

SOUTH AFRICAN LAW REFORM COMMISSION

DISCUSSION PAPER 111

PROJECT 131

TRAFFICKING IN PERSONS

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INTRODUCTION

The South African Law Reform Commission was established by the South African Law Commission Act, 1973 (Act 19 of 1973).

The members of the Commission are:

The Honourable Madam Justice Y Mokgoro (Chairperson)
The Honourable Madam Justice L Mailula (Vice-Chairperson)
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The Honourable Mr Justice C T Howie
Prof I P Maithufi (Full Time Member)
Ms Z K Seedat
The Honourable Mr Justice W L Seriti

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Preface

This Discussion Paper was formulated based on the submissions received on the Issue Paper on Trafficking in Persons. The Discussion Paper contains the Commission's preliminary proposals for law reform and aims to provide persons and bodies wishing to comment or make suggestions for the reform of this particular area of the law with sufficient information to enable them to place focussed submissions before the Commission.

Submissions on the Discussion Paper will form the basis for the preparation of a Report. The Report will contain the Commission's final recommendations and will also include the Commission's final proposed draft legislation, which will be submitted to the Minister for Justice and Constitutional Development for consideration. Should the Minister deem it fit, he or she may then implement the Commission's recommendations by introducing the draft legislation into Parliament.

Respondents are not restricted to the questions posed and issues raised in this Discussion Paper and are welcome to draw other relevant matters to the Commission's attention. In making submissions, it is important that respondents consider what would be realistic to achieve as regards reform of the law in the area under investigation. The Commission assumes that respondents will agree to the Commission's quoting from or referring to comments it receives, unless representations are marked confidential. Respondents should be aware that the Commission may have to release information contained in representations in terms of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996) and the Access to Information Act, 2000 (Act 2 of 2000).

Respondents are requested to submit written comments or suggestions to the Commission by 30 June 2006 at the address appearing on the previous page.

Ms L A Stuurman may be contacted for further information on this Discussion Paper.

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LIST OF RESPONDENTS TO THE ISSUE PAPER

Activists networking against the exploitation of child domestic workers

Anonymous

Childline

Children's Rights Project: Community Law Centre, University of the Western Cape

Centre for the Study of Violence and Reconciliation

Network Against Child Labour¹

Department of Environmental Affairs and Tourism

Department of Foreign Affairs: Office of the Chief State Law Adviser (International Law)

Department of Social Development

International Organisation for Migration

Johannesburg Child Welfare Society

Law Society of the Northern Provinces

Lawyers for Human Rights (Johannesburg)

Lawyers for Human Rights (Pretoria)

Ministry of Community Safety, Western Cape

Ministry of Home Affairs

Molo Songololo

¹ The submission made by the Network Against Child Labour is based on the deliberations of child trafficking awareness-raising workshops held from August – October 2004.

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Mr Reynecke, Department of Home Affairs

Mrs Vivien Spiro

Ms Karin Isobel Koen

National Council of Women of South Africa

Resources Aimed at the Prevention of Child Abuse and Neglect

Rashid Patel and Company Attorneys

South African Police Service

Serious and Violent Crime Unit: South African Police Service

Sexual Offences and Community Affairs Unit, National Prosecuting Authority

South African Human Rights Commission

Sex Worker Education and Advocacy Taskforce

University of Cape Town Legal Aid Clinic

ACRONYMS

Anex Cdw:	Activists networking against the exploitation of child domestic workers
CBO:	Community-based organisation
CSVR:	Centre for the Study of Violence and Reconciliation
IOM:	International Organisation for Migration, Pretoria
NCWSA:	National Council of Women of South Africa
NGO:	Non-governmental organisation
RAPCAN:	Resources Aimed at the Prevention of Child Abuse and Neglect
SAPS:	South African Police Service
SWEAT:	Sex Worker Education and Advocacy Taskforce
VTVPA:	Victims of Trafficking and Violence Protection Act of 2000