

CONTRIBUTION BY HON. ELMA DIENDA (MP)
ON THE SECOND READING
OF THE COMBATING OF TRAFFICKING IN PERSONS BILL

21 NOVEMBER 2017

Hon. Speaker, Hon. Members

I rise today to contribute to this important discussion on the **Combatting of Trafficking In Persons Bill**.

Why has trade of human beings become an attractive business? Trafficking in persons (Human Trafficking) has become a well-documented issue although it remains in some ways invisible to our eyes. Trafficking in persons deprives victims of their fundamental human rights, at the core of which is their human dignity. The trauma suffered as a result of human trafficking can affect the victims for their whole life. Before answering this question allow me to quote from the book titled "EXIT" from Grizelda Grootboom, a survivor of Human Trafficking from Khayelitsha in Cape Town, South Africa.

"I'm writing this book because of the pain the prostitution cycle has caused me. As I deal with my own healing and the trauma that goes with it. I am seeing how change works in closing the wounds. I'm doing this because once I woke up in a hospital bed after being beaten, drugged and enslaved, I said to myself that for the rest of my life, I would fight to make sure other girls do not go through what I experienced." End of quote.

1. Poverty

Hon. Members

Let's start with poverty as one of the reasons why trafficking in persons has become an attractive business? Poverty creates an environment within which trafficking of persons can easily occur. People are being cheated into trafficking with the promise of a better life. Traffickers know their victims are desperate and anything that looks like a way out of poverty can easily trap them. It is this poverty that traffickers are taking advantage of. These situations of poverty-related vulnerability affect how individuals make choices in the hope of overcoming their circumstances. Very often, offers of better options, which may be just lies from traffickers to lure them into prostitution rings, are too hard to resist.

How can we fight it? The key long term strategy to fight human trafficking is the reduction of poverty. One strategy to fight poverty is to pay attention to economic, social and cultural rights. These are the rights that relate to conditions necessary for meeting human basic needs. They include such rights as the right to education, health, food, shelter and sanitation. The most important aspect is the implementation of our laws. When an environment is created where people are able to meet their basic needs, vulnerability to trafficking is reduced, because the desire for "greener pastures" which the traffickers use to trap victims is less.

2. Inequality Based On Gender

Hon Speaker

Concerns have often been raised about the discrimination – both direct and indirect – which women face in different spheres of our society. Gender equality is recognized widely as one of the main pillars for the development of any nation and society. This is also true for Namibia.

Women's social and economic insecurity translates into women being subjected to all forms of exploitation, which includes sexual exploitation. It is therefore not surprising that most victims of human trafficking are women recruited specifically for sexual exploitation.

There is a need for ongoing debate on the sexual attitudes men and women have towards each other as these attitudes shape how each sex relates to and thinks of the other e.g. some attitudes that women are subservient to men and exist only to meet the sexual needs of men can be very harmful.

3. LACK OF EDUCATION

Hon. Members

Education is a powerful protection tool. With it an individual's level of awareness and understanding of social, economic, and political issues increases. Lack of education often breeds ignorance, which is one of the key factors in human trafficking. It is widely acknowledged that many victims of human trafficking are those who have not heard of this crime before. Many of us do not have sufficient information about it and its "hidden" nature contributes to this situation. Although lack of education limits the means through which one can get information such as reading, ignorance is often compounded by a relaxed approach to information dissemination to the public by government, civil society and the church. Lack of education does not mean that an individual cannot understand a social issue put in simple terms in the language they are able to understand.

So, what can we do? Public Awareness Campaigns: As mentioned earlier, people who know about trafficking will have second thoughts about any opportunities that come their way through friends and relatives that seem "too good to be true". Those without the information are at a greater risk. It is a fact that relatively few people in Namibia are aware of the dangers of human trafficking – especially the poor and uneducated who are most likely to be victims of this

crime. It is important that everyone takes part in disseminating simple messages that highlight the experiences and dangers of human trafficking, especially to would - be victims. These messages could come through Churches, schools, families, civil society, social groups etc.

The continuous flow of information will make the issue widely known in the way that the dangers of HIV/AIDS have become widely known. Information flow needs to be supported by an aggressive approach like adverts on buses, every packet of sugar, a bag of maize meal, a packet of matches, in toilets messages from priests, elders, pastors etc. It is important that people do not have to go out of their way to receive the information but rather that the information reaches them whilst they are going about their daily lives. Since the nature of this crime is so hidden, people need to hear about it often so that they recognize its seriousness. All of us therefore have a duty to take action with regard to sensitization.

4. Cultural Practices

Hon. Speaker

Some of our cultural practices that had huge significance in our traditional way of life have great potential now to put individuals at risk. One such practice is the placement of children in wealthier households especially within the extended family. When children are sent to live in these families often with a promise of a better education, they end up being exploited as domestic workers. This practice is contributing to internal trafficking which many people do not even recognize as trafficking. For many, a child who has a chance to live in town is better off than if left in the village. Therefore, living in town is reward enough even if the promises to go to school is not fulfilled. We need to review the role that some of these practices may play in creating an environment where human trafficking can exist, without it being easily obvious that it may be happening.

5. ABSENCE OF LEGISLATION AND HUGE PROFITS

Hon. Members

For traffickers, human trafficking is a lucrative business in which huge profits are realized with little capital needed for investment. For example, a trafficker who recruits ten girls for sexual exploitation makes huge profits as these girls will be forced to sleep with as many clients as the trafficker wishes in a day. Mostly, very little money would have been spent on recruitment. Traffickers also find this crime to be not too big of a risk because many countries, especially in Africa, do not have specific legislation that criminalizes human trafficking. Therefore it is easy “to get away” even if one is caught. A country may have sufficient legislation, but if its neighbours do not have such legislation, traffickers may still not perceive the crime as a big risk since in some cases they will not face prosecution; even if caught.

Allow me now to point out certain issues in the Bill which I feel need to be addressed:

1. **Page 6: (3) To Add:** In the case when the trafficking results in the death or grievous bodily harm of a victim, the offender may be liable to imprisonment for life.
2. **Page 11:** Assistance to victims of trafficking: (13) **To Add:** Tracing the families of victims.
3. **Page 11:** Reporting, identification and referral of victims of trafficking: **To Add:**
 - a) the police officer must assist the victim to obtain medical treatment where necessary;
 - b) inform the victim about their rights and any basic support which may be available to assist them;
 - c) interview the parties and witnesses, if any, to the offence, including children;
 - d) record the complaint in detail and provide a copy of the written report to the victim.

4. According to Grizelda Grootboom, who I quoted earlier, the availability of funds for Trafficking in persons (human trafficking) is always a challenge. What about the establishment of a *Human Trafficking Fund* to help with the financing of anti-trafficking law enforcement.

The fund can consist of:

- a) Voluntary contribution to the fund from any persons;
- b) Any grant from any source within or outside Namibia approved by the Minister of Finance; and
- c) Such moneys as Parliament may approve for the purpose of the fund.

This money from the fund can be used for:

- a) The basic material support of victims;
- b) Tracing the families of victims;
- c) Skills training of victims, so that they can have other income-generating options open to them; and
- d) Any other matter connected with the rehabilitation and reintegration of victims into society.

The Fund can be vested in the Ministry of Finance and can be managed and administered by the Ministry of Gender Equality and Child Welfare.

Hon. Speaker, Hon. Members

Having made these remarks, I support the Bill.