

**UKUTHWALA,
HUMAN TRAFFICKING
& THE MEDIA**

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INTRODUCTION

- Human Trafficking is not a foreign or imported phenomenon.
- It did not arrive with the World Cup
- It did not arrive even 2 or 3 years ago
- It is not a new phenomenon – but rather a new way of labeling an issue that never really died with the abolishment of the Trans Atlantic slave trade.
- Slavery is as old as history itself, and existed in Africa before the era of colonialism
 - Having once been legal – being made illegal changed the face of it

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: ARTICLE 4

“No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”

www.un.org

PALERMO PROTOCOL

“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 consent of a person having control over another person, for the purpose of 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.”

MMA'S DEFINITION

- **Human Trafficking** is a form of modern slavery.
- **A person has been trafficked** if he or she has been moved within a country or to another country, as a result of force, fraud, or manipulation & is **exploited** or **made to work as a slave**.
- **A slave** is forced to work or is exploited under threat of violence for no pay, beyond subsistence (the least possible amount of food or money that a person needs to survive).

Forms of **work** or ways in which victims of human trafficking may be **exploited** include forced labour, begging, stealing, drug running, sex work, forced marriage and the sale of body parts.

EXPLOITATION IN TRAFFICKING

- **Exploitation:** Using power over another person in order to benefit from their work, their knowledge or their physical bodies - to their detriment.
- Human Trafficking is not solely exploitation. Exploitation is the ultimate outcome.
- **Human Trafficking is a crime which is committed through a process of elements.**
 - A victim is obtained, then moved and then exploited.
- **Anyone else involved in the process is complicit to the crime.**

CRIMINAL ACTIVITY

- The criminal nature of human trafficking makes it difficult to measure and collect data.
- ***“Present statistics do not accurately reflect the real incidence of trafficking in persons, as victims are often unwilling or unable to report their experiences to the authorities.”***

(Tsireledzani: Understanding the dimensions of human trafficking in Southern Africa)

ENABLING FACTORS

- Poverty,
- unemployment,
- porous borders,
- regional conflict,
- poor law enforcement,
- poor development,
- cultural misconceptions and/or abuse,
- and HIV/Aids (orphans/child headed households).

11.6 million children in SA live in poverty high = **63.6%** at risk of exploitation and trafficking.



“ELIZABETH”

A 15 year old
victim of
trafficking,
'working' in
Bloemfontein

July 2009

THE UN CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

Article 35: “States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”

www2.ohchr.org/english/law/crc.htm

CHILDREN'S RIGHTS IN SOUTH AFRICA

A child is not to be required or permitted to perform work or provide services that – are inappropriate for a person of the child's age; or – place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development.

Section 28 Bill of Rights South African Constitution (1996)

SOUTH AFRICAN CHILDREN'S ACT

- The South African Children's Act criminalizes the Trafficking of children as well as the “Behaviour that Facilitates the Trafficking of Children”.
- **Exploitation** includes **forced marriage** and **sexual exploitation** –
 - Sexual exploitation as a definition includes “the procurement of a child to **perform sexual activities**” and “trafficking of children for **use in sexual activities**”

UKUTHWALA

- Ukuthwala – the practice of kidnapping girls for marriage.
- Practised by mainly Khosa speakers in areas in KwaZulu-Natal and the Eastern Cape.

Girls live in fear of being abducted and 'married'

Chris Makhaye

ON the rocky gravel road in the village of Ngobe, outside Bergville in northern KZN, schoolgirls walk in groups of five or more.

There is strength in numbers and few dare venture onto the road on their own. Teenage girls here live in constant fear of being abducted during the kilometre-long trek to and from school by men seeking to sell them to older men for marriage or sex purposes.

This practice is called *ukuthwala*, with girls as young as 12 years old being grabbed kicking and screaming from the streets and taken away to the homestead of their "admirers". The abducted girls are apparently given potions of *muthi* to "soften" them up, and then forced to sleep with the abductor.

A day or two later the abductor sends a delegation to the abducted girl's home to offer "compensation" to the victim's family.

Some families accept the compensation as the start of a process of *lobola* to marry their daughter off to the older man. But many are fighting back by refusing to accept the compensation, and laying charges of abduction and rape against the perpetrators.

This practice, although illegal, is still widely practised in rural villages like Ngobe and nearby Emaswazini.

In the local Nqobile Combined School, about 31 girls have been abducted for *ukuthwala* and turned into sex slaves.

It was the near-abduction of 16-year-old Zanele Mhlongo* from Ngobe village, outside Bergville, three months ago that stirred the proverbial hornets' nests.

After that community activists, rural women and police came out strongly against the practice of abducting young girls, raping and making them young brides against their will.

The Grade 12 pupil was walking home from fetching water at a nearby river when she was "escorted" by two strange men,

who grabbed and carried her away.

Zanele managed to free herself and jumped into a dam but her abductors pulled her out and took her away.

"I was rescued only when my uncle heard my screams and rushed towards us. The two men fled the scene," she told the *New Age*.

Zanele says the experience has severely traumatised her. She knows of several other schoolgirls who have been abducted, forced to

girl who did well in her class. She now has a three-year-old child and sells *vetkoek* and chips in town just to make ends meet. It is so sad," the principal said.

Misiwe Sokhela, a teacher at the school, said she has had to counsel many girls who had returned to school after they'd been abducted.

"They are severely traumatised and fear men. Some cannot even concentrate in class. There is also the risk of being infected with HIV/Aids and other diseases by

parents would be forced to accept the relationship and accept *lobola* from the unwanted boyfriend, and the girl would then marry the man of her dreams," Ngobese said.

"It was never done without a girl's consent. These abductors today are nothing but criminals, who should be arrested and charged," she said.

The KZN provincial government has appointed a police task team to investigate and charge people who participate in the abductions, including the parents



FEAR: Will these girls make it home, or fall prey to *ukuthwala*?

Picture: Chris Makhaye

drop out of school and into marriage, to bear the children of their abductors.

Principal Nhlambhla Goqo said: "Our school is the centre of this evil *ukuthwala* practice. These men wait for young girls to walk through bushy areas and then they abduct them," said Goqo.

"This is perpetuating poverty in our community, because once a girl is abducted she leaves school. Without education her future prospects are bleak," Goqo added.

Worse still, the majority of the abducted girls are abandoned later by the same men who abducted them.

"One of them was a bright young

their abductors," she said.

"We advise girls to walk in groups because you just don't know when the abductors will strike," she said.

The recent rise in the incidence of *ukuthwala* has galvanised government, legislators, cultural leaders and women's rights activists. Nomagugu Ngobese, head of the Nomkhulwane Culture and Youth Development Organisation, said the practice goes back to the days when girls whose parents did not approve of their boyfriends arranged to be abducted so that the families would be forced to allow their marriages.

"This was to ensure that the

who accept "bribes" of cows and compensation from the abductors.

The bulk of the abduction cases in Bergville have been reported at the Upper Tugela police station, which covers 17 local villages.

A senior policeman at the station said that most of the abductors are between the age of 20 and 25 years of age. "We will deal with them harshly," he said.

"Meanwhile, Zanele Mhlongo has had to leave home and rent a room closer to her school so that she does not have to risk being captured again on her way to school. After all, she may not be so lucky the second time around

*not her real name

THE NEW
AGE

11 April 2011

**“Girls live in fear of being abducted and ‘married’”
The New Age, 11 April 2011**

Quotes from the article:

“...girls as young as 12 years old being grabbed kicking and screaming from the streets and taken away to the homestead of their ‘admirers’ ... and forced to sleep with the abductor.”

“A day or two later the abductor sends a delegation to the abducted girls home to offer ‘compensation’ to the victim’s family.”

“Some families accept the compensation ... But many are fighting back by refusing to accept the compensation, and laying charges of abduction and rape against the perpetrators.”

ORIGINS OF UKUTHWALA

- Girls whose parents did not approve of their boyfriends arranged to be abducted so that the families would be forced to allow their marriage. “This was to ensure that parents would be forced to accept the relationship and accept lobola from the unwanted boyfriend, and the girl would then marry the man of her dreams.”
- “It was never done without the girls consent.”

(Nomagugu Ngobese - *Nomkhubulwane Culture and Youth Development Organisation*)

UKUTHWALA TODAY

- Without a girls' consent, this supposed act of ukuthwala is in fact forced marriage.
- Marriage can only take place between two consenting people. If one party does not consent it is forced.
- Forced marriage is illegal
- In accordance with the parameters for human trafficking set out by the UN, forced marriage and therefore this practice of ukuthwala in South Africa as it is occurring today is a form of human trafficking.

CULTURE

- Culture is man-made
- Culture is not static
- Culture can and should never supersede or violate a persons inalienable human rights
- **When children are being abused, violated, forced into marriage and trafficked, in the name of culture,**
- society needs to re-evaluate its values in relation to these practices and importantly the language it uses to define and communicate specific practices as culture.

CALLING TRAFFICKING TRAFFICKING

- *The basic tenant of getting things right, is to clearly identify something for what it is.*
- Without acknowledging trafficking when it occurs, we are further limiting our awareness of the prevalence of the issue
- **If we fail to identify trafficking, and behavior that is tantamount to trafficking - as trafficking, we are doing the victims a disservice and perpetuating a misunderstanding of the crime as it exists.**



www.mediamonitoringafrica.org.za



www.mediamonitoringafrica.org.za/cpt