

We are IntechOpen, the world's leading publisher of Open Access books Built by scientists, for scientists

6,900

Open access books available

186,000

International authors and editors

200M

Downloads

Our authors are among the

154

Countries delivered to

TOP 1%

most cited scientists

12.2%

Contributors from top 500 universities



WEB OF SCIENCE™

Selection of our books indexed in the Book Citation Index
in Web of Science™ Core Collection (BKCI)

Interested in publishing with us?
Contact book.department@intechopen.com

Numbers displayed above are based on latest data collected.
For more information visit www.intechopen.com



South African Perspective on Sexual Slavery, Sex Work and Exploitation

Chris Jones

Abstract

After millennia, formal slavery in most jurisdictions worldwide eventually came to an end by the middle of the nineteenth century. Yet, all kinds of trapped forms of labour took its place, among others sexual slavery—one of the most serious organised crimes of our time and historically one of the oldest human practices of gender inequality and exploitation. This chapter starts with broad, introductory remarks on the possible causes of sexual slavery and exploitation as well as what we as a society can do to collectively address this pressing issue. It then looks in more detail at the extent of this problem in South Africa. The chapter then moves on to consider antihuman trafficking legislation in South Africa and what it entails; a distinction is made between sexual slavery and sex work; and the reasons, effects and value of decriminalising sex work are referred to. A short account is given of the mythologised life of Sara Baartman, one of the most famous, but also least known, South African woman of her day and what we can learn from her about gender inequality, sexual slavery and exploitation.

Keywords: sexual slavery, exploitation, antihuman trafficking legislation, sex work, decriminalisation of sex work, Sara Baartman, gender

1. Introduction

Sexual slavery and exploitation have been a worldwide problem for a very long time. This specifically applies to women and children due to factors which include a lack of employment, education and opportunities to improve their living conditions [1].

Social instability and conflict drive people to embrace desperate measures in order to survive. Despair, hunger, frustration and anxiety render some women vulnerable and gullible to the empty promises made by traffickers. Instead of promised jobs or study opportunities, they find themselves forced into servitude or prostitution.

Syndicates that deal with human trafficking consist of greedy, unscrupulous, predatory, self-centred violent men and women who are involved in coercion, fraud and deception. They commit trafficking offences with impunity. Trafficking is their source of income. They are daring and slippery. They avoid being arrested at all costs. These are men for whom honour and nobility are meaningless words [1].

Despite human solidarity and a common humanity, gender inequality globally flourishes, and many women experience exclusion, marginalisation, denigration, abuse and violence at the hands of “macho” men [1]. Patriarchy and male domination thrive in many societies. Evidence strongly suggests that there are men who experience entertainment and self-gratification at the expense of women, while women and girls, who become the victims of these men, experience shame, humiliation, indignity, loss of self-respect and meaninglessness [1].

Statistically, according to Kristof and Wudunn, more “women and girls are now shipped into brothels each year than were slaves from Africa shipped each year into slave plantations in the early eighteenth and nineteenth centuries” [2]. According to a *Global Report on Trafficking in Persons* by the United Nations Office on Drugs and Crime (UNODC), “[a]bout 23,000 victims trafficked for sexual exploitation were detected and reported between 2012 and 2014” [3]. Of these victims trafficked for sexual exploitation during this period in 71 countries, 96% were female: women or girls [3]. In this respect it is important to refer to the *Sustainable Development Goals* of the United Nations that explicitly addresses in its 169 associated targets the elimination (Target 5.2) of “all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation” [4] by 2030.

It is argued [1] that we should collectively call for responsibility, greater awareness and participative engagement in order to tackle this multi-faceted problem of slavery for sexual exploitation. Leaders must constantly be called upon to prevent trafficking to the extent they can and to keep perpetrators accountable. According to Tlhagale the “enslavement of human beings, especially women and children, in this day and age, simply weakens humanity’s claim to human progress and civilisation” [1].

Following these introductory remarks, the aim of this chapter is to explore the extent of sex slavery, sex work and exploitation in South Africa. It evaluates the latest statistics available and deals with the most reliable resources on this matter. There are however weaknesses in South African literature in this respect. There is a shortage of primary research and data regarding this issue [5], although this is slowly changing. Popular publications in this regard were mostly avoided due to doubtful information they may contain. Part of the aim of this chapter is thus to gain a foundational overview of sex slavery and exploitation in South Africa. Definitions regarding sex work and sex slavery are briefly discussed, and the anti-trafficking law in South Africa is looked at—in order to protect the victims of sex slavery and prosecute the perpetrators. The necessity of decriminalising sex work in South Africa, among others, to respect the dignity of sex workers, is also discussed. Then Sara Baartman, a famous South African woman on her day, who was seen by Westerners as “attractive” and primitive, while reflecting their fears and suppressed desires, is brought into the discussion. Who was this illusive figure who confronts us with gender inequality and violence, and what can we learn from her narrative? This chapter demonstrates how, despite global interconnectedness and human solidarity, gender inequality and slavery for sexual exploitation are still a reality. It shows how essential it is for the way forward to design more extensive and representative investigations (although difficult) into sexual slavery and exploitation in South Africa in order to address this problem more effectively.

The chapter starts with the contextualisation and extent of sexual slavery in South Africa.

2. The extent of trafficking in South Africa

There are organisations and individuals who claim that as many as 30,000 children are “trafficked” into the sex trade every year in South Africa. According

to media articles (*The Times* and *Pretoria News*), 50% of these 30,000 children trafficked and prostituted annually in South Africa are under the age of 14. This claim was attributed to Rawlins of Freedom Climb, “a project that works with trafficked people around the globe” [6]. In May 2013, Stafford, who is the coordinator for the Salvation Army’s anti-trafficking campaign, said that in “2010, we had 20,000–30,000 children prostituted—now the figure stands at 45000” [7]. In the run-up to the Soccer World Cup in South Africa in 2010, aid groups estimated that some 38,000 children were trapped in the sex trade in South Africa [6]. According to an IOL News article it was believed that 40,000 women and children were trafficked during the World Cup in Germany in 2006, and it was estimated that close to 100,000 could have been affected in 2010 during the Soccer World Cup in South Africa. But research showed that there had only been five cases directly linked to the Germany Soccer World Cup [8]. Although there was anxiety that sex trafficking would remarkably increase with the advent of the 2010 Soccer World Cup in South Africa, “little attention was paid to the fact that research showed no changes to the sex industry. In fact, not a single case of human trafficking was found by the Department of Justice during the World Cup period” [9].

Overestimated claims in this respect are not new. Gould¹, a South African researcher at the Institute for Security Studies and author of a book outlining research about the sex work industry, suggests no one knows “for certain the size of the problem, and argued that the 40 000 figure was ‘unfounded’” [10]. This was supported by Khokhar from the International Organisation for Migration who said this “figure had been nothing but ‘hype’” [10]. Pharaoh states that one has to look critically at this data. She refers to Kelly who alludes to

the possibility of what have been called “advocacy numbers”, where estimates are inflated (if not deliberately, then through conscious neglect of sound methodological practice) for awareness and fundraising purposes. It could also simply be that the issue is an emotive one and that sensationalism sells [5, 11].

According to Gould and Fick, research on trafficking especially in South Africa is “frequently methodologically weak and resorts to the reiteration of commonly agreed myths about the nature of the activity” [12]. For them the question arose: “is ‘trafficking’ a useful lens through which to consider issues of exploitation and abuse in the sex work industry?” [12]. In total their research “identified eight women (of 164 canvassed) who could possibly be considered victims of trafficking” [12]. The research was carried out to “gather data about the sex industry in Cape Town and about any evidence of human trafficking into the industry” [13]. They came to the following conclusion: “We acknowledge that some cases of trafficking may have escaped our notice, but on the strength of the evidence we gathered we have to conclude that in Cape Town the incidence of trafficking for the purposes of prostitution is very low” [12].

The United Nations Office on Drugs and Crime’s 2012 *Global Report on Trafficking in Persons* confirms that “there is little tangible evidence available that human trafficking within South Africa plays a large part in the sex trade” [6]. It states that

between 2010 and March 2011, South Africa’s National Prosecuting Authority reported that 235 adults and 13 children were victims of human trafficking. Of those

¹ Her book on *Selling Sex in Cape Town: Sex Work and Human Trafficking in a South African City* can be read at: <https://oldsite.issafrica.org/publications/books/selling-sex-in-cape-town-sex-work-and-human-trafficking-in-a-south-african-city>. It examines the sex work industry in South Africa and the evidence for human trafficking in the industry.

victims, 132 were trafficked for the purposes of sexual exploitation and 106 for use as forced labour. In 10 cases the purpose of the trafficking was listed as “unknown” [6].

During 2016 “150 women were rescued from being sold into slavery in South Africa... in operations across the country in co-ordination with authorities from the US and neighbouring countries” [14]. Research done by Wilkinson and Chiumia (2013) estimates that the

number of human trafficking victims reported... is exaggerated and sensational.... Such overestimations, while successful in capturing public attention and generating moral outrage, do not provide a sound basis for policy-making and resource allocation.... There is a need for real, reliable data to enable the implementation of government policies and the proper allocation of resources to combat genuine cases of human trafficking. NGOs that cry wolf to secure donor funding and newspapers that publish sensational reports without interrogating the figures hurt efforts to combat a real problem [6].

However, we cannot deny the fact that there is probably more trafficking taking place in South Africa than we are aware of. The reason for this is that there are no reliable enough or indeed enough research done on this issue. A very important finding in this respect by Motseki² has to do with the modus operandi of perpetrators on human trafficking in three selected areas of the Gauteng province in South Africa. He indicates that these perpetrators have become “so organised that many victims are not even aware that they have been trafficked...” [15]. The participants, when asked about the modus operandi of these perpetrators, “explained that social media is mostly used by perpetrators to lure the victims. They emphasised that the perpetrators use the media to advise fake jobs, scholarships, modelling opportunities and employment opportunities” [15]. Motseki further notes that “it emerged that the majority of perpetrators were mostly Nigerians, Somalians, [and] Chinese followed by South Africans” [15].

To fight human trafficking, effective legislation and protective rights are needed.

3. Antihuman trafficking legislation in South Africa

South Africa was very slow to criminalise human trafficking. South Africa’s former President, Jacob Zuma, “signed into law the country’s first comprehensive legislation on human trafficking, the Prevention and Combating of Trafficking in Persons Bill (PCTPB), which, among other goals, seeks to implement South Africa’s international obligations with respect to the problem” [16].

The legislation deals with a general definition of what constitutes trafficking. It includes

the delivery, recruitment, procurement, capture, removal, transportation, transfer, harbouring, sale, exchange, lease, disposal or receiving of a person or the adoption of a child facilitated or secured through legal or illegal means, within or across the borders of the Republic, of a person trafficked or of an immediate family member of the person trafficked, by ... [various] means [including threat of harm, fraud or abuse of power]... [16].

According to the Global Legal Monitor, the “legislation criminalizes various acts that constitute or relate to trafficking in persons and imposes harsh penalties for

² Read more about emerging themes and recommendations in his article [15].

violations” [16]. It further refers to the fact that “legislation gives South African courts extra-territorial jurisdiction in certain circumstances” [16] including that “the suspect or victim is a South African citizen and present in South Africa; the suspect is a juridical person registered in South Africa [and] not extradited from South Africa...” [16]. This legislation also provides protection for victims of human trafficking, including persons coming from another country [16]. It provides that

a victim of trafficking may not be charged for violating immigration law, for carrying forged documents or for other crimes that he/she was compelled to commit by his/her captors. It affords alien trafficking victims the same right of access to public health-care services as that available to citizens. The legislation requires the Department of Home Affairs to grant alien victims of trafficking permission to remain in South Africa for a non-renewable 90-day term, as a recovery and reflection period [16].

In this regard it is also important to refer to certain instruments, rights and laws that protect children against sexual exploitation in South Africa. Compared to a number of sub-Saharan African countries,

The South African government’s political commitment to children is demonstrated in the entrenchment of children’s rights in South Africa’s Constitution and the country’s ratification of a number of international and regional Child Rights instruments including the Convention on the Rights of the Child; the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; and the African Charter on the Rights and Welfare of the Child. Domestic legislations such as The Children’s Act 38 of 2005, the Sexual Offences Act 32 of 2007, Trafficking In Person (TIP) Act and the Child Justice Act provide a framework for the legal protection of children in South Africa [17].

In addressing this issue in a credible way, it is important to distinguish between human trafficking into sexual slavery and sex work. According to Ditmore “even those who mean well sometimes confuse the human rights abuse of trafficking in persons with the human occupation of prostitution, or sex work” [18]. She accentuates that the “trafficking of women and children into sexual slavery is undeniably a gross abuse of human rights. Like all trafficking, it involves coercion or trickery or both. Sex trafficking is an odious form of trafficking...” [18]. When a person on the other hand willingly takes part in the sale of sex and it is consensual, it is called sex work [19].

However, the difference between sexual slavery and sex work can almost be invisible. On the one hand you may not recognise the trafficked girl or woman, because she may look like someone who is looking for “work,” but in reality she is not. On the other hand women’s oppression, unemployment, lack of education, poverty and social and economic challenges (as in South Africa) may slide and force certain women into sex work, while the “outsider” may not be aware of this. In other words, it is not as voluntary as one may sometimes think [19].

The important question that should be asked is how should we think about sex work and the law if we distinguish it in principle from human trafficking and if we want to respect the dignity of sex workers?

4. Sex work, the law and its decriminalisation

There are approximately “182,000 sex workers who make a living selling sexual services in South Africa”, and they “remain vulnerable to abuse and have no resource

if they experience violence” [20].³ Of these sex workers, specifically in South Africa, 90% are female and 10% are male or transgender [22, 23]. “All aspects of sex work are illegal in our country. The basis for the criminalisation of sex work has been seen as a social ill that needs to be eradicated”. However, sex work despite prosecution and severe penalties continues. “Criminalising sex work has proved ineffective, maintaining high levels of violence, exploitation and abuse, and leads to the spread of illness” [21].

“An outdated criminal legal framework regarding sex work like ours in South Africa, can easily drive sex workers underground” and away from services [24], “increases stigma, discrimination and social exclusion, creates obstacles to accessing health and social programmes, and reduces sex workers’ power, rendering them vulnerable to human rights violence and corruption” [21, 25].

There are however good reasons to decriminalise sex work in South Africa. Among others, “it reflects respect for human rights [26] and personal dignity... [21, 27]; it reduces police abuse and violence” [21, 27, 28]; it promotes safer working conditions [21]; it increases access to health and social services [27]; and it reduces sex workers’ risk of HIV and other STIs [27]. “Sex workers in South Africa are heavily affected by HIV and other sexually transmitted infections (STIs). HIV and STI prevalence among sex workers is higher than among other population groups. It is estimated that 60% of female sex workers in South Africa are infected with HIV [29]. An estimated 20% of the 350,000 people annually infected with HIV are connected with sex work. Approximately 6% of all new infections are estimated to occur among sex workers and 14% among sex worker clients or the sexual partners of the clients of sex workers [30]. In some settings, half to two thirds of sex workers have a curable STI at any time” [31, 32]. Decriminalising sex work further challenges stigma, discrimination and the consequences of having a criminal record [27]; it is argued that it does not result in an increase in the population of sex workers [27, 33, 34]; it facilitates effective responses to trafficking [27]; and it challenges state control over bodies and sexuality. Decriminalisation is an issue of gender equality, sexual rights and freedom⁴ and the right to bodily and psychological integrity [27].

“Where sex work is recognised as ‘work,’ workers experience the full protection of labour and occupational health laws, they have access to the necessary police services, could visit clinics without fear of harassment, and could work in any location” [21].

The first country in the world to decriminalise sex work was New Zealand in 2003. “In a review 5 years after the implementation of the new legislation sex workers reported that their working conditions and well-being had improved, they felt safer, and they were more likely to report abuse to the police” [21, 27, 36–38].

“Furthermore, researchers found that sex workers were generally practising safer sex, there was no increase in the number of sex workers in the industry, and many of the social evils predicted by some who opposed decriminalization have not occurred” [21]. There are many supporting bodies that assist women (and others) who are sexually exploited such as, among others, the Commission for Gender Equality in South Africa.

The current legal system criminalising sex work in its entirety is impractical and ineffective. The law needs to be reformed to make it consistent with South Africa’s constitutional obligations from a human right perspective.

Gould reasons that

[c]hanging the Sexual Offences Act to decriminalise sex work would not of itself ensure that all sex workers are treated equally and fairly. However such a change would ensure that the basic rights of an employee are guaranteed by law and these rights could then be insisted upon [12].

³ This part of the chapter comes from an article written by the author [21].

⁴ For more information on African women’s sexual freedom, see Ref. [35].

Changing the law would be a huge symbolic act of inclusion, although it is understood that stigmatisation of sex workers will not change overnight. If this happens it will make South Africa the first African country to decriminalise sex work.

This now brings us to one of South Africa's most iconic and mythologised sex slaves of all times. Many women trapped in sex slavery would probably strongly relate with her experience regarding gender inequality, sexual exploitation and abuse, humiliation and indignity.

5. The Saartjie Baartman story

Our South African history is characterised by sexual slavery and exploitation. A prominent story formerly unknown for many South Africans came to light in 1994 after former President Nelson Mandela requested that the remains of Saartjie Baartman be returned to South Africa.

In short her story goes as follows: at the beginning of the nineteenth century, this Khoikhoi woman, a mere 20-year-old, was taken from the Cape to England and Ireland by William Dunlop and Hendrik Cezar to work as a "domestic servant, and be exhibited for entertainment purposes" [39]. She was exhibited almost completely naked in a cage in various circuses under the artistic name Hottentot Venus, although she never wanted to pose naked [40]. But "she became an attraction for people from various parts of Europe" [39]. In France she was exhibited in a "cage alongside a baby rhinoceros" [39]. Baartman was especially popular with the general public because of her physique. She was exploited for most of her life, as well as humiliated, and after her death, a plaster cast was made of her body, and her brain and genitals were pickled in jars and placed on display until 1974. Baartman was used "to help emphasize the stereotype that Africans were over-sexed and a lesser race" [39]. Following the African National Congress's victory in the 1994 elections

President Nelson Mandela requested that the French government return the remains of Sara Baartman so that she could be laid to rest. Finally on the 9 March 2002, Sara Baartman was brought back home to South Africa where she was buried. On 9 August 2002, Women's Day, a public holiday in South Africa, Sara was buried at Hankey in the Eastern Cape Province [39].

5.1 What do we learn from the Sara Baartman story?

According to Crais and Scully in their well-documented book *Sara Baartman and the Hottentot Venus: A Ghost Story and a Biography*, Sara was always seen as a symbol and never as a human being. "In the Musée de l'Homme a simple plaque read by millions memorialised an illusion, a spectral being, someone who never existed except in the minds of others" [41].

Sara Baartman has well into the twentieth century shaped French culture, particularly with regard to female sexuality. "Writers on prostitution consistently tied it to the savage woman, the 'terrible voluptuousness' of the 'wild Venus,' according to a 1930 play" [41]. Sara was especially known for her bottom, according to Simenon as quoted by Crais and Scully, "the most famous bottom in the world. It must be the only bottom which has become the centre of a cult. And it is everywhere" [41–43].

Sara Baartman has been reduced to men's image, not only of her body but of her genitals and "the ways the organs of sexual pleasure stood for character, her very being. White women, even the most civilised, were liable to fall victim to their animal instincts and passions, to revert to their Hottentot selves" [41]. This led

to European prostitutes becoming degenerate women, “literally women who had become more Hottentot” [41].

People were fascinated by these women’s genitals, even their rough faces [41]. In light of this, laws throughout Europe have been devised by politicians and bureaucrats to

control the biological deviance of prostitutes and female sexuality. In Europe and in the United States, doctors cut or burned women’s clitorises off with acid. Surgeons destroyed women’s genitals to make them less pronounced, less like the Hottentot Venus to control their sexual cravings and brute drives of these “unmanageable” women. In some cases, doctors argued, castration was warranted; in the United States the practice continued through the 1950s [41, 44, 45].

Even today, just in Africa, approximately 2 million cases of genital mutilation are performed on women every year⁵ [46, 47].

Sara Baartman’s story became the story, actually *the* story of what men—especially white men—do to women, especially innocent black women. In this sense it’s firmly part of global feminism.

What happened to Baartman happened to women all the time, the world over. Men perpetrated violence on women’s bodies, dispossessed their bodies through violent appropriations and worked out their fantasies through stories, songs and scalpels. For good reason Sara Baartman’s story became a history of human rights and their all-too-frequent violation, the body as a narrative of the ignominies of science, an eighteenth century and early nineteenth-century woman a testament to the great and enduring disgraces of Western civilisation.... In life, death and now in her resurrection as a person, Baartman remained desire’s cypher [41].

Sara Baartman was repatriated not to her family, but to a nation. According to a final report of the Department of Arts and Culture, “[i]t was victory over colonialism, racism and sexism. It very visibly and publically restored the dignity of a South African woman exploited and humiliated in her lifetime” [41]. In laying to rest Sara’s remains, many women flew from all over the world to attend the ceremony. Although she has become a national symbol, icon and a symbol for women all over, the ceremonies largely entailed men “speaking on behalf of women and their rights as South African citizens” [41]. Laying her to rest on National Women’s Day reminded South Africans and the world of the long history of women’s oppression. At her funeral, Thabo Mbeki, then State President of South Africa, spoke of “the persistence of gender violence and of the necessity of gender equality to realising a truly democratic South Africa” [41]. The restoration of the dignity of Sara Baartman implied the restoration of the dignity of black South Africans, especially of the Khoisan.

Sadly her grave was vandalised, and today it is surrounded by tall green metal bars. The important question to be asked: although Sara Baartman returned to South Africa, is not she still behind bars, imprisoned—like so many other sexually exploited and trafficked women? [41].

6. Gender

Sara Baartman, this famous South African woman, confronts the historical past of South Africa with current gender inequality, exploitation, violence, humiliation and indignity.⁶ There might be many women today who could identify with

⁵ For information see [46].

⁶ For more information about the power dynamics in sex work, see Gould [48].

what happened to her, and (re)telling her story will hopefully connect her not only with her descendants but also with other women who are trapped in some form of sex slavery, especially those who are forced to work between and among different cultures to earn an income [41].

Some of the important drivers of human trafficking and sexual slavery are poverty, oppression and a lack of equal human rights for women, like we have seen in the case of Sara Baartman. “Worldwide prevention has to begin at these points” [47]. According to Schirrmacher, “women are frequently affected by unemployment, low wages, violence, and economic hardship. Through the general lack of prospects, women are drawn into situations where they can be exploited by human traffickers” [47].

In a place like South Africa, with so many young people and huge gap between the rich and the poor, it really becomes a battle with poverty, patriarchy and economic justice. “If we do not deal with some of the push factors, such as gross poverty, vulnerable women and children will continue to be exploited by outsiders and their own alike” [49].

In this regard, without discussing it in detail, it will increasingly be important for South Africans to deal with gender as a cultural concept. We are not born with gender roles and they are not biologically determined. Rakoczy reasons that as cultural beings, discrimination is in the first place played out in our bodies which usually results in the objectification of women [50].

Men can easily “assert power over women by using violence” which could make women “silent and submissive” [49]. As South Africa constantly pushes for gender equality, there is still in many respects inequality that has to be addressed and transformed. South Africa’s Gender Inequality Index score (2017) is 0.389 which places our country at 90 out of 143 countries [51]. According to O’Connor, “gender equality and empowering women in South Africa must not be seen just to promote economic and social development and sustainable peace and security but as a human rights issue” [49]. She further states that this “necessitates that women’s issues are kept on the public agenda and that both men and women work together at meaningful transformation of conditions that govern the lives of both” [49].

South Africa will also have to deal with traditional practices that lend themselves to the trafficking of women and girls. In light of the South African Constitution that protects women’s rights to equality and prohibits any form of discrimination, certain traditional practices will have to be addressed which include myths, forced marriages, female genital mutilation or cutting, virginity testing and priority in educating boys, to name a few. Although the Children’s Act of 2005 safeguards the rights of children and “traditional institutions are subject to the principles of the constitution and promulgated laws... civil law is at times ineffective in replacing the prevailing customary law, particularly in rural areas” [1]. This causes such practices to continue especially to oppress females. If we are serious, in South Africa as well as globally, to address gender inequality effectively in order to combat sex slavery, we need to challenge the abovementioned practices but also the gender inequalities which we so often find in so many South African faith-based contexts [49].

Some of the key elements to enhance gender equality and address sexual slavery is education—to convey critical important information, honest law enforcement, political will, responsible government action in trying to create the best and most viable solution to sexual slavery and economic support for all the role players involved in addressing this important issue and in rehabilitating survivors of sexual slavery.

In addressing these elements, government, communities and organisations follow the prevention, protection and prosecution approach. This includes more specifically capacity building workshops, counter-trafficking committees, networking between concerned role players, awareness campaigns, challenging unethical

traditional practices and a national hotline, to name a few. The South African government, through a multidimensional programme, further promote “gender equality in all spheres of life... [and] basic human rights...” which includes “the right to the necessities of survival and development”. This programme “is set out in various laws” and in the “National Policy Framework for Women’s Empowerment and Gender Equality” [1].

Motseki argues that a “focus on vulnerability will enhance the human rights component of trafficking prevention policies” and that an “improved cohesion between relevant role-players, would go a long way to align day-to-day tactics into... long term anti-trafficking strategies and national responses” [15]. He further pleads for a “multi-disciplinary unit within the Directorate for Priority Crime Investigation” which includes officials from different relevant departments, services and authorities [15].

However, Bello⁷ argues in this respect that as currently structured, “the South African criminal justice system cannot effect long-term combating strategies against human trafficking” [53]. He refers to findings that “indicate that the solution to the precipitating factors that fuel the trade in human commodity lies outside the scope and mandate of the criminal justice system” [53]. For an effective response, he continues, “it is expedient for the State to first address the socio-economic, cultural and political nuances that fuel the trade, rather than mount impracticable pressure on its criminal justice institutions to perform an unrealistic task” [53]. Unfortunately, according to him, “since the enactment of the anti-trafficking law in 2013, and its implementation in 2015, the South African criminal justice system have not really made headway in the fight against this heinous crime” [53].

However, gender justice presupposes equality of outcome and opportunity which has clear consequences for sex slavery, sex work and exploitation. South Africa’s Constitution reflects sighs from around the world to promote gender justice. The South African Human Rights Commission has been awarded to support constitutional democracy through promoting, protecting and monitoring the attainment of everyone’s human rights, including women and children, in South Africa without fear, favour or prejudice.

The Sustainable Development Goals of the United Nations has as one of its objectives “a world in which every woman and girl enjoys full gender equality” [4]. South Africa is a signatory to this quest. To further augment this journey South African politics has elevated gender justice to the highest echelons of decision-making by establishing a Department of Women in the Presidency tasked to “champion the advancement of women’s socio-economic empowerment and the promotion of gender equality” [54].

7. Conclusion

In order to achieve an ongoing analysis of the extent of the problem of sex slavery and exploitation in South Africa, we need much more reliable data and well-researched literature to establish a platform for reform and progress.⁸ Anti-trafficking legislation in South Africa “requires annual reports to Parliament on the implementation of the Act and the number of cases of human trafficking” [6]. If done properly on an ongoing basis, it must consequently result in more reliable data and research by (academic) scholars in order to learn more about the prevalence and nature of trafficking in South Africa—to fill the knowledgeable gap. This can

⁷ In this regard also read [52].

⁸ For general recommendations for action by the state regarding the exploitation of sex work, see [55].

unfortunately create a situation in which “policies may be made and resources be allocated on the basis of what may not be an accurate reflection of the reality of the problem” [5]. Opposed to this, there is a need for reliable data on the extent of sex slavery, the profile and motivations of victims and traffickers, how many South Africans are trafficked to other countries, the nature of the exploitation, the environment in which it occurs, activities to prevent sex slavery and what kind of support infrastructure is available to victims, to name a few [5]. According to Geldenhuys [56] “there should [also] be intensified training of police officials and other role players in identification and policing of trafficking” [57].

It is crucially important that South Africa will learn from international literature, reports and studies on sex slavery, exploitation and gender justice. This will help us to adopt a more sophisticated approach in this regard, although it must be stated that there are (methodological) weaknesses in some of the international literature and studies on sex slavery and exploitation. Discernment is needed in order to study this and other literature critically for a better analysis regarding the extent of sex slavery and exploitation in South Africa [5].

With regard to the way forward, it must be acknowledged that it is very difficult to access sex slavery victims and/or to infiltrate trafficking networks to gather more comprehensive data. Thorough unemotional research is however needed to further ground and stimulate this debate with credibility in South Africa.

Author details

Chris Jones

Faculty of Theology, Stellenbosch University, Stellenbosch, South Africa

*Address all correspondence to: chrisjones@sun.ac.za

IntechOpen

© 2019 The Author(s). Licensee IntechOpen. This chapter is distributed under the terms of the Creative Commons Attribution License (<http://creativecommons.org/licenses/by/3.0>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited. 

References

- [1] Tlhagale B. In: O'Connor M, editor. *The Church and Human Trafficking*. Dorpspruit: Cluster Publications; 2013. pp. ix, x; 90-95; 100-101
- [2] Kristof N, Wudunn S. *Half the Sky*. London: Virago Press; 2010. p. 12
- [3] Available from: https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf [Accessed: 28 December 2018]
- [4] Available from: <https://sustainabledevelopment.un.org/sdgs> [Accessed: 28 December 2018]
- [5] Pharoah R. *Getting to Grips with Trafficking. Reflections on Human Trafficking Research in South Africa*. Brooklyn, Pretoria: Institute for Security Studies; 2006. pp. 48-49; 76-78
- [6] Available from: <https://africacheck.org/reports/are-30000-kids-trafficked-into-south-africas-sex-trade-every-year-the-claim-exaggerates-the-problem/> [Accessed: 4 October 2018]
- [7] Available from: <https://www.iol.co.za/news/45-000-kids-prostituted-in-sa-1521439/> [Accessed: 9 October 2018]
- [8] Available from: <https://www.iol.co.za/news/south-africa/trafficking-of-people-the-cup-crisis-that-never-was-490109/> [Accessed: 11 October 2018]
- [9] Available from: <http://www.sweat.org.za/wp-content/uploads/2016/02/Position-Paper-on-Sex-Work-in-South-Africa-2015-1.pdf/> [Accessed: 19 October 2018]
- [10] Available from: <https://www.iol.co.za/news/south-africa/trafficking-of-people-the-cup-crisis-that-never-was-490109/> [Accessed: 19 October 2018]
- [11] Kelly L. You can find anything you want: A critical reflection on research on trafficking. In: *Data and Research on Human Trafficking: A Global Survey*. Geneva: International Organisation for Migration (IOM); 2005. p. 239
- [12] Gould C. *Selling Sex in Cape Town: Sex Work and Human Trafficking in a South African City*. Institute for Security Studies (ISS); 2008. pp. 104, 105, 150-151. Available from: <https://oldsite.issafrica.org/publications/books/selling-sex-in-cape-town-sex-work-and-human-trafficking-in-a-south-african-city/>. [Accessed: 4 November 2018]
- [13] Available from: <http://www.ngopulse.org/resource/selling-sex-cape-town> [Accessed: 16 January 2019]
- [14] Available from: <https://www.iol.co.za/news/human-trafficking-a-crime-hidden-in-plain-sight-2055073>
- [15] Motseki M. An evaluation of perpetrators modus operandi on human trafficking in three selected areas of Gauteng province, South Africa. In: *International Journal of Social Sciences and Humanity Studies*. 2018;**10**(1): 180, 184, 186
- [16] Goitom. 2013. Available from: <http://www.loc.gov/law/foreign-news/article/south-africa-anti-human-trafficking-legislation-signed-into-law/>, n.p., [Accessed: 8 November 2018]
- [17] Available from: <http://childwelfaresa.org.za/sexual-exploitation-and-trafficking/> [Accessed: 12 November 2018]
- [18] Ditmore. 2008. Available from: https://www.alternet.org/story/84987/sex_work_vs._trafficking%3A_understanding_the_difference/ n.p., [Accessed: 24 October 2018]

- [19] Available from: <https://www.stopthetraffik.org/sex-trafficking-vs-sex-work-understanding-difference/> [Accessed: 18 January 2019]
- [20] Available from: <http://www.sweat.org.za/sexworkiswork/#>, p.2, [Accessed: 26 October 2018]
- [21] Jones C. Criminalising sex work wholly unconstitutional. Cape Argus; 16 March 2018 [Accessed: 24 October 2018]
- [22] Konstant TL, Rangasami J, Stacey MJ, Stewart ML, Nogoduka C. Estimating the number of sex workers in South Africa: Rapid population size estimation. *AIDS Behav.* 2015;**19**(Suppl 1):S3-S15
- [23] Richter M, Chersich MF, Temmerman M, Luchters S. Characteristics, sexual behaviour and risk factors of female, male and transgender sex workers in South Africa. *South African Medical Journal.* 2013;**103**(4):246-251
- [24] Gable et al. HIV/AIDS, reproductive and sexual health, and the law. *American Journal of Public Health.* 2008
- [25] Scorgie F et al. Socio-demographic characteristics and behavioural risk factors of female sex workers in sub-Saharan Africa: A systematic review. *AIDS and Behaviour.* 2012;**16**:920-933
- [26] International Committee on the Rights of Sex Workers in Europe. Declaration of the Rights of Sex Workers in Europe. 2005. Available at <http://www.sexworkeurope.org/en/resources-mainmenu-189/declarationmainmenu-199>
- [27] Available from: <https://www.opensocietyfoundations.org/sites/default/files/decriminalize-sex-work-20120713.pdf>, pp. 2-5, [Accessed: 25 October 2018]
- [28] Gould C. Selling Sex in Cape Town: Sex Work and Human Trafficking in a South African City. Woodstock: ISS; 2008. pp. 55-61
- [29] Baral S, Beyrer C, Muessig K, Poteat T, Wirtz AL, Decker MR, et al. Burden of HIV among female sex workers in low-income and middle-income countries: A systematic review and meta-analysis. *The Lancet Infectious Diseases.* 2012;**3099**, 12:1-12. DOI: 10.1016/S1473-3099(12)70066-X
- [30] SACEMA. The Modes of Transmission of HIV in South Africa. Report; 2009
- [31] Dunkle KL, Beksinska ME, Rees HV, Ballard R, Htun Y, Wilson M. Risk factors for HIV infection among sex workers in Johannesburg, South Africa. *International Journal of STD and AIDS.* 2005;**16**:256-261
- [32] Available from: <http://www.sweat.org.za/wp-content/uploads/2016/02/National-Sex-Worker-Strategy-plan-for-HIV-Prevention-1.pdf>, p.4, [Accessed: 24 October 2018]
- [33] Harcourt C, Egger S, Donovan B. Sex work and the law. *Sexual Health.* 2005;**2**:121-128
- [34] Abel G, Fitzgerald L, Brunton C. The impact of decriminalisation on the number of sex workers in New Zealand. *Journal of Social Policy.* 2009;**38**(3):515-531
- [35] du Toit L. Human rights discourse: Friend or foe of African women's sexual freedoms? *Acta Academia.* 2014;**46**(4):49-70
- [36] Slamah K, Winter S, Ordek K. Stigma and violence against transgender sex workers. *RH Reality Check.* 16 Dec. 2010. Available from: <http://www.rhrealitycheck.org/blog/2010/12/16/stigma-exclusion-violence-against-transworkers>

- [37] New Zealand Ministry of Justice. Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act. 2003. Available from: <http://www.justice.govt.nz/policy/commercial-property-and-regulatory/prostitution/prostitution-law-reviewcommittee/publications/plrc-report/documents/report.pdf>
- [38] Commission for Gender Equality. Decriminalising sex work in South Africa; 2013
- [39] Available from: <https://www.sahistory.org.za/people/sara-saartjie-baartman/> [Accessed: 21 October 2018]
- [40] Available from: <https://www.litnet.co.za/sarah-baartman-hoekom-sy-hoekom-haar-graf/> [Accessed: 17 January 2019]
- [41] Crais C, Scully P. Sarah Baartman and the Hottentot Venus. A Ghost Story and a Biography. Johannesburg: Wits University Press; 2009 pp. 142, 146, 147, 158, 160-162, 164, 166, 168
- [42] Stuart A. Showgirls. London: J. Cape; 1996
- [43] Gale M, Stokes J. The Cambridge Companion to the Actress. Cambridge: Cambridge University Press; 2007
- [44] Gilman S. Difference and Pathology: Stereotypes of Sexuality, Race and Madness. Ithaca, N.Y.: Cornell University Press; 1985
- [45] Showalter E. The Female Malady. New York: Pantheon Books; 1985
- [46] Dora TT. The Role of the Church in Ending Female Genital Mutilation/ Cutting in order to Promote the Flourishing of Women: A Case Study of the Wolaita Kale Heywet Church, Southern Ethiopia. M.T. Stellenbosch: University of Stellenbosch; 2018
- [47] Schirrmacher T. Human Trafficking. The Return to Slavery. Bonn: VKW; 2013 p. 34, 53
- [48] Gould C. Selling Sex in Cape Town: Sex Work and Human Trafficking in a South African City. Woodstock: ISS; 2008. pp. 156-158
- [49] O'Connor M. The Church and Human Trafficking. Dorpspruit: Cluster Publications; 2013. pp. 55, 58-67, 102
- [50] Rakoczy S. In Her Name: Women Doing Theology. Pietermaritzburg: Cluster Publications; 2004. pp. 280-284
- [51] Available from: <http://hdr.undp.org/en/composite/GII/> [Accessed: 15 November 2018]
- [52] Bello PO, Olutola AA. The enforcement of anti-human trafficking law in South Africa: A case of an aircraft without a pilot. Police Practice and Research. 2018;19(3)
- [53] Bello PO. Long-term criminal justice response to human trafficking in South Africa: An impossible mission. Contemporary Justice Review, Issues in Criminal, Social, and Restorative Justice. 2018;21:475-476
- [54] Available from: <http://www.women.gov.za/> [Accessed: 19 December 2018]
- [55] Gould C. Selling Sex in Cape Town: Sex Work and Human Trafficking in a South African City. Woodstock: ISS; 2008. pp. 161-168
- [56] Geldenhuys ICH. A Critical Understanding of the Policing of Trafficking in Persons. Pretoria: University of South Africa; 2017. Available from: <http://hdl.handle.net/10500/23126>
- [57] Available from: <https://www.timeslive.co.za/news/south-africa/2018-05-30-human-trafficking-is-silently-tearing-south-africa-apart-experts-say/>