

# Child trafficking, child prostitution and the potential dangers of the 2010 FIFA World Cup in South Africa

Michael Conteh

In their little worlds in which children have their existence, there is nothing so finely perceived and so finely felt, as injustice ...

Charles Dickens, *Great Expectations*

This article aims to examine child trafficking and child prostitution in relation to the potential dangers of the 2010 FIFA World Cup<sup>1</sup> (FWC) in South Africa. The overview covers key concepts that are relevant for the purpose of this article. The article also discusses child trafficking vis-à-vis the strategies to combat it, and critically analyses strategies in the context of the 2010 FWC. Finally, based on the analysis, the paper takes a position with regard to the potential dangers of the 2010 FWC and offers suggestions for Namibia's response to them.

## Introduction

Trafficking in human beings and, more especially, trafficking in children have been high on the international agenda for more than a decade. Only recently, however, has the international community more fully appreciated that, in addition to being a serious violation of children's rights and a criminal act, the trafficking of children is unquestionably a serious labour issue. It has now become a non-stop global fight to eliminate the practice. While the *trafficking of adults* is defined in international law by the coercion, abuse of power, force or threats that initiate the movement into exploitation, *child trafficking* is defined by the exploitation itself. Regardless of how the child comes to move, the very fact that this transfer through a third person results in exploitation is considered to be child trafficking.

The first FIFA World Cup in Africa will be held from 11 June to 11 July 2010 in nine South African cities, namely Cape Town, Durban, Johannesburg, Mangaung/Bloemfontein, Nelspruit, Nelson Mandela Bay/Port Elizabeth, Polokwane, Rustenburg and Tshwane/Pretoria. It is expected that thousands of people will visit South Africa during this period – “where the matches will have an estimated culminative worldwide audience of between

---

1 This name is trademarked by the Fédération Internationale de Football Association (FIFA).

26 and 30 million people”, as the South African real estate *Investor* magazine reveals in its November–December 2007 edition.<sup>2</sup> The big question remains, however: Are there any potential dangers for child trafficking and prostitution? It is feared that the huge influx of people into South Africa and the sheer magnitude of the 2010 FWC event will increase the abuse, exploitation and trafficking of children.

## Defining *human trafficking*

The following definitions of *trafficking in persons* and *exploitation* are derived from Article 3(a) of the Optional Protocol to the United Nations Convention on Transnational Organized Crime, also known as the *Palermo Protocol*:<sup>3</sup>

“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 or 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. 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.

The subsequent paragraph of Article 3 of the Palermo Protocol provides as follows:

- (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.

Thus, consent is irrelevant if it is obtained by means of coercion or deceit,<sup>4</sup> including any abuse of power without physical force. This applies to cases when individuals initially consent, e.g. to migrate or work, but are then subjected to exploitation. If there is no realistic possibility of free and fully informed consent being given or refused, the recruitment or movement of persons in the manner described in the cited text amounts to trafficking.<sup>5</sup>

---

2 SANTAC (2008).

3 Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime of 2000.

4 *Deception* can relate to the nature of the services to be performed as well as the conditions under which the person will be or is forced to perform such services.

5 This also applies to those persons who entered prostitution voluntarily and were later subjected to work under coercive or slavery-like conditions in the sex market by any means set forth in

The question of consent is irrelevant under any circumstances in the case of a child, as outlined in Article 3(c) of the Palermo Protocol:

- (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.

In accordance with the Convention on the Rights of the Child (CRC), Article 3(d) of the Palermo Protocol defines *child* as any person under 18 years of age.

In addition, the exploitative outcome stated in the above citations need not be fulfilled for it to constitute a case of trafficking, if the intent to do so is discovered. According to the Palermo Protocol, *exploitation* may include the following:

- Sexual exploitation (including the exploitation or prostitution of others or other forms of sexual exploitation – such as pornography and forced marriages)
- Forced labour or services<sup>6</sup>
- Slavery<sup>7</sup> or practices similar to slavery, servitude, or
- The removal of organs.<sup>8</sup>

In Article 3, the crossing of borders is specifically excluded as a constituting element of the definition of *trafficking in human beings*, as trafficking may occur within a country’s borders for the purposes of exploitation.

To summarise, therefore, *human trafficking* involves the following components:

- ***Child trafficking:*** the recruitment or movement of persons under the age of 18, internally or across borders by an individual (a family member, relative or a trafficker in an organised syndicate) who has an intention to exploit. The child’s consent is irrelevant when determining whether or not such recruitment or movement is a case of trafficking, and coercion or deception need not be present.

---

Article 3 of the Palermo Protocol.

6 Defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (Article 2(1), International Labour Organisation [ILO] Convention No. 29 Concerning Forced Labour).

7 Defined as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” (Slavery Convention, 1927).

8 The Palermo Protocol does not specifically mention the recruitment of children for hazardous work or illegal adoption. However, in accordance with other binding international legal instruments, States Parties should take action to stop any person under 18 from being employed in hazardous work or the two should not be contingent on each other) from being adopted in violation of the applicable international law on adoption (i.e. respectively, the ILO Convention No. 182 On the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption). However, Namibia is not party to the Hague Convention.

- **Adult trafficking:** This involves recruitment or movement by a third party with an intention to exploit using coercion, deception or an abuse of authority.

## Child trafficking in Namibia

The Office to Monitor and Combat Trafficking in Persons (or *TIP Office*) at the United States' Department of State annually evaluates the commitment and effectiveness of countries worldwide in terms of their response to the anti-trafficking standards set forth in the Trafficking Victims Protection Act of 2000, as amended. The TIP Office publishes an annual Trafficking in Persons Report (the *TIP Report*), in which it classifies countries according to a three-tiered scale, where Tier 1 is best and Tier 3 worst. Namibia is classified as a Special Case in the most recent TIP Report (June 2008), since the existence of a significant human trafficking problem in Namibia is suspected, but remains unsubstantiated by sufficient reliable reporting.<sup>9</sup> However, Namibian government representatives have begun issuing statements concerning the incidence and prevalence of trafficking in persons in the country over the past number of years.

Following an International Organisation for Migration report on human trafficking in southern Africa, the Deputy Chairperson of the National Council in Namibia told the media that Namibia's not being mentioned in the report is not an indicator of the incidence of trafficking, but of the limited information available.<sup>10</sup>

Child trafficking is also happening here[;] all we need is to carry out a survey to determine how and where exactly.

In contrast, a Namibian police spokesperson stated that there was no evidence of human trafficking, but conceded that this might be related to the clandestine nature of the crime.<sup>11</sup>

If it is being practised, it is very secret.

In the Ministry of Gender Equality and Child Welfare's country report on the African Union Solemn Declaration on Gender Equality in Africa in 2006, the statement was more definitive:<sup>12</sup>

Trafficking of women and girls in Namibia does not exist. However, at least one case has been reported which involved the transportation of a young Namibian woman to South Africa for forced prostitution.

Notwithstanding such statements and the official position from government institutions, in November 2007, the Southern African Development Community (SADC) Parliamentary

---

9 USDS (2008).

10 *New Era*, 19 April 2005; MGECW (2009).

11 (ibid.).

12 MGECW (2006).

Forum in Windhoek also issued an interim statement on the binational Namibian–Angolan oversight mission on strengthening the implementation of cross-border HIV and AIDS interventions by Members of Parliament from the two countries concerned.<sup>13</sup> A delegation of three MPs from Angola and three from Namibia visited the regions around the countries’ common border. In Namibia, the delegation visited the Ohangwena and Omusati Regions, meeting their Governor, regional representatives of the Ministry of Health and Social Services, and health practitioners in the area. The trafficking of women and children was a central issue on the delegation’s agenda.

The delegation was informed of cases of women and children being trafficked across the two countries’ borders as well as within those countries and others in SADC:<sup>14</sup>

Children and women were reportedly trafficked and ended up serving as domestic workers and laborers in farms both around border areas and distant localities. As a result[,] they often lacked access to basic necessities such as education, health care and citizenship (due to birth registration).

Children from Angola, Botswana, South Africa, Zambia and Zimbabwe reportedly entered Namibia illegally to work on communal farms, where they are forced into domestic servitude and sexual exploitation.<sup>15</sup> Accordingly, the United States Department of State reported that Namibia might be a country of origin and destination, especially for child trafficking.<sup>16</sup>

Child trafficking has also surfaced directly and indirectly in reports and conferences on the worst forms of child labour in Namibia. In a report on the latter topic, Debie LeBeau (2004) makes no direct reference to human trafficking; however, her report opens up questions as to whether trafficking exists in Namibia.<sup>17</sup> She describes children as young as 8 who engage in both transactional sex for food, accommodation, and material benefits, and those who receive payments in cash. Similarly, in its study on the worst form of child labour in Namibia, the US Department of Labor reported that children in Namibia work in commercial and communal agriculture and in domestic service:<sup>18</sup>

[C]hildren from poor rural households frequently assisted extended family members in urban centres with house cleaning, cooking, and child care in exchange for food, shelter, and sometimes clothes and money.

In 2009, an article entitled “Human trafficking mirrors society’s underbelly” in the *New Era* reported on a presentation by a Namibian girl involved in a suspected case of human trafficking. She talked about her experiences at a human trafficking-based gender violence

13 SADC–PF (2007).

14 (ibid.:5).

15 IOM (2006).

16 USDS (2008).

17 LeBeau et al. (2004).

18 USDL (2008).

and HIV conference in Mexico in 2008.<sup>19</sup> The case, as reported in the media, involved two 16-year-old girls who, in their attempt to hitchhike to Windhoek from Walvis Bay, were offered a lift by two truck drivers to Johannesburg, South Africa, where they were told they could expect clothes and other material goods, before being brought back to Namibia. They accepted this offer and, as they had no travel documents, were concealed in the truck when crossing the border post. They were then raped by the truck drivers in Potchefstroom, South Africa, and were abandoned soon thereafter. After begging on the streets, they found accommodation with a man who then demanded sex in return for their food and board. They were raped again. One of the girls contacted a police station who then discharged and deported them to Namibia. They were both HIV-positive and the one child was pregnant. Although this case involves movement and an element of deception, the fact that the girls were not exploited but rather raped and abandoned leads to definitional questions of whether this constitutes a case of trafficking.<sup>20</sup>

According to a baseline assessment of human trafficking in Namibia compiled by the Ministry of Gender Equality and Child Welfare in 2009, a small number of cases of human trafficking have been identified.<sup>21</sup> However, there is a possibility that more cases exist. The difficulty in ascertaining the exact status of possible cases stemmed from two general factors, according to the study:

- Limited time for follow-up investigation where the available facts were inadequate, and
- Conflation of terminology and concepts in terms of understanding trafficking, smuggling, and illegal migration.

One of the major difficulties in assessing potential trafficking cases is the lack of definitional clarity about trafficking on the part of both lay and professional personnel<sup>22</sup> (among the interviewees and stakeholders).

There were some attempted trafficking scenarios, but their intent and outcome were unclear. For example, an interception at the border precluded full knowledge of the intended outcome of the movement of a person. Finally, in some cases, contradictory information about the existence of human trafficking would be given by individuals within the same bodies or departments, or it was unknown whether or not suspected cases had been resolved.<sup>23</sup>

## **Causes of child trafficking**

Human trafficking is often referred to as modern-day slavery. The causes of trafficking spring from an array of sources: violence against women and children; concealment

---

19 Sasman (2009).

20 (ibid.). Reference to a case in Merab Kiremire's (2006) research.

21 MGECW (2009).

22 (ibid.).

23 (ibid.).

of incest and rape; discrimination and devaluation of women and children; and greed, political instability, armed conflict, even natural disasters.<sup>24</sup> Furthermore, poverty, the lack of economic opportunities, orphanhood, a lack of control in the tourism industry, porosity of borders (especially at Oshikango and Noordoewer), and insufficient awareness of the rights of children are some of the most evident contributing factors of human trafficking in Namibia.<sup>25</sup>

In order to address the root causes of child trafficking, the Southern Africa Network against Trafficking and Abuse of Children (SANTAC), in its Kopanong Declaration, urged all governments to strengthen and extend poverty eradication programmes, extend free and compulsory primary education of good quality – especially for girls, and establish birth registration as a priority. Action to prevent trafficking should include programmes to reduce the demand for services or products delivered by children who have been trafficked.<sup>26</sup>

To help prevent child trafficking in Namibia, the proposed Child Care and Protection Bill makes it a crime to remove a child from the care of anyone such as a parent or caregiver who lawfully looks after such child. The Bill also defines as a crime the detention of a child in order to keep it away from a parent or other lawful caregiver. Another preventative measure is that it will be illegal to take a child out of Namibia without the consent of both the child's parents or caregivers, or without permission from a Magistrate's Court<sup>27</sup> (if the parents or caregivers are not available or are unreasonably withholding consent).

## Legal framework in Namibia

Trafficking in persons is a significant human rights and development issue worldwide that affects men, women and children, and Namibia is no exception. To this effect, in 2003, Namibia ratified the United Nations Convention against Transnational Organized Crime and the additional Optional Protocol to Prevent, Suppress and Punish Trafficking in Humans, Especially Women and Children.

Until recently, Namibia had no legislation on trafficking in human beings. In fact, very few people knew anything about the concept of *human trafficking*.<sup>28</sup> Where persons came into or extended their stay in the country illegally, they were simply charged under the relevant immigration laws and deported to their countries of origin. The circumstances of their coming into the country were not of concern, or at least were never investigated.

---

24 Songololo (2000:27); Innocenti Research Centre (2003:5–6); Snyman (2005:282); Throng & Angeles (2005:2).

25 Kiremere (2006).

26 SANTAC (2007).

27 MGECW (2009).

28 (ibid.).

Trafficking in humans and smuggling of persons has now been criminalised in Namibia's Prevention of Organized Crime Act (POCA),<sup>29</sup> which became law on 5 May 2009. POCA does not address human trafficking and the smuggling of persons comprehensively in line with the international Conventions and Protocol, however. A large part of the Act is devoted to offences relating to racketeering, money laundering and criminal gangs. Human trafficking and the smuggling of persons are covered under the category "Other Offences".<sup>30</sup> The penalty under POCA for trafficking in humans is a fine not exceeding N\$1,000,000 or imprisonment for a period not exceeding 50 years, or both; the penalty for smuggling in persons is a fine not exceeding N\$500,000 or imprisonment for a period not exceeding 25 years, or both.

Sexual exploitation and the trafficking of women and children cannot be addressed outside the legal scope within which the phenomenon is addressed in the Namibian context. It is important to note that prostitution was never an offence in terms of common law in Namibia,<sup>31</sup> and the act of engaging in sexual intercourse for reward has not been declared an offence in terms of any Namibian statute. However, various other aspects of sex work are currently criminalised by the Combating of Immoral Practices Act,<sup>32</sup> The Children's Act,<sup>33</sup> and Municipal Regulations. The Combating of Rape Act<sup>34</sup> is also relevant to child prostitution.

Perhaps the most comprehensive piece of legislation that will cover child trafficking and other forms of exploitation of children in Namibia is the proposed Child Care and Protection Act. This piece of legislation is in line with the United Nations Convention on the Rights of the Child and a number of other international agreements, which stipulate that child trafficking has to be prevented. In line with these agreements, the Child Care and Protection Bill makes the trafficking of children a crime.

The draft Child Care and Protection Act defines *trafficking*, in relation to a child, as –<sup>35</sup>

- ... the recruitment, sale, supply, transportation, transfer, harbouring or receipt of children, within or across the borders of Namibia –
    - by any means, including the use of threat, force 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 of a child, or
    - due to a position of vulnerability,
- for the purpose of exploitation.

---

29 No. 29 of 2004.

30 Section 15, Prevention of Organized Crime Act.

31 Jordan et al., cited in LAC (2002).

32 No. 21 of 1980.

33 No.33 of 1960.

34 No. 8 of 2000.

35 MGECW (2009).

The definition also covers “the adoption of a child facilitated or secured through illegal means”. This provision will include trafficking for purposes such as –<sup>36</sup>

- prostitution or other forms of sexual exploitation
- forced labour or services, prohibited child labour or other economic exploitation
- slavery or practices similar to slavery, including debt bondage or forced marriage
- servitude, or
- the removal of any body parts.

The Bill further makes it a crime for individuals or companies to assist child trafficking in any way, such as by providing accommodation for children who are being trafficked or supplying information to potential traffickers. The Bill also provides for assistance to children who are victims of trafficking, including steps to return children who have been moved across borders to their home countries, safely, and with the least possible trauma.<sup>37</sup>

The following is a summary of the current laws in Namibia on prostitution and human trafficking.

### **Combating of Immoral Practices Amendment Act<sup>38</sup>**

Article 5 of the Combating of Immoral Practices Act<sup>39</sup> prohibits procuring a woman for the purpose of unlawful carnal intercourse, enticing a woman to a brothel for the purpose of prostitution, procuring a woman to make her become a prostitute or an inmate of a brothel, or causing any drug or intoxicating liquor to be taken by a woman with the intent to stupefy or overpower her so as to enable any person to have unlawful carnal intercourse with her. Article 9 of the Act makes it illegal to keep or maintain a place for the purpose of prostitution, while Article 10 declares it illegal to live wholly or in part on the earnings of prostitution.

Article 13 of the Act penalises taking any female to a brothel or detaining her against her will for the purpose of unlawful carnal intercourse with another person. Section 2 of that Article declares that a female under 16 years of age who is found in a brothel will be deemed to be held there against her will. Punishment for the offence stated in section 2 is imprisonment for up to seven years.

Article 14 makes it an offence for any male to have, to attempt to have, or to solicit a girl younger than 16 years of age for the purpose of having carnal intercourse or committing

---

36 (ibid.).

37 (ibid.).

38 No. 7 of 2000.

39 No. 21 of 1980.

an immoral or indecent act. Punishment is imprisonment for a period not exceeding six years, a fine, or both.

Article 9(1) and (2) of the Constitution of the Republic of Namibia state the following:

- (1) No persons shall be held in slavery or servitude.
- (2) No persons shall be required to perform forced labour.

Article 15 protects children against economic exploitation, while Article 95 obliges the state to ensure the protection and welfare of all people, even in the face of abuse and exploitation.

Forced labour is also prohibited under the Labour Code of Namibia. The latter prohibits employing any child younger than 14 years of age. In addition, section 42(d) of the Code provides that no child under the age of 15 is permitted to be employed in an industrial undertaking or mine; no child under the age of 16 is allowed to work underground; and no child under the age of 18 is permitted to work at night. Article 15(2) of the Constitution protects children under the age of 16 from hazardous work that would conflict with their education.

The stated intention of these laws is to provide for the combating of brothels and other immoral practices. The statute does not criminalise the actual act of engaging in sex for reward, but criminalises a number of the activities associated with it. Thus, under the Act it is illegal to –

- keep a brothel, which is defined as any house or place kept or used for purposes of prostitution or for persons to visit for the purposes of having unlawful carnal intercourse or for any other lewd or immoral purposes
- procure any female to have unlawful carnal intercourse with another person, to become a prostitute or to become an inmate of a brothel
- entice a female to a brothel for the purposes of prostitution, or to conceal a female who has been enticed to a brothel, and
- detain a female against her will in a brothel, or to otherwise detain her for the purposes of unlawful carnal intercourse with another person.

It is an offence to knowingly live wholly or in part on the earnings of prostitution.

### **Combating of Rape Act**

Most of the Combating of Rape Act deals with overt forms of force or coercion. However, in terms of section 2, rape is committed in any case where a sexual act is committed with a person under the age of 14 by a perpetrator who is more than three years older than the victim. Even if the sexual act was consensual, or took place as paid sex, the crime has still been committed.

The Combating of Rape Act and the Combating of Immoral Practices Act offer similar protection to persons under the age of 16. Although these two pieces of legislation could possibly be used as tools to combat the demand for child prostitution, the defined offences are unlikely to be very effective. Who will be the complainant if a sexual act takes place between a willing child prostitute and a willing client? No charge is likely to be laid. A third party might lay the charge if the sexual encounter takes place in public.

### **Municipal Regulations**

Sections 12 and 16 of the Street and Traffic Regulations state the following:<sup>40</sup>

No person shall in or in view of any street or public place solicit a person in any way for the purposes of prostitution.

### **Nongovernmental and international organisation responses**

In 2002, Terre des Hommes launched a campaign against child abuse in southern Africa. Terre des Hommes and its partners in Mozambique, Namibia, South Africa, Zambia, and Zimbabwe work against child trafficking and exploitation.<sup>41</sup> The Legal Assistance Centre in Windhoek has also been active in this respect; in 2002 it called for the decriminalisation of prostitution in Namibia, a new law to deal with the problems of child prostitution and trafficking, and new measures to deal with sex tourism.<sup>42</sup>

Also in Namibia is the Church Alliance for Orphans, which provides technical assistance and facilitates financial assistance and capacity-building of church and faith-based organisations that care for orphans and other vulnerable children in Namibia.<sup>43</sup>

In addition, the African Regional Labour Administration Centre conducted a workshop in October 2003 on child labour in the agricultural sector. The workshop aimed at building on the commitment of participating countries to tackle child labour and to develop action plans toward that end. Participants attended from Egypt, Ethiopia, Kenya, Malawi, Namibia, Nigeria, South Africa, Tanzania, Uganda, and Zimbabwe.<sup>44</sup>

### **Multilateral initiatives**

At a March 2004 meeting in Maputo, Mozambique, police chiefs from SADC Member States decided to take strong action against both trafficking in children and trafficking in organs in the region. The decision came at the end of a five-day meeting of the Southern African Regional Police Chiefs' Cooperation Organisation, under the theme "Violence

---

40 Government Notice 9 of 1930, as amended by General Notice 27 of 1994.

41 Spielmans (2002).

42 Hamata (2002).

43 *American Jewish World Service*, 15 July 2004.

44 *Xinhua General News Service*, 17 October 2003.

against women and children".<sup>45</sup> SADC includes Angola, Botswana, the Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, the Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe.<sup>46</sup>

## 2010 FIFA World Cup dilemma

To ensure a lasting social legacy, child protection within South Africa and the southern African region needs to be given primary consideration by the event organisers and the government during the build-up to the 2010 FWC. Non-governmental organisations (NGOs) and networks like SANTAC have a key responsibility to advocate and lobby for child protection measures to be put in place as part of the 2010 FWC operational and security plans. Molo Songololo calls on the South African NGO community to establish a national campaign in partnership with government to realise and implement measures to secure child protection during 2010 and beyond. Let 2010 be a kick-off for effective child protection!

An assessment of the impact of the 2010 FWC, conducted by Molo Songololo and supported by the Habitat International Foundation and SANTAC, indicates that the 2010 FWC will create conditions that will increase –<sup>47</sup>

- demand for sexual services, including sexual services from children
- demand for cheap and exploitable labour, which will lead to children being forced to work in various legal and illegal sectors
- the number of children left unattended and unsupervised, as schools will be closed for six weeks during the event
- alcohol and drug consumption, which will fuel social crimes and crimes against children, particularly sexual offences, and
- opportunities for criminal elements to ply their trade, including trafficking and the exploitation of children.

A further concern is the relaxation of visa controls before, during and after the FWC, which could provide opportunities for traffickers and exploiters to move children across South Africa's borders for purposes of labour or sexual exploitation. In recent months, NGOs have reported an increase in child labour practices, such as children forced to beg and sell goods on the streets, as well as the prostitution of children.<sup>48</sup>

As a direct result of Molo Songololo's advocacy and lobbying, the National Department of Social Development drafted a Child Protection Strategy for the 2010 FWC in partnership with NGOs. The strategy highlights the need to minimise risk factors for the abuse, exploitation and trafficking of children during the event. A major limitation of the strategy is that it does not address the allocation of financial and other resources for the

---

45 *Africa News*, 20 March 2004.

46 *Agence France Presse*, 4 September 2003.

47 (ibid.).

48 (ibid.).

development and implementation of 2010 FWC Child Protection Plans.<sup>49</sup> It is feared that the high vulnerability experienced by South African children place them at risk – which will increase during the global soccer event in 2010.

## Conclusion

It is incomprehensible that trafficking in human beings should take place in the 21st century –incomprehensible but true. Trafficking leaves no land untouched, including our own.  
Colin Powell, former Secretary of State, United States of America

Human trafficking is as much a reality in the SADC region as in the world. Due to the FWC being hosted in South Africa – a SADC country – in 2010, it is urgent for all Member States to work together in order to minimise the risk of human trafficking and child abuse in connection with the event.<sup>50</sup> Many trafficking cases may be obvious. A scenario in which children are recruited, transported to another country, never allowed to leave a commercial farm, and work around the clock clearly fall within the definition of *trafficking in persons* and such conduct has to be criminalised as such. Similarly, cases involving children recruited or harboured and forced to provide sexual services unmistakably meet the definition of *trafficking in persons*. Some cases, however, may be more complicated. When in doubt as to whether a particular circumstance meets the definition or not, attention should be paid to both the definition contained in the Palermo Protocol and the constituent elements of trafficking in persons as defined in POCA, the Child Care and Protection Bill, and other domestic legislation. Where possible, police officers and other law enforcement authorities should consult with prosecutors to assess whether a particular set of facts meets the definition of *trafficking in persons*, as reflected in domestic legislation.

The phenomenon of trafficking has spread its tentacles to all corners of the world, reaching into all sectors – political, economic, crime, health, migration and, most importantly, human rights – and the ripple effects are colossal. There is no contradicting the truly global nature of the crime of human trafficking with virtually no country left untouched by the movement and bondage of human beings. Without real commitment to eliminate this heinous activity, it will not only continue – it will worsen and grow. To this end, it is highly recommended that the Namibian government consider the following strategies advocated by Songololo<sup>51</sup> for child protection during the 2010 FWC in particular, and beyond:

- Educate and train service providers, border patrol units, airport staff, hotel and guest house operators, tour and transport services, police, and social development workers to identify, refer and assist children in need and difficulty
- Monitor the internal and cross-border migration of children, and establish referral and direct assistance protocols with local and regional stakeholders

---

49 (ibid.).

50 SANTAC (2008b).

51 SANTAC (2009).

- Monitor and assist children forced to live and work on the streets, i.e. street children, children begging and selling goods on the street, and those working in backyard industries as taxi fee collectors, etc.
- Place all child care and protection services on full alert
- Develop a referral protocol for the immediate and direct assistance to children in need including those who are lost and those who go missing, and
- Establish a rapid response team to address serious crimes against children.

Although these measures are not a panacea for addressing the problem of human trafficking, especially the trafficking of children for sexually exploitative purposes during the 2010 FWC, it is imperative that the government works closely with all other SADC Member States, particularly its immediate neighbours, for the implementation of these measures to prevent the crime of trafficking.

## References

- Africa News*, 20 March 2004; "Mozambique: Police chiefs against trafficking in human beings".
- Agence France Presse*, 4 September 2003; "Globalization Fuelling crime in southern Africa".
- American Jewish World Service*, 15 July 2004; "Capacity building for Joint Ecumenical Committees and members of CAFO"; available at [http://www.ajws.org/index.cfm?section\\_id=3&page\\_id=96](http://www.ajws.org/index.cfm?section_id=3&page_id=96); last accessed 22 September 2009.
- Dickens, Charles. 1861. *Great expectations*. London: Chapman & Hall.
- Hamata, Max. 2002. "Tax sex workers, says new report". *The Namibian*, 8 October 2002.
- Innocenti Research Centre. 2003. *Trafficking in human beings, especially women and children, in Africa*. Florence: United Nations Children's Fund.
- IOM/International Organisation for Migration. 2006. "Angola: New counter-trafficking initiatives under way". *Eye on Human Trafficking*, 7; available at [www.iom.org](http://www.iom.org); last accessed 13 June 2009.
- Kiremere, M. 2006. *Trafficking for sexual exploitation: Adolescents in Namibia*. Summary of findings available at [www.queensu.ca](http://www.queensu.ca); last accessed 12 April 2009.
- Legal Assistance Centre. 2002. *Whose body is it? Commercial sex work and the law in Namibia*. Windhoek: LAC.
- LeBeau, Debie, Dawia Bosch, Debbie Budlender & Annalize Fourie. 2004. "Towards the elimination of the worst forms of child labour". Pretoria: Pollination Publishers.
- MGECW/Ministry of Gender Equality and Child Welfare. 2006. *Namibia's Country Report on the African Union Solemn Declaration on Gender Equality in Africa*. Windhoek: Directorate of Gender Equality and International Affairs.
- MGECW/Ministry of Gender Equality and Child Welfare. 2009. *The Draft Child Care and Protection Act: Issues for public debate. Booklet 1*. Windhoek: MGECW/ Legal Assistance Centre/United Nations Children's Fund.

- MGECW/Ministry of Gender Equality and Child Welfare. 2009. *Baseline assessment of human trafficking in Namibia*. Windhoek: MGECW.
- Molo Songololo. 2000. *The trafficking of children for purposes of sexual exploitation – South Africa*. Cape Town: Molo Songololo.
- SADC–PF/Southern African Development Community Parliamentary Forum. 2007. *Interim statement on the bi-national oversight mission on strengthening the implementation of cross-border HIV/AIDS interventions by members of parliament from Angola and Namibia*, 18–25 November 2007. Windhoek: SADC–PF.
- Sasman, Catherine. 2009. *Namibia: Human trafficking mirrors society's underbelly*, 6 February. Available at <http://allafrica.com/stories/200902060690.html>; last accessed 11 February 2009.
- SANTAC/Southern Africa Network against Trafficking and Abuse of Children. 2007. *SANTAC Conference Declaration*. Stop Child Trafficking: A Southern African Regional Conference Exploring Strategies for Prevention and Intervention. Kopanong Hotel and Conference Centre, Johannesburg, South Africa, 27–28 March 2007. Johannesburg: SANTAC.
- SANTAC/Southern Africa Network Against Trafficking and Abuse of Children. 2008a. *SANTAC Gazette*, 3(January–June):6.
- SANTAC/Southern Africa Network against Trafficking and Abuse of Children. 2008b. *SANTAC Gazette*, 4(July–December):2–3, 6.
- SANTAC/Southern Africa Network against Trafficking and Abuse of Children. 2009. *SANTAC Gazette*, 5(January–June):3.
- Snyman, R. 2005. “Victims of human trafficking”. In Davis, L & R Snyman (Eds). *Victimology in South Africa*. Pretoria: Van Schaik, p 282.
- Spielmanns, Heike. 2002. *Launch of the Regional Southern Africa Campaign against Child Abuse, Maputo, Mozambique, 16 June 2002*. Available at <http://www.againstchildabuse.org/article/articlestatic/6/1/7/>; last accessed 10 July 2009.
- Throng, Thanh-Dam & Maria Belen Angeles. 2005. *Searching for best practices to counter human trafficking in Africa: A focus on women and children*. Paris: United Nations Educational, Scientific and Cultural Organisation.
- USDL/United States Department of Labor. 2008. *Findings on the worst forms of child labor – Namibia*. Available at [www.unhcr.org](http://www.unhcr.org); last accessed 12 July 2009.
- USDS/United States Department of State. 2008. *Trafficking in Persons Report 2008: Special cases – Namibia*. Available at [www.unhcr.org](http://www.unhcr.org); last accessed 12 July 2009.
- Xinhua General News Service*, 17 October 2003; “Regional Workshop on Combating Worst Forms of Child Labor Concludes”.

