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**NATIONAL ASSEMBLY QUESTION FOR WRITTEN REPLY**

**QUESTION NUMBER: 721**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 05 MARCH 2021**

**INTERNAL QUESTION PAPER NUMBER: 6 - 2021**

**721. Mrs G Opperman (DA) to ask the Minister of Social Development:**

(a) What extra-territorial jurisdiction does she rely on in the Prevention and Combating of Trafficking in Persons Act, Act 7 of 2013, or powers given to her by the courts to monitor adoptive South African children living in foreign countries and (b) what mechanisms are in place to prevent human trafficking of children in foreign countries, taking into account the more than 1500 inter-country adoptions in the past 10 years? NW842E

**REPLY:**

1. The South African courts have extra-territorial jurisdiction to prosecute acts of trafficking committed outside its borders as per section 12 (1) of the said Act.

If a person adopt a child in South Africa for the purposes of exploitation of child in a foreign country, such person is guilty of an offence as stipulated in section 4 (2) (a) of the said Act. The person can be prosecuted in South Africa regardless of whether or not the acts (trafficking) constitute an offence in the country where they were committed.

1. The South African Central Authority have put measures in place to prevent trafficking of children adopted in foreign countries by entering into inter-country adoption working agreements with those countries. These measures include post adoption services that are expected to be rendered by the accredited foreign adoption agencies for a period of five years to the children and adoptive families.

The foreign accredited adoption agencies are expected to compile post adoption reports twice in the first year then annually which are forwarded to the SA child protection organisations and the SA Central Authority. Engagements on progress are in place on the wellbeing, adjustment and functioning of children and their families.

The Central Authority and the accredited child protection organisations do visit the foreign adoption agencies, Central Authorities and adoptive families to ensure compliance to post adoption measures. During the financial year 2019/2020, some of the officials from the Central Authority and accredited CPO visited Belgium and Denmark to monitor children who were adopted.