

SELLING SEX IN CAPE TOWN

SEX WORK AND HUMAN TRAFFICKING
IN A SOUTH AFRICAN CITY

CHANDRÉ GOULD
IN COLLABORATION WITH NICOLE FICK (SWEAT)

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EXECUTIVE SUMMARY

Selling sex in Cape Town is the result of a two-year study by the Institute for Security Studies (ISS) and the Sex Worker Education and Advocacy Taskforce (SWEAT) to gather data about the sex work industry in Cape Town and about any evidence of human trafficking into the industry.

SIZE AND NATURE OF THE SEX WORK INDUSTRY

There are just over 1 200 sex workers in Cape Town. Almost 250 sex workers work on the streets – ‘the outdoor industry’, while some 964 work in brothels or independently from houses or apartments – ‘the indoor industry’.

The data gathered through interviews, surveys and focus group discussions (164 interviews in total) presents a picture of an industry made up largely of black South African women between the ages of 24 and 28. Only five per cent of sex workers in Cape Town are foreign nationals.

The research revealed that most people enter the industry to meet their immediate and pressing financial needs. They remain because sex work offers them the opportunity to earn three to five times more than they could in any other job. The data clearly demonstrates that sex work is a rational alternative for women (and men) in the sense that it earns immediate cash, brings in more money than other jobs, and does not require academic or practical qualifications. These advantages are often strong enough for the people doing this work to overcome their resistance to selling sex and the stigma of prostitution.

Besides looking for cases of human trafficking, the researchers looked specifically for signs of exploitation and abuse in the industry. The book argues that sex work is work and trafficking is an extreme version of labour exploitation. The researchers believe that the most effective way to counter and reduce practices of exploitation would be to open the industry to scrutiny, to regulate it and encourage the reporting of abuse and exploitation.

WORKING CONDITIONS

Working conditions at brothels vary enormously, but one thing that is common is that the relationship between sex worker and brothel owner is only superficially a formal employee/employer relationship. In all cases sex workers are paid on a freelance basis, only for the hours they work. They are required to pay a proportion of their earnings to the brothel, normally between 36 and 60 per cent of what they earn. Unlike freelance workers, however, sex workers are required to report for duty at a specific time, and normally to be at the agency for eight to ten hour shifts, six days a week. Many brothel-based sex workers (75 per cent) are fined heavily for late arrival, failing to come to work, or for other behaviour deemed offensive by the brothel.

Sex workers who are self-employed (11 per cent of indoor-based sex workers) have much more flexibility. They work only when it is convenient for them to do so, or when they need to make money. They keep all their earnings and determine the rates they charge clients.

Street-based sex workers usually work independently (only 3 per cent of street based sex workers worked for a pimp at the time of the survey). They also keep all the money they earn, only work when they need to earn money and at times that they can control. On average street-based sex workers work a seven-hour day, three to six days a week.

The police tend to tolerate sex workers working indoors, but the research found widespread evidence of police harassment and abuse of street-based sex workers. A random survey of street-based sex workers showed that 47 per cent have been threatened with violence by police, 12 per cent have been raped by police officers, and 28 per cent have been asked for sex by policemen in exchange for release from custody. Unsurprisingly, most sex workers are wary of the police and mistrust them and are thus unlikely to report cases of violence or abuse by clients (or others) to the police, regardless of whether they are victims or witnesses.

The arrest of sex workers does not stop sex workers from working. Nineteen per cent of street-based sex workers said they had been arrested, with one having been arrested



10 times in the month prior to the survey. Most had been arrested three times. Rather than reducing the number of sex workers, an aggressive policing strategy results in women working longer hours or taking more clients to make up the income lost through paying fines or spending time in jail.

CLIENTS OF SEX WORKERS

Most brothels and sex workers consulted in this study said they had a very mixed group of clients of all ages and income groups; many added that clients tend to be married men over 30.

The study found that few clients seek to employ the services of foreign sex workers or very young sex workers. Despite the perception that there are large numbers of children being forced to sell sex, the researchers found no evidence of children in brothels. Over the 24-month research period, a total of five children were encountered selling sex on the street. None of these children were being forced by a third party to sell sex. The research found three unexpected trends in demands from clients: sex with a pregnant woman, unprotected sex, and someone who would take drugs with the client.

EVIDENCE OF TRAFFICKING

Force and deception in the process of recruitment are not common features of the sex work industry in Cape Town. However the research did find widespread evidence that sex workers based in brothels are subject to various forms of coercion by brothel owners, mainly to force them to remain in the industry and thus to maintain the brothels' income. The research identified eight women (of 164 canvassed) who could be said to have experienced trafficking-like practices, and almost all of these experiences happened in the past. Although we acknowledge that some cases of trafficking may have escaped our notice, on the strength of the many forms of evidence we gathered, we conclude that in Cape Town there is little evidence of trafficking for the purposes of prostitution.

KEY CONCLUSIONS

- The methodology used was carefully thought through, and we believe it should be used as a basis for similar research on human trafficking in other cities and countries.
- While sex workers are often subject to exploitative or abusive working conditions, very few are forced to sell sex.
- The criminalisation of sex work means that the industry is unregulated, and this

creates conditions that allow employers to engage in practices that would be considered unacceptable for other kinds of employment.

- Most sex workers are aware of the nature of the work they will be doing when they enter the industry. They choose the work because it offers them the potential to earn more than in other jobs commensurate with their skills, and for many, it offers greater flexibility in working hours.
- The number of women who are trafficked or debt-bonded is much lower than suggested by previous studies. Indeed, trafficking is not a significant feature of the sex work industry in Cape Town.
- The best way to prevent and detect trafficking is to monitor and regulate the industry and encourage reporting of cases of abuse and exploitation by sex workers, brothels managers and owners and their clients. This is not going to happen unless the sex work industry is decriminalised and regulated.

KEY RECOMMENDATIONS

It is recommended that:

- Sex work is decriminalised.
- Sex work is regulated by the same labour legislation as other sectors of the economy.
- The methods developed and tested during this research are used as a basis for comparative studies in at least one other city in South Africa.
- The Minister of Safety and Security and the SAPS management consider the findings of this study and instruct all police stations to be aware of the negative effect of deterring sex workers from reporting crime.
- Civil society organisations that work directly with sex workers be consulted by South African Police Services (SAPS) management to develop a short training course for SAPS members to sensitise them to issues specific to sex workers.
- Members of the SAPS receive special training in how to handle children who are found to be selling sex from the street.
- The Department of Health address the gaps in public education campaigns focusing attention on men and their specific responsibility to have protected sex. Such education campaigns should address the myths around condom-use. In addition the quality and distribution of free condoms needs to be improved.
- The Department of Home Affairs establish an anonymous hotline for the reporting of instances in which travel documents are illegally retained by third parties and the reporting of corruption by Home Affairs officials.

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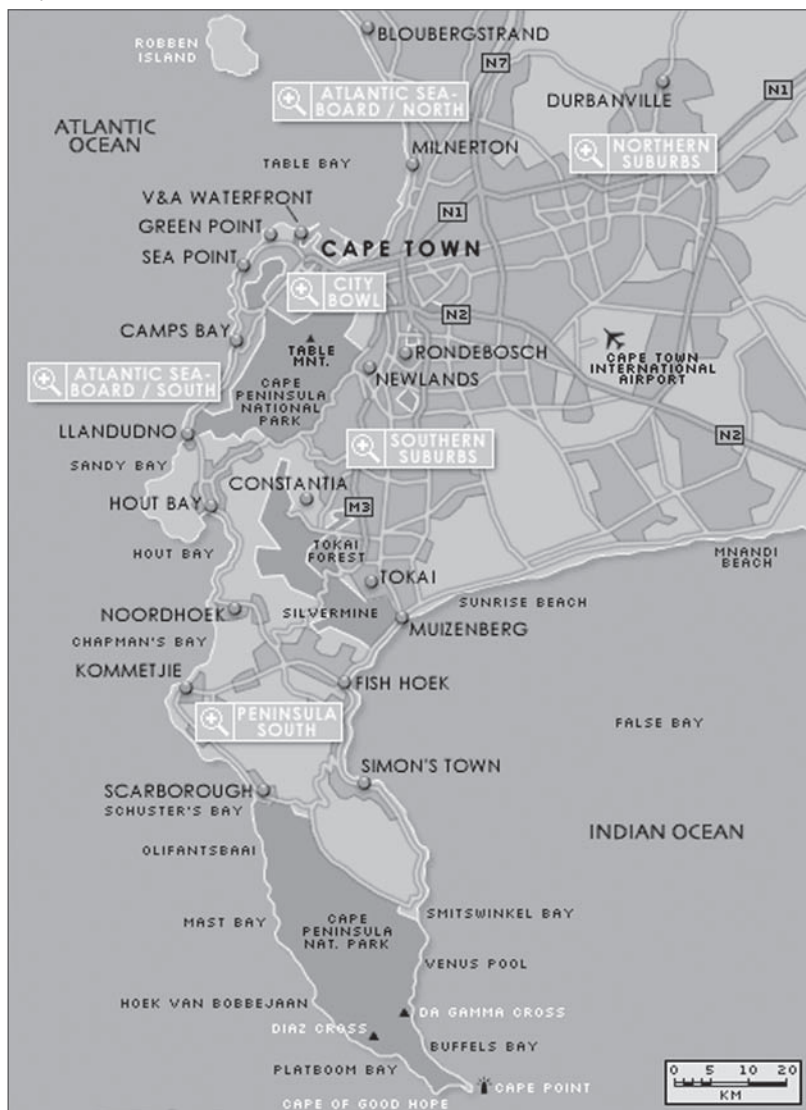


info@sweat.org.za

Acronyms

Anex CDW	(Activist Network Against the Exploitation of Child) Domestic Workers
CASE	Community Agency for Social Enquiry
CCMA	Commission for Conciliation, Mediation and Arbitration
CSEC	Commercial Sexual Exploitation of Children
CT	Child Trafficking
DSD	Department of Social Development
EU	European Union
FCS Unit	Family Violence, Child Protection and Sexual Offences Unit
IGO	Inter-Governmental Organisation
ILO	International Labour Organisation
IOM	International Organisation for Migration
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organisation
NPA	National Prosecuting Authority
SADC	Southern African Development Community
SALRC	South African Law Reform Commission
SAPS	South African Police Service
SOCA	Sexual Offences and Community Affairs (unit of the NPA)
TECL	Towards the Elimination of Worst Forms of Child Labour
TIP	Trafficking in Persons
UNDP	United Nations Development Programme
UNODC	United Nations Organisation for Drugs and Crime
US	United States

Cape Peninsula Suburbs



Source: www.safarinow.com

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Acknowledgements

The authors would like to thank the Belgian Development Agency for providing funds to the Institute for Security Studies (ISS) for this research. We are also grateful that the Agency allowed us to narrow the scope of this project to Cape Town and the sex work industry. The Sex Worker Education and Advocacy Taskforce (SWEAT) would like to thank Novib/Oxfam and the Open Society Foundation for their continuing financial support both of SWEAT as a whole, and the research programme in particular. It was the collaboration between the ISS and SWEAT that made this research possible, neither one could have done it alone.

The research was undertaken by the Crime, Justice and Politics Programme of the ISS. The programme head at the time, Boyane Tshela and programme administrator Busi Nyume were invaluable sources of support and encouragement.

The researchers were also supported by Dianne Massawe who started working on the project as an intern and later as a junior consultant. Dianne was responsible for capturing data, administering questionnaires and making the hundreds of phone calls to sex workers and brothels during the mapping and surveying. Together Nicolé Fick and Dianne spent many days and nights driving through the streets to count, and speak, to sex workers.

We are enormously grateful to all the sex workers and brothel owners and managers who took the time and had the courage to share their stories with us.

We would like to thank the members of our two advisory panels. We are unable to name the sex workers who made up our advisory panel, but we hope they accept our appreciation for their input into this study. The academic advisory panel members offered advice and support throughout the process of the research. They are Leon Wessels, a Commissioner of the Human Rights Commission; Lilly Artz, Director of the Gender, Health and Justice Research Unit at the University of Cape Town (and in her absence Dee Smythe who is also from that unit); Dr Zoditi Tshotsho, Director: Families and Victim Empowerment Programme at the the Department of Social Development; Vivienne Bozalek, Head of the Department of Social Work at the University of

the Western Cape; Ingrid Palmery of the Forced Migration Studies Programme at the University of the Witwatersrand; Cheryl Hendricks from the ISS and Glenn De Swart of the Triangle Project.

Others who have contributed to this study by offering support and expert advice include the staff of SWEAT; Loren Landau from the Forced Migration Studies at Wits University; Liesl Gertholtz of Tshwaranang; Jenny Williams of the Women's Legal Centre in Cape Town; Bronwyn Pithey and Mark Kenny from the National Prosecuting Authority in Cape Town; Jen Lim who conducted the interviews at the Asian-language brothels; and Michael O'Donovan who provided expert statistical analysis and advice.

Robert Berold and Mindy Standford were excellent language editors who smoothed the rough edges off our words. We would also like to thank Yoni Hoffmann-Wanderer for critically reviewing the book and helping us to make our arguments clearer. Thanks also to Nicky Newman who took the photographs for the cover of the book and Carol Burmeister who designed the front cover.

Finally Chandré would like to thank her family - Helèt, Khaya and Mila who are always a source of strength. Nicolé would like to thank Vivienne Lulu, Lillian Artz and Dee Smythe who were a consistent source of advice and support throughout the writing of this book.

Addressing the Ethical Problems

Developing methods to reveal hidden and illegal phenomena is fraught with ethical dilemmas. Since our research subjects (sex workers, brothel owners and pimps) are involved in illegal activities that carry strong negative moral sanction, it was important to put in place security measures to prevent any data from being accessed by third parties who might identify individuals or specific agencies. Sex workers we spoke to were not asked for their real names but were recorded under the aliases under which they work. A single computer was used for data capture, which was password-protected, not connected to any networks, and kept locked up at all times when not in use by one of the three researchers.

Two advisory panels were established to assist the researchers: an academic advisory panel and an advisory panel made up of sex workers. The purpose of the academic advisory panel (its members are listed in Appendix 2) was to:

1. Review and advise on research methodology.
2. Oversee the research process to ensure that the research was undertaken in an ethical manner that respects human rights.
3. Identify potential bias in the research and propose remedial action.
4. Consider the research findings and advise on the policy implications thereof.

Members of the advisory panel were chosen with the following considerations in mind:

- It was important to include academics and researchers who had a good theoretical and practical understanding of research methodology.
- Since issues relevant to understanding and dealing with human trafficking intersect with both gender and human rights issues, it was important to include representatives from organisations regarded as leaders in these fields.
- We wanted to have participation from government, particularly from a department that would be responsible for implementing policy on human trafficking.
- It was important for some of the members of the panel to have legal expertise.

The academic advisory panel met three times during the course of the research. The first meeting considered the proposed methods and discussed specific issues (such as any action researchers should take if they encountered victims of trafficking). The panel met for a second time midway through the research to consider the preliminary findings. At the end of the research it met to discuss findings and recommendations.

During the course of the research the panel was consulted on two other occasions when researchers encountered specific ethical dilemmas (see below).

The sex worker advisory panel was made up of sex workers with years of experience in the industry – both on the street and in brothels. Panel members were chosen because they were known to be articulate and open about their work, and comfortable working with SWEAT. Some were also members of Sisonke, the fledgling sex worker movement in South Africa.

Members of this panel provided us with detailed information about how the industry worked and where sex workers are located (particularly those who are street-based). They were able to assist us to design survey questionnaires that were appropriately worded and sensitive to the respondents. The sex worker panel also provided a forum for informing members of the sex work community about the research.

Members of the sex worker advisory panel were paid a R500 honorarium for their participation in meetings to compensate them for their time. The project also covered the costs of their travel to meetings.

DEVELOPING A PROTOCOL FOR VICTIMS OF TRAFFICKING

From the outset we were aware of the possibility that during the research process we might encounter people who disclosed they had been trafficked and who wanted help to get out of their situation. We needed to develop a protocol to guide the action of researchers in such an eventuality. A number of factors needed to be taken into consideration here:

- Any legal requirements compelling us to report having encountered a victim of trafficking.
- Options for assistance, based on what the individual identified as their most important need.
- The need to provide victims of trafficking with a clear understanding of the options available for assistance and their consequences (for example, if a victim of trafficking wanted to get away from where s/he was but did not want to be deported and returned home, the options were limited).

Consultations were held with the following organisations and agencies:

- *The Sexual Offences and Community Affairs (SOCA) unit of the National Prosecuting Authority (NPA) in Cape Town:* They advised us that we, like any other citizen, were legally obliged to bring to the attention of the authorities any children who were selling sex. However, there was no specific legal obligation to report trafficking.
- *The South African Police Service (SAPS) Family Violence, Child Protection and Sexual Offences Unit (FCS):* They told us that if we encountered a victim of trafficking, we should contact the FCS members at the local police station in that area.
- *The Thuthuzela Centre,* a centre linked to the NPA that provides a combined medical and legal service for victims of rape and sexual abuse: Thuthuzela's work is limited to assisting people who have been physically abused or raped in the centre's defined catchment area. This excluded a large part of our research subjects.
- *The Saartjie Baartman shelter for abused women* that receives support from the International Organisation on Migration (IOM) to keep a bed available for trafficking victims.
- We also discussed with the *International Organisation on Migration* the services and facilities they offer trafficked victims.

The final version of the protocol is provided below. The protocol reflects the information that was gathered and commented on by members of the advisory panel, the IOM, and the Family Violence, Child Protection and Sexual Offences Unit.

SWEAT/ISS PROTOCOL FOR DEALING WITH VICTIMS OF TRAFFICKING

PURPOSE OF THE PROTOCOL

This protocol is intended to guide the actions of administrators of the survey conducted under the auspices of the joint ISS/SWEAT research project on the sex work industry in Cape Town. Questionnaire administrators must consult this protocol in the event of encountering someone who indicates that they are a victim of trafficking, or who describes their circumstances as being that of a trafficked victim.

NOTES FOR QUESTIONNAIRE ADMINISTRATORS

If you are asked for assistance by someone who says they are trafficked, or who is in an abusive or exploitative situation from which they need to escape, you need to ask the person the following questions:

1. Do you need to be removed from this situation immediately?
2. Is your life in danger?
3. Is there anyone you would like us to inform about your situation?
4. Would you like assistance to return to where you came from?
5. Do you need immediate medical assistance?

Once you have determined the urgency of the situation you should inform the person of their options.

1. If the person says that they need to be removed from the situation immediately or they feel their life is in danger you need to inform them that you can assist them by calling the police's Family Child Services (FCS) unit. If they agree, immediately call Superintendent Alma Wiese on 082 4692869. You will need to tell her who you are, that you are involved in the SWEAT/ISS research and that you have encountered a victim of trafficking who needs immediate assistance.

- If you assess the situation and feel that you are in danger, leave immediately after calling the police. Do not take the victim with you.
2. If the person needs medical assistance contact Vivienne at SWEAT for advice. If the person is seriously injured call an ambulance (10177) and wait with them until the ambulance arrives.
 3. If the person does not need emergency assistance, as described above, and indicates that they need some form of assistance, you need to tell them what their options are.

THE OPTIONS ARE:

1. If the person wishes to lay a charge against the perpetrator, contact Alma Wiese or the nearest police station and ask to speak to an Family Child Services unit member who will assist you further.
2. If the person does not wish to lay a charge and needs counselling or assistance to return home, you should contact the International Organisation for Migration on (021) 425 4038 or (012) 342 1120. You need to inform the person that the IOM has a programme of assistance for trafficked victims. IOM will conduct a screening interview with the person to determine whether they are indeed a victim of trafficking as defined theUN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. If the finding is that the person is a trafficked person, the IOM can admit them into its Southern African Counter-Trafficking Assistance Programme (SACTAP) and may provide a range of services, including counselling, secure shelter, medical support, skills training and other services. Note that assistance under SACTAP is not conditional on the trafficked person providing information to law enforcement agencies, however they will be asked whether they are willing to do so. IOM is able to provide assistance to all persons trafficked across international borders.
3. If the person does not wish to lay a charge and does not want to be repatriated, and does not have anywhere to go that is safe, but does want assistance, they can contact SWEAT, through you or independently. If they ask you to contact SWEAT on their behalf you should call Vivienne on 021 448 7875 and inform her of the situation. Do not offer to bring the person to SWEAT, rather write the telephone number and the address on a piece of paper and give it to them, or give them a SWEAT business card (Tel: 021 448 7875, Address: 41 Saltriver Rd, Community House, Saltriver).

If the person does not want to come to SWEAT but does need shelter, they should be told about the facilities at the Saartjie Baartman shelter or the Haven night shelters. The number for Saartjie Baartman is (021) 633 5287.

The Haven, Selkirk Road, District Six (021) 465 1310

The Haven, Greenpoint (021) 421 6219

The Haven, Roeland Street (021) 461 5508

The Haven, Wynberg (021) 762 8243

The Haven, Kensington (021) 593 0276

The Haven, Fish Hoek (021) 788 5820

For Christians there are a number of other shelter options, SWEAT will be able to tell you about those.

Saartjie Baartman is a specialised shelter for abused women that has a rape crisis centre on the property, offering legal aid, a trauma centre and assistance with HIV/AIDS issues. Security at the shelter is good and grief counselling is offered. Shelter is free.

The Haven night shelters are free. They will accommodate someone for up to three months if necessary. They are not affiliated to any religious groups.

Members of the Academic Advisory Panel

Leon Wessels	Human Rights Commission
Cheryl Hendricks	Institute for Security Studies
Dr Zoditi Tshotsho	Director: Families and Victim Empowerment, Department of Social Development
Lillian Artz	Director Gender, Health and Justice Research Unit, University of Cape Town
Viviene Bosolek	Department of Social Work, University of the Western Cape
Ingrid Palmery	Forced Migration Studies Programme, University of the Witwatersrand
Glenn de Swart	
Chelsea Morrioni	Department of Community Health, University of Cape Town (she had to withdraw for personal reasons during 2006 and was not replaced)

Focus Group Script

GUIDELINES FOR FOCUS GROUP DISCUSSIONS

The primary objective of this study is to develop a reproducible methodological model for undertaking research in the sex work industry.

Additionally the study seeks to *inter alia*:

- Determine the extent to which sex workers have control over their working conditions in a criminalised industry.
- Develop a better understanding of and insight into the complexities of the relationships between pimps, brothel owners and sex workers.

The two focus group discussions to take place on 12 and 13 September are intended to provide the researchers with a better understanding of issues of agency, i.e. the extent to which sex workers have a say in the way they work, how often they work, the type of services they provide, where they work, the number of clients they see and who they accept as clients.

ROLE OF THE FACILITATOR

The facilitator will welcome participants, introduce the topic and set down the ground rules for the discussion. She will introduce the questions, ensure that all participants respond and contribute to the discussion and keep the discussion focussed. She needs to create a thoughtful, comfortable atmosphere and ensure that the discussion gains and maintains momentum.

ROLE OF THE ASSISTANT FACILITATOR/RECORDER

Ensure that all logistical arrangements are taken care of. Make name tags for participants. Operate the tape recorder. Take notes throughout the discussion, making sure that silent interactions between participants, body language and non-verbal responses are noted. Give a summary at the end of the session.

PROPOSED SCRIPT

Good afternoon and welcome. Thanks very much for taking the time to join us to talk about aspects of your work as sex workers. My name is X and assisting me is Y. We are researchers from SWEAT and the Institute for Security Studies. We would like to understand, through this discussion, how much or how little choice you have about aspects of your work. We are having two discussions like this – one with sex workers who work indoors and one with outdoor sex workers. You have been invited because some of you have or do work closely with Sisonke or SWEAT, or are friends with someone who does.

We are going to be asking some questions. There are no right or wrong answers, only differences in opinion. Please feel free to share your point of view even if it is different from others. Everyone's ideas and views are important to this process.

We are taping this session, but nobody here will be identified by name in any of the reports about this meeting. People often say very helpful things in meetings like this and we are not always quick enough to be able to write them down. The tape helps us to remember those things. X will also be taking notes throughout the session so that we have a back-up if something happens to the tape.

Everyone is wearing a name sticker, and many of you know each other but let us go around and briefly introduce ourselves and say where we live.

QUESTIONS FOR INDOOR SEX WORKERS**QUESTION 1**

How did you become involved in this kind of work?

QUESTION 2

What are some of the good points about working in a brothel?

QUESTION 3

What are some of the bad points about working in a brothel?

QUESTION 4

What do you do about the bad things?

Additional, related question:

Why do you put up with the bad things and what stops you from doing something about the bad things?

QUESTION 5

Do you think that you have any legal rights as a sex worker?

QUESTION 6

If there was one thing you could change about the way you work, what would it be?

QUESTIONS FOR OUTDOOR SEX WORKERS

QUESTION 1 (ALL PARTICIPANTS TO RESPOND – GOING AROUND THE ROOM)

How did you become involved in this kind of work?

QUESTION 2

What are some of the good things about working in the street (as opposed to in indoors)?

QUESTION 3

What are some of the bad things about working on the street?

QUESTION 4

Do you feel that you have control over the way in which you work?

Additional question: Why do you feel that way?

QUESTION 5

Who would you turn to for help if you felt that you needed help?

QUESTION 6

Do you think that you have any legal rights as a sex worker?

Questionnaire

Indoor Sex Workers

Questionnaire number:

TO BE COMPLETED BY SURVEY ADMINISTRATORS

Administrator name:

Location where the interview took place:

Duration of the interview:

If the interview takes place at a brothel please note the type of brothel. Please note that you can choose more than one answer (e.g. if the facility is both a formal brothel and rents rooms by the hour):

- Formal brothel
- Residential house
- Room rental

Please tick if the interview is with a sex worker who works independently

Comments:

QUESTIONS FOR RESPONDENTS

(To be completed by administrator)

1. How do you define your gender?
1=female
2=male
3=transgender
2. How old are you (in years)?
3. Are you South African?
1=yes (go to question 6)
2=no (go to question 4)
4. If no, what country were you born in?
5. If yes (to question 3), did you grow up in Cape Town?
1=yes
2=no
6. Where did you grow up?
7. How long have you been living in Cape Town?
1=less than one year
2=1 – 5 years
3=6 – 10 years
4= more than 10 years
8. What was the last standard/grade you completed at school?
1=Standard 10 / Grade 12
2=Standard 9 / Grade 11
3=Standard 8 / Grade 10
4=Standard 7 / Grade 9
5=Standard 6 / Grade 8
6=Standard 5 / Grade 7
7=Less than Standard 5 / Grade 7
Other (please specify)

9. Did you do any formal training courses after school? (prompt for details)
1=yes
2=no
10. If yes, please specify? (prompt to get details)
11. How long have you been working in this industry? (in years and months)
12. During that time have you worked:
1=On and off?
2=Continuously?
13. Have you ever done any other work that you have relied on solely for your income?
1=yes
2=no
14. If yes, what other kind of work did you do?
15. What did you earn monthly from the most recent job that you had?
16. What made you choose to do this kind of work?
17. Did someone else introduce you to this work?
1=yes
2=no
18. If yes, please explain?
19. If no, how did you get into this work?
20. Do you live and work at the same place?
1=yes
2=no
21. In the past did anyone ever force you to work in this industry?
1=Yes
2=No

22. If yes, who?
23. How were you forced?
24. Are you currently being forced to work in this industry?
1=Yes
2=No
25. If yes, who is forcing you?
26. How are you forced?
27. Would anyone prevent you from stopping this work if you chose to?
1=yes
2=no
28. How would they prevent you from stopping?
29. Have you ever had a client that you didn't want to go with?
(Prompt)
1=yes
2=no
30. Did you go with the client anyway?
31. Why?
32. Does anyone make you take a client you don't want to go with?
1=yes
2=no
33. How?
34. Have you ever encountered someone who was being forced to work in this industry?
1=yes
2=no
3=unsure
35. What makes you think they were being forced?
36. If yes, what did you do?

37. Do you have free access to condoms when you are working?
1=yes
2=no

38. If no, why not?

39. How many clients did you see on the last day that you worked?

44. What do you estimate you earn in a month?

40. Who decides how much you charge your clients, is it
Self
Brothel owner
Brothel manager
Pimp
Boyfriend
Other
Additional comments:

41. If you provide any of the following services, what do you charge?
Full house (30 minutes)
Full house (1 hour)
Overnight
Oral sex/Blow-job
Pelvic massage
Anal
Other, specify (optional)
Additional comments

42. Do you keep all the money you get from each client?
1=yes
2=no

43. If no, who else gets a part of the money you earn from each client?
1=No-one, only self
2=Agency
3=Pimp
4=Boyfriend
5=Other (specify)

44. Do you give all the money that you earn to someone else?
1=yes
2=no
45. If yes, why?
46. Who decides how much money you can keep from each client?
47. Do you have specific working hours?
1=yes
2=no
48. If yes, what are they?
49. If no, how do your working hours work?
50. How many days in a week do you work?
51. Has a client ever been violent with you? (prompt for specifics)
1=yes
2=no
52. Explain
53. Did you go to the police?
1=yes
2=no
54. If no, why didn't you go to the police?
55. Who did you go to for help?
56. Have you ever provided sexual services against your will?
1=yes
2-no
57. If yes, are you willing to tell us more about it?
58. Do you feel that you can trust the police?
1=yes
2=no
3=I don't know

59. Would you go to the police if you were a victim of crime (unrelated to the work you do)?
1=yes
2=no
60. Have you ever been paid in drugs instead of money?
1=yes
2=no
61. Do you use drugs?
1=Never
2=Occasionally (less than once a week)
3=Often (once a week)
4=Regularly (every day)
5= Only with clients
6=Yes in the past
7=Other, specify
62. If you do use drugs, what drugs do you use?
1=tik (crystal meth)
2=crack (rocks)
3=cocaine
4=dagga
5=heroin
6=poppers
7=ecstasy
8=khat
9=other, specify
- 63 Are you currently working in an agency or have you ever worked at an agency?
1=Currently working in an agency
2=Worked in an agency in the past
3=Never worked at an agency

THE FOLLOWING QUESTIONS SHOULD ONLY TO BE ASKED OF PEOPLE WHO ARE WORKING IN BROTHELS OR WHO HAVE WORKED IN BROTHELS.

64. When you started this work, what were you told you would be doing?

65. Could you have left the work at that time if you didn't want to do business?
1=yes
2=no
66. How are you paid: is it
1=After each client
2=Daily
3=Weekly
4=Monthly
67. What percentage of what you earn does the agency keep?
68. Does the agency provide you with any of the following, for the money you give them
1=Room rental
2=Security
3=Cleaning
4=Advertisements
5=Food
6=Drinks
7=Towels
8=Toiletries
9=Other
69. Can you choose how many days in a week you work?
1=yes
2=no
70. Are you allowed to take time off work?
1=yes
2=no
71. If yes, for what reason are you allowed to take leave?
72. Do you get paid for the time you are on leave?
1=yes
2=no

73. While you are working are you allowed to leave the premises (e.g. to go to the shop)?
1=yes
2=no
74. If not, who prevents you and how?
75. When you have finished working, are you allowed to leave the premises?
1=yes
2=no
76. If not, who prevents you from leaving and how?
77. Have you ever been fined by the owner/manager of the agency where you work?
1=yes
2=no
78. Have you been fined for?
Being late
Using drugs
Using alcohol
Your dress/appearance
Staying away from work
Other, please specify
79. If you have been fined, what is the highest fine you have had to pay and what was it for?
80. Have you been told you would be fired for
Using drugs at work
Being drunk at work
Not cleaning the rooms
Stealing from clients
Refusing a client
Fighting with colleagues
Other, please specify

81. Has the owner or manager of any agency where you have worked, ever threatened you?
1=yes
2=no
82. If yes, how did they threaten you?
83. Has a brothel owner or manager ever forced you to provide them with sexual services against your will?
1=yes
2=no
84. Have you ever been physically hurt by a brothel owner or manager?
1=yes
2=no
85. Please explain.
86. Who did you go to for help?
87. Did you go to the police?
1=yes
2=no
88. If no, why did you not go to the police?
89. Has an owner or manager of an agency ever sold, or tried to sell you drugs?
1=yes
2=no

Survey Methods

INDOOR SURVEY

Before surveying the broader population, we ran a pilot survey to test the questionnaire and to make sure that we would be able to access a random group of respondents (meaning that every sex worker had an equal chance to be included in the survey).

A sample of 20 (that included brothel-based and self-employed sex workers), weighted by area, was drawn for the pilot survey. The weighting was determined from the data of the mapping exercise, which found that sex workers are active in 33 of the 140 suburbs that make up the geographic area of the research. We found a clear correlation between the location of brothels and the location of independently operating sex workers – there is a concentration of brothels and sex workers in a small number of areas.

We wanted to be sure that we weighted our sample in such a way that all the areas were represented and also that the experiences of men and transgender individuals were represented, even though they are a small part of the industry. The weighting of the sample was achieved by making sure that the number of questionnaires administered in each area was proportional to the number of agencies/individuals working in that area.

The random selection was done manually – for each area, the names of brothels were placed in a box and drawn. However the first ten phone calls revealed problems. Several phone numbers were no longer valid, and some people who did answer refused to participate. A statistician was

consulted and it was agreed that we would amend the sampling method. The weighting by area and gender was retained, but instead of drawing names from a box, we randomised a list of agencies and individuals by area and worked down the list. If we found a willing respondent on the first call we would administer the questionnaire, if not, we moved on to the second name on the list and so on. Some respondents were only willing to be interviewed in person, in these cases appointments were made and researchers administered the questionnaires.

Twenty-eight questionnaires were administered during the pilot study. This allowed us to improve the questionnaire, mainly to clarify questions that were found to be ambiguous or confusing. It also provided a baseline against which to check the data ultimately gathered through a full survey.

Through the pilot study it became clear that for the indoor sector we would be able to administer the questionnaires more effectively by telephone than in person, the reason being that it was almost impossible to make appointments to interview brothel-based workers, as they would never be certain when they will be busy with clients. Visiting brothels without appointments was possible (and was sometimes done), but often meant lots of wasted time without any questionnaires being completed.

Besides, sex workers in most cases preferred the anonymity of the telephone, which they felt allowed them to speak more freely. In cases where sex workers indicated a preference for a face-to-face interview we visited them at their places of work. In order to ensure the integrity of the data, the results from the telephonically administered questionnaires were analysed separately from those administered in person. However we found there was no discernible difference between the data gathered using the two methods.

For the full survey we aimed to administer questionnaires to 10 percent of the total population, which meant 96 questionnaires in the indoor sector and 25 in the outdoor sector. Again we weighted the sample by area. Appendix 6 gives a detailed breakdown of the sample.

In the case of people who were self-employed or whose status was unknown there seemed little reason to weight the sample by area (in the case of 'status unknown' the area was also unknown therefore impossible to weight for, and in the case of self-employed people we made the assumption that their experiences would not be related in any way to the area in which they work). For these two groups we drew samples randomly from an unsorted list of names and telephone

numbers. We started from the top of the list and worked down until the sample size had been reached.

During the first round of the survey we managed to administer all 11 questionnaires required for the group of self-employed people. We had needed to administer 67 to brothel-based workers but managed to obtain only 38 (57 percent). For 'status unknown' we managed to administer only seven of the 18 interviews required. This was not surprising; since these were individuals we had been unable to reach during the verification process after mapping. We ended up 11 interviews short of our target, so we decided to increase the sample size.

To increase the sample size meant that we would sometimes have to interview more than one person per brothel. We found that sex workers often moved in and out of the industry in response to their financial circumstances, not always returning to the same place of employment. As such, it was valid to interview more than one person at an agency. Another reason for not being too concerned about interviewing more than one person per brothel or agency was that most of the questions in the survey related to personal experiences covering the person's whole history in the industry, which meant a single person could very often comment on several places of employment.

We therefore reduced the list of agencies and individuals in the population to those with contactable phone numbers and who had not refused interviews. We called the business a second time, and spoke to a different sex worker there. We noted that these interviews were obtained using the 'Phase 2' method. In this way we were able to reach 8.7 percent of the 960 individuals we had identified as working in the indoor sector. A total of 83 surveys were administered with brothel based sex workers.

OUTDOOR SURVEY

For the outdoor survey we weighted our sample by area – so that the largest number of questionnaires would be administered in the areas with the largest concentration of sex workers. Our schedule was designed in such a way that administration of surveys would coincide with spring when the weather was better and most outdoor sex workers would be working.

However when we started administering the survey in September 2006, unseasonal rain made it difficult to reach outdoor sex workers

and the bulk of the outdoor survey administration was done between February 2007 and April 2007.

We also decided to access certain outdoor sex workers through the groups that SWEAT runs according to area. We used this method to access sex workers from Mfuleni and Epping.

In total we administered 35 surveys among the 245 street-based sex workers. This was a sample of 14 percent.

Tables and Graphs

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Sampling Method

Indoor Survey

According to the database, there were 964 individuals working in the indoor industry in Cape Town.

Of these:

110 are self-employed	11%
670 work in brothels	70%
184 employment status is unknown	19%

This information allowed us to weight the sample (of 10 per cent) by employment status. Since it was our intention to administer 96 questionnaires (10 per cent of the total population), the sampling needed to be weighted by employment status in the following way:

Self-employed	11% of 96	10.56 (rounded off to 11)
Employed by brothel	70% of 96	67
Status unknown	19% of 96	18
Total		96

WEIGHTING BY AREA

Brothels were found in 26 suburbs (including 'unknown'). They were grouped as follows (this was drawn from a report that broke down employers by area):

GROUP 1: NORTHERN SUBURBS

Bellville	9
Durbanville	4
Goodwood	3
Kraaifontein	1
Kuilsriver	1
Northern suburbs unspecified	1
Parow	7
Platteklouf	1
Total	26 (39%)
17 questionnaires were administered in these areas – randomly listed working down the list	

GROUP 2: ATLANTIC SEABOARD

Blouberg	2
Parklands	4
Milnerton	9
Tableview	6
Total	21 (31%)
(14 questionnaires were administered in these areas)	

GROUP 3: CAPE TOWN CENTRAL

Cape Town (CBD)	17
Green Point	2
Moullie Point	1
Salt River	1
Sea Point	5
Total	26 (39%)
(17 questionnaires were administered in these areas)	

GROUP 4: SOUTHERN SUBURBS

Claremont	4
Kenilworth	3
Kenwyn	3
Lansdowne	1
Muizenberg	2
Plumstead	5
Rondebosch	2
Wynberg	3
Total	23 (34%)
(15 questionnaires to be administered in these areas)	

GROUP 5

Unknown	6 (9%)
(4 questionnaires were administered from this group)	

Introduction

This book examines the sex work industry in South Africa and the evidence for human trafficking into the industry.

The research began in 2006, when the Institute for Security Studies (ISS) received funds from the Belgian Development Agency to research human trafficking in South and Southern Africa and to recommend policies arising from the research. A workshop held at the beginning of the project revealed that there was enormous concern amongst non-governmental organisations (NGOs), inter-governmental organisations (IGOs) and government officials about the fact that South Africa seemed to be becoming both a source and a destination for trafficking victims.

However there was hardly any quantitative data on trafficking, so an objective assessment of the extent of the trade in human beings was not possible. The absence of hard data about the scale of the problem convinced the ISS that the gathering of the information required **rigorous methods**. Some research had been done in South Africa (by the International Organisation on Migration and the child rights organisation Molo Songololo) on trafficking for purposes of sexual exploitation, but there was almost no information about trafficking for other purposes, such as labour exploitation. This presented a difficult choice – whether to build on existing information and use it as a springboard for a more detailed study, or whether to start afresh and investigate types of trafficking that had received no attention from Southern African researchers.

Our decision was influenced to a large extent by an assessment of the international literature about trafficking, which showed that

policy frameworks dealing with trafficking focused almost exclusively on the trafficking of women and children for purposes of sexual exploitation.

The wording of the definition of human trafficking provided in the Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime of 2000 (often referred to as the Palermo Protocol) makes it clear that trafficking of women and children (for prostitution) are of central concern to the international community. The Protocol defines trafficking as:

- a. trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation shall include at a minimum the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this Article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this Article;
- d. 'child' shall mean any person under 18 years of age (Article 3, 2000)

This considered, it seemed prudent to attempt to find a way to objectively assess how many women (and children) can be said to be trafficked for sexual exploitation, since all previous research was qualitative.

Cape Town was chosen as the location for the research for several reasons. It was clear that it would be necessary to limit our research to one geographical area if we were to be able to collect the kind of detailed information we sought. The fact that the Sex Worker Education

and Advocacy Taskforce (SWEAT) was willing to partner with the ISS made the research project possible. Based in Cape Town, SWEAT works with sex workers on health and rights issues, so their involvement in the research was a viable solution to the problem of access faced by researchers of sex work. SWEAT had been working with sex workers in Cape Town for 11 years and had access to brothels and street-based sex workers. There were clear advantages to collaboration for both SWEAT and the ISS. SWEAT could help ISS gain access to the industry, while SWEAT would be able to use the information collected through the project to inform their work.

The reports by Molo Songololo and the IOM also pointed to Cape Town as a valid location for the research. As the IOM had stated: ‘Cape Town stands out as the principle destination point for trafficked victims from refugee-producing countries’ (Martens et al 2003:14). Their report stated:

Cape Town and Durban are said to provide the most potential for substantial earnings because of their high profile as South Africa’s premier tourist destinations, and Cape Town’s appeal is further bolstered by its reputation as the sex capital of South Africa. Refugee victims merge into the sex scenes of these cities, joining others who are pimped by gangs or are on the streets of their own accord. Competition for clients is fierce, both on the streets as well as in surrounding clubs and escort agencies. Refugee victims work long hours and in dangerous conditions to earn the nightly sum demanded by their traffickers. Not only are they subject to abuse by clients who refuse to pay them, and police who sometimes take their earnings, but they also face violence should they return home without the required sum. (Martens et al 2003: 19)

We decided that the best way to get to any meaningful sense of trafficking was to research the sex work industry *as a whole* – we believed it would not be possible to understand the conditions of trafficking victims if we did not contextualise them within the general working conditions across the industry. Some of the questions we needed to ask were: Is the common trafficking theme of deception in the recruitment process a feature across the whole industry? How much control do sex workers have over the way in which they work? Are sex workers able to leave the industry if they want to?

With these questions and the absence of information on the Southern African sex work industry in mind, we decided our first step would be to develop a reproducible method for undertaking research in the sex work industry. Our methodology would have to help us to:

- Develop an understanding of the sex work industry in Cape Town, in particular (i) the size of the industry; (ii) the working conditions of sex workers, (iii) how people enter the industry.
- Determine the extent to which sex workers have control over their working conditions, given the fact that the industry is criminalised.
- Determine the prevalence of trafficking in the industry.
- Develop an understanding of the complex relationships between pimps, brothel owners and sex workers.
- Make recommendations about government policy and legislation on the basis of our research findings.

Cape Town is a large city with a population of some 3.2 million, or 65 percent of the population of the Western Cape province (City of Cape Town 2006:2). The area to be covered by the research was determined using a street map of the city as our reference (*Cape Town Street Guide* 2005:iii). The geographic area of the research was determined by drawing a circle from central Cape Town with a 54km radius (the distance between the city centre and Mfuleni/Faure Road – the furthest point of SWEAT’s outreach work).

For practical purposes we made a broad distinction between sex workers who operated indoors and those who worked ‘outside’ even if they see their clients indoors. Those who work outside we refer to as ‘street based’ sex workers. In the indoor category we identified two groups: those employed in brothels (who we refer to as ‘brothel based’) and those working independently from an indoor space.

Indoor sex workers often advertise through the media or Internet, so their numbers can be determined through capturing information from advertisements. It is relatively easy to determine how many sex workers work at a brothel. When it comes to outdoor sex workers, determining numbers is more difficult as they do not use the media to advertise, and they seldom keep to regular routines since their work is weather dependent and they may need to hide from various forms of harassment, including police harassment.

For the purposes of this study, sex work is defined as ‘the exchange of sexual services for financial reward’. We worked only with individuals who identified themselves as sex workers, brothel managers/owners, and pimps. The broader adult entertainment industry that operates legally, for example strip clubs and exotic dancing, is not included in this study. Nor have we included what is known as ‘transactional sex’.

Throughout the book we use the terms sex work and prostitution interchangeably, and use the word ‘prostitute’ in a non-pejorative way. We use the term pimp to describe a person who directly benefits from an outdoor sex worker’s income and is in some way present while the sex worker is on the street. The complexities of the relationship between sex workers and pimps are dealt with in Chapter 8: Recruitment and Coercion.

South Africa’s Sexual Offences Act (Act 23 1957) makes it illegal to exchange sex for financial reward. The Act criminalises all activities related to the sale of sex, including living off the earnings of prostitution, persuading someone to become a sex worker, or keeping a brothel. The difficulty of enforcing the Sexual Offences Act means that it is not often used to prosecute street-based sex workers, who are more often arrested for contravening municipal by-laws related to loitering or soliciting. The indoor sector of the sex work industry tends to be tolerated by the police.

When we started this research our hypothesis, based on an international literature study and consultations with NGOs and government officials, was that the Palermo Protocol definition of human trafficking may be too broad to be useful. Consider the following example: Using the definition a woman who enters into an arranged marriage (even one to which she consents); whose husband pays a bride-price (lobola) for her and takes her to a place other than her home (e.g. if they move from the Northern Province to Johannesburg) and who is then required to do domestic work, cook meals and so on (which could be considered exploitative) – could in fact be considered a victim of trafficking, and her husband and parents traffickers. Addressing these kinds of situations, however morally objectionable some may find them, was not in our view what international and national legislation relating to trafficking sought to address.

Indeed, a reading of the international literature suggests strongly that there is a particular set of conditions that make up a process that involves organized criminals, forcing or deceiving an individual to consent to movement away from their usual place of living to a place where

they will be exploited. The assumption underlying the international movement against trafficking in humans is that these set of conditions, reflect a shared reality of many women and children in many regions of the world. Indeed, it is our interpretation, that in order to identify a set of circumstances as ‘trafficking’, all three elements of the definition need to be present, i.e. force, deception or inducement at the point of recruitment, re-location, and exploitation.

This research sought, amongst other things, to assess whether this in fact does reflect a shared reality of a significant number of women (or children) in the sex work industry in Cape Town.

What we found is that while one of the conditions of trafficking (exploitation) is not uncommon in the sex work industry, the other features of trafficking are not commonly experienced. Deception is not common in recruitment, most sex workers live and work in the same city and have done so since they started the work, and most enter the work voluntarily.

This has led us to question whether, if we are concerned about labour exploitation in the sex work industry, trafficking is a useful concept to use at all. We concluded rather that regulation of the sex work industry would provide a legal mechanism for sex workers to act against exploitative employers.

Indeed, surprising as it was even to us, we found that there was very little trafficking into the sex work industry in Cape Town. This finding is likely to cause controversy. An enormous amount of donor money is available specifically for projects that counter trafficking, so organisations working in this area potentially stand to lose funding if trafficking is not in fact as prevalent as assumed.

Our recommendation to decriminalise the sex work industry may not be popular in some quarters. Our reasons for making this recommendation stem from the evidence. We found that people enter the sex work industry for rational reasons, primarily because it offers better earning prospects and greater flexibility than other available opportunities. For those needing immediate cash, sex work provides cash-in-hand in place of a month-long wait. The majority of sex workers do not do the work because they love it (although a small number do), and would prefer alternative work if offered the same returns and the same flexibility.

We found that few sex workers consider themselves to be victims of anything more than circumstances. We therefore believe that foisting a

‘victim’ label on people working in this industry, simply because many regard the work as morally repugnant, is not only inappropriate, but also disempowering. Sex workers would rather have their work treated as a legitimate job with the legal protection that comes with that.

The fact that there are fewer trafficking victims than might be expected in Cape Town is good news. But this should not deter the state from providing excellent services to victims of trafficking, or from prosecuting abusers. We hope that the services provided to those who have been trafficked will be equally available to all women who are abused and exploited within the sex work industry.

REFERENCES

- Anon 2005. *Cape Town and Peninsula Street Guide*. Cape Town: Map Studio. Scale: 1:300 000.
- City of Cape Town 2006. *Socio Economic Profile: City of Cape Town*. Available from www.capegateway.gov.za/Text/2007/1/city_of_cape_town_se_profile_optimised.pdf. Last accessed 17 September 2007.
- Martens, J, Pieczkowski, M and Van Vuuren-Smyth, B 2003. *Seduction, Sale and Slavery: Trafficking in Women and Children in Southern Africa*. Pretoria: IOM Regional Office for Southern Africa.
- Molo Songololo 2000. *The Trafficking of Women into the South African Sex Industry*. Cape Town: Molo Songololo.
- Molo Songololo 2000. *The Trafficking of Children for Purposes of Sexual Exploitation – South Africa*. Cape Town: Molo Songololo.
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the United Nations Convention Against Transnational Organised Crime 2000. Article 3. United Nations.

Research Methods

To claim that research is rigorous, it is necessary to explain how the data was gathered and analysed. This chapter attempts to do that for this study, without inundating readers with detail.

RESEARCH PRINCIPLES

If government departments are to fulfil their commitment to counter the practice of human trafficking, an accurate assessment of the numbers of trafficking victims is essential. Budgeting too generously for trafficking could mean shifting resources away from victims of domestic abuse, rape and child abuse to trafficking victims. Getting the right ‘balance’ is a delicate matter, but clearly large margins of error will lead to human suffering.

A rigorous determination of the numbers of human trafficking victims in the sex work industry in Cape Town would serve two purposes. Firstly, the IOM and Molo Songololo had identified Cape Town as a ‘trafficking hotspot’ and we wanted to determine what this meant in number terms, using research methods that could be reproduced elsewhere.

Secondly, we felt we needed to research the sex work industry as a whole. We wanted to know how the industry worked, who was involved, how big it was, how many sex workers were ‘tricked’ or manipulated into doing this kind of work, how people got in or out of the industry, and the character of the relationships between sex workers, pimps and brothel owners. This information would provide

a better understanding of the context in which trafficking happens. We wanted to be able to test whether certain characteristics ascribed to trafficking are peculiar to trafficking or pertain to the sex work industry generally. For example, the claim is often made that women trafficked into prostitution are not allowed to refuse clients – was this a characteristic of trafficking specifically, or something experienced by sex workers in general?

The researchers appointed a sex worker advisory panel and an academic advisory panel (Appendix 1 describes how members of these two panels were selected, and Appendix 2 lists the names of academic advisory panel members). These panels met regularly.

Overall, the research followed these 10 steps:

1. Design of methodology and planning.
2. Mapping the ‘indoor sector’ of the industry through capturing and verifying information obtained from the adult entertainment sections of three Cape Town newspapers, an Internet site, and a quarterly magazine that advertises sexual services.
3. Mapping of the ‘outdoor sector’ of the industry by visiting and observing 14 physical locations identified as sites from which sex workers operate.
4. Determining a point-in-time estimate of the size of the industry (on the basis of the data collection through mapping).
5. Qualitative interviews with sex workers, brothel owners, brothel managers and pimps.
6. Focus group discussions with the same groups of people.
7. Pilot survey of sex workers in the indoor industry.
8. Pilot survey of sex workers in the outdoor industry.
9. Full survey, indoors and outdoors.
10. Data analysis.

This chapter provides a summary of each of the research activities. There is more detailed discussion about the methods and their shortcomings in later chapters that deal with specific findings. Information about how we addressed ethical problems in relation to the research, can be found in Appendix 1, together with details of a protocol to guide researchers if they encountered trafficked persons needing assistance.

MAPPING THE INDUSTRY

MAPPING INDOORS

The mapping process was informed by a comparable study of trafficking undertaken in London by members of the Poppy Project, led by Sandra Dickson (2004).

The Poppy Project recognised that without accurate data about the sex work industry, including a reliable estimate of the number of women in the industry, it would be difficult to determine the resources required to provide assistance to women who wish to leave the industry, or who have been trafficked.

Following the lead of the Poppy Project's study, we used advertisements in the media to identify locations from which sex is sold. We captured our initial data from the adult entertainment sections of the classified advertisements that appeared in the *Cape Times*, *Cape Argus* and *Die Burger* newspapers over a one-month period. The details of each advertisement were entered into a database, together with information from *Sex Trader* (a national glossy magazine in which individual sex workers and brothels advertise) and the Internet sites *Sex Trader*, *Body Heat* and *Glamour Girls*, where individual sex workers and brothels advertise online.

In order to avoid double counting in cases where a brothel and the same brothel's sex workers advertised individually, we checked the telephone numbers. To get information from brothels the data capturer called and asked questions about the number, nationality, age and gender of the sex workers. Unlike the Poppy Project study, we described the nature and purpose of our study to all telephone respondents. This was possible only because SWEAT is well known and has credibility with sex workers and brothel owners.

To identify brothels that did not advertise in the newspapers or online, SWEAT's own database was used. SWEAT outreach workers were consulted to ensure that the brothels listed were still in operation. We also made calls to these brothels to verify their existence and to ask how many people worked there. The information was checked when researchers visited the brothels to conduct qualitative interviews. Individuals who advertised were also called to verify and add to the information advertised.

There was a small time gap between the information being collected from the advertisements and the phone calls being made. Even though this gap was less than a month, we had not anticipated that the fluidity

of the industry was such that quite a lot of information was already invalid. Sex workers moved in and out of areas: their employment status changed, as did their place of employment, within a very short period. Sex workers also changed their phone numbers regularly so some numbers became invalid after a relatively short time, making it impossible to verify some of the data. In addition, some of the people who had advertised in July were no longer working in the industry when the data capturer called again in August.

During the process of mapping the indoor industry the researchers came across 13 agencies that by their names identified themselves as employers of foreign sex workers (all Eastern: Chinese, Thai or Japanese). Attempts to verify the information from the newspapers initially failed, as the people answering the phone did not seem to speak English. We subsequently received assistance from a woman who was fluent in Thai and could speak Chinese. She called agencies and introduced herself in the same way as had been done for all the other agencies. She identified herself as working with SWEAT and the ISS and told them that we were mapping the industry to understand it better.

This is what she found:

- Two of the agencies said that they did not sell sex, they did only massage (this was not possible to verify).
- Two other agencies said that they had only South African women working for them at the time (they employed one or two employees at any given time).
- One of the agencies seemed to be operating from two different phone numbers, as the same person answered the phone on both occasions.
- One agency said that only one Chinese person worked there – it was possible that the person was in fact self-employed rather than working in an agency.
- Three of the advertised telephone numbers did not work, or there was no answer after several attempts. This could be explained either by the numbers having been given incorrectly in the press, or the agencies having closed.
- Three agencies refused to speak to the consultant and hung up after she identified herself.

The consultant was finally able to administer questionnaires at two of the thirteen foreign-language agencies.

Through the mapping process we established a total of 964 sex workers in Cape Town, a figure which includes both independent sex workers and those who worked for agencies. We found a total of 103 brothels.

MAPPING OUTDOORS

The method of mapping the indoor industry could not help us to map the outdoor sector. Sex workers who operate from the streets do not advertise their services, they seldom have a fixed working schedule, and their ability to work is dependent on environmental factors, such as the weather.

The first task was to develop a list of locations from which street-based sex workers operated. From SWEAT's experience, and also from international experience, we were fairly certain that there would be clearly identifiable areas where sex workers ply their trade.

We drew up a list of locations by talking to SWEAT outreach workers who regularly visit outdoor locations to hand out condoms and information to sex workers. We asked sex workers in our advisory panel about places where sex was sold. Collectively four members of our sex worker panel had over 20 years' experience working the streets, with some having worked in a number of locations. In addition, we were assisted by a member of the academic advisory panel, who works for a gay rights organisation and was able to point out places where men work. Over time we were fairly certain that we had a comprehensive list of street work locations.

The physical extent of these areas varied enormously. Voortrekker Road (from Salt River to Belville) and Main Road (connecting the southern suburbs) cover 20km or longer stretches of busy roads running through both commercial and residential areas. The areas around Green Point and Sea Point are much smaller, covering some six to ten kilometres.

To estimate the number of outdoor sex workers, we visited each of the 14 areas three times, on different dates, at different times of day and night. We also went out during various weather conditions, to check our assessment that bad weather kept sex workers away from work. Our task in counting the outdoor workers was complicated by the fact that they often have to hide from the police patrolling their areas. When this happens they go down side roads and find less well-lit places to work. This meant that we were not able to accurately estimate their numbers by simply driving through these areas.

Members of the sex worker advisory panel accompanied us to assist with the outdoor mapping. This was enormously valuable, and served several purposes. They were able to tell us where sex workers hide from the police, enabling us to include in our count even those in dark side streets off the main road. They were less threatening to the sex workers than the researchers (who were clearly outsiders), and thus were able to facilitate introductions and interactions. Being streetwise, the sex worker assistants were also able to help us avoid dangerous or difficult situations. We made sure we were clearly identifiable as working for SWEAT, and we distributed condoms, which meant that there was a benefit for sex workers interacting with us. A male sex worker was recruited to assist in mapping the areas where men work. On each of the trips we noted the number of people seen in each location on a street map. We also used the opportunity to pilot a survey questionnaire designed for outdoor workers.

The mapping process determined that there were at least 245 sex workers working outdoors at any one time. The actual numbers would certainly be higher, for two reasons. Firstly, those who were busy with clients at the time that the mapping was done would not have been counted. Secondly, if some did not come to work at the time of the mapping, perhaps because they did not need money on that day, or for domestic reasons such as illness or family commitments, they would not have been counted.

The final count of 245 was determined by taking the highest number of sex workers encountered at each location on any given visit and adding these numbers together.

QUALITATIVE INTERVIEWS

We recognised at the outset that any quantitative data from the survey would need to be supplemented with qualitative data gathered in interviews. Interviews would give us some understanding of what motivated people to become involved in the industry, and some understanding of the relationships between pimps, brothel owners and sex workers. We needed to understand whether 'normal' sex industry relationships differed from those between traffickers and their victims. The interview information would also help us to check and understand the information we obtained from the survey.

We interviewed managers and owners of all types of brothels, ranging from short-term room rental agencies, to residential agencies (unmarked

houses in suburbs), to clubs and ‘high class’ brothels. A total of 19 interviews were conducted with brothel owners and managers from different areas.

During the interviews one of the researchers asked questions and the other took notes, adding questions at the end if necessary. Permission was requested to tape all interviews, except for two cases where we believed that requesting this permission would have a negative impact on the interview. In cases where permission to tape record was denied, notes were taken and the researchers reconstructed the interviews later the same day.

To cross-check the answers of brothel owners and managers about how they conducted their business and how much they paid their staff, we conducted interviews wherever possible with sex workers from the same establishments, but at other times. In nine cases we were able to interview a brothel owner and a sex worker from the same establishment.

Interviewing pimps was somewhat more difficult. Despite the fact that SWEAT was familiar with the areas in which pimps operate, SWEAT workers felt that securing ad hoc interviews with pimps found on the streets was not likely to be successful. There were also concerns about the researchers’ safety.

The researchers asked two street-based sex workers well known to SWEAT to assist us to obtain interviews with pimps. They made contact with three pimps and obtained their permission to be interviewed. We managed to secure only one interview, with a pimp from the Salt River area. The interview took place in a car, and lasted about 90 minutes. The interview was not taped but we were able to take extensive notes because the man spoke quite slowly.

Besides the interviews with 19 brothel owners and one pimp, semi-structured qualitative interviews were done with 20 sex workers – 10 indoor-based and 10 outdoor-based.

In addition, we conducted two focus group discussions, one with brothel-based sex workers and one with street-based sex workers. The focus of these discussions was to give researchers a better idea about how much choice sex workers had to enter and leave the industry, and to find out more about their relationships with brothel owners and pimps.

THE SURVEY

The survey was intended to provide both qualitative and quantitative data about working conditions in the sex work industry. It was also our primary tool for gathering quantitative data about trafficking.

We were able to reach a random sample of 8.7 percent of the 964 individuals we had identified as working in the indoor sector, a total of 83 questionnaires.

For those working on the street we took 245 as the size of the population. We sought to survey 10 percent of the population randomly, although we surveyed a sample of 14 percent, a total of 35 questionnaires. (For more detail about the survey and sampling methods see Appendices 5 and 6. The indoor and outdoor survey questionnaires can be found in Appendix 4.)

CONCLUSION

Despite the fact that the sex work industry is regarded as hidden and difficult to reach, we believe we obtained a reasonably accurate idea of the size and nature of the industry. Central to our success was the access secured through SWEAT's credibility in the industry. It is highly unlikely that the process would have been as smooth without it.

The process did take a long time, but we were very fortunate to have 24 months of funding, an unusually generous sponsorship period for NGO research. We did manage to keep costs down by using a small team of researchers and who undertook to do the survey administration, data capture and analysis themselves.

Our two advisory panels provided important sounding boards for our ideas and concerns. Members of the sex worker advisory panel allowed us to test and refine the questionnaires directly with them before we took them to the streets. The sex worker panel members were critical of our findings regarding the size of the industry, which led us to look at our findings carefully and make sure that we had sufficient basis to feel confident about the numbers. The academic advisory panel was not only important for the credibility of the research, but also helped us think about how we should present our research results to people in government departments who would have to make decisions.

By combining qualitative and quantitative methods of data collection we were able to triangulate, that is to use the information obtained through one method to check the information obtained through the other method.

The multiplicity of sources we used gave us some certainty that we had not overlooked any major section of the industry. However frustrating the industry's fluidity was for research purposes, it did have

the advantage of giving us access to many individuals who had worked at a number of different agencies, or at a number of different outdoor locations over a period of time.

REFERENCES

- Anon 2005. *Cape Town and Peninsula Street Guide*. Cape Town. Scale: 1:300 000. Cape Town: Map Studio.
- City of Cape Town 2006. *Socio Economic Profile: City of Cape Town 2006*. Available from www.capegateway.gov.za/Text/2007/1/city_of_cape_town_se_profile_optimised.pdf. Last accessed 17 September 2007.
- Dickson, S 2004. *Sex in the City: Mapping Commercial Sex Across London*. London: The Poppy Project.

Snapshots of the Industry

Unless you are a client who visits brothels, or a sex worker yourself, you probably have very little idea of what a brothel looks like inside, or how it operates. So let us begin by painting a picture of what you can expect to see.

Brothels that operate in business areas typically have business licences and can therefore be more visible. Take the example of a brothel in a large suburb outside Cape Town on a busy main road. It's in the middle of a business area, diagonally opposite a police station. The name of the brothel is emblazoned in neon lighting on the outside of the building. A small black grille is set into the wooden front door. To be let in, customers ring a bell and identify themselves.

Inside it is quite dark, even during the day. There is a large bar area on the left with pool tables, couches and bar stools. Women sit around the room chatting. If you didn't notice that they were scantily dressed, you could mistake this for any other bar or club. If you stayed long enough you would see the women go upstairs with clients. Lunchtime is the busiest time for this brothel but it also fills up later in evening and during the night.

What we have called 'residential' brothels are run from houses in suburban streets. One we visited looks like any other house in the street, although the garden is a little more unkempt. The house is sparsely furnished. Women are sitting in the small lounge squashed onto the two couches. A popular South African soap opera plays its morning re-run on the television. The air is filled with cigarette smoke. Some women are doing their make-up or blowdrying their hair. Not everyone is fully

dressed as they get ready for the start of their working day and the arrival of clients. The three bedrooms in the house are where they will see their clients. These rooms are each furnished with the basics – a double bed, a chair, some towels and a box of condoms.

STREET-BASED SEX WORKERS

Let us now turn to the typical environment of a street-based sex worker. Street-based workers converge on particular areas around the city, which tend to remain stable over time. An area is often selected according to how easy it is for clients to stop their cars without drawing too much attention to themselves, or because the area has a ready-made client base such as at a long-haul overnight truck stop. Stable locations also mean that clients know exactly where to go.

Most street-based sex workers solicit on the side of the road. They may see clients in their cars, or take them to hidden areas beside the road. Or they may take clients to their own house or flat, if they have one, or to an establishment that rents rooms by the hour.

The largest number of sex workers ply their trade in Voortrekker Road. This is a long stretch of road that runs from Salt River in the south, near the city centre, all the way to Belville in the north – a distance of about 30 kilometres. Along this road at various points sex workers wait for clients. Traffic is slowed by traffic lights set at regular intervals.

Closer to Salt River, the streets are lined with industrial buildings, which then transform into commercial sprawl as one travels a little further north into the lower- and middle-income residential areas of Goodwood, Parow and Bellville. Sex workers tend to work in this area late at night. The road is well lit, offering security and the opportunity to see and assess clients' faces. Traffic lights allow clients to stop and turn into a side street without attracting too much attention.

On Voortrekker Road you will find women standing on corners, some dressed stereotypically in miniskirts and high heels. Others choose to blend in with more conservative dress. Although this makes it harder for clients to identify them as sex workers, it also provides them with a measure of protection from the police and others who may prey on them.

Women on this stretch of road are wary and tend to hide when approached by someone who doesn't appear to be a client. Like sex workers elsewhere, they are often harassed by the police, who arrest

them for loitering, keep them in holding cells overnight, or impose arbitrary fines on them.

The women working at one of the overnight truck stops in an industrial area operate from a large open piece of ground, with hardly any lighting. The truck stop is close to a petrol station where long-distance truck drivers pull over to spend the night, to refuel and perhaps have a meal. The women who work here light a fire for themselves to provide light and warmth to the otherwise barren site. Congregating round the fire, they sell alcohol to the truckers, socialise and drink. Every now and again one leaves the fire to accompany a trucker to his vehicle. On rare occasions the truck driver may ask a woman to accompany him for the rest of his journey, contracting her services over a longer period of time.

Despite the often-held belief that sex workers on the street are at the mercy of exploitative pimps, we found that the majority of street-based sex workers work without a pimp. Indeed, for many the advantage of working on the street over working in brothels lies in the independence and control they have over the way they work and how much they earn. Unlike brothel-based sex workers, they do not have to share their earnings with anyone else. Only three percent of sex workers surveyed said they were working with a pimp at the time of the interview, although 13 percent had worked with a pimp in the past. In the focus group with street-based workers, some of the women explained their choice to work on the street like this:

The reason why I don't work in an agency is because ... I hate being controlled, I like to be free.

You make your own hours. That is why people like the job so much, you can basically work any hours you want to. You usually work according to how much money you've got.

Why go through an agency? Agencies make the big money and you get the little scraps.

Few street-based sex workers operate close to where they live. This makes it easier for them to hide what they do from their families and friends. For some it would be too dangerous to work in the area where they live. One sex worker explained why sex workers avoid working in the Mannenberg area of the Cape Flats:

They can't work over there because the 'skollies' are too much out there and it's a big risk standing there in that road. If you must stand there in a miniskirt the **gangsters** will of course... you know... come after you and the bush is not far from there and they will do whatever they want. That is why they feel it's safer to come this way. (Street-based sex worker, Salt River)

Women who work outdoors are more visible compared to those working in brothels, and hence more vulnerable. They face the threat of violence from the police, from clients, from the pimps of other sex workers (with whom they are in competition) and from opportunistic criminals ('skollies') who rob them of their earnings. Thirteen percent of street-based sex workers told us they were afraid of gangsters or skollies who take their money and threaten to hurt them. One woman told us that her strategy to keep herself safe is to limit the number of hours she works. For others, violence or robbery is a regular, predictable risk of the work.

Yes ... the 'laaities' [young gangsters] come every weekend and take my money, they rob ... there by the Faure Road. (Street-based sex worker, Mfuleni)

The girls who work with us on the road, who work with pimps... if they don't make money, the pimps come to take our money. (Focus group with street-based sex workers)

From our observations most street-based sex workers are black women (i.e. women of colour). Our survey found that many have little schooling, or left school before completing their final year (matric). At least a third come from poor backgrounds, as demonstrated by the fact that 31 percent have informal or unstable living arrangements (e.g. a friend's garage, or a shack), while nine percent are homeless.

Some research on trafficking in South Africa suggests that there are large numbers of foreign and refugee sex workers working on the streets (Martens et al 2003; Molo Songololo 2000). This was not borne out by our research. During the administration of our surveys we came across only one foreign sex worker, a man, who said he was South African, but spoke with an accent that was identified as Angolan by one of the researchers. Sex workers whom we interviewed, when asked about foreign sex workers on the street, said they knew a few, but certainly not a large number.

Nor are there many under-age sex workers, as is often assumed. We only encountered five sex workers under the age of 18 during the course of our research, all who were selling sex on the street. None were being forced by an adult to do so, but they were rather forced by circumstances, including dysfunctional families and poverty. In all cases we offered assistance to the children we encountered.

Sex workers do not generally view the job as a long-term career choice. On average street-based sex workers spend six-and-a-half years in the industry, and most of them do not usually work continuously during this time. Most move in and out of the industry as their circumstances change. This may be because they feel the need to take a break from the work, or because their financial situation changes, for example they may be supported by someone else for a while. One of the attractions of this kind of work is that it is easy to exit and enter in accordance with your needs.

Most sex workers (76 percent) say they entered the industry because they needed the money. They stay because they are able to earn more by selling sex than they could in other jobs. Here is what two women said:

Today I have got my own place and I can support my child. I have got food ... I don't suffer so much. (Street-based sex worker)

Well, I worked for many years in a factory in the clothing industry, but then with all the difficulties in the industry, I was retrenched. I am the only person bringing in money in my family and I needed to make money. (Street-based sex worker)

Table 1 shows street-based sex workers' levels of education in relation to their earnings in previous jobs and their current earnings in sex work.

Table 1: Education levels related to earnings for street-based sex workers

Level of education (and training)	Average past earnings	Average current earnings	Differential
Tertiary	R4 000	R6 000	1.5 times more
Matric	R1 560	R2 700	1.7 times more
Other high school	R1 279	R3 587	2.8 times more
Primary school only	R693*	R3 771	5.4 times more

* Just under half had never done any other work

It is clear from the table that the lower the level of education, the greater the difference is between what someone can earn in a ‘normal’ job and what they can earn in the sex industry. A person who has only a high school education is likely to earn on average R1 279 in a formal job but R3 587 in sex work – almost three times more. Economically speaking, a decision to forego domestic work in favour of sex work is therefore a rational choice, even if it creates difficulties in other respects. These findings are not particular to South Africa. An Indian study confirmed that the ‘earning potential in sex work for poor and illiterate women is larger than what they could earn through other types of work’ (Dandona et al 2006:6).

The income differentials indicate that it would be very hard to eradicate sex work by offering women (and men) on the street alternative jobs that are commensurate with their level of skill and education.

Table 2 lists demographic averages for street-based sex workers as gathered during our research.

Table 2: Demographic features of street-based sex workers

Women	88%
Men	9%
Transgender	3%
Average age	29 years (ranging from 20 to 47)
Average number of years in sex work	6.5 years
Foreign sex workers (as a percentage of the total sex work population)	0%
Percentage who have a tertiary education	3%
Percentage who have some high school education	56%
Percentage that completed only primary school	22%

BROTHEL-BASED SEX WORKERS

In and around Cape Town our survey found 964 sex workers who were either working in brothels or self-employed ‘indoors’. This was a much larger number than we found working on the streets, most likely because working in brothels is safer and more anonymous than working on the street.

Within the ‘indoor’ sector by far the largest percentage of sex workers (70 percent) are based at agencies – a generic term which includes clubs, massage parlours, and brothels in suburban houses. A smaller number are self-employed, as indicated in Table 3.

Table 3: Employment status of indoor sex workers

Employment status	Number	Percentage
Self employed	110	11%
Working at agencies	670	70%
Status Unknown	184	19%
Total	964	100%

Overall we found 103 brothels or agencies. Two-thirds (65 percent) of brothels were based in residential homes or flats in the suburbs, while a third (33 percent) were club type agencies or massage parlours. This is shown in Table 4.

Table 4: Number of agencies by type

Type of Agency	Number
Residential brothels	67
Club/Massage parlours	34
Unknown	2
Total	103

Club-type agencies appear from the outside to be very much like any other bars or clubs, except that security might be a little tighter. In order

not to attract attention from the police, they generally maintain a thin veneer of respectability aimed at disguising their real purpose. Clients can come in, socialise, and buy drinks for the women. These kinds of businesses generate income from the sale of both alcohol and sex. Some also offer stripping and table dances.

Some massage parlours, licensed to operate as such, are also brothels behind the scenes. These types of business are less circumspect in their storefront advertising, leaving some room to misconstrue the nature of their business. Alcohol is almost never on sale inside. There are massage tables rather than beds in rooms. Massage is usually a part of the service, except that the service ends with masturbation of the client by the sex worker, or other services the client and sex worker may agree to.

Some sex workers describe massage parlours as being somewhat clinical. But for some there are benefits to working there, because they can choose the services they are willing to offer and don't have to provide a 'full house' (penetrative sex) if they don't want to.

Residential brothels are located in homes and flats in the suburbs, and are almost impossible to tell apart from regular suburban houses. They keep up an impression of suburban respectability as far as possible, operating nine-to-five hours, insisting that sex workers come to work in regular street clothes, and trying not to attract attention. Complaining neighbours and attention from the police is the last thing that these agencies want.

It is the suburban brothels, rather than more publicly identifiable agencies, which are often alleged to be the places where victims of trafficking are likely hidden. But this was not the impression we got when we visited them. The owners of these establishments were very concerned that they blended into the surroundings and did not attract the attention of their neighbours or the police, and they were not keen to employ foreign or underage sex workers. Our survey found that only five percent of brothel-based sex workers were foreign.

In the focus group discussions, a brothel-based sex worker described the differences between the different types of agencies like this:

If it's a big agency then ... there are some ladies who won't be able to work [i.e. won't be chosen by clients] ... because in that big agency the client doesn't choose you [up front]. You have to go and sit with him, you have to drink with him, and then he can sit with you, have a lot of things with you and then another lady who just comes out of a booking [attracts his attention] and he chooses her. In a small agency everybody

gets a chance because there you walk in [to the room] you introduce yourself, and there is no time for him to get drunk, so immediately you get chosen.

Our observations, and the findings of previous research conducted by SWEAT, were that the racial profile of brothel-based sex workers mirrors the racial composition of the province, as shown in the next table.

Table 5: Demographics of sex workers¹

Race	Proportion of sex workers	Western Cape population*
Black	31%	26%
Coloured	54%	54%
White	14%	18%
Indian	1%	0.9%

*2001 Census figures

Brothel-based sex workers tend to have higher levels of education than street-based sex workers. We found that every worker in the indoor sector had completed at least some high school classes, and as many as 13 percent had some tertiary education.

Table 6: Demographic features of brothel-based sex workers

Women	90%
Men	10%
Transgender	0%
Average age	29 years (ranging from 19 to 46)
Average years in sex work	4.6 years
Percentage of foreign sex workers	5%
Percentage that had completed Matric (Grade 12)	54%
Percentage that had some high school education	46%

As mentioned previously we found no foreign sex workers working on the street but, as Table 6 shows, there were some foreign sex workers working in the indoor sector. We identified 13 agencies that apparently employed foreign sex workers exclusively. All of these were small agencies that did not employ a large number of women.

With average monthly earnings of R10 186, brothel-based and self-employed sex workers earn far more than women and men who work on the street. The average monthly income for a street-based sex worker is less than a third of that, R2 700.

Table 7: Education levels related to earnings for brothel-based sex workers

Level of education and training	Average past earnings	Average current earnings	Differential
Degree or diploma	R9 333	R25 000	2.6 times more
Matric + short course or incomplete degree or diploma	R2 427	R10 186	4 times more
No matric (only high school education) + short course	R3 013	R11 062	3.7 times more
No matric (only high school)	R3 737	R12 344	4 times more

Once again, the reason for brothel-based sex workers to enter and stay in the industry becomes clear when one considers what they earned in their previous jobs. Someone who has not completed high school is likely to earn a monthly salary of about R3 700 in the formal sector, whereas in sex work they could earn as much as R12 344, that is four times more.

Most sex workers keep their work a secret from their families and friends. Working for agencies that operate discreetly means there is less chance that their secret will be uncovered. But not always – one sex worker told us that she had encountered her child's school principal entering the agency where she works. Fortunately for her, she saw him before he saw her, allowing her time to get away.

Here is what some brothel-based sex workers said about working in an agency:

If you work in the agency then it's not like everybody will know what you are doing. If you work on the street it's like everyone can see

your face so that is where people mostly lose a lot of respect for the ladies.

I get worried even while I'm walking to work that someone will see that I come into this place, or that someone will recognise me on the street.

In agencies there is the advantage of having others nearby to call on for help if a client becomes violent. Most agencies have security measures such as security doors and closed circuit cameras, or hire the services of private security companies to protect the women who work there. One sex worker compared working on the street with working in an agency:

If you work on the street most of the time you get guys that can take you to the place ... they rob, or they can kill you, or they can rape you and then they don't give you the money. But like if you are in a house it is very safe because where we work in [this area] we've got a security door also, you open for the client, ...take the money from him, we've got cameras also ...we see who is outside, and it's much safer.

One brothel-based worker spoke of the benefit of having relatively flexible working hours and receiving cash payments every day or every week.

I can sleep late, send my children to school and only then come in to work. Here if you don't make money during the day you have the option of staying late and working into the night shift.

Brothel-based sex workers are usually employed, or more accurately, paid, on what is essentially a freelance basis. If they see no clients, they are not paid. Yet in other respects they are under strict employment conditions. They are required to report for duty on time and stay for eight to ten hour shifts. If they fail to adhere to these rules they are given fines which are deducted from their earnings.

Perhaps one of the reasons that sex workers tolerate being paid as freelance employees, while still having all the disadvantages of formal employment, is that they are able to decide to leave at a moment's notice. Brothel owners said that they could expect to retain a small core of

women who work for them for a long period (two to five years), but that most women move much more rapidly from brothel to brothel. The industry is thus extremely fluid, with women moving from one agency to another, or in and out of the industry itself quite rapidly.

While working at a brothel is safer than working on the street, sex workers in brothels still speak of their vulnerability to violence at the hands of clients, and the challenge of dealing with clients who are very demanding or abusive. While there are people whom they can call on for help, most of the sex workers' time is spent alone in a room with clients. They have limited negotiating power, and less physical strength than clients. As one brothel-based sex worker put it:

The bad points about working here are the clients ... they want things that I won't do. They ask for anal, for blowjobs without a condom and they want to cum in your mouth or they want sex without a condom. If you don't give them these things then they come here again and take someone else who might give them what they want.

BROTHEL OWNERS AND MANAGERS

Not a lot is known about the owners and managers of brothels. We felt it would be useful if our research covered how and why brothel owners enter the industry.

There were as many different explanations as there were respondents, but in general brothel owners said that they had entered the business because the opportunity for entry presented itself when they needed an income. Several of the female brothel owners who were interviewed had worked (or were still working) as sex workers themselves.

The owner of a room rental agency gave this explanation:

We were running a microphone business, it went down and the technology changed... we had two rooms that two girls rented from the owner and I noticed what they were doing. And when our business wasn't doing that well, I went to the owner and said look here Mr X, that is a good f...ing business that...I eventually got all my staff placed... so here we are stuck with an agency. I hated the idea. It was actually a sad time in our lives. We had to do this to survive... I lost all but one of my friends because their wives were too scared I would be giving them girls.

The owner of a predominantly male-to-male agency explained that he had started a brothel because his friends wanted to avoid the danger and inconvenience of cruising the streets to pick up sex workers.

A few of the male brothel owners said that they had known the owners of agencies, or people working in the industry, presumably because they had been clients of sex workers themselves, and had taken the opportunity to buy into the business when it was presented to them.

A woman who had worked in the industry and eventually owned her own agency related this experience:

Researcher: How did you start in this industry?

Owner: I saw an ad in the paper 18 years ago for work in a health studio doing massage. I didn't finish matric and my family was struggling. At this health studio they didn't tell me what was happening, I thought it was just massage. So when I saw my first client and he touched me then asked me for a pelvic, I was startled and said I would go and get one for him – I didn't know what a pelvic was! So I went to the door to call my friend and knocked on the door and she answered the door without her clothes on, just a towel around her. When I asked her where are your clothes, and she told me to be quiet and go away because she was with someone, then I asked her where the 'pelvics' were and she told me I must give him a hand job for R20. At that time it was a lot of money and I thought we can do a lot with R20. I did it and when he came I ran away and never saw that man again.

Afterwards I didn't want to do it again, I wanted to stop. But my friend said are you crazy? you can make a lot of money! My friend explained how everything worked. I've been in this industry, on and off, for the past 18 years. I have left to do other jobs, I worked for Sanlam as a rep, for First Financial Services and for Riva. I'm also a qualified nail technician. But I kept coming back to this industry.

Researcher: Why?

Owner: Because of the money and the control you have and the independence. In all the other jobs something didn't work

out at the end with money. At First Financial services they kept my money back when the company went down.

Another man who had himself worked as a sex worker had this to say:

I used to work [as a sex worker]... I did this for 16 years. I started when I was 21 in Cape Town and I started as a straight boy, coming from a totally straight background from the farm. I had to do the man-to-man thing in the beginning – I still think I am straight... I opened this agency for a friend who was in the business and who I knew from Pretoria, she messed up and I'm stuck with it... it gives me the opportunity not to work anymore so I don't have to do what I hate doing and that is touching another man. (Brothel owner, Atlantic Seaboard)

He spoke about being one of very few young men who were selling sex in Cape Town when he started 16 years ago. He started offering erotic massage and was able to make R7 000 a month – much more than he could have hoped to earn at the time in formal employment.

Another perspective was offered by a woman who had managed agencies in Cape Town for 12 years but who had not been a sex worker herself:

Researcher: How did you get into the business?

Manager: I was staying in the Free State, I got divorced and I came to Cape Town, couldn't find a job and then I saw an ad in the newspaper and I started off managing at X in Sea Point, that was like 12 years ago.

Researcher: Okay so you started off as a manager, you weren't working yourself?

Manager: No. From there I went to [another agency] in Bellville and I was there for eight years and then I came here. And this is probably where I'll stay, because it's been the best owner and the person that pays the best.

Researcher: So you have good working conditions...

Manager: Yeah – no, that I can't complain about. At X the owner was very abusive towards the ladies, which I did not agree with. Pay was not so good, and as the manager you've got a

lot of responsibilities. Then at [the other agency] I worked for eight years, they were very nice people to work for but the pay wasn't good at all, you know, it was terrible. In the eight years I worked there I got once a raise; once. I work for Frank [not his real name] now and I am happy with the salary. I can come out with it, I don't need to stress about it. I've got three kids that I look after myself – one is unfortunately in rehab now at the moment, so you know it's difficult for me being a single parent. I've finally now, for the first time in 16 years, gone to maintenance court.

HOW BIG IS THE INDUSTRY?

Despite the commonly held perception that there are large numbers of sex workers selling sex from the street, we found only about 245 street-based sex workers working in the period February to April 2007.

As shown in Table 8, the total number of people working in the sex work industry at any point in time in Cape Town and surroundings is estimated to be around 1 209. This presents a picture of an industry that is not very large.

Table 8: Overall size of the sex work industry in Cape Town

	Number of workers
Number of street-based sex workers	245
Number of brothel-based sex workers	964
Total	1 209

Most sex workers are women (89 percent). A 2001 study by Statistics South Africa (Venter & Lochner 2006:69) found that as many as 41.9 percent of South African households are headed by women who are the sole breadwinners. A demographic survey of 200 sex workers conducted by SWEAT in 2005 found that they supported 405 dependents, of whom 279 were children and 126 were other adults – every sex worker was therefore supporting an average of two other people on her income (Fick 2005).

Even though we did not specifically ask people who participated in this study whether they were supporting dependents, they volunteered this information:

I have small children and I needed the money. This is quick money. I am no longer staying in the location [township] and need to pay rent. I needed to survive. (Brothel-based sex worker)

I don't have anyone to support me and I have two children. I come from a single parent home and my mother can't support me and she relies on me. I couldn't find other work. (Brothel-based sex worker)

I don't have any other income and I have three small children to look after. (Street-based sex worker)

The number of male sex workers, at nine percent, is not insignificant. Most of these men sell sexual services to other men. While the number of men in the industry is higher than we expected, there were only two brothels employing male sex workers. There are some men who solicit their clients from the street, but the majority work independently from houses or flats.

Despite the media image of young children in the industry, we found most sex workers fall into the 24- to 28-year-old age group. They are likely to have had other jobs, and may have children of their own – thus they are people with some life experience. We only encountered five sex workers whom we could confirm were under the age of 18 years during the course of our research, all were selling sex on the street. We did not encounter any children in brothels, although there may be a small number of brothel-based sex workers who are just under 18. We had no reason to believe that children were being hidden from us.

DRUG USE

The issue of drug use in the sex work industry was not a particular focus of the research. However we did ask sex workers, during interviews and through the survey, about drug use. Despite the perception that there is a high rate of drug use among sex workers, our findings suggest that this is not the case. On the other hand, we did pick up a strong tendency for clients to use drugs in the presence of sex workers. Brothel owners' attitudes to drug use by their clients varied, but few were prepared to tolerate drug use at work by their sex worker employees.

We were aware that relying on self-reporting of drug use was unlikely to yield very reliable results; however, the information about drug use given to us is presented in Table 9.

Table 9: Reported drug use by sex workers

	Never	Only in the past	Less than once a week	Once a week	Every day	Only with clients
Brothel-based	57.8%	21.7%	10.8%	4.8%	3.6%	1.2%
Street-based	56.2%	9.4%	15.6%	12.5%	3.1%	3.1%

These figures suggest that there is a low rate of drug use both by brothel-based and street-based sex workers, with very little difference in drug use between them. The most commonly used drugs were tik (methamphetamine), cannabis (dagga), and crack cocaine, with smaller numbers using Ecstasy, heroin and cocaine.

These statistics should be seen in the context of drug use in the general population of the Western Cape, which has one of the highest rates of admissions for drug rehabilitation nationally. According to the South African Community Epidemiology Network for Drug Use data for November 2007, admissions to drug rehabilitation centres in the Western Cape were highest for abuse of methamphetamines (41%), heroin (11%), cannabis (10%) and cocaine (4%) (Plüddemann, Parry et al 2007).

Despite our findings, several sex workers and brothel owners referred to drug use as a problem in the industry, giving a variety of reasons: drug use may attract the attention of the police; women who use drugs are unreliable; and clients who use drugs are unpredictable. Some brothel owners, like the following one, believe that the problem of drug use is growing:

I've had problems with drugs and drug use. It's very difficult to control because even if people say they are not doing it on the premises I can't check their bags and even if I do, they hide it elsewhere. Drugs are becoming more and more of a problem. I understand why people use drugs because this is a difficult job to have when you have a different man on top of you every day.

We were told by sex workers on several occasions that they were attracted to drugs, crack cocaine in particular, because it is a quick way of losing weight. A sex worker-turned-brothel owner explained it like this:

There was a girl who told me that if I smoked [crack cocaine] for a week I would lose weight. I didn't know what this thing was. I smoked half and told my husband it was something for me to lose weight. My baby was seven months old then. After that I started smoking more and more. I decided that I'd had enough and I went to X's [her employer's] wife who helped me, she took my pipe, and for a month I stopped. Then it was my birthday and we had a rock party in the sauna, I had 14 rocks and champagne that X gave us. On my way home I told the taxi driver that my son was seven months old and the child doesn't even have a walking ring. I was crying. I only had R50, he drove me to a shop and gave me R30 and told me to go in and buy a walking ring. I went home and after that I didn't smoke any more. I couldn't handle being around all the people at [that brothel] who were smoking around me so I left.

Most brothel owners mentioned that some clients want to take drugs once they are in the room with a sex worker. These clients appear to be more interested in having company while taking drugs than in the sexual services. Others wanted the sex worker to take drugs with them, so that they do not have to do it alone. A male sex worker had this to say:

About 40 percent of clients use [drugs] – and if you don't use with them they won't book you. The guys working here can handle it though. The clients buy it outside and bring it in. (Brothel-based sex worker, city centre)

The general tendency in the industry is to heavily penalise sex workers for drug use but to tolerate drug use by clients:

We don't allow the women to use drugs on the premises. We give very heavy fines if we find out that someone has been using drugs. We fine them R3 000. The problem is that sometimes the clients bring in the drugs and we can't search them at the door because then we'd lose business. (Brothel manager, city centre)

Clients do want to do drugs. You know some of this stuff you can't smell. Dagga you can smell, this other stuff doesn't smell. We have one client who books for five to six hours then does his drugs in the room. One client who does cocaine, and one who does rocks. But not with the girls. And you know when they do drugs then it doesn't work in the sexual department. They can't get it up. (Brothel manager, city centre)

CONCLUSION

The data presents a picture of an industry made up largely of black South African women who are adults in their childbearing years (24-28 years) and who travel from the areas where they live to the areas where they work.

The data also gives us clear insights into why women choose this work. Most enter the industry to meet their immediate and pressing financial needs, while some (25 percent of brothel-based sex workers) enter because it offers them the chance of earning more than they could in the formal sector. For sex workers generally, this work offers them the opportunity to earn three to five times more than they could in any other job.

NOTES

- 1 This table includes brothel-based and street-based sex workers. It is based on a survey of 200 sex workers conducted by SWEAT in 2005 (Fick 2005).

REFERENCES

- Dandona, R, Dandona, L, Kumar, GA, Gutierrez, JP, McPherson, S, Samuels, F and Bertozzi, SM 2006. 'Demography and sex work characteristics of female sex workers in India'. Available at www.biomedcentral.com/1472-698X/6/5. Last accessed in July 2007.
- Fick, N 2005. 'Demographic survey'. Unpublished fact sheet. Cape Town: SWEAT.
- Martens, J, Pieczkowski, M and Van Vuuren-Smyth, B 2003. *Seduction, Sale and Slavery: Trafficking in Women and Children in Southern Africa*. Pretoria: IOM Regional Office for Southern Africa.
- Molo Songololo 2000. *The Trafficking of Women into the South African Sex Industry*. Cape Town: Molo Songololo.
- Molo Songololo 2000. *The Trafficking of Children for Purposes of Sexual Exploitation – South Africa*. Cape Town: Molo Songololo.
- Plüddemann, A, Parry, C, Bhana, A 2007. 'Alcohol and Drug Abuse Trends: January – June 2007 (Phase 22)'. Cape Town: South African Community Epidemiology

Network on Drug Use. Available at <http://www.sahealthinfo.org/admodule/sacendunov2007.pdf>. Last accessed on 16 April 2008.

Venter, A and Lochner, M 2006. "Gender and Housing Policy in South Africa: Policy and Practice in Bloemfontein." Available at <http://www.up.ac.za/saafecs/volume34/venter2.pdf>. Last accessed 21 April 2008.

Working Conditions

Most of this chapter is concerned with brothel-based sex workers, whose working conditions are more complicated than those of street-based sex workers.

WORKING CONDITIONS OF BROTHEL-BASED SEX WORKERS

The professional relationship between a sex worker and brothel is, on the surface, a formal employee/employer relationship. They are required to report for duty at a specific time, and to be at the agency for eight to ten hour shifts. Many agencies impose fines for late arrival or failing to come to work. Yet in all cases sex workers are paid only for the hours they work.

Agencies also regulate other aspects of sex workers' lives, including the way they dress, when they are entitled to take time off, and whether they may drink alcohol or take drugs. One agency owner described himself as generous to the women who work for him saying:

Let me tell you what, we don't control them. We don't fine them if they don't come in and we don't fine them if they are late... If a girl becomes a problem we ask her to leave ... mostly because of the drugs and alcohol.

There are some advantages of this informal arrangement. Sex workers can decide at a moment's notice to leave one agency for another; they can earn a reasonable income; and without a formal contract they can remain relatively anonymous, even to the agency owner.

EARNINGS

Brothel owners benefit more than the sex workers from the informal contractual arrangement. They set the rules and determine the fees to clients.

Earnings, like working conditions, vary across the industry. Most agencies charge by the hour or half hour, rather than charging for particular services. The average charge for an hour session with a client is R402, with a wide range from a low of R170 to a high of R1 000. The brothel owners set the fees that their ‘employees’ pay the agency, which we found ranged from 36 percent to 60 percent of what the client pays the sex worker. The 11 percent of indoor sex workers who work for themselves set their own rates, which may vary from client to client.

Fees for ‘travels’ (going out to meet a client at their home or a hotel) are much higher because of the danger and uncertainty involved for both the sex worker and agency. We found that the fee for a ‘travel’ and sleepover ranged from R850 to R6 000, with most charging between R1 000 and R3 000.

The fees paid by the sex workers to the agency (36 to 60 percent of the clients’ payment) constitute the brothel’s income. Most agencies also require their workers to pay a weekly fee for the advertisements placed in the local newspapers – in some cases this fee is greatly in excess of what the advertisement actually costs.

What do sex workers get in return for surrendering such a large percentage of their pay to the agency? The answer is: not very much. According to our survey, agencies provide a room to work in, a measure of security (ranging from a locked grid across the door to emergency buttons and intercoms in the rooms), coffee and tea, and towels. A brothel manager (not the owner) at a small agency, who herself sees clients, described her working arrangements like this:

Manager: We pay for our own ads [advertisements in the newspapers] and we also give half of what we earn to the agency.

Researcher: What does the agency give you for this money?

Manager: Well, we get our accommodation and this place to work. We are open from 10 in the morning until six at night. And then from six until 11 at night. But I only go to sleep

at two or three in the morning, because when I have finished working I still clean the place and do the laundry. That is just the way my parents taught me, you don't go to sleep until the place is clean.

Researcher: Those are long hours you work....

Manager: Yes... it gets a bit much sometimes. You know, none of us here enjoy what we are doing, none of us enjoy it. And it's difficult to work with others, everyone has their mood swings. You constantly have to be ducking to hide from the moods of others.

FINES

Many agencies use fines as a way to control the behaviour of sex workers, and in some cases to supplement the agency's income. Seventy-five percent of all brothel-based sex workers are fined for a range of 'offences'. These include coming to work late, not cleaning the room after use, fighting with colleagues, and, in some cases, not paying the fee for advertisements. One agency – admittedly an exception – had an incentive system in which the fine money is returned if the person's conduct improves, but is otherwise put into a pool for the benefit of all who work there. The fees required from sex workers for advertisements are payable regardless of the worker's income, so it is possible if a sex worker sees no clients, that she could end up owing the brothel money.

In some agencies fines are imposed according to the whim of the owner and are very clearly used as form of discipline or control. One agency owner told us that she fines sex workers if they make her 'cross'. Others had this to say about why they use fines:

I am just trying to get discipline into them. I've been working for all my years since I was 18 years old, and I have always worked with people that's disciplined and I am trying to teach these girls discipline ... they can come to work, they have got to be here 8 o'clock at the latest, they rock in here 8:30 sometimes. (Brothel owner, city centre)

We don't really like to fine the girls but I mean they get out of hand then we do maybe fine them, nothing too ridiculous I think the highest fine is R100. (Brothel manager, southern suburbs)

It would appear from our survey of brothel-based sex workers that many sex workers are fined excessive amounts for minor infractions of brothel rules. When fines are imposed for patently ludicrous reasons (such as ‘being cheeky’) the underlying implication is that the ‘employee’ has the status of a minor, which, besides being a way of controlling the sex worker, undermines her self-esteem.

One respondent reported being fined R5 000 for staying away from work when she was sick, ‘I had a cyst in my vagina and had to be off for three to four days. And then I was fined R3 000 for not coming to work when my father died. That was unfair.’ She went on to say that she was also fined for being late, but felt that was fair, showing the extent to which sex workers come to accept exploitative conditions because they are the norm in an industry that is wholly unregulated.

The survey found that 23 percent of sex workers had been fined in the past for one or other offence – ranging from as much as R4 000 for being drunk, R2 000 for falling asleep at work, R1 000 for becoming romantically involved with a client, and R500 for being ‘cheeky’ to the brothel owner. Several agencies impose fines on women who see their clients privately after their normal working hours or on their days off. Indeed, most agencies find ways of deterring women from seeing clients privately, because it takes away their business.

Working conditions and arrangements between agencies and sex workers vary enormously. At some agencies workers consider the conditions to be fair and flexible, while at others this is not the case. Commenting on the employment relationship between sex workers and brothel owners in England, O’Connell Davidson (1998: 23) notes that while few sex workers are forced into selling sex, they are certainly not drawn to the industry by attractive employment packages. She argues that the arrangement between sex workers and brothels is explicitly exploitative, because ‘it forces the prostitute to surrender a large proportion of the surplus generated by her prostitution, to carry the costs of running the parlour [brothel] and to shoulder all the financial risk associated with downturns in demand; it provides her with no employment continuity, rights or benefits.’

WORKING HOURS

In general, residential agencies operate between nine in the morning and five in the afternoon, Monday to Saturday, and are closed on

Sundays (sometimes sex workers have the option of coming in to work on a Sunday if they have not made much money during the week). The hours at club-type agencies may be quite different with long night shifts and later opening times. This sex worker described her working arrangement as follows:

We get 60 percent and the lady of the house gets 40 percent [of what the clients pay]. We also give [the agency] R20 a week for toiletries and R180 a week for ads. I work until 9pm and come in at around 11am. The day shift is 9 to 5, in the evenings we work 12 noon to 11pm. You may work on Saturdays if you want to. Sundays the agency is closed but you can work if you want to, some people don't work on Saturday. We get one day a week off but you have to arrange it in advance. You can arrange to take unpaid leave. And if you are sick she [the owner] is understanding.

This woman's perception that her working conditions were reasonable was clearly based on the far more exploitative conditions she had previously experienced at two other agencies:

There it was different. [At one] you paid R550 a week for adverts at [an agency in central Cape Town], so all the work that you do on Monday or Tuesday is to pay for the ads. We worked Monday to Friday with no days off. They were strict there and you couldn't leave until 7pm. You had to leave then, but there was no public transport at that time. You couldn't come in later than 9am. There were no options. [At the other agency] you worked from Monday to Saturday from 9am to 9pm. You got a R500 or R100 fine for staying away from work. If you left the agency and wanted to go back there was a R1 000 fine. It's like that at all the agencies, unless you leave for a good reason. If you leave because you are bitchy or because people treated you like junk you have to pay R1 000 to come back.

Sex workers not living on brothel premises worked shifts ranging from six to thirteen hours, most of them working seven to nine hours, six days a week. The 12.5 percent of sex workers who lived on the premises of their agency were expected to work extremely long hours without any additional compensation. On top of that, they usually had to pay rent for their accommodation. We found that a third of those

who lived at a brothel had to work a seven-day week and be on call 24 hours a day.

CONTRACTS

Few sex workers believe that a written contract with the brothel would bring them any benefits and don't consider the verbal agreements they have with brothel owners to be contracts. They would be reluctant, given their illegal status, to disclose the personal details required for a contract. This is quite apart from the complex question of whether a legal contract is enforceable in an illegal occupation.

We asked brothel owners and managers in interviews whether they had written contracts with the women and men who work for them. While very few had, we found their answers significant. One agency manager provided her 'employees' with letters of employment and payslips, so that they could open bank and shopping accounts. She explained her reasons:

Manager: They all get pay slips. We are registered under X & Y Trading [not the brothel's real name] for bank purposes and so on. I have letterheads and things; I give them letters of appointment at the guesthouse that we own. They have their pay slips that they take home on a weekly or a monthly basis; they've opened bank accounts as well as clothing accounts, furniture accounts on the recommendation that they get from X & Y Trading. I just feel at the end of the day everybody makes it out to be such a gutter world, it's certainly not. We are all somebody's daughter ... and I just take it as if it was my daughter that was working in the industry I would really appreciate it if somebody had to mother her. It's as simple as that, it doesn't mean because they are selling sex that they have to sell their souls as well; it doesn't work like that at all.

Researcher: What you are talking about is almost like a contract. Do you think that contracts are good or bad in this industry?

Manager: I don't have personal experience with other agency owners, but I think contracts on the basis of having to

give all their personal information is dangerous. You know you do get a lot of the agency owners who are into drugs, who are into really just ripping the girls off, if I listen to some of the other agencies that take half the girl's money which is so unfair, or when you want to leave they almost blackmail you into staying I have had girls who have come to me who have run away from other agencies in the middle of the night. So, on that basis, no.

It would seem that this manager's primary concern about contracts is based on the fact that without formal contracts sex workers are able to retain a level of anonymity (we found that few brothel owners require women who work for them to provide them with their real names).

Sex workers with whom we spoke had the same reservations about contracts, fearing that divulging their personal details would be invasive of their privacy, as well as the fact that a contract could prevent them from leaving an agency at will. Yet, having only a verbal agreement means that when agencies don't pay the money sex workers have earned (as in several cases reported to SWEAT) they have no proof that they were employed and thus are unable to make a legal claim. Enforceable rights would offer protection to sex workers against exploitative working conditions and unfair labour practices.

The matter of whether labour law is enforceable in an illegal industry is currently being legally tested. In 2006 a sex worker approached the Commission for Conciliation Mediation and Arbitration (CCMA) – the independent statutory body that deals with labour disputes – to mediate a case of alleged unfair dismissal. The CCMA ruled that it was not within their jurisdiction to arbitrate a dispute where the nature of the work being done is illegal (CCMA case WE 7511-06). The case was referred to the Labour Court, and at the time of writing (May 2008) the judge was taking on advisement whether such a case would be under the jurisdiction of the CCMA or not (Labour Court case C52-2007). If the judgment recognised the employment relationship and upheld this complainant's right to protection under the Labour Relations Act (Act 66 of 1995), this could have far-reaching implications for sex workers.

Although workers in the sex work industry remain open to abuse, some of them fear that formal contracts could give unscrupulous owners additional leverage over sex workers, tying them to an agency and

making them even more vulnerable to exposure. A brothel owner who had previously worked as a sex worker said:

This is a job that takes it out of you mentally. I don't want people to feel forced – if there were contracts they would feel trapped or imprisoned. It's important for them to feel that they can walk out of here tomorrow if they want to. I wouldn't want to have a contract if I was working.

LEAVE

All leave in the sex work industry is unpaid leave. Most brothel-based sex workers (97 percent) are allowed to take time off work, but since that time is unpaid, few can afford long periods without working. In some cases they cannot always choose how many days they do not work. Most women are allowed to take days off when they are ill, but have to provide a doctor's certificate if they are away for more than a day or two. One agency told us that they do not allow women to work after they are more than five or six months pregnant. They insist on pregnant women taking maternity leave – unpaid, but with the promise of getting their job back after the baby is born.

In summary, brothel owners seem to apply the laws governing employment that are to their advantage, while ignoring those that are not.

THE RIGHT TO REFUSE CLIENTS

We asked sex workers during our survey whether they had ever had a client they didn't want to go with, and 61 percent said they had. We asked these whether they went with the client anyway, and two thirds of them (67 percent) said no. Asked whether anyone has ever forced them to take a client, only eight percent said yes; all of these had been forced by an agency owner, including by threats of being fired for refusing, or threats of exposure to their families.

The degree to which sex workers can decide which clients to accept and which to refuse, depends on several factors. One is the pressure for the worker to meet her financial obligations. Another is the attitude of the brothel manager or owner. Many brothel owners, like this one, were adamant that they would never force anyone to take a client:

I don't force the girls to go with a client. Some agencies tell [sex workers] that if you refuse, they will fire you. Some girls from other agencies who come to work for me told me they get forced to do somebody they don't want to. I could never force a girl, I mean it's your body, yeah you know it's bad enough with the way the business is, it's not my upbringing it's a business...That's why I respect the girl.

While all the brothel owners and managers we interviewed said that the women or men who work for them are allowed to refuse clients, most said that there was a protocol that needed to be followed. If a sex worker did not want to take a particular client, she was expected to make an excuse that she had another booking, or was expecting another client. One brothel owner explained:

If they don't want to go with a client they just say sorry I've got a telephone booking coming in. They tip me off immediately what the situation is so that I know how to handle it. That has happened many times.

The easiest way to refuse, however, is for a sex worker to simply not introduce herself to a client. Sex workers themselves explained the ways they refused clients like this:

We are allowed not to intro [to a client] if we don't want to go with him.
(Brothel-based sex worker, southern suburbs)

I put them off by putting my fees up, I say I charge R500. (Brothel-based sex worker, city centre)

If I don't like a client I walk out and give his money back. (Brothel-based sex worker, southern suburbs)

The way in which sex workers introduce themselves to clients, and how clients then make their choice known, depends partly on the physical layout of the agency, and partly on how the brothel owner manages the introduction process. Most residential brothels and massage parlours do their introductions in much the same way. A client will walk in and be greeted either by a sex worker or by the owner or manager. He will be taken through to one of the rooms and the women will come in one at a time to introduce themselves. He then makes his choice known to the

manager or owner, who will convey it to the women. In some cases one of the sex workers, rather than the manager or owner, is the one to be informed of the client's choice.

In most brothels, sex workers sit in the lounge area, which means that when a client walks in he will be seen by all. In other agencies clients mingle with sex workers in a bar or around a pool table, simulating a regular social environment. When the client is seen by all, it is easy for each sex worker to make a quick decision about whether she is prepared to take him as a client or not. In cases where the client enters through a different room and is not seen by sex workers before they introduce themselves, it may be more difficult, or at least more awkward, to refuse.

In one agency – the only one we encountered using this method – sex workers were required to parade behind a one-way mirror before the client, who makes his decision known to the owner or manager. This form of introduction is humiliating for the sex workers. It also makes it more difficult to refuse clients, because the refusal then has to become a confrontation.

There are less coercive and subtler constraints on refusal. If a sex worker has had a slow week, refusing a client may mean that she can't pay her bills and may even end up owing the brothel money. Several sex workers felt that refusing a client was the equivalent of causing the brothel to lose business. They were therefore reluctant to do so in case it put their job on the line.

RESPONSES FROM BROTHEL-BASED SEX WORKERS TO THE QUESTION: 'WHAT IS THE MOST DIFFICULT ASPECT OF YOUR JOB?'

There is always a quiet week in the month when you don't earn much. (Sex worker, southern suburbs)

If you come in and don't get one client for the whole day. Or if someone walks into this place who knows you. I get worried while I'm walking to work that someone will see that I come into this place, or that someone will recognise me on the street. (Sex worker, northern suburbs)

My mom knows that I do this work, I told her. But then when I would get home she would tell me to go and shower myself ... and the way she looks at me ... Now I tell her I am not doing this work any more, that I

am looking after old people. Mostly it's best to just keep it to yourself.
(Sex worker, southern suburbs)

There is nothing that you can do if someone is violent with you. There is no counselling for trauma and you can't go to the police because they call you a whore and it won't go anywhere. There are girls who borrow money from the other girls, there was one girl who I lent R500; she said she needed it for her children. Then she left and I didn't get my money back. (Sex worker, northern suburbs)

I struggled with the work before, because of the stigma attached to it. But then I realised that all of the girls here are the same, we all come from similar backgrounds. Most of them had been molested or abused in the past or something and so we all had that in common. (Sex worker, northern suburbs)

One of the things that's not nice is sitting here for long hours and not getting a client. There are very quiet days. Then sometimes the girls go out and get clients on the street and bring them here. (Sex worker, northern suburbs)

WORKING CONDITIONS FOR STREET-BASED SEX WORKERS

Our survey found that on average street-based sex workers worked a seven-hour day (ranging from two to ten hours), and most worked between three and six days in a week.

Only a quarter of all street-based sex workers have ever worked for an agency. Of the 75 percent who had not worked in an agency, most had never even considered the possibility of doing so. For some this was because working on the street offers a great deal more independence, control over the amount earned, and over the times they work including the likelihood of shorter working hours.

Some street-based sex workers had worked for agencies but left to work on the street. They explained why:

I worked at an agency for a week. I left because I was new and shy and I was the only black girl. So I left.

I only worked there for six months because I wanted to work for myself.

I left because you were forced to use drugs with clients otherwise you were forced out. The clients were very discreet and quick but they wanted to use drugs.

I got tired of politics at the agency.

The agency is fine. At first you are a novelty and business is good, but soon that wears off and then you just sit and wait for clients.

They want to tell you how to dress and how to look. I want to be how I want. They get half of your money.

Contrary to the common perception that street-based sex workers are subject to control by pimps who take part or most of their earnings, all the street-based sex workers we surveyed said that they keep all the money they get from clients.

Part of the reason why street-based sex workers work shorter hours than those in brothels is that they are not obliged to ‘stay at work’ once they have earned enough in a day. Another reason is that some confine their working day to specific hours known to their clients. Peak working hours vary from area to area. Some are busier during the afternoons and early evenings, while others are busier late into the night and early morning.

There are therefore advantages to working in the street. The big disadvantage is the threat of violence – from clients, police or gangsters. Asked how often they feel afraid, 41 percent of street-based sex workers said ‘sometimes’, 19 percent said ‘often’ and 12 percent said ‘always’. For the remaining 28 percent who said ‘never’, we understood that as a statement of acceptance that danger was part of their lives to which they had become inured. Asked what they were most afraid of, 70 percent said ‘violent clients’ – not surprising, as 37 percent of all street-based sex workers have experienced violence from clients. Thirteen percent said they feared gangsters and 4 percent said they were most afraid of the police (this is discussed further in Chapter 5: “Sex work and the police”).

For transgender sex workers agency work is not an option as very few agencies employ them. Transgender sex workers cater to a niche market,

made up largely of men. The few that are employed by agencies are based in male-to-male agencies, of which there are only two in Cape Town.

**RESPONSES FROM STREET-BASED SEX WORKERS TO THE QUESTION:
'WHAT ARE THE MOST DIFFICULT ASPECTS OF YOUR WORK?'**

You never know if you are climbing into the car of a serial killer, it's hard. It's difficult when you have different men on top of you all the time. It makes you feel cheap and dirty. And then there is the police.

(Sex worker, southern suburbs)

It takes a lot away from you, these streets; it changes your whole life. It's not the person that you used to be before the street, you're changed in many ways. I just wish that I could be the same person I was at my mother's house. Living on the street and being a sex worker, it makes you quite tough. And it takes so much respect away from you, you know. It changes your whole lifestyle. I've come to smoke drugs, I've come to drink alcohol, I started passing out in places where I didn't want to pass out, you know I've met people, I've done so many wrong things which I don't think I would have done if I hadn't been a sex worker. I would not have done it if I had to [choose] again. (Sex worker, southern suburbs)

Other sex workers ... charge R150, and I ask less than that, and that is why they want to chase me away. Their boyfriends will come and tell me I can't stand on that corner. The police give us a very hard time. (Sex worker, northern suburbs)

What is difficult is the long waiting, especially now in winter, in the cold. You find clients driving up and down wasting time, at the end of the day you just give up and you go home rather. And of course the other factor is the cheapness of the men on the road. (Sex worker, southern suburbs)

CONDOM USE AND AVAILABILITY

Most brothels demand that their 'staff' use condoms, and brothel-based sex workers appear to have access to free condoms at all times while

they are working. Ninety-four percent of street-based sex workers have access to free condoms. The small percentage that didn't have access to condoms said this was because they would have to travel far to the nearest clinic to collect condoms.

SWEAT distributes condoms to brothels in Cape Town and thus most brothels can provide access to free government-issue condoms. SWEAT also distributes condoms to street-based sex workers, but the chance of some being missed is higher outdoors than indoors. This goes some way to explaining why some street-based sex workers find condoms hard to access.

Few sex workers are prepared to purchase condoms, and most, even the most highly paid, don't believe that they should have to pay for condoms or lubricants from their salaries. The provision of free state-issued condoms is thus vital to prevent the spread of sexually transmitted diseases.

The implication of this reluctance to pay for condoms is that in a situation where free government-issue condoms are not available, or are faulty (as happened with two batches in 2007), sex workers might have unprotected sex. This is not to say that sex workers have a cavalier attitude to unprotected sex. Chapter Six, 'Clients and their Demands' shows that most sex workers identify demands for unprotected sex as one of their most significant problems.

CONCLUSION

The stigma of sex work and, even more important, the fact that sex workers are regarded as criminals by the law, means that few sex workers believe they can claim basic human rights. This belief became very clear in our focus group discussions with them. Because few assert their rights, few feel that they can challenge unfair labour practices or abusive behaviour from the police or clients.

The people in the focus groups were clearly able to express what they didn't like about their working conditions. Asked if there were things they would change if they could, they said they wanted access to the advantages that true freelance work offers, and to be respected by brothel owners and managers.

It is impossible to generalise about the attitudes of owners and managers to their 'employees'. Some owners were sympathetic to the needs and difficulties of sex workers, such as this one:

You know, these girls live a tough life, it's not an easy job and I think that part of me gives them the scope to have some sort of freedom of movement rather than say look here, you have to be here this time, if you are late I am going to fine you or whatever the case is. You would never love to be an escort.

Others clearly show underlying disrespect for the women who work for them, as expressed by this manager:

I like keeping a nice, clean, healthy, hygienic place, but it's difficult to control these girls. If you don't worry about keeping it nice it's not a problem but if you worry then it's a constant battle to keep the women neat and tidy. You have to tell them to dress themselves nicely and cut their nails. The women are wild and fight with each other all the time. That is the biggest problem – the women themselves – because there is jealousy between them. Sometimes they even throw ashtrays at each other.

Changing 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.

REFERENCES

O'Connell Davidson, J 1998. *Prostitution, Power and Freedom*. Ann Arbor: University of Michigan Press.

Sex Work and the Police

The illegal status of sex work creates conditions in which exploitation and abuse can thrive. Sex workers and brothel owners could be an important source of information for the police about abuse in the industry, including human trafficking. But because sex work is criminalised, they tend not to be open with the police. This chapter looks at how sex workers view the police, and documents some of their experiences of abuse and corruption by the police.

Street-based sex workers experience various forms of physical abuse, violence and corruption at the hands of police. Our survey found that 47 percent of them have been threatened with violence by police, 12 percent have been forced to have sex with police officers (i.e. raped), and 28 percent of sex workers been asked for sex by policemen in exchange for release from custody.

The relationship with the police clearly does not encourage sex workers to report cases of abuse or exploitation. The consequence of this is that sex workers, who are already vulnerable to abuse by clients and other third parties, are made even more vulnerable.

POLICE HARASSMENT OF STREET-BASED SEX WORKERS

- 19 percent of sex workers have had to change the place where they work due to police harassment – which also shows that calling for stronger police action against sex workers is more likely to result in their moving to other locations rather than stopping their work.

- 63 percent of sex workers have been sworn at by a police officer.
- 47 percent of sex workers have been threatened with physical harm by a police officer.
- 12 percent of sex workers have been raped by a police officer.
- 28 percent of sex workers been asked for sex by policemen in exchange for release from custody.

Some sex workers have reported cases of police having blackmailed their clients and asked for protection money. One said that the police ‘ask the client for money, and if they say they don’t have any, they [the police] tell the client to go to the ATM and get the money.’ One street-based worker told us this story:

A couple of weeks ago I lost a good client. That client was going to be a regular client. It was a sad loss before I even did anything. They [the police] were watching me from a distance and just pounced on me right in this road as I was going to a place where I had rented a room. They searched the car, and started driving to the cop station. Now the guy [the client] is a foreigner from Pakistan and so obviously he is going to be scared. The one cop drove with the guy in his [the client’s] car and I drove with his partner [the other police officer] in the van at the back.

The client drove straight into X Street instead of going left into the police station. [The police officer in the van where I was] still asked me, ‘I wonder where he is going now?’ We were sitting in the car waiting from a distance, but I could still see the guy [client] taking out something from his pockets ... money ... a very quick movement but I caught it. It’s obvious the guy gave him [police officer] money. [The policeman] probably told him, I am going to make trouble for you, I am going to make sure your wife finds out, you will be deported out of the country, you could lose everything. Or whatever, maybe the guy [client] is an official, he might wonder, what if a scandal gets out.

So at the end of the day they [the police] have got the right to do all these things because they can get away with it, they do things just because they can. Because they are the law.

The police tend to tolerate brothels, and brothel-based sex workers seldom have any interaction with the police, except perhaps if the policemen are clients. Despite this, 51 percent of brothel-based sex workers said they did not trust the police, and 19 percent said they did not know whether they could trust the police. Twenty percent of brothel-based sex workers said that they would not go to the police if they were a victim of crime, even if the crime was unrelated to sex work.

Several brothel owners told us that the police had visited their agencies, some out of curiosity and in other cases because they were looking for drugs. In none of these cases were sex workers or owners arrested or threatened with legal action because of the nature of their business (in sharp contrast to the way in which the police deal with street-based sex workers). One owner had this to say:

They just come and do their thing. They just look around and they're gone. The one morning five of them walked in here, five young ones... They come in here looking around and asking questions, they were inquisitive to see what it looked like. They looked around and when they were finished it was 'thanks' and they go on.

This situation of mistrust is likely to be exacerbated if the police begin to enforce the clause in the Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act 32 of 2007) that criminalises the purchase of sex. We believe that, far from stopping prostitution, this will merely drive the industry further underground as sex workers try to protect their clients in the interests of maintaining an income. This in turn will make it even more difficult to detect cases of exploitation and abuse (see Fick 2007:33-36 for a detailed discussion of this issue).

When we surveyed the street-based sex workers, we asked them: 'What would you change to make you feel safer?' These were some of the responses:

Cops should protect us and stand with us when we are working. They should help us and not beat us up.

If I am not alone. [I would like to feel less alone]

Protection from the police and a safe line for sex workers to report cases and incidents [of abuse].

If the police can protect us and not steal from us and our clients.

Police who give me a hard time, I am scared of them. I would be safer if I didn't have to watch out for them.

Change the attitudes of the cops.

If I had a pimp.

The qualitative interviews told us much the same, though in more detail. A street-based sex worker who works in the northern suburbs told us why she cannot trust the police:

They steal your money when they lock you up. You have R150 when you hand in your bag to them. They write it on the paper, but when you get your bag back from them there is only R20. When you show them the paper, they say they didn't touch your bag.

Not all sex workers had negative perceptions of the police. Some said they had had positive experiences, they felt safer and more protected, and were willing to assist the police with investigations. A sex worker who operates in a remote area near an informal settlement told us:

It's better now, I don't run away and they [the police] talk nice. Like some nights about 10 o'clock the skollies [criminals] come and you must leave. Then the police give me a lift to my house. Then the skollies don't follow you.

One time a mama went to the police station and said please man find my young one because she ran [away] from me and went to 'the patch' [the area where sex workers operate]. When the policeman stopped and asked if we had seen the baby, I told them yeah here is your baby. They said 'good' because the child is young, only 16 years, and she ran away from school. They took her to the police station and she got back with her mama.

Some police officers seem to be aware of the advantage of engaging with the sex work industry. A brothel-based sex worker told us that the police had visited the brothel on one occasion to display a photograph of a

missing child, in the hope that a sex worker or client may have seen her and would be able to help them resolve the case.

No brothel owners or managers reported having had bad experiences with the police. Most believe that if they ensure that their agency is drug-free and do not attract the attention of the police they will be able to continue business as usual. As one brothel-based sex worker put it:

We don't have hassles with the police here because we aren't allowed to do drugs. The owner doesn't want the police to have reason to come here.

A brothel owner said much the same when she explained:

We don't have any contact with police. There are no drugs on the premises, so there is no need for the police to come here.

Several brothel owners said that they had been visited by the police from time to time, indicating that the police are aware of the nature of the business being done but tolerate it.

The criminalisation of the sex work industry does seem to have led to a modicum of self-regulation in relation to both drug abuse and the employment of illegal immigrants and children in brothels. The self-regulation is probably motivated more by a desire to conform with the law than by any real concern about child prostitution or drug abuse. But, it is unlikely that decriminalising prostitution would lessen this self-regulation, since child prostitution and drug abuse would remain criminal offences and therefore remain hazardous for brothels' business.

CHALLENGING THE CRIMINALISING OF SEX WORK

The findings of this research suggest that aggressive policing, particularly the arrest of sex workers, is not an effective deterrent to the continuation of their work. We asked survey respondents whether they had been arrested within the preceding month. Nineteen percent of street-based sex workers said they had been arrested, with one having been arrested 10 times in the month prior to the survey. Most had been arrested three times.

If one considers that street-based sex workers rely on this work for their only income and that many are supporting dependents, it becomes

clear that the more a sex worker is arrested and detained, the harder she has to try to find clients to make up for the time she was unable to work (and to cover the costs of admission of guilt fines imposed by the police). The nett result is that rather than deterring or reducing prostitution, aggressive policing results in women working longer hours to make up the lost income, or in their going with clients whom they would otherwise have rejected. It increases rather than reduces the possibilities of abuse and exploitation of women.

Our research results raised questions about why police from certain areas choose to concentrate more actively on policing prostitutes than those from other areas. Our survey results (and SWEAT's practical experience) show that there are certain areas that are particularly targeted by the police. This may be the consequence of a number of factors: policies by particular police stations, or community complaints to the police about sex workers operating in the area. In some areas, such as Mfuleni, a number of sex workers trade openly and the police do not act against them. In other areas, such as Sea Point, the police have cracked down very hard on sex workers. It would appear that the approach taken by the police is determined at station commander level.

One street-based sex worker suggests that extortion could be a motivation for aggressive policing. Asked 'Is there anything else that makes you feel unsafe?' she responded:

The police, sometimes they take you in the van if you don't have money, they lock you up. If you've got money they ask for R50 bail and then you can go. And then they follow you and arrest you again. And you have to pay R50 again and then they let you go. So it's like you are working for them.

A southern suburbs street-based worker, asked about what she finds difficult about her work, responded:

The only thing that is difficult is the police. I was taking a walk at seven in the evening and they wanted to arrest me. But I was just walking, I wasn't doing anything wrong. We keep having to run away from the police. It makes me very nervous when I keep having to worry about the police. Sometimes they ask you for money. They will leave you alone if you give them some money.

CONCLUSION

The suggestion of decriminalising sex work invariably invokes passionate debate wherever it is raised. This is certain to become a matter of acrimonious engagement in the run-up to the 2010 Soccer World Cup. We are convinced that criminalisation of sex work creates conditions within which police corruption and abuse are not only possible, but almost inevitable. It also exacerbates the vulnerability of sex workers, particularly those who are street-based. The distrust that sex workers have for the police means that sex workers are not able to approach the police for assistance in cases of abuse.

The most ardent critics of decriminalisation are very often women who are motivated by the noble intention of preventing the exploitation of women. They argue that decriminalisation would be a step backwards for a country committed to gender equality. Sadly, their arguments do not take into account the needs of women for whom sex work is a real alternative to jobs which they consider to be equally demeaning (domestic work or factory work), but where the remuneration may be much lower.

This study will, we hope, inform a debate that usually excludes the voices of the very people whom the debate is about.

REFERENCES

Criminal Law (Sexual Offences and Related Matters) Amendment Act. No 32 of 2007.

Fick, N 2006. *Policing Sex Workers: A violation of rights?* Cape Town: SWEAT.

Fick, N 2007. 'Well intentioned but misguided?' *South African Crime Quarterly* No 22. Pretoria: Institute for Security Studies.

Clients and Their Demands

WHO ARE THE CLIENTS OF SEX WORKERS?

Most brothels seem to experience a lunchtime rush. This is quite logical if one considers that for many clients, lunch hour offers a chance to nip out without any awkward questions being raised by colleagues or family. The manager of an agency (one of a chain of three) described her clients like this:

Here I find the clients are... the middle class businessmen, this is more a daytime business where the guys come in during their lunch hour. Our Milnerton branch... is sort of your middle class... but over all the races. And Paarl is very much your house *boer*, big Afrikaans men – but, you know, all decent people.

Most brothels and sex workers said they had a very mixed group of clients of all ages and income groups; many added that clients tend to be married men. As a southern suburbs brothel owner said: ‘To be honest most of these clients that come here are 98 percent married’. A sex worker in a club in the northern suburbs told us: ‘If half these men were not married we would be out of a job.’ Male sex workers also reported a proportion of married clients. One said that most of his clients were married men over 30.

The majority of clients are between 35 and 80. Many brothels reported a small number of clients over the age of 60. A male agency owner said ‘most of the clients who come here are older, from 40 to 80; I’ve even got one client who is 82... We don’t get the younger guys.’

Most other agency owners and managers confirmed that the bulk of their clients are in their 30s and 40s. This was confirmed by sex workers. However some reported seeing a trend towards a younger clientele. The owner of an upmarket brothel in the affluent northern suburbs told us that in the past five years he had started seeing more clients in the 20 to 30 year age group. He explained it like this:

First of all I think there is a new attitude, you have a lot of these young guys earning good money, in good jobs, don't want to be involved, don't want to send flowers tomorrow morning, don't want a phone call. It's a new attitude, which didn't exist in my day. We wanted to do the whole 'in love' thing, the dates and all that.

The owner of a residential agency also had noted this trend:

The younger generation is starting to really come now and start paying for sex. There's the older guys, but older guys rather go for the more mature woman. The older person is financially strong enough to do it but these days it's the younger one who makes the money.

An inner city club manager also said they had a group of young clients in their twenties. He related the following experience:

There was one young good-looking man who was 23 years old, who came and sat in that booth there at the back. Then he asked one of the girls to go out and buy him Viagra. She went to the chemist and came back and had to tell him that he had to go himself because the pharmacist couldn't give it to her – he had to see the person who was going to use it because maybe he could have a heart attack or something. So he went and got it and came back. Took it and waited until everyone could see that he was ready and then he took the girl upstairs. Now that's value for money.

For men over 60, a brothel offers them physical intimacy which they may no longer have in their lives:

We have a client that's been coming here for all these years, he's like 72, he basically crawls up the stairs... he comes once a month, he is a

pensioner you know, but he just needs to be cuddled and things like that, his wife died, so you know...

While some brothels spoke jokingly about the occasional 16-year-old client that attempts to purchase sex, most turned such young men away.

Race was not a focus of the study, but some brothels did mention that the numbers of black clients seem to be increasing over time. It was our perception that black clients are receiving a warmer welcome than they would have had in the past. Yet, given the racial attitudes of both sex workers and brothel owners overall, it is unlikely that a significant shift towards a larger black clientele can be expected. Comments like this are common:

Cape Town is very balanced – coloured, Indian and white. The blacks are starting to really pop out but they turn around at the door [are turned away] because you really can't hear from their accent anymore what nationality he is, and these Afrikaner girls from Pretoria just don't do black people. (Brothel owner, northern suburbs)

Indeed, it would appear that anticipation of racism is one of the factors preventing black men from seeking the services of brothel-based sex workers. This brothel owner described his experience of helping a black client overcome his fears:

I sat down with one of the guys for a good couple of hours and eventually one of the girls convinced him to take her to the bedroom. The guy came to me afterwards [saying] 'Thank you it was so nice' and that he has never been treated like that before. He told me he'd been to other places and they shun him. He actually walked off to the bedroom with a white girl, he came back with a real big smile on his face and he has become one of my regulars now.

We asked brothel owners what proportion of their clients are foreign tourists. Most brothel owners and managers said that they do from time to time have foreign clients, particularly during the tourist season in Cape Town, but all relied on local trade for the bulk of their business.

MARKET DEMAND

As with other issues regarding trafficking, our starting point for investigating the demand for trafficked sex workers was to view it in the context of demand for commercial sex in general. Is the demand for commercial sex being met by the brothels and street-based sex workers in Cape Town? If not, why should the demand be met by trafficked sex workers. Is there some advantage that trafficked sex workers would offer brothel owners and clients over those who enter the industry voluntarily?

To assess the extent of the general demand we asked sex workers how many clients they had seen on the last day they worked. We decided this would give us a more accurate estimate than if we asked them to give us the average number of clients they see in a week or month. If a respondent answered 'none', we then asked how many she had seen on the last day when she did have clients. Our figures are therefore a slight over-estimate.

We found that brothel-based sex workers see on average three clients a day (the highest reported number was 17), whereas street-based sex workers see between zero and five clients a day. We also found that both brothel- and street-based sex workers rely largely on their regular customers. Most build up a client base that remains fairly constant through the year.

A few of the respondents commented that the industry had recently been quiet. Others, particularly self-employed sex workers, said that they balance the number of clients seen during a day with their immediate financial needs and/or the amount of time they have available to work.

Most of our brothel-focused research was undertaken during the autumn and winter, when street-based sex workers are more often than not unable to work due to Cape Town's cold wet weather. Brothel owners reported a slight slowdown in trade in the winter months, compared to the summer season when tourists boost demand. Several brothel owners reported employing extra sex workers in summer to accommodate the increased demand, and there did not seem to be any difficulty in recruitment. Overall, the increase in the numbers of brothel-based sex workers during the summer months was about 19 percent (about 150 people).

These findings taken together suggest that the demand for the services of sex workers in Cape Town can be adequately met by the number of people currently working in the industry. Will demand increase if there

is an increase in the number of sex workers? The evidence gathered in this study does not suggest that this is the case.

CLIENT VIOLENCE AND ABUSE

Client violence against sex workers should be considered in the context of the high level of violence against women in South Africa. A 2004 national mortuary study found that a woman is killed every six hours by her intimate partner (Matthews 2004).

In our survey we asked sex workers whether a client had ever been violent with them. Eighty percent of brothel-based sex workers said no, but 20 percent had experienced physical abuse at the hands of clients. Some of them described their experiences:

I was out on a booking and a client blindfolded me and then put a knife to my throat.

[A client] wanted anal sex and I don't do that. He tied me up and forced himself on me. He had his fun and then he released me and told me to go. You get humiliated if you go to the cops.

I was in [a client's] apartment and he wanted to film and take photos. I refused and then he hit me. I jumped out of the window. Clients in general are decent. There are one or two who are not, but that is mainly due to alcohol. Either they are drunk or they are high.

Once before, a client was very drunk and he forced himself on me and I defended myself and then I walked out of the room.

I was raped by a client, and couldn't tell my parents because they don't know that I do this work. There would have been too many holes in my story.

It would appear from these responses, and from our in-depth interviews with sex workers, that the likelihood of violence from clients increases when the clients are drunk, or when sex workers refuse them the services they expect. It is for this reason that several brothel owners said they did not wish to sell alcohol on their premises, despite its income-generating prospects.

Although 20 percent of brothel-based sex workers had experienced violence at the hands of clients, most suggested that their experiences of violence were exceptional rather than regular. Most also spoke about how they had retaliated to protect themselves – either by calling for help or by using their own resources, such as: ‘He bit me on my leg. The client wanted sex without a condom and I hit him.’

We wanted to find out how sex workers dealt with violence, whom they turned to for help, and whether they reported abuse to the police. This would tell us whether the authorities were aware of cases of abuse, and if so, what interventions were made.

As reported in Chapter 5: “Sex work and the police”, few sex workers believe that there was any value in reporting abuse to the police. Indeed, the experience of several sex workers was that if they reported such incidents to the police, they would be humiliated further. One sex worker who reported abuse to the police said she was told that she deserved the abuse. Another said that she was afraid to report an abusive client to the police in case the client retaliated. Most sex workers tended to report incidents of abuse to their colleagues and to the brothel manager who, they said, would be more supportive than the police.

Sex workers appeared to feel confident of handling situations of abuse themselves. We interviewed two sex workers at a club in the northern suburbs who both described incidents in which clients had attempted to force them to do something they were not comfortable with. One said: ‘One client tried to force himself onto me so I punched him.’ The other told us:

I had a client who tried to choke me, he was into S&M [sodomasochism] and hadn’t told me. I jumped on him and choked him back.

A brothel owner in the northern suburbs ascribed some of the cases of physical abuse he encountered to unrealistic expectations on the part of clients.

I think... porn movies have a lot of things that make guys fantasise. What a lot of guys don’t realise is that these are basically acts. They come to the agency and they want to do exactly the same. And though I am pro-porn movies, I do think that they sometimes allow the guy to have greater expectations of what he can get from an escort than what is real.

Most cases of violence were triggered by the refusal of the sex worker to comply with the client's demand, particularly for anal sex or for unprotected sex (either oral or penetrative). To understand this, one would need to find out why men have the attitude that they cannot be refused or they will use violence, especially if they have paid for sex. Kistner (2003) identifies the problematic construction of masculinity in South Africa, where masculinity is attributed to men having control of decisions about sex in relationships and men having uncontrollable sexual needs. However true this may be of the causes of attitudes of violent clients, it is unlikely that it is restricted to South African men.

Street-based sex workers are, unsurprisingly, more vulnerable to physical violence from clients, and to other forms of abuse such as refusal to pay for agreed services. Unlike brothel workers, they have little or no security back-up, and the clients are less likely to be known to them or to feel monitored in any way. Over a third (37 percent) of street-based sex workers report having been physically hurt by a client. Nor do they expect any help from the police. In the words of one street-based worker, 'it's a waste of time and energy. The police will not take the charge'.

Another form of abuse is non-payment by clients. Most street-based workers (72 percent) have had the experience of clients refusing to pay them after sex. Four percent said refusal to pay is an everyday experience; 35 percent said it happens once a week; 26 percent said once a month; only 35 percent reported that it happened less than once a month.

We asked street-based sex workers whether they had ever been raped by a client. By this we meant forced to have sex with a client against their will or forced to have sex in a manner which they had not agreed to (such as unprotected sex). Just over a third of street-based sex workers (34 percent) reported having been raped by a client. Of these, more than half did not report the rape, either because they did not believe the police would help them, or because in their assessment they did not have sufficient evidence. This 34 percent can be compared with the rape experiences of indoor sex workers, of whom only seven percent reported that they had at some point provided sexual services against their will.

During focus group discussion with street-based sex workers, one woman described clearly how sex workers have to negotiate the difficult and dangerous emotional terrain of their work:

The other day one of us got hit over the head over R150. I don't want to get hit over the head with a gun, and then the client takes his R150 back. I would rather say to the guy look here, how much have you got, or I say to him '50 bucks right now we are agreed, and then you get in the car'. Maybe [then] he feels embarrassed to give you so little, and then he might give R100. One thing I am very scared of on the road [is] that a lot of these men regret what they are doing, they hate themselves and they hate prostitutes. A lot of people are not aware of it because these are men that come from respectable families, religious families, they are such sweet, innocent, saintly men. Now those men, when they have that drive for sex, then you are the best person, but once they are finished with you, they can actually kill you in their mind because, in their mind, they have done the worst thing that anybody can do on this earth.

You've got to be really careful who you go with. There's certain guys that I find between 25 and 40 years of age that I wouldn't trust, most of them they don't talk, they don't sound very kosher. Men that's older, men that's over 40, over 50, they're more calm with themselves, they don't do violence.

Another sex worker described this experience:

There was this Chinaman – you know like on the TV – 'Jackie Chan'. I thought I knew him, knew what he was like. He was nice. He wanted me to go home with him. Then he drove all the way to Panorama and he asked for a blowjob. So I put the condom on and suck him.

[Then] he showed me – 'that is my house over there, but my friend is there. When the green light is on it means my friend is gone, then we can go there.' ... He drove to that house and asked me to get out of the car and push the gate open. I didn't want to get out, because I knew in my heart he would just drive away and leave me there and I didn't know the way to get back. He said I must open the gate because the money is inside the house. I asked him to please take me back to where he found me. I told him it is OK if you don't have any money, just don't leave me here, take me back to where you found me. He took me back. I told him he shouldn't do this thing if he can't pay for it because we aren't on the road for fun, we are here because we have

problems. I thought he was OK; he looked so decent, I didn't think he would rob me.

Others in the same focus group spoke about having had clients who forced them to give their money back after sex; some clients even resorted to armed threats. They also said some clients abused them physically and verbally just because they could. The stigma attached to sex work, and in particular to sex workers, makes it easy for clients to justify their abuse.

Most street-based sex workers devise strategies that they believe will keep them safe from such clients. Several said that they note down the vehicle registration number of clients they don't feel comfortable with. Most rely on their intuition to warn them against certain customers, and most refuse to get into a vehicle if more than one man is in the car, although sex workers who use drugs or those who are desperate for work may ignore their intuition.

O'Connell Davidson (1998:64-65) explains how stigma functions to justify violence and abuse of sex workers:

Plumbers, television repair persons, meter readers, estate agents and other sales people, as well as prostitutes, often have to enter into physical environments which they themselves do not control. Although there have been cases of such workers being raped, attacked or abducted, for a number of reasons, the risk they run is negligible by comparison to the risks faced by prostitutes.

To put this in context, it would be unheard of for a customer to justify hitting a plumber just because they feel dissatisfied with his work, or because he is a 'dirty plumber'. But hostility towards sex workers, manifest in terms like 'dirty whore', is grounded in the prevailing moral ideology. Those who attack prostitutes feel reasonably confident that there will be no consequences. The fact that so few sex workers have had any positive experiences when reporting cases of rape or abuse to the police means most of them do not even try to report such cases.

WHAT DO CLIENTS WANT?

What motivates a client, particularly one who is married, to seek the services of a sex worker? Both sex workers and brothel owners agreed that in most cases the client is looking for something he cannot get at

home. In some cases it is just to be able to lie in bed and talk to someone. Here are some explanations from sex workers:

I have asked most of them [why they get girls on the road], and they will say communication problems at home; they don't have good sex with the wife. Can I be explicit, the wife doesn't know how to give a good blowjob, I know it sounds gross but it's true, but that seems to be [the reality]. (Street-based sex worker)

He will look for what he can't get at home. So if he has a fat wife he wants a petite lady. If he's old he wants a young lady. If his wife is petite he wants a voluptuous lady. (Brothel owner, city centre)

I think the men are coming because its three months... four months before they go home and see their wife and children, so he needs a wife. (Street-based sex worker working at a truck stop)

What we did find was that brothel owners saw value in employing women from all races and age groups. They also saw the fact that sex workers frequently move between brothels as an advantage, as clients liked to have both 'old favourites' and new faces. One brothel owner believed that her clients were whimsical:

If you have got African ladies they want more coloured ladies, if you've got coloured ladies ...they... it's like a variety you know, yeah... but we never actually had white girls.

From interviews with sex workers and brothel owners and managers, we identified three particular trends in demand: for sex with a pregnant woman, for unprotected sex, and for a sexual partner to take to take drugs with.

SEX WITH PREGNANT WOMEN

It was not within the scope of this research to determine whether the clients who purchased the services of pregnant sex workers had some factor in common. On the one hand we were told that pregnancy could be an impediment to sex work, and some agencies required pregnant workers to leave or take unpaid leave (see Chapter 4: "Working

Conditions". On the other hand, we were surprised to hear that certain clients seek out pregnant women:

We had two women here who were pregnant and when they started showing they were very busy. Men find pregnant women very attractive and appealing. (Sex worker, exclusive brothel, northern suburbs)

They ask for women who are pregnant or who have milk. That is quite common. (Brothel-based sex worker, city centre)

They also want women who are breast-feeding because they want to suckle on them. You must see how busy the pregnant women are. (Brothel-based sex worker, southern suburbs)

They do, they want to suckle milk. One guy just rents one of the women to look at or touch her tummy, she is seven months pregnant. (Brothel-based sex worker, city centre)

But the request I get mostly is for pregnant women. Twice we've had girls who were pregnant. One who was pregnant when she started here and one who got pregnant while she was working. She made the most money she had ever made while she was pregnant. (Brothel manager, city centre)

UNPROTECTED SEX

Most sex workers and brothel owners spoke about a strong demand for unprotected sex. One brothel owner said that as many as half her clients ask for unprotected sex. This seems strange, given that sex workers are universally regarded as dirty and diseased, and that the prevailing view is that prostitution increases the prevalence of HIV and AIDS. Yet our findings suggest strongly that it is the clients of sex workers, rather than sex workers themselves, that present the strongest threat in this regard.

We found it astonishing that men who cannot pretend not to know the dangers of unprotected sex, frequently demand condom-less sex, offer to pay more for unprotected sex, and even resort to strategies such as tearing the condom. In some cases the explanation could lie in the fact that putting on a condom can result in erectile dysfunction (Crosby et al 2003; Richters et al 1995), or in fears that a condom will

inhibit sexual ability or result in the loss of sexual pleasure. Possibly the association of HIV with demographic factors of youth, poverty, and race (black people having higher prevalence), allows certain clients to lull themselves into denial that they are susceptible. Possibly they think HIV is linked to homosexual sex (the owner of a male-to-male agency told us that they never have clients requesting unprotected sex). One street-based sex worker said she had been told by more than one client that they did not wish to use condoms because condoms actually *caused* HIV.

The sex workers we spoke to were acutely aware of the consequences of unprotected sex and demanded that clients use condoms. They described problems with clients who want unprotected sex as follows:

We haven't really got problems with clients here, except with the ones we call 'condom-missions', because it's a real mission to get them to use the condoms. You would be surprised how ignorant they are. You actually have to educate them about condoms.... You say to them you have a wife and family to worry about – and all this talking and educating I am needing to do with you is a waste of your time in the room with me. (Sex worker, exclusive brothel, northern suburbs)

Sometimes if you say you won't do it without a condom they chuck the phone down in your ear. (Brothel-based sex worker, city centre)

I was with a guy and he was touching me, and before I could put on the condom he pushed in. (Brothel-based sex worker, northern suburbs)

Other women have over time learned to assert themselves in the matter of protection:

They ask you to do it without a condom and they offer you a lot of money. When I started, clients used to take advantage. They would ask me to suck them without a condom, but this is my body and now that I am more experienced – and I did nursing so I understand how AIDS works – so I don't do that. (Brothel-based sex worker, southern suburbs)

We give the clients a choice, either they use a condom or they leave. But the clients never walk out. They rather use the condoms. I am not going

to risk my life, not for an extra R100 or an extra R50. (Brothel-based sex worker, city centre)

Many sex workers and brothel owners complained about the fact that there were a minority of sex workers who, for the extra R400 or R1 000, are prepared to have unprotected sex. These sex workers, they argued, make it very much more difficult for the ones who refuse to have sex without a condom.

TAKING DRUGS WITH SEX WORKERS

The issue of clients wanting to take drugs with sex workers is described in Chapter 3: “Snapshots of the Industry”.

THE DEMAND FOR UNDER-AGE GIRLS

The anti-trafficking lobby claims that there is an increasing demand for very young and/or foreign sex workers (Martens et al 2003; Molo Songololo 2000).

When we asked brothel owners whether their clients asked for young girls, their answers were very similar. Some spoke about the occasional request for a young girl, but in most cases that meant someone between 18 and 20. The following was a typical answer:

Yes they ask for young girls. The youngest girl is 26 and she says that she is 21. They don't ask for girls under 18. Here they are very strict about young girls. They don't rent rooms to clients who come here with girls who are under age. (Brothel-based sex worker, northern suburbs)

Both sex workers and brothel owners seemed to have a low tolerance for men who asked for children, as expressed by this respondent:

You don't find clients wanting young [girls]. But you do get perverts. There was one client who wanted one of the girls to dress up as a school girl and say 'stop you're hurting me uncle'. That freaked me out. I told him to go and not come back again. I was really cross. It upset the girl too. He could have been fantasising about one of my children. I once worked in a place where there was a girl who said that she was 18, but

some years later I worked out that she must have been 16 when she started. (Brothel owner, southern suburbs)

Most owners felt there was a risk of attracting unwanted attention from the authorities if they employed women under the age of 18. One male brothel owner was candid about the fact that he would have liked to employ women under 18, but was constrained by the law:

If I were to advertise that I had 14- or 15-year-olds, this place would be booming. But I don't want to be in jail. Most clients want young girls. Except for the older guys. The guys [of] say 35 to 55 want younger ladies, but the younger ladies can't interact with the older guys, you have to have more experienced ladies. I also booked ladies before I got into the business, to check it out, and I found the younger ladies can't handle an older man. They giggle and it gets on your nerves. (Brothel owner, city centre)

CHILDREN AND BROTHELS

A brothel-owner who rents rooms by the hour spoke to us about men who bring young girls with them and rent rooms.

Researcher: Do you find young girls coming in for jobs?

Brothel owner: We do find that clients come with their girls and they are extremely young. That we do find. We stop them.

Researcher: How old would 'extremely young' be?

Brothel owner: 14, 15... we ask them how old they are and if they sound too young we don't let them use our facilities. We can't afford to have a situation like that. We actually get to the clients and we tell them: look here, take this child home. [He went on to describe the strategies used by young girls to avoid being seen with a client] ... the client goes up and books a room. The girl comes up later and asks to use the bathroom and meets the client in the room.

Researcher: What motivates such young girls to sell sex, in your opinion?

Brothel owner: It's two things: drugs, and to dress themselves...some of the girls are nice looking young girls, they look like they come from good families, but they may be [from] poor families and there is peer pressure to have the right cell phone, to have the right kind of takkies, and they would sell themselves so that they can have those things and when they are amongst their friends they also have the cell phone with the latest ring tones and things like that. I think it's either that or it's drugs.

A female brothel owner had this to say:

Researcher: Do you find that clients are looking for young girls?

Brothel owner: I had one client looking for younger girls but I don't take girls who haven't worked before – and no young girls.

Researcher: Do you know of any places that do?

Brothel owner: There are no places that I know of that have under-age girls.

Researcher: It seems as though brothels don't want to employ young girls because it could get them into trouble. Do you think that means that when there are young girls working, they are on the street?

Brothel owner: Yes, that's definitely true, they are more likely to work the street because brothel owners would be nervous to take them on.

Another brothel owner said:

We have had a couple of clients who have come in, who want these sort of young girls fetishes, you know 'call me daddy', things like that, and I don't allow it. As much as what some of the people say 'well maybe it keeps them away from little girls' I just... no, I can't tolerate it. And my girls as well, for them it's very emotional, a lot of them have small children, they can't deal with all that emotion

here. Being in this industry is enough to deal with without some stranger you're never going to see again in your life still having to deal with his emotional horror stories ... it's so things like that we don't tolerate.

STREET-BASED CHILD PROSTITUTION

Over the 16 month research period, a total of five children were encountered working as sex workers, all of them street-based.

The first child claimed she was 13 years old. She told the researchers that she had been selling sex on the street since she was 10. She said that she needed help to get away from an abusive home and from being sexually exploited on the street. We made several attempts to involve the authorities in assisting the child. In the process we found that:

- The cut-off age for assistance from Child Welfare is 12, so she was not eligible for assistance;
- None of the shelters contacted by SWEAT were willing or able to provide emergency accommodation for the child while alternative arrangements were made; and
- Although the Department of Social Services was willing and able to assist the child in theory, their social worker merely returned the child to her parents, despite the alleged abuse at home and repeated requests from the child not be returned home.

Intervention by SWEAT through the Children's Court secured better assistance and led to the child's removal from her home to a place of safety. However, the process of securing assistance took more than three days full-time effort by SWEAT staff. This suggests that for people who do not have the resources or knowledge to find support for children at risk, the task would be almost impossible.

The child was not trafficked. There was no suggestion or evidence that she was forced by adults to sell sex, nor did she directly contribute to the family's income. She was working within walking distance of her home. She had turned to the street to earn money to buy herself clothes and food.

The other four child prostitutes were encountered in the area between Lavender Hill (a poor coloured community) and Muizenberg. These

children, aged between 15 and 17, all came from dysfunctional families and had taken responsibility for their own survival. They told us they wanted help to return to school or at least to get other employment. None of them had been forced to sell sex by adults. None had access to support or services provided by the state.

The very small number of children we encountered do not support the contention that large, or increasing, numbers of children are forced into prostitution. However we need to emphasise that this study does not address informal sexual networking, transactional sex, or the sexual exploitation of girls and women within gangs.

These five cases clearly demonstrated gaps in the support network for children who are sexually abused or exploited, and require a policy intervention. This would need to include flexible and accessible care for children who out of necessity find themselves on the street, and encouraging the safe reporting by adult sex workers of children who are selling sex.

THE DEMAND FOR FOREIGN SEX WORKERS

Much of the literature on trafficking suggests that foreign sex workers, being exotic, are more desirable than local women; and from the brothel owners' point of view, more desirable because they are more exploitable (Anderson & O'Connell Davidson 2003; Martens et al 2003).

We therefore set out to ask: What is the attitude of the industry to foreign women? Is there any credibility in 'the allure of the exotic'? The responses to these questions, by both brothel owners and sex workers, would suggest not. This is not to say that brothel owners do not see value in employing women who appear to be foreign, or that clients are not attracted to 'otherness'. But demand for foreign women certainly did not seem strong enough to change employment patterns. Both our mapping exercise and our survey showed a very low number of foreign sex workers in Cape Town. Here are some of the responses we received:

They are quite happy with the South African girls (Brothel owner, northern suburbs).

They ask for British or Malay girls. (Brothel-based sex worker, southern suburbs)

The clients do ask for Chinese or Thai women but they also want *boeremeisies*. (Sex worker, southern suburbs)

No client has ever asked me about foreign women. (Street-based sex worker, southern suburbs)

We asked all brothel-owners whether they have clients who specially ask for foreign women. One answered:

I've got a Thai lady working here doing very well. But I haven't noticed a specific demand for foreign girls. (Brothel owner, northern suburbs)

Several owners said that they had never had a request for a foreign women from clients:

Researcher: People sometimes have told us men want to be with foreign women. Is that something that you would agree with?

Manager: No, honestly no. I mean at one stage we had more foreign girls in town than our South African girls and most nights the foreign girls used to just sit there. I mean it's a fantasy of maybe one or two guys.

Another owner said:

Yes, they do ask for foreign ladies sometimes and we simply tell them we cannot accommodate them there, for the simple reason there's passports and things like that, and we try to keep out of that.

CONCLUSION

Not a great deal is known about the clients of sex workers. What we did find is that most clients are employed men (who have the money to afford to purchase sex): they are generally in their thirties and forties, they come from all racial groups, and have a range of needs and desires. This includes a desire for companionship, for someone to take drugs with, and for sex.

Sex workers and brothel owners reported that a high proportion of clients seek unprotected sex. This suggests that education and public awareness campaigns about safer sex need to be targeted at this group.

Regarding trafficking, two important issues emerged from our findings: (1) there does not appear to be a significant demand for foreign or very young sex workers; (2) the current demand appears to be met sufficiently by the existing number of sex workers (both indoor and outdoor). It is thus most unlikely that client demand is fuelling trafficking, since demand is being adequately met.

Organisations working with sex workers – such as SWEAT in Cape Town and the Poppy Project in London – have found that some clients *do* report cases of abuse and exploitative working conditions of sex workers (Dickson 2004:54). The Poppy Project found that in Italy eight percent of calls to a national trafficking hotline between July 2000 and September 2002 were from clients of sex workers. This suggests that clients are a potentially important source of information about exploitation and abuse, and should be encouraged to report such cases.

REFERENCES

- Anderson, B and O'Connell Davidson, J 2003. *Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study*. Geneva: International Organisation for Migration.
- Crosby, R, Sanders, S, Yarber, WL & Graham, CA 2003. "Condom use errors and problems: A neglected aspect of studies assessing condom effectiveness". *American Journal of Preventative Medicine* No 24 (Issue 4). pp367-370.
- Dickson, S 2004. *Sex in the City: Mapping Commercial Sex Across London*. London: The Poppy Project.
- Dunkle, K, Jewes, R, Brown, H, McIntyre, J, Grey, G & Harlow, S 2003. *Gender-based violence and HIV infection amongst pregnant women in Soweto*. Technical report by the Medical Research Council for the Australian Agency for International Development.
- Kister, U 2003. *Gender-based violence and HIV AIDS in South Africa: A Literature review*. Pretoria: Cadre/Department of Health
- Martens, J, Pieczkowski, M & Van Vuuren-Smyth, B 2003. *Seduction, Sale and Slavery: Trafficking in Women and Children in Southern Africa*. Pretoria: IOM Regional Office for Southern Africa.
- Matthews, M, Abrahams, N, Martin, LJ, Vetton, L, Van der Merwe, L and Jewkes, R 2004. "Every six hours a woman is killed by her intimate partner: A national study of female homicide in South Africa". *Medical Research Council Policy Brief* No 5. Cape Town: Medical Research Council.
- Molo Songololo 2000. *The Trafficking of Women into the South African Sex Industry*. Cape Town: Molo Songololo.
- Molo Songololo 2000. *The Trafficking of Children for Purposes of Sexual Exploitation – South Africa*. Cape Town: Molo Songololo.

- O'Connell Davidson, J 1998. *Prostitution, Power and Freedom*. Ann Arbor: University of Michigan Press.
- Richters, J, Gerofi, J and Donovan, B 1995. "Why do condoms break or slip off in use? An exploratory study". *International Journal of STDs and AIDS*. 6:1.

Trafficking

Policies, Definitions, Myths

Over the past decade, human trafficking has drawn tremendous attention worldwide. This is reflected in the vast literature on the subject – books, advocacy materials, academic journal articles, and reports. The reports emanate from governments, NGOs and from the three most prominent international organisations concerned with trafficking: the United Nations Office on Drugs and Crime (UNODC), the International Organisation on Migration (IOM) and the International Labour Organisation (ILO).

Not all human trafficking is linked to forced prostitution. People can be trafficked to work as labourers under conditions of slavery or near-slavery. But historically and currently, the focus of discussion, research, and international legislation, is on countering and preventing the trafficking of ‘women and children’ for the purposes of sexual exploitation.

One thing that becomes clear from scanning the vast body of writing is that while ‘trafficking’ may be a term describing a specific set of activities, it is also a term used to garner support for various agendas such as preventing migration, stopping organised crime, or eradicating sex work. Indeed, the reports reflecting the extent of the problem and calling for urgent action are countered by an almost equal number of reports that question the numbers quoted and the methods employed.

This chapter is mainly a review of the literature. We consider how the definition of trafficking has been problematised, and we reflect on the debates about the methods used to study the problem. As will be seen, the trafficking literature is polarised and highly emotive, but we do believe it is beginning to shift towards a more critical understanding of the issues.

THE SOUTH AFRICAN RESPONSE

The South African discourse on trafficking is primarily informed by three reports: two studies by Molo Songololo (2000) on the sexual exploitation of women and children in the Western Cape, and the third based on an investigative study by the IOM (2003).

The Molo Songolo studies considered cases of human trafficking in the Western Cape region and drew very broad conclusions about the causal factors of trafficking and the nature of trafficking practices, based largely on anecdotal evidence. The one report by Molo Songololo focused largely on child prostitution, frequently conflating child prostitution with trafficking. Their study of the trafficking of women into prostitution involved interviewing 44 women, 10 of whom they believed had been trafficked, albeit in terms of a very much broader definition of trafficking than that provided by international law.

The IOM report identified South Africa as a source, a place of transit, and a destination for trafficking for purposes of sexual exploitation. It provided a snapshot of human trafficking in five countries in southern Africa – South Africa, Lesotho, Malawi, Mozambique and Swaziland – through a six-month research project. IOM researchers conducted 232 interviews, 25 of which were with victims of trafficking, and the rest with officials and service providers.

The reports by the two organisations constitute the only research on the nature of human trafficking in South Africa after 2000. As such, they have informed current perceptions about the nature and scale of the problem. However, the intention of both reports was to raise awareness about the need for law enforcement and policy intervention rather than to provide a clear understanding of the scale of the problem. The numbers of trafficking victims presented in the reports were not based on rigorous quantitative research, but on estimates which are almost certainly inflated – such as the claim that there are 28 000 child prostitutes in South Africa (Molo Songololo 2000: 30). Such overestimations, while successful in capturing public attention and generating moral outrage, do not provide a sound basis for policy-making and resource allocation. Nevertheless both reports achieved their objective of placing trafficking on the policy-making agenda.

In 2003 a Child Labour Action Programme was developed by the South African government to deal with child labour problems; it was funded by the International Programme on the Elimination of Child

Labour (IPEC) of the International Labour Organisation (ILO). A South African organisation called Towards the Elimination of Child Labour (TECL) was established to manage the programme (Lopes 2005a:3). TECL commissioned the Community Agency for Social Enquiry (CASE) to prepare situation analyses in the Western Cape, KwaZulu-Natal, Mpumalanga and Limpopo to investigate the extent of child trafficking and the commercial sexual exploitation of children. The TECL reports also helpfully catalogue the services available to child victims of trafficking, and assess the level of awareness of trafficking by non-governmental organisations (NGOs) and government agencies in the four provinces.

TECL and CASE found that while many organisations and government departments were concerned about child trafficking for prostitution, few had encountered actual cases of this form of abuse. An NGO in Mpumalanga called the Amazing Grace Children's Centre was the only organisation interviewed that had 'direct experience' of the trafficking of children, mainly for child labour in mines and on farms. Amazing Grace reported to CASE that they saw on average three cases of child trafficking a month. Childline in the same province told CASE they had not experienced any cases of child trafficking, while Child Welfare reported a single case, of a woman who sold her daughter to a man for food (Lopes 2005a:10). The South African Police Child Protection Unit in Middelburg, Mpumalanga, reported several cases of child prostitution and one case of illegal child labour (Lopes 2005a:10), but it was not clear from the report whether these were cases of trafficking.

In Limpopo, no organisations were found to be working in the area of child trafficking or the commercial sexual exploitation of children, although there were organisations that dealt with abused children, domestic violence, rape, and child-headed households. None of these organisations had identified cases of child trafficking or child prostitution (Lopez 2005b). The TECL/CASE report on Limpopo concluded that it was impossible to estimate the prevalence of child trafficking and commercial sexual exploitation in the province. It saw the absence of cases not as an indication that the problem does not exist, but rather as a reflection of a lack of awareness and of the fact that such activities were hidden.

The report on KwaZulu-Natal identified only one organisation, Lifeline Outreach Programme, that worked directly with child prostitutes. As was the case in other regions, the information obtained by the CASE researchers about trafficking and prostitution of children was almost

entirely anecdotal. The report's author noted that 'those organisations that did discuss or have some experience of child trafficking tended to talk about trafficking for the purposes of commercial sexual exploitation of children rather than for the purpose of other forms of child labour' (Delany 2005:5).

The KwaZulu-Natal report did refer to the fact that both NGOs and the police made a link between the commercial sexual exploitation of children and substance abuse – although whether addiction to narcotics was the reason for their vulnerability to exploitation, or used as a means to control recruited children, was not clear (Delany 2005:7). As with the other provinces analysed, the report indicated that most organisations in KwaZulu-Natal did not have dedicated programmes or strategies to deal with child trafficking. Perhaps most significantly, the report noted that when the police were asked about how they were addressing child trafficking and the commercial sexual exploitation of children 'a representative of the Family Violence, Child Protection and Sexual Offences Unit noted that it was so overwhelmed with cases of rape and abuse and that cases of CSEC (the commercial sexual exploitation of children) and [child trafficking] are dealt with at a station level and on an ad hoc basis' (Delany 2005:19).

The consolidated report that was published by CASE in May 2006 also referred to the Western Cape. It quotes the IOM, Molo Songololo, Anex CDW (Activist Network Against the Exploitation of Child Domestic Workers) and a shelter called 'Ons Plek' [Our Place]. Molo Songololo estimated that some 500 children are prostituted in the Western Cape – more than the total number of adult street-based sex workers identified in this study. Ons Plek estimated that three children per year are commercially exploited in Cape Town, or are victims of trafficking; and Anex had worked with 25 children who had been trafficked to Cape Town for domestic work in 2005 (CASE 2006:16). The huge discrepancies in these numbers highlighted the need for quantitative research. Indeed, the report itself calls for improved information on trafficking based on quantitative studies.

It seems apparent from these five provincial assessments by CASE that child trafficking and even child prostitution are not commonly encountered by organisations or government departments countrywide, despite there being a high level of concern about the issues. Set against the absence of large numbers of reported cases of trafficking of women and children, the claims in the Molo Songololo and IOM reports that

these problems are serious and growing, indicate a clear need for more research on the subject. This is particularly so, as the IOM says they assisted only 194 trafficking victims between January 2004 and May 2007 in southern Africa and South Africa – some 48 victims a year in a total of 10 countries.

LEGISLATIVE AND POLICY FRAMEWORKS

The South African government is obliged, by several international agreements to which it is a signatory, to counter and prevent the problem of trafficking. These agreements include the Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime of 2000; and the International Labour Organisation (ILO) Convention 182 on the Worst Forms of Child Labour (Lopes 2005a:3).

THE COMBATING OF TRAFFICKING IN PERSONS BILL

The process of developing South African legislation specific to countering human trafficking is in a relatively advanced stage. In 2006, the South African Law Reform Commission (SALRC) released Discussion Paper 111 that included draft legislation in the form of the Combating of Trafficking in Persons Bill. Public consultations about the discussion paper and the Bill were held nationally, and at the time of writing (2008) the SALRC was amending the Bill to reflect recommendations raised during these consultations. The new legislation's purpose is twofold – to provide a basis for the prosecution of all those involved in the process of trafficking an individual, and to create a statutory framework for victim assistance.

The victim assistance aspect of the legislation is perhaps the most difficult, for several reasons. Reports of trafficking may come to any one of a number of government departments or agencies, including the police. Identifying which department should take the lead, and how these various agencies and departments should work together, is complex.

For cases of transnational trafficking, the draft legislation provides for a stay of deportation of the victim until a criminal case has been investigated, but it is unclear whether the stay of deportation will apply in cases where the victim declines to assist in the prosecution of his/her

traffickers. The legislation does make provision for an investigation to be carried out before a victim is repatriated, to ensure that it is safe for the person to return home; however, it is far from clear how such an investigation will be carried out and doubtful whether the Department of Social Development has sufficient capacity to undertake it. Indeed, without better information about the specific needs of victims, it will be extremely difficult to determine what such an investigation would achieve. These are just a few of the complexities regarding victim assistance that will have to be addressed over time.

THE CURRENT LEGISLATIVE FRAMEWORK

Until the new legislation is enacted, there are several existing laws that can be used to prosecute those involved in trafficking:

- Common Law provisions can be used to prosecute cases of rape, kidnapping, indecent assault, abduction, murder, assault with intent to cause grievous bodily harm, common assault, *crimen injuria* and extortion.
- Chapter 9 of The Children's Act (38 of 2005) contains provisions for the identification of children in need of care. Chapter 18 of this Act criminalises the trafficking of children and makes provision for international cooperation to prosecute child traffickers, and assist and repatriate child victims.
- The Basic Conditions of Employment Act (75 of 1997) addresses forced labour and makes it an offence to employ children.
- The Prevention of Organised Crime Act (121 of 1998) defines organised crime and racketeering.
- The Immigration Act (13 of 2002) deals with matters relating to immigration and documentary requirements.
- The Witness Protection Act (112 of 1998) allows for the protection of vulnerable witnesses.
- The Extradition Act (67 of 1962) provides the basis for extradition.
- The International Cooperation in Criminal Matters Act (75 of 1996) allows for the facilitation of the provision of evidence from other countries for purposes of prosecution.

The existence of these laws suggests that new legislation pertaining to trafficking will not, of itself, lead to an increase in the number of

trafficking cases that are prosecuted, an argument made in detail by state prosecutor Bronwyn Pithey (2004).

GOVERNMENT ACTIVITIES

Several government departments and agencies have initiated special programmes to deal with human trafficking. In 2003 the National Prosecuting Authority's Sexual Offences and Community Affairs (SOCA) unit established an inter-sectoral task team on human trafficking made up of government departments, the IOM, the United Nations Office on Drugs and Crime (UNODC) and a number of national NGOs. The SOCA unit has been working towards the establishment of a specialised unit, to be funded by the European Union (EU), to deal with cases of trafficking. The IOM and UNODC have been involved in the training of the South African Police Service and officials from the Department of Social Development (DSD), to allow them to collect information about trafficking and participate in the development of legislation.

A report to the National Prosecuting Authority (NPA) and to a delegation from the European Union in June 2005, set out to 'design a programme of assistance to the South African Government to prevent and react to human trafficking and to provide support to the victims of the crime' (Du Toit et al 2005:8). The report also provided an overview of the status of counter-trafficking activities. It noted that the UNODC Regional Office for Southern Africa was reviewing existing legislation and would include the legal framework in their training for police officers regionally. It mentioned that the IOM was conducting a legal assessment of six countries in the Southern African Development Community (SADC) 'with the purpose to train legislators and academics during 2005 and discuss possible inputs for upcoming anti-trafficking legislation' (Du Toit et al 2005:17).

The report noted that while the African Union had developed a draft plan of action on trafficking in 2002, with a focus on women and children, there was no clear plan for its implementation. Currently, neither SADC nor the New Partnership for Africa's Development (NEPAD) have any involvement in the prevention or countering of human trafficking. The report proposed that more research on trafficking was needed; that agreements needed to be reached on the definition of trafficking and how it differs from human smuggling; that national and regional trafficking task teams should be established (this has since been done);

and that a structure to deal with victim identification, referral and assistance should be created.

At the time of writing the National Prosecuting Authority's SOCA unit reported at a consultative meeting that their work was being held up by bureaucratic complications in channelling the funds promised by the EU.

THE PROBLEM OF DEFINING TRAFFICKING

The full definition of human trafficking provided in the Palermo Protocol is:

- (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in person to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) "Child" shall mean any person under eighteen years of age.

The definition of trafficking contained in the Protocol is extremely broad. This is deliberate for two reasons. On the one hand the Protocol seeks to help states to formulate domestic legislation that will enable them to prosecute all those who recruit individuals and transfer them into situations of extreme exploitation. On the other hand the definition of sexual exploitation had to be left broad enough so that states that have decriminalised or legalised sex work were not prevented

from signing up to the Protocol. Ironically, if the net is cast widely enough to capture all perpetrators in the chain of abuse, the definition of trafficking becomes so broad as to include almost any act through which an individual ends up in an exploitative situation. Indeed, there is not even agreement about what constitutes exploitation, and those in the field generally fall back on a commonsense interpretation.

Throughout the literature there is mention of the difficulty of adequately defining trafficking. The definition is complicated by the fact that an individual can have been both smuggled and trafficked – for example if the person paid a third party to assist them to enter a country (smuggling) and the third party later benefits from their exploitation (trafficking). The confusion between smuggling and trafficking creates confusion about numbers of victims, with those who have been smuggled being often included in estimations of the number of trafficked persons. Further confusion arises as a consequence of the frequent conflation between trafficking and sex work.

A big problem with a confused definition, as Kauko Aromaa (2005) notes, is the enormous difficulties associated with quantifying something that is difficult to define: ‘[T]he situation where a crime is characterized by an absence of the unity of time, place, perpetrator and activity makes the counting exercise particularly demanding.’ These factors hinder quantification of the problem of trafficking, and they also hinder law enforcement. Aromaa notes that law enforcement officials have great difficulty applying anti-trafficking provisions. In one telling interview with Aromaa, a law enforcement official expressed frustration that victims of trafficking often do not wish to be regarded as such, saying that:

[I]t is very hard to identify a victim who does not co-operate, or as often happens, denies his/her victim status, does not accept our view of him/her as a potential or real victim. Then he/she has no reason to co-operate, on the contrary, he/she will try to escape us who are trying to help him/her. It is also clear that if the victim’s role is not beneficial to the presumed victim he/she will have no reason to come to us – all we can do is send him/her back and he/she knows this. The only way to improve this situation could be if we would adopt a solution where the victim status is accompanied by some significant benefits – such as a permit to stay in the country, witness protection schemes, etc. (Aromaa 2005: 5)

Aromaa goes further, suggesting that some inducement should be offered to supposed victims to define themselves as victims, so that a prosecution can follow. What is not clear is why, when so-called victims do not wish to be defined as victims, there is an insistence that they should be. This kind of thinking is pervasive in the anti-trafficking movement, which so often adopts the view that no woman would choose to do sex work and therefore that all sex workers are, by definition, exploited.

One criticism of the definition is the way it deals with the consent of victims. The consent or agency of victims is made irrelevant, which makes any actions they take regarding their rescue or assistance irrelevant as well. The intention may have been to ensure that traffickers could not argue that an individual had agreed to their own exploitation. Nevertheless, through ignoring the agency and intentions of trafficked persons, their specific needs – which may include **not** to be rescued and returned home – are also ignored. The focus on rescuing and returning or rehabilitating victims has been criticised for being both paternalistic and ineffective. There is abundant evidence (discussed below) that victims will allow themselves to be trafficked a second time if they do not wish to be returned to where they came from.

This kind of paternalistic rescue-focused thinking has been vigorously opposed by sex workers and sex worker rights organisations. Doezema (1998:42) argues that ‘[T]he campaigning efforts of anti-trafficking groups have been instrumental in creating a climate wherein the great majority of sex work, and practically all sex work involving young men and women in developing countries is seen as abuse. Forced prostitution, child prostitution and sex tourism are linked together and made indistinguishable.’

Sharing this view, sex workers’ rights groups hold that:

It is the prohibition of prostitution and restrictions on travel which attract organized crime and create the possibilities for large profits, as well as creating the prostitute’s need for protection and assistance, it is the erotic-pathetic stereotype of the Asian prostitute which creates the possibility for middle-class women’s trafficking hysteria. Logically there is no difference between ‘debt-bonded’ Asian workers and Australian workers choosing to work for Hong Kong triads for more money than they can get in Sydney: it is racism which says that the former are victims and the latter agents. (Murray 1998:60)

There is an enormous gulf between the views of those such as Doezema and Murray and those of abolitionist feminists like Donna Hughes (2001:9) who puts forward the following definition of trafficking:

Trafficking is any practice that involves moving people within and across local or national borders for the purpose of sexual exploitation. Trafficking may be the result of force, coercion, manipulation, deception, abuse of authority, initial consent, family pressure, past and present family and community violence, economic deprivation, or other conditions of inequality for women and children.

By defining trafficking like this, Hughes is defining all prostitution as trafficking and all prostitutes as victims of trafficking.

Between these two views there is little common ground, making it very difficult to adopt and enforce legislation against trafficking without accepting one view and rejecting the other. This is one of the tremendous difficulties that policy-makers and implementers have to face in dealing with trafficking. The shared international agenda that is designed to combat forced labour and slavery may really include several agendas, including countering organised crime and abolishing prostitution.

Taking this further, Anderson and O'Connell Davidson (2003) question whether trafficking as a useful concept at all. They argue that if the intention of countering trafficking is to combat forced labour and slavery, 'there is no moral or analytical reason to distinguish between forced labour involving "illegal immigrants", "smuggled persons" or "victims of trafficking".' They argue that 'the distinction between trafficking and smuggling may be clear to those who attach political priority to issues of border control and national sovereignty, but it is far from obvious to those who are primarily concerned with the promotion and protection of the rights of migrant workers' (Anderson et al 2003: 7).

Yet, it is also far from clear that there is a shared international agenda that is designed merely to combat forced labour and slavery. It is perhaps because there are several agendas including countering organised crime and abolishing prostitution that there is such difficulty in arriving at a workable definition.

A number of articles and papers have tried to analyse why human trafficking has emerged as an issue of international concern at particular historical moments, for example in the late 1800s when it was popularly known as the white slave trade. These sources also note its disappearance

from the international agenda after the adoption of international law in 1949 until the issue re-emerged in the 1970s. Many of these are texts authored by feminists who believe that women should have the right to choose the work they do, even if they choose to work in the sex work industry.

A number of writers argue that by 'prioritising crime, punishment and immigration control' (Kempadoo 2005:xvi) the current anti-trafficking movement fails to acknowledge or address social injustice, and is more likely to result in the violation of than in the protection of the rights of migrant women and prostitutes. These sources challenge the arguments of abolitionist feminists such as Kathleen Barry of the Coalition Against Trafficking of Women (CATW) (See Doezema 1988; Doezema 2000; Doezema 2002; Augustín 2005; Kempadoo 2005), who argue that in all cases, prostitution is abuse against women and as such should not be tolerated by any country.

In the writings of Kempadoo, Doezema and others the argument is made that the international focus on human trafficking (particularly for purposes of sexual exploitation) emerged in both the 19th century and modern eras in response to increased migration of poor working class women. They argue that the most recent attention paid to the issue is a consequence of the emergence of a shared agenda between religious organisations, anti-immigrationists, and abolitionist feminists.

It is also instructive to consider the emergence of international concern about trafficking from a political science perspective, such as that offered by Jackson (2006) who considers how human trafficking has become a security issue associated with organised crime. She argues this has been the consequence of political expediency rather than a reflection of similarities between the circumstances of migrant women who are exploited.

It is unlikely that a clearer definition of human trafficking will be reached through national consultations. Yet, the South African government (or any other government for that matter) needs to know what they are dealing with when tackling the problem of trafficking. Is the problem forced labour and labour exploitation, organised crime, prostitution, migration, or all of these?

RESEARCH METHODS AND NUMERICAL ESTIMATES

Global estimates (based on undisclosed methodology) put the turnover from trafficking for sexual exploitation at some \$7 to \$10 billion a year

(Martens et al 2003, Hughes 2000 and Miko 2004). Reflecting the consensus in the anti-trafficking literature, Julie Cwinkel (2005) asserts that trafficking is 'seen as the best cost/risk-benefit ratio of all criminal activity'. She argues that not only is the trade in women for sexual exploitation growing, but that trafficked women constitute an 'invisible' labour force, who are almost impossible to access and research. These beliefs are frequently found in the literature.

Cwinkel (2005) also reflects the commonly held assumption that there is a constant and growing demand amongst clients of the sex work industry for new and exotic foreign women, a demand which drives supply. She repeats the assertions that trafficking claims extremely large numbers of victims and generates substantial profits, although she does acknowledge that estimates are unreliable. Typical of much of the literature about trafficking, her paper explains that acceptable and rigorous sampling techniques when researching trafficking are not possible, and that researchers often have to use small samples to derive generalised conclusions.

In a 2003 paper, Loren Landau and Karen Jacobsen considered the methodological shortcomings of much of the research on forced migration and internally displaced people. In much the same way as research on human trafficking, research on forced migration arises from a dual imperative: to understand and record the phenomenon, and to help the people caught up in these situations. More often than not, research reports are aimed at providing insights and solutions to policy problems. This, the authors argue, places enormous importance on ensuring that the research that is conducted is methodologically sound.

Research into forced migration is subject to similar constraints as research into human trafficking. Victims are difficult to access and identify, they often speak languages not spoken in the countries where they end up and they may be involved in hidden criminal activity. These constraints present researchers with formidable challenges, but that is no excuse for poorly conceptualised or unethical research methodologies. Many papers on human trafficking lament the lack of quantitative data on the phenomenon and yet repeat claims that the industry is growing. This lack of rigour opens to challenge the conclusions and recommendations of much research in this field.

Frank Laczko and Marco Gramegna (2003), researchers for the IOM, have grappled with the methodological challenges of research on human trafficking. They concur that 'despite the growing literature on human trafficking, much of the information on the actual number of persons

trafficked is unclear and relatively few studies are based on extensive research' (2003:180). One of the problems is that few governments collect data on the subject, and in the few cases where information is collected, it is seldom systematically analysed. Lackzo and Gramegna point out that 'many countries ... mingle data relating to trafficking, smuggling and irregular migration' (2003:181). This can only result in confusion, and probably in an inflation of the number of trafficking victims.

Regarding the number of women and children believed to be trafficked on an annual basis worldwide, Lackzo and Gramegna say the figures that are often quoted are at best estimates that are given without any reference to how they are derived. An example is the 'Trafficking in Persons (TIP) Report' produced by the US Department of State which gives unsourced estimates. The figures in such reports are frequently and uncritically repeated in NGO and press reports on the extent of the global trafficking problem (Hughes 2001; Raymond et al 2002).

When countries do collect data, there appears to be little consistency in the type of data that is collected. An IOM study of 25 European countries in 1998, referred to by Lackzo and Gramegna (2003:182), found that only 12 of the surveyed countries 'could produce data on trafficking in women and only seven countries on cases of trafficking in children.' None of the countries mentioned collected data on trafficking in men and boys for purposes of either labour exploitation or sexual exploitation. Falling into the same trap as Cwinkel, Lackzo and Gramegna lament the lack of data while claiming that 'trafficking is an under-reported crime for which the majority of cases remain undiscovered' (2003:183). They argue that better data on migration would assist in detecting and countering trafficking, but they do not suggest how this could be obtained.

Lackzo and Gramegna posit that indirect indicators of trafficking should be used to determine the numbers of trafficking victims. One such indicator, they argue, would be the number of visas issued for *au pairs* and 'entertainers' as a 1995 IOM study had found an increase in the number of these visas to Russian women entering Switzerland. However they do not substantiate the claim that victims of trafficking make regular use of these kinds of visas to enter a country, nor do they suggest how the number of 'genuine' visa applications in these categories could be separated from those awarded to victims of trafficking. There could have been many reasons for the increase in visas issued.

A second indicator suggested by Laczko and Gramegna is the number of migrant women working in the sex industry. They acknowledge that this may be a controversial indicator, as many migrant sex workers are voluntarily in the industry, and they admit that without a thorough investigation, it would not be possible to establish how many of them have been trafficked. Nevertheless they say:

There are many other indicators that could provide more accurate estimates of trafficking, such as the number, gender and origin of asylum seekers, figures on the number of illegal border crossings, statistics of departures of women leaving main countries of origin, as well as the demand for visas at foreign consulates for the main countries of transit and destination. In addition, airlines and other companies in the transportation business may be able to collect and provide information on travellers who are potential victims of trafficking. (2003:187)

Again, the authors provide no explanation of how these indicators could be effectively used, or how it would be possible to separate out cases of trafficking. There are so many variables at play in migration that the assumption that these are indeed indicators of trafficking is probably flawed. It is such reasoning that Jyoti Sanghera (2005: 12), advisor on trafficking at the office of the High Commissioner for Human Rights in Geneva, questions. She argues that approaches to quantifying the problem of trafficking in effect turn women migrants into victims while treating men quite differently, obscuring the possibility that women migrate for the same reasons as men.

Despite the shortcomings of Lackzo and Gramegna's proposed methods, their paper provides a useful analysis of trafficking trends in the Balkans. They show that research in the Balkans challenges conventional wisdom about the recruitment process. Research findings show that roughly a third of the identified victims came from rural areas and most did not classify themselves as very poor (suggesting that poverty may not be the principle driver of trafficking); that almost half of the recruiters were women; and that eight percent of victims had been trafficked previously (suggesting that the victims' needs were not met by rescuing and returning them home). This latter finding also suggests that naivety is not necessarily a factor in creating vulnerability – indeed it suggests agency on the part of the victim.

In a paper prepared in August 2003 for UNICEF, Barbara Henschel discusses research into the commercial sexual exploitation of children. She also notes that while there is a vast and growing international literature on the subject, much of the research undertaken is methodologically flawed. Henschel, nevertheless, repeats the findings of much advocacy-based research, which argues that the commercial sexual exploitation of children is a global phenomenon of growing proportions (Henschel 2003:1). Despite this shortcoming, her paper provides a list of common errors in research method and analysis, such as:

- Control groups are seldom part of research design.
- Small samples are used as the basis for generalisations.
- Research fails to take local and cultural contexts into consideration when making an analysis.
- Data is not triangulated.
- It is insufficient to use a questionnaire survey alone when dealing with children or particularly sensitive subjects.
- The integrity of data may be undermined if research subjects are identified by institutions or organisations which have a stake in the subject. (2003:12)

MODELS FOR RESEARCHING THE SEX WORK INDUSTRY

Several research initiatives have suggested that it is possible to obtain more accurate estimates of the numbers of trafficking victims; or they have used methods that could be replicated to arrive at more accurate estimations of prevalence.

One such study is a 2002 research report by Thomas Steinfatt et al, which describes a methodology to determine the number of trafficked women in the sex work industry in Cambodia. These authors were critical of reports that provided unsubstantiated estimates of the number of women believed to be trafficked into sex work in Cambodia. They cited reports (similar to those referred to above) that noted the difficulties in determining the prevalence of trafficking, but which nevertheless went on to make estimates about prevalence, often on the basis of interviews with so-called experts. Critiquing this approach, Steinfatt et al note:

This process of asking people who work for an NGO or governmental agency in a specific content area how big they think a problem is,

may be likened to asking expert baseball players of long standing to estimate the number of persons currently playing baseball in their country. Being an expert at baseball does not imply knowledge or credibility concerning the number of baseball players. Without a scientific study to back up the estimate, players can offer no more than a wild guess.... The average of a set of wild guesses is simply an average wild guess. It does not take much effort to 'make public' a wild guess, and then have a second party refer to this guess as a 'statistic', attempting to provide the guess with an aura of credibility. (Steinfatt et al 2002:2)

Steinfatt's methods involved mapping the sex work industry in Phnom Penh, Cambodia, through the use of taxi drivers who were knowledgeable of the industry because they ferried clients to brothels. Several drivers took researchers around the city, pointing out agencies that they knew. The agencies included up-market establishments, large brothels, small brothels, brothels that catered to poorer clients, discos, and nightclubs, and in addition areas where women solicited outdoors. On this basis a list of locations was drawn up. The taxi drivers (who collected the information) then visited each of the locations and made an initial observational estimate of the number of people working there. They then asked the managers how many sex workers they employed, of which nationalities, and how many were working to pay off a debt (using the excuse that certain clients like these kinds of sex workers, otherwise their question may have aroused suspicion).

Through this method, and with the aid of statistical modelling, the researchers were able to arrive at a point-in-time estimate for the number of sex workers in Phnom Penh (n=5 250) (Steinfatt 2002:8). They were able to determine how many indentured sex workers were working in the city: people were considered indentured if the managers said that they were currently working off a debt, or had worked off a debt in the past. The researchers were also able to determine how many sex workers were of foreign nationalities. While acknowledging that not all indentured sex workers would have been trafficked, Steinfatt et al allowed for an overestimation of the number of trafficking victims by counting all indentured sex workers as trafficking victims.

Having arrived at this figure, the researchers then added other estimates to arrive at a total estimate for trafficking victims in the sex work industry in Cambodia including:

- The estimated number of sex workers along key routes (this had previously been mapped by a United Nations Development Programme (UNDP) study that sought to map HIV vulnerability).
- An estimate of the number of sex workers who would be found in the rural areas, where the viability of commercial sex is significantly reduced by lower population density.

The figures were then adjusted by statistical modelling.

Although, by their own admission, the figures were inflated by several factors (not least because of the conflation of trafficking victims with indentured sex workers), Steinfatt et al presented a more rigorous model, which derived more reliable estimates, than had been available before. Significantly, their estimate of the number of possibly trafficked women in Cambodia was considerably lower than had been presumed by NGOs and advocacy organisations working to counter trafficking.

A research project undertaken by Sandra Dickson (2004) on behalf of the Poppy Project and Eaves Housing for Women in London, offers a second model for mapping the sex work industry. The researchers were attempting to derive a reliable estimate for the size of the commercial sex industry in London in order to assist trafficking victims and women who wish to leave the industry. Their six-month study focused on the brothel sector. Using advertisements from local newspapers, Internet sites and printed sex guides, the researchers drew up a list of all establishments. This information was verified by sex-worker outreach organisations working in the areas being studied. The researchers also monitored websites used by clients to share information about their experiences; gathered and collated official information on the sex industry in London; and distributed questionnaires to health/sex-worker outreach projects across London.

Men were employed to telephone all the numbers identified. Using a special dialling code so that they could not be traced, they asked questions about location, the number of women available, and their nationalities/ethnicities. Agencies only became suspicious when they were called several times on the same day, which happened in the initial interviews as some agencies used a few different names for the same place. Sixteen afternoon or evening telephone mapping sessions took place over a period of five months, with every establishment contacted three times. This approach could not estimate the exact number of women working in each establishment, but it did allow the authors to calculate the ranges of numbers involved.

A similar but more systematic approach was adopted by Vijayendra Rao et al (2001) in a World Bank-funded study of the sex work industry in Calcutta. This study sought to estimate the ‘compensating differential’ for condom use by sex workers in Calcutta, on the basis that clients preferred to have sex without a condom and the price a sex worker could demand for an act was to some degree dependent upon whether a condom was used or not (Rao et al 2001). The red light district in Calcutta consists of a dense network of narrow streets. Most if not all of the buildings in the area house brothels, or are home to sex workers. As a distinct area within the city, it was possible for the researchers to approach it from one end and systematically work through the district going from brothel to brothel. In this way they were able with little margin of error to determine the number of sex workers and brothels.

These studies provide ideas for how research in the sex work industry can be undertaken more accurately. But could these methods lead to a more accurate assessment of the prevalence of trafficking in the industry? Some would argue that estimating trafficking is impossible because trafficking is a ‘hidden’ phenomenon – it is impossible to quantify because it is impossible to find.

This interpretation of the issue can unfortunately be used to fit an analyst’s own agenda. The analyst may, for instance, use the ‘hidden but everywhere’ argument to ensure continued access to funding. The same logic can be used to create an atmosphere of moral panic. Consider this statement by Hughes (2001:9):

Trafficking in women and girls for the purpose of sexual exploitation is a shadow market valued at US\$7 billion annually. Women are trafficked to, from and through every region in the world. This highly profitable trade poses relatively low risk as compared with trades in drugs or arms. The money-makers are transnational networks of traffickers and pimps who prey on women seeking employment and opportunities. These illegal activities and related crimes not only harm the women involved; they also undermine the social, political, and economic fabric of the nations where they occur.

By saying that there is no country in the world unaffected by trafficking, while at the same time saying that every aspect of public life is undermined by the practice, Hughes feeds into the moral panic that

characterises the discourse. When an author claims to want to help the most vulnerable, who are apparently unable to assist themselves, the discourse is then presented as morally unchallengeable.

CRITIQUES OF THE ANTI-TRAFFICKING DISCOURSE

The most outspoken critics of the anti-trafficking lobby are organisations representing sex workers, who generally hold that the current moral panic about human trafficking is inherently linked to a moral aversion to sex work. The trafficking discourse is also receiving increasing criticism from another quarter: researchers in the field of migration studies. These critics generally analyse the discourse according to the way in which it divides migrants into criminals or victims on the basis of sex and gender (Chapkis 2005:52). In their analyses, trafficking is reflected as one form of exploitation in a continuum of experiences related to migration, particularly the migration of women. They challenge the effectiveness of countering trafficking through law enforcement alone (Kempadoo 2005; Bernstein & Schaffner 2005; Anderson & O'Connell Davidson 2003).

Advocates for sex worker rights, such as Jo Doezema (1998, 1999) and Alison Murray (1998), who participated in the meetings which drafted the Palermo Protocol, have documented the political processes leading up to the adoption of the Protocol. They note the role of organisations such as the Coalition Against the Trafficking of Women that explicitly hold the abolitionist view – that prostitution is abuse against women and should be abolished. They claim such organisations played a significant role in determining the nature and scope of the definition of trafficking that was ultimately adopted. Ditmore & Wijers (2003) also describe the antagonistic schism that developed at the Protocol drafting meetings between pro-abolitionist feminists and those who advocated for the rights of sex workers to be recognised.

According to Doezema, notions of trafficking of women and children were born out of the early 'social purity' movement which developed the stereotype of the white slave trade – 'white adolescent girls who were drugged and abducted by sinister immigrant procurers, waking up to find themselves captive in some infernal foreign brothel, where they were subject to the pornographic whims of sadistic, non-white pimps and brothel masters' (1998:36). Doezema argues that research has established that many of the so-called trafficking victims of the early

19th century were in fact sex workers who had migrated in search of better opportunities. She objects, as do many researchers, to the division of migrant women into victims vs. criminals, depending on whether or not they are willing participants in the sex industry.

Between 1949 and the late 1970s the trafficking issue dropped off the international agenda. Kempadoo (2005:xi) argues that it was the growth and militarisation of the sex trade at the end of the Vietnam War, when soldiers were involved in the rebuilding of the region, that spurred feminists to raise concern about trafficking once again. Doezema (1998) identifies a resurgence of concern as a consequence of the focus on sex tourism in the early 1980s.

Sanghera (2005) argues that the contemporary anti-trafficking discourse is based on a mythology about the roles of perpetrator and victim. Because of the assumptions of this 'mythology', she says, interventions fail to adequately address the needs of the victims, and fail to recognise their own motivations. Those who want to help thus perpetuate inequalities and abuse, rather than ameliorating them. Sanghera's list of assumptions that make up the 'myth' makes for interesting reading, especially as many of these are heard in the South African context:

1. Trafficking of children and women is an ever-growing phenomenon.
2. Increasing numbers of victims of trafficking are younger girls.
3. Most trafficking happens for the purpose of prostitution.
4. Poverty is the sole or principle cause of trafficking.
5. Trafficking [within the Asian subcontinent and the region] is controlled and perpetrated by organised crime gangs.
6. All entry of women into the sex industry is forced and the notion of "consent" in prostitution is based upon false consciousness or falsehood.
7. Based on the assumption that most women in prostitution are coerced and trafficked, it is then assumed that they would be only too happy to be rescued and reintegrated with their families, or rehabilitated.
8. Rehabilitation into families and communities is viewed as an unproblematic strategy, for it is assumed to provide adequate protection and safety to victims of trafficking.
9. Brothel-based prostitution is the sole or major form through which sex trade in the region is conducted.

10. Police-facilitated raids and rescue operations in brothels will reduce the number of victims of trafficking in the prostitution industry.
11. Absence of stringent border surveillance and border control is the principle reason for facilitation of transborder trafficking.
12. Anti-migration strategies based upon awareness-raising campaigns which alert communities to the dangers of trafficking, by instilling fear of strangers and fear of big metropolises and cities, will curb migration and hence trafficking.
13. Strategies which club women and children together will be equally beneficial to both in extending protection against trafficking and redress after being trafficked.
14. All persons under 18 years of age constitute a homogenous category – [i.e.] children, devoid of sexual identity and sexual activity, bereft equally of the ability to exercise agency, and hence in need of identical protective measures.
15. Law enforcement is a neutral and unproblematic category and all it needs is sensitisation and training on issues of trafficking in order to intervene effectively to curb the problem of trafficking. (Sanghera 2005: 5-6)

None of these assumptions assists in developing effective strategies to combat the labour exploitation of women, particularly migrant women.

CONCLUSION

Critiques of the anti-trafficking discourse can be summarised as follows:

- The impetus behind the anti-trafficking movement appears to come from an intention to abolish prostitution, rather than from a genuine attempt to address human rights abuses in the process of migration.
- Research on trafficking is frequently methodologically weak and resorts to the reiteration of commonly agreed myths about the nature of the activity.
- By viewing women primarily as victims, the anti-trafficking discourse is sexist and fails to recognise that law enforcement responses to the migration of women will not improve their circumstances.
- There is an absence of agreement about what problem the trafficking discourse really seeks to address, and as a consequence trafficking is very difficult to define and therefore to quantify.

Taken together, these critiques would suggest that the term ‘trafficking’ may not be a useful lens through which to consider issues of exploitation and abuse in the sex work industry.

REFERENCES

- Agustín, L 2005. “At Home on the Street: Questioning the Desire to Help and Save”. In Bernstein, E and Schaffner, L (eds) 2005. *Regulating Sex: The Politics of Intimacy and Identity*. New York: Routledge.
- Anderson, B and O’Connell Davidson, J 2003. *Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study*. Geneva: International Organisation for Migration.
- Arnott, J 2004. SWEAT submission to the South African Law Reform Commission on Trafficking Legislation. Available from http://www.sweat.org.za/index.php?option=com_content&task=view&id=62&Itemid=28. Last accessed 12 September 2007.
- Aromaa, K 2005. ‘Trafficking in Human Beings: Uniform Definitions for Better Measuring and for Effective Counter-Measures’. Paper presented at the ISPAC International Conference on Measuring Human Trafficking – Complexities and Pitfalls. Courmayeur, Mont Blanc, Italy, 2-4 December.
- Bernstein, E and Schaffner, L (eds) 2005. *Regulating Sex: The Politics of Intimacy and Identity*. New York: Routledge.
- CASE 2006. ‘Commercial and sexual exploitation of children and child trafficking: A South African national situational analysis’. Johannesburg: CASE.
- Chapkis, W 2005. ‘Soft Glove, Punishing Fist: The Trafficking Victims Protection Act of 2000’. In Bernstein, E and Schaffner, L 2005. *Regulating Sex: The politics of intimacy and identity*. New York: Routledge.
- Cwinkel, J 2005. ‘Contentious Issues in Research on Trafficked Women Working in the Sex Industry: Study, Design, Ethics, and Methodology’. *Journal of Sex Research*, November 2005, p3. Available from http://www.findarticles.com/p/articles/mi_m2372/is_4_42/ai_n15929175. Last accessed on 27 August 2007.
- Dickson, S 2004. *Sex in the City: Mapping the commercial sex across London*. London: The POPPY Project.
- Ditmore, M and Wijers, M 2003. ‘The negotiations on the UN protocol on trafficking persons’. *Nemesis* 4.
- Delany, A 2005. *Situation Analysis on the Commercial Exploitation of Children and Child Trafficking: KwaZulu-Natal*. Johannesburg: Report for the Programme Toward the Elimination of the Worst Forms of Child Labour by the Community Agency for Social Enquiry (CASE).
- Doezema, J 1998. ‘Forced to Choose: Beyond the Voluntary v. Forced Prostitution Dichotomy’. In Doezema, J and Kempadoo, K (eds) 1998. *Global Sex Workers: Rights, Resistance, Redefinition*. New York: Routledge.
- Doezema, J 2000. ‘Lost Women or Loose Women: The re-emergence of the myth of “white slavery” in contemporary discourses of “trafficking in women”.’ *Gender Issues* 18(1), pp 23–50.

- Doezema, J 2002. 'Who gets to choose? Coercion, consent and the UN Trafficking Protocol'. Available from <http://www.walnet.org/csis/papers/doezema-choose.html>. Last accessed on 26 May 2006.
- Du Toit, D, Hunzinger, L, Marks, R & Raviv, T 2005. *Programme of Assistance to the South African Government to Prevent, React to Human Trafficking and provide Support to the Victims of the Crime*. Draft report to the National Prosecuting Authority and the EU Delegation South Africa.
- Henschel, B 2003. *The Assessment of Commercial Sexual Exploitation of Children: A Review of Methodologies*. UNICEF.
- Hughes, D 2001. 'The "Natasha" Trade: Transnational Sex Trafficking'. *National Institute of Justice Journal*, January, pp 9-15.
- Jackson, N 2006. 'International Organizations, Security Dichotomies and the Trafficking of Persons and Narcotics in Post-Soviet Central Asia: A Critique of the Securitization Framework'. *Security Dialogue* Vol 37(3): 299-317.
- Jacobsen, K and Landau, L 2003. 'Researching Refugees: Some Methodological and Ethical Considerations in Social Science and Forced Migration', *Forced Migration Working Paper Series* (2). Johannesburg: Forced Migration Studies Programme.
- Kempadoo, K (ed) 2005. *Trafficking and prostitution reconsidered: new perspectives on migration, sex work and human rights*. Boulder: Paradigm.
- Kampur, R 2005. 'Cross-border Movements and the Law: Renegotiating the Boundaries of Difference'. In Kempadoo, K (ed) 2005. *Trafficking and prostitution reconsidered: new perspectives on migration, sex work and human rights*. Boulder: Paradigm.
- Lackzo, F and Gramegna, M 2003. 'Developing Better Indicators of Human Trafficking', *Brown Journal of World Affairs*, X(1).
- Lopes, D 2005a. *Situation Analysis on the Commercial Sexual Exploitation of Children and Child Trafficking: Mpumalanga*. Johannesburg: CASE.
- Lopes D 2005b. *Situation Analysis on the Commercial Exploitation of Children and Child Trafficking: Limpopo*. Johannesburg: CASE
- Martens, J, Pieczkowski, M and Van Vuuren-Smyth, B 2003. *Seduction, Sale and Slavery: Trafficking in Women and Children in Southern Africa*. Pretoria: IOM Regional Office for Southern Africa.
- Miko, F 2004. "Trafficking in Women and Children: The U.S. and International Response – Updated March 26 2004. Congressional Research Services. Cornell University. Order Code RL30545.
- Molo Songololo 2000. *The Trafficking of Women into the South African Sex Industry*. Cape Town: Molo Songololo.
- Molo Songololo 2000. *The Trafficking of Children for Purposes of Sexual Exploitation – South Africa*. Cape Town: Molo Songololo.
- Murray, A 1998. 'Debt-Bondage and Trafficking: Don't Believe the Hype', in Kempadoo, K and Doezema, J 1998. *Global Sex Workers: Rights, Resistance, Redefinition*, New York: Routledge.
- Pithey, B 2004. 'Do new crimes need new laws? Legal provisions available for prosecuting human trafficking'. *South African Crime Quarterly* No 9. Pretoria: ISS.

- Raymond, J, D’Cunha, J & Dzuhayatiin, S 2002. *A Comparative Study of Women Trafficked in the Migration Process: Patterns Profiles and Health Consequences of Sexual Exploitation in Five Countries*. Coalition Against Trafficking in Women. Available from <http://action.web.ca/home/catw/attach/CATW%20Comparative%20Study%202002.pdf> . Last accessed 23 August 2007.
- Rao, V, Gupta, G, Loshkin, M and Smarajit, J 2001. *Sex Workers and the Cost of Safe Sex: The Compensating Differential for Condom Use in Calcutta*. Available from http://www.worldbank.org/aidsecon/papers/sexworkers_safesex2.pdf Last accessed on 27 August 2007.
- Sanghera, J 2005. ‘Unpacking the trafficking discourse’. In Kempadoo, K (ed) 2005. *Trafficking and prostitution reconsidered: new perspectives on migration, sex work and human rights*. Boulder: Paradigm.
- South African Law Reform Commission 2006. *Discussion Paper 111: Trafficking in Persons*, Project 131.
- Steinfatt,T, Baker, S & Beesey, A 2002. ‘Measuring the Number of Trafficked Women in Cambodia: Part I of a Series’; paper presented at conference on: The Human Rights Challenge of Globalization in Asia-Pacific-US: The Trafficking in Persons, Especially Women and Children; Honolulu, 13-15 November.
- Wijers, M 1998. ‘Women, Labor, and Migration: The Position of Trafficked Women and Strategies for Support’. In Kempadoo, K and Doezema, J 1998. *Global Sex Workers: Rights, Resistance, Redefinition*. New York: Routledge.

Recruitment and Coercion

While doing this research we were conscious that discourses about human trafficking, and indeed sex work, frequently fail to sufficiently address issues of choice. The victim in the trafficking discourse is usually portrayed as hapless and easily duped or deceived. We questioned this assumption on the basis that very often the situations people find themselves in are a consequence of decisions or actions they have taken to change their circumstances (see also Jagori 2005:161). Indeed, very often women, in particular, are very resourceful about finding ways to change their circumstances.

As we saw in the last chapter, sex work offers higher returns than other types of work. It also allows for a certain amount of flexibility in how people work, and how often they work. The extent to which sex workers have choices in doing this kind of work was one of the issues we explored in our research, particularly as choice or lack of choice is a key factor in the definition of trafficking .

This chapter examines the extent to which deception is a feature of recruitment into the sex work industry; allegations regarding agents offering brothels foreign sex workers; and the complex relationship between street-based sex workers and pimps.

RECRUITMENT

In trying to understand how individuals were recruited into the industry, we asked sex workers whether they had been introduced to the work by someone else. Forty-seven percent of brothel-based sex workers and 72

percent of street-based sex workers said someone else had introduced them to the work. We followed up by asking who this someone was. This we believed would help us discover if agents are involved in the recruitment process. The answers showed us that it is far more likely for sex workers to be introduced to the industry by a friend or family member than by an unknown third party. But most, 75 percent, said they had found out about the work from advertisements in the newspapers.

Given the concern about deception in the recruitment process, we asked brothel owners and managers how they recruit staff. Some said they recruit by word of mouth. Most said that when they need to recruit new staff, they simply advertise in newspapers. The advertisements say 'looking for ladies' or thinly disguise the work as massage. Since the advertisements appear in the adult entertainment section of the newspaper with its explicit messages, this could hardly be considered deception.

Here are some responses to our questions to brothel owners about recruitment:

We don't recruit; they come over by word of mouth... I would never take a lady that's never done the job before, that is number one. In fact we had a lady, one of the girls working here brought a friend for a cleaning job. Anyway this young lady came for a cleaning job and she will get paid R400 a week or something like that which isn't a lot of money if you consider what the other girls are making. Within two days she decided 'I am not going to clean, I want to get involved with this'.... We never advertised for jobs. (Brothel owner, northern suburbs)

The people that are working here are all people I have worked with in the industry before. I've known one of these women for eighteen years and the other one for nine. I've had long friendships with women in the industry – it's a strong bond, a bond that nobody can break because it's a secret. You can't talk to other friends about this client and that client. (Brothel owner, southern suburbs)

We advertise in the paper, but also by word of mouth. You see, in this industry, if you speak to other owners as well, they will tell you we are always looking for new faces, always – there's not a club in town that can tell me that they are not. I mean if the girls walk in and they are new, yes we are going to hire them. (Brothel owner, city centre)

These responses indicate the various attitudes to recruitment in the industry. Some owners recruit former colleagues because they are trustworthy, while others accept the fluidity of an industry where women move in and out regularly, and thus employ anyone who walks into the agency looking for a job.

Only one agency admitted to using foreign agents to recruit sex workers, but three spoke of having been approached by such agents (discussed in more detail below and in Chapter 9: “Evidence of trafficking”). The brothel manager who had used foreign agents told us:

We get Russian girls through an agent, a woman who sources them for us in Russia. The girls stay in [the owner’s] guesthouse while they are here and are brought to work and taken home every night. The brothel pays all their expenses to come to South Africa and they pay it back, but some of them just leave whenever they want to – we can’t hold them here and then they don’t pay it back. (Brothel manager, city centre)

None of the recruitment processes encountered suggest that deception is a component of recruitment into the sex worker industry. Indeed, it would appear as though there is a ready pool of potential workers that brothel owners draw on, and none of the brothel owners mentioned any difficulty in finding staff.

Let us imagine a scenario in which deception is used. The employer would have been seeking women or children who would not otherwise have come into the industry. A considerable effort would be needed to retain their services. This may extend to having to lock up unwilling sex workers, or otherwise restrain them from leaving. Since there is a readily available pool of women who enter the industry voluntarily, there would have to be very good reasons for brothel owners to opt for this method of working.

To probe the issue of deception, we asked brothel-based sex workers the question: *When you started this work, what were you told you would be doing?* Ninety-three percent of respondents replied that they knew they would be doing sex work. Of the remaining seven percent, four percent thought they would only be doing massage or working as lingerie models, and two percent thought they would be stripping but not providing additional sexual services. Only one percent of respondents spoke of having been deceived. We followed this question up by asking: *Could you have left the industry at that time [i.e. as soon as it became clear that the*

job was to provide sexual services] if you didn't want to do business? To this, 92 percent of respondents replied 'yes'. Eight percent said 'no', but explained their answer as meaning that they needed the money.

COERCION AND FORCE

Without defining 'force', we asked both street-based and indoor sex workers whether anyone had ever forced them to do this work, or whether they knew of someone who was being forced. If respondents said yes, we asked them to describe how they, or others, had been forced. While our deliberately vague question complicated the analysis of the results, it also allowed us to gather more textured information. For example several respondents spoke about being forced by their financial circumstances, while one spoke about being forced by her husband.

Not a single street-based worker replied that she had ever been forced to sell sex, and all said that they could have left the work had they chosen to. The majority of the street-based workers (69 percent) said they did not know of anyone who had been being forced into prostitution. Those who knew of others being forced to sell sex said they were forced to by their boyfriends or by their addiction to drugs.

Eighty-one percent of indoor sex workers said they were not being forced at present to do this work. The other 19 percent said they were being forced by their circumstances – because they couldn't find other work and needed money. We also put the question in the past tense – asking whether they had ever been forced to sell sex. The answer from 95 percent of them was no. Of the 5 percent who said they had been forced in the past, most reported having been forced by pimps or agents (these cases are discussed in some detail in Chapter 9: "Evidence of trafficking").

Based on this evidence, we can conclude that deception and force is not a significant feature of the sex work industry in Cape Town.

RECRUITING AGENTS

We have found only a very small number of foreign sex workers in Cape Town. Nevertheless, in cases when we asked brothel owners and managers whether they knew of anyone who had approached them about employing foreign women we heard very different stories. Though there does not appear to be a trend in the industry of recruiting agents approaching brothels with offers of foreign sex workers. Nevertheless, in the interests

of addressing the perceptions that exist about such practices, we describe here the stories that we heard. Since we were asking about practices that are illegal we allowed the respondents to talk about things they had heard of, or were aware of, as well as things they had personally experienced.

One brothel owner said that she had been approached by a client who wanted to go into business with her and was able to ‘get girls from Germany’. The client appeared to have contact with an agency that recruited foreign sex workers. Since sex work is legal in Germany, it was not clear whether the women she was referring to were sex workers seeking to migrate, or possible victims of trafficking. The brothel owner turned down the man’s offer.

Another brothel owner said that she had once been approached by the owner of a brothel that employs only Asian women, and he offered her ‘Chinese girls from Joburg if I would pay for their bus tickets.’ Asked if there was any other fee involved, the man said ‘just the bus ticket’. She declined the offer, saying she didn’t want problems with the police.

One brothel owner who runs a club-type agency said he was aware of foreign women who were brought into the adult entertainment industry (as opposed to the sex work industry) and debt-bonded. Asked about how the process worked, he explained as follows. There are two agents, one in South Africa and one in the country of origin. A brothel owner calls the South African agent and tells him/her how many women he wants. The agent then provides photographs of a selection of women from which the owner can decide whom he/she wishes to employ. The agent is responsible for arranging travel documents for the women who have been selected.

Asked whether the women in the portfolio were aware of what they would be doing, the agency owner replied that, according to the agent, they had indicated whether they wanted to work as sex workers or as strippers only. He explained that the foreign women who came to work in strip clubs were free to come and go as they pleased within the city, but they were unable to leave the country without getting their passports back or approaching the authorities for assistance.

From this person’s account, these particular women have quite a large degree of choice. This is not to deny that debt-bondage is an extreme form of exploitation that should be acted against by the authorities. But if the women who are recruited are aware of the nature of the work they will be doing, and have consented to it, and despite their debt-bondage are able to return home having made the money they came for, it is unlikely that they will see themselves as victims.

The retention of travel documents by club owners as a means of preventing women from leaving is a violation of rights. This can and should be addressed through legislation (and is addressed in the draft Human Trafficking Bill). However, as with all legislation, the mere existence of a law is unlikely to change criminal practices unless the legislation is enforced by the Department of Home Affairs and its inspectors.

Another brothel owner spoke about having been approached by agents offering Asian sex workers. He said that he was approached ‘from time to time’ by such agents. Asked for details he said:

I don't know I think it's what you would call a pimp selling these Chinese people. This guy tells me they don't want a cut, they want a down-payment or something... I just couldn't ...it's against the law.

This man had not accepted the offer, fearing the consequences of being found employing illegal immigrants by Home Affairs officials. His response suggests that there is a perception that the Department of Home Affairs is monitoring and enforcing immigration laws.

The manager of a club-type agency told us that although he no longer employed foreign women, he had previously used an agent, to whom he paid a fee, to recruit Russian and Thai sex workers. The interview took place at his agency, where, in the lounge area, sex workers were entertaining clients. There was no evidence to suggest that he was lying to us, as none of the women we saw were foreign. This man said that the women recruited through the agent were already working as sex workers and had used an agent to help them migrate – the implication being that it was their choice and possibly even their initiative.

The owner of one agency said that two years previously he had been contacted by an agent who had brought two young Taiwanese women to South Africa. ‘They had visas but the people who brought them over were looking for places where the girls could stay. But I didn't get involved.’

In another case the manager of a club that employs foreign sex workers told us that his agency had used the services of an agent to recruit them. At the time of the interview the agency employed four Russian women, one Nigerian and four South Africans. Part of our discussion with the manager went as follows:

Researcher: Are there any other foreign women, other than those from Russia, that are working here?

Manager: In the past there were six Thai girls that also came to work here. We got them through an agent there.

Researcher: It must be difficult to find women to come – how does it work?

Manager: These are all women who were doing this work on that side. It's not so hard. Imagine if I wanted to take women [from South Africa] to go and work in America, I could just say to them come, you'll make a lot of money, like \$800 a time, they would line up to go. These Thai women work until their visas expire and then they go home with lots of money. They don't earn that much there.

Reluctance to attract the attention of immigration authorities was mentioned on several occasions when we asked about foreign sex workers. Clearly for many agency owners and managers, drawing the attention of the authorities means that employing foreign women is simply not worth the risk. We found a very small number of foreign sex workers at agencies where we conducted interviews.

WHY DID YOU GO INTO PROSTITUTION?

We turn now to how and why sex workers enter the industry. When we asked in the survey 'What made you choose to do this kind of work', we classified the answers into three categories:

- 'financial need' includes all those who said they entered the industry to meet pressing financial obligations or to meet basic needs – they went into sex work for survival.
- 'financial opportunity' describes those who said they entered the industry because they could earn more money doing this work than any other.
- 'non-financial' described responses such as 'I got sick of sitting at home'.

The survey showed that the majority of sex workers – 76 percent outdoors and 59 percent indoors – enter the industry as a result of 'financial need'. The proportion who enter the industry for 'financial opportunity' (to earn more, as opposed to survival) is far greater among the indoor sex workers (25 percent) than among the outdoor ones (9 percent). This

reflects the difference in the social and economic circumstances between those who work indoors and those who work on the street. Brothel-based sex workers tend to be better educated and thus are likely to have a better chance of finding employment in the formal sector.

The findings of our survey are consistent with the findings of a demographic survey conducted by SWEAT in 2005. That survey used a convenience sample of 200 sex workers and found that among street-based sex workers, 63 percent said they entered the industry because they couldn't find another job and 11 percent entered because it allowed them to earn more than in another job (financial opportunity). Of the brothel-based workers surveyed in 2005, 37 percent said they had entered the industry because they couldn't find another job and 33 percent because it allowed them to earn more (financial opportunity). This is also consistent with the findings of research conducted in Cambodia that 'nearly all women ... interviewed had chosen to do sex work, with many women actively seeking out work in the sex industry after carefully surveying economic options open to them' (Sandy 2004).

The two charts below give the same information in graphic form. Here are some extracts from interviews with brothel-based workers explaining their reasons for entering the sex work industry:

I tried to look for other work, but with no experience, it was difficult and I was struggling. I kept seeing in the newspaper in the adult

Chart 1: Reasons for entry: Street-based sex workers

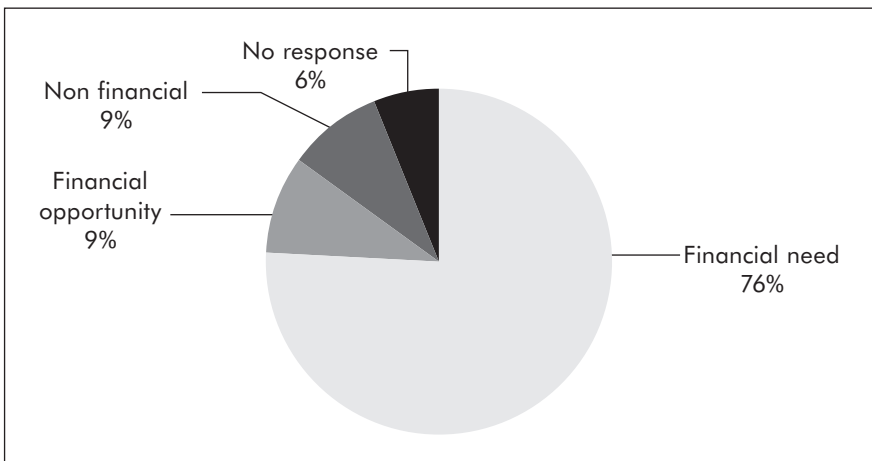
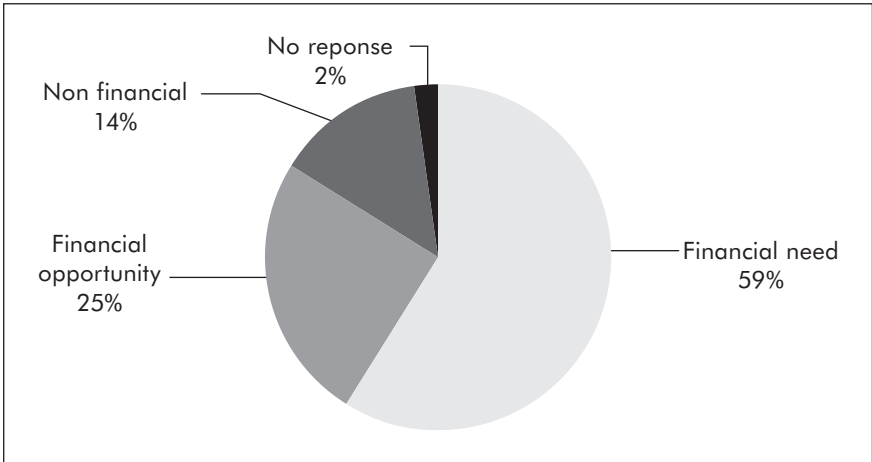


Chart 2: Reasons for entry: Brothel-based sex workers



section: ‘ladies required’. And the thing was that this work didn’t ask for any skills or experience, like the other jobs. So I decided to do it. The first few months were difficult and I couldn’t do it, that is why I left. Then when I came back it was after I said to myself you can do it. (Brothel based sex worker, southern suburbs)

One day I was on my way back to Delft from Athlone. I got in the taxi with another woman. She said are you looking for a job? I said: ja. She took me on Monday to this place – I was quite excited and just went with the flow. (Brothel-based sex worker, city centre)

I used to work for a group of attorneys who moved to Pretoria. I saw an advert in the newspaper that said: ‘earn big bucks’. I have a teenage daughter to support and I was divorced. I was unemployed. When I got to the agency he explained what I would be doing. I was shocked when I heard what it was about and said I needed to think about it, especially since I hadn’t been with a man for 11 years. [She accepted the job and had been in the industry for a number of years when she was interviewed. She was able to work hours that allowed her to be at home with her daughter after school in the afternoons.] (Brothel-based sex worker, city centre)

A friend of mine was working in a massage parlour. I was working as a personal assistant. I had a fight with the boss. My friend told me that

they were looking for girls at the agency where she was working. I was interested in working at the agency, but my friend said no, you must not come and work here. I said no, I am looking for work, and I went for an interview. The boss asked me if I could work on that day of the interview. I said yes. I made R800 the first day then the boss asked me to come back on Monday. (Brothel-based sex worker, southern suburbs)

A street-based sex worker who had been working for nine years from a location she referred to as ‘the patch’ near an informal settlement in Mfuleni, spoke about her motivations for selling sex, saying:

There was no work that is why I [am] down at the patch. It’s better. No eat [food] at my house, it’s better to come to the patch because they pay the 150 or the 200. I have got four babies. The one baby is in Grade 1 now and needs crayons for school. So I come down by the patch and get money and pay for food, the other for school. My boyfriend has no work.

Another sex worker, an older woman, had been working on the street in Woodstock and Salt River for three years. Her story, like many others, is one of having been forced into the work by financial circumstances.

Well, I worked for many years in a factory in the clothing industry, but then with all the difficulties in the industry I was retrenched. I am the only person bringing in money in my family and I needed to make money. One time a guy offered me some money if I would sleep with him. I did it and so that is how I started this work.

Asked whether they knew, on coming into the industry, that they were expected to sell sex, the vast majority (93.4 percent) said yes. One sex worker who said she had originally thought she would only be doing massage, qualified her answer saying that she stayed because the ‘money was good’.

In a small number of cases, families may be so abusive or dysfunctional that young women and children may see entry into the industry as a way out of their domestic situation. Drug dependency has much the same effect, while leaving children even more vulnerable to abuse. One street-based sex worker spoke about how she entered the industry:

To be honest with you, I ran away from home because my stepfather was molesting me every afternoon. I got mixed up with the wrong people and that is when I got involved with the drugs. I started off doing dagga. Then one day I met a guy and he said he loved me, and then one day I opened my eyes and he was beating me and forcing me to work on the street. I then left and now I am married to a Cameroonian man who also beats me and forces me to work on the street. He beats me if I don't work and bring in money; he is not working, so the money is for the rent.

Another street-based worker related how her family circumstances drove her into sex work while she was still at school:

Sex worker: I was staying with my step-mom and my father. She wouldn't pay school fees or anything. So one day I went to the beach with some friends and they left me there, I was walking back home when a car stopped and asked if I was doing business. The man asked me to show him my breasts. And then gave me R200 and said that I should meet him there the next day. My step-mom wasn't giving me food and I was hungry, and here was a way to earn some money.

Researcher: Where you still in school then?

Sex worker: Yes I was still in school. But she was not paying the school fees and not giving me food.

Researcher: So she didn't have money for the school fees?

Sex worker: No, she had the money, she refused to pay the fees.

Researcher: And your father? Where was he?

Sex worker: He was there, but he did nothing. You know us Xhosa women, sometimes people go to the witchdoctors, so she went to the witchdoctor so that she can control him. He don't see nothing. (Street-based sex worker, Parow).

EARNINGS

To determine the employability of sex workers in other jobs, we asked them whether they previously had other jobs. This, we reasoned, would

Table 10: Previous jobs held by brothel-based sex workers

Administrative/Secretarial	19%
Retail/Sales	35%
Security	4%
Professional	3%
Waitressing	15%
Massage and beauty	4%
Teaching	4%
Other	15%
Refused to answer	3%

indicate that unless circumstances had intervened dramatically (e.g. they were abducted), they had chosen to do sex work rather than other work. A comparison of their current earnings with their past earnings made it clear that the choice to go into sex work was primarily an economic one (see Tables 1 and 7 in Chapter 2: Snapshots of the industry).

A large proportion of brothel-based sex workers (84 percent) had previously done other work. Table 10 sets out the kinds of jobs that brothel-based sex workers reported doing before entering the industry. The average monthly salary in these previous jobs was R4 026, which was markedly lower than the average of R11 869 per month earned in the sex work industry.

A lower proportion of street-based sex workers had had previous formal employment – 75 percent as opposed to 84 percent for brothel-

Table 11: Previous jobs held by street-based sex workers

Waitressing	25%
Domestic work	25%
Factory	12%
Retail	17%
Other	21%

based sex workers – and the kind of employment they had was far less well paid. The average income for street-based sex workers increased 2.7 times (from an average of R1 382 per month to an average of R3 850) when they entered the industry. Table 11 shows the categories of their former jobs.

The data shows clearly that sex work is a rational alternative for women in the sense that it earns immediate cash, brings in more money than other jobs, and does not require academic or practical qualifications. These advantages are often strong enough for women to overcome their resistance to selling sex and the stigma of prostitution.

EXPLOITATION AND ABUSE

If, on the basis of the arguments and evidence presented above, it is accepted that the state is unlikely to be able to attract women out of the industry by offering them jobs with equivalent pay and flexibility; in other words if we accept that prostitution cannot easily be eradicated; knowing about conditions of exploitation and abuse and finding ways to counter these becomes essential. Thus recognizing that sex work is work and trafficking is labour exploitation.

As long as prostitution remains an illegal activity, there will be difficulties for those working as sex workers. O’Connell Davidson, while not a protagonist for sex worker rights, recognises the role that criminalisation of the industry plays in creating the space for exploitation of sex workers by third parties. Although she is referring here to Britain, it is the same in all countries where the work is illegal:

...the relationship between prostitute and third party, as well as that between prostitute and client, takes place in a specific legal, institutional, social, political and ideological context, and [...] this represents another set of constraints upon relationships. In many cases, for example, prostitution is legally regulated in ways which so heavily penalise independent prostitution that law/law enforcement effectively operates as a pressure on prostitutes to enter and remain in third party controlled prostitution no matter how exploitative the third party may be. (O’Connell Davidson 1998:17-18)

She concludes that ‘laws and law-enforcement practice typically discriminates against prostitutes, and in so doing, either directly or indirectly enhances

brothel owners' powers over them' (O'Connell Davidson 1998:40). Thus, while decriminalising the industry may not shift power relations between sex workers and their employers, it would go a long way towards making it safer for women who have to do this work to survive. This is a theme to which we shall return throughout the book.

Having shown that only a small percentage of sex workers enter the industry through deception or force, we turn our attention to issues relating to exploitation and abuse. Societal concern about human trafficking stems from the fact that a human rights-informed society does not accept that anyone should be recruited forcibly or deceptively into a situation of exploitation and abuse. However our society does not display the same concern for sex workers who are abused or exploited if they chose to enter the industry. It is our view, based on the evidence gathered, that the criminalisation of sex work creates a situation in which brothel owners and pimps can exploit and abuse the people who work for them. Since the work is illegal, sex workers have little recourse to the law to act against those who exploit or abuse them. In this section we give some examples of exploitation and abuse of sex workers by brothel owners and pimps.

BROTHELS

The use of threats to control sex workers, particularly to prevent them from leaving an agency is not particular to victims of trafficking. A threat, used as a means of protecting brothel-owners' income, can be one of the things that forces a sex worker to stay at an agency she would rather leave. There are cases in which employers threaten to expose women as sex workers to their families or others, as means to retaining their services.

Our survey revealed that a quarter of all brothel-based sex workers have been threatened at some time by the owner or manager of the brothel. Threats ranged from physical violence (even death threats) to threats of non-payment, and included threats of being attacked by 'gangsters'. Another kind of punitive measure is the payment huge fines (up to R5 000) for relatively minor matters such as coming to work late.

The unequal power relation between sex workers and brothel-owners is exacerbated when the brothel owner or manager is male. In general, we found male brothel owners to be extremely sexist. Societal gender

inequity is compounded in the sex work industry, and increases the vulnerability of female sex workers. Women in the industry are regarded by both brothel owners and clients as women of ‘less-value’ and as immoral. The stigmatization of the work may mean that sex workers’ sense of themselves in relation to society and to men, as well as their economic vulnerability creates conditions whereby they are likely to accept unfair working conditions.

In focus group discussions with both brothel-based and street-based sex workers, we asked whether the participants felt they had any rights. We deliberately chose not to define ‘rights’, because we wanted to hear how sex workers understand the issue of rights.

Brothel-based sex workers interpreted our question about rights as the right to be able to insist on fair working conditions. One participant said:

We’ve got no rights because we can’t ...we can’t open our mouths ... the boss will say: take your bags and leave.

Street-based sex workers, on the other hand, responded to the question by talking about the harassment they frequently experience at the hands of the police. They also spoke about the difficulties they had with abusive clients and their lack of power in these situations.

The guiding principles of the draft South African anti-trafficking legislation refer to a situation in which a victim is in an exploitative situation through one or more of the following means – violence, force, coercion, intimidation or threats. The question arises whether this legislation could also be used against a brothel owner who uses threats to retain the services of a sex worker against her will. However, the failure of current legislation, or indeed the Palermo Protocol, to define ‘exploitation’ may hamper any efforts to use the legislation to prosecute this kind of abuse. This would require a better definition of ‘exploitation’.

Anderson and O’Connell Davidson (2003:8) point out that there is no international consensus on what constitutes exploitative working conditions, yet such an agreement is central to on-going work by labour unions. They argue that ‘[I]n the absence of a global political consensus on minimum employment rights and cross-national and cross-sector norms regulating employment relations, it is extremely difficult to come up with a neutral, universal yardstick against which exploitation can be

measured. The same applies to legally tolerated forms of exploitation of women and children within families.’

It would be extremely difficult, if not impossible, to have a national debate about what constitutes exploitative working conditions in the sex work industry as several sectors of society, particularly the religious sector, are unwilling to accept that sex work should be admitted as being work at all. It would take an inordinately strong lobby and interest by politicians to create the space within which these issues could be addressed. On the other hand, not addressing them allows for the continuation of exploitation and abuse that will certainly not be overcome by forcing the industry further underground.

The following quotes by brothel-based sex workers who participated in the survey give some indication of how threats are used against them:

They [the owners] said they would get the gangsters to fuck me up. At that time I stayed at the agency for free but they would take money off from each client. When I wanted to leave I was told I owed her R 2 000, or she would get me beaten up. One girl that worked there and her boyfriend were beaten up by gangsters. I phoned a friend who brought R300, I gave that and said I would pay the rest later and got away.

There was one time when I left the agency... I left with a girl, so I stole one of his girls and he brought his gangsters to my flat (Moroccan gangsters). He said that they would break my legs and I called my friend who is a lawyer and he came down. He is a big guy and we talked it through. It was not necessary to go to the police; the work that I do you can't just go to the police. Can't risk exposure.

She said I must get out because I had asked for better pay and a promotion. She was under-staffed and because I stayed the closest, she expected me to be there early and stay till late. She then told me to give in the keys and leave. Usually they lie to you and don't want to increase your pay. She thought I didn't know my rights. I thought she was going to hurt me, I am sure she was going to, but then thought of the consequences of her actions and didn't. Usually female bosses ask you to leave because they see younger girls as competition.

They try to blackmail you when you want to leave and threaten that if you stay away they will tell your family that you are doing this work or

make weak cases against you at the police station. I heard that at the last place that I was working, they have done that to me, so I am waiting to see what happens.

The owner threatened to tell my ex-husband. We had a misunderstanding and he told me to leave and I packed my things and when I was leaving he told me that he would tell my husband what I was doing.

PIMPS

In the qualitative interviews with street-based workers, stories of pimps, particularly abusive pimps, were often related. However our survey results revealed that only a small minority (three percent) of sex workers currently work with pimps.

When we mapped and interviewed the street-based sector we seldom saw pimps, despite looking out for them. We did on several occasions encounter indigent men who seem to hang around the areas where sex workers ply their trade, but they were not pimps. They benefitted from the occasional cigarette or food sex workers would share with them, and in turn, sex workers may have felt more secure by their mere presence.

Thirteen percent of street-based sex workers said they had worked with a pimp in the past. In most of these cases (75 percent) their pimp was their boyfriend. The pimp provided them with accommodation and protection, and kept their money safe while they were out with clients: ‘I worked with my ex-boyfriend. He provided food, clothes and supported my extended family.’

The commonly held perception is that pimps simply exploit the women that work for them, and that the relationship is generally abusive. There is certainly some truth in this, as we found out in our one interview with a pimp and other interviews with street-based sex workers. However, the exploitative pimp is not the only type. When pimps are boyfriends or family members, they provide some measure of security for the women while they are working. As one street-based worker explained: ‘I work with my husband for protection.’

Whether or not to define such supportive people as ‘pimps’ is a matter of debate. As O’Connell Davidson says: ‘The definitional problems associated with the term “pimping” are at least as great as those which surround the term “prostitution”’. (O’Connell Davidson 1998:42).

There are many forms that the relationship between sex worker and pimp can take. This ranges from the supportive husband and wife arrangement referred to above, to a physically abusive relationship between a drug addicted prostitute and a drug merchant-pimp. One of the street-based sex workers we interviewed described two drug houses – one in Salt River and one in Woodstock – where she knew pimps to be staying. According to her, these men have connections with gangs. She spoke of one pimp, a member of the Americans gang, who has two white women working for him. Asked how their relationship works, she said that the pimp is in control of the girls and their income. She explained the relationship between the gangster and his ‘girlfriends’ had started when the women became regular visitors to the drug house and then started living there. She explained, ‘now the pimp is sitting there [at the drug house], waiting for his prey to come to him and then he gives them the drugs and that is how they get involved with the person’.

Asked what the pimp does for his girlfriend, her response was ‘nothing’. She explained:

He is just sitting there at night, he tells her where to go, which car not to take and when she comes back from the guy, he wants to see if she had condom sex because she must produce the condom with the semen in it, you see. I think that’s not nice, because he wants to see what she has done for that client she’s gone with...and when they don’t obey they get a hiding.

After being with a client, the woman was required to give her pimp the money she earned, it will be his decision how much of her earnings she would be entitled to keep. Asked why she thought the ‘girlfriend’ was prepared to accept these conditions she said, ‘because they are falling in love with people like that...she thinks it’s a love affair.’ The respondent was quite certain that the woman’s perceptions of the situation were the result of her addiction to heroin, saying that the drug makes you ‘very soft, it makes you sensitive, you know you feel like you are a baby all over again and that is how he knows how to control her.’ Thus vulnerability to abuse and exploitation is exacerbated by drug dependence.

The same sex worker also spoke of a pimp who works with a 14-year-old child and forces the child to go with clients in order to rob them. If the child refuses, he threatens to beat her. Later in the interview the

sex worker told us that this was the only young child she knew of on the street. The sex worker said she had confronted the child, asking her what she was doing on the street and the young girl said, 'It's not lekker at home, they treat me unkind like I am an outlaw'. 'She just felt like running away' the sex worker added, 'and that is how she got hold of this guy that's using her on the street.' She said the child had been on the street for about six months by the time she met her, that she was living with her pimp, and was using the highly addictive drug tik. The informant said that the girl had frequently been beaten by clients whom she had robbed, and had on one occasion been taken far from where she was working and dropped off naked on the side of the road.

The one pimp whom we spoke to explained that he had started working as a pimp after a spell in prison:

I had been serving a ten-year prison sentence. When I came out, a friend of mine in Sea Point introduced me to this business. This friend asked me to meet him in Sea Point; he had his girlfriend with him. I saw that she went out on the road, but I didn't know what she was doing or I wasn't sure. He told me that she works for him and that if I want to stay out of trouble that's what I should do as well. That's how it started, we had two girls in a flat in Sea Point. I built it up to seven girls, then I had five girls, the number of women you have keeps changing.

This man told us that he kept a written record of the number of clients and the amount of money each of the women earned. He said he treated the women well because he was not rude to them. After work, he said, they all left the area together in a taxi to return to where they lived. Our impression was that there seemed to be little benefit for the women working with him, apart from the fact that they had the impression that the pimp was looking after them. He bought them food, arranged transport and accommodation and so on, but according to the pimp himself, 'most of all he's getting more out of it than they do.' The pimp also said that the women could, and did, leave the arrangement whenever they chose to.

From the perspective of the sex workers, this kind of arrangement allows for a sharing of income and therefore a greater degree of financial security than working alone. It is also possible that the physical security of working in a group, the sense of being part of a family-like structure, are sufficient reason for the women to maintain their ties with the pimp.

The pimp's own response, when we asked what pimps offer the women who work for them, was: security.

[Y]ou must understand there are many things that could happen on the road. Women leave with clients and they don't come back... It's dangerous on the road... If she goes with a client here in the area and doesn't come back in a hour or two I can go and check on the car and see if she's still alright. I take the number plates of the cars and see what the guy looks like.

This particular pimp suggested that women who work with pimps in a loose arrangement do not necessarily remain for long. His way of retaining women was to make them believe he was in love with them. This was confirmed by a street-based sex worker who said that sex workers 'need to be loved ... they didn't get all this love, now they think that they are getting it from the pimps and the pimp is also messing their brains out. Showing them that he can love her...make love to her, it makes her feel closer to them'

We asked this man how other pimps recruit women to work for them. He explained:

You can find girls to work anywhere, but what happens mostly is that the other girls introduce them to it. People go and window-shop at Cape Town station. The girls will walk around the station and when the peak times are over, they will see which people stay behind, because it is the people who don't have work and it is the people who don't have a place to sleep that stay behind. The girls will approach them and offer them a place to stay where they will be warm and have food to eat. Maybe this girl was abused at home and she appreciates it when people are nice to her. She thinks that they care about her. While she stays at the house she sees that the other girls go out to work, she sees that they are working on the road. These girls can stay free for about a week, if they want to stay longer, they can't be helped any more. The other girls convince them to stay and earn their keep by working.

Since we were only able to interview one pimp, we do not know how common this form of recruitment was.

O'Connell Davidson reflected on the relationships between pimps and sex workers and noted:

Those who conduct interview research with prostitute women hear, with depressing regularity, reports of sexual-emotional relationships with men who are physically, emotionally and/or sexually abusive towards them. Very often these men are also, to some extent, the prostitute women's financial dependents... The problem, however, is that, without access to information about the experience of a matched control group of women who do not work as prostitutes, we cannot claim that the abusive behaviour of prostitute women's male partners is designed to sustain prostitution. (O'Connell Davidson 1998:45)

The extremely high rate of domestic violence in South Africa suggests that the abusive relationships between sex workers and their male partners are not necessarily related to sex work. However the stigma attached to sex work and the consequent devaluing of the individual sex worker in her own eyes (and in the eyes of others) may add to a dynamic in which both parties more easily justify the abuse.

Certainly a recurring theme regarding pimps throughout the qualitative interviews was the link between pimps and substance abuse. When women are working with pimps who are not family members or boyfriends, it seemed to be the norm that the relationship was based on the pimp providing drugs to support the habit of the sex worker. It is unclear how many of these relationships are the result of a prior addiction that resulted in a person selling sex to support a drug habit, and how many are the result of coerced addiction.

CONCLUSION

We found that force and deception in the process of recruitment are not common features of the sex work industry in Cape Town. However we did find widespread evidence that, for sex workers based in brothels, various forms of coercion are practised by brothel owners to force them to remain in the industry (and to ensure the brothels' income).

We found that for street-based sex workers, drug addiction exacerbates their vulnerability to abusive and exploitative relationships. Certainly those considered to be 'gangsters' who benefit from the sale of women as a side-industry, seem to be present in particularly exploitative relationships.

While it is not our contention that decriminalisation of sex work will stop such abuse, we believe decriminalisation would reduce exploitative

working conditions by giving sex workers the recourse to act against their abusers.

REFERENCES

- O'Connell Davidson, J 1998. *Prostitution, Power and Freedom*. Ann Arbor: University of Michigan Press.
- Jagori, S 2005. 'Migration, Trafficking, and Sites of Work: Rights and Vulnerability' in Kempadoo, K (ed) (2005). *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*. London: Paradigm Books.
- Sandy, L 2004. 'No skills required: The socio-economic context of sex workers choices in Cambodia'. Found at <http://mailman.anu.edu.au/pipermail/anthrograd/2004-April/000478> . Last accessed March 2008.

Evidence of Trafficking

We used three forms of data collection to investigate evidence of trafficking. The first was a questionnaire administered to street-based and brothel-based sex workers (in both cases a random sample of about 10 percent of the total); the second was in-depth semi-structured interviews with sex workers and brothel owners; the third was focus group discussions – one with brothel-based sex workers and one with street-based sex workers.

The people chosen for the semi-structured interviews were a convenience sample, so we did not expect any of them to be victims of trafficking. The purpose was rather to find out if they were aware of any trafficking or trafficking-like practices, or had ever encountered victims or perpetrators. The survey, on the other hand, used a random sampling method, and we did not exclude the possibility that it could reveal first-hand instances of trafficking. At those agencies we had identified as employing women from the East we used a first-language Chinese/Japanese speaker to administer questionnaires. Using a fairly broad set of indicators of possible trafficking, we designed the survey questionnaire in such a way that we would be able to pick up whether someone could have been a victim of trafficking, or was aware of others who could have been trafficked.

INDICATORS AND DEFINITIONS OF TRAFFICKING

In order to check any (understandable) covering up by our survey respondents, we included all possible indicators, including indicators

revealing of exploitation and abuse. Some of our indicators were relevant only to street-based sex workers and some only to brothel-based sex workers, while others were relevant to both.

We considered the following indicators to be positive, or at least alerting us to a possible trafficking situation:

- If the respondent was a non-South African citizen.
- If the respondent was South African but did not grow up in Cape Town.
- If the length of time the respondent had been living in Cape Town was similar to the length of time he/she had been in the sex work industry. (This was designed to tell us whether the person came from another area or another country directly into sex work, and therefore might have come to Cape Town with the purpose of selling sex, whether forced or voluntary.)
- If the respondent chose to do the work for ‘non-financial’ reasons, or if s/he declined to answer the question about why s/he chose this kind of work.
- If the respondent was introduced to the work by someone else.
- If the respondent lived and worked at the same premises. (Our qualitative interviews had suggested that there was a correlation between exploitative working conditions and living on the premises of the brothel – e.g. extremely long hours and pay deductions for rent.)
- If the respondent had ever been forced to do sex work in the past.
- If the respondent was being forced to do sex work at the time of the interview. (We allowed the word force to be interpreted by respondents, so that all options were covered, including ‘forced by my financial circumstances’).
- If the respondent felt that someone would prevent them from stopping this work if they wanted to.
- If a third party prevents the respondent from refusing clients.
- If the respondent gives all the money she earns to someone else.
- If the respondent uses drugs. (We were aware that self-reporting of drug use is not reliable. This question was meant to alert us to the possible vulnerability of the individual to abuse or exploitation).
- If the respondent had, at any stage, been paid in drugs instead of money.
- If the respondent was not told s/he would be selling sex when s/he started the work.
- If the respondent was not able to leave the work shortly after started if s/he decided not to enter the industry.

- If the respondent was not allowed to leave the premises when s/he finished working (we asked for additional details of the respondent if this was the case).
- If the respondent had been threatened, had provided sexual services against their will, or had been physically hurt by the owner or manager of a brothel.
- If the owner or manager of an agency had at any point sold drugs to the respondent.
- If the respondent currently works with a pimp, or has ever worked with a pimp.

In our qualitative interviews we sought additional information, which included:

- Whether there is a particular demand from clients for foreign women or children.
- How staff are recruited,
- Working conditions, particularly information on how the income of sex workers is split with brothels or pimps.

We realised that brothel owners were likely to lie to us about some of these issues if they wanted to present themselves as fair. To check on this, we endeavoured to interview sex workers from the same brothels when the owners or managers were not present.

The findings of both the survey and qualitative data are reflected below.

DEFINITIONS

To detect cases of trafficking, we needed to establish whether force, threat, or deception were used in the recruitment process. These are key characteristics of the two definitions used in the South African context: namely the definition provided by the international Palermo Protocol and that provided by the South African draft legislation.

The Palermo Protocol definition appears in Chapter 1: “Introduction”. The definition in the draft legislation, the Combating of Trafficking in Persons Bill, Annexure A of the South African Law Reform Commission Discussion Paper 111, Project 131, ‘Trafficking in Persons’ (June 2006) reads as follows:

“trafficking” means-

- (a) the recruitment, sale, supply, procurement, capture, removal, transportation, transfer, harbouring or receipt of persons within or across the borders of the Republic –
 - (i) by any means including the use of threat, force, intimidation or other forms of coercion abduction, fraud, deception, abuse of power or the giving or receiving of payments or benefits to achieve the consent of a person having control or authority over another person; or
 - (ii) by abusing vulnerability, for the purpose of exploitation;
- (b) includes the adoption of a child facilitated or secured through illegal means.

Note that in terms of the above definition trafficking is not defined by the recruitment process alone. A person would still be considered to be a victim of trafficking if they were constrained ‘for the purpose of exploitation’ by any of the means described in the definition, regardless of whether or not they had been forcibly or deceptively recruited.

We felt it was necessary for our research to go well beyond collecting information about recruitment experiences alone. We decided therefore to flag and further investigate all cases which had three or more of the indicators listed above.

FINDINGS

By isolating those questionnaires where the responses were positive for a combination of indicators we were able to identify possible victims of trafficking.

Table 12: Questions indicating coercion

Question	Brothel-based		Street-based	
	Yes	No	Yes	No
During working hours, are you allowed to leave the premises?	81%	19%*	N/A	N/A

* Of the 19 percent, about a third said that they have someone else who goes to the shop for them, and two-thirds said that the agency had a rule that no-one may leave the premises during working hours. Some explained that they were not allowed to leave the premises because the owner was worried they would use drugs.

Question	Brothel-based		Street-based	
	Yes	No	Yes	No
Are you allowed to leave the premises when you have finished working?	96%	4%*	N/A	N/A
* Of this 4 percent, the reasons given were either that they were prevented from leaving by the owner or that they were living on the premises.				
In the past did anyone ever force you to do this work?	5%*	95%	N/A	N/A
* Of these four people, two were the Chinese women referred to in case studies 3 and 4 below. Another said she was forced by her financial circumstances, and the fourth said she was forced by an agency owner in Parow.				
Are you currently being forced to do this work?	19%*	81%	N/A	N/A
* None of those who said they are currently being forced to do this work claimed they had been forced in the past – they said they had all started doing the work voluntarily. One respondent said she was afraid to leave the agency where she was working because of verbal threats from her boss. The remainder said that they were forced by their need to earn an income – ‘can’t find other work’, ‘need to sustain a certain lifestyle’, ‘can’t make enough money in other jobs’.				
Have you encountered someone else being forced to work in the sex work industry?	26%	64%*	25%**	69%
* We allowed for an answer of ‘unsure’. Ten percent of respondents said they were ‘unsure.’ Of the 26 percent who said ‘yes’, one was the case of the woman who had been taken to Witbank as described below. Four percent referred to being aware that foreign girls were badly exploited, four percent had heard stories of women being abducted by ‘Nigerians’ and then forced into drug addiction, and others spoke of women and girls being forced by their pimps, boyfriends, husbands or mothers to sell sex.				
** The street-based workers who said they knew of others being forced to do the work indicated that in all cases where women are being forced to sell sex, it was a consequence of their addiction to drugs.				
Has an owner or manager of an agency ever tried to sell you drugs?	4%	96%	N/A	N/A
Has anyone ever forced you to do this work?	N/A	N/A	0%	100%
Are you able to leave this work if you choose to?	N/A	N/A	100%	0%
Have you ever been paid in drugs instead of money?	N/A	N/A	34%	66%
Have you ever had a client you didn’t want to go with?	61%	39%	75%	25%
Did you go with the client anyway?	31%	67%*	58%**	42%
* Two percent did not respond to this question. Eight percent of brothel-based respondents said that they were forced to take clients they didn’t want. Two women said in the past they had been made to take a client they didn’t want to go with – one of these said the agency owner had forced her to go with a client by threatening to fire her.				
** Most street-based respondents said they took clients they didn’t want to go with because they needed the money. One said she took an unwanted client in order to hide from the police. One felt sorry for the client because he was in love with her. Two respondents spoke of bad experiences with clients.				

Question	Brothel-based		Street-based	
	Yes	No	Yes	No
Does anyone make you take a client you don't want to go with?	N/A	N/A	0%	100%

We asked all the sex workers surveyed whether they had been introduced to prostitution by someone else – 47 percent of brothel-based workers and 72 percent of street-based sex workers said yes. For those who said yes, we followed up by asking who the third party was, to see if this led to any answers showing that agents were involved in the recruitment process. The results (presented in Table 13) showed us that it is far more likely for sex workers to be introduced to the industry by a friend or family member than by an unknown third party.

Table 13: Route by which sex workers were introduced to the industry

Question:	Brothel-based responses			Street-based responses		
	Friend	Family member	Agent	Friend	Family member	Found out myself
Who introduced you to this work?	82%	15%	3%	62%	13%	25%

Of street-based sex workers only one case showed up more than four of our indicators of trafficking. Of the 83 brothel-based respondents, eight showed more than four indicators. In total our indicator system alerted us to nine possible trafficking cases, which we then returned to in more detail. They are written up as cases 1 to 9 below.

Although there are significant numbers of women in the street-based sex industry who are vulnerable to exploitation because of their poverty, the survey did not reveal any cases of street-based sex workers who had been trafficked into the industry. But one case in particular was positive for several of our indicators, and although not trafficking, revealed extreme vulnerability to exploitation.

CASE 1: CHANTAL*

This woman was working in Lansdowne Road (the M9) – the long road connecting the southern suburbs of Cape Town to the townships

of Khayelitsha and Browns Farm, amongst others. In some sections Lansdowne Road runs alongside low-income portions of the Cape Flats.

We met Chantal as she was working at a busy stretch of road near a bus stop in a relatively industrialised area of the Cape Flats. At the time of the interview it was dusk. She was clearly hungry because she gratefully accepted a sandwich we offered. She claimed to be 24 years old, but looked somewhat younger, although not younger than 18. She was not working for a pimp.

When we asked Chantal what had made her choose this kind of work, she said it was too hard for her to answer, and she looked as though she was about to cry. She said she had only been working as a sex worker for six months. She admitted to using drugs. In fact we had already been alerted to her case while analysing the survey data, because she had claimed to have previously been paid in drugs instead of money. In fact she appeared to be under the influence of some substance while we were interviewing her.

She said she couldn't turn clients away, not because anyone was forcing her to accept them, but because she couldn't do without the money. She was clearly vulnerable to exploitation, confirmed by her remark that she would feel safer working with a pimp.

Although Chantal's circumstances were extremely difficult, she could not be identified as a victim of trafficking. She had not been forced or induced to do the work by a third party, she knew what she would be doing when she started, and she could stop at any time.

CASE 2: SARAH

Sarah was a 19-year-old woman who admitted to being addicted to tik (methamphetamine) and cocaine. She was born in the United Kingdom but had been living in Cape Town for more than 10 years. She had been working as a brothel-based sex worker for 11 months as a deliberate strategy to get out of the financial trouble resulting from her drug addiction.

Sarah told us that she had previously been forced to remain at an agency which she would rather have left. When she had tried to leave, the owner of the agency had threatened her with physical violence and

* All names used are fictitious, to protect the identity of respondents

with exposure to her family. SWEAT had intervened to stop the threats that were being made against her. She managed to leave the agency to work at another brothel.

She was clearly vulnerable to abuse and exploitation because she is young and addicted to drugs. However, she could not be classified as a victim of trafficking since she had chosen to go into sex work herself, she had managed to break the constraints of the first agency, and at the time of the interview was working where she had freedom of movement and could leave at will.

CASE 3: XING XING

This interview was conducted telephonically in Mandarin. Xing Xing is Chinese and was based at a residential brothel – that is, a house in the suburbs that was not visually identifiable as a brothel. She refused to say where she had grown up in China – we believe she thought that this could lead to identification of her hometown.

Xing Xing said she was introduced to the work by an agent in China. When she was asked why she does this work she said that she ‘started doing this job to make a living’. She said that she was not being forced to do sex work in Cape Town, but had been forced when she was in China. In her current agency she can refuse clients. She works a 13-hour day, six days a week. She does not feel that she can trust the police. She has never been paid in drugs but did say that she uses marijuana less than once a week.

When she joined the current agency she was told exactly what she would be doing before she accepted the position. The agency takes 65 percent of her earnings, for which she gets the use of a room (she lives at the brothel), security, food and drinks. After the agency has taken its 65 percent, she earns between R4 000 and R5 000 a month. She is allowed time off if she is sick, and she is allowed to leave the premises during working hours and after work. Asked if she knew of anyone who is forced to do sex work, she answered that she was unsure.

In Xing Xing’s case there were a number of indicators that alerted us. She was foreign, she didn’t grow up in Cape Town, there was a correlation between the time she has been in Cape Town and the time she had been doing sex work, someone else introduced her to the work, she lived on the premises of the brothel, and she has been forced to do the work in the past.

Despite the fact that an agent introduced her to the work, it cannot be concluded from her answers that she is currently a victim of trafficking. She is not being forced, she was never deceived about the nature of the work, she has freedom of movement to leave the agency, and she keeps her earnings. However her working conditions, including the long hours and the high share of income she has to hand over to the agency, cannot be considered fair or reasonable.

We can also assume that Xing Xing's status as a Chinese national may make her vulnerable to manipulation if she has immigrated illegally. We did not ask her or other foreign respondents whether they were legally or illegally in the country, as it was unlikely that an illegal immigrant would trust us enough to answer honestly. However the fact that she had been forced to sell sex in China suggested that she may have been trafficked in the past in China.

CASE 4: LILLY

This interview was conducted by telephone in Mandarin. Lilly is a Chinese national based at a residential brothel. She is aged 28 and new to South Africa, and sounded uncertain when answering the questionnaire. She refused to give any details about her past except to say that she was born in China and grew up in the city of Xian. She has been in Cape Town for less than one year but has been in sex work intermittently for seven years. When asked what made her choose to do this work she said that she was doing it to make a living.

She told us that she was forced to do this work in the past by a pimp in China (although the pimp was not involved in her move to South Africa). She refused to say how he forced her, and added that he forced her to take clients even if she didn't want to go with them. Her pimp had lured her into sex work by offering her a waitressing job in a big city – she was unable to leave once she discovered what the work entailed.

Lilly said that in the Cape Town brothel she is not forced to do anything. (We believe this was a truthful answer. We put it as a yes/no question, so answering positively would not have exposed any information to anyone who may have been listening in). Asked if she knew of anyone who has been forced to do this work she answered that she was unsure. Asked if she had free access to condoms, she answered that she buys them herself or gets them from clients.

Lilly charges R300 for half an hour and R550 for an hour, and currently earns R5 000 a month after the agency's 60 percent share has been deducted. She works a 12-hour day, 7 days a week. She does not see high numbers of clients – she saw only one client the last day she worked. She doesn't know if she can trust the police. She used drugs in the past (Ecstasy – MDMA) but is not currently using drugs.

She lives on the premises of the brothel. She also gets food, drinks, towels and toiletries. She can take sick leave. She can leave the premises during her working hours and can leave after work. When asked whether she has ever been threatened by an agency owner or manager, she said not currently, but in the past (presumably in China). She said she didn't go to the police at that time because 'the brothel managers threatened her good'.

The indicators that alerted us to Lilly's case were that she was foreign, that someone else introduced her to the work, that she lives on the premises of the brothel, that she had been forced to do sex work in the past, that she didn't know that she would be selling sex when she started, that she could not leave when she found out what she would be doing, and also that she used drugs in the past.

It would appear that Lilly was trafficked within China, but it does not seem that she was trafficked to Cape Town. It also is unlikely, on the basis of her current earnings and relative freedom, that she considers herself a victim in her current circumstances. Nor is it likely that a return to China would be an attractive option for her.

CASE 5: NEIL

Our interview with Neil, a 26-year-old man, was conducted at a residential brothel in Cape Town city centre. When he started working he was in a sexual relationship with the owner of a brothel.

Neil grew up in Nelspruit. He has been in Cape Town for about three years and in sex work for the same period of time (indicating that he may have come from Nelspruit straight to sex work in Cape Town). He had previously worked as a barman. One day he was visiting his lover at the brothel when he was seen by a client who wanted to book his services – that is how he got into sex work.

He lives at the brothel where he works. He has never been forced to sell sex and no one stops him from leaving the industry. He is not forced to take clients and he said he does not know of anyone who has been forced

into prostitution. He earns R5 000 a month (R350 for one hour, R1 800 for overnight) and pays 44 percent of his earnings to the agency. He works from five in the afternoon till two in the morning (nine hours a day), six days a week.

He does not trust the police because 'the police discriminate against people in this industry'. He has never been paid in drugs although he uses marijuana and 'khat' less than once a week. When he started working he was told he would be doing massage. He said he could have left when he realised he would be selling sex, but chose not to.

Neil gets a room to live in, security, his services advertised in the newspaper daily, food and drinks and 'accessories'. He can get time off work if he needs a break. He can leave the premises during and after work.

The indicators that led us to examine Neil's case in more detail were that he did not grow up in Cape Town, that the length of time he had been living in Cape Town and the length of time he had been in sex work were similar, that he chose the work for non-financial reasons, that he was introduced to the work by someone else and that he lives on the brothel premises. In addition, he did not know he would be doing sex work when he started (although this answer did not seem to be truthful).

This interview led us to take extra note of our own methodology. While several critical indicators were present, it was quite clear that this person had not been trafficked. However this was acceptable to us, since it was preferable for our indicators to reveal a higher number of potential victims than actually existed than to allow the possibility of some cases going undetected.

CASE 6: CINDY

Cindy is a 27-year-old South African woman who works in a club-type brothel. She grew up in Tarkastad, a small rural town in the Eastern Cape, and said she chose the work because of financial need, and that 'it was a personal decision'. Her questionnaire answer stated that she is currently forced to do sex work, but when we pressed her for details, she said she meant that she was forced to do the work by her financial circumstances.

Cindy was introduced to the sex industry by someone who told her about jobs in stripping. She said that she knew that she would be selling sex when she entered the industry. She earns R15 000 a month (R400

for one hour and R1 500 for spending a whole night with a client) and keeps all the money she earns, apart from the 50 per cent levy taken by the brothel. She works an eight-hour day. She has the option to refuse clients. She may take time off, and has complete freedom of movement.

She has been paid in drugs, and has used drugs in the past – tik (methamphetamine), crack cocaine, and cocaine. She does not trust the police.

In Cindy's case the indicators were that she did not grow up in Cape Town, that someone else introduced her to the work, that she has been forced to do this work albeit by financial circumstances, and she has been paid in drugs and uses drugs. Despite these indicators, she was clearly not a victim of trafficking.

CASE 7: JERRY

Jerry, a 25-year-old self-employed man, was interviewed telephonically. The most significant indicator in his case was that he said he was being forced to do this work – although he did qualify this by saying that he could not get other work because he had been in trouble with the police. He earns R8 000 a month and keeps all his own money. He only works when he feels like it. He is a drug user – Ecstasy (MDMA), khat, poppers (amyl nitrate) and cocaine.

In Jerry's case the specific indicators identified were that he did not grow up in Cape Town, that he chose the work for non-financial reasons, that someone else introduced him to the work (a friend who told him that he could make money if he had a telephone), he is 'forced' to do the work, and he uses drugs. Yet he too is clearly not a victim of trafficking.

CASE 8: GERALDINE

Geraldine was 38 years old and self-employed. She had spent her childhood in many different places in South Africa. Her sister had introduced her to the work, and she chose to do it 'because the money is good'.

The most significant indicator in Geraldine's case was her claim in the survey that she had been 'forced' to sell sex. But as with Jerry's case, her interpretation of 'forced' meant 'forced by financial circumstances'. In the interview she said 'No-one is forcing me, I am forced by my lifestyle. I am not prepared to live on anything less than that'. She earns R20 000

a month and works an eight-hour day. She tries not to work longer hours because she has a child: 'I work when my child is at school or at day care', so she works five days a week.

The specific indicators of significance to us were that she did not grow up in Cape Town, that the time period she had been living in Cape Town was close to the time period she had been a sex worker, and she was introduced to the work by someone else. Also that she was 'forced' (by financial circumstances) into the work, and couldn't leave the agency she worked at in the past (again this turned out to mean for financial reasons). It did seem, however, that she was not allowed to refuse clients at the agency where she had worked formerly. Again, clearly, she was not a victim of trafficking.

CASE 9: ANDREA

This was a telephonic interview with a 27-year-old self-employed sex worker. Andrea had previously worked as a nursery school teacher, and came to Cape Town from Johannesburg. She said she had entered the industry because she needed the money. She was not currently being forced to do the work and had not been forced in the past.

Andrea's monthly earnings are R18 000 (she charges R500 for an hour and R3 000 to spend the night with a client). She works only when she is 'available' and when clients call. She used drugs (Ecstasy-MDMA) before she started in this business, but no longer does now.

In the past she had worked at an agency, and struggled to get away because the owner threatened her. This agency took 50 percent of her earnings, and on top of that she had to pay them for the use of a room and for advertisements in the newspaper. At first she was unable to leave the agency because they refused to let her have her belongings, but she did manage to leave in the end and went to the police for help.

The relevant indicators were that she didn't grow up in Cape Town, the length of time she had been in Cape Town and the time she had been in sex work was similar, someone else (a friend) had introduced her to sex work, she had lived on the premises of the brothel, and said she couldn't leave this agency.

In Andrea's case too, while there were clear indications of coercive working conditions in the past, it would not be possible to consider her a victim of trafficking, not even in the past and especially not now that she is self-employed.

ANALYSIS OF RESULTS

To summarise: from a random sample of about 10 percent of the sex worker population in Cape Town we identified two individuals (Xing Xing, Case 2, and Lilly, Case 3) who may have been trafficked in the past. Neither of these were cases of internal trafficking (trafficking within South Africa). Such small numbers are in contradiction to the perception created by earlier reports and by the media that trafficking for purposes of sexual exploitation is a huge and growing problem in South Africa (Martens et al 2003; Molo Songololo 2000).

We ourselves were surprised by the results. Since our findings identified so few possible victims of trafficking, we decided to look at the data again to see if we could have overlooked anything.

We realised that our method of indicator analysis resulted in several false positives for trafficking. We had not taken into account the fact that people who are self-employed very often live on the premises where they work. Thus using this as an indicator of trafficking was not a very effective filter for these sex workers.

A second somewhat misleading indicator concerned the word ‘force’. By allowing respondents to define ‘force’ themselves, it turned out that most who said they were forced to do sex work were expressing the fact that they were forced by financial circumstances rather than coercion by traffickers.

Despite the fact that these two indicators tended to turn up ‘false positives’, we still consider the use of indicators to be a useful way of identifying people who were or had once been particularly vulnerable to abuse or exploitation.

We rechecked all cases where respondents had said that they had been forced to do sex work in the past, or were currently being forced – this time excluding those who said they were forced by financial circumstances.

Two new cases emerged from this process, which we followed-up by examining the cases in more depth. The first was a woman who said she could not leave an agency because of threats from the owner.

A second person described the following experience:

I met a few girls when I was working who were forced. Some guys from Johannesburg came here to source girls and took us to Witbank. We used to stay in a house with barbed wire and they kept us there. I got a friend to come and get me out of there – a big guy. Some girls

left with me and others stayed there and I heard the place closed down after some time.

At the time of the interview this respondent was self-employed in Cape Town. While the incident she describes is highly suggestive of trafficking within the borders of South Africa, it is unlikely that she would consider herself a victim of trafficking. Through her own agency she was able to extricate herself from the situation. At no stage did she consider approaching the police for assistance.

This made us take another look at what sex workers say about the police. When asked if they can trust the police, 70 percent of brothel-based sex workers said ‘no’ or ‘unsure’, and 30 percent said yes. On the other hand 81 percent said they would go to the police if they were a victim of a crime unrelated to the work they do. The discrepancy between these two figures indicates that the mistrust is directly related to the fact that sex work is criminalised.

In the case of street-based sex workers, the degree of mistrust was even higher, with 78 percent saying they could not trust the police or were unsure if they could.

Clearly the majority of sex workers are unlikely to seek assistance from the police, or report crimes related to their work. With such a prevailing attitude, law enforcers cannot expect to elicit cooperation from those within the industry to assist them in curbing trafficking or any form of exploitation.

ALLEGATIONS OF EXPLOITATION EMERGING FROM INTERVIEWS

Certain cases we came across showed how women were grossly exploited or abused. However these were not cases of trafficking because one or more of the key elements (such as movement) were not present. These cases highlight the inherent contradiction in offering state assistance to victims of trafficking, but not to others in comparable situations. This discussion is an example of one such case:

Researcher: How did you get into the business?

Sex worker: I was looking for jobs in the newspaper to clean rooms. I wanted a sleepover job. When I got to the place there were many girls and they explained to me that I would be cleaning rooms and selling sex. At the time I was married

with two children. I was scared so I left and went home. The boss kept phoning me, I told him I was too scared. I eventually went. It was very private at that place in Parow. We got accommodation and we had to clean the rooms but we got money for doing this...we couldn't say no. I'm scared to talk about that place. We worked long hours, night and day... the owner used us. He wouldn't leave the premises. He woke us up at night and raped us. Everything with him was without a condom. We were only two girls working there. There were 15 rooms that were rented out to couples and so on. We had to clean all those rooms. Here [a room rental agency in the northern suburbs where she now works] it's different. Things are very relaxed here, we can go to the manager or the owner to talk about our problems.

Researcher: Can you come and go as you please?

Sex worker: There in Parow I was only allowed to go out once a week. I ran away from there. I was on my way to the hairdresser then I took my things and later took a friend with me to go back and fetch my things. He couldn't stop me [the owner] because he was scared of my friend.

When we interviewed this woman she said that she was happy with her new working conditions and wanted to continue working in the industry despite her earlier experience.

Another account of exploitation was related by a sex worker who told us that she was aware that young girls in Mannenberg (a suburb of the Cape Flats) are forced by their families to sell sex to earn money for food:

In Mannenberg there are the 'snoekies' and they are forced to do the work. They are minors. Their family forced them so that they can buy bread. They don't go out by themselves; they are protected by pimps. They are all along Racecourse Road.

Disturbing as this story was, we were sceptical about its validity because the woman telling it was not entirely lucid during the interview and there were several serious contradictions in her statements. In an effort to verify her claims, we visited the area she mentioned on several occasions but did not see any children on the road.

DRUG-TAKING

We heard several accounts from sex workers about women who had been forced to sell sex to support their drug habits. This is relevant for the exploitation clause of the definition of trafficking, as anyone who is heavily dependent on drugs is automatically vulnerable to exploitation and abuse:

- One sex worker had a friend who was a drug addict and had been forced to sell sex by so-called ‘Nigerians’.
- One sex worker alleged that an agency owned by ‘Nigerians’ in Cape Town forces women who have become addicted to drugs to sell sex, although she did not have firsthand knowledge of the agency.
- One street-based sex worker said she knew of three women who were forced to work long hours by their drug merchants or pimps because they were addicted to drugs.
- One street-based sex worker said she was aware of women who were addicted to drugs and were forced to sell sex in order to support their habits.
- One street-based sex worker knew of a woman who worked to support her own and her husband’s drug addiction.

THIRD PARTY COERCION

With regard to allegations of third parties forcing women to work in the industry we heard these three stories:

- A street-based sex worker said she was forced to sell sex by her husband, who threatens to kill her if she stops. The husband does not stay with her on the street when she is working but she goes home to him at night.
- A sex worker said she was forced to work by an older sex worker she was living with.
- A sex worker said she was aware of a 12-year-old girl forced to sell sex by her mother.

TRAFFICKING-LIKE PRACTICES

From the in-depth interviews with sex workers and brothel owners, we heard various allegations about trafficking into the Cape Town sex industry.

Two sex workers told us that a particular agency in Cape Town was involved in the trafficking of women from Eastern Europe and Asia. We visited the agency and interviewed the manager. She confirmed that the agency did employ sex workers from Russia and had previously employed women from Thailand. She told us that these women were transported daily from the brothel to accommodation provided by the brothel owner.

The brothel manager told us that these women were aware, when they were recruited, that they would be doing sex work. She said that valid work permits had been organised for them, and that once they had made enough money, they left to return to their home countries. Attempts to follow up and obtain an interview with one of the women working there were unsuccessful as the agency closed for a period of time.

A sex worker who had a friend who had worked at the agency in question contradicted what the agency manager had told us. She told us that the women had been deceived about the nature of the work they would be doing when they were recruited; that the foreign women working at the agency were debt-bonded; and that the women's passports were held by the owner until they paid back their debt. In her own words:

The women there may not leave the premises. He [the owner] keeps their passports and they live on the premises. For the South African women, he threatens to take their children. He has people who he pays to bring the women over. He pays R100 000 for a Thai girl, R80 000 for a Russian, R10 000 for a girl from Johannesburg. These girls are not allowed to leave there until they have paid the money [the agent's fee] back with interest. They have to pay for accommodation and for other things. I had a friend who worked there. When she left he [the owner] came to the other agency where she was working to find her. He used his catchphrase: "let's be friends" and dragged her out by the hair kicking and screaming. I never saw her again. I don't know if she is dead or still there, he said he would go and get her children from crèche. He is linked in with the Moroccans. People are very scared of him. The girls who are working for him are promised jobs at coffee shops or video shops; they don't know that they will be doing sex work. He left for about a year and came back two months ago. He goes into other agencies to recruit girls. The girls he has working there are forced to stay there. He will always find leverage over you. He has girls from

Durban, Johannesburg and Port Elizabeth. He beats the girls and ties them up.

This club owner is now deceased, said to have been murdered. He was allegedly linked to organised crime. It is clear from this interview that the agency had employed foreign sex workers who were almost certainly debt-bonded (this allegation was repeated in a second interview by different sex worker who also had a friend who had worked at the agency). We were not able to meet the sex workers to establish whether they had been deceived about the nature and conditions of the work. The debt-bonding, if true, has to be considered as trafficking. We were told that the South African sex workers at the same agency were subject to extreme coercion and probably also to violence.

After the death of the owner, the agency closed down for a period. We later encountered, at another brothel, two of the Russian women who had been working there. According to their new employer, they had approached him and asked for work. There was no evidence (either then or in the past) that this second brothel owner had acted coercively to recruit or retain sex workers. It would appear that it was their own decision to stay in South Africa rather than seek assistance to return to Russia.

This story highlights the complexity of real-life situations involving trafficking-like practices and the dilemma facing state institutions that are required to act to protect the victims and prosecute the offender. In this case gathering sufficient evidence of trafficking and getting the affected women to testify against the brothel owner would clearly have been difficult.

In the course of doing this research, SWEAT was approached by two Thai sex workers (who were not part of the research study) who had escaped from debt-bondage in a Gauteng-based brothel. Both these women knew when they were recruited that they would be working in the sex work industry, but they did not know the extent of the debt they would incur in coming to South Africa. They hoped that SWEAT would be able to get the authorities to raid the Gauteng agency where other Thai women were being held so that they could be 'rescued'. They spoke about having 'legal' immigration documentation that had been obtained at an exorbitant fee from an immigration agent whom they had to continue paying on a weekly basis in order to retain their papers.

If we summarise all the allegations made in the course of interviews by sex workers, brothel managers and brothel owners, including those mentioned in Chapter 8: “Recruitment and Coercion”, we compiled the following list of alleged dubious practices:

- Two allegations were made regarding agencies that employ foreign women (although these did not extend to allegations that the women were subject to trafficking or trafficking-like practices).
- One brothel manager said he was aware of agents who provide foreign girls for a fee – he said he himself had been offered these services, but had declined.
- One brothel owner said he had been offered Chinese girls from Johannesburg if he paid their bus tickets. He declined the offer.
- One brothel owner said he was approached by an agent who was ‘selling’ Chinese women. He declined the offer. He also claimed to be aware of a case where women’s passports were kept by the agency.
- One brothel owner made the allegation that the adult entertainment industry brings in foreign women and retains their passports. He said they were debt-bonded but earned considerable sums of money and were able to leave after three months. They had not been deceived about what they would be doing. He further told us that an agent had once approached him with a portfolio of women who do sex work and stripping.
- One brothel owner said he was aware of Chinese and Thai women being brought into South Africa by a ‘mamasan’ who brings in about twelve women. She allegedly takes their earnings and sends a small portion back to their families.
- The only allegation of internal trafficking (trafficking within South Africa), came from a brothel owner who said that she was aware of a woman who had advertised in a local Cape Flats newspaper in the past for ‘lingerie models’. The advertising was a lure to recruit young women into the sex work industry, and once they were there, the woman manipulated them to stay. The brothel owner said that she believed this woman had now ceased her operations.

CONCLUSION

In total, our research identified eight women (of 164 canvassed) who could possibly be considered victims of trafficking. These were: the two

Chinese women who seem to have been trafficked when they were still in China, the four East European women from the agency owned by the now-deceased brothel owner, the South African woman who was trapped and raped in a residential agency in Parow, and the woman who was taken to Witbank and escaped.

Besides these eight cases of trafficking-like practices, we also encountered 21 allegations that could indicate trafficking: agents offering to procure women, women being forced to sell sex by others, women forced to sell sex to support their addiction to drugs. Not one of these were clear cases of trafficking if trafficking is defined as including all three elements as set out in the Palermo Protocol i.e. (1) deception, (2) force or inducement in recruitment, and (3) relocation for the purposes of exploitation.

We found that a number of brothel owners were aware of, or had been approached by, agents for foreign sex workers, but they had declined these offers. It would appear that the demand for foreign sex workers, however easy it may be to acquire them, is not as strong as previous research as suggested (Martens et al 2003, Molo Songololo 2000)

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.

REFERENCES

- Martens, J, Pieczkowski, M & Van Vuuren-Smyth, B 2003. *Seduction, Sale and Slavery: Trafficking in Women and Children in Southern Africa*. Pretoria: IOM Regional Office for Southern Africa.
- Molo Songololo 2000. *The Trafficking of Women into the South African Sex Industry*. Cape Town: Molo Songololo.
- Molo Songololo 2000. *The Trafficking of Children for Purposes of Sexual Exploitation – South Africa*. Cape Town: Molo Songololo.
- O'Connell Davidson, A 1998. *Prostitution, Power and Freedom*. Ann Arbor: University of Michigan Press.
- South African Law Reform Commission 2006. Combating of Trafficking in Persons Bill 2006. Annexure A of the South African Law Reform Commission Discussion Paper 111, Project 131.

Conclusion

This research has opened the workings of the sex work industry to scrutiny, and, we think, has dispelled several myths and popular notions. To recap, we have sought to:

- Develop a reproducible model for undertaking research in the sex work industry.
- Develop a better understanding of the sex work industry in Cape Town, in particular:
 - (i) the size of the industry,
 - (ii) the working conditions of sex workers,
 - (iii) how people enter the industry.
- Determine the extent to which sex workers have control over their working conditions in a criminalised industry.
- Determine the prevalence of trafficking victims in the sex work industry in order to understand and reflect their needs.
- Develop a better understanding of and insight into the complexities of the relationships between pimps, brothel owners and sex workers.
- Make recommendations about government policy and legislation on the basis of the research findings.

We have also examined how useful official definitions of trafficking are both in terms of helping those who can clearly be categorised as having been trafficked and in terms of making general interventions within the sex work industry.

THE SIZE AND NATURE OF THE SEX WORK INDUSTRY

Through an extensive mapping of the indoor industry we identified 103 brothels in greater Cape Town of which 67 were ‘residential’ (houses in suburbs that are not clearly identifiable as brothels), 34 were formal (clubs or businesses that are easily identified as brothels), and two which were neither residential or formal.

We found that the industry is extremely fluid. Sex workers move between agencies on a regular basis and this is accepted as ‘normal’ both by sex workers and agency owners. Agency owners like to retain a small core group of sex workers, but feel that ‘new faces are good for business’. We found that sex workers talk to one another about their experiences at different agencies, so we were able to gather information about more than one agency from most of the sex workers interviewed.

We determined a point-in-time estimate of the number of sex workers – 964 in brothels and 245 on the street – a total of 1 209. This means 0.03 percent of the population of Cape Town (City of Cape Town 2006:2) works in the industry.

Our evidence suggests that while sex workers are often subject to exploitative or abusive working conditions, very few are forced to sell sex. Very few are tricked into selling sex in the first place, and most take up the work because it is a rational choice given its earning potential. Like Steinfatt’s study of the Cambodian sex industry (2002) we found that the number of women who are debt-bonded or trafficked was much lower than suggested by previous studies (Martens et al 2003, Molo Songololo 2000). In this, our findings correspond with the findings of other research (O’Connell Davidson 2006:1, Raymond and Hughes 2001). We are not suggesting that there are no victims of trafficking in Cape Town, nor that victims of trafficking might not be found elsewhere in South Africa. But we can conclude that trafficking is not a major feature of the sex work industry in Cape Town. What we did find is that exploitation and abuse of women working in the industry is not uncommon.

METHODOLOGY

One of the most important questions we had to address was whether the methods we used could contribute to knowledge about sex work and about human trafficking.

We had made the decision to focus our research on the accessible and ‘visible’ part of the sex work industry. Data had been gathered from open sources, including media publications (online and print) and through interviews with people in the industry. It was important to ensure that the methodology was capable of revealing cases of the hidden and ‘invisible’ side of the sex industry, namely the prevalence of trafficking.

Perhaps the best defence of the methodology is that through the mapping and interviews the researchers have been able to gather information about debt-bondage and severe exploitation. We therefore believe that the methodology provides a basis for similar research on human trafficking in the industry in other locations.

TRAFFICKING OR LABOUR EXPLOITATION?

Our findings suggest that the underground nature of the sex work industry (because of the laws against prostitution) provides a space for employers to engage in practices that would be considered unacceptable in regulated work environments. We discovered a continuum of exploitation and abuse of which trafficking would be the most extreme end. The ‘victims’ in this continuum are not passive: they are simply people who have had to make extreme and unpopular decisions, in an effort to change their financial circumstances.

Chapter 9: “Evidence of Trafficking” presented evidence of restriction on the movement and freedom of sex workers, and practices of extreme exploitation, even though these restrictive practices are limited to a small number of agencies. If trafficking is defined as including all three elements of (1) deception, (2) force or inducement in recruitment, and (3) relocation for the purposes of exploitation, then we found almost no evidence of trafficking currently being practised in the sex work industry in Cape Town. Using this definition as the basis for intervention would restrict assistance to victims and the prosecution of perpetrators to a very small group.

Our findings strongly suggest that for the purposes of intervention within the industry trafficking should be conceptualised as an extreme form of labour exploitation, rather than a separate issue. We believe that attempts to isolate trafficking (which in itself is not only difficult to define but also inextricably linked to the general sex work industry), may help a small proportion of exceptionally vulnerable sex workers, but is not

necessarily the most effective approach for those who aim to improve conditions for exploited sex workers across the board. Particularly since the focus of counter-trafficking efforts seem to be on ‘rescuing’ and ‘removing’ women and this, in our experience, is not necessarily what sex workers need. Rather they need recourse to the law.

THE POWER DYNAMICS IN SEX WORK

As we have shown (in Chapter 7: Trafficking: policies, definitions, myths) the discourse around trafficking ignores the complexities of the decisions women make to survive, and the tools they use to change their circumstances. We found that most sex workers make decisions based on their need for survival and follow those decisions through, even when it means that they have to do work that they may dislike. Most who work in the sex industry do so out of financial necessity (whether for survival or to maintain a more middle-class lifestyle). We found that in most cases, they were able to extract themselves from situations they wanted to move out of.

On the other hand, we also found that exploitation and abuse are common in the sex work industry. This has to be understood in the context of the power relations between those in the industry. It would be naive to ignore the power imbalances between sex workers and clients, sex workers and state authorities, sex workers and brothel owners, and the fact that sex workers have very little recourse to the law.

When a client picks up a sex worker in the street he is in control of the location of the interaction, simply because he is driving the vehicle in which the interaction is happening. Most street-based sex workers have experiences of having been taken somewhere they would not like to be, far from where they feel safe. Many have been dropped many kilometres away from their familiar terrain by abusive clients. In these situations very often the women walk away without having been paid, having lost any power to negotiate the terms of the interaction. Thus as much as we insist that most sex workers are not helpless victims, we must also insist that particular forms of coercive power relations are present in their work.

Relationships of power exist in a continuum. As we have seen, in some cases women have been subject to trafficking-like experiences, but the possibility of earning money has acted as an incentive to participate in an enormously exploitative relationship. Sex workers accept high fines, and brothel deductions because they are ‘normal’ or usual in the industry.

For women working in agencies – where the relationship is exploitative, but not necessarily physically abusive and where no restriction is placed on the women’s movement – the imposition of fines and fees, serves to normalise a labour relationship that would not be acceptable in other industries. So on the one hand there are a percentage of sex workers who enter the industry voluntarily, have some control over how and when they work, and how much they earn. On the other hand there are the kind of exploitative and/or abusive relationships described here.

There is clearly room for improving working conditions in the industry. Legalisation of the industry will probably have little effect on the social power relations, but it may strengthen the bargaining power of sex workers when negotiating contracts with brothel owners. It would also strengthen their negotiating power with clients – the current situation is that prostitutes are unlikely to report abuse by clients, whether in the form of non-payment for services or physical abuse. Here O’Connell Davidson’s analysis is instructive:

...the relationship between prostitute and third party, as well as that between prostitute and client, takes place in a specific legal, institutional, social, political and ideological context, and that this represents another set of constraints upon relationships. In many cases, for example, prostitution is legally regulated in ways which so heavily penalise independent prostitution that law/law enforcement effectively operates as a pressure on prostitutes to enter and remain in third party controlled prostitution no matter how exploitative the third party may be. (O’Connell Davidson 1998:17-18)

While changing the laws regarding prostitution will not put an end to the oppression in the sex work industry, it will go a long way towards making it safer for women who do this work. This was eloquently put by this street-based worker:

The only thing that is difficult is the police. I was taking a walk at 7 in the evening and they wanted to arrest me. But I was just walking; I wasn’t doing anything wrong. We keep having to run away from the police. It makes me very nervous when I keep having to worry about the police. Sometimes they ask you for money, the police. They will leave you alone if you give them some money. Other times the things that are difficult are when I am working and I get robbed, the pimps will take

your money off you, the pimps of the other girls will steal your money.
I am afraid of them so I give them what they want.

IS TRAFFICKING A RESPONSE TO DEMAND?

The view put forward by the International Organisation on Migration (IOM) report (2003) is that a flourishing sex work industry offers good prospects for traffickers.

It is reasonable to assume that if there is a high demand for commercial sexual services from clients and the supply of sex workers does not meet the demand, there would be an incentive for traffickers to fill the gap. We therefore set out to ascertain whether the industry meets the demand, both in terms of scale and the nature of services.

Our survey questionnaire asked sex workers how much they earn (for specific services, and for an average monthly income); how many clients they saw on the day before completing the questionnaire (to get a snapshot estimate of the number of clients); how often they work; and how many hours they work per day and per week. Through in-depth interviews with sex workers and brothel owners we were able to determine how busy the agencies were, and the extent to which they appeared to meet the demand.

Our findings indicated that the industry is highly competitive and that few brothels are over-subscribed (there are busy times, but certain periods are very quiet). These are facilities that advertise their services relatively openly, so one has to question whether facilities that do not advertise, are hidden, or advertise only by word of mouth, would be as profitable as has been suggested.

Traffickers need to make an investment in order to (i) bring their trafficked victims to Cape Town, (ii) keep them in such a way that they cannot escape, and (iii) ensure that the women do not have any opportunities to go for help or to ask for help from their clients. To get a return on their investment, traffickers would have to ensure that there is sufficient demand for the services they are offering. These include whether there is a high demand for the sexual services that could be offered mainly by children or foreigners, and if so, whether the industry currently caters for those demands.

We asked sex workers and brothel owners whether clients ever indicate a preference for foreign women or very young girls. In most cases the response was negative, even from those brothels that do

employ foreign women. Sex workers themselves said that they would not tolerate young girls working in the industry. Brothel owners also were very clear that they would not like to attract attention from law enforcement officials by employing foreign women or children. In addition, many brothels and sex workers mentioned that they have policemen as clients. This strongly suggests that the best preventative action when it comes to curbing trafficking would be monitored regulation of the industry.

It is our considered view, supported by international research, that the factors that drive exploitation and abuse are the unregulated nature of the sex work industry, the plentiful supply of exploitable labour, and the differential power relations between brothel owners and sex workers, and between clients and sex workers (Kempadoo 1998, Ditmore 2003 and Agustin 2005). As Anderson and O'Connell Davidson's study for the IOM puts it:

Both paid sex and domestic work are peculiar market segments in the sense that there is both political and social unease regarding those who buy and sell in them as workers or consumers/employers. In both sex and domestic work, the absence of effective regulation is one of the factors that help to create an environment in which it is possible and profitable to use unfree labour. (Anderson and O'Connell Davidson 2003:5)

Our primary recommendation therefore is to decriminalise and regulate the sex work industry. We urge the government to remove all the laws that make the sale of sex by consenting adults a crime.

REFERENCES

- Anderson, B & O'Connell Davidson, J 2003. *Is trafficking in human beings demand driven? A multi-country pilot study*. Geneva: International Organisation
- Agustín, L 2005. 'At Home on the Street: Questioning the Desire to Help and Save'. In Bernstein E and Schaffner L (eds) 2005. *Regulating Sex: The Politics of Intimacy and Identity*. New York: Routledge.
- City of Cape Town 2006. *Socio Economic Profile: City of Cape Town 2006*. Available from www.capegateway.gov.za/Text/2007/1/city_of_cape_town_se_profile_optimised.pdf. Last accessed 17 September 2007.
- Martens, M, Pieczkowski, M & Van Vuuren-Smythe, B 2003. *Seduction, Sale and Slavery: Trafficking in Women & Children for Sexual Exploitation in Southern*

- Africa*. Pretoria: International Organisation for Migration Regional Office for Southern Africa.
- O'Connell Davidson, A 2006. 'Will the real sex slave please stand up'. *Feminist Review* No 83. London: Palgrave Macmillan. pp 4-23
- Rao, V, Gupta, G, Loshkin, M and Smarajit, J 2001. *Sex Workers and the Cost of Safe Sex: The Compensating Differential for Condom Use in Calcutta*. Available from http://www.worldbank.org/aidsecon/papers/sexworkers_safesex2.pdf Last accessed on 27 August 2007.
- Raymond, JG and Hughes, DM 2001. *Sex Trafficking of Women in the United States*. United States: International and Domestic Trends. Available at http://www.catwinternational.org/sex_traff_us.pdf
- Steinfatt, T, Baker S, and Beesey, A 2002. 'Measuring the Number of Trafficked Women in Cambodia: Part I of a Series'; paper presented at a conference titled *The Human Rights Challenge of Globalization in Asia-Pacific-US: The Trafficking in Persons, Especially Women and Children*; Honolulu, 13 – 15 November.

Recommendations

This chapter draws on the research findings to make a number of recommendations for action by the state. For ease of reference the recommendations for specific departments, agencies and parliamentary committees are noted separately.

SOUTH AFRICAN POLICE SERVICE AND PORTFOLIO COMMITTEE ON SAFETY AND SECURITY

The findings of this research point to ongoing and endemic harassment of street-based sex workers by the police.

Few sex workers feel that they can report exploitation or abuse (including rape and trafficking-like practices) to members of the South African Police Services (SAPS). Even though sex work is criminalised by the Sexual Offences Act, members of the SAPS should be aware of the fact that sex workers may themselves be victims of abuse (including rape) and may be witnesses to other cases of abuse, including those that involve children. For as long as sex workers can expect disrespectful and abusive behaviour from members of the SAPS it is unlikely that they will report these crimes.

- It is recommended that SAPS management consider the findings of this study and prepare a letter to be circulated to all police stations calling on members of the SAPS to be aware of the negative effect of deterring sex workers from reporting crime. If there is to be any serious attempt to detect and prosecute cases of human trafficking, creating conditions

that are conducive to safe reporting of crimes by sex workers is likely to be more effective.

- It is recommended that civil society organisations that work directly with sex workers be consulted by SAPS management in the development of a short training course for SAPS members to sensitise them to issues specific to sex workers.
- It is recommended that members of the SAPS receive training in how to handle children who are found to be selling sex from the street.
- It is recommended that the SAPS assign a woman police officer in all stations located in areas where sex workers operate to receive reports of harassment, abuse and exploitation from sex workers. It is recommended that these officers be made known to the NGOs working with sex workers and to members of the Sisonke sex worker movement.
- It is recommended that the Portfolio Committee on Safety and Security monitor the development and implementation of these recommendations.

**NATIONAL PROSECUTING AUTHORITY, SOUTH AFRICAN
LAW REFORM COMMISSION AND PORTFOLIO COMMITTEE
ON JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

This research shows that women turn to sex work as a means to support themselves financially. The research has also shown that criminalisation of the industry creates the conditions in which exploitation and abuse can flourish.

- We strongly recommend that decriminalisation and regulation of the sex work industry be considered by the South African Law Reform Commission (SALRC) and Parliament. Sex workers and organisations representing their interests must be engaged to devise a process to move towards decriminalisation, in a way that balances public interest with the interests and needs of sex workers themselves.

The findings of this research show very clearly that the number of women and children who can be said to have been trafficked into the sex work industry in Cape Town is very much lower than is popularly believed. This research project has provided a method that allows for the number of people in the industry to be determined within an acceptable margin of error. It also allows for the identification of possible victims

of trafficking, and of those who have not been trafficked but who have been subjected to abuse and/or exploitation.

- It is recommended that the methods developed and tested during this research be used as a basis for comparative studies in at least one other city in South Africa. Besides providing further important data, this will help to assess the cost of providing services to victims of trafficking.
- It is recommended that a database of victims of trafficking be established. NGOs, government departments and agencies of the state should provide details of the cases of trafficking they have encountered. Data should include the nature of the case, the number of victims, the type of assistance given to the victim and, if possible, information about the perpetrators. Information for the database should be actively sought from organisations and state institutions that work with, or may encounter, victims of trafficking. It is recommended that the National Prosecuting Authority maintain the database. It is further recommended that information about the numbers of victims identified and assisted be made available to the public on a regular basis and that the information gathered be used to assess and revise victim assistance policy.
- It is recommended that the SARLC and the Portfolio Committee on Justice and Constitutional Development reconsider the clause recently added to the Sexual Offences Act that criminalises the clients of sex workers. Not only is this unlikely to be effective in stopping prostitution, it will merely drive the industry further underground as sex workers try to protect their clients in the interests of maintaining an income. This in turn will make it all the more difficult to detect cases of exploitation and abuse.

DEPARTMENT OF HEALTH AND PORTFOLIO COMMITTEE ON HEALTH

This research has found that education about HIV and AIDS appears to have failed to reach clients of sex workers. Clients frequently request, or even insist on, unprotected sex. Indeed, some of them appear to believe that they are immune to sexually transmitted diseases. While we found sex workers to be well aware of the potential consequences of having unprotected sex, their ability to insist on condom-use is undermined by the fact that clients offer higher rates for unprotected sex. As reported

in this research, some clients have been known to resort to violence if unprotected sex is denied them.

Although it was not the purpose of this study to focus on issues related to condom-use and condom-access by sex workers, information was gathered as a by-product of our interviews with sex workers and brothel owners. The following recommendation reflects the needs identified.

- It is recommended that the Department of Health address the gaps in public education campaigns focusing attention on men and their specific responsibility to have protected sex. Such education campaigns should address the myths around condom-use, in particular the myth that condoms are responsible for the spread of sexually transmitted diseases. In addition the quality and distribution of free condoms needs to be improved.

DEPARTMENT OF SOCIAL DEVELOPMENT AND PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT

While conducting this research the researchers encountered a small number of children selling sex. We found that in most cases the children were not being forced by a third party to sell sex but had run away from dysfunctional homes and turned to sex work so that they could make enough money to survive.

Our attempts to assist a child of 13 who had been selling sex near an informal settlement in Cape Town highlighted the fact that it is very difficult, if not impossible to find overnight shelters or drop-in centres that are prepared to accept child prostitutes.

Indeed, according to the Department of Social Development in the Western Cape there are only a small number of drop-in centres that cater for children who find themselves on the street because these centres are not adequately subsidised by the state.

- It is recommended that the Department of Safety and Security assign a designated space for child prostitutes in places of safety while their cases await investigation and resolution. Given that action is required immediately in cases where a child asks for assistance from an NGO or even a member of the SAPS, it is recommended that the requirements for temporary emergency placement of children be reconsidered so as to reduce the amount of red-tape necessary for admission.

- It is further recommended that if places of safety are assigned, NGOs working with children and those working with sex workers be informed about where such facilities are and how they can be accessed.

The research has found that substance abuse is a factor that greatly increases an individual's vulnerability to exploitation and abuse, particularly in the sex work industry. Yet, there are very few institutions that offer rehabilitation services, particularly to indigent people. Few sex workers can afford the fees of private facilities and our experience is that the three state facilities are grossly oversubscribed and have long waiting lists.

- It is recommended that the Portfolio Committee conducts a survey of facilities providing drug and alcohol rehabilitation. Such a survey should ascertain the availability of services for people in low-income brackets. The findings should inform policy to improve access.

DEPARTMENT OF HOME AFFAIRS

The retention of the travel documents of foreign sex workers by club or brothel owners as a means of preventing women from leaving is a violation of rights. This can and should be addressed through legislation (as has in fact been proposed by the draft Bill prepared by the South African Law Reform Commission). However, the mere existence of such legislation is unlikely to change practices unless the legislation is enforced by the Department of Home Affairs and its inspectors.

- It is recommended that the Department of Home Affairs establishes an anonymous hotline for the reporting of instances in which travel documents are illegally retained by third parties. The hotline should in addition make provision for the reporting of corruption by Home Affairs officials.