



## SEXUAL EXPLOITATION AND CHILD TRAFFICKING IN SOUTH AFRICA: Recommendations for the way forward

As the Drakenstein Child Protection Steering Group - coordinated by Ezrah Community Training and Development NPC<sup>1</sup> in partnership with Valcare<sup>2</sup> - we made certain observations in responding to child trafficking cases in our area recently. Based on these observations and our engagement with other stakeholders working in the sexual exploitation field, here are some recommendations to inform the way forward in line with the main principle of keeping the best interest of children paramount:

### 1. Reducing the demand for sexual exploitation and trafficking

- 1.1 Combatting child trafficking will only be effective in the long-term if we can reduce the demand for child trafficking and child exploitation in all its forms. This must remain our core focus in formulating collaborative child trafficking action plans.
- 1.2 The plan must include the fight against pornography on all levels through advocacy, policies, legislation, strengthening of families, community education and blocking access to pornography. The Centre Against Sexual Exploitation (CASE-SA)<sup>3</sup> along with other stakeholders can play an important coordination role in this endeavour.

### 2. More research needed

- 2.1 Although we have some research on sexual exploitation of children available, such as the reports by ECPAT<sup>4</sup>, we urgently need further research to give us more accurate statistics as well as qualitative data to determine the extent and themes associated with child trafficking in South Africa. We also need research to outline which services are available specifically related to child trafficking (not human trafficking in general) and to determine the effectiveness of these services.
- 2.2 ECPAT also points out that the use of technology is increasingly playing a role in child trafficking and therefore research has to capture this focus as well.

### 3. Understanding of the different types of child trafficking, associated dynamics and correct response: ongoing training needed

- 3.1 The correct conceptualisation of child trafficking cases is essential in facilitating a swift and correct response by child protection service providers such as the Family Violence, Child Protection and Sexual Offences Unit (FCS) of the South African Police Service and

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<sup>1</sup> <https://www.ezrah.co.za>

<sup>2</sup> <https://valcare.org.za>

<sup>3</sup> <https://case-sa.org>

<sup>4</sup> <https://www.ecpat.org> and <https://www.ecpat.org/wp-content/uploads/2019/10/Landscape-of-Sexual-Exploitation-of-Children-in-South-Africa-ECPAT-research-October-2019.pdf>

designated child protection organisations (DCPOs). Failure to identify a case as a child trafficking case by these stakeholders will mean that child victims of trafficking will remain without justice and adequate intervention services.

- 3.2 The FCS and social workers from designated child protection organisations and government departments, including the Department of Social Development will therefore benefit from sector-specific training on understanding and responding to different types and dynamics of child trafficking, also specifically relevant to the South African context.
- 3.3 Training is particularly needed for child trafficking scenarios where children are not held captive as this type of trafficking may be widespread in South Africa. Examples include children being trafficked from their homes as a means of income for sexual exploitation by family- and or other community members or as part of cultural practices such as in the case of "ukuthwala." We need to look at this from a systemic approach so that we can understand what the reasons are for fuelling the demand. The role of culture, poverty, gangsterism, the lover boy syndrome etc. and absence of protective factors (such as school attendance and supportive families) must also be explored.
- 3.4 We have some strong legislation in place in South Africa to respond to child trafficking and sexual exploitation e.g. Children's Act, PACOTIP Act and Sexual Offences Act. However, without proper ongoing training on how to implement these Acts through sector- specific standard operating procedures (SOPs), the implementation of legislation will remain ineffective. It seems that SAPS for example has some standard operating procedures in place for dealing with human trafficking/child trafficking cases, but we are not sure how many SAPS members are trained in these procedures. These procedures may also need to be continually updated to include responses to different types of child trafficking such as "ukuthwala" and instances where children are trafficked from their homes.
- 3.5 There is also a need for prosecutors to be trained together with the investigating officers of SAPS in conceptualising child trafficking cases. To increase the likelihood of successful conviction and stronger sentences, different charges related to a case such as child grooming, sexual exploitation, child trafficking, child pornography etc. should be combined to build strong, solid cases. The National Prosecuting Authority (NPA) may provide very helpful training in this regard.
- 3.6 Medical staff at hospitals and clinics will also benefit from training to identify potential victims of trafficking and to complete the J88 form correctly in the case of rape or sexual abuse. As children are often too traumatised to testify, forensic evidence is critical in strengthening cases.
- 3.7 Stakeholders within the child protection system must also be trained on how trauma and other factors may impact children's ability to disclose, to give information for statements and to testify in court. Research indicates that children often disclose in stages over a period of time and may only disclose if they are supported in a safe

environment. Children trapped in child trafficking situations may even be more vulnerable and unable to disclose or provide information. The belief that some SAPS members hold “that there is no case if a child is not willing or able to disclose” is therefore concerning.

- 3.8 Service providers should also be trained in trauma-informed care and support along with social context training. Social context training for service providers will strengthen the understanding of how the quality of engagement with the victims/witnesses such as compassionate and caring responses may reduce secondary trauma and aid in the healing of victims. The National Prosecuting Authority (NPA) may again play a major role in providing training to the criminal justice system on using the different types of legislation effectively to establish strong cases and to aid with social context training.
- 3.9 Other community stakeholders which may benefit from general child trafficking training include staff at airports, train stations, ports and border posts as well as truck drivers, who can all play a role in reporting potential child trafficking cases.

#### **4. Systemic, multi-disciplinary approach needed**

- 4.1 Apart from understanding the reasons for child trafficking from a systemic approach, we also need to respond by finding solutions in a systemic way.
- 4.2 The South African government must make the exploitation of children a priority which includes a firm commitment to make the necessary resources, training and support available to the larger child protection system in all sectors. It is already a great step forward that the Western Cape is in the final stage to appoint the Western Cape Commissioner for Children after a lengthy consultation process, but more can be done.
- 4.3 One way to do this is to clearly outline the different roles and responsibilities of the different service providers in the National Policy Framework (inclusive of all service providers) and to ensure that there is a shared understanding and ownership of these roles between service providers, working on ground level. Part of the National Policy Framework should also include a strong focus on ethics and best practice.
- 4.4 It is highly recommended that the different sectors and government departments develop updated SOPs with input from other stakeholders in line with the National Policy Framework and legislation. It will however be important that supervisors and ground staff are continuously trained on the implementation of these SOPs. Standard operating procedures must include specific procedures on response and collaboration between stakeholders in order to ensure the safety and well-being with different types of child trafficking.
- 4.5 To aid collaborative efforts as well as promoting accountability, these standard operating procedures should be shared among stakeholders and be readily available.

- 4.6 Referral and support protocols should also include a summary of roles and responsibilities as well as communication lines to create a shared understanding of what services exist within the wider child protection system.

## 5. Collaboration between stakeholders

- 5.1 Services to children should include a multi-disciplinary approach to ensure that the child's safety and well-being is secured, secondary trauma is reduced and healing is promoted - all in line with the main principle of keeping the best interest of the child paramount.
- 5.2 The greatest risk related to effective service delivery is when child protection stakeholders in responding to child trafficking or sexual exploitation cases, work in isolation or fail to collaborate with other stakeholders.
- 5.3 Collaboration between stakeholders (including different government departments, the civil society sector and the criminal justice system) should be established on local, provincial and national level. Local child protection networks, forums and steering groups can play a crucial role in promoting collaboration at community level. Likewise, theme-specific networks such as the National Freedom Network<sup>5</sup> as well as provincial and national human trafficking task/response teams can play a huge role in finding joint solutions as well as to increase accountability related to child-focused services.
- 5.4 Collaborations should include regular stakeholder engagements with proper agendas and meeting minutes to track the progress of agreed upon action points and to promote accountability. These stakeholder meetings should also take place on community level to ensure efficient collaboration and accountability in terms of services rendered at grass roots level.
- 5.5 Investigating officers must work closely with prosecutors to ensure that solid dockets are prepared which include statements from the victims, witnesses, first responders, evidence collected at the crime scene, forensic evidence, input from expert witnesses, victim impact statements etc. FCS must ensure that they get input from the forensic social workers and well-trained medical staff as well as expert witnesses. We also recommend that the FCS and the HAWKS collaborate more closely on child trafficking cases, especially in child trafficking rings or where child pornography is involved to ensure a wider perspective.
- 5.6 The RAPSSA<sup>6</sup> report gives great insights on which factors within the criminal justice system may lead to attrition (rape cases dropping out), especially in the case of young children. This report's recommendations must be taken seriously to strengthen the criminal justice system.

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<sup>5</sup> <https://nationalfreedomnetwork.co.za/>

<sup>6</sup> <https://rapecrisis.org.za/wp-content/uploads/Resources/RAPSSA-Report-18-July-2017.pdf>

- 5.7 In preparing victims for the court, collaboration with stakeholders such as Childline<sup>7</sup> is essential. Prosecutors must also ensure that child victims and witnesses can testify via CCTV or with the aid of an intermediary.
- 5.8 Once the immediate safety of the child has been secured, FCS and the designated child protection organisations must collaborate with community therapeutic service providers to ensure that both the child victims and their families get the appropriate therapeutic support at the earliest stage. The majority of child victims of sexual abuse do not get any therapeutic care as their cases do not often reach the "court stage". It is therefore recommended that once a case of child sexual abuse or child trafficking is reported, the child is referred to therapeutic services within 48 hours to make trauma containment and debriefing as effective as possible.
- 5.9 Another great concern is that there is currently no child and youth care centre (CYCC) in South Africa that specialises in providing care for child victims of trafficking. Due to the complex nature of child trafficking and security risks associated with it, it is not advisable for child trafficking victims to go to a normal CYCC, nor can they be placed in safety care families. However, they can also not remain in communities as this may jeopardise their safety. This is a concern that needs urgent attention. S-Cape<sup>8</sup> is in the process of establishing such a CYCC and must be supported in this endeavour. However, multiple CYCCs will be needed in all provinces across South Africa.

## **6. Promoting of Thuthuzela Centres and the Barnahus (Child Advocacy Model) model to reduce secondary trauma**

- 6.1 Thuthuzela Centres<sup>9</sup> have a great track record as one stop centres in assisting victims of sexual offences. It is highly recommended that such centres are established within every area in South Africa and that the available budget is made available by the government. The National Prosecuting Authority should be commended for their efforts in establishing these centres with limited resources in conjunction with other stakeholders, but these endeavours should receive more support as these centres are so crucial in successfully supporting victims.
- 6.2 The Barnahus<sup>10</sup> or Child Advocacy Model has been established as a successful international model for reducing the secondary trauma of child victims of sexual exploitation and trafficking in multiple countries. Therefore, we need to look at establishing this child advocacy model at Thuthuzela Centres in South Africa. Where Thuthuzela Centres are not available, this model should still be established as a priority to reduce the secondary trauma of child victims entering the criminal justice system.

## **7. Addressing high staff turnover and burnout**

- 7.1 Another great concern is the high staff turnover within the child protection sector. If training is not done on a continuous basis and a proper handover is not facilitated during staff transitions, valuable skills and case history may be lost. It may be worthwhile to

<sup>7</sup> <https://www.childlinesa.org.za/>

<sup>8</sup> <https://s-cape.org.za/>

<sup>9</sup> [https://www.npa.gov.za/sites/default/files/resources/public\\_awareness/TCC\\_brochure\\_august\\_2009.pdf](https://www.npa.gov.za/sites/default/files/resources/public_awareness/TCC_brochure_august_2009.pdf)

<sup>10</sup> Barnahus model: <https://www.youtube.com/watch?v=I7TVKc-EcAM&t=151s>

investigate the reasons contributing to high staff turnover. We also need to understand the effect of high staff turnover on the quality of child protection services rendered in South Africa.

- 7.2 One factor contributing to high staff is the issue of burnout as responding to child protection cases in South Africa with limited resources, may be overwhelming. This also needs some urgent attention to ensure that service providers get proper debriefing opportunities, facilitated by trained professionals.

## **8. Addressing corruption, lack of resources and use of technology**

- 8.1 Unfortunately, corruption in South Africa is a reality as we have seen from reports such as the annual report from Corruption Watch.<sup>11</sup> Corruption in the child protection system, for example in SAPS may make it difficult at times for community members to report and to build trust with stakeholders. What is urgently needed is specialised units (that are not compromised) that can investigate and expose potential cases of corruption, especially in government departments. Internal accountability within state departments is essential, but may not be effective enough to combat corruption.
- 8.2 Another factor adding to poor service delivery is a lack of resources. Lack of vehicles, access to data, staff members, forensic kits, computers and updated software can really adversely affect the ability of service providers to provide quality services.
- 8.3 The use of technology is crucial in combatting child pornography, sexual exploitation and child trafficking. Therefore, it is essential that SAPS and other stakeholders are equipped with the best technological support and software programmes to have an effective case number system and to combat crime.
- 8.4 Where stakeholders are able to take hands with innovative organisations such as Thorn<sup>12</sup>, that develops technology to combat sexual exploitation of children, progress can be made much faster.

## **9. Updating of Part B of the National Child Protection Register**

- 9.1 It will also be helpful to have updated information on the status of Part B of the National Child Protection Register. It is unclear how many persons in South Africa, who are deemed unsuitable to work with children, are listed on this register and if the number reflects an updated status.
- 9.2 If the Register is not updated regularly, screening against this Register may actually produce a false sense of security and therefore may be counterproductive.

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<sup>11</sup> <https://www.corruptionwatch.org.za/wp-content/uploads/2019/05/CW-Annual-Report-2018-Upholding-Democracy-Single-Pages-Agent-Orange-Design-10042019.pdf>

<sup>12</sup> <https://www.thorn.org/>

## **10. Revisiting the bail and parole system in South Africa**

- 10.1 The bail and parole regulations and systems in South Africa need some urgent revisiting. Recent cases where children were murdered by parolees, highlighted the gaps in the parole system and regulations.
- 10.2 Lack of rehabilitation and releasing offenders back into the community without consulting and preparing communities for their release is concerning. There should also be a better understanding of the complex dynamics of sexual offenders to ensure that these offenders are not released back into community without very strict monitoring on a continuous basis and after very detailed assessments. Rehabilitation programmes should urgently look at the multiple factors that contribute to sexual offending, including the complex dynamics of sex addictions and the role that pornography plays.
- 10.3 The alleged offenders in sexual exploitation cases and child trafficking cases who are released on bail, may severely compromise successful prosecution as it increases the risk of intimidation, threat, manipulation and bribery. The criminal justice system should take the well-being and input from the community more seriously for example when the community signs petitions to oppose bail, bail should not be easily granted.

## **11. Promoting ethical service delivery and social context training**

- 11.1 The Batho Pele framework<sup>13</sup> may be really helpful in training the different government service providers on engaging with the public and to promote quality service delivery.
- 11.2 It will also be very beneficial if MoUs which include rules of engagement, drafted within an ethical framework, can be signed by service providers collaborating in the best interest of children at grassroots level. These MoUs should further include monitoring of roles and responsibilities, clear communication lines and how accountability will be implemented.
- 11.3 It is encouraging to see some feedback systems with regards to service delivery at government departments for example feedback boxes and contact numbers at local police stations. However, it will be helpful to see how we can further increase accountability for effective service delivery in all sectors, especially where children are concerned.

## **12. Equipping our communities with the relevant information**

- 12.1 We need to look at what type of information is going to our children and communities. For example, an unwise introduction of Comprehensive Sexual Education (CSE) into the school curriculum without proper consultation with community members, parents and other stakeholders, may be very detrimental in combating sexual exploitation and child trafficking in the long-term. Equipping children with correct and age-appropriate knowledge is important but should be done wisely within a child protection framework.
- 12.2 We have an important role to educate our communities on the different types of human trafficking/child trafficking and how to respond when human trafficking is suspected.

<sup>13</sup> <https://www.etu.org.za/toolbox/docs/govern/bathopele.html>

The human trafficking hotline, managed by A21 is instrumental in assisting the community. A21 and other human trafficking organisations in the civil society sector are making wonderful resources available and by equipping our communities with the relevant information, we can collaborate with our community members on grassroots level.

- 12.3 However, we also have an ethical responsibility as service providers in the child protection system, that when community members report, we respond swiftly, effectively and with compassion. We are accountable to our communities and part of education is to equip community members with knowledge on their rights and responsibilities. We also have a huge responsibility to meet service standards in line with best practice. Failure to deliver quality services to children and their families puts us in breach of “acting in the best interest of children” and therefore we should do our best to strengthen the child protection system as a whole. This can only be done through a shared commitment to best practice and continuous collaboration.

**Recommendations compiled by Mariëtte Jacobs on 23 March 2020  
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