

**MINISTRY**

**INTERNATIONAL RELATIONS AND COOPERATION**

**REPUBLIC OF SOUTH AFRICA**

**2383. Mrs T P Msane (EFF) to ask the Minister of International Relations and Cooperation**:

What multilateral programmes do the Southern African Development Community bloc and other African regional blocs have in addressing human trafficking on the continent? NW2958E

**REPLY:**

Most Member States in the Southern African Development Community (SADC) and African Union (AU) have acceded to the first universal instrument dealing exclusively with human trafficking namely the United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children which serves as a supplement the United Nations Convention against Transnational Organised Crime (2000) known as the Palermo Protocol. This instrument provides the basis for cooperation and sharing of good practices among UN Member States to address human trafficking which is by nature a cross border phenomenon.

At the continental level the African Union adopted the African Charter on Human and People’s Rights in 1981, which prohibits slavery and human trafficking. The Charter is further complemented by the African Charter on the Rights and Welfare of the Child and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, which make specific provisions for the protection of women and children against slavery.

Furthermore, the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, adopted by the African Union in 2006, reaffirmed the provisions provided for in the continental instrument on human trafficking and encouraged African States to adopt legislation and institutional measures to combat trafficking in human beings. It aims at developing co-operation, best practices and mechanisms to prevent and combat trafficking in human beings. The Action Plan takes a holistic human rights approach and includes measures to protect the victims and prosecute the traffickers.

SADC adopted a Regional Strategy to Combat Illegal Migration, Smuggling of Migrants and Trafficking in Persons. This Strategy includes capacity building and training, revision of the legal frameworks, public education, awareness raising and victim support. Complementary Strategies to this Regional Strategy are the Revised Strategic Plan of Action on Combatting Trafficking in Persons, especially Women and Children, and the SADC-United Nations Office on Drugs and Crime (UNODC) Regional Programme. Progress from these programmes was noted, amongst others, in the following areas: enactment of legislation criminalising Trafficking in Persons; the development of National Action Plans, Victim Identification Guidelines; Implementing Regulations, Standard Operating Procedures and referral mechanisms; and the establishment of the Regional Database on Trafficking in Persons. As the Regional Strategy to Combat Illegal Migration, Smuggling of Migrants and Trafficking in Persons is due to lapse in 2023, the SADC Secretariat, in conjunction with Member States, are reviewing the Regional Strategy.

Member States of the East African Community (EAC), namely; Burundi, Kenya, Rwanda, South Sudan, Uganda and Tanzania, are all party to the United Nations (UN) Convention Against Transactional Organized Crime and the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa. Article 124 of the EAC Treaty read together with Article 12 of the Protocol on Peace and Security, requires Member States to undertake joint operations in controlling and preventing transnational and cross-border crimes including human trafficking. EAC Member States have specific laws on counter-trafficking in persons which are in line with the above UN Convention and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. However, the penalties for offences under the laws of Member States differ from one jurisdiction to another.

In 2016, the East African Legislative Assembly (EALA) passed the Anti-Trafficking in Persons Bill. The object of the Bill is to provide for a legal framework for the prevention of trafficking in persons, prosecution of perpetrators of trafficking in persons, provision of protection mechanisms and services for victims of trafficking in persons and development of partnerships for co-operation to counter trafficking in persons in the Community.