



# THE LEXISNEXIS HUMAN TRAFFICKING AWARENESS (HTA) INDEX™



**LexisNexis**  
Against inhumanity



**LexisNexis®**

# A Message from LexisNexis CEO, Billy Last

*Human trafficking remains a largely hidden crime in South Africa and across the world. This is in spite of it being tied to the illegal arms industry as the second largest international criminal enterprise after the illegal drug trade. It is also one of the most under-reported crimes by media and therefore extremely hard to quantify.*

But what if you could track its prominence in the national consciousness over time? What if there was a composite tool which monitored how concerned the citizens of the world and individual countries are about human trafficking? Anti-trafficking role players would then be in a better position to focus education, fund-raising and investment in the right places to combat this scourge.

With this in mind, LexisNexis set out to develop a tool that would track and analyse media coverage, which we believe to be an excellent proxy indicator for the concerns, debates and obsessions that make up our collective consciousness.

The LexisNexis Human Trafficking Awareness Index™ uses our respected and extensive Nexis® database of searchable news articles, to analyse the volume of news related to human trafficking. This helps to highlight emerging trends and patterns of awareness within and across national borders. The result is that anti-trafficking role players can gain insight that will better



enable them to monitor and drive the anti-trafficking agenda, as well as research and track cases reported by the media.

The Index has proven to be a valuable tool in the United Kingdom. As a leading provider of content and technology solutions that is committed to the Rule of Law principle, LexisNexis is extremely excited about the promise this tool has for South Africa.

Once again we commend the various partners who work tirelessly in this field to give a voice to the vulnerable and destitute affected by this heinous crime.

We trust that you will find value in the LexisNexis Human Trafficking Awareness Index as you continue to perform such important work.

## Advocate Thoko Majokweni

Advocate Thoko Majokweni is the first female Special Director of Public Prosecutions to be appointed by the President in the office of the National Director of Public Prosecutions. She set up and currently heads the directorate on violence against women and children, known as the Sexual Offences and Community Affairs (SOCA) Unit. Adv. Majokweni is at the forefront of setting up sexual offences courts in all the provinces and has led the design and development of a one-stop service model for focused and efficient rape management called the Thuthuzela Care Centre. This centre has improved the conviction rate of sexual criminals from an average of 42 percent to an average of 85 percent. She has won two prestigious awards for the efficient management of sexual offences in the Thuthuzela Model; the Impumelelo Gold Award for service



delivery innovation and the Standard Bank CPSI Award run in collaboration with the Department of Public Service Administration. These awards bear testimony to the pioneering work that she has successfully undertaken as ambassador for innovation in the public service.

## Monique Emser

Monique Emser is part of the KZN Human Trafficking, Prostitution, Pornography and Brothel Task Team (HPPB), and is a passionate counter-trafficking researcher and activist. She is a former contract lecturer in the International and Public Affairs Cluster at the University of KwaZulu-Natal.

She obtained a Master of European Studies from Hochschule Bremen in Germany. She also holds a Bachelor of Arts in Political Science (Honours) from the University of Natal. She recently completed her PhD in Political Science on “The Politics of Human Trafficking in South Africa: A Case Study of the KwaZulu-Natal Intersectoral Task Team and South African Counter-Trafficking Governance.”

She has written a number of papers on the topic of human trafficking, counter-trafficking



governance and the media’s reporting around the issue. She has a forthcoming book chapter, “Human Trafficking in South Africa: Political Conundrums and Consequences”, in S. Francis (Ed.), *Selected Themes in African Studies: Contemporary African Political Issues, Vol. 1*. Her research interests include human trafficking, unconventional security threats, human rights, international relations and conflict.

# Report on Human Trafficking Awareness

The first report on human trafficking awareness in South Africa and the African region was compiled by Dr Monique Emser.

It examines media awareness and reporting of human trafficking over a 24 month period (August 2011 – August 2013).

The report also inspects some of the underlying trends and issues highlighted by the Human Trafficking Awareness Index.

The information and numbers provided in this report are only as accurate as the way in which the media reports this heinous crime. It is hoped that with the enactment of comprehensive anti-trafficking legislation, more accurate statistics on the scope and scale of the problem of human trafficking in South Africa and Africa will be provided and reported in the media.

To view the full report, visit [www.lexisnexis.co.za/ruleoflaw](http://www.lexisnexis.co.za/ruleoflaw)

## Human Trafficking Awareness in South Africa

The Human Trafficking Awareness Index highlighted there were 656 unique articles published by the South African media between August 2011 and August 2013.

Awareness of the crime of human trafficking fluctuated over the 24 month period surveyed. Awareness was for the most part below the baseline of 31 articles per month (May 2010 – December 2011). The HTA Index showed that there was increased awareness due to high profile cases during the following six months: February, March, April and June 2012, July and August 2013.

Month	Number of Articles	Up on the Baseline
February 2012	44	140%
March 2012	50	159%
April 2012	34	108%
June 2012	39	124%
July 2013	32	102%
August 2013	48	153%

# Findings from the HTA Index

Analysis of 656 media articles captured by the Nexis® database service found 540 potential victims trafficked into and within South Africa during the reporting period.

67

were children  
(**12.4%** of  
reported victims)



271

victims of forced labour  
were identified (**50.1%** of  
reported victims).

96

victims of sexual  
exploitation were identified  
(17.8% of reported victims)

23

victims (exotic dancers) could be  
considered to be victims of labour  
exploitation within the 'sex industry'  
(demonstrating the intersection of  
labour and sexual exploitation).

90

victims of organ trafficking  
were identified (**16.6%** of  
reported victims)

4

victims (minors) of forced marriage  
(ukuthwala) were identified (**0.7%**  
of reported victims)

2

victims were trafficked as drug mules (**0.3%** of reported victims).

## Notable Trends

- **Forced Labour:** Trafficking of migrants (particularly asylum seekers and refugees), which intersects with migrant smuggling, appears to be a burgeoning trend in South Africa, and is linked to regional patterns and trends. The failure to systematically address labour trafficking offences in South Africa has been repeatedly criticised in successive annual TIP Reports by the United States Office to Monitor and Combat Trafficking in Persons.
- **Sexual Exploitation:** Trafficking for the purposes of sexual exploitation (in particular forced prostitution) is the most commonly reported form of human trafficking in media articles surveyed over this period. However the HTA Index highlighted a 27.3% decrease in the number of victims of sexual exploitation reported in the media over the

24 month period surveyed. Analysis of some articles raises the issue of victim protection, safety and anonymity.

- **Drug Mules:** More and more evidence is emerging which suggests that traffickers are transitioning from using victims solely for sexual exploitation to using them as drug mules/decoys as well.

*"I am not a drug trafficker but a victim of the human trafficking business that is conducted in South Africa by foreigners who come to the country under the pretext that they are running from persecution in their countries." - [The Cape Times, 22 June 2012, quoting Nolubabalo "Babsie" Nobanda, who was sentenced to 15 years for trafficking cocaine from Brazil into Thailand]*

- **Child Trafficking:** Children are reported as being the most vulnerable to being trafficked. A UNICEF Report, cited in a media article by the Mail and Guardian in December 2011, reported that children in South Africa were trafficked at twice the rate of women. 67 victims of child trafficking, compared to 105 adult female victims, were identified by the HTA Index over this period. The purpose of exploitation, however, in most media articles was not disclosed. Child trafficking cases represent a concerning increase from reported cases over the 2010 – 2011 period in the UNODC Global Trafficking in Persons Report 2012. Another disturbing trend highlighted by the HTA Index is the sale of children by their families or guardians.
- High profile South African professionals are identified in five articles surveyed as colluding with human trafficking rings.
- Police corruption is cited as a major impediment to combating trafficking. A total of four policemen in two different cases were identified as directly colluding with human traffickers.
- Women are not only the victims of trafficking, they are also perpetrators of this crime. The HTA Index identified at least 19 women who recruited and trafficked women and children, predominantly for the purposes of sexual exploitation.
- Awareness of the abduction, rape and forced marriage of girls as young as 12 to much older men, through the practice of ukuthwala, was highlighted in 9 articles by the HTA Index. Reports on trafficking for sexual exploitation also are the most likely to conflate this form of human trafficking with voluntary prostitution (including that of minors engaged in survival sex).

## High Profile Cases

- Lionel Ball, a former inflatable powerboat champion was convicted to 15 years for sexually exploiting and raping an 11 year old girl in 2009. His co-accused Nokuzola Ntonga, a domestic worker and alleged former prostitute, had been paid by Ball to deliver the child to him so that he could engage in a sexual act with her. Ntonga was convicted of conspiracy and aiding and abetting Ball to commit a sexual offence, sexual exploitation of a child and child trafficking.
- The rescue of 24 women and girls from a brothel in Durban, KwaZulu-Natal received the most media coverage, 69 articles. A doctor, Genchen Rugnath, his wife, Ravina, and three co-accused are currently on trial for 156 charges including human trafficking, assault, rape, sexual exploitation of a child, and racketeering.
- On 18 February 2012, The Independent on Saturday, reported on KwaZulu-Natal's biggest anti-trafficking raid in which 16 under-age girls were rescued from Inn-Town Holiday Lodge, a brothel in Durban's notorious Point area, and three men (believed to be drug dealers) and a woman were initially arrested:
- A 14 year old girl was sold by her mother, stepfather and three other women to various men for sex in the Atlantis area, Western Cape, for between R20 and R1000 at a time.
- Knysna businessman, Adrian Wilson-Forbes, aged 59, faced 79 charges, including rape, indecent assault, abduction, public indecency, the creation and production of child pornography, soliciting and human trafficking for sexual purposes, involving at least four child victims committed over a 10 year period. Wilson-Forbes was eventually acquitted of all charges.
- Gentlemen's club, Mavericks Revue Bar, was tried around the alleged contravention

of section 11.2 of the Immigration Act and corporate visa permits that allowed the chain to bring up to 200 exotic dancers, mainly from former Soviet satellite states, to South Africa.

- February 2012 marked the first human trafficking conviction in the Western Cape. Vukani Shembe, 36, was sentenced to 23 years for the trafficking and repeated rape of a 20 year old Swazi woman, who he had lured with false promises of a job to South Africa. While the State prosecutor had urged for a life sentence due to the serious nature of the offences of rape and human trafficking, Magistrate Ruth Jakuja sentenced Shembe to 15 years on one count of human trafficking and 15 years on one count of rape of which seven years

would run concurrently (Cape Times, 21 February 2012).

- South Africa's first conviction for racketeering relating to prostitution and human trafficking was overturned in the Pietermaritzburg High Court on appeal because of concerns over the interpreter's competence. Basheer Sayed and his Thai wife, Somcharee Chulchumphorn, faced 30 years in jail or a R100 million fine for running a brothel in Umbilo with women recruited from Thailand and held in debt bondage. Judge Esther Steyn ruled that the trial be started afresh in front of a new Durban Regional Court magistrate. The Mercury, 26 June 2012, reported it was unlikely that this would happen, as the key witnesses had since returned to Thailand. The retrial commenced in 2013.

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## New SA legislation to aid the fight against Human Trafficking

The Human Trafficking Awareness Index highlighted growing awareness and need for comprehensive anti-trafficking legislation in the form of the *Prevention and Combating of Trafficking in Persons Bill* to be speedily passed, and signed into law.

Previously, the legislative framework dealing with the issue had been fragmented. Once the legislation commences it will afford protection and assistance to domestic and transnational victims of all types of human trafficking.

The Prevention and Combating of Trafficking in Persons Act No. 7 of 2013 (TIP Act) was signed into law on 29 July 2013 by President Jacob Zuma.

“For the first time South Africa will have a single statute which addresses the scourge of trafficking in persons holistically and comprehensively.”  
(SAPA, 29 July 2013).

This marks an important step forward in the fight against human trafficking in South Africa by ensuring a coordinated response is followed by key government role players tasked by the new act to prevent and combat trafficking in persons.

The TIP Act reflects South Africa's fulfilment of international obligations derived from the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* of 2000.



# Human Trafficking Awareness in Africa

*Human trafficking on the African continent demonstrates the complexity of the crime that manifests itself in a myriad of ways. Political instability, weak and failed states, high levels of corruption, as well as protracted conflicts contribute to creating a criminogenic environment in which human trafficking flourishes and vulnerability is heightened.*

The Human Trafficking Awareness Index highlighted there were 1763 unique articles published by African media between August 2011 and August 2013.

- This revealed 5450 victims of trafficking in the African region.
- 2971 victims were children (54.5% of reported victims).
- 1266 victims of sexual exploitation were identified (23.2% of reported victims).

Children account for 66.5% of this number. Child labour accounts for 13.9% of victims identified (761 victims). 592 victims of child trafficking for unknown purposes were identified (10.8% of reported victims).

The Human Trafficking Awareness Index highlighted that the countries with the highest number of victims are: Democratic Republic of Congo, Burkina Faso, Nigeria, Rwanda, Uganda and Egypt. The majority of victims of trafficking are found in the DRC, which accounts for 1445 victims (26.5%).



**Table 1: Number of Victims per Country**

<b>Country</b>	<b>Number of Victims</b>
Democratic Republic of Congo	1445
Burkina Faso	727
Nigeria	641
Rwanda	611
Uganda	563
Egypt	557
Senegal	259
Libya	114
Tanzania	96
Morocco	82
Gambia	79
Kenya	56
Cameroon	48
Mali	41
Namibia	19
Algeria	16
Ivory Coast	16
Central African Republic	15
Mozambique	14
Zambia	14
Sudan	13
Liberia	8
Ghana	6
Madagascar	4
Guinea	2
Sierra Leone	2
Mauritania	1
Zimbabwe	1
Congo-Brazzaville	Unknown (only estimate available)
<b>Total</b>	<b>5450</b>

These high numbers are attributed to the forced recruitment of young men and boys to serve as soldiers and porters, and the high incidence of trafficking for sexual exploitation (sexual slavery).

Rwanda’s high trafficking numbers are due to the forced recruitment of young men to serve in M23 rebel group active in eastern DRC.

An important trend that the HTA Index highlighted was the use of child soldiers (under the age of 15) which is designated as a war crime by the United Nations, and the forced recruitment of young men.

The HTA Index highlighted that Burkina Faso had the highest incidence of exploitative child labour, 442 victims were identified, which is inextricably linked with a long history of child migration and labour in this region.

Child victims from Burkina Faso account for 13.3% of all victims identified.

Nigeria accounts for 11.8% of all victims identified. It has been embattled with the so-called ‘baby factory’ phenomenon, forced pregnancies and illegal adoptions which has resulted in it being downgraded in 2012 to a Tier 2 country by the United States.

Trafficking for sexual exploitation also remains a serious problem for Nigeria.

The HTA Index also highlighted Uganda as a country with a significant problem in relation to trafficking for sexual exploitation. It accounts for 10.3% of all victims identified.

Lastly, the HTA Index has highlighted two worrying trends in Egypt, which are being exacerbated by the political instability in the region: ‘summer brides’ and kidnapping, torture and organ trafficking of Eritrean refugees. Egypt accounts for 10.2% of victims identified by the HTA Index.

The HTA Index highlighted that awareness of the crime of human trafficking fluctuated over the 24 month period surveyed.

Awareness was for the most part below the baseline of 70 articles per month (May 2010

– December 2011). The HTA Index showed that there was increased awareness during the following seven months: October 2011, July 2012, January, March, May, June and July 2013.

Month	Number of Articles	Up on the Baseline
October 2011	90	129%
July 2012	72	103%
January 2013	72	103%
March 2013	92	132%
May 2013	125	179%
June 2013	122	175%
July 2013	95	136%

Five key themes were identified by the HTA Index for Africa during this period:

- (i) the forced recruitment of child soldiers;
- (ii) exploitative child labour;
- (iii) 'baby factories' and illegal adoptions;
- (iv) sexual exploitation and sexual slavery;
- and

- (v) the migration-trafficking nexus, in which asylum seekers turned away at borders by ill-trained immigration officials, are turning to human smugglers and traffickers instead to secure their passage into a country

## LexisNexis and Human Trafficking

Globally LexisNexis is committed to combating human trafficking by offering direct financial support, through promoting awareness, sponsoring victims' support and assisting with training and education initiatives.

We have supported anti-trafficking organisations such as the Somaly Mam Foundation and AEFSIP (Acting for Women in Distressing Situations") and published the Human Trafficking Handbook, the UK's definitive legal guide to preventing trafficking.

In 2012 LexisNexis South Africa produced South Africa's first ever Human Trafficking Compendium and donated copies to the Government's specialised enforcement and prosecution units, including the Child Protection Units, the South African Police, National Prosecuting Authority, Legal Aid Board and the Department of Justice, to name but a few.

LexisNexis South Africa's annual Cares Day initiative also sees us provide assistance to a number of NGOs working in the field of human trafficking.

In 2012 LexisNexis launched the REDLIGHT documentary, a powerful and inspirational feature documentary that tells the real life stories of child victims of human trafficking and two remarkable women who fight to rescue and safeguard them. The documentary was filmed over a four-year period in Cambodia and features actual footage smuggled out of brothels and testimonials from victims, relatives and advocates. It is a Priority Films Production and was directed and produced by Guy Jacobsen, President of Priority Films; Adi Ezronie, award-winning actress and television host; Charles Kiselyak, award-winning filmmaker as well as Lucy Liu, UNICEF Goodwill Ambassador.

You can get more information on LexisNexis's efforts to combat human trafficking, and our commitment to the Rule of Law principle by visiting:

- <http://redlight.index.html>
- <http://redlightchildren.org/>
- <http://law.lexisnexis.com/webcenters/RuleoflawResourceCenter>
- <http://lexisnexis.co.za/ruleoflaw>