



# DEPARTMENT INTENSIFIES FIGHT AGAINST HUMAN TRAFFICKING.

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**A** misconception exists that Trafficking in Persons (TIP) only exists outside the borders of the country, due to the silence or lack of a legislation that clearly articulates, identifies and punishes perpetrators of this crime. Most cases that involve human trafficking are often referred to courts as merely kidnapping cases that involve organised crime or other contraventions of other pieces of legislations.

Human trafficking is a form of modern day slavery and it has been practised for centuries with people being captured from Africa to other continents. This is a worldwide trade where men, women and children are being trafficked into a variety of exploitable situations domestically and internationally.

The Department of Justice and Constitutional Development embarked on a study of human trafficking related cases that were dealt with before and after the implementation of Sexual Offences Amendment Act and the Children's Act.

According to Mr Steve Sekwele, Project Manager for the Victim Support and Specialised Services, a study aimed at collecting data demonstrated the prevalence of human trafficking in the country between the years 2006-2012. Participants, through focus group sessions, presented their statistics and shared their most horrific incidents of human trafficking cases that occurred within their regions.

"Human trafficking happens in this country daily, we have victims housed within the city blocks and private homes. It rests with concerned citizens to blow the whistle. Credit must be given to the study conducted for bringing forth the reality of human trafficking in the country," commented Mr Sekwele.

He indicated that there are criminal court cases currently under prosecution mostly in KwaZulu Natal (KZN) and Mpumalanga, and there are discussions with the National Prosecuting Authority (NPA) to strengthen and empower other regions to perform like the KZN and Mpumalanga regions.

Human trafficking offences were dealt with through various laws which did not provide a comprehensive adjudication mechanism to all trafficking offences. For instance, the Children's Act punishes trafficking in children and the Criminal Law (Sexual Offences and Related Matters) Amendment Act focuses on trafficking in persons for sexual purposes. Other legislations currently used are the Criminal Procedure Act, Prevention of Organised Crime Act, Immigration Act, etc.

As of 30 July 2013, President Jacob Zuma has signed into law the Prevention and Combating of Trafficking in Persons Bill which will see a maximum penalty of R100m or life imprisonment or both in the case of conviction.

It's purpose is, amongst others, is to give effect to the country's obligation concerning trafficking in persons in terms of the international agreement thereby providing offence of trafficking in persons, penalties to be imposed in respect of the offence, measures to protect and assist victims of trafficking as well as preventing and combating trafficking within and across borders.

In terms of Trafficking in Persons Bill, any person who:

- delivers, recruits, transports, transfers, sells and/or exchanges,
- leases or receives another person within or across the borders of the republic, by means of a threat to harm, or use of force, fraud, deception, abduction, kidnapping, abuse of power.
- Giving or receiving money or benefits directly or indirectly to obtain the consent of a person having control over another person aimed at enticing that person for purposes of any form or manner of exploitation, shall be punished by the law for crimes of human trafficking.

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Research conducted by one of the biggest Non-Governmental Organisation (NGO) in Cape Town, Molo Songololo, stated that trafficking in children affects a large number of children globally, especially girls between the ages of 12-16 which are the most vulnerable. They are mainly abducted in broad daylight at malls, shopping centres, taxi ranks and schools. The girls are often drugged and forced into prostitution with most rapes filmed and sold as pornography or posted on the internet.

The South African Law Reform Commission (SALRC) conducted an investigation which revealed that South Africa is in fact a country of origin, transit and destination for victims of trafficking and the trade is mainly focused, but not limited, to women and children. The victims are innocent and unsuspecting individuals who are then subjected to a number of traumatic ordeals which become deadly. Trafficking activities are either intercity or cross-border and victim's rights are violated without care by the perpetrators who in some instances are known to the victim.

To further educate the public about trafficking in persons, the department in partnership with NGOs is continuously engaging on outreach and awareness campaigns on human trafficking.