An exploration of corruption and human trafficking: The south african case

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Abstract: Human trafficking and corruption are closely related criminal activities. However, correlations between these two phenomena and the actual impact of corruption on human trafficking are common. Neglected in the development and implementation of anti-trafficking strategies and policies. This lack of attention can seriously undermine the initiative to combat human trafficking and prevent the customization of responses as needed. The paper outlined patterns of corruption in human trafficking. Qualitative approach was used and forty interviews were carried out among officials deployed in the criminal justice cluster, as well as with the victims. The key findings indicated that corruption is the major contributor and catalyst to human trafficking, findings further indicated that some officials from stakeholders are involved in corruption involving human trafficking. Recommendations suggest that stakeholders have thus acted as catalyst for increased secondary exploitation of victims. Stakeholder engagement in anti-trafficking policy implementation and service responses are insufficient.

Subjects: Criminology - Law; Policing & Police Law; Criminology and Criminal Justice

Keywords: Corruption; Gauteng; human trafficking; policing; South Africa

1. Introduction

Trafficking in persons and corruption are closely linked criminal activities, whose interrelation is frequently referred to in international space (Anderson, 2015). Yet, the correlation between the two phenomena, and the actual impact of corruption on trafficking in persons, are generally neglected in the development and implementation of anti-human trafficking policies and measures (Motseki & Mofokeng, 2020). The researcher is of the view that this lack of attention may substantially undermine initiatives to combat trafficking in persons and prevent the customization of responses as needed. Only after recognizing the existence and the effects of corruption in the context of human trafficking, can the challenges posed by it be met (Motseki, 2018). Gould (Gould, 2012) concurs that it is thus important to examine how corruption plays a role in human trafficking and actually contributes to the growth of the phenomenon. This paper seeks to outline patterns of corruption in trafficking in persons; provide a description of relevant international legal instruments and outline some practical guidance on what can be done to address the issue of corruption in human trafficking. In an attempt to keep its scope within reasonable limits, the paper focuses mostly on corruption of public officials, and in particular of law enforcement and criminal justice system
1.1. Research questions
The following research questions guided this paper:

- What are the challenges that hinder the relevant stakeholders to successfully combat human trafficking in South Africa?
- What is the extent and nature of human trafficking in South Africa?
- What is the profile of the perpetrators of human trafficking in South Africa?

1.2. Problem statement
Specific data and in-depth analysis of the role of corruption in human trafficking is currently very limited. To the detriment of integrated strategies to understand and combat human trafficking, corruption is rarely a focus in anti-trafficking research or policies, although extensive information on corruption in human trafficking cases is available through other, non-dedicated sources (Mofokeng, 2016). Human trafficking and corruption are criminal activities that have received a great deal of international attention in recent years. International legal instruments have been negotiated.

According to Mofokeng and Olutola (2014) despite the scarcity of specific official data on corruption and trafficking, there are consistent indications that corruption does play an important role in facilitating and fostering the crime of trafficking in persons. Information and data gathered for other purposes indicates unequivocally that the corrupt behavior of law enforcers may help traffickers to recruit, transport and exploit their victims; corrupt criminal justice authorities may obstruct the investigation and prosecution of cases, and impede the adequate protection of victims of the crime. Furthermore, corruption involving the private sector—such as travel agencies, model agencies, marriage bureaus, hotels, construction companies and others—may also contribute to human trafficking (Motseki, 2018).

1.3. South African response to human trafficking
South Africa is party to various international and regional instruments dealing with human trafficking (Bello & Olutola, 2018; May & Mudarikwa, 2011). All of these instruments require the country to put in place a legal and policy framework that meets the standards set by their provisions (May & Mudarikwa, 2011). Under the 1996 Constitution, national laws enacted by its Parliament are required for the implementation of the country’s obligations under international law. While it had implemented some of these international instruments on an ad hoc basis (for instance, the 2005 Children’s Act included a chapter on trafficking in children), South Africa did not have comprehensive legislation on the matter until the enactment in 2013 of the Prevention and Combating of Trafficking in Persons Act. However, this legislation did not take effect until August 2015 and its accompanying regulations were not enacted until October of the same year (May & Mudarikwa, 2011). The South African Trafficking in Persons Act (7 of 2013, p. 12) (hereafter referred to as SA TIP Act (7 of 2013) defines TIP as follows in Section 4:

To give effect to the Republic’s obligation 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; to provide for penalties that may be imposed in respect of the offences; to provide for measures to protect and assist victims of trafficking in persons; to provide for the coordinated implementation, application and administration of this Act; to prevent and combat the trafficking in persons within or across the borders of the Republic; and to provide for matters connected therewith.

South Africa, being a signatory to the Palermo Human Trafficking Convention, ratified it and has taken radical steps to domesticate some of the provisions of this law (Palermo Convention) by introducing a comprehensive law on human trafficking, the prevention and combating of trafficking in Persons Act (2013). Human trafficking and counter-trafficking in South Africa stay under concentrated from all points of view. In-depth understanding and comprehension...
of the problem, as well as efficacy and the effect of reactions, are required to plan viable policies and techniques. Prior to 2015, South African anti-human-trafficking laws were said to have been fragmented and limited in scope. During this period, human trafficking cases were dealt with in two ways: First, through the utilisation of existing laws, laws that did not criminalise human trafficking per se but were used to prosecute human trafficking actors for crimes they committed in the process. These included both statutory offenses (including under the Intimidation Act of 1982 and the Prevention of Organised Crime Act of 1998) and common law offenses (such as kidnapping, slavery, and assault; May & Mudarikwa, 2011). The second method was through the enactment of provisional laws to address specific aspects of human trafficking. In this category are the Children’s Act of 2005 and the Trafficking in Children and the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 (May & Mudarikwa, 2011).

This presented a number of challenges. For instance, it was difficult to prosecute individuals other than those directly linked to the trafficking offenses, and whenever prosecutors were able to secure convictions, the sentences were often seen as inadequate (May & Mudarikwa, 2011). In addition, even the statutes with sections dealing specifically with human trafficking matters were reportedly limited in scope, both in terms of the types of cases they could be used to prosecute (for instance, the Children’s Act only applied to children) and in their overall contribution to reducing human trafficking, in that they did not provide for awareness training and preventative measures. The recently enacted comprehensive legislation seeks to ensure South Africa’s compliance with all its obligations under international law and ameliorate the above-noted deficiencies in prosecuting human trafficking offenses.

According to the United Nations Office on Drugs and Crime (UNODC), (UNODC United Nations office of drugs and crime), 2011 as cited in The International Bar Association’s Presidential Task Force Against Human Trafficking, 2016, p. 5), argues that “corruptive practices by various actor and stakeholders present significant challenges to efforts to prevent, investigate and prosecute trafficking crimes. Combating corruption is essential to any comprehensive strategy to end human trafficking”. Unfortunately, while the link between trafficking and corruption is widely acknowledged, there are little data available to help explain what is happening, how, and to whom. Only a small handful of reliable studies provide confirmed examples linking corruption and trafficking and few case studies are available (UNODC United Nations office of drugs and crime), 2011 as cited in The International Bar Association’s Presidential Task Force Against Human Trafficking, 2016, pp. 5–6).

Prevalence of trafficking in persons in South Africa is often the “elephant in the room” when discussing responses to victims. Despite the arguments that trafficking in persons is said to be a significant problem in South Africa, accurate statistical information on the prevalence of the problem is largely not available (Bello, 2018; Human Science Research Council (HSRC), 2010; Mofokeng & Olutola, 2014). Palmary & De Gruchy, 2016 note that there have been two primary concerns about the evidence used to develop counter-trafficking interventions. Firstly, several researchers (Palmary & De Gruchy, 2016, p. 20) argues that “the dominant anti-trafficking discourse is not evidence-based but grounded in the construction of particular mythology of trafficking”. Thus, a number of unsubstantiated claims have been made about what trafficking is and who the victims and perpetrators of this crime are (Palmary & De Gruchy, 2016, p. 20). Second, information from contexts very different to South Africa appeared to be restated as South African evidence (Palmary & De Gruchy, 2016).

This was particularly evident around the World Cup where the numbers of trafficking victims that were expected in South Africa had been “simply reproduced from the numbers of expected victims in Germany even though the evidence suggested that the trafficking victims during the German World Cup had not materialized” (Palmary & de Gruchy, 2019, p. 20). There are however, consistent reports regarding South Africa’s status as a major source, transit, and destination country for human trafficking in southern Africa by the media (Bello, 2018; Human Science Research Council (HSRC), 2010, Mofokeng (2016), and Mofokeng and Olutola (2014); Motseki, 2018). Consequently,
its use, and in this instance its quality, is limited and ad hoc at best. Given that policymakers rely on civil society for the provision and verification of data, and “that civil society were using methodologically unsound estimates to raise concern around trafficking, evidence was, and remains, a highly contested issue in conversations around trafficking in persons” (Palmary & De Gruchy, 2016, p. 39).

While there was some discussion around the treatment of victims of trafficking upon their identification, it was not to the extent that there were various policy options. South Africa followed the approach taken by other countries, and local manifestations of migration-related exploitation (associated with internal migration and labour migration) did not figure centrally in deliberations. Furthermore, there was a prevailing sense of not allowing victims of trafficking to be “entitled” to more than South Africans or victims of other crimes, or allowing the Act to be abused by migrants that drove most of the discussions. While the two coalitions within the trafficking subsystem were quite polarised in their ideas around the evidence, or lack thereof, and whether sex workers are or are not de facto victims of trafficking, these did not lead to alternative policy options within the deliberations (Palmary & De Gruchy, 2016, p. 39).

1.4. Linkages between stakeholder’s corruption and human trafficking
The United Nations Convention against Corruption (UNCAC), adopted by the General Assembly in 2003 (as cited in Department for International Development, 2015, p. 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. And although corruption appears in

| Categories of corruption                   | Description                                                                                                                                 |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Bribery                                   | The act of dishonestly persuading someone to act in one’s favour 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 offences 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, 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 in order 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; Department for International Development, 2015; Motseki & Mofokeng, 2020; World Bank, 2011a).
societies throughout the world, it is within contexts of instability, weak institutions and extreme poverty that corruption is particularly pervasive. Table 1 depicts categories of corruption.

Corruption is a phenomenon with many faces. It is characterised 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, organisations 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 (Department for International Development, 2015, p. 12). 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, within 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 break down 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 commissions, currently running for over 3 years, is the Zondo Commission. The links between trafficking and corruption have not been extensively documented or analysed, and as such are poorly understood. Research in this area presents significant challenges.

Love et al. (2018, p. 2) concur that 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, pp. 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 labour, and sexual services keep growing (Motseki, 2018, p. 175). What complicates the response to human trafficking is that most criminal justice stakeholders do not really understand what human trafficking is (Human Science Research Council (HSRC), 2010, p. 134; Mofokeng and Olutola (2014), p. 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 & Olutola, 2014, p. 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 a gratification in order 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 emphasises 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, wherebycronism, nepotism and greedy are affected in intimate relationships, often fostered in dark rooms and in grand cars, much like illicit sexual affairs; and like AIDS spreads in intimate relationships, corruption spreads within an organisation and breeds distrust amongst officials, politicians and the public. Reuters (2012) similarly refers to corruption as a cancer that is eating up the South African nation.

Serfontein and De Waal (2015, p. 1) report on economic greed, major organisational changes, retrenchments and poverty, crime, mismanagement and inefficient government, environmental degradation and corruption are flourishing in this country. Corrupt practices among state officials, municipalities (Manala, 2010; Vyasa-Dongapersad & 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.

2. Theoretical frameworks

It was only during the late 1970s that criminologists realised that none of the theoretical perspectives aimed at explaining criminal behaviour assumed a rational, thinking individual. David Matza's drift theory (1964) got the closest to including such criteria. He referred to his theory as "soft determinism" However, his theory did not convey the fact that the individual has a free will and that he or she can make a calculated, rational decision or choice.

Theorists, who support the rational choice perspective, speak in terms of “opportunity”, “benefits” and “costs” when discussing the offender's decision to commit a crime. The viewpoints of Smit (1723–1790), and Bentham (1748–1832) that man exercises economic choices and is motivated to experience pleasure and to avoid pain, featured very strongly in the rational choice perspective.) indicated that a synthesis of the work of various researchers on criminal decision-making (which fell within four separate disciplines—the sociology of deviance, environmental criminology, economics and cognitive psychology) eventually gave rise to the rational choice perspective.

Instead of emphasising the differences between criminals and non-criminals, the rational choice perspective stresses some of the similarities between them. Crimes are the result of rational choices, based on the anticipated cost and benefits, criminal behaviour becomes more crime-specific. They argue that more attention should be paid to the criminal event itself as well as the background or historical and situational factors that influence its commission. This supposes that the decision-making process can be affected by various factors of which situational factors (poverty, unemployment, poor economies and social circumstances) are the most important part of the process in deciding to commit crime.

Therefore, with reference to the above, the rational choice theory states that most opportunistic criminals are rational in their decision making and recognise, evaluate, and respond to a variety of environmental factors. These are environmental factors within the built environment which relate to the perceived risk and efforts associated with an offence, and are central to the offender's decision-making process. The same goes for perpetrators of human trafficking, they are rational in their decision, and they evaluate and respond to a variety of environment factors, laws, and legislations.

2.1. 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 forfends children, and offers what many children's rights activists regard as the cornerstone for developing
concrete legislation proscribing trafficking in persons. 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.

2.2. Methodology
For this study, a qualitative research approach was used to properly research the phenomena, challenges and effective responses to human trafficking. The research design was exploratory, which allows the researcher to listen to and understand the participants regarding their ideals and personal experience (Creswell, 2014:30). Qualitative research provides people with a means of attempting to understand a world that cannot be understood in terms of numbers and objectivity. Qualitative approaches provide ways of transcribing and analysing the discursive construction of everyday events and of exploring the historical nature of life within a social group or local setting (De Vos, 2011:108).

2.3. Study population
The population of this study consists of officials from 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, in terms of the gender, it was 8 females and 16 males and their experience were between 10 years 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: social crime prevention, and one female from Gauteng provincial office, their position was Social Work Policy Developer (Trafficking in Persons 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: 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.

2.4. Sampling procedures
The selection of participants of 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 experience 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 to participate in the study due to security reasons, fear of victimization, and shame, and only four survivors of human trafficking were interviewed. The participants were asked same questions, including the victims of human trafficking.

2.5. 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, and the reason being 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, allows a rapport to build between participants and interviewer and can accommodate widely scattered participants. Thirdly, 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 where in-depth and done on a one on one this was done to illicit detailed information. The interviews took place at locations that were chosen by the participants and the duration ranged from 20–40 minutes, this was dependent on how much information the participants were willing to share.

2.6. Data analysis
Thematic analysis is a method for identifying, analysing, and reporting patterns (themes) within data as it organises and describes data in detail (Braun & Clarke, 2006). 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 analysed using NVivo version 8 software. This software organised 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-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.

2.7. Ethical clearance
The research received ethical clearance from Tshwane University of Technology (TUT), and permission to conduct interviews was granted by the following organisations: The SAPS, DPCI, DSD, DHA, and NPA.
3. Findings and discussion

3.1. Challenges that hinder the relevant stakeholders to successfully combat human trafficking in 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:

“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 from 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 16).

“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 5).

“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 in 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 which hinder the stakeholders from successfully identify, locate, investigate and prosecute the perpetrators of human trafficking. Victims which are not cooperating with the investigation due to their mental, physical or psychological status. Intimidations and threats from the traffickers is another challenge which leads to the victims not cooperating with the stakeholders. Corruption is a major contributing factor to the increasing numbers of human trafficking; 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 was significantly hindering the progress in combating human trafficking.

3.2. Nature and extent of human trafficking in three selected areas of Gauteng Province

The participants when asked about the nature and extent of human trafficking in three selected areas of Gauteng Province highlighted the problem of a lot of brothels, massage parlous, and prostitution (related verbatim):

“Prostitution is very high in Gauteng Province, there are a lot of brothels and night clubs in Gauteng, massage parlous, spars, and this 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 Hillbrow 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 is 300 victims of human trafficking trafficked from the rural areas of South Africa to Gauteng Province” (Participant 24).
“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 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 9).

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 available to measure the problem, the police do not release the official statistics.

When asked about the profile of victims and profile of traffickers of human trafficking in three selected areas of Gauteng Province, the participants explained that the profile of victims of human trafficking include girls between the age 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 include South African citizens, Nigerians, Somalis, 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 parlous, 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 labour Somalis, 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 18).

“Perpetrators of human trafficking mostly is Nigerians, Somalis, and Pakistan on Labour, they traffic their brothers to come and work in South Africa and for sex and prostitution, it’s 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 36).

“Perpetrators of human trafficking are Thai, there is a sophisticated syndicate from Thailand. You also hear their Nigerians involved in human trafficking. There are also South African working with people from outside, South African is used by Nigerians. There is a trend of Lesotho nationals who are lured to South Africa to work as domestic workers, when they get to South African, they are forced to sex trafficking and labour. Profile of victims of human trafficking is Thai, in Thailand opening a brothel is acceptable, and sex work is legal. The late twenties to early thirties foreigners. South African is young girls between 16 to 25 years. You also get young adults from South Africa, SADC countries like Mozambique, Malawi, Zimbabwe and Lesotho” (Participant 31).

4. Emerging themes

4.1. Theme 1: Challenges of policing human trafficking
The challenges of policing human trafficking in South Africa are many and remained extremely difficult for the CJS 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 are 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 witness 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 victim and prostitute.

4.2. Theme 2: Scourge of corruption and bribery on DHA officials

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 of the traffickers, in exchange to do travelling 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).

Based on the responses above, the findings painted a bleak picture regarding standard operating procedures for proactive victim protection and safekeeping efforts. The prevalence of corruption amongst the officials, hampered effective implementation of the national anti-trafficking strategy. The lack of command and control measures offers less restrictions for perpetrators to who incentivised the officials involved in corruptive practices, thus increase 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 of the officials prosecuted for trafficking offenses. It is also unknown, if audits were ever conducted amongst the NGOs by the DSD in order to revoke the licenses of those organisations suspected of failing to adhere to service level agreements, and who were also, confirmed to have been directly involved in trafficking. The evidence based on the responses suggests the public view that holds true regarding pervasiveness of political corruption, and even if everyone condemns corruption and realises a less corrupt outcome would be more beneficial for society at large.

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 (Department for International Development, 2015; Persson et al., 2011). 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 (United Nations office of drugs and crime), 2011 as cited in The International Bar Association’s Presidential Task Force Against Human Trafficking, 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. In short, from a collective action perspective, the key calculation about the costs and benefits of corruption derives from the cost of being the first to opt out of corruption in a given setting or context. The problem of corruption is thus rooted in the fact that, where corruption is pervasive, principals are also corrupt and they do not necessarily act in the interest of society as a whole but rather pursue particularistic interests (Persson et al., 2011 [as cited in Department for International Development, 2015, p. 16]).
4.3. Theme 3: Leaking of confidential information relating to operations of human trafficking by the SAPS members

The majority of the participants concurred that, despite intensive efforts to arrest and bring to perpetrators to justice; some of the senior managers fail to recognise that those persons, who are actively involved in anti-trafficking, also facilitated the trafficking of victims. This may represent only a segment of a larger, “weakest link” challenge by those entrusted with protection of human rights of victims. Some said:

… Whenever there were planned operations, the strategy would yield not anticipated outcome as some of the officials would have divulged confidential information to the traffickers. Some of the officials are known for their lavish lifestyle, luxury vehicles and homes that could not have come from their modest civil servant’s salary (Participant 18 from the SAPS)

… Victims within safe houses or shelters were trafficked with active cooperation of officials … (Participant 19 from the DPCI).

The responses above highlighted that DSD in collaboration with the SAPS and the DPCI, did not meet the minimum standards in several key areas, to reduce the alleged cases of officials suspected of corruptive practices. The efforts by the relevant government departments tasked with intelligence-led policing, as well as the DSD, tasked with oversight of NGO-operated shelters, seem not effective to implement security and control measures to eliminate corruption amongst the officials. There seems also, a lack of dedicated or established anti-trafficking task team composed of the SAPS, NPA, DHA, social workers, and NGOs to increase coordination of current strategies and victim protection efforts; aimed amongst others, towards increased training and awareness of emerging trends instituted by traffickers to recruit more public officials. The responses above corroborate with literature review. Research indicates that first, there is evidence that the public sector in some Sub-Saharan African countries is undergoing a process of “informal privatisation” (Department for International Development, 2015, p. 25). Rather than signifying an absence of rules, this process is characterised by an excess of complex de facto norms that are at odds with formal rules and blur the boundaries between licit and illicit practices.

Second, the boundaries between corrupt practices and other behaviour or actions are often difficult to define because corruption is situated within wider everyday practices that are not corrupt but often facilitate and legitimise corruption. Interactive and dynamic networks are a pervasive feature of the social landscape in Africa and are an essential element of the everyday strategies those working in and using public administrations and services adopt. This points to the normative importance of social ties, or the moral imperative to help one’s kin (Department for International Development, 2015, pp. 25–26). Personalisation of relationships with public officials is therefore a preventive strategy, one that necessitates continual investment in the form of material and non-material gifts to provide insurance against future needs (Department for International Development, 2015, pp. 25–26). Situating some forms of corruption within social exchange challenges the simplistic notion of corrupt public officials seeking private gain (Department for International Development, 2015, pp. 25–26).

5. Recommendations and conclusion

The study recommends that an integrated approach by stakeholder organisations, to monitor corruption Collective action approaches to corruption are needed in both conceptual and empirical studies. In addition, the study recommends harsher punishment to officials found to be promoting corruption in return for protecting those involved in trafficking people. The study recommends that officials should be circulated between different provinces to avoid them getting used to be in a similar province for a long time, which expose them to corrupt activities. To eliminate corruption caused by human traffickers on the government officials’ especially Home affairs, 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. The study also recommends that Home Affairs should establish an internal investigative unit that will investigate internally the corruption, and malpractices implicating or done by Home Affairs officials. The study recommends that the 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 passport to victims and organise for their international travel. The study recommends that strict protocols and procedures should be adhered to when hiring officials. The study recommends that confidential information relating to operations and future strategies to combat human trafficking should only be limited to specific officials who are reliable and trustworthy. The study further recommends that there must be a way of accountability from the side of SAPS members given confidential information, if such information leak. Furthermore, the SAPS intelligence unit should be tasked with monitoring all SAPS officials involved in investigating human trafficking and expose the officials involved in corrupt activities.

In conclusion, this paper through its findings succeeded to provide an overview of the nature and forms of corruption towards responding to victims of human trafficking and the practical implications for relevant stakeholders in the areas of responding adequately to minimise traumatic and maltreatment and secondary victimisation. The findings also show corruption dynamics are shaped by various processes. There is evidence of unregulated interactions and relationships between a variety of actors, organisations (including within the state and other organised civil society; more individualised linkages) and stakeholder organisations, which provide with incentive structures that motivate individual and group conduct (including the belief systems and ideas that guide preferences and behaviour) and how power is distributed between individuals, groups and/or organisations. The collective, rather than simply individual, nature of corruption is also highlighted, with an emerging discourse that sees corruption not only as an isolated but also as a collective action problem.

Policies can only be of benefit to people, when mechanisms or systems are put in place and monitored by a competent oversight body. In conclusion, this paper highlighted evidence that indigenous strategic solutions that reduce exploitation and abuse are lacking and the road to reduce secondary victimisation of victims, is still a long road for the CJS. The authors of this manuscript are of the view that successfully assisting vulnerable populations to protect themselves should be the focus of future research. Prevention from harm is not possible without an understanding of what makes them vulnerable to violence, abuse and exploitation in the first place. While the broad concept of prevention exists as part of the normative framework of many countries, viewing prevention models in terms of their relationships to the social, cultural, economic and political vulnerability of certain populations or groups to being trafficked has been largely neglected in practice.

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