



CHILD TRAFFICKING

“Child trafficking” is moving a child from one place to another for the purpose of exploitation, such as sex work or forced labour. This movement can be within a single country or between different countries. Factors such as poverty, crime and violence can contribute to child trafficking. Where such problems are present, the parents or the child might think that the move will be the only option the child has for a “better” life – such as access to better education or a chance to earn some income.

A few cases of child trafficking have been reported in Namibia, although not through organised networks. It is common for family members to be involved in the movement of children. For example, it appears that children have been brought into Namibia from Angola and Zambia to herd livestock or do domestic work. It also appears that some children are being moved within the country to care for livestock, do road construction, make charcoal or sell food. Some children may even be forced into commercial sex work.

The proposed Child Care and Protection Act

The United Nations Convention on the Rights of the Child and a number of other international agreements say that child trafficking should be prevented. In line with these agreements, the proposed Child Care and Protection Act makes trafficking of children a crime.

The draft Child Care and Protection Act defines “trafficking”, in relation to a child, as

the recruitment, sale, supply, transportation, transfer, harbouring or receipt of children, within or across the borders of Namibia –

- (i) 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**
- (ii) due to a position of vulnerability,**

for the purpose of exploitation.

The definition also covers “the adoption of a child facilitated or secured through illegal means”.

This provision will include trafficking for purposes such as:

- Ⓞ 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
- Ⓞ the removal of any body parts.

It is a crime for individuals or companies to assist in any way with child trafficking, such as by providing accommodation for children who are being trafficked or supplying information to potential traffickers.

The proposed law 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.

To help prevent child trafficking, the proposed law makes it a crime to remove a child from the care of anyone who is lawfully caring for the child (such as the parent or caregiver). It is also a crime to detain a child in order to keep the child away from a parent or another lawful care-giver. Another preventative measure is that it is illegal to take a child out of Namibia without consent from both the child's parents, or permission from a Magistrate's Court (if the parents are not available or are unreasonably withholding consent).

Special reporting requirements

Namibia's current law (the Children's Act 33 of 1960) has special reporting requirements for children under the age of 7 who are living apart from their parents or extended family members for longer than 30 days. The person caring for the child must inform a Commissioner of Child Welfare (a Magistrate). The proposed Child Care and Protection Act has no such requirement. One issue to consider is whether a similar reporting requirement should be included in the new law, to help prevent child trafficking, illegal adoption practices or other dangers to children.

ISSUES FOR DISCUSSION

- ④ What should be done to assist children who are victims of trafficking?
- ④ What should happen when a parent or another family member trafficks a child for their own profit or benefit?
 - ④ Should family members be treated more leniently if they really believed that their actions would give the child better opportunities?
 - ④ What if they were motivated by desperate poverty?
- ④ Should there be a special reporting requirement for children who are not living with immediate or extended family members?
 - ④ Would such a requirement serve a useful purpose?
 - ④ How could it be enforced?
 - ④ If such a provision were included in the law, what age groups of children should be covered?
- ④ Does the law need to say anything else about child trafficking?
- ④ Child trafficking in Namibia is fortunately not yet a widespread problem. What other steps can Namibia take to prevent future child trafficking?

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