%) |
| Transgender | 17 (7%) |
| Total | 247 |



Pilot Survey findings


- 📁 Average age 31 (21 - 50).
- 📁 23 respondents had some post-school training.
- 📁 25 had done other work previously.
- 📁 3 had never done any other work.

Level of Education









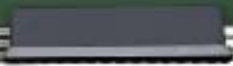



Pilot survey findings

- ✉ 24 of the 28 people interviewed were South African.
 - ✉ Other 4 were from Britain, Portugal, Democratic Republic of Congo and Trinidad.
 - ✉ 24 participants indicated that they were not deceived about the nature of the work.
 - ✉ 3 participants said they were deceived (one lingerie model, two massage).
 - ✉ 27 participants indicated that no one forced them to sell sex in the past.
 - ✉ 1 participant said he was forced through his drug addiction.
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Pilot Survey Findings

-  26 participants indicated that they aren't currently being forced to sell sex.
 -  2 participants said they are being forced to sell sex through their financial circumstances.
 -  20 participants indicated that they could have left the work if they didn't want to do it.
 -  5 participants said they couldn't leave due to financial circumstances.
 -  3 participants did not answer this question.
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Motivations for entering the industry

-  Interviews, focus groups and survey revealed commonality in motivation for entering the industry: financial need.
 -  Sex work regarded as a means to an end - usually temporary
 -  With few exceptions respondents knew what they were getting involved in, for those few who did not, awareness tempered by a measure of denial
 -  No skills required
 -  Money, control and independence
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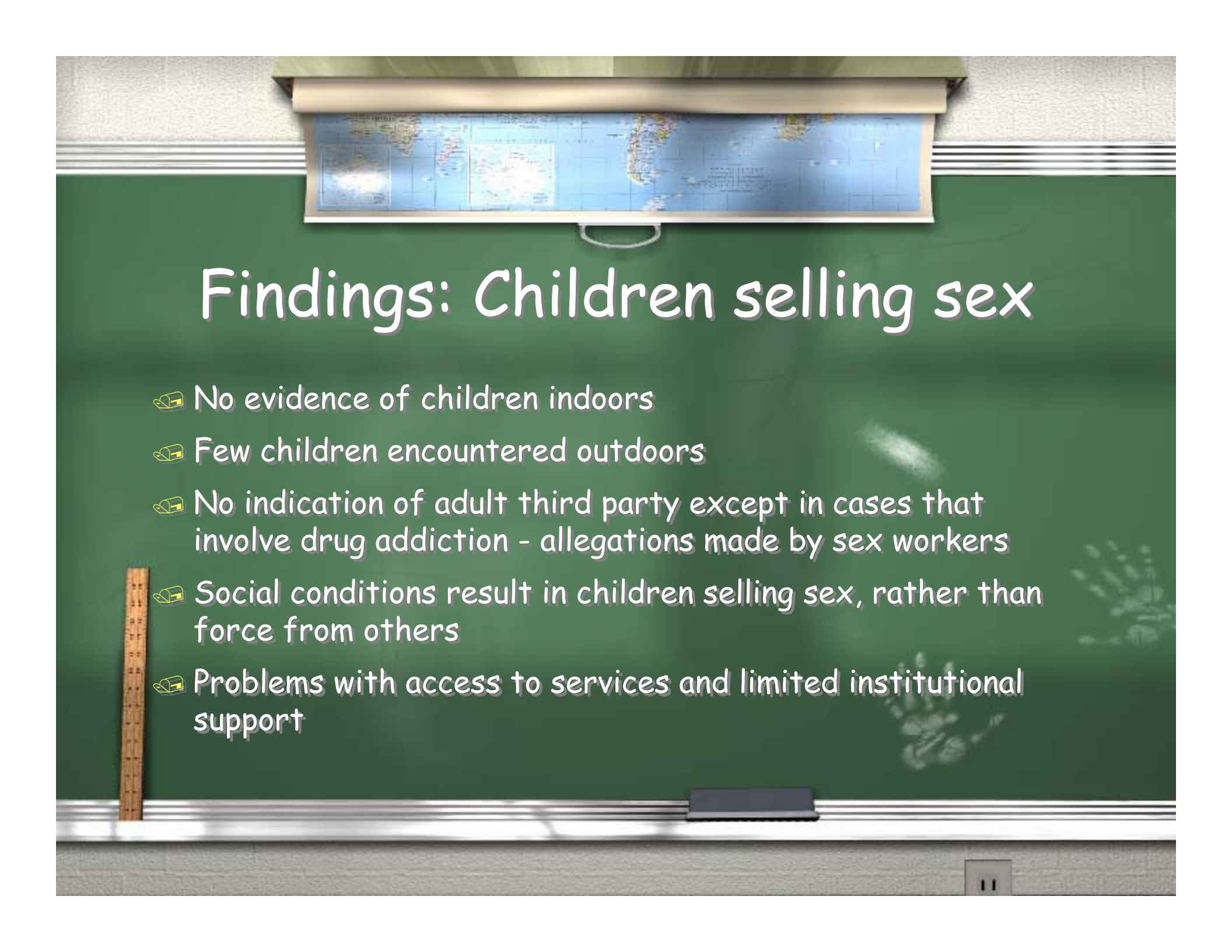
Trafficking and related issues

- 📖 Outdoor sex workers are often more afraid of the police than clients, pimps or gangs and don't believe they have rights
- 📖 Brothel owners and sex workers were aware of instances of trafficking-like practices - although number low
- 📖 In cases of 'trafficking', escape has been possible and return to the industry common
- 📖 Focus on trafficking and law enforcement denies assistance to those who experience abuse and exploitation but who cannot be said to be trafficked.



Findings: Trafficking and related issues

- 📁 Three of 19 agency owner/managers were aware of trafficking-like practices and gave examples.
 - 📁 Four cases of trafficking or trafficking-like practices
 - 📁 Threats of exposure as a means of exerting control
 - 📁 Drugs increase vulnerability
 - 📁 Allegation of deceptive recruitment of women from other countries at one specific club.
 - 📁 Abusive working conditions.
 - 📁 Restriction of movement.
 - 📁 Debt-bondage.
 - 📁 Not all women working at the agency were trafficked.
 - 📁 Allegations of corruption at DHA
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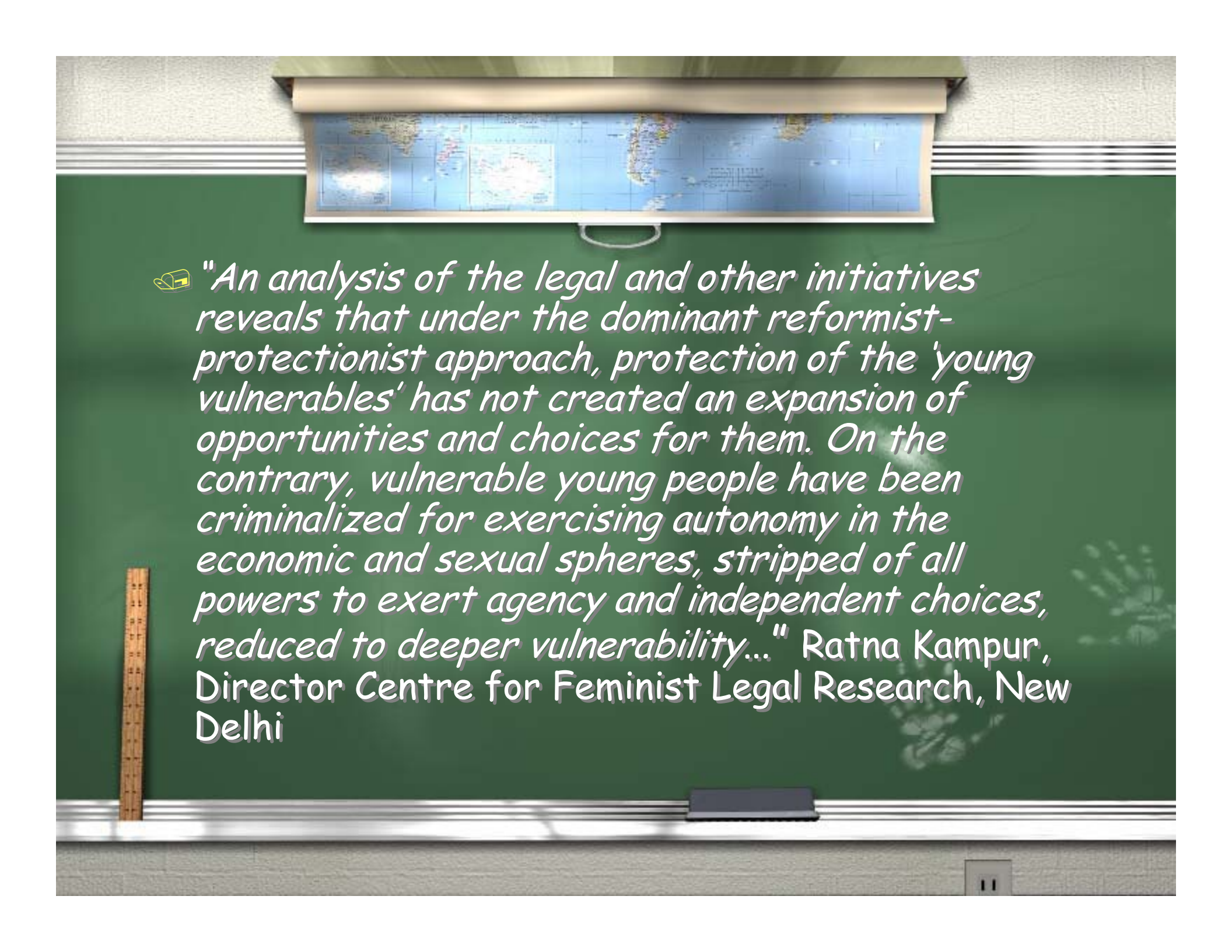
Findings: Children selling sex


- 📁 No evidence of children indoors
- 📁 Few children encountered outdoors
- 📁 No indication of adult third party except in cases that involve drug addiction - allegations made by sex workers
- 📁 Social conditions result in children selling sex, rather than force from others
- 📁 Problems with access to services and limited institutional support



The problem of services for children

- 📁 Grey-area ages 16 - 18
- 📁 The expressed needs of children who act in response to dysfunctional home situation by taking responsibility for providing onto themselves need to be considered.
- 📁 Inappropriateness of care facilities for this group (16 - 18)



 *"An analysis of the legal and other initiatives reveals that under the dominant reformist-protectionist approach, protection of the 'young vulnerables' has not created an expansion of opportunities and choices for them. On the contrary, vulnerable young people have been criminalized for exercising autonomy in the economic and sexual spheres, stripped of all powers to exert agency and independent choices, reduced to deeper vulnerability..."* Ratna Kampur, Director Centre for Feminist Legal Research, New Delhi



Conclusions (1)

- 📖 Range of experience/motivations in the sex work industry
- 📖 Sex workers are isolated from the authorities and services
- 📖 Sex workers/agency owners and clients are an important source of information about exploitation/abuse and trafficking that should be recognised
- 📖 Sex workers themselves are concerned about children in the industry and people who are forced to do this work




Conclusions (2)

Focussing societal concern on trafficking alone, distracts us from addressing the broader, and more complex social issues that a study such as this reveals. If, as is suggested by the preliminary findings, the number of individuals who can be said to be victims of trafficking, and who require assistance from the state, are relatively few in number, and are a small percentage of the population of the sex work industry, intervention by the state may be modest and focussed. The small numbers, in other words, are not a reason not to make resources available to combat the problem. However, there is little justification for addressing this problem without at least giving some consideration to how the lives and circumstances of a larger population with similar experiences can be improved.




Preliminary recommendations


- 📖 Need to address criminalisation of sex work to limit opportunities for trafficking and increase reporting/access to information
- 📖 Illegality of the industry allows for conditions of exploitation to continue unchecked and limits recourse
- 📖 Relationship between police and sex workers problematic



The Problem of Trafficking: Improbable numbers

 *"Human trafficking is beginning to rival the drugs and arms trades in an estimated \$10 billion in revenues for crime gangs every year" (UNICEF, April 2005)*

 *"The United Nations has estimated that between 2 and 4 million people a year were traded into some form of slavery...many of these were children." (SAPA 5 Sept 2000)*





Fudging the issues




 "According to a reply to a DA parliamentary question, there has been a dramatic increase of 21.89% in the number of people reported missing between 2001 and 2004. A total of 13 067 missing persons were reported over this period... Of this figure about a quarter were children. Many will have been victims of human trafficking, which has become a multi-million dollar industry." (DA Spokesperson on Social Development, 23 May 2005)

 Conflation of trafficking victims and migrants/prostitutes leads also to equation of the number of those who have migrated or are engaged in sex work with victims of trafficking.




Women-and-children

- ✎ Women and children equated in the trafficking discourse - when in all other instances, including labour legislation care is taken to separate child labour from adult labour
 - ✎ Leads to the infantilisation of women and the notion that women don't have agency in their migration or in the type of work they do (especially when the work is considered morally problematic)
 - ✎ "Conflating trafficking with migration results in reinforcing the gender bias that women and girls need constant male or state protection from harm, and therefore must not be allowed to exercise their right to movement or right to earn a living in the manner they choose." (Ratna Kampur)
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Sensationalist reporting

 *"Cape Town - Syndicates trading in humans are hitting on tsunami victims, and the possibility exists that destitute women and children could be brought to South Africa, especially as sex slaves... 'if people trafficking in humans had to choose a country in Africa, it would be South Africa... there is a possibility that tsunami victims have, or would have been brought here as sex slaves, but no instances have been recorded yet.' [IOM representative]"*
(News 24, 7 April 2004)

A world map is mounted on a wall above a green chalkboard. The map is partially unrolled and shows the continents in various colors. The chalkboard is green and has a wooden ruler on the left side. The background is a light-colored wall with a power outlet at the bottom right.

The problem of researching trafficking

- 📖 Any effort to systematically research this issue to obtain an estimation of prevalence countered by the notion of invisibility compounded by the assumption of the prevalence of organised crime (ill-defined)
- 📖 This leads to investigative methods that are unable to determine prevalence and are ethically questionable or can only be carried out by law enforcement-type agencies