Original Research Paper

Exploration of the Nexus between Corruption and Implementation Failures in Anti-Trafficking Policies and Laws in South Africa

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Abstract: We step into a workplace, having a lot of expectations to work cordially and reverently with each other. But sometimes in life, we come across different personalities who would impact negatively. The negativity can be understood based on frustration and stress because that will be passed out. But if it is periodical, rudeness, and bossiness towards the employees, this results negatively in job satisfaction and affective organizational commitment. The purpose is not only to discuss the issues but also to provide solutions by recalling the etiquette and manners that need action.

Introduction

The purpose of the study was to analyze whether human trafficking is a growing global problem, especially the trafficking from Africa, Asia, and also the Near East to Europe (Motseki, 2018). Meanwhile, South Africa is a country of origin for trafficking in both males and females. In South Africa, women, men, girls, and boys are trafficked and exploited in an exceedingly wide selection of industries and settings (Bello, 2018). It now occurs across the country and there's a trend toward cross-border trafficking. South African victims are trafficked from rural areas, Republic of South African Development Countries (SADC) countries to urban areas of South Africa and Taiwan, Malaysia, Thailand, the Kingdom of Saudi Arabia, and Indonesia (Motseki, 2018).

Human trafficking is generally understood to refer to the process through which individuals are placed or maintained in an exploitative situation for economic gain (Bello and Olutola, 2018). The international definition of human trafficking shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, using the threat or use of force or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for exploitation (Dess, 2013; Mofokeng and Olutola, 2014; Bello, 2018; Motseki, 2021). Policing human trafficking is a complex and difficult task, requiring cooperation and good communication across all sectors (Dess, 2013). This article aimed to explore the nexus between corruption and implementation failures in anti-trafficking policies and laws in South Africa and suggest possible effective responses for stakeholders and the Criminal Justice System (CJS).

Stakeholder's Engagement

Stakeholder engagement in anti-trafficking policy implementation and service responses has been substantially explored in research (Deverka *et al*., 2013; Hounmenou, 2020; Okech *et al*., 2012). This in turn leads to the emergence of the two schools of thought in dealing with human trafficking and the recurring tensions and debates, which pervade the pivotal question of which approach or paradigm is effective in curtailing the occurrence of human trafficking-the law enforcement-centered approach versus the human rights centered approach. With the former focusing more on the arrest and prosecution of traffickers and the latter concentrating more on the needs and welfare of the victims. The paramount objective to provide convergence and harmony between these two compelling yet distinct approaches remains a daunting challenge among various stakeholders and institutions, particularly on which priorities and goals need to be carefully weighed and pursued (Blanco, 2016).

This paper focuses on the latter School of thought. Blanco (2016, p. 79) points out that the responsibility to stop human trafficking falls on the shoulder of responsibilities of the various actors and stakeholders such as national government agencies, local governments, non-government organizations, law enforcement agencies, and the Citizenry. For example, an effective CJS that focuses on financial intelligence and investigation,

strong law enforcement of anti-human trafficking laws, and an efficient administration of CJS through high prosecution rates of human traffickers would likely generate a significant impact in the battle against human trafficking of persons and can be worthy of replication and emulation as a policy both in theory and practice (Blanco, 2016).

Links between Trafficking and Corruption

The United Nations Convention Against Corruption (UNCAC), adopted by the General Assembly in 2003 (cited in DID, 2015:12) describes corruption as a force 'undermining the institutions and values of democracy, ethical values, and justice and jeopardizing sustainable development and the rule of law. Although corruption appears in societies throughout the world, it is within contexts of instability, weak institutions, and extreme poverty that corruption is particularly pervasive. Table 1 and 2: Depicts categories of corruption. Corruption is a phenomenon with many faces. It is characterized by a range of economic, political, administrative, social, and cultural factors, both domestic and international in nature. Corruption is not an innate form of behaviour, but rather a symptom of wider dynamics. It results from interactions, opportunities, strengths, and weaknesses in socio-political systems. It opens up and closes down spaces for Individuals, groups, organizations, and Institutions that populate civil society, the state, the public sector, and the private sector. It is, above all, the result of dynamic relationships between multiple actors (Aronowitz and Koning, 2014). Given the contested political nature of trafficking in person and corruption in South Africa, it is no wonder why the President of the Republic of South Africa, Cyril Ramaphosa, during 9 months of his presidency, has set up a total of four commissions of inquiry all related to the abuse and "capture" of state resources in South Africa. The inquiries investigate the breakdown in good governance and corruption at key South African Institutions such as the South African Revenue Service (SARS) and the National Prosecuting Authority (NPA). One such Commission, currently running for over 3 years, is the Zondo Commission. The links between trafficking and corruption have not been extensively Documented or analyzed and as such are poorly understood. Research in this area presents significant challenges.

Love et al. (2018, 2) concur that criminal justice stakeholders are largely unaware of the prevalence and nature of human trafficking, which impedes their ability to identify and respond to survivors. Law enforcement officers and prosecutors often assume that human trafficking is not a local problem and thus does not need to be addressed within their communities (Farrel et al., 2015: 315-333). 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 labor and sexual services keep growing (Motseki, 2018: 175).

What complicates the response to human trafficking is that most criminal justice stakeholders do not understand what human trafficking is (Human Science Research Council (HSRC), (HSRC, 2010) 2010: 134; Mofokeng and Olutola (2014), 126). Despite the attention and resources directed at combating this crime by the printed media, research indicates that fewer cases of human trafficking in South Africa have been identified and prosecuted than would be expected based on estimates of the problem (Mofokeng and Olutola, 2014, 115).

Corruption is a constant global phenomenon, which is becoming more complex and intense as competition for resources increases. Corruption is committed when a person directly or indirectly gives gratification to influence the receiver to exercise his or her duties unlawfully. Earlier research indicates that one of the four dimensions of police corruption that contemporary police theory emphasizes is the influence of the social, economic, and political environments in which police institutions, systems, and agencies operate (Mofokeng, 2016, p. 153). Mofokeng further states that corruption is the AIDS of public and private life, whereby cronyism, nepotism, and greed are affected in intimate relationships, often fostered in dark rooms and grand cars, much like illicit sexual affairs; and as AIDS spreads in intimate relationships, corruption spreads within an organization and breeds distrust amongst officials, politicians and the public.

Reuters (2012) similarly refers to corruption as cancer that is eating up the South African nation. Serfontein and De Waal (2015: 1) report on economic greed, major organizational changes, retrenchments and poverty, crime, mismanagement and inefficient government, environmental degradation and corruption are flourishing in this country. Corrupt practices among state officials, municipalities (Mandala, 2010; Vyas-Doorgapersad and Ababio, 2010), police officers (Faull, 2007; Staff Reporter, 2012), and prominent people were regularly reported to such an extent that former Public Protector, Ms. Thuli Madonsela, referred to South Africa as having reached a breaking point concerning the corruption epidemic in both public and private sectors (Gould, 2012). The findings through the ongoing Zondo Commission (2018/2019) into state capture inquiry highlighted that official corruption, in South Africa is widespread.

Anti-Trafficking Laws: International Perspectives

The Palermo Protocol

As a response to concerns about the reported increase in transnational organized crime, the United Nations (UN) adopted the Convention against Transnational Organized Crime (CTOC). Additional agreements or protocols to combat trafficking in persons, smuggling and firearms

supplement the Convention. Only states that have signed the CTOC may become party to the Protocol, as regulated in article 37(2) of the Convention. All relevant provisions of the CTOC are incorporated into the Protocol and must be interpreted together. Although the Protocol contains the greater part of human trafficking obligations, many important provisions are contained in the CTOC (Mollema, 2013).

The Palermo Protocol is a landmark in international anti-trafficking law for several reasons. It is the first anti-trafficking agreement adopted by the United Nations that takes a comprehensive international approach. It comprises the first internationally agreed definition of the crime of trafficking in humans (Mollema, 2013), it is the first official recognition by the United Nations of poverty as an important contributing factor and it highlights the issue of demand and calls upon the Member States to adopt or strengthen measures that would discourage the demand.

What is further significant about this Protocol is how it has attempted to address trafficking in persons not only from a criminal-law approach but also from a human-rights approach. This is clear from the preamble of the Protocol which states that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit, and destination that includes measures to prevent such trafficking, to punish the traffickers, including by protecting their internationally recognized human rights (Motseki, 2018).

In apperception of being identified as a destination, transit, and country of inception of victims in pursuing this offensive malefaction, South Africa has signed and ratified the protocol to obviate, suppress, and penalize trafficking in persons, especially women and children

(Palermo Protocol), which came into operation on 29 September 2003 and 25 December 2003 respectively (Bello, 2018: 3). Bello (2018: 3), states that the Palermo Protocol compels signatory participants to criminalize trafficking, investigate and prosecute traffickers and undertake border control measures. Bello (2018: 3), further explicates that each country must, following it denotes provide measures to forfend and avail victims of trafficking; apprise and inculcate trafficking victims. It was found that even after the South African government ratified Palermo Protocol which came into operation eighteen years ago, no progress has been made in terms of prevention, combating, investigation, and prosecution of human trafficking suspects or perpetrators.

Anti-Trafficking Laws in South Africa

Prevention and Combating of Trafficking in Persons Act 7 of 2013

Article 4 (1) states that "any person who delivers, recruits, transports, transfers, harbors, sells, exchanges, leases or receives another person within or across the borders of the Republic, utilizing-(a) a threat of harm; (b) the threat or use of force or other forms of coercion; (c) fraud; (d) deception; (e) abduction; kidnapping; (f) the abuse of power; (g) 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 (h) the direct or indirect 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 offense of trafficking in persons.

Table 1: Categories of corruption

Categories of corruption	Description
Bribery	The act of dishonestly persuading someone to act in one's favor by a payment or other inducement. Inducements can take the form of gifts, loans, fees, rewards, or other advantages (taxes, services, donations, etc.). The use of bribes can lead to collusion (e.g., inspector's under-reporting offenses in exchange for bribes) and/or extortion (e.g., bribes extracted against the threat of over-reporting)
Embezzlement	To steal, misdirect or misappropriate funds or assets placed in one's trust or under one's control. From a legal point of view, embezzlement need not necessarily be or involve corruption
Facilitation payment	A small payment also called a "speed" or "grease" payment, is made to secure or expedite the performance of a routine or necessary action to which the payer has legal or other entitlement
Fraud	The act of intentionally and dishonestly deceiving someone to gain an unfair or illegal advantage (financial, political, or otherwise)
Collusion	An arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party
Extortion	The act of impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party
Patronage, clientelism, and nepotism	Patronage at its core means the support given by a patron. In government, it refers to the practice of appointing people directly

Sources: (Anderson, 2015; World Bank, 2011) (DID, 2015; Motseki and Mofokeng, 2020)

Table 2: Study population

SAPS	DSD	DHA	DPCI	Survivors of human trafficking	Total
24	3	5	4	4	40

(Source: Researchers illustration)

The South African Constitution

Kruger (2010:415), states that apart from international and regional requirements to combat the trafficking of persons, the Constitution of the (RSA, 2013), correspondingly provides national human rights commitments relevant to human trafficking. This author further explains that 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 ful fill 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. The protection of children's rights is enshrined in the bill of rights in chapter 2 of the constitution.

As South Africa is a signatory to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), these sections lay the foundation of the interpretation of internal legislation (Bello and Olutola, 2018:8). The signing and ratification of the Palermo Protocol have furthermore placed an obligation on the South African Government to bring its domestic laws and policies in line with the standards set by these international instruments.

Common-Law

Delport *et al*. (2007:67). explains that, as there are no common law provisions dealing specifically with trafficking in South Africa, alternative options are used to charge and prosecute persons suspected of being involved in the trafficking of a person for sexual exploitation. These alternative options include; Abduction: The unlawful and intentional removal of an unmarried minor from the control of his or her parents or guardian to have sexual intercourse with the minor. Kidnapping: The unlawful and intentional deprivation of a person of his or her freedom of movement. Rape: The act of sexual penetration of a victim, without their consent. Indecent assault: The unlawful and intentional assault with the object of committing an indecency. Assault (either common or with the intent to inflict grievous bodily harm): The unlawful and intentional application of force to the person of another.

A Critique of these Legislations

The Human Trafficking Act was signed into law in 2013 by the President. Three years down the line, the stakeholders are still struggling to prosperously investigate, prosecute and penalize the perpetrators of human trafficking. Chapter 4 of the Act deals with the identification and protection of victims of trafficking, factors like corruption within the government officials and stakeholders obstruct the South African government from prosperously and efficaciously combating human trafficking. During data collection, DPCI members highlighted the problem of corruption within DHA and DSD. DSD is the most consequential role player as it is supposed to provide protection and shelter for the victims of human trafficking, as a result, the very same victims are taken back by those who are supposed to forfend them back to the traffickers.

Increasing public understanding and empowering anti-trafficking stakeholders.

It was found that the Trafficking in Persons (TiP) Report represents a credible source of information that civil society uses to advocate for new anti-trafficking policies. The department of the state relies on the information anti-trafficking stakeholders provide each year to effectively evaluate and rank countries' anti-trafficking efforts. Similarly, anti-trafficking stakeholders rely on the TIP Report to better understand the realities in a given country and use the report as a tool for advocacy. Most NGOs concentrate their efforts on specific aspects of anti-trafficking policies, from protection for victims to law enforcement training and public outreach campaigns. The TIP report provides a comprehensive view of what the government is doing to combat trafficking in persons. It allows NGOs, advocates and other individuals in the anti-trafficking movement to take a holistic approach when considering new programs and government partnerships.

The TIP report also provides stakeholders a useful basis on which to engage with governments that seek to act on recommendations through tangible government policies. The TIP report not only serves as a warning for governments with weak anti-trafficking policies, but also offers a road map for governments, NGOs, advocates, and other stakeholders to engage and create public-private partnerships. Anti-trafficking stakeholders that work in the field have first-hand knowledge of the issues stated in the TIP report (US Department of State TIP report, 2020:16).

South African Government's Status

In the last twelve years,' the US Department of State TIP Report consecutively stated that the South African Government does not fully comply with the minimum standards for the elimination of human trafficking, although acknowledging that the country is making significant efforts to do so. This report accordingly recommended South Africa pass and enact the prevention and combatting of trafficking in person bill, for each of the respective five years. Eventually, the South African government enacted and passed the legislation in the republic to fight human trafficking in 2013. Irrespective of passing the law and enacting it, the South African government remained in Tier 2 of the rankings of different countries and it has been twelve years where South Africa remained in the same Tier 2 (2008; 2009; 2010; 2011; 2012; 2013; 2014; 2015; 2016; 2017; 2018; 2019; 2020), this is according to (US Department of State TIP Report, 2020:454).

The 2017 US Department of State TIP Report stated that the South African Parliament passed comprehensive anti-trafficking legislation, namely the combating and prevention of trafficking in person bill, which awaited the presidential signature. The key role players in the South African Criminal Justice System (CJS), Accordingly commenced steps to prepare for the implementation of this legislation. However, some other key government departments had not yet started to prepare their respective directives (US Department of State TIP Report, 2017:335).

Materials and Methods

This study adopted a qualitative research approach. This approach used a phenomenological design that is both descriptive and exploratory. For this study, the use of a qualitative research approach enabled an in-depth appreciation of the participants' responses and a detailed understanding of the stakeholders' views on the implementation of anti-trafficking laws.

Study Population

The population of this study consists of officials from the directorate for priority crime investigation unit which deals with human trafficking, four officials were interviewed and their ranks were lieutenant 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. In terms of the South African Police Services, 24 officers in total were interviewed from three selected areas of Gauteng province, namely Pretoria, springs, and Kempton park, the ranks were constable, sergeant, warrant officers, lieutenant, and captain, terms of the gender, it was 8 females and 16 males and their experience were between 10 to 27 years. In terms of the department of social development, two officials were

interviewed from a head office in Pretoria, they were both males, holding the position of deputy director: Coordinator of the prevention combating of the trafficking in persons and director: Of social crime prevention and one female from Gauteng provincial office, their position was social work policy developer (trafficking in person coordinator).

In terms of the department of home affairs, five officials were interviewed, three of the officials were females and two were males, three were holding positions of assistant directors: Analysis, one was the assistant director: Of immigration service, and assistant director: Tracing and monitoring, four of them had between 2 to 3 years of experience and only one had 28 years of experience. 4 survivors of human trafficking were also part of the study and were trafficked between 2 to 8 years from different parts of South Africa and other countries.

Sampling Procedures

The selection of participants in this study was conducted using two sampling methods: Purposive sampling and Snowball sampling. Purposive sampling allowed for maximum variation, which was looking for participants who had different ideas concerning the topic and a broad range of experiences from each other. This was used to pick participants from the SAPS, DPCI, DSD, and DHA, as these participants are knowledgeable about human trafficking in Gauteng province. Snowball sampling, is a type of sampling where the researcher gets help from one participant to another. The choice of the participant is guided by the aims and objectives of the study. This method was used to select members of the community who have been victims of human trafficking to ensure that the participants are aware of the phenomenon to be studied. Unfortunately, most of the survivors of human trafficking did not feel safe participating in the study due to security reasons, fear of victimization, and shame, only four survivors were interviewed.

Data Collection Techniques

The researcher used the interviews to collect data. The interviews are gathered from more than one person because the goal is to identify differences and similarities across participants in a sample. In-depth interviews were used by the researcher. The reason is that in-depth interviews are conducted with unique individuals or a small number of people (Creswell, 2014:15). The advantages of the interviews are:

Firstly, considerable input from each participant and an independent view is obtained on a situation. Secondly, participants can discuss intimate and confidential issues without fear and no peer group pressure creates bias. Additionally, it allows a rapport to build between participants and the interviewer and can accommodate

widely scattered participants. Thirdly, it's better for heterogeneous participants who may not gel in a group and allows the interviewer to see the surrounding home or office of the respondent. The study used a semi-structured interview schedule as it allowed the researcher to use the pre-planned schedule and it allowed for elaborate discussions between the participants and the researcher. The interviews were in-depth and done one-on-one to elicit detailed information. The interviews took place at locations that were chosen by the participants. The duration ranged from 20-40 min, this was dependent on how much information the participants were willing to share.

Data Analysis

Thematic analysis is a method for identifying, analyzing, and reporting patterns (themes) within data as it organizes and describes data in detail. At the heart of thematic analysis, the familiarisation of data by the researcher is important. Data familiarisation was possible because the researchers personally conducted audio-recorded interviews and transcribed them. This process allowed the researchers to familiarise themselves with the data for expedited and insightful analysis.

Following this thematic transcription, the scripts were analyzed using NVivo version 8 software. This software organized the raw data so that it was possible to link and compare thematic issues within and across documents. The list of "starter nodes" was generated from an initial entry in a project journal in the software where the questions and assumptions brought to the report were outlined. The software gave results that allowed for a deeper examination and management of the qualitative data that might not be possible in traditional coding.

Two distinct types of coding were used in the analysis. The first was descriptive coding, which described the cases in this study. This process is related both to the coding of information in categories and the creation of attributes to clarify them. The second type was analytical coding, which was done by selecting source content to interpret and reflect on the meaning of the data to arrive at new ideas and categories. The process entailed gathering material that could be rethought and reviewed given the growing understanding of the inter-relationship of the categories in the data.

Ethical Clearance

The research received ethical clearance from Tshwane University of Technology (TUT) and permission to Conduct Interviews was granted by the following organizations: The South African Police Service (SAPS), Directorate of Priority Crime Investigation (DPCI), Department of Social Development (DSD), Department of Home Affairs (DHA) and National Prosecuting Authority (NPA).

Results and Discussion

Challenges that Hinders the Relevant Stakeholders to successfully implement anti-trafficking laws in South Africa.

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.

"Victims status affects the whole investigation if the victim is subjected to threats or intimidation. Lack of cooperation from victims, corruption is also a problem, language barrier among the victims who are from outside South Africa, delays in the court proceedings, courts are taking long to deal with cases of human trafficking, no specialized courts in South Africa dealing with cases of human trafficking" (Participant 14).

"Corruption in the case of home affairs is a problem. Police officers are friends with traffickers, they tip traffickers about the operation of the police. Immigration officers should undergo security clearance and vetting when they are being employed" (Participant 22)

"The problem is the resources on our part, we don't have that can enable us to respond effectively to human trafficking. I will also say we still lack intensive training on issues of human trafficking. We can't differentiate between victims of human trafficking and those working as sex workers at the night clubs, brothels so we need intensive training on that. Lack of cooperation and support from other stakeholders. Another challenge is the budget, for any program or imbizo, a proper budget has to be prioritized for the event" (Participant 11).

Based on the above, there are a lot of challenges that hinder the stakeholders from successfully identifying, locating, investigating, and prosecuting the perpetrators of human trafficking. Victims are not cooperating with the investigation due to their mental, physical or psychological status. Intimidations and threats from the traffickers are other challenges that lead to the victims not cooperating with the stakeholders. Corruption is a major contributing factor to the increasing numbers of human trafficking as the victims are being abducted and kidnapped from the safe houses. The government officials responsible for safety homes work with the traffickers and victims find themselves back in the trafficking ring after being rescued by the police.

Another challenge that was revealed was the lack of resources to effectively, investigate and combat human trafficking. Resources like manpower and budget are lacking and traffickers use the money to suppress the powers of the stakeholders responsible for human trafficking. Cooperation and support from other role players responsible for human trafficking were identified as a challenge and were significantly hindering the progress in combating human trafficking.

Scourge of Corruption

When asked how prevalent was corruption amongst the service providers who handled victims of human trafficking, the majority of the participants concurred that the problem was a serious concern. Some said.

"There is a lot of corruption and bribery taking place amongst the DHA, SAPS, and DSD officials. The DHA officials are corrupt and take bribes from the traffickers, in exchange to do traveling documents for victims of human trafficking. The SAPS officials tip the traffickers about the upcoming operations on human trafficking, whereas the DSD officials take the victims who were rescued from the trafficking ring back to the traffickers when the victims of human trafficking are at the safety homes or shelters. (Participant 11 from the DPCI)"

The prevalence of corruption among the officials hampered the effective implementation of the national anti-trafficking strategy. The lack of command and control measures offers fewer restrictions for perpetrators who incentivized the officials involved in corruptive practices, thus increasing widespread illicit practices with trafficking vulnerabilities. Despite endemic corruption among officials that impedes anti-trafficking efforts and enables traffickers to operate with impunity, there were very few officials prosecuted for trafficking offenses.

Corruption is universally condemned, but unfortunately, despite international treaty instruments and regional efforts to curb corruption, it remains ubiquitous. Opportunities for corruption stretch across a wide range of official positions and branches of Government (Aronowitz and Koning, 2014; Persson *et al*., 2013). The results of a 2009 UNODC survey revealed that law enforcement officials (including police, border control, immigration, and customs officials) are considered to be those most likely to participate in trafficking-related corruption (UNODC, 2011 as cited in IBAPTFAHT, 2016, p. 16). While corruption is more prevalent within this group, a review of available evidence confirms that the reach of corruption is indeed much broader.

Nature and Extent of Human Trafficking in South Africa

The participants were asked about the nature and extent of human trafficking in three selected areas of Gauteng Province highlighting the problem of a lot of brothels, massage parlors, and prostitution (related verbatim).

"Prostitution is very high in Gauteng Province, there are a lot of brothels and nightclubs in Gauteng, massage parlors, and spars, and these are used for human trafficking. Prostitution is very rife in Gauteng Province" (Participant 14). "Gauteng is the most problematic when it comes to human trafficking. Nigerians traffic or lure victims from small areas of South Africa and Neighbouring countries to areas like Hill brow in Gauteng. The problem is very big and uncontrollable"

(Participant 10). The problem is very big when I look at numbers between 2013 to 2016 where 300 victims of human trafficking trafficked from the rural areas of South Africa to Gauteng Province" (Participant 26).

"Human trafficking is rife in Gauteng despite the low numbers DSD is sitting with. The dilemma is that people are not reporting this crime. Some say they are not even aware that it is trafficking, while others say they don't even know if it is a crime. Gauteng is considered as the land of milk and honey and everyone who comes from outside the country and even other provinces, aspire to be in Gauteng and experience its lifestyle" (Participant 11).

The above paint a clear picture that the extent of human trafficking in South Africa is very deep. The problem with this scourge is that no official statistics are available to measure the problem, as the police do not release the official statistics.

When asked about the profile of victims and the profile of traffickers, the participants explained that the profile of victims of human trafficking include girls between the age of 13 to 27 years from the rural areas of South Africa and victims were from all different races. Other victims were from South African development countries, Thailand and Brazil and the age is from 18 to 31 years. The participants further explained that the trafficker's profile includes South African citizens, Nigerians, Somalians, Thai and Brazilian mafias. These are some of the responses from the participants (related verbatim).

"The profile of victims of human trafficking include the girls below teenage age 13 years Thai, South African girls, Asian girls involved in massage parlors and spar, European girls involved in entertainment, Mozambique, Zimbabwe, and Lesotho. The profile of perpetrators includes Nigerians, Thai and to a small extent, you will find them on forced labor Somalians, Brazilians ladies" (Participant 6).

"Profile of perpetrators of human traffickers include South Africans, Nigerians, Asian women, Thai and SADC countries. Profile of victims of human trafficking includes the girls from the age of 17 to 24 years and that would be South African and mostly Thai ladies between the age of 18 to 27 years of age" (Participant 33).

"Perpetrators of human trafficking mostly are Nigerians, Somalians, and Pakistan on Labour, they traffic their brothers to come and work in South Africa and for sex and prostitution, its Nigerians. Victims of human trafficking include Thai ladies, SADC, Zimbabwe, Lesotho, and South Africans. Inland mostly the victims will be from areas like (KwaZulu-Natal, Eastern Cape and few from other countries)" (Participant 2).

"Perpetrators of human trafficking are Thai, as there is a sophisticated syndicate from Thailand. You also hear about Nigerians involved in human trafficking. There is a trend of Lesotho nationals who are lured to South Africa to work as domestic workers and when they get to South Africa they are forced into sex trafficking and labor. The profile of

victims of human trafficking is Thai, in Thailand opening a brothel is acceptable and sex work is legal. In the late twenties to early thirties, foreigners and South Africans are young girls between 16 to 25 years. You also get young adults from South Africa, SADC countries like Mozambique, Malawi, Zimbabwe, and Lesotho" (Participant 21).

Emerging Themes

Challenges of Implementing Anti-Trafficking Laws

The challenges of implementing anti-trafficking laws in South Africa are many and remain extremely difficult for the Criminal Justice System and stakeholders to successfully combat human trafficking. The challenges identified by this study were the following, corruption from the SAPS in terms of leaking confidential information to the traffickers about the planned operations, corruption from home affairs in issuing documents illegally, and ensuring that the victims are transported in and out of the country illegally, corruption from Social development in handing the victims of human trafficking back to the traffickers as they are being rescued to the safety homes. Lack of professionalism, commitment, and lack of motivation from the stakeholders. The stakeholders involved in dealing with human trafficking in South Africa irrespective of the laws and policies enacted and implemented by the government lack motivation and commitment to prevent and counter the scourge of human trafficking.

Poor remuneration was one of the major factors which were affecting the stakeholders. Other stakeholders indicated that they did not have enough budget to conduct awareness campaigns, to pay their personnel. Long court proceedings, absence of witnesses in courts, inexperienced magistrates (judges). Lack of training in dealing with human trafficking was also a problem for the stakeholders, the police were not able to differentiate between human trafficking victims and prostitutes.

Lack of Effective Response to Human Trafficking

The stakeholders and CJS did not make an impact in combating human trafficking irrespective of the laws and policies available to them. The arrest, prosecution, and incarceration rates post the implementation of the human trafficking act remained very low. The study discovered that there was no adequate and effective strategy or response to prevent and combat human trafficking from the stakeholders and CJS. The stakeholders and CJS relied mainly on awareness, which was not done properly, to target areas where human trafficking was very high. The study found that stakeholders and CJS did not focus their efforts on implementing or using laws to combat human trafficking as the success rate of investigation and prosecution rate is very low.

Reliance on Traditional Investigation Methods and Strategies

The police relied mainly on proactively identifying human trafficking cases. They commonly utilized traditional investigation methods and strategies, such as stings in known brothels in a bid to rescue the victims and arrest the perpetrators. This did not yield any positive results as some of the operations and traditional investigations were compromised due to corruption between the SAPS and the traffickers. Motseki and Mofokeng (2020) highlighted that the prevalence of corruption amongst the officials hampered the effective implementation of the national anti-trafficking strategy. The lack of command and control measures offers fewer restrictions for perpetrators who incentivized the officials involved in corruptive practices, thus increasing widespread illicit practices with trafficking vulnerabilities. Despite endemic corruption among officials that impedes anti-trafficking efforts and enables traffickers to operate with impunity, there were very few officials prosecuted for trafficking offenses.

Conclusion

To eliminate corruption caused by human traffickers on the government officials', especially in home affairs, the authors recommend that the officials appointed at the national and provincial levels or departments be 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. The study also recommends that home affairs should establish an internal investigative unit that will investigate the corruption and malpractices implicating or done by home affairs officials. The study recommends that DHA officials found to be guilty of working with traffickers, should face the consequences of their actions and be criminally charged. It was clear that officials from DHA work with traffickers to provide illegal passports to victims and organize their international travel. The study recommends that strict protocols and procedures should be adhered to when hiring officials.

Human trafficking is a very complex and hidden crime that needs the undivided attention of those responsible to combat it. The study recommends that training of the SAPS officials at all levels was crucial. It was revealed that only investigators tasked with human trafficking receive training in this regard and not local SAPS officials. This could jeopardize the whole process of responding to the human trafficking problem, as initial contact with the victims, their families, and even with the criminals occurs at the local police station level. The study further recommends that many incidents of human trafficking are initiated on the Internet. This calls for the use of technologically advanced devices by the stakeholders and CJS officials. Officials should be trained

in and be able to use different sophisticated devices to access covert sites on the Internet to detect incidences resembling human trafficking.

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 a lot of potential victims of human trafficking. The study further recommends that all social media platforms should be used by stakeholders in terms of raising awareness. Perpetrators of human trafficking use different social media platforms to lure and recruit their potential victims, as a result, even the stakeholder combating human trafficking should also use the different social media platforms to raise awareness about human trafficking among potential victims.

This study has revealed that the current strategies utilized by the stakeholders and CJS are not enough to deal with human trafficking, especially in the context of its current status as a crime that is perpetuated and perpetrated with impunity. In South Africa, illegal brothels are increasing and people enter the country unrestrictedly for unlawful practices through the port, borders, and airport. This study recommends intelligence-led policing that will involve a holistic approach to human trafficking investigations and prosecutions. The study further recommends that stakeholders should be given more resources especially, the budget to deal with a crime, especially human trafficking.

In conclusion, this study managed to successfully determine the challenges of implementing anti-trafficking laws and suggest effective strategies to improve the implementation of anti-trafficking laws. Overall, it was clear that the efforts of the SAPS and CJS were mostly reactive and it is argued that such efforts are ineffective in curbing the problem of human trafficking and implementing anti-trafficking laws. Moreover, if partnerships are not strongly forged on collaborative and consultative practices that include all stakeholders-also and members of society-their efforts to bring the perpetrators of human trafficking to book will remain impaired. The world as a whole has a task to approach the problem of human trafficking collectively. Furthermore, some improvements should be done to stabilize the response of all stakeholders to human trafficking in South Africa. The implementation of anti-trafficking laws is important to solve and deal with human trafficking. Again, relevant legislation and how it is implemented should be questioned and addressed because the number of convictions is limited compared to the extent and nature of human trafficking in South Africa at large.

Acknowledgment

Ethics

References

Anderson, D. (2015). Analyzing the Threat of Human Trafficking in Europe.

Aronowitz, A. A., & Koning, A. (2014). Understanding human trafficking as a market system: Addressing the demand side of trafficking for sexual exploitation. Revue internationale de droit pénal, 85(3), 669-696.
https://www.cairn.info/revue-internationale-de-droit-penal-2014-3-page-669.htm

Bello, P. O. (2018). Long-term criminal justice response to human trafficking in South Africa: An impossible mission. Contemporary Justice Review, 21(4), 474–491.
https://www.tandfonline.com/doi/abs/10.1080/15614263.2017.1387783

Bello, P. O., & Olutola, A. A. (2018). The enforcement of anti-human trafficking law in South Africa: A case of an aircraft without a pilot. Police Practice and Research, 19(3), 270-283. doi.org/10.1080/15614263.2017.1387783

Blanco, D. V. (2016). Ending Human Trafficking: A Stakeholder's Challenge. Social Transformations: Journal of the Global South.
doi.org/10.1191/1478088706qp063oa

Creswell, J.W. (2014). Research design. 4th edition. London: SAGE.

Delport, E., Koen, K., & Mackay, A. (2007). Human trafficking in South Africa: Root causes and recommendations. Policy Paper Poverty Series, (14.5).

DID. (2015). Human trafficking.
www.nao.org.uk/wp-con tent/uploads/2015/07/Department-for international-Development-short-guide-updated.pdf

Dess, M. (2013). Walking the Freedom Trail: An Analysis of the Massachusetts Human Trafficking Statute and Its Potential to Combat Child Sex Trafficking. Boston College Journal of Law and Social Justice, 33, 147-182.

Deverka, P. A., Lavallee, D. C., Desai, P. J., Esmail, L. C., Ramsey, S. D., Veenstra, D. L., & Tunis, S. R. (2013). Stakeholder participation in comparative effectiveness research: Defining a framework for effective engagement. Journal of Comparative Effectiveness Research, 1(2), 181–194.
doi.org/10.2217/cer.12.

Farrel, A., Pfeffer, P., & Bright, I. (2015). Police perceptions of human trafficking. Journal of Crime and Justice, 81, 58–70. Publisher Routledge.

Faull, A. (2007). Corruption and the South African police service. A review and its implications. Institute for Security Studies Papers, 2007(150), 20. https://hdl.handle.net/10520/EJC48810

Gould, C. (2012). On the record: Interview with David Lewis, Director of corruption watch. SA Crime Quarterly, 39(1), 41–46. www.journals.sagepub.com/doi/pdf/10.11.77/002716214521562

Hounmenou, C. (2020). Engaging anti-human trafficking stakeholders in the research process. Journal of Human Trafficking, 6(1), 30-49. doi.org/10.1080/23322705.2018.1512284

HSRC. (2010). Tsireledzani: Understanding the Dimensions of Human Trafficking in Southern Africa.

Kruger, H. B. (2010). Combating human trafficking: A South African legal perspective (Doctoral dissertation, University of the Free State).

Love, H., Hussemann, J., Yu, L., McCoy, E., & Owens, C. (2018). Justice in their own words: Perceptions and experiences of (in) justice among human trafficking survivors. Washington, DC: Urban Institute.

Mandala, M. J. (2010). 'A better life for all: A reality or a pipe-dream? A black theology intervention in conditions of poor service delivery in democratic South Africa. Scriptura: Journal for Contextual Hermeneutics in Southern Africa, 105(1), 519-531. https://journals.co.za/doi/abs/10.10520/EJC100558

Mofokeng, J. T. (2016). The apple does not fall far from the tree: Can society corrupt police officials? International Journal of Social Sciences and Humanity Studies, 8(2), 150-164. https://dergipark.org.tr/en/pub/ijsshs/issue/26212/275981

Mofokeng, J., & Olutola, A. (2014). Expert reflections on challenges experienced to address human trafficking in South Africa before the implementation of the Prevention and Combating of Trafficking in Persons Act 7 of 2013. Acta Criminological: African Journal of Criminology and Victimology, 2014(1), 114-135. https://journals.co.za/DOI/abs/10.10520/EJC176657

Mollema, N. (2013). Combating human trafficking in South Africa: A comparative legal study. An unpublished doctoral thesis. Pretoria: UNISA.

Motseki, M. M. (2021). An Exploration of Human Trafficking and Human Rights in South Africa: A Strategic Perspective. Gender and Behaviour, 19(2), 17892-17905. https://journals.co.za/doi/abs/10.10520/ejc-genbeh_v19_n2_a18

Motseki, M. (2018). An evaluation of perpetrator's modus operandi on human trafficking in the three selected areas of Gauteng Province, South Africa. The International Journal of Social Sciences and Humanity Studies, 10(1), 174-188. https://www.sobiad.org/eJOURNALS/journal_IJSS/arhieves/ijss_2018_1_ek/m-motseki.pdf

Motseki, M. M., & Mofokeng, J. T. (2020). Stakeholders as the catalyst to human trafficking: A case study of three selected areas of Gauteng province, South Africa. Cogent Social Sciences, 6(1), 1825057. doi.org/10.1080/23311886.2020.1825057

Persson, A., Rothstein, B., & Teorell, J. (2013). Why anti-corruption reforms fail-systemic corruption as a collective action problem. Governance, 26(3), 449-471. doi.org/10.1111/j.1468-0491.2012.01604.x

RSA. (2013): Prevention and Combating of Trafficking in Persons Act, 2013. Government Printers: Pretoria. Republic of South Africa.

Reuters. (2012). ANC promises are ringing hollow. Sowetan Live. //www.sowetanlive.co.za/news/2012/06/25/anc-promises-are-ringing-hollow

Serfontein, E., & De Waal, E. (2015). The corruption bogey in South Africa: Is public education safe? (13, 13, 35) 11. doi.org/10.15700/201409161038

Staff Reporter. (2012). Radebe: Corruption will extinguish the flame of democracy. Mail and Guardian.

IBAPTFAHT. (2016). Human trafficking and public corruption: A report by the IBA's presidential task force against human trafficking. Routledge.

UNODC. (2011). Overview of global and regional drug trends and patterns. United Nations Office of Drugs and Crime.

Vyas-Doorgapersad, S., & Ababio, E. P. (2010). The illusion of ethics for good local governance in South Africa. TD: The Journal for Transdisciplinary Research in Southern Africa, 6(2), 411-427. https://journals.co.za/doi/abs/10.10520/EJC111910

World Bank. (2011). The World Bank's Social Protection and Labor Strategy 2012–2022.

Okech, D., Morreau, W., & Benson, K. (2012). Human trafficking: Improving victim identification and service provision. International Social Work, 55(4), 488-503. doi.org/10.1177/0020872811425805.