Selling sex, human trafficking, and complex realities in South Africa

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Abstract: In 2013, the South African Government passed the Prevention and Combating of Trafficking in Persons Act. A focus on human trafficking for the purpose of sexual exploitation often results in human trafficking being conflated with sex work and as a consequence there is a failure to distinguish migrant women who sell sex from ‘victims’ of human trafficking. Drawing from interviews and ethnographic fieldwork in South Africa, this paper considers the complex everyday lives of women who cross state borders and sell sex in South Africa. It explores how their experiences counteract and complicate simplistic ideas around sex work and human trafficking and highlights the multiple vulnerabilities faced by migrant women who sell sex, many of which are heightened by anti-trafficking measures.

Keywords: Sex work; human trafficking; South Africa; migration; women; conflate

Introduction
Over the past decade, international concern about human trafficking has given rise to a growing body of work that documents the adverse impact of human trafficking laws and policies on individuals who sell sex (Chapkis, 2003; Harrington, 2005; Bernstein, 2007; GAATW, 2007; Brennan, 2008; Bonthuys, 2012; Maher, Dixon, Plong, Mooney-Somers, Stein and Page, 2015; Steen, Jana, Reza-Paul and Richter, 2015) and highlights the need to recognize the complex and multiple realities which do not fit the human trafficking discourse (Bindman, 1998; Doezema, 1998, 2010; Murray, 1998; Agustín, 2006, 2007; Sandy, 2006; Zheng, 2010; Gould, 2011; Jagori, 2012; Shah, 2014). A focus on human trafficking for the purpose of sexual exploitation all too often results in human trafficking being conflated with sex work. According to the United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN Palermo Protocol) human trafficking “include[s], at a minimum, the exploitation of the prostitution of others” (UNODC Palermo Protocol, 2000a: Article 3). As a result, the experiences of migrant women who have crossed borders and who sell sex are easily characterized and misunderstood as those of victims of human trafficking (Agustín, 2006, 2007; Zheng, 2010). The difficulties that arise from this conflation are reflected in recent academic and advocacy work around human trafficking and sex work in South Africa (Gould and Fick, 2008; Gould, Richter and Palmary, 2010; Gould, 2011; Richter, Luchter, Ndlovu, Temmerman and Chersich, 2012b; Walker and Oliveira, 2015).

As a result of South Africa’s obligations as a signatory to the UN Palermo Protocol (2000) and as a consequence of global pressure (primarily from the United States of America)1, South Africa passed the Prevention and Combating of Trafficking in Persons (TIP) Act in 2013. Despite the dearth of evi-

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1 The United States Department of State’s Trafficking in Persons (TIP) Report placed South Africa on the tier two watch list as a country with high levels of human trafficking and inadequate measures to deal with it during the period 2005 to 2008 (Gould, 2011).
dence on the extent of human trafficking (Gould et al., 2010), anti-human trafficking campaigns were run widely throughout South Africa in the period prior to the passing of this legislation. Both public debate and media discourse around measures against human trafficking reflect the international pressure exerted on the country, global discourses on the securitization of cross-border migration in order to protect nation-states, and concerns about the integrity of women’s bodies (Palmary, 2010).

Drawing from interviews and ethnographic fieldwork in Johannesburg and Musina, this paper considers the complex everyday realities of women who cross state borders and sell sex in South Africa. These lived experiences challenge simplistic ideas around sex work and human trafficking; highlight the common failure to distinguish between the two; and demonstrate the ways in which measures against human trafficking exacerbate the multiple vulnerabilities already faced by migrant women who sell sex. In this paper, we draw attention to the need to distinguish between women who identify themselves as ‘sex workers’ and those who reject this label. This crucial distinction allows us: to recognize women who sell sex as a temporary livelihood strategy but who do not see it as ‘work’; and to consider the ways in which discourses around human trafficking ignore women’s vulnerabilities. For example, women who sell sex are affected by the victimization, criminalization and stigmatization of sex work in South Africa regardless of whether or not they identify themselves as victims of sexual exploitation or as sex workers. Additionally, in this context, the notion of sex work extends beyond sexual intercourse and should be understood as the “exchange of sexual services, performances, or products for material compensation” (Weitzer, 2010a: 1).

Under the Sexual Offences Act 23 of 1957 (as amended in 2007), all aspects of sex work are criminalized in South Africa – including the buying and selling of sex, pandering and the running of brothels. As sex work is part of the country’s informal labor sector, migrant women face multiple and intersecting vulnerabilities. Research indicates that criminalized responses to sex workers, particularly non-nationals, contribute to gender-based and structural violence in the form of police harassment and brutality, barriers to healthcare, HIV testing and treatment, anti-foreigner sentiments among service providers, problematic access to documentation, and assistance from socio-legal services (Vearey, Richter, Núñez and Moyo, 2011; Richter, Chersich, Vearey, Sartorius, Temmerman and Luchters, 2012a; Walker and Oliveira, 2015; Richter and Vearey, 2016). Such spaces of risk and the subsequent need for support do not feature in discussions around human trafficking in South Africa or in the focus on ‘vulnerable women’ as assumed victims of exploitation.

Bonthuys (2012) notes that the human trafficking discourse and anti-human trafficking measures in South Africa direct attention to the simplistic notions of ‘victim’ and ‘criminal’ without a critical consideration of the role played by internal structures in creating contexts of vulnerability and risk. In this paper, we expand Bonthuys’ (ibid) argument further and demonstrate the ways in which the South African TIP Act (2013) was developed without reference to any substantial evidence on the extent of human trafficking in the country, or a clear understanding of the profile of a victim of human trafficking. As a consequence, migrant women who sell sex are misrepresented as either ‘victims’ of sexual exploitation or ‘deviants’ who violate the law.

Based on the experiences of migrant women from Zimbabwe and the Democratic Republic of Congo (DRC), this paper considers some of the vulnerabilities experienced by migrant women who sell sex in South Africa. Through the concepts ‘criminal migrant’ and ‘victim migrant’, which we argue shape the discourse around human trafficking in the country, we explore the ways in which migrant women who sell sex are perceived in terms of the notions of (im)purity, pollution and danger (Turner, 1967; Malkki, 1995a; Douglas, 2002 [1966]). In addition, we examine the emergent ‘need’ for anti-human trafficking organizations to portray migrant women who sell sex as ‘victims’ in order to legitimize their existence and work on human trafficking (Warren, 2007; Bunke, 2016). As a conse-

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2 Johannesburg is the largest city in South Africa.
3 Musina is a South African town situated approximately 17 kilometers from the Beitbridge border between South Africa and Zimbabwe and is an important transit location for cross-border migrants, some of whom stay in the town while others go to Johannesburg and other areas in South Africa.
quence, the label ‘victim migrant’ is evident in the discourses that emanate from organizations that work in the area of human trafficking. At the same time, the everyday realities and concerns of migrant women who sell sex are all too often misunderstood and ignored when they are described as ‘sexually deviant’ and as ‘victims’ of sexual exploitation (Agustín, 2006; Sandy, 2006; Shah, 2014). This paper focuses on the experiences of migrant women who sell sex and the ways in which they move between and through spaces of victimhood and agency.

The Research

The data presented here is drawn from two research projects with migrant women who sell sex. Similar to the notion of sex worker, negative connotations and a complex picture of human movement underpin the term ‘migrant’ in South Africa. The term is most commonly employed to describe non-national, cross-border migrants and often used interchangeably with ‘illegal migrants’, ‘irregular migrants’ or ‘undocumented migrants’ (Spener, 2009). The focus on migration as a process that involves cross-border movement means those internal forms of migration such as rural to urban and within urban spaces is often ignored. Moreover, the use of the term ‘migrant’ to describe individuals who move from one place to another on a long-term basis excludes different forms of mobility such as seasonal migration and short-term (monthly or weekly migration) for education or business purposes such as selling sex.

The first research project focused on the multiple vulnerabilities faced by migrant women selling sex in Johannesburg. This included the impact of immigration legislation, human trafficking discourses and forms of structural violence and discrimination. Over the course of 12 months (November 2013-November 2014) in-depth, semi-structured interviews were conducted with ten women from Zimbabwe and the DRC who were between the ages of 20 and 32 years and who regularly sold sex. A total of 50 interviews were conducted with questions focused on issues such as the experience of traveling to South Africa, the negotiation of everyday life in Johannesburg, and the trajectories of selling sex. Six interviews were also conducted with organizations that focus on human trafficking issues including: The Salvation Army and the New Life Centre, as well as a shelter for women and children in the center of Johannesburg.

The fieldwork for the second research project was carried out in Musina over the course of 13 months in 2012 and 2013. Semi-structured interviews were conducted with 16 cross-border Zimbabwean women selling sex, 25 police officials, 30 humanitarian workers, including representatives of international and local non-governmental organizations (NGOs), and 25 local church leaders and members of faith-based organizations. Through an ethnographic approach, the researcher was able to spend time on a daily basis with the aforementioned actors and to attend meetings, awareness raising campaigns and workshops.

Given the secrecy surrounding the selling of sex, especially in a criminalized and highly stigmatized context, a number of limitations and challenges were faced during the course of the research. At the outset, it was difficult to build relationships of trust and to establish rapport with respondents. As most of the participants in the research experienced intersecting forms of structural violence and vulnerability such as poverty, homelessness, and discrimination when accessing services, it was often difficult to maintain ethical boundaries, or to assess where these boundaries lay. In the research project in Johannesburg, for example, situations where respondents were denied access to healthcare or were evicted from their accommodation presented the researcher with difficulties such as whether or how to assist, especially from a position of relative privilege. These kinds of challenges highlight the

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1. For a focus on different temporal dimensions see Chávez (2011).
2. Funded by the WOTRO’s ‘Migration, Development and Conflict’ program, the research is part of a larger project that draws on data from South Africa and the Netherlands.
3. This project was funded by the German Research Foundation’s Priority Program “Adaptation and Creativity in Africa” and is part of a wider research project concerned with the control of transnational crime in different African countries.
4. It is also important to note here that while our research focuses on women over 18 years old, the experiences of persons under the age of 18, men and transgender persons who sell sex remain almost entirely absent from the research literature.
difficulties of conducting research among members of marginal communities and the complex and entangled realities of conducting fieldwork in such contexts (Graboyes, 2015). This is particularly significant in research on human trafficking and the selling of sex, where complicated and multi-layered everyday realities defy simplified media stories and those presented by organizations working in this area.

Human Trafficking Discourse in South Africa

The UN Palermo Protocol (2000) defines human trafficking as:

[T]he 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 (UNODC, 2000a: Article 3a).

The South African Act (2013) employs a more detailed definition of human trafficking than that of the UN (Africa Check, 2014). In the South African case, a person is guilty of trafficking in persons if s/he “delivers, recruits, transports, transfers, harbours, sells, exchanges, leases or receives another person”. Moreover, the South African Act (2013) emphasizes the issue of “directly or indirectly giving or receiving of payments” (Government of South Africa, 2013: Article 4.1). As a consequence, it is possible to prosecute people accused of active involvement in human trafficking; those individuals who aid but do not actively engage in human trafficking; and those engaged in the whole process as well as those who may not be involved from the outset. Despite the initial urgency surrounding the legislation, it was only passed into law in July 2013 and remains unimplemented pending the finalization of directives and regulations by various Government departments such as the National Prosecuting Authority, the Department of Home Affairs, the South African Police Service and the Department of Social Development. The (2013) legislation was extensively debated prior to its approval by Parliament due, in part, to concerns about visa and asylum conditions. One outcome of these debates was the restriction that a foreign victim of human trafficking usually does not receive a residence permit but rather is granted a period of three months stay in South Africa (with a possible extension for another three months) to reflect and then assist with criminal investigations before he/she has to return to his/her country of origin.\(^8\) Initially the Bill (B7 of 2010)\(^9\) moved quickly, spurred on by the ‘moral panic’ around human trafficking in the run up to the 2010 (FIFA) Football World Cup, which was hosted in South Africa (Bonthuys, 2012). At the time, media and large-scale anti-human trafficking campaigns claimed that mass trafficking of foreign women and children would take place in order to satisfy the demand for cheap sexual services that are thought to emanate from large-scale sporting events (ibid). In addition, inter-governmental organizations and some South African NGOs lent credence to the media campaigns by expressing the fear that though human trafficking was occurring in South Africa, it largely went undetected. Bonthuys (2012) points out that while claims of large-scale human trafficking, which are not unique to the 2010 (FIFA) World Cup (Ham, 2001; Richter et al., 2012b) were never validated they resulted in large sums of money being allocated to awareness-raising in the country. Bonthuys (2012) further argues that while the claims in relation to human trafficking purported to focus on the wellbeing of trafficked sex workers, in reality they provided a justification for the harassment and punishment of sex workers.

Though the South African Act (2013) contains stringent criteria for identifying a victim of human trafficking, it has been criticized for a number of reasons. Firstly, the over-emphasis on human trafficking for sexual exploitation downplays human trafficking for other forms of exploitation as well as

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\(^8\) The only exceptions to this rule are where the South African Director General of Home Affairs opposes the repatriation of an adult victim and if the Director General of the Department of Social Development opposes the repatriation of an underage victim after “giving due consideration” to the safety of the person concerned. This is stipulated in the Prevention and Combating of Trafficking in Persons Act [No. 7 of 2013] section 31.1; 31.2a Government of the Republic of South Africa. Pretoria. 2013.

exploitation that is unrelated to human trafficking. This includes exploitation for domestic work or farm labor and other forms of human rights abuses including gender-based violence and discrimination against women. Stakeholders who work on issues of human trafficking often subsume statistics on labor exploitation and human smuggling under the human trafficking label but ignore less media-appealing cases of exploitation.

Secondly, a strong focus on human trafficking for sexual exploitation also ensures the routine conflation of sex work or the selling of sex with human trafficking. During a training session for police officials on refugee and migrant rights, a representative from the United Nations High Commissioner for Refugees (UNHCR) emphasized the link between human trafficking and sexual exploitation as a key distinction between human smuggling and human trafficking:

A trafficked person doesn’t pay [when crossing borders] but there is someone else paying for them. They will end in Hillbrow in prostitution\(^{10}\). They have to serve five customers every day and have to do what the person who paid for them tells them to.

The trafficked person is not allowed to leave but guarded 24/7 (Mr. A\(^{11}\), UNHCR, 2013. AH).

Thirdly, the data used to legitimize human trafficking measures largely fails to differentiate between those who have been trafficked and those who have been smuggled (Gould and Fick, 2008). This is significant for participants in our research who were smuggled across the South African border and paid for these services through sex. Miriam, a 26 year old woman from the DRC, explained that she crossed the border to South Africa without legal documents. “I found one driver and he sent me to Zambia. Then from there I came to South Africa. To get to Musina I gave the driver sex…” (Miriam, DRC, 20-12-2013. RW). Miriam described how the driver helped her to cross through a border fence and then collected her on the other side to continue her journey in South Africa. While the definition of smuggling includes the facilitation of the “illegal entry of a person” who “is not a national or a permanent resident” in exchange for “a financial or other material benefit” it does not necessarily involve coercion or force (UNODC 2000b, Article 3: 2). However, it is also important to note that despite some clear differences in the definitions of smuggling in persons and trafficking in persons, the lines between the two are often blurred and difficult to separate (Wharton, 2010).

Fourthly, though there is a lack of reliable data, it is assumed that the available data under-represents the extent of human trafficking in South Africa. Gould and Fick (2008) found little evidence to suggest that human trafficking for sexual exploitation takes place in their study to identify human trafficking victims in the sex industry in Cape Town\(^{12}\). Additionally, their research, which involved interviews with sex workers, reveals that most enter the sex industry for reasons of financial opportunity and economic need. Despite the dearth of reliable data, proponents of discourses on human trafficking discourse argue that the opaque nature of this activity means that current statistics under-represent the extent of human trafficking in the country. A social worker at a women’s shelter in Johannesburg noted:

There are many, many girls who are made to do this. They [traffickers] take away their passports; take away their ID, their money…their everything. Then these girls are taken to a house somewhere. They don’t know where. And the men come. But we don’t have numbers for this. They are good at hiding and no one comes and says “yes this is trafficking”. But there are many, many, many… (Social Worker A, 23-04-2014. RW).

Finally, a focus that conflates human trafficking with the selling of sex ignores the fact that many women begin to sell sex after failing to secure other forms of work. While for many women selling sex may not be a desired livelihood activity they are not exploited or forced into selling sex as sug-

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\(^{10}\) Hillbrow is one of the most densely populated inner-city suburbs in Johannesburg and is home to a diverse migrant community.

\(^{11}\) In order to protect the identity of all the participants in both research projects, pseudonyms are used. Where providing the day and month of an interview with specific organizational representatives prevents anonymity, this information has been removed.

\(^{12}\) Cape Town is a port city located on the south west coast of South Africa.
gested by the discourse on human trafficking. The limited employment opportunities available to cross-border, undocumented migrant women can mean that (for them) selling sex becomes the most viable livelihood strategy. In addition, our research reveals that migrant women who sell sex do not always consider themselves sex workers. This important distinction highlights the nuances evident within the discourse and labeling of ‘sex workers’; and demonstrates that while selling sex is a viable form of income-generation it is not always viewed as “work” by the women engaged in it. The stigma associated with being a sex worker and in particular the ways in which ‘foreign’ women who sell sex are viewed as polluting and dirty are among the factors that underlie the importance of this distinction. Rather than consider the intersecting vulnerabilities and the subsequent choices made by migrant women who sell sex, the human trafficking discourse portrays them either as ‘victims’, ‘deviants’ or both. As a consequence, the complex lived realities of migrant women who sell sex are misrepresented while misperceptions of (im)migration, anti-foreigner sentiments and stigmatization of sex work create problematic associations between migration, selling sex and crime.

**Immigration and Selling Sex in South Africa**

In the South African case, a popular misconception among policy-makers and the general populace is that the country and Johannesburg in particular, is over-saturated with cross-border migrants. Vearey (2015) notes that the South African non-national population accounts for three to four percent of the total population and thus reflects global norms. South Africa’s cross-border migrant population includes individuals on work and study permits, individuals who have permanent residence, those awaiting the outcome of a claim for asylum, individuals with refugee status and undocumented immigrants. The discourse around migration often ignores the fact that cross-border and internal migrant populations are not evenly distributed across the country. For instance, higher densities of non-nationals and internal migrants are found in urban centers and in border areas (Vearey, 2015). The province of Gauteng\(^\text{13}\) is home to South Africa’s largest migrant population at 7.1 percent. Limpopo\(^\text{14}\) province, where the town of Musina is located, has a migrant population of 2.6 percent (Census, 2011).

Cross-border migrants who arrive in South Africa often face difficulties in obtaining formal immigration documentation. As a result they find themselves in spaces of liminality due to an increasingly restrictive immigration regime and a Department of Home Affairs that is overwhelmed with the processing of asylum and immigration applications (Sutton, Vigneswaran and Wels, 2011). In the struggle to become legally documented in the country, and in fear of deportation, many migrants live and work within the “hidden spaces” (Vearey, 2010: 40) of the city in an attempt to make a living. Employment that is restricted to the informal economy\(^\text{15}\) provides a means to earn a living and to remain invisible from the authorities (Agustín, 2005, 2007; Vearey et al., 2011; Richter et al., 2012a). One such livelihood option is the selling of sex as illustrated in the narrative of Patricia from Zimbabwe:

> I was looking for work so I moved to Hillbrow. I found a job in a restaurant but because I didn’t have papers they treated me very badly. They didn’t pay me I just got tips. I worked there for one year and six months. Then they told me to leave so I started work in another place. I still didn’t have papers so I lost that job. I then worked one month in a pizza place. They didn’t pay me after one month. They said I couldn’t do anything without papers. They didn’t care. So that’s when I started the prostitution job (Patricia, Zimbabwe, 20-10-2014. RW).

Patricia’s undocumented status gave rise to restrictive, limited and exploitative employment which, in turn, influenced her decision to enter into sex work. As Patricia further explained:

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\(^1\) Gauteng is a province in South Africa in which the country’s commercial capital, Johannesburg, is situated.

\(^2\) Limpopo is a province in South Africa which borders with Zimbabwe.

\(^3\) Here we recognize that as the boundaries between formal and informal economies are both porous and uncertain they cannot be separated into a simple dichotomy. Moreover there are many different types of informality within the informal economy.
[w]hen I did that work (selling sex) there was no one taking my money and no one telling me what to do. At the beginning I was making too much (a lot of) money and I could pay my rent, buy a plasma (television), fridge and the things I needed for my kids…later on it was too much…I was working a lot and so tired and I got sick. So then I stopped [selling sex] so much and the money was less (ibid).

Patricia’s narrative demonstrates the extent to which an individual’s independent choices are made within the confines of their immigration status. Without the correct formal immigration documentation (“papers”), Patricia was unable to find secure and reliable work and faced exploitation by her employers. While Patricia’s case highlights the vulnerabilities she felt exposed to while selling sex, (sickness and exhaustion), for her it was a temporary, viable livelihood strategy to deal with the limitations of her undocumented status. Patricia’s decision to sell sex when confronted with the lack of other employment opportunities demonstrates the need to consider her agency. This stands in marked contrast to the common narratives of coercion, exploitation and criminality from anti-human trafficking organizations that focus on ‘rescuing’ sex workers. Patricia’s experience also resonates with the distinction between sex workers and women who sell sex. Where Patricia openly discussed selling sex and saw it as a way to make money and ‘get by’ she also rejected the label of ‘sex worker’. Even though she made reference to a “prostitution job”, she stated: “I do this [sell sex] but I am not one of those who says it is my job, it is my life. I am not a sex worker” (Patricia, Zimbabwe, 20-10-2014. RW).

Immigration and the experiences of migrants in South Africa cannot be considered in isolation from the levels of xenophobia within which the language used to describe ‘others’ perpetuates deeply rooted notions of belonging and the simultaneous scapegoating of the ‘unfamiliar’ (Matsinhe, 2011; Landau, 2012). While this paper does not focus specifically on xenophobic violence it is important to note that in the South African context xenophobia is connected to economic inequalities and beliefs about cross-border migration highlighted in “[t]he fear of being swamped by foreigners perceived as stealing one's entitlement” (Neocosmos, 2011: 141) as well as concerns about foreigners taking jobs from South Africans (Landau, 2012; Africa Check, 2015a, 2015b; Bunke, 2016). The perceived competition for resources and subsequent discrimination against non-nationals is evident in the manner in which non-nationals as migrants are treated within institutional structures such as the healthcare system (Richter and Vearey, 2016). Christa, a young woman in her twenties from the DRC described her experience at a hospital, where the nurses slapped her and referred to her as “kwerekwere” while she was in labor: “[T]hey told the staff not to give food to me and another lady who was from Nigeria and said that food was not for foreigners” (20-10-2014. RW). Discrimination against migrant women who sell sex was also evident within the healthcare services in Musina. A healthcare professional in the border town explained with frustration that she could identify “professional prostitutes” easily at her workplace (a clinic) where patients were tested for HIV/Aids, because they returned for a test every three months. She regarded their behavior as an indication that they were irresponsible; that they disregarded other people’s well-being and their medical care a waste of resources (Ms. A, 02-05-2013. AH). Though sex workers’ pro-active practices to ensure they stay safe and healthy could actually be viewed as positive, the different forms of mistreatment by healthcare workers play into the labeling of migrant women sex workers as health-risks, as dirty or contagious and as polluting.

In her seminal work ‘Purity and Danger’ Douglas points out that “transitional beings are [considered to be] particularly polluting” (Turner, 1967: 97)19. Moreover, in relation to “foreign” women selling sex, Malkki’s (1995a) work among Hutu refugees in Tanzania demonstrates that the mutually constitutive notions of cultural pollution and purity are utilized to legitimize claims to the nation by

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17 South Africa has one of the highest levels of inequality in the world (Gelb, 2008; OECD, 2013:44). For South Africa’s Gini Coefficient see: http://data.worldbank.org/indicator/SI.POV.GINI [last accessed 27th March 2016].
18 A negative term commonly used to denote non-nationals in South Africa.
19 For a discussion of migrant sex workers as being in a transitional stage see Hüncke (2016).
drawing on ideas of a pre-existing natural order which determines who or what belongs where. Malkki (1995a: 4, 6) further notes that refugees are perceived as invasive outsiders, or as creating a “zone of pollution” as they disrupt what is regarded as regular and normal through crossing borders and blurring boundaries (Malkki, 1995b). The perception that women who sell sex and who “keep on migrating” (Agustin, 2006: 32) are deviant, endanger family structures, challenge gender roles and the male-dominated state (Cheater, 1998; Doezema, 2000) emerged throughout the course of our research. In Musina, police officials and local NGO workers referred to migrant women who offered sexual services as “those who sell”. The deliberate avoidance of any reference to the fact that it is sex they sell suggests that selling sex is associated with something uncomfortable, embarrassing and possibly criminal or dangerous and is not dissimilar to the notion of “the disease” as used to refer to HIV/AIDS in South Africa (Hunter, 2010). In this way, a linkage is established between selling sex and the potential danger of being infected with an incurable disease such as HIV/AIDS (ibid) as well as the risk it poses to the wellbeing and morality of the family.

Sergeant Grobler from Musina presented commercial sex workers as destroying moral values and family health and described their clients as complicit. She presented the clients’ wives as innocent – they become infected with “[A]ids, which is actually unfair because the wife didn't do anything wrong” (Sergeant Grobler, Musina, 2012-09-13. AH). Through their ‘disorderly’ female bodies sex workers and those who sell sex are considered dangerous to the assumed pre-existing social order (Douglas, 2002 [1966]). Angie, a twenty four year old woman from the DRC explained the reasons why she does not tell people that she sells sex: “I just do this…I don’t tell others what I do as I know they will say bad things about me…you know they say those foreigners – look at them doing these criminal things…that’s why I don’t say” (Angie, DRC, 20-10-2014. RW). Angie’s references to “this” and to “what I do” underline the cautious way in which she discusses her business. Angie’s narrative portrays sex work as a morally degrading activity and the intersecting vulnerabilities faced by migrant women who sell sex in South Africa.

‘Criminal Migrant’ and ‘Victim Migrant’
The examples outlined above highlight the extent to which the agency and motivations of migrant women who sell sex are ignored and misrepresented when portrayed in media reports by anti-human trafficking organizations, Government service providers and security agencies as victims of human trafficking. Additionally, as Government agencies and others view women who sell sex as being involved in illegal activities and characterize them as immoral and polluting they are treated as individuals whose voices do not matter (Doezema, 2000). Migrant women who sell sex are exposed to risks as a result of negative representations of who they are and what they do for a living. In South Africa, sex workers can only be arrested if they are engaged in sexual activities when identified by the police. In practice, they are often arrested under ‘by-laws’ that deal with public nuisance, inappropriate dress and “loitering” (e.g. Lieutenant Ndou, Musina, 21-08-2012; Sergeant Grobler, Musina, 13-09-2012. AH). Miriam, from the DRC described her experience with the police as follows:

I used to go to a club and get clients from there. But then they had my picture and the police came and arrested me. I was crying and asking to go as I had left my baby at home with a sitter. They [the police] told me I shouldn’t do these things [selling sex] when I have a child. They told me I should dress not like this and if I dress again [like this] they will arrest me again (Miriam, DRC, 20-12-2013. RW).

The ways in which the police officers condemn Miriam for selling sex and for the way she dresses, especially as a mother, further emphasizes the links between migrant women who sell sex and the notions of impurity and pollution ascribed to them. Women who sell sex and who work as commercial sex workers are seen as violating normative ideas of women’s role in the home, as destroying family structures and transmitting diseases (Palmary, 2010).

At the same time that women who sell sex are perceived as polluting, many police officers recognize that cross-border migrants need to earn money in order to survive. Thus, while the ‘criminal mi-
grant’ embodies the notion of danger, this goes hand in hand with the categorization of migrants as ‘needy’ and victims of circumstances. For instance, Lieutenant Ndou, a police officer from Musina, noted the link between migrant women who sell sex and criminal activity:

It is a problem because you will find that some of them, they are the ones who are generating crimes, they will go to the trucks and at the end of the day if they didn't go well with the transact(ion), they will just call their friends and say, I am here with this person and he is having money, so come and collect this money. Then cases of robbery emanate from this one (Lieutenant Ndou, Musina, 21-08-2012. AH).

While the police officer was, at first, careful to refer to “some of them”, his use of sweeping generalizations to condemn migrant women who sell sex confirms the perception that migrants are criminals, who, as Malkki (1995a) notes, corrupt local and moral contexts.

At another level, Sergeant Grobler noted:

Look at our young girls, they have been, say from Zimbabwe or whatever country, they have been brought in, they are used as prostitutes (…) and they are so innocent actually. And they don’t know what they are getting themselves into. And I think if those people who were doing those things [trafficking girls] can be put to book. The real justice system must be put in place there really, it's gonna help us a lot (Sergeant Grobler, Musina, 13-09-2012. AH).

To justify the need for a law to counter what she perceives as human trafficking Sergeant Grobler presented foreign migrant “girls” as innocent and ignorant.

Women selling sex are then presented as both facing danger and as being the source of that danger. Through labeling them as victims of circumstances or through referring to foreign migrant girls as “our young girls”, the emphasis is placed on their innocence in contrast to “those people” apparently responsible for their exploitation. Secondly, the danger sex workers pose to health and morality is highlighted in the way they are presented as the transmitters of disease, and as being responsible for destroying families. Aside from police officials, organizations working in the area of human trafficking label migrant women who sell sex as victims or immoral and deviant. This underlies their need to show that they are offering a form of ‘rescue’. In our research we found a common tendency to represent women assumed to be victims of human trafficking as ignorant of their situations and unaware of the exploitation they face (Nshimibi and Moyo, 2016). The discourse on human trafficking all too often constructs women as victims trapped by circumstances, who are forced into prostitution and who lack self-respect and dignity. In the South African context, NGOs such as Embrace Dignity (Cape Town), Stop Trafficking Of People (STOP) (Cape Town), the New Life Centre (Johannesburg), Project Care (Musina) and The Salvation Army (Johannesburg) view sex work as ‘immoral’. As a result, the staff in such organizations argue that their task is to save women from being involved in sex work in order to help them restore their dignity through alternative and more acceptable work (Walker and Clacherty, 2015). As a social worker based at a Johannesburg women’s shelter explained:

These women get fooled. They are young and told they can come to Johannesburg for work. When they get here there is prostitution and they have no other choices. (…) it is our job to get them away and help them see there is something else. It is not good that they do this (Social Worker A, 06-11-2014. RW).

Though the social worker is referring to some of the women who were residing in the shelter at the time of the interview that she ‘claimed’ she knew were engaged in selling sex there was no suggestion that these women were the victims of human trafficking. The women themselves spoke about the difficulties of supporting their children while being unemployed; they did not at any time talk about human trafficking or selling sex. At the same time, a member of the faith-based organization STOP stated that “[a] prostitute is a trafficked victim” (Ms B, NGO STOP 14-09-2012. AH), while an officer at The Salvation Army noted “these girls don’t want to do this. They sell sex, they take drugs…the traffickers force them” (Major C, Salvation Army 14-11-2014. RW). Sentiments and perceptions of this
nature conflate the selling of sex with human trafficking. Additionally, they reflect an abolitionist feminist stance on ‘prostitution’ as an extreme form of gendered violence and discrimination that is “inherently violative of women’s bodily integrity regardless of consent or choice” (Peach, 2008: 237). In this way, no distinction is made between women who are forced into sex work and those who make a choice to sell sex. A representative of STOP asserted that: “...a prostitute is a trafficked victim. Even if she says that she does [th]is out of her own choice”. In this way, the possibility of voluntary commercial sex work is denied and the woman sex worker is assumed to be a victim of human trafficking. At the same time, it was noticeable that no reference was made to the trafficker or individual responsible for the fact that “girls in the industry were trafficked”. Rather, reference was made to the protector of the victims of human trafficking: “the church of Jesus Christ in this nation [must] stand up united in taking care of and helping to re-integrate the trafficked” (Ms, B, STOP, 04-09-2012. AH).

The abolitionist feminist stance on sex work is reflective of earlier “moral panics” (Bonthuys, 2012: 21) around white slavery in the nineteenth century, in which it was contended that ‘innocent’ white women and girls were forced into prostitution (Doezema, 2000, 2010; Bernstein, 2010; Weitzer, 2010b). In contrast, reformists and sex worker activists who argue that sex work is work and thus a legitimate form of labor have shifted the debate towards issues of labor, migration, and sexual freedom. As Bernstein (2010) notes, by presenting their argument within a human rights discourse, abolitionist feminists have effectively linked their claims for a criminalization of sex work with arguments for the protection of women and with their human right to integrity. However, their position ignores sex workers’ and migrants’ rights (Doezema, 1998; Chapkis, 2005; Agustín, 2007) as well as human rights and fundamental freedoms. By removing the option of choice, abolitionist feminists further entrench the victim-criminal dichotomy, without consideration of contextual nuances or a critical examination of the experiences of those being labeled. A consideration of victims in South Africa without reference to the criminalization of sex work and xenophobic violence leads not only to a misunderstanding of the context in which migrant women who sell sex operate but also contributes to their multiple vulnerabilities. (Bonthuys, 2012; Bunke, 2016).

While the failure to distinguish between choice and coercion does not enable us to understand the lived experiences of migrant women who sell sex neither does a strict divide between coerced sex work and voluntary independent sex work (Warren, 2007). Proponents of a labor rights-based perspective categorize the voluntary selling of sex as legitimate work and forced prostitution as violence. This distinction, however, fails to account for the experiences of the migrant women who participated in this research and who identified selling sex as the best but not necessarily the most desirable option for earning an income in difficult socio-economic conditions. Sibongile, a Zimbabwean woman, explained that: “It’s difficult to get a job, it’s better if we go and try out at bars, maybe we might make a few Rand for ourselves” (Sibongile, Zimbabwe, 29-06-2013. AH). Meanwhile, Daya, a woman who migrated to Musina and sold sex there for several years explained: “I was a house maid. But I was only earning 500 [Rand] per month, so it was less (not enough) for me. (...) It was better to go and do the sex work. This is when I go into the sex work.” Daya emphasized the limitations of the income earned by domestic workers: “It was too little for me to pay rent and for me to look after my children. My children was there at home. So it was too little for me” (Daya, Zimbabwe, 27-05-2013. AH). While Daya highlighted the need to distinguish between sex workers and women who sell sex, by referring to selling sex as “sex work” she did not see it as her employment for life. Instead, similar to Patricia, she saw it as a temporary livelihood strategy. Sibongile’s account illustrates that she re-

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20 By acknowledging that some women are forced into selling sex, reformists have also drawn a distinction between forced and voluntary sex work. Critics of this approach have argued that this dichotomy creates a guilty/innocent division that reproduces the whore/Madonna division within the category of the prostitute (Doezema, 1998).

21 The South African Rand is the currency used in South Africa.

22 In the Southern African context, ‘domestic worker’ refers to individuals who work as cleaners and gardeners in private residences.
gendered selling sex as the best option in her current situation as she distinguished between “a job” and “go[ing] and try[ing] out at bars” to sell sex.

By reducing the complex and multifaceted lives of cross-border migrants who sell sex to the categories and labels of ‘perpetrator’, ‘victim’ or ‘sex worker’ abolitionists and proponents of the labor rights perspective fail to consider the selling of sex in the context of migration. In reality, migrant women sell sex in order to expand their life choices and livelihood strategies, to gain travel experiences or because they face structural pressures (Busza, 2004; Kapur, 2005; Agustín, 2006, 2007; Sandy, 2006; Jagori, 2012; Goldstein, 2014; Shah, 2014). While an analysis of sex work in the context of cross-border migration provides for a broader consideration of women’s lives, we suggest here that this approach should also take into consideration the women who do not identify with the label of ‘sex worker’.

Conclusion
This paper argues that there is a clear need for a more nuanced and complex approach to the linkages between the selling of sex, migration and human trafficking. Inflated figures alongside sensationalized ideas about the levels of human trafficking that have been promoted by anti-human trafficking campaigns and the media in South Africa have been used to justify legislative and policy changes. While these policies and laws are partly linked to a more restrictive immigration regime they also create the categories of ‘victim’ and ‘perpetrator’ of human trafficking. We argue here that there is a need for a more critical approach to the conflation of sex work and human trafficking. The very different narratives of migrant women who have crossed borders and sell sex illustrate the multiple realities that exist for migrant women including the differences between those who call themselves ‘sex workers’ and those who see selling sex as a temporary livelihood strategy. This distinction in itself draws attention to the discourse on sex work which subsumes all individuals who sell sex under the label of ‘sex worker’ and in so doing fails to differentiate between ‘sex workers’ and those who sell sex and the specific vulnerabilities faced by migrant women who engage in this business. Therefore, we argue that a focus on human trafficking should not divert attention away from other forms of exploitation that occur in South Africa (Nshimbi and Moyo, 2016) and suggest the need for a much more complex and detailed understanding of the differences and distinctions within sex work (Walker and Oliveira, 2015).

Having highlighted some of the multiple vulnerabilities female migrant sex workers and migrant women selling sex face, we suggest that if these vulnerabilities are ignored together with the nuances of how they label themselves (sex worker or woman who sells sex) then the everyday experiences of cross-border migrants who sell sex will be misrepresented and misunderstood. The vulnerabilities to which cross-border migrant women are exposed are inextricably linked to the criminalization of sex work, xenophobic sentiments and the association of migrant women who sell sex with impurity and pollution in South Africa. As this paper has shown, it is also important to be wary of labeling individuals as ‘victims’ – be it victims of human trafficking or victims of circumstances. While the label of victim assumes the passivity of those affected, the labels of ‘migrant’ and ‘sex worker’ fail to adequately explain the complex experiences and identities of women who cross borders and sell sex. The everyday lives of migrant women who sell sex demonstrate the intersecting and complex range of vulnerabilities to which they are exposed.

References


