Analysis of the Human Trafficking Awareness Index report

Legal and professional information provider, LexisNexis South Africa, has released its latest LexisNexis Human Trafficking Awareness Index report. The report looks at the volume of human trafficking news and high profile cases across South Africa and the continent for a 12-month period from January to December 2014.

The index is based on an online research tool that tracks and analyses media coverage of human trafficking in South Africa and Africa in order to assist anti-trafficking activists to monitor and drive the anti-trafficking agenda, as well as gain an overview of human trafficking cases reported by the media.

This third report was compiled by Dr Monique Emser, a counter trafficking researcher and activist. As with previous reports, it offers a national and regional analysis of the trajectory of developments in high impact ongoing cases.

The report identified 432 unique articles published by the South African media between January and December 2014. Awareness during the 12-month period was on average higher than the baseline of 31 articles per month, indicating increased awareness due to high profile cases reported by the media.

According to the report, there were -
- 93 potential victims trafficked into and within South Africa during the reporting period;
- 76 potential victims who were adults, 17 were children;
- 54 potential victims of migrant smuggling with the end purpose of exploitation.

This represents more than half (58%) of all potential victims identified;
- 24 potential victims of sexual exploitation, 16 were women and eight were girls;
- six potential victims of forced labour, all were female. There were five adults and one minor;
- two potential victims of forced marriage; and
- two potential victims of body part trafficking (ritual killing for muti purposes).

Notable trends

Child sexual exploitation

The report states that as noted in the previous reporting periods, child trafficking for the purposes of sexual exploitation remains a serious problem, despite the relatively low number of victims detected and assisted.

It says that child trafficking for the purposes of sexual exploitation tends to be domestic and intraregional. In the two cases profiled, the victims were between ten and 16 years old, and had been trafficked from impoverished rural areas (Eastern Cape, and the other from Mozambique to Mpumulanga). Both cases shared a number of similarities -
- the girls were recruited and/or trafficked by women who not only procured the girls to be abused but had a role to play in controlling them;
- the perpetrators of sexual abuse and rape were middle-aged businessmen living in relatively remote areas of the provinces concerned; and
- both were indicative of small local (opportunistic) trafficking operations involving a small number of victims, little organisation and recruitment or facilitation by an intimate partner or someone from their own community who they thought could be trusted.

According to the report, children trafficked for sexual exploitation suffer extreme violations of their human rights, including the right to liberty, the right to dignity and security of person, the right not to be held in slavery or involuntary servitude, the right to be free from cruel and inhumane treatment, the right to be free from violence, and the right to health.

The report states that ‘unpredictability’ and ‘uncontrollability’ are theorised to be predictive of more intense and prolonged reactions to abuse, including post-traumatic stress disorders and other mental health disorders. Repeated rapes, physical and psychological abuse inflicted over a period of months, and even years, mean that these children require intensive psychological support services before and after being reunited with their families or caregivers.

Forced marriage, ukuthwala and harmful traditional and cultural practices

The report noted that there were a couple of cases dealing with “ukuthwala.” It stated that early and forced marriage is a violation of human rights that destroys girls’ childhoods and women’s lives. The causes of early and forced marriage are complex, interrelated and dependent on individual circumstances and context.

The practice is driven by -
- gender inequality;
- poverty;
- harmful traditional or religious practices; and
- failure to enforce the law (or a lack of knowledge of particular laws and rights).

‘Although cases linking the practice of “ukuthwala” with forced marriage are relatively rare, this culturally sensitive issue has sparked great debate across South Africa as to whether it should be regarded as a form of trafficking,’ the report states.

Early and forced marriage contributes to driving girls into a cycle of poverty and powerlessness. They are likely to experience:
- Illiteracy and poor education
Girls who are forced to marry are systematically denied their right to education, they tend to drop out of or are removed from school, as their new role is to carry out domestic work and bear children. Girls with no education are three times more likely to be married before the age of 18 than those with secondary education. And the impact continues through the generations. Daughters of young, uneducated mothers are more likely to drop out of school and be married early, repeating the cycle. In addition, early and forced marriage is comparable to trafficking for the purposes of sexual exploitation and domestic servitude.

- Increased mortality rate
Girls who are victims of early and forced marriage have higher mortality rates than their unmarried counterparts. In developing countries, the leading cause of death among girls aged 15 – 19 is childbirth, where they are twice as likely to die in labour as a woman over 20.
• **Poor sexual health**
Most girls who are subjected to early or forced marriage usually have poor sexual health. They will have engaged in sex before being physically and emotionally ready and, due to marrying an older man, will be at increased risk of sexual infections such as HIV (which may be as much as double that of the national average).

• **Higher risk of abuse**
According to research carried out by the World Health Organisation, married girls aged 15 - 19 are more likely to experience violence than older married women. Due to lack of education, lower status, lack of control and powerlessness, girls subjected to early or forced marriage suffer higher levels of violence, abuse and rape.

**Migration-trafficking nexus**

‘Migrants and refugees continue to fall prey to unscrupulous traffickers. A growing trend in the South African and African context is the increasingly blurred lines between migrant smuggling and human trafficking, as conflict, insurgency, political instability, discrimination and poverty force hundreds of thousands to flee their home countries every year,’ the report states.

The report goes on to state that forced migration within the African region increases the vulnerability of men, women and children to becoming victims of human trafficking and other forms of exploitation and abuse. South Africa, as one of the more stable and prosperous countries within the sub-region, is an attractive destinations for refugees and migrants. Many take great risks and transit through third countries illegally in hopes of reaching South African shores, and during this stage of their journey are actively complicit in their illicit transit (migrant smuggling). However, what is becoming increasingly apparent is that on reaching destination countries, they are often held against their will, or in debt bondage, and subsequently exploited.

**Human trafficking awareness in Africa**

According to the report there were:
- 1 838 unique African media articles on human trafficking, captured during the period;
- 2 958 potential trafficking victims reported on by African media;
- 1 196 victims identified as adults (40% of total victims); and
- 1 343 victims identified as children (45% of reported victims).

**Child soldiers and forced recruitment**

According to the report, the United Nations Children’s Fund estimates that there are up to 300 000 children involved in more than 30 conflicts worldwide. The largest number of child soldiers, estimated at 120 000 (or 40% of the global total), are in Africa, despite the 1999 African Charter on the Rights and Welfare of the Child. This is the only regional treaty outlawing child involvement in armed conflict.

The report defines a child soldier as any child under the age of 18 who is recruited by a state or non-state armed group and used as a fighter, cook, suicide bomber, human shield, messenger, spy, or for sexual purposes. ‘Of growing concern is the notable increase in the use of children to carry explosives or plant explosive devices, with some not even aware that they are carrying explosives, which are then detonated from a distance. The recruitment of children under the age of 15 is incontrovertibly prohibited under international humanitarian law (Convention on the Rights of the Child and the Additional Protocols to the Geneva Conventions),’ it states.

**Child trafficking**

The report states that children are trafficked for diverse reasons. The most prevalent types of child trafficking on the con-
tinent during the reporting period were for sexual exploitation (including forced marriage), forced recruitment or child soldiers, and illegal adoptions. A number of reported cases (262) remain undefined and are assigned to the general category of ‘child trafficking’.

**The migration-trafficking nexus**

According to the report, the migration-trafficking nexus remains a key point of vulnerability for migrants and refugees (especially women and children) who often are physically and sexually abused and exploited throughout their journey only to become sex slaves or involved in forced begging at the end of their journey. Men are typically exploited for forced labour. Often intercepted in transit, migrants are arrested and prosecuted for illegally entering a third country.

To view the full human trafficking awareness index go to www.lexisnexis.co.za/ruleoflaw.