

Human trafficking: will law translate into action?

She was promised she would go to school and learn a trade. In fact, she rarely leaves the room she lives in, and has never seen a school. All she sees are men who pay to violate her. Sometimes her captor gives her shots to make her better. At least that's what she is told the shots do.

Darla Bardine reports

HUMAN trafficking in South Africa is a serious problem and warrants intervention on all fronts," notes the Human Sciences Research Council.

Victims are mostly women, young girls and boys trafficked for a variety of purposes, including prostitution, pornography, domestic servitude, forced labour, begging, criminal activity and trafficking for the removal of body parts (muti).

The South African Parliament has taken seven years to introduce the Prevention and Combating of Trafficking in Persons Bill, but has yet to pass it into law.

This bill would outlaw all forms of human trafficking for the first time in South Africa.

However, while we wait for this law to be passed and implemented, slave owners and transporters of slaves act with impunity and escape punishment, leaving children, women and men suffering in slavery.

South Africa's Anti-Trafficking bill needs to become law because it is necessary to concretise a binding standard. This bill will make it illegal for persons to traffic, enslave and exploit children and adults.

Victims will have a legal right to some health care services, compensation and services provided by the Department of Social Services.

The bill also provides for international collaboration, training, prevention, public awareness, and law enforce-

ment improvement programmes.

It's a piece of legislation that is long overdue, but the inevitable concern about South Africa's ability to enforce it looms large.

Is the public sector capable of doing enough to prevent and stop human trafficking, considering their historic inability to fully implement laws and policies? Will anything at all change in South Africa after this bill is passed into law?

It's a huge concern and in view of the current state of affairs, the Prevention and Combating of Trafficking in Persons Bill does appear lofty.

For example, it's been three years since the commitment was made to achieve this, but South Africa still does not have a fully functioning National Sex Offender Registry.

Three million rands have been allocated for the development of this registry, but it's still not fully functioning, and the deadline for completion continues to be delayed.

Clearly, money is not the only relevant factor when it comes to delivery.

This failure is an example of how, even with funding, the public sector suffers from a lack of capacity, co-ordination and prioritisation that leads to poor results when it comes to implementing the laws of the land. Thus, it would be fair to say that any bill can flop without the proper resources, management and prioritisation.

And, while Parliament is currently trying to cost out all



CAGED: Widespread corruption remains a major reason for continued human trafficking of girls and women into sex slavery, maintains our columnist.

GRAPHIC: GARY MEYER

aspects of this Bill – and hopefully money will be apportioned accordingly – there are other non-monetary shortcomings that need to be addressed.

South Africa must change its strategy when it comes to implementing laws.

With respect to the proposed anti-trafficking legislation, first, it would be important for a group of dedicated individuals to take charge of ensuring that the bill is implemented, and in this regard it is recommended that an 'Implementation Board' of committed persons from relevant sectors be established.

Such a board would be responsible for implementing all aspects of the bill and should be urged to work in strong part-

nership with non-governmental organisations, the people who are almost always at the coalface of working with trafficking victims.

Second, given the seriousness and urgency of the human trafficking problem, timing is everything. A plan to implement the bill as quickly and effectively as possible must be put into effect. Parts of the bill that can be immediately implemented should be made operational without delay.

For those parts of the bill that will take longer to actualise, well thought-out plans must be developed and then vigorously implemented.

Accountability and oversight is vital to the full implementation of any bill, and

should be a key part of the strategy for this particular bill.

Those responsible for implementing the bill, as well as those who answer to them, must be held accountable for doing their job. If the results mirror those of the National Sex Offender Registry, then staff need to be replaced.

Additionally, implementers of the bill should focus specifically on the problem of corruption in South Africa and engage in anti-corruption efforts.

Corruption is a worldwide problem, a regional problem and a South African problem; it is particularly acute in the human trafficking sector, and it cannot be ignored. Without a strict and comprehensive approach to corruption, all of the

laws and collaboration in the world will have little effect.

In the relentlessly scheming and dirty world of human trafficking, every public official is at risk of temptation.

South Africa has corrupt officials at its borders, on its police force, sitting as judges, practicing law and running its jails. One needs just to recall the corruption conviction of Jackie Selebi, former national police commissioner and ex-president of Interpol, to understand that no agency, department or position is immune to corruption.

In this regard, South Africa needs a multi-disciplinary approach to have a hope of successfully combating and preventing corruption, and the implementers of this bill should be the driving force behind it.

The overall goal should be to create a culture of non-acceptability of corruption, and implement an action plan that includes: Strict enforcement of the Prevention and Combating of Corrupt Activities Bill (2004); the establishment of an Anti-Corruption Agency focused on creating and implementing corruption prevention policies and mechanisms; the encouragement of free press and non-profits to speak out against corruption and publicly demonstrate against corrupt officials, institutions and government bodies; and finally international collaboration, because corruption is a transnational phenomenon which the UN Convention Against Corruption clearly highlights.

South Africa's public sector can create a new legacy of efficient capacity building, good management and a tireless commitment when it comes to implementing laws, but it will take some reprioritisation, hard work and a culture shift.

Everyone must work to establish a culture of integrity in the face of corruption in South Africa. The results of fully implementing the Prevention and Combating of Trafficking in Persons Bill would protect enslaved and exploited children, women and men, and would punish slave owners, traffickers and exploiters.

It is time to learn from the past and make this bill's words on paper an active reality in South Africa.

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