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ZAMBIA'S RESPONSE TO HUMAN TRAFFICKING AND  
EXPLOITATION: A HUMAN SECURITY APPROACH

BY

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## Abstract

The study sought to assess Zambia's response to human trafficking, using a human security approach. Despite increased attention and response to the topic of human trafficking, the empirical state of the literature has seen only marginal developments over time, leaving the magnitude of the problem unknown. Human trafficking is a process of people being recruited in their community and country of origin and transported to the destination where they are being exploited for purposes of forced labor, prostitution, domestic servitude, and other forms of exploitation. The study was informed by human security conceptual framework Gregoratti, (2009). The concept refers to the provision of human security. Human security addresses key issues in safeguarding the vital core of all human lives from pervasive threats. A human rights based approach was also used to complement the human security concept particularly on the issues of prevention and protection which require proper legal provisions to respond to human trafficking. In conducting this study, a qualitative case study research design was adopted which was appropriate in describing the experiences of all enforcement agencies and those non-enforcing entities in responding to human trafficking in Zambia. The study findings show that Zambia has put in place legislative provisions such as the Anti-Trafficking Act of 2008 to respond to human trafficking. In addition, as a way of operationalizing the Act, the government of Zambia also put in place some capacity building initiatives to all enforcement officers, the National Prosecuting Authority lawyers and a taskforce was put in place to cover issues of human trafficking. The findings also show that Zambia is party to the Regional and International legal instruments that deal with Trafficking in Persons (TIP) and to the Inter-Ministerial Committee in the SADC region which was put in place to tackle human trafficking. In addition, several other non-state actors such as IOM, UNHCR and other local NGOs also help the government in responding to the needs of victims of human trafficking. Although there are these positive strides in responding to human trafficking in Zambia, there hasn't been much information on human trafficking internally despite the fact that a baseline survey was conducted in 2016 to establish the drivers and dynamics of human trafficking. There is lack of a monitoring framework to ensure that the desired goals and results of the anti-trafficking drive are achieved. Considering the above bottlenecks and milestones achieved by the Government of Zambia and its implementing partners, this study suggests commitment of human resources and a budget dedicated towards responding to human trafficking. In addition, the involvement of the NPA helps to accelerate the implementation of the Anti-Trafficking Act while also increasing awareness of human trafficking in the different forums.

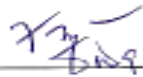
**Key Words:** Human Trafficking, Prevention, Prosecution, Human Security, Human Rights

Declaration

I declare that this dissertation is my original work except where sources have been cited and acknowledged. The work has never been submitted, nor will it ever be submitted to another university for the award of a degree.

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## **Dedication**

I dedicate this work to my wife Miriam, my son Simasiku and daughters Mwalye and Namasiku whom I have deprived so much precious time and have channeled that time to my study towards this Master's degree. I also dedicate this study to the victims of Trafficking in Persons in Zambia and all progressive human rights defenders in the whole world.

## **List of Acronyms and Abbreviations**

AU	African Union
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
EU	European Union
HT	Human Trafficking
ILO	International Labor Organization
IOM	International Organization for Migration
IR	International Relations
NGO(s)	Non-Governmental Organization(s)
SADC	Southern African Development Community
TPR	Trafficking in Persons Report
TVPA	Trafficking Victims Protection Act
UNDP	United Nations Development Programme
UN	United Nations
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations International Children's Emergency Fund
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
US	United States of America
VSU	Victim Support Unit



## **Definition of Key Terms**

**Human Trafficking:** An act of illegally transporting people from one country or area to another without disclosure to the person involved and mainly for purposes of forced labor or sexual exploitation

**Anti-Trafficking:** mechanisms, policies, strategies and frameworks put in place to deter human trafficking.

**Prevention:** Human rights focused initiatives to deter human trafficking as a response mechanism to human trafficking and this is achieved through enacting laws that prevent people from engaging trafficking in persons.

**Enforcement:** Provision of necessary measures to respond to human trafficking by the state which has the responsibility to protect the citizens from human trafficking.

**Protection:** Government and other multi-stakeholder initiatives that seek to protect the vulnerable from the vagaries of human trafficking such as social security programmes and rehabilitation programmes of the victims of TIP.

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## **CHAPTER 1 INTRODUCTION**

### **1.1 Introduction**

Despite increased attention and response to the topic of human trafficking, the empirical state of the literature has seen only marginal developments over time, leaving the magnitude of the problem unknown. As per the definition derived by the United Nations Convention on Transnational Organized Crime (UNTOC), human trafficking (also known as trafficking in persons) means the recruitment, transportation, transfer, harboring, or receipt of persons either by threat or use of abduction, force, fraud, deceptions or coercion, or by giving or receiving of unlawful payments or benefits to achieve a consent of a person having control over another person for the purpose of exploitation (Martin & Miller, 2010). There is overwhelming evidence of human trafficking across borders.

The International Labour Organization (ILO) estimates that there are 12.3 million people in forced labor, bonded labor, forced child labor, and sexual servitude at any given time; other estimates range from four million to 27 million (Bales, 2005; Laczko, 2005). According to the ILO (2015), 2.4 million people were victims of human trafficking from 1995-2005. The number of people trafficked across international borders (transnational victims) every year has been placed at 800,000, 50 percent of whom are children and 80 percent women and girls (U.S. Department of State, 2017). However, responses by countries have been uncoordinated due to the complexity of this global organized crime. This study focuses on how Zambia responds to human trafficking and also measure the effectiveness of the strategies in place in deterring human trafficking.

## **1.2 Background of the Study**

As the world ‘shrinks’ and evolves towards a sort of global community, the transfer of people both voluntarily and coerced is becoming more prevalent. The condensing of the world can be attributed somewhat to the process of globalization. It is in large part due to globalization that human trafficking has become such a lucrative and thus, fast-growing criminal activity. Over the years Asia and Sub Saharan Africa have been the main target areas where cases of human trafficking are continually on the rise. Reports from various international organizations such as the International Organization for Migration (IOM), the International Labour Organization (ILO) and United Nations High Commission for Refugees (UNHCR) have recorded that issues of human trafficking has been on the increase by 20% in 2018 and most cases of human trafficking are akin to human rights abuse. Every year, thousands of men, women and children fall into the hands of traffickers, in their own countries and abroad. Human trafficking is the exploitation of human beings, especially vulnerable populations, and is recognized as one of the most severe abuses of human rights today. Violations of human rights are both a cause and a consequence of human trafficking (Robinson, 2002). Every country in the world is affected by human trafficking, whether as a country of origin, transit, or destination, and commonly, as all three. It is both a national and transnational crime that has become more prevalent with the globalization of society (DeStefano, 2007).

The United Nations Office on Drug and Crime report of 2014, also attests to the fact that human trafficking is a human rights violation that is occurring around the world in startling numbers (United Nations Office on Drugs and Crime (UNODC), 2014). Human trafficking involves three key elements this is one an act such as transferring, transporting, or recruiting a person; two, a means such

as threat, coercion, force, fraud, or abduction to control the person; and three a purpose such as forced labor, sexual exploitation, or slavery (UNODC, 2004).

Zambia has been identified as a country with a burgeoning human trafficking problem, although accurate rates of the number of trafficking victims are difficult to find (U.S. Department of State, 2014). Bunke (2016) argues that though Zambia does not have a reputation for being a hotspot for human trafficking, a series of factors have given rise to sensitivity towards this human rights violation. The exact size and extent of the problem is not known, but media, government, and advocacy groups have increasingly raised concerns over human trafficking in Zambia in recent years, as reports of egregious human rights violations have emerged (Government of the Republic of Zambia, Immigration Department, 2017).

Study findings by Howard and Zimmerman (2012) have shown that several scholars have highlighted effects associated with human trafficking among which include, negative physical, mental, and sexual health problems that have been noted among trafficking victims internationally, especially those trafficked for sexual exploitation. Moreover, the extent of these health problems and their prevalence among victims is unclear hence, it is clear that trafficking victims experience cumulative harm from the time they are recruited, throughout the time period of exploitation, with long-term consequences that persist during reintegration (Zimmerman & Mazedo, 2011). Furthermore, as a vulnerable population, trafficking victims experience a multitude of social stressors during the exploitation and reintegration stages of trafficking that make it extremely difficult for them to re-assimilate into their home countries. These stressors may include economic insecurity, occupational hazards, and legal uncertainties (Zimmerman et al., 2011). Almost every country in the world is affected

by trafficking, whether as a country of origin, transit or destination for victims. International Labor Organization Report (2018), records that nearly 21 million children, women and men around the world have trafficked, smuggled or posted into a foreign country where there are mistreated, threatened and heavily abused. While human trafficking has a devastating impact on individual victims, its impact also undermines the safety and security of affected nations as it is a global health risk and it fuels the growth of organized crime.

Combating human trafficking has become an increasingly important political priority for many governments around the world. At the national level, greater efforts and resources are being devoted to combating this problem, and there is also widespread agreement in the international community on the need for a multilateral response, as reflected in the UN Protocols on trafficking and smuggling signed in Palermo, Italy, in 2000 (Bunke, 2016).

Efforts to eliminate human trafficking have proved rather a challenge to most countries especially in Asia and Africa. Reports by International Organization for Migration (2016), the International Labour Organization (2017) and United Nations High Commission for Refugees (2017) have shown that Internal factors in Africa such as limited autonomy of African states, various degrees of lack of capacity as well as inept and parasitic leadership make human trafficking and human rights abuses inevitable. Onuoha (2011) adds to this view as he alludes that bad governance in most of Africa has perpetuated wars and crises, unemployment, poverty and diseases, of all which acted as push factors in disposing victims to human trafficking. (Onuoha, 2011)As such human trafficking is increasingly recognized as an outcome of economic insecurity, gender inequality, corruption and conflict, all significant factors in southern Africa.



As social-economically disadvantaged people improvise to salvage a livelihood in a transforming world, opportunistic predators seize upon the vulnerability of the desperate. Women and children are the most vulnerable and thus, principle victims of traffickers who coerce their services predominantly in the sex industries (Brewer, 2016). Otherwise, forced labour and slavery in any capacity is a common fate for trafficked humans; victims may just as easily include men in addition to women and children.

In spite of the strong increase in identified cases of trafficking it remains difficult to determine if the identified cases represent a tip of an iceberg, or if all or close to all incidents of trafficking for sexual exploitation are usually identified (Bunke, 2016). Reports by the ILO in 2016 and 2017 have presented a wider increase in the number of human trafficking and human rights abuses. Human trafficking has been considered both risky and most lucrative business as traffickers make over \$150 billion in illicit profits per year for their crimes (ILO, 2017). Although trafficking in persons is a serious crime and a grave violation of human rights, it is viewed by traffickers as one of the largest profit making industry for organized crime in Africa. This is so because it is arguably the lowest risk activity for criminal groups due to widespread corruption, lack of legislation and low rates of prosecution in most African states (ILO, 2018). Most forms of trafficking found in Africa include: men, women and children who are trafficked for farm labor and domestic work; women and children who are trafficked for commercial sexual exploitation as prostitutes; for pornography, and for the under-age sex tourism trade (UNODC, 2004; Bunke, 2016 & UNHCR, 2017).

Several cases have been reported in South Africa of women being trafficked to be 'wives' in the mining industry, young girls sold as child brides, children trafficked to be used for various activities as workers and are also trafficked for use in ritual

sacrifice (UNODC, 2009). One can conclude that such patterns of trafficking can take place both within and across countries. It is therefore clear that human trafficking is an epidemic from which no country is spared and hence worth researching. As such the United Nations Secretary-General, in 2016, Ban Ki-moon deduced that countries, individually and collectively, need to develop responses to fight against this form of “modern day slavery”. Researchers and policy makers alike can no longer afford to be bystanders, they need to work together and contribute innovative responses to fight this scourge which is a threat to security, development, human rights and human dignity.

#### 1.1.1 Overview of Zambia’s anti-human trafficking policies

Zambia ratified the United Nations (UN) Convention against Transnational Organized Crime in 2005. In 2007, the Government of Zambia formulated a National Policy to Combat Human Trafficking and thereafter in November 2008, Zambia made history by becoming one of less than a handful of countries in the Southern African Development Community (SADC) region that had passed anti-trafficking specific legislation by passing the Anti-Human Trafficking Act No.11 of 2008 (GRZ, 2008). The ratification of the UNCTOC and its domestication was out of a realization that Zambia was used as a source and transit country for trafficking in persons in the region with most victims being trafficked for labour, domestic servitude and sexual exploitation (Government of Zambia, 2016).

The Zambian Government has worked with IOM in developing migrant friendly policies, attending to HIV and health vulnerabilities of migrants, as well as capacity building on delivery of services to migrants. In addition, the Ministries of Finance,

Labour and the Office of the President, with assistance of the IOM Zambia Office have developed a Diaspora Engagement Strategy. Regionally, Zambia has worked closely with other SADC countries in developing a protocol to facilitate the movement of persons within the SADC region. In this regard, the SADC Summit approved, in 2005, a Protocol on facilitating, among other things, entry into Member States by persons, without the need for a visa for a maximum period of 90 days per year for *bona fide* visits, and in accordance with the laws of the member States. All these policies were put in place by the Zambian government to ensure that people who may come to Zambia as asylum seekers or refugees are protected from human trafficking activities. At the national level, the National Assembly of Zambia has enacted the following legislation dedicated to migration issues this included the Anti-Human Trafficking Act No 11 of 2008 is the first ever law enacted that comprehensively addresses human trafficking in Zambia. The new law gives greater authority and prosecutorial ability to police officers, immigration officers, and customs officials.

### 1.2.2 Enacted policy overview

The anti- human trafficking Act, No. 11 of 2008 provides for the prohibition, prevention and prosecution of human trafficking, as well as ensuring that the government provides for the filing of and dealing with matters related to human trafficking. It is in this response that immigration laws in Zambia had to be approved in line with the anti-human trafficking act of 2008. The act therefore prohibits the use persons who have entered Zambia illegally without proper documentation whom at times fall are exploited as cheap labour either in farms, industries or as household help (Nshimbi & Moyo, 2016). Given this brief overview cases on the use or exploitation of vulnerabilities seem to be on the raise in Zambia, hence scholars question on the

effectiveness of the Anti-human trafficking Act, No. 11 of 2008. Bunke (2016) posit that the Zambian Anti-human trafficking Act, No. 11 of 2008 prohibits on the use of forced labour, services obtained or maintained through threats and the use of intimidation or other forms of coercion and physical restraint. However, given the current rate on migrants into Zambia, the use of forced labour, coercion, intimidation and physical restraint especially on the illegal migrants has been an issue of concern.

Scholars such as Bunke (2016) and Nshimbi & Moyo (2016) describe the Zambian Anti-Human Trafficking Act 2008 as a legislative arm that reflects the nexus between human rights and criminal law. As such the Act provides for the apprehension and prosecution of offenders as a human rights violation under the criminal law. The Act is therefore governed by three main pillars for Prevention, Prosecution and Protection. Each pillar feeds into one another to provide an effective way in curbing human trafficking. Bunke (2016) together with Thomas (2018) & Howard (2017) have argued that it is the duty of the government to ensure that its ratified policies or legislative act become more practical than rhetoric. Their studies have shown that the Zambian Government seem to have struggled much on the first pillar for prevention of human trafficking and addressing its root causes (Bunke, 2016; Howard, 2017 and Thomas, 2018). As such it is with great concern that this study seeks to unpack the policy gaps that exists in trying to eliminate human trafficking in Zambia.

Over the years Zambia has been considered a high migratory nation recorded throughout history as a transnational human movement and migration country. Since 1994 Zambia has been host of refugees either from Rwanda or the Democratic Republic of Congo. Not only has it played host the Zambian government had also opened its

boarders for most migrants connecting through the country seeking refuge in neighboring nations such as Zimbabwe. Scholars have highlighted that the SADC protocol on the provision of refuge and protection of citizens has made borders to be more porous causing an influx of illegal migrants. Hollywood (2009) has argued that not only has refugee migration perpetuated human trafficking across borders but it has worsened issues of human rights abuses.

Shelley (2010) and Thipanyane (2015) postulate that commercial or business integration in the global village has contributed much in the current increase of illegal migrants. This view was supported by Banke (2016), as he notes that Zambia has been the central transportation hub that links Southern Africa with Eastern and Central Africa, hence the country has been recorded as one of the hotspots for documented and undocumented migrants. Studies by Horwood (2009), and IOM (2013) have shown that most illegal migrants or the transportation of undocumented persons occurs within as migrants find their way through Zambia to neighboring countries like South Africa. The question remains how such migrants or human traffickers go undetected yet they pass through a highly secure border area. Several reports have been documented and in 2018 the *Zambian Daily News* reported that over 500 illegal migrants are trafficked through the Zambian borders in haulage trucks as they pass through to neighboring countries either to Zimbabwe or South Africa.

### **1.3 Statement of the Problem**

As a transit country, Zambia's geographic location, numerous borders and immigration enforcement challenges makes it easy for trafficking from the Great Lakes Region to South Africa. Although the Zambian government has made significant efforts to eliminate human trafficking through the enactment of the Ant-

human trafficking Act, No. 11 of 2008, still, it does not fully meet the minimum standards for the elimination of human trafficking. The Zambian government fully acknowledges that human trafficking is still a problem the country faces as it remains a country of destination, origin and transit for international human trafficking (Annual Report on Human Trafficking in Zambia, 2016). Research on human trafficking has not moved beyond estimating the scale of the problem; mapping routes and relationships among countries of origin, transit, and destination; and reviewing legal frameworks and policy responses. Zambia is sometimes a destination country of trafficked victims for labor from Malawi and Mozambique. Apart from its geographical location, the Annual Report on Human Trafficking in Zambia (2018), points at porous borders and corruption, new trafficking trends include possible labor exploitation, money laundering syndicates, the involvement of refugees as both trafficker and victims, and male Somali youth trafficked through Zambia for unconfirmed purposes. It is from this background the study aims to explore the government of Zambia's response mechanisms to human trafficking and exploitation which has become a global epidemic.

#### **1.4 Research objectives**

The objectives of the study were to: -

- i. Explore the Zambian government's response mechanisms to human trafficking and exploitation;
- ii. Analyze the effectiveness of these responses in the fight against human trafficking;
- iii. Assess the challenges faced by the Zambian government in implementing responses to human trafficking and;

- iv. Propose recommendations on what could be done to make the responses more effective.

### **1.5 Research Questions**

- i. What response mechanisms has the Zambian government put in place to mitigate human trafficking and exploitation?
- ii. To what extent have these responses effectively fought against human trafficking and exploitation?
- iii. What are the challenges faced by the Zambian government in implementing responses to human trafficking?

### **1.6 Significance of the study**

It is the researchers view that the findings of this research will prove very invaluable to policy and law makers, parliamentarians and the Zambian government by realizing the gaps that exist in trying to eliminate human trafficking. The information that was obtained from the primary stakeholders such as the law enforcement Government departments and the Non-governmental Organizations will be used in Zambia and other SADC countries to mitigate human trafficking and protect those migrants within their countries as well as other non-governmental organizations to come in and assist in ensuring security. The research will contribute to the body of knowledge on human trafficking in Zambia. Help in bringing a much clear understanding on the roles played by policy makers and civil societies towards molding a strong relationship to fill the gap in terms of advocacy and awareness so as to improve on the current trends in human trafficking. The study will therefore provide the much needed relevant recommendations to the government of Zambia as well as international organizations

towards the improvement of their protections as well as on enforcing policies and other measures that guard against human trafficking.

### **1.7 Assumptions**

The assumption was that human trafficking has contributed much in the violation of human rights and those that have been trafficked either willing or coerced fall victims to all forms of abuse. There was an assumption that the Zambian government has found it difficult to respond to human trafficking and that the current measures are more rhetoric than practical in the fight against human trafficking.

### **1.8 Delimitation**

The study was limited to the assessment of Zambia's response to human trafficking in making enquiry on the Zambian government's response mechanisms to human trafficking and exploitation as well as analyzing the effectiveness of these responses in the fight against human trafficking. The study was therefore mainly focused from the year 2008 after the implementation of the Anti-human trafficking act to 2018. The study was also focused on government departments such as the Zambian police, ministry of local governance, the Zambian immigration department and the international Organizations that deal with human rights and migration issues such as the Human Rights commission and International Organization for Migration.

### **1.9 Limitations**

The code of corporate confidentiality greatly affected the study as the researcher probed further in trying to access vital information about human trafficking as government officials, international organisations and the police were hesitant in sharing such vital information with the need to maintain their high levels of confidentiality. Some key informants such as the Police officials hesitated in giving



the researcher information but the researcher convinced them that the research is merely academic and not political and it was not going to be published in the social media. The researcher had to make use of approval letters given by the university to conduct the research and made sure that all necessary applications were made to the police and government department. Given that many trafficking cases remain undiscovered, or that victims/survivors of trafficking are often afraid to talk about their experiences, it was very difficult to obtain first-hand information from those who have been exploited. Hence a great deal of research on trafficking is, therefore, based on relatively small samples of survivors, usually identified by law enforcement agencies or persons assisted by NGOs or international organizations. To abet for the limitations mentioned above, the researcher used his probing skills and took advantage of being an employee of the Zambia Immigration department to instill confidence in the respondents hence the successful collection of the necessary data that informed the majority of the findings in this dissertation.

## **CHAPTER 2 REVIEW OF RELATED LITERATURE**

### **2.1 Introduction**

This section presents the overview of literature and the theoretical framework which informs this study. Specifically, the review of the literature addresses: the methodology of the literature review; an overview of the phenomenon of human trafficking, including history, prevalence, factors supporting its existence, and the anti-human trafficking legislation. The viewpoint, detailing the voices and needs of the victims of this crime as well as case examples of convictions for both labor and sex trafficking of minors. The literature intentionally focuses on all forms of human trafficking. The human security theory is the guiding theoretical framework for the study.

### **2.2. Theoretical Framework**

#### **2.2.1 Human Security Concept**

The study was informed by the human security conceptual framework by Gregoratti (2009). The concept refers to the provision of human security. Human security addresses key issues in safeguarding the vital core of all human lives from pervasive threats. The theory resonates to the study as it also explores the interaction among different systems because threats to human security impact the physical, biological, and social aspects of human beings (Tanaka, 2015). As such human security has been considered as an empirical and analytic concept that relates to policy issues (Tanaka, 2015) thus the theory therefore facilitated for a more direct review into policy issues that govern trafficking. Human security argues that policies and measures must be designed to arrest trafficking in persons at both origin and destination countries. Therefore conditions and threats caused by trafficking to human security can be easily identified and analyzed.

The United Nations Commissioner on Human Security Report (2009) defines human security as; to protect the vital core of all human lives in ways that enhance human freedoms and human fulfillment. It means protecting people from critical (severe) and pervasive (widespread) threats and situations.

The framework resonates with the study as it provides possible mechanisms for the nation to ensure security to its people. Gregoratti (2018) provides a substantive and analytical framework that resonates with anti-human trafficking principles as hinges upon three main pillars of prevention, provision and protection. The three pillars therefore provide a contextual understanding on how nations activities, mechanisms, policies and approaches' in combating human trafficking. The fight against human trafficking has three components: the prosecution of traffickers, the protection of trafficked persons, and the prevention of trafficking. In addition, and cutting through these "three Ps", national and international cooperation among the various actors constituting the counter trafficking security sector is needed (Cheema, 2010). Human trafficking and exploitation are viewed as threats to human security, the human security concept was used to analyze how human trafficking poses an individual (especially for women and children) and national security for Zambia. Human trafficking undermines the security of states because it is related to organized crime and corruption, and because some traffickers deal not only in people but also in drugs, weapons, and other goods. But most obviously, trafficking violates the human rights of trafficked persons who are exploited, raped, and sometimes killed.

The human security concept also ensured the exploration of the various ways human trafficking can be dealt with by the Zambian government so as to enhance security for individuals ultimately the nation and the world at large. The theory therefore provides practical methods underpinning human security and methods to understand various

measures to prevent human trafficking across borders. Bunke (2016) alludes that it is the duty of the government to ensure human security and its institutions whether militant or non-militant are to employ effective policies that safeguard the nation without compromising security. As noted earlier Gregoratti (2018) views that human security concept certifies the use of government institutions as they play effective roles in ensuring safety and democracy. The theory further notes that when aspects of state security are breached the state can plunge into chaos. It is imperative to highlight that human trafficking has become both an issue of state security and human rights. Maedza (2015) shows that when a nation is able to provide a stable and well protective borders cases on human trafficking will be on decline.

The human security concept also ensured the exploration of the various ways human trafficking can be dealt with by the *Zambian* government so as to enhance security for individuals ultimately the nation and the world at large. The theory therefore provides practical methods underpinning human security and methods to understand various measures to prevent human trafficking across borders. Bunke (2016) alludes that it is the duty of the government to ensure human security and its institutions whether militant or non-militant are to employ effective policies that safeguard the nation without compromising security. As noted earlier Gregoratti (2018) views that human security concept certifies the use of government institutions as they play effective roles in ensuring safety and democracy. The theory further notes that when accepts of state security are breached the state can plunge into chaos. It is imperative to highlight that human trafficking has become both an issue of state security and human rights.

The theory merges well as it is the duty of the government to uphold human safety even in times of crises. The framework shows that the state has to provide all necessary means to either victims of human trafficking. It also assesses the effectiveness of the

adopted responses in the fight against human trafficking. The theory measures the adopted strategies and measures and evaluates on how each one of the concepts plays a pivotal role in combating human security.

However, some studies have used the human rights based approach in explaining how states must protect their citizens from vagaries such as human trafficking and legislative mechanisms were put in place to deal with human trafficking. For example, Yuko (2009:63) notes that, 'until the year 2000, no international legal approach was adopted which specifically dealt with human trafficking in general. For instance, the application of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of others was specifically restricted to trafficking in women and minors (Gallagher, 2001:983 & Yuko, 2009:57). This neglected that fact that men were also trafficked and that there are other purposes of trafficking alongside prostitution. Even though human rights provisions prevail in the 1949 Convention, they have proven to be very insufficient to provide protection for the victims of trafficking (Yuko, 2009:59). Therefore, the human security approach must be approached and applied to this subject but also taking into account the human rights provisions that helps states to protect potential victims of human trafficking.

### **2.2.2 Relevance of the Theory to the Study**

The theoretical framework is applicable to the study as it provides a broader understanding to the determinants of human trafficking and it provide a base for analyzing the topic. It helps to explain how nations have stepped up efforts against human trafficking however, counter-trafficking continues to suffer from shortcomings. The theory therefore relevant as it enables one to identify the political will, operational capacity, and knowledge on trafficking and on what counter-strategies work best. By focusing on the role of the security sector, this theory offers ways of making progress

against a pressing contemporary problem that undermines the security of states, societies, and individuals.

The theory was adopted because it focuses on all mechanisms that can build proper counter-trafficking responses in order to come up with Security Sector Reform (SSR). Cheema, (2010) posits that a poorly governed security sector represents a decisive obstacle to sustainable development, democracy, and security hence contributing to a highly porous migration system which can be highly detrimental to human security. SSR is aimed at developing a security apparatus that provides security to the state and its people within a framework of democratic accountability. SSR-oriented counter-trafficking efforts are needed, not only in countries that emerge from violent conflict, but also in more stable settings. For example, police forces, border guards, or prosecutors need training to identify and properly treat victims of trafficking, no matter where.

Secondly, the theory advocate for the enhancement of Security Sector Governance to ensure cooperation among the various counter-trafficking stakeholders on a national level, as well as democratically accountable state responses to trafficking. Yet SSR and SSG are insufficient, both as conceptual tools and as practical guidance for counter-trafficking. This concept takes into account the transnational nature of contemporary security problems. Cheema (2010) notes that effective, efficient, and legitimate responses against human traffickers demand cooperation among national actors and their foreign counterparts. As such in counter-trafficking and other realms, states can no longer act they is need to create horizontal policy networks that quickly and flexibly reach across borders. These networks should comprise state agencies such as the police and border guards, but also IOs and NGOs. Security actors can mitigate some of the causes and consequences of trafficking.

On the other hand, the theoretical framework prove applicable to the study as it also makes use of an approach for conceptualizing trafficking focused on human rights. This framework developed in parallel and in response to the security trope that has dominated much trafficking discourse and practice. Human rights violations, according to this analysis, are perpetrated in two directions. In one direction, they are the acts of violence, coercion and exploitation exacted by traffickers. In the other, they are the acts of states who, seeking to secure their borders, may violate the human rights of trafficked people and other vulnerable groups, especially asylum seekers.

While the human rights approach has gained traction among an increasing number of counter-trafficking actors, commitments, especially by governments of net destination countries, are often not translated into practice. This theory therefore takes a close look at trade-offs and unintended consequences of counter-trafficking efforts. Human rights abuses are the direct outcome of human trafficking (Cheema, 2010).

### **2.3 Global Overview on Human Trafficking**

While exact levels of human trafficking are unknown because the practice occurs in the shadow economy, a conservative estimate by the United Nations Office of Drugs and Crime (UNODC, 2012) suggests that 2.5 million individuals are exploited by trafficking at any given moment. The UNODC (2009) estimates that about 20 percent of these victims are children. Human trafficking is thus a significant social problem and an important basis for developing theories of legal implementation in the context of globalization.

As such human trafficking has been considered as an emerging problem being caused by globalization processes facilitating human movements. At the same time, studies have shown that the phenomenon is also an old problem dating back to slavery trade

practiced in many parts of the world for hundreds of years. Today, income disparity between the affluent North and (relatively) impoverished South is still considerable, if not increasing, and people's aspirations to seek better opportunities have become greater as information on life in other parts of the world is now more available than before due to the development of the mass media and internet. Economic motivation explains, to a great extent, ever-increasing migration: both legal and illegal forms. Also, human trafficking can be explained by the economic motivation of potential victims, as most human trafficking victims are initially migrants.

However, an important question, as far as the causes of human trafficking are concerned, is still to be answered. Why do some people attempting to migrate elsewhere fall victim to human trafficking, while others do not? Furthermore, why is this phenomenon increasing? Although the magnitude of human trafficking is unknown as it is a clandestine activity, Interpol (2009) estimates that it is the third largest transnational crime after arms and drug trafficking. As the phenomenon of human trafficking has become more noticeable and therefore receives greater media attention, efforts to investigate the nature and size of the problem have recently emerged, both in the literature and policy arenas. However, much of the discussions to present rely on the fragmented information available as the magnitude and nature of the problem is very difficult to gauge, if not impossible, given that human trafficking is a hidden, criminal activity of a complex nature (Harrendof, 2010). Thus, the outcome of the investigations is inconclusive and there is little consensus on the prime factors determining human trafficking.

Trafficking is often portrayed as a phenomenon distinct from larger streams of migration (Derks, Henke & Vanna 2006). One consequence of this portrayal is the sharp contrast between popular and official concern for the trafficked and far less



sympathetic attitudes towards illegal immigrants (Basok & Piper, 2011). Furthermore, because the victim of trafficking, unlike a migrant, is assumed to have been coerced into moving across borders, the solution to trafficking becomes the removal/arrest of traffickers, and repatriation of the trafficked (Sharma, 2005). This particular way of framing the problem shifts attention away from the immigration laws in western host countries and the close links between illegal migration and trafficking that studies based on primary interviews have pointed to. As Salt (2000) pointed out, advocacy on trafficking has often run ahead of factual knowledge about trafficking and there is a strong need for a more systematic empirical picture of the causes and consequences of human trafficking.

The nature of human trafficking multifaceted, complex, and furtive poses significant challenges for the development of effective anti-trafficking policies. The root causes of the crime are deeper than any one of its facets and relate to larger systemic conditions such as poverty, forced migration, racism, and discrimination, among many others. Understanding human trafficking in its local context is critical to developing a meaningful response (Salt, 2000).

According to the reports of IOM (2013), human trafficking has changed from an almost unknown and largely unreported phenomenon to a widespread global issue. In recent years, greater awareness, education, and outreach have improved the detection and reporting of this crime; but, human trafficking still reflects a hidden phenomenon, difficult to locate and even more difficult to prosecute (IOM, 2013). Human trafficking is considered the third largest revenue generating and fastest growing illegal industry in the world, surpassing every other criminal enterprise except the drug and arms trades (DeStefano, 2007). Schauer and Wheaton (2006) argue that human trafficking is more

lucrative than drug trafficking, in part because it holds fewer risks and because, unlike illicit drugs, humans may be sold and re-sold, often countless times in one day.

Traffickers may, for example, prey on the hopes and dreams of parents searching for a way to give their children access to a good education; recognize a vulnerable community's fear of engaging law enforcement officials with a reputation for corruption; or rely on bias and discrimination to keep victims hidden in plain sight (IOM, 2013; ILO, 2016 and World bank, 2017). Because of this, the dynamics that facilitate human trafficking will be unique in almost every instance and each jurisdiction will face its own challenges related to culture, environment, resources, and knowledge.

National governments have an opportunity to build stronger, more tailored anti-trafficking strategies through close coordination with sub-national governments and communities, including civil society organizations, survivors, and others working on the ground. Without shifting their responsibility, national governments can enable local authorities to take action to assess the needs of their communities and develop responses that build on existing capacity, capitalize on the expertise of a wide range of actors, and identify and distribute underutilized resources.

#### **2.4 Evolution of International Anti-Trafficking Law**

UNODC (2016) indicates that International concern over human trafficking has a long history, beginning with the adoption by 13 European countries of the International Agreement for the Suppression of the White Slave Traffic in 1904. This was followed by two League of Nation's conventions the Convention for the Suppression of the Traffic in Women and Children in 1921 and the Convention for the Suppression of the Traffic in Women of Full Age in 1933. One of the earliest treaties emanating from the

United Nations addressed trafficking as well the 1949 Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others.

Gallagher (2010) as well as Lloyd and Simmons (2014) alluded that the 1949 Convention was notable for being the first to criminalize the act of exploiting others for prostitution, although it did not extend to trafficking for other purposes. Although it is still technically in effect, the 1949 Convention has been criticized for failing to distinguish between forced and consensual prostitution and for its lack of protections for victims of trafficking (Gallagher, 2010). Several decades later, in 1979, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) framed the issue of trafficking in terms of women's human rights. CEDAW required states to take action to suppress traffic in women and exploitation of prostitution of women.

Anderson (2008) deduced that history of the regulation of trafficking up to and including CEDAW solidified a strong connection between the women's movement and anti-trafficking mobilization that continues today. Nevertheless, in the last three decades, the formal definition of trafficking in international law has steadily expanded (Ditmore, 2005). The 1989 Convention on the Rights of the Child (CRC) broke new ground by forbidding trafficking in children for any purpose, not just sexual exploitation (CRC, Art. 35). An Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, which entered into force in 2002, goes beyond the original convention to adopt an explicitly criminal justice approach to child trafficking (Gallagher, 2010).

Other events were also important in redefining trafficking in the 1990s. Early in the decade, the collapse of the Soviet Union and the subsequent war in the former

Yugoslavia resulted in a new wave of trafficking from that region (Haynes, 2007). At the same time, wealthy states were becoming increasingly concerned that trafficking was circumventing national migration restrictions (Gallagher, 2001). Even as lawful opportunities for migration were diminishing, the number of individuals crossing borders was at an all-time high (Bhabha, 2005). Evidence of organized criminal involvement in trafficking provided affected states with an additional incentive to create a stronger and broader international response (Gallagher, 2001; Lloyd and Simmons, 2014).

### 2.5 State of Governance and root cause to Human Trafficking

The root causes of trafficking in Africa are many and varied. Underlying many of these causes is Africa's poverty trap which involves a range of mutually reinforcing economic and social ills. People become part of the human trafficking chain because of various reasons that are either push or pull factors (UNODC, 2016). Pull factors include, inter alia, economic differentials that make even relatively poor neighboring cities, regions or countries more attractive, conflicts which generate a demand for soldiers and also domestic and sexual services, the adoption trade, and the use of organs or body parts for rituals. Push factors mainly include poverty, deteriorating living conditions, human deprivation, persistent unemployment, gender discrimination, lack of information and education, harmful sociocultural practices and lack of legislative and policy frameworks. Women and children tend to be the most vulnerable to human trafficking as they often carry the burden of poverty.

The combination of push and pull factors that prevail in countries of origin as well as destinations

Force/encourage the people of underdeveloped and developing countries of Asia, Africa, South America and Eastern Europe to migrate them to developed countries of Western Europe, Australia and North America. Such circumstances have provided an opportunity for transnational crime syndicates those involved in human smuggling and trafficking to recruit such people by deceptive means and false promises and exploit them. Although trafficking/smuggling in human beings is an illegal business, but even then like any legal business, it requires organization and planning (UNODC, 2016).

## 2.6 Policy and institutional efforts in combating human trafficking

As human trafficking is a crime, institutional efforts in combating the crime play an important role in explaining the prevalence of human trafficking. Much literature discusses law enforcement and the level of corruption as important factors, both in origin and destination countries (Akee et al., 2010 and Kotsadam, 2011). As for Cho et al. (2011) as well as Mierlo (2011) who share the same views with Lloyd et al. (2012) that besides the general rule of law, specific anti- trafficking measures are also crucial to addressing the problem. This concurred with the views by UN convention which notes that the anti-trafficking measures are namely prosecution policy punishing traffickers, protection policy for victims, and prevention policy controlling borders and tackling the causes of human trafficking (UN, 2000).

These measures are essential in addressing human trafficking problems as human trafficking is a specific form of crime which cannot be fully covered by other existing laws. At present, as anti-trafficking is a relatively new policy area, the policy responses tend to reflect the severity of the problem a country faces (van Dijk and Mierlo, 2011), with the true effects of anti-trafficking policies in reducing human trafficking only to emerge in the future.

On the other hand, some recent studies suggest that women's political representation can influence anti-trafficking measures given that most victims are women and, therefore, female politicians may have more concerns about combating the problem (Bartilow, 2010; Jac-Kucharski, 2011). Furthermore, there is a need to address policy efforts tackling the root causes of human trafficking such as poverty, inequality and gender discrimination, as well as general development agendas, as human trafficking is also a developmental problem bringing about risks for human security (Potrafke, 2011).

#### 2.6.1 Anti-trafficking policy implementation

National efforts to combat trafficking now extend well beyond the US to countries all over the globe including Zambia. Dreher and Neumayer (2011) report contagion effects regarding compliance with international human trafficking law across countries that are geographically near one another, culturally similar, or, in the case of prosecution, trading partners. Over time, a transnational alliance has emerged to combat human trafficking globally (UNODC, 2016). While research on the global spread of policies tends to focus on the element of implementation, prosecution, it is important that scholars also consider the unique factors that influence these different dimensions of policy implementation (Cho et al., 2011). As such each and every dimension of implementation may incorporate the interests of particular constituents. One has to consider for example, that nations generally put many interests to enforce laws against trafficking because this gives them tighter control over migration and facilitates actions against other types of transnational crime.

Gaps continue to exist as government need to protect victims of trafficking has the current policy or regulation does not provide much because such protection makes it more difficult to deport trafficking victims (Palermo Convention, 2000). State agents

are therefore often less enthusiastic in their support of this latter policy dimension, while others, such as feminist-oriented practitioners and organizations, are likely to place greater emphasis on helping victims and less on formal legal actions. Thus, analyzing the components of legal implementation separately allows for a better understanding of the complexity of implementation, which in turn provides clues to the process of how similar laws come to have very different meanings in different countries (Robertson, 1995).

### 2.6.2 Prevention-Counter trafficking provision

The UN Trafficking Protocol article 9 requires states to prevent and combat human trafficking and protect victims from re-victimization. Bernat and Winkeller (2010) allude that formal legal action does not necessarily result in public awareness of the problem of trafficking or protection for trafficking victims. Yoo and Boyle (2016) posit that it is the duty of the state or the level of governmental efforts to prevent and combat human trafficking within civil society. Prevention includes education campaigns, national action plans, information exchange among authorities, and cooperation with nongovernmental organizations and the agencies of other governments (Cho et al., 2011). Compared to prosecution, prevention captures more informal processes of culture change.

While prosecution is required of states under the Palermo Convention, the prevention provisions of the Convention and related Trafficking Protocol are qualified, making specific state obligations more ambiguous (Gallagher, 2010). Article 31 of the Convention calls on states to "endeavor" to develop national projects, establish best practices, reduce opportunities for organized criminal groups to engage in trafficking, and promote public awareness. The Trafficking Protocol has somewhat stronger language, noting in Article 9 that parties to the Protocol "shall establish comprehensive

policies, programmes and other measures" to prevent trafficking in persons. Nevertheless, a lack of specificity may create more space for states to avoid engaging in prevention relative to prosecution.

The ILO (2011) reports that the Zambian government maintained its efforts to prevent trafficking during the reporting period. In 2010, the government worked with partners to prioritize and implement key components of the 2008 National Anti-Trafficking Plan, including multimedia outreach, employer workshops, and the formation of child coalitions to raise awareness on human trafficking. However, Bunke (2016) announces that a lot is yet to be desired on the impact of awareness campaigns made in broader cities are yet to receive the information. During the year, the government developed the 2011-2012 National Anti-Trafficking Plan, which prioritizes the development of victim referral procedures. It also selected representatives of government ministries to serve on the national anti-trafficking Secretariat, created in 2008 however; they remain overburdened by their primary functions due to understaffing in their respective ministries (ILO, 2011 and Bunke, 2016).

### 2.6.3 Provision-Counter trafficking provision

Prosecution represents the formal legal response to trafficking. The obligation to criminalize intentional trafficking is a core and mandatory provision of the Trafficking Protocol (Gallagher, 2010). The prosecution provisions of the Trafficking Protocol in combination with the overall Palermo Convention require states to criminalize the laundering of money gained through trafficking, to extend their statutes of limitations for trafficking crimes, and to take other related steps (Palermo Convention, 2000).

The mandatory nature of these provisions suggests a global consensus, or at least compliance, among states around the criminalization of trafficking. Consistent with



this, Lloyd, Simmons, and Stewart (2011) found that media stories that mention human trafficking, a specific country, and the words “crime/s” or “victim/s” were strongly predictive of the subsequent criminalization of trafficking in the named country. Because there are both resource incentives and global normative pressures behind prosecution.

The Government of Zambia demonstrated increased anti-trafficking law enforcement efforts during the reporting period, convicting one trafficking offender under the 2008 anti-trafficking law and investigating and prosecuting additional suspected trafficking cases. Zambia’s comprehensive Anti-Human Trafficking Act of 2008 criminalizes all forms of trafficking and prescribes penalties that range from 20 years’ to life imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. However, in 2010, the government amended its Immigration Act, adding additional prohibitions against human trafficking. During the reporting period, the government convicted one trafficking offender, acquitted two suspected traffickers, and detained two suspects who are awaiting trial or sentencing (Zambia Daily Mail, 2011)

#### 2.6.4 Protection-Counter trafficking provision

Historically, it was assumed that victims of trafficking wanted to return to their countries of origin. This was a convenient assumption by state authorities under pressure to reduce the number of undocumented immigrants in their countries (Lebov, 2010). Under this rubric, trafficking victims were typically deported. Increasingly, however, deportation has come to be seen as punishment of the victims.

Nevertheless, the Trafficking Protocol provides little in the way of mandatory actions concerning victim protection (Gallagher, 2010). For example, Article, 6(3) of the

Trafficking Protocol calls on states to consider implementing measures to protect the victims of trafficking. While victim advocates claim a wide range of entitlements, including residency permits, housing, medical services, job training, and legal assistance, states have been cautious in embracing victims' rights and the corresponding states obligations (Gallagher, 2010).

Victim protection has a substantial cost because it runs counter to many states' migration policies. It also often requires law enforcement officials to rethink and modify their approaches to trafficking victims (Simeunovic-Patic and Copic, 2010). It is expected that the difficulties related to implementing victim protection combined with weak pressure to make state action relatively lax in this sphere.

Consistent with this prediction, Lloyd et al. (2011) found that countries with shared roads tended to adopt similar patterns of trafficking criminalization but not victim protection laws. They surmise that countries feared the displacement of trafficking to their territories if they lagged in the passage of criminal law, but victim protection laws did not generate this same national concern (Lloyd et al. 2011). In addition, Lloyd et al. (2011) thus views those aspects of the international trafficking regime that are less specific and more open to interpretation to elicit lower levels of implementation, with victim protection receiving the least support.

The government continued to ensure victim care through partnerships with international organizations and local NGOs during the reporting period. These efforts remained lacking in critical areas, however, including the establishment of victim shelters, though such initiatives are mandated in the 2008 anti-trafficking law. The government did not develop or implement systematic procedures for the identification of trafficking victims, nor did it demonstrate use of a formal mechanism for referring

victims to NGOs for protective services. Due to limited secure shelter space in certain parts of the country and limited means for transporting victims, foreign victims were jailed alongside traffickers for extended periods.

## **CHAPTER 3 METHODOLOGY**

### **3.1 Introduction**

This chapter discusses and justifies the selection of the research methodology used in the research and provides justification on the different approaches adopted within the research design. The chapter will show the research instruments used for the successful undertaking of the research study. Also discussed here are the research design, data collection methods and instruments as well as the sampling techniques and sample size.

### **3.2 The Research Design**

The researcher employed an exploratory qualitative research design which enabled the enhancement in understanding underlying reasons, and opinions. The researcher used a case study design, focusing on various government and non-governmental organization institutions which include law enforcement officials, refugees and NGO's. The research design helps to offer insights on the number of trafficking victims or provide taxonomy of the forms of exploitation and human rights abuse experienced.

In light of the above, the use of qualitative techniques triggered the adoption of methods approach as a research design that encompasses all the aforementioned methodologies in a bid to capture the complete picture of the research process. This qualitative case study methodology was adopted because it allowed the researcher to interpret the responses the Government of Zambia in implementing to curb human trafficking. In addition, this study was premised on the idea that human trafficking is an underground business and hence to understand the intricacies around it, a

descriptive analysis of the various experiences of individuals involved in the response to human trafficking will give me lived experiences and their success stories.

### **3.3 Population and Sampling**

The target population of 500 comprising officers from law enforcement departments in Zambia which include Zambia Police, Judiciary and the Immigration department was selected. A great deal of research on trafficking is, therefore, based on relatively small samples of survivors, usually identified by law enforcement agencies or persons assisted by NGOs or international organizations.

The primary protocol for inclusion was that the law enforcement officers have first-hand information on the cases of migrants including human trafficking victims and they have knowledge and experience of victims whom they might have assisted. Given that many trafficking cases remain undiscovered, or that victims/survivors of trafficking are often afraid to talk about their experiences, it can be very difficult to obtain first-hand information from those who have been exploited.

#### **3.3.1 Sample Size and Sampling Techniques**

##### **3.3.2 Sample Size**

From the 500 potential participants, a sample of 30 participants out of a total workforce in Lusaka District were used for the study. The sample size comprised of 13 Officers from the department of Immigration, 9 Officers from Zambia Police and 8 Officers from the National prosecution authority under Judiciary.

##### **3.3.3 Sampling Techniques**

Purposive sampling was used to select participants. In this case the Zambia Police, Judiciary, the Immigration department were sampled purposively. The rationale of their selection was based on their involvement with human trafficking issues and them

being mostly considered as the first port of call. The sampling technique enables the researcher to select participants from the government departments mentioned above based on their allocation of duty within their departments. Hence, the researcher identified knowledgeable participants who have experience relevant to the study. The selection of respondents was done purposively on the merits of their position and their ability to draw narrative on the case point in question. It was observed that departments such as Zambia police and immigration, they have special units that look at human trafficking cases under the Victim Support Unit. To be able to locate participants that fall under this unit, snowballing was also employed by the researcher. This helped participants to recruit each other in the study. Snowball sampling technique was adopted as the researcher sampled initially a small group of people relevant to the research questions, and these sampled participants proposed other participants who have had the experience or characteristics relevant to the research. International organisations such as the International Organization for Migration (IOM), the International Labour Organization (ILO) and United Nations High commission for Refugees (UNHCR) were not sampled because these were key informants.

### **3.4 Data Collection Instruments**

This study used a combination of research instruments in gathering the relevant data, namely: interviews and documentary review. Interviews were used to collect primary data from respondents while documents such as reports and journals on human trafficking in Zambia from the Zambia immigration department, Human rights and international organization on migration were used to collect secondary data. Yin (2014), contend that the use of a single technique may lead to bias and so a multiplicity of methods will ensure authenticity of the data. The researcher used this method to

have personal contact with the participants so as to understand them in their contexts as well as a causation of their practices. The interviews were used because they gave respondents an opportunity to narrate their stories and experiences as well as explaining them. This method was used to enable the researcher to have face to face contact and conversation so as to get a deeper understanding on the study.

#### 3.4.1 Semi-structured interviews

In this study individual face to face semi-structured interview guide was developed to direct the researcher during the interview. Interviews were conducted with key informants. The researcher used these face to face semi-structured interviews due to their flexibility as they allowed the researcher to probe for more information from participants. The researcher used semi-structured interviews to obtain primary data from law enforcement officer in its original form. It is important to note here that all the interviews were prepared in order to obtain detailed qualitative information. This method was suitable for this study as it allowed new ideas to be brought in during the interview something that would have never been the case if structured interviews were used due to their rigidity

#### 3.4.2 Documentary Analysis

To supplement data collected from respondent, reports and documents on human trafficking from Zambia police, immigration department, International Organization for Migration (IOM), the International Labour Organization (ILO) and United Nations High commission for Refugees (UNHCR) were reviewed. Document analysis such as the Ant-Human Trafficking Act of 2008 as incorporated under section 40 of the Immigration and Deportation Act of 2010 which empowers law enforcement officials

such as Immigration Officers to arrest any Suspect of Human Trafficking. Also Capacity Assessment document on Responding to Trafficking in Persons in the SADC Region which focused on Zambia were used to complement the information given by the Zambian Law enforcement Officers and International Organizations. This was to ensure that empirical data is obtained from the documents and trends in statistical information is examined to measure variations on outcome variables.

### **3.5 Data Collection Procedure**

In this regard, respondents which included law enforcement officials and international organizations that work in Zambia which were identified. The researcher obtained letter from Africa University. The researcher then applied for permission from the Ministry of Justice, Immigration and police to be able to conduct the research.

The second step was to gain access to participants to obtain permission to carry out the research. Armed with permission letters, the researcher physically visited departments and organizations to make appointments in regards to when the researcher could visit. On the agreed dates the researcher met staff member, researchers, law keepers and victims of human trafficking who were to participate in the study. The third stage was when the permission was granted then the researcher had to consider the variety of information that will answer research questions in the best suitable way. Then the interviews were carried out and in-depth interviews were filled. For interviews, informants were chosen based on their position, experience or responsibilities. In depth interviews were administered on a one on one basis with key stakeholders and case management. In the fourth step, the researcher designed instruments for data recording and collection. Qualitative data through the key informant interviews and focus group



discussion audio tape recorder. The data was transcribed verbatim into Microsoft word and imported for further analysis.

### **3.6 Analysis and Organization of Data**

Thematic data analysis was used by the researcher as a process of resolving data into its constituent components, to reveal its characteristic element and structure. Data analysis helped the researcher to describe, explain, understand and interpret human-trafficking and policy relations holistically. The researcher made use of coding to organize mass data logically. The main purpose why data was coded was to simplify many individual responses by classifying them into a smaller number of groups including responses that are similar in content. This was followed by interpretational method, which was a means to understand the internal logic of an excerpt of data or put it into context. Triangulation was also used to gather and analyze data from different sources.

### **3.7 Ethical Considerations**

The researcher informed participants of the background of the study and its intention and enlightened them on their relevance for the study and prompt understanding of the study. Participants were assured that the researcher would uphold confidentiality and anonymity. Participants were informed of the nature of the research and asked to sign a consent form. The researcher made use of the informed consent guide which seeks the approval and voluntary consent of participants. The researcher observed the best possible ethical considerations expected in the research. Participants were given consent forms to sign to show their willingness to participate in the study. The participants were not forced to take part in the research but did so at their own free will. The researcher explained to the participants that they were free to participate in

the research or to withdraw from the research at any given time without fear of penalization. Utmost care was given to protect the confidentiality of all participants so as to reduce the probability of coercion, in accordance with international research ethics protocol. No names were collected and all data was carefully reported to ensure that it did not allow for individuals to be identified. To organizations and academic institutions letters of intent were written to seek permission to access secondary data and reports.

### **3.8 Summary**

The chapter outlined the research methodology employed in the study in investigating the problem. It informed the theoretical perspective, inform the methodology describe and justify the research methodology. Procedures of data collection techniques or instruments were used and explained in this chapter. The relevant social science methods of data analyses, coding, and dissemination of results and discussed ethical issues of conducting the research study. The findings of the study were analyzed and presented the next chapter, chapter number four.

## **CHAPTER 4 DATA PRESENTATION ANALYSIS AND INTERPRETATION**

### **4.1 Introduction**

This chapter presents the emerging findings from the study and provides the analysis showing convergence and divergence in Literature. The main thrust of data collection was premised on assessing on Zambia's response to human trafficking and exploitation as a global epidemic. The chapter will present data collected during the research study and will also bring out relevant discussions and findings. The presentation of findings will be done through textual presentation, as thematic concerns are drawn in order to show and present views of the respondents drawn during the administration of interviews. Thematic concerns are drawn as a way of depicting the respondents' views on various questions from the interviews. The thematic approach allowed broader data perspectives from various instruments to be simultaneously presented and analyzed. The chapter starts with data presentation, analysis and discussion of findings followed by data interpretation in relation to literature and theoretical framework.

### **4.2 Data Presentation and Analysis**

#### **4.2.1 Understanding Human Trafficking in Zambia**

Study findings from both International Organization for Migration and Commissioner for Refugees came out from key informant interviews such as the International Organization for Migration and the Commissioner for Refugees have shown that Zambia like any other country suffer from the effects of human trafficking both internally and externally. Respondents from the Law enforcement Officials from Zambia Police, the Zambia National Prosecuting Authority and Zambia Immigration Department have identified effects of human trafficking as heinous and greatly affected human security. In line with the findings a respondent from the immigration

officers and police officers concurred that human trafficking issues are varied as its effects vary due to the nature of trafficking. Respondents highlighted trafficking flows within and outside Zambia. This was a clear view among the respondents as it was highlighted that Zambia serves as a destination for migration flows from neighboring countries particularly Democratic Republic of Congo, Tanzania, and Zimbabwe.

Study participants from a Focus Group Discussion with officers from the National Prosecuting Authority were asked to identify possible victims of human trafficking they identified that most of the victims of trafficking were particularly women and children with a lower percentage of men within the informal sector for example artisanal mining and farming. This view resonated with the responses gathered during the interviews where the Immigration officer in Livingstone posited that several cases have been recorded where most women and children have fallen victim to trafficking, however, this does not substitute that men cannot be trafficked for we have a recent case that has been dealt with where men have been trafficked from Zambia to work in farms in Namibia. Cases of trafficking however, are more to women and children with a very few cases of male adult falling victims (Key informants interview, Livingstone Immigration officer 1 23 September 2019).

An interview with a Programme Officer from the International Labour Organization pointed out during his stay at ILO his experience was that they received a lot of reports from the Zambian government and other civil society organizations that women, girls and boys are trafficked from neighboring countries such as Malawi coming to Zambia and also Zambians trafficked to Namibia to work in mines, farms and industries, for example in 2017 one Zambian national was rescued from Namibia and was

temporarily handed over to the Department of social welfare and security in Livingstone for security and safe protection. He further propounded that such flow of trafficking has been difficult to depict since most of victims are trafficked beyond Zambia. One of the key informant highlighted that most traffickers use Zambia as a transit point from other countries due Zambia's geographical location as a Land locked Country as most of the cases of human trafficking are either through Zambia to South Africa, Namibia, Zimbabwe, Malawi, Mozambique, Botswana from the Great Lake Region or vice-versa. As such traffickers were also considered to have originated from a cross-section of society which includes truck drivers, friends, strangers, relatives and church organizations.

The Ministry of Home Affairs through the Zambia Police Service's Victim Support Unit (VSU) Zambia documents all issues to do with human mobility including human trafficking and recently established an Anti-terror desk. The Director General of the Immigration Services in Zambia remarked that internal trafficking, mainly of women and children from rural to urban areas for labour remains a challenge and likely the dominant form of trafficking in Zambia. The report of Director General of 2018 revealed that 85% of reported cases of human trafficking affected women and children and this resonates with the views of the IOM official on safe migration and UNHCR Protection Officer who also reported that women and children especially the unemployed and orphan children are targeted for purposes of domestic and sex work by those involved in Trafficking in Persons business (Key Informant Interviews with IOM & UNHCR, 24 & 25 September, 2019).

#### 4.2.2 Causes of human trafficking

A number of factors have been flagged out as the main causes of human trafficking, most of which were connected to the economic and political environment in the country. Study findings from the International Organization for Migration stated that there are push and pull factors underlying causes that influence the rate and trends in human trafficking within Zambia both internally and externally. Push factors such as poverty, lack of family integration, political instability, lack of employment, land scarce. Pull factors as good education, technological persuasion, green pastures. A key informant from the Enforcement Department under the Police Services noted that women and children in Zambia are most vulnerable to both abuse and trafficking both locally and externally. His experience with these women and children who get trafficked is that they are targeted by friends in the church while some are promised job opportunities in salons and others get to apply for fakes jobs online. In his view, several people have become vulnerable to trafficking due to the deteriorating living conditions, poverty, and unemployment, lack of information and education increase the vulnerability to trafficking.

As such the search for better living conditions or employment opportunities, tourism and escaping adverse economic conditions have increased vulnerability. In his response the respondent from the Inter-Ministerial Committee Representative on Anti-Trafficking for Zambia outlined that:

Due to the economic situation in Zambia where unemployment is pegged at 19.7% it is often used as a bait by human traffickers to target the unemployed where the victims are promised jobs or (better) education, which is referred to as “greener pasture” syndrome. This scenario was cited as being used in the case of movement of people to Angola, which is currently seen as have a thriving economy. Family members may also facilitate the movement of their children due to poverty, or through traffickers deceiving them and exploiting

their hopes to improve the lives of their children (KII with Inter-Ministerial Committee Rep of Zambia for Ant-Trafficking, 23 September 2019).

However, the cause of trafficking can also be multi-dimensional with most individuals that are frantic for a job can be willing to accept any promise for a job hence, they end up being victims of trafficking.

#### 4.2.3 Cases and experiences on human trafficking

Human trafficking does not affect the undocumented migrants only but it is widespread as some cases involve scholarship opportunities and job offers. For example, a female who is a gender activist highlighted that most individuals who are trafficked to Europe, China and other parts of the world have proper documentation however, some without proper documentation can be trafficked for example, in 2018a truck was intercepted in by a combined team of Police and Immigration officials carrying 67 Ethiopian into the country at will (Key Informant Interview with a Gender Activist from African Medical Educational Support Program, 21 September, 2019). Furthermore, the Anti-Trafficking Official from the Immigration Department highlighted that among those that can be trafficked to Zambia most of them are from Ethiopia, Democratic Republic of Congo and Burundi.

However, the Immigration officer who works under the Anti-Trafficking Desk notes that trafficking and smuggling cannot be separated as both involve the movement of people either at will or not. She further posed that both means of movement provide threat to human safety. This concurred with the views raised by one immigration official who highlighted that several cases have been handled by the Zambian Immigration Department, individuals were admitted after suffocating, collapsing or seriously injured during transportation. As such, she further informed that

differentiating the two can be a challenge since both ways bear the same effect. Moreover, the respondents were able to highlight some of the causes perpetuating human trafficking. One of the key Informant deduced that, most of the trafficked persons to Zambia are either running from their countries due to political instabilities, coups, wars and economic challenge.

The respondents from the interview sessions in positions of authority within the Zambian law enforcement departments have shown a great consensus on the causes of human trafficking and on its effects to human security. The group agreed that most victims fall prey to trafficking due to the perennial economic instability and structural violence in the country of birth or origin. One of the key informant deduced that most of the victims especially women, are vulnerable to trafficking as they seek to provide for their families hence they seek to travel to neighboring countries. She went further to explain that within such a group most of them do not have any point of contact within the destination of choice hence they can fall victim to trafficking. For instance, on 17<sup>th</sup> June, 2019, one Ugandan nationals was apprehended at Victoria border suspected of trafficking five people who could not know or having a contact of where they were going.

Another similar understanding on the causes of human trafficking was raised by the IOM representative in Zambia who highlighted that poverty has a part play in the spiking trends in human trafficking over the years particularly with Southern Africa and Zambia included. The respondent informed that among those that have been rescued during trafficking a higher number of them have blamed their status quo and poverty levels as reason for migrating. Moreover, those that have been trafficked tend



to fall victims or slaves to those that seem to have landed a helping hand. The respondent further deduced that mostly women and girls fall victims and most of them tend to be recruited as commercial sex workers.

During the interview with the representative of the Ministry of Labour and Social Security (MLSS) in Lusaka cases around trafficking were flagged to be heavily connected to the desire for cheap labour, prostitution and exploitation. He posited that since Zambia is bordered by eight neighboring countries cases of trafficking are most common, with traffickers transporting victims both locally and internationally. After probing the respondent gave similar cases to illustrate the severity of trafficking both within and outside Zambia. An interview with human rights activists in Zambia also highlighted pertinent issues that drive human trafficking and their experience are that;

The act of trafficking is highly feminized in Zambia where women and young girls are the main targets and their experience in this business are the women who the main actors in the recruitment process. She added that the main types of trafficking women fall victim to include forced marriages, domestic work, and child laundering. This last one is when women, especially young girls, are impregnated repeatedly and forced to give up their children for adoption. We've also seen cases of trafficking in families... fathers and uncles selling children," she said. "A father attempted to sell his 10-year-old son for \$200. Also an uncle attempted to sell his nephew for \$6,000." (Human Rights Activist for the Protection Project - Zambia, 21 September, 2019).

Study findings also highlighted that heavy influx of migrants at the Zambian borders can be a contributory factor affecting early detection of trafficking. However, government officials, police and immigration detected and apprehended some of the perpetrators. For example, it was noted that since Zambia is a transit country trafficking has been a major factor with victims being trafficked to Malawi, Angola, Namibia and South Africa. During the interviews with IOM it was noted that in 2004 a Congolese woman was stopped at a national border of Zambia bringing in 14 Congolese girls who were being taken to South Africa with the promises of jobs, she

explained that this was the first case of human trafficking but because by that time there was little knowledge of human trafficking the case was very difficult to prosecute at the time due to lack of legislation. In March 2008 42 Congolese nationals who were thought to be victims of traffickers, or even traffickers themselves, were all intercepted going to South Africa by the Immigration Department in Lusaka. As such the key informant indicated that the Zambian government has tried much to reduce trafficking however, fresh or new cases are reported showing that human trafficking remains a case that requires much resources and attention from both the locals and international organizations.

#### 4.2.4 Routes used for human trafficking

The study also sought to understand the possible routes both during transportation and the final destination. A key informant from the Ministry of Labour and Social Security who works in the rehabilitation programmes pointed out that traffickers have been using almost similar routes and they had direct interface to some of the rescued victims in the safe spaces created by the government. The Key informant from the MLSS identified the following:

Traffickers know which route to use, times and days, it actually shows that most traffickers bribe the boarder officials and can easily pass without any proper search being done as such most traffickers exploit the weakness. For example, the Nakonde to Chisali are most favourable because of the heavy trucks that ply this road which helps them to network with their clients. In addition, the road is usually unmanned at night and they use this to their advantage to engage in human trafficking activities. It is also important to note that not all traffickers come through the boarder some use the pathways or cross in between villages, and where they find difficulties the human traffickers also bribe immigration officers to have passports of TIPs stamped in their absence using some informal border agencies with a good rapport with the immigration officials (Key informant interview MLSS 1 03 September 2019).

This view was therefore supported most frontline officers in Chililabombwe, Katimamulilo, Chirundu and Livingstone who emphasized that human trafficking takes place using both legal and illegal channels. The respondents observed that in Chililabombwe

it was not uncommon for Congolese nationals to use remote footpaths rather than formal border crossings. While in Livingstone, some migrants, both Zambians and non-Zambians, enter and leave Zambia using the Victoria Falls border without travel documents with the aid of individuals. Moreover, those that are caught are usually deported, one major disadvantage is that those assisted by individuals tend to pass through the boarder or footpaths without being noticed. One respondent outlined that certain borders are preferred by irregular migrants and traffickers due to weaknesses in border controls and hence the reduced likelihood of being detected.

#### 4.2.5 Institutional response to human trafficking

The introduction and the adoption of the anti-human trafficking act of 2008 has open doors for Zambia to combat and eliminate human trafficking. The ratification of the act demonstrated significant effort by the government in combating the cause and effects of human trafficking. As such the government effort to protect, prosecute and prevent human trafficking increased. During the interviews one of the key informant pointed out that:

The introduction of the Anti-Trafficking Act of 2008 improved and increased the government law enforcement efforts, as most offenders can be criminalized. The Home Affairs Department carried out a number of anti-trafficking campaigns which increased awareness level on issues of human trafficking to the citizens, however, there has not been any study carried out to ascertain whether there is a decrease in incidences of human trafficking. It is important to note that prior the adoption of the Act it was challenge to arrest or identify most of the offences hence, the adoption of the Act provided room for dealing with traffickers. After the Anti-Trafficking Act of 2008, the Immigration authorities together with the Interpol in Zambia managed to intercept the trafficking of 2 Nepalese women who were being trafficked by Liberia which led to their arrest (KII from Zambia Police officer 2, 23 September 2019).

The other key informant added that, In addition, there is some increased efforts to deal with human trafficking and this is evidenced by some notable cases in the law of courts in Zambia prosecuting human traffickers. A key informant from the National Prosecuting

Authority shared a case of human trafficking between People vs. Aqua & John where the Lebanese were in the business of trafficking persons using their agency in Lebanon which saw the recruitment of 2 Nepalese women who were reported that they were coming to work in the industries in Nepal but found themselves in Zambia. Another case involves is that of People vs. Haruze where Haruze asked his relatives in Lebanon to recruit two Philipinos for him and the two ended up working in Zambia as domestic workers. Haruze withdrew the passports of the two Philipinos. The case vs. reported b Haruze's wife when she realized that her husband was in a love affair with the two Philipinos girls (KII from National Persecuting Authority, 24 September, 2019).

It was therefore clear that most of the respondents understood the main reason for drafting and adopting the Anti- Human Trafficking Act No. 11 of 2008. However, one of the key informants argued greatly against the progress made by adopting the Anti-Trafficking Act of 2008. Accordingly, he alluded that the Act seems to be more rhetoric than being practical. The respondent echoed views with regards to most of the offenders not being criminalized. When probed to identify the reason behind most offenders are not arrested the respondent noted that the lack of transparency and the increase in corruption at border posts has even worsened/increased trafficking. He added that,

Corrupt officers at the border post receive a form of payment or bribes from the traffickers through travel agencies with good rapport with the officers at the border who get to pay some small token of between K100 to K500 depending on how much they are asked to pay. These amounts vary hence, their vehicles are not essentially checked thus most offenders just pass through. Hence, such a lapse in border security and the ineffective identification system has proved to be a dent to the fight against human trafficking (KII from the National Prosecuting Authority, 2<sup>nd</sup> of September 2019).

The respondent further notes that corrupt police or border officials affect the progress in combating human trafficking one key informant at Katima-Mulilo border recalled a particular case where a border official was involved in Human trafficking. He stated that,

One case of human trafficking involved a Namibian Police officer who was based at Katima-Mulilo border of Namibia was arrested by Zambian security personnel for trafficking three Congolese nationals whom he had hidden at the

no-man's land. He further outlined that the Namibian police officer entered Zambia in 2018 to the nearby town called Sesheke in Zambia with intent to pick the Congolese nationals with a help of somebody. He promised the Congolese nationals a refugee asylum in Namibia (key informant interview 4<sup>th</sup> September, 2019)

He also advised that,

Regional integration has to an extent helped in combating trafficking, the Zambian and Namibian officials' first inline officials have done much in that regard by way of increasing border patrols using the Interpol and sharing of information regarding cases and hot spots of human trafficking. One case in question dealt with was the Trafficking for child labour exploitation in Katima-Mulilo, a Zambian man is paid by Namibian farmers to recruit small boys in Zambia and transport them to work on the Namibians' farms. This network was investigated by the police. Unfortunately, the recruiter had returned to Zambia prior to law enforcement intervention. The young boys were sent back to Zambia and the farmers who were exploiting them, were warned by the police. Unfortunately, since both the victims and the recruiter had returned to Zambia, prosecution was not pursued. (Key informant interview 4<sup>th</sup> September, 2019).

Cases of human trafficking have been prevalent at Katima-Mulilo a border sharing with Namibia most involving Congolese and West African nationals. It has been observed that such nationals mostly use Zambia as a transit point en-route to Namibia for further greener pastures in America, Europe and Australia. One respondent blamed the current state of security at the borders as he notes that most of the borders in Zambia are heavily porous making it difficult to separate legal migrants and human trafficking.

He mentioned that,

Porous borders for example, Kasumbalesa border with DRC, Nakonde border with Tanzania, Katima-mulilo border with Namibia where there are no natural barriers such as rivers traffickers can use illegal means to facilitate their illegal activities. Even other borders which are demarcated through natural barriers like rivers such as Chirundu sharing Zimbabwe, Victoria falls, Feira sharing Mozambique and Kazungula sharing Botswana traffickers still use other means such as Canoes using poverty stricken local fish mongers(key informant interview 6<sup>th</sup> August, 2019) .

Such views present that there is need for intermarriage between the enacted policies and the regulation system. This showed that there is a lot that remains to be desired in

making sure that anti-human trafficking laws can be upheld especially by the first-line officers. Such views concurred with what was raised by one key informant who posited that regulating or combating human trafficking has not been as effective as hoped as there remains much inconsistencies among departments defining or identifying trafficking. The key informant posited that,

‘I believe the main challenge comes with the inconsistent definition of trafficking under international law which makes it rather difficult to identify trafficking. One case in question is the law only defined and considers an offense as trafficking if it involved transnationality. And the law also requires a demonstration of threats, force, intimidation, or other forms of coercion to constitute a trafficking offense, and therefore most trafficking issues do not present such signs and most trafficking offences are not criminalized especially those that deal with all forms of child sex trafficking (KII from the Director General’s Office, Immigration Department, 2<sup>nd</sup> of September, 2019).

As such a lot remains to be desired to improve and combat human trafficking both within and externally. Moreover, one respondent highlighted that the act needs to be revised and much emphasis must also be placed on domestic trafficking which has the same detrimental effects as trafficking across borders. Accordingly, there is much need to train both the citizen and law enforcement personal on identifying and handling such issues. He went on to note that given the nature of domestic trafficking most victims tend to be flattered through false promises either for a job, employment, school or business opportunity hence, they can be reprimanded against their will in the big city centers.

Such views concurred with the evidence drawn from secondary data sources which presented that some media reports in the Daily Mail Zambia have reported on the case of People vs. Haruze which involved the cases of transnational human trafficking on the 17<sup>th</sup> of February 2018. Evidence from ILO research showed that a gap remains as much attention is yet to be given to internal trafficking with most children in Zambia

being trafficked from the rural areas for domestic work, agricultural work, street hawking and prostitution, a similar view was raised during an interview with one key informant who echoed that

Cases of child trafficking locally have been ignored greatly mostly because they tend to happen within and the perpetrators are mostly relatives, close friends, churches or even neighbors. The high rate of child marriage is another concern in Zambia. The participant pointed out that Zambia was ranked 10th in the world among countries where child marriage was practiced. The UN Special Rapporteur on violence against women in 2011 noted that approximately 50% of Zambian women were married by the age of 18. As such several cases of child trafficking remain undocumented for domestic servitude, agricultural work and for prostitution. Most of these children are from the rural areas and parents can be deceived on the belief that they will earn some money which can cause them to allow the child to go not knowing what he/she will be involved in (key informant interview ILO official 9<sup>th</sup> of October, 2019).

He further went on to illustrate that

Those that are usually trafficked by close relatives, friends or church member for domestic servitude tend to be coerced, exploited, sexually harassed and can be under house arrest. Most of the cases that we have dealt with showed similar signs and the child can fail to report with the fear of losing his/her job and at times reporting means no one would take care of him in the big town worsening the problem (key informant interview ILO official 9<sup>TH</sup> October, 2019).

The government increased efforts to prevent trafficking. The government revived the national secretariat and its inter-ministerial committee, which resumed their duties in the oversight of national anti-trafficking efforts. This has helped in regional integration efforts in dealing with trafficking since it is a cross-border phenomenon. The government launched its seventh national development plan, which included guidelines on the prosecution, protection, and prevention of trafficking – the first time it has specifically included goals to combat trafficking. In coordination with an international organization, the Ministry of Community Development and Social Welfare updated and began implementation of the Communication Strategy on Mixed Migration and Human Trafficking, which aimed to educate the public on trafficking through community outreach and interviews on local radio stations.

In addition, to respond to issues of human trafficking the Government of Zambia actively participates and organizes training and education programmes in collaboration with the UN Joint Programme National Plans of Action (NPAs) Coordination and Cooperation Prevention Zambia. Zambia has ratified various international treaties regarding child protection, including the UN Convention on the Rights of the Child (CRC), and the ILO Convention on the Worst Forms of Child Labour. It has signed, but not ratified, the Optional Protocol on the sale of children, child prostitution and child pornography. It acceded to the UN Convention against Transnational Organized Crime and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol).

At the regional level, Zambia has ratified the African Charter on the Rights and Welfare of the Child. The legal situation regarding CSEC is complicated by the two co-existing legal systems: customary law and statutory law. The system of statutory and customary law is applied inconsistently, resulting in violations of the rights of vulnerable groups, especially children. According to UNICEF, “customary law grants significantly fewer rights to women and girls than statutory law and is principally based on male power, authority and domination over women”. The inconsistencies between statutory and customary law are important to recognize; even if Zambia’s government is able to bring its statutory legislation in line with the CRC and other international human rights instruments concerning CSEC, it will have to address the issue under customary law as well. Prostitution of children Under Zambian legislation, prostitution is illegal and can be punishable by fifteen years of imprisonment.

Pursuant to Section 140 of the Zambian Penal Code, it is an offence to procure or attempt to procure a child to have unlawful carnal knowledge of the child, to make the child a common prostitute, or to make the child an inmate of or frequent a brothel. This



section has extraterritorial effect and makes it an offence to procure or attempt to procure a child whether the child's destination is within Zambia or elsewhere. If convicted of an offence under this section, the offender is liable to imprisonment for a term of not less than twenty years and may be liable to life imprisonment. Section 144(1) of the Penal Code further criminalizes detention of children in a brothel or in any premises with intent that the child may be unlawfully and carnally known by any third person. Moreover, Section 147(1) makes a number of acts related to prostitution an offence including the living off earnings of the prostitution of another; the control, direction or influence of the movements of a prostitute for the purpose of gain; and the aiding, abetting or protection on Human Trafficking (UNJPHT), the International Organization for Migration (IOM), the International Labour Organization (ILO), UNICEF, and the European Commission funded TACKLE Projects.

In October 2012, Zambia, in partnership with UNJPHT, launched the Minimum Standard Guidelines on Protection of Victims of Trafficking.<sup>36</sup> The Guidelines, in accordance with the 2008 Anti-Trafficking Act, established the minimum care provisions for victims of trafficking. By early 2013, the government had successfully distributed these Guidelines in its provinces and trained 148 service providers, including social welfare and immigration officials, on its provisions

The Zambian government continued its partnerships in the region through routine coordination of anti-trafficking efforts with Zimbabwe and South Africa. The government held three bilateral relationship cooperating meetings at border posts in Chirundu, Chanida, and Nakonde with Zimbabwean, Mozambican, and Tanzanian counterparts, respectively, to discuss cross-border initiatives and efforts to combat trafficking. The government hosted Malawi's anti-trafficking inter-ministerial

committee to facilitate a knowledge-sharing discussion as part of a SADC regional cooperation initiative.

Based on the above views, study findings have also shown that the government has faced several challenges in meeting the minimum standards in key areas. One of the respondents noted that, First inline Officials continued to conflate cases of migrant smuggling and trafficking, particularly with an influx of refugees fleeing conflict in the Democratic Republic of the Congo (DRC), and did not adequately screen potential Zambian victims of forced labor who returned from Namibia.

#### 4.2.6 Measures of assistance and protection for victims

The study findings during document reviews also showed that the government demonstrated increasing efforts compared to the previous years; the progress made saw Zambia upgrading to Tier 2. This meant that the Zambian government had demonstrated increasing efforts to curb and combat human trafficking through the initiating more prosecutions and securing more convictions than in the previous year. For example, the following excerpts from the National Prosecuting Authority were reported which show that Zambia had scored positively on responding to human trafficking;

The government investigated 22 potential trafficking cases involving Ethiopian, Congolese, Rwandan, Zambian, and Somali perpetrators or victims, both adults and children, compared to 23 in 2016. The government prosecuted four traffickers, convicted all four traffickers, and sentenced them to 25 years imprisonment, compared with zero prosecutions and zero convictions during the previous reporting period. All four prosecutions and convictions were the result of a single case involving three Congolese and one Zambian trafficker who exploited 14 Congolese victims in Zambia. The Ministry of Labor and Social Security (MLSS) Child Labor Unit used mediation with parents as the usual process for handling child labor cases and did not criminally investigate such cases for potential trafficking violations. The government did not investigate or prosecute companies for labor trafficking in the mining and agricultural sectors and had limited capacity to monitor these sectors; during the previous reporting period there were allegations that large or foreign

companies and foreign governments exerted influence over officials, preventing investigations. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government integrated modules on human trafficking into the training curricula for Zambia Correctional Service, the Zambian Police Service, and the Department of Immigration and during the year trained such officials using these modules. The national police academy trained an unknown number of new recruits on trafficking. The paramilitary police training school trained over 1,000 recruits on trafficking. The government maintained a database to track trafficking case data with other countries in the region.

This was therefore complimented through the integration of modules on human trafficking into the training curricula for law enforcement and immigration officials and trained such officials. As such study findings showed that it was easy to detect and control human trafficking. One of the respondents highlighted that

The trainings that we received between 2016 to 2018 have helped greatly especially when it comes to identifying possible signs to trafficking, how to question or interrogate possible victims or suspects and how to quickly handle the issue without further complications. I would say as the immigration department we have noted much improvement with most detection and arrests happening compared to previous years (key informant interview from Zambia Immigration and Zambia Police victim support Unit 20th October, 2019).

Analysis from the Anti-Trafficking Act, 2008 showed that the government increased efforts to assist victims. The government identified 41 in 2016, compared to one potential victim identified in 2015. Of the victims identified, 33 were children and eight were adults; 18 were female and 23 were male. The government referred all victims it identified to protective services. Of the victims identified, one was a sex trafficking victim and the government did not report the type of exploitation for the other 40 victims. Officials continued to conflate cases of migrant smuggling and trafficking, particularly with an influx of refugees fleeing conflict in the DRC during the reporting period.

Interviews with key informants from the Zambia Police Services and the Immigration Authorities showed that the introduction of the training modules to the first inline officials helped the government in identifying more victims and referred all identified victims to protective services. This resonated with the anti-human trafficking act which required prevention, protection and prosecution on human trafficking.

Although little information exists on the extent of trafficking across the country's borders, human trafficking has been recognized as a serious and growing social problem by the Government of Zambia. Study findings showed that the Zambian government has established an interagency committee on human trafficking, chaired by the Ministry of Home Affairs. The committee meets, although infrequently, to promote coordination and information sharing among agencies. There is not yet an established specialized human trafficking unit in the country. However, the Victim Support Unit (VSU) the victim support unity in Lusaka and Sesheke the unit provides capacity building in terms of counselling of the Zambia Police Service is, among other things, directly responsible for conducting investigations into suspected human trafficking offences and has a presence at every police station in the country. Government agencies responsible for combating trafficking include the police, immigration authorities, and the Ministries of Justice.

One of the Police officer interviewed posits that, the government, through its Social Welfare Department complimenting the victim support unit provides counselling, legal aid, shelter, protection to victims of trafficking and children involved in commercial sexual exploitation and refers victims to NGOs that provide such services. However, one protection officer at IOM pointed out that government has no formal screening or referral process. In some cases, victims are placed in protective custody

at victim support shelters operated by NGOs. The government officials no longer treat victims as criminals when they ascertain that individuals are victims of trafficking and therefore theoretically they are not detained, jailed, deported or prosecuted for violation of other laws in the country.

However, the respondents' views were varied on this point, with some saying that immigration officers treat victims of trafficking, and under-18s in particular, as vulnerable, while others felt that victims were not treated any differently to adults and possible criminals. It was noted that due to there being no facilities at border posts for victims of trafficking, immigration officials are severely restricted in the way they can assist victims. Another participant from the National prosecuting authority (NPA) noted that weak laws on trafficking make it difficult for prosecution to take place. Furthermore, while immigration and police officers have been trained on trafficking, there still appears to be a lack of knowledge regarding the fact that legislation, albeit weak, does exist.

During the interviews it was noted that the government went a step further in combating human trafficking as for the first time it increased its anti-trafficking budget for the second consecutive year. Protection of victims was therefore placed at the forefront of any plan of action on trafficking. The government therefore in conjunction with the International organization embarked on effective programmes for instance, the know before you go programme for sensitization and identifying victims, assisting with accommodation needs, counseling needs, rehabilitation needs, and the reintegration of victims into their community, as well as long-term follow-up on these

cases, are paramount. This showed that the Zambian government has invested much in trying to reduce and curb trafficking. One of the key informants stated that,

The provision of public funds towards combating human trafficking by the government ensured that those victims that were identified were protected and given proper treatment, medication and assistance. The government increased its anti-trafficking budget for the second consecutive year in 2018 to 143,000 new kwacha (\$14,340), an increase of \$4,000 (from K139, 000) in 2017. Using the new budget, it was possible to refurbish shelter for women and girls who needed rehabilitation and psycho-social support services and those that were identified were taken to this shelter where professional help was given (Key informant Zambia Police Victims Support Unit, Lusaka, October, 2019 & Commissioner for Refugees in Zambia).

Moreover, in line with the international laws on migration victims of trafficking are supposed to be helped by the government upon returning hence during the interview study findings from the NPA showed that there are no specific programmes providing assistance to returning migrants and/or trafficking victims in place in Zambia. For victims returning from abroad, some seek help from Zambian diplomatic missions while others suffer in silence. Upon return to the country, it appears that very few reveal their experiences. The respondent went on to say that

While there are few programmes that specifically support Zambians who have been trafficked overseas, there are a number of shelters run by IOM in Zambia that cater for the needs of trafficking victims, whether Zambian or not. Government officials, in partnership with international organizations, offered court preparation, and repatriation or regularization of immigration status. The government offered legal alternatives to the removal of victims to countries where they may face hardship or retribution; however, the government did not report granting such assistance in 2017. Foreign victims of trafficking were provided with the same protective services as Zambian nationals; however, availability of translators remained a barrier to providing timely, comprehensive care. In one case, there is a shelter specifically for trafficked victims, which remains empty when there are no cases. Alongside accommodation, the shelters provide counselling and rehabilitation services. However, there remain only a small number, and they are predominantly in Lusaka (KII with Commissioner for Refugees in Zambia, 29 October, 2019).

Study findings from IOM and UNHCR showed that the government partnered with international organizations to offer routine assistance to victims, including medical care and counseling, but it continued to rely on international organizations and local

NGOs to provide the majority of care. Shelters for victims of gender based violence across the country, especially outside Lusaka and Central Provinces, were heavily constrained by a lack of funding. The Ministry of Community Development, Mother and Child Health operated a 40 person shelter for victims of trafficking and victims of sexual abuse in Luapula province, and another in Central Province, both eligible to receive male victims of trafficking. In addition, it refurbished a shelter for vulnerable migrants and victims of trafficking in an area known to have a high prevalence of trafficking and opened a gender-based violence shelter in Chongwe for women and girls; the government did not report if any trafficking victims received care through these facilities during the year of study.

This therefore showed that most of the government efforts are yet to be fully implemented or ratified at a policy level as one key informant posit that since the reviewed and updated 2012-2015 national action plan to combat trafficking, a lot is yet to be done as the plan has remained pending. Though a success story can be tabled to the revived the national secretariat as well as its inter-ministerial committee, which met on December 1, 2017, and cooperated with neighboring governments to share expertise as part of a Southern African Development Community (SADC) regional cooperation initiative.

#### 4.2.7 Challenges faced

Evidence from the Commissioner for Refugees in Zambia posit that detecting and controlling trafficking is a challenging due to the increase migration inflow. The study findings noted that the close link between irregular migration and illegal migration has placed a dent to the identification of human trafficking. During the interviews it was highlighted that as irregular migrates are more common and prefer moving from one

country to the other without required valid passport or visa passing through the legal border points/custom point or via the peripheries of the border. Hence such playouts have worsened the response to trafficking.

One of the respondents responded that

There are major inconsistencies within our systems and policies, thus when they exist a loophole it is exploited. However, the irregularities reducing or curbing irregular migration have also increased trafficking cases. It is also important to note that most traffickers hide as migrants, tourist or business people hence regulating irregular migrants can curb trafficking (key informant interview 4<sup>th</sup> September, 2019).

He further announced that at the immigration points there are facilitators that assist migrants or irregular migrants to cross the border without required documents. Most of these facilitators have a direct link with the migration officers and they are usually allowed to pass, creating a major loophole by which trafficker use.

The study found out that there are several factors that pose as a challenge in combating human trafficking. During the interview a key informant highlighted that corruption remains a major challenge with most border officials engaged in bribes. However, the respondent highlighted that one major problem in Zambia has to deal with the lack of awareness and a shared understanding of what constitute trafficking. Research findings noted that

Human trafficking in Zambia is underpinned by poverty, unemployment, and a lack of access to education opportunities, all of which contribute towards high levels of vulnerability to the lures offered by perpetrators. Poverty levels are exacerbated by Zambia's orphan crisis, where resource-poor families are often required to offer shelter and care to orphans, thus further depleting minimal income streams. Refugees from countries such as Angola, the DRC and Rwanda are also particularly vulnerable to trafficking due to the limitations on employment opportunities for refugees and their unwillingness to return to their countries of origin (key informant interview 4<sup>th</sup> September, 2019).

One of the respondents in the study alluded that

The lack of general public awareness, coupled with the continuous adaptation and changing nature of human trafficking criminal activities. Perpetrators are described as using a number of different methods including the use of



unofficial border crossings as opposed to official border posts; the utilization of false documents; advertising via the print media, Internet or Facebook as potential employers; and even posing as travel companies or tour guides. Some perpetrators are even well-known amongst community members; hence their offers are not viewed with the necessary level of caution (key informant interview 4<sup>th</sup> September, 2019).

The document review and respondents included in the study highlighted several challenges in tackling human trafficking in Zambia. One of the respondent noted that Zambia's porous borders are difficult to police and monitor. This challenge is reported as being compounded by intermarriage amongst citizens of neighboring countries, the continuous movement of such family members across borderlines, and by the straddling of borderlines by communities, which were in place prior to the establishment of such border demarcation. The collection of data on human trafficking is problematic due to a lack of technological and human resources, difficulties in the coordination of data collection, as well as a lack of adequate levels of awareness regarding the crime itself amongst both the public and law enforcement. Furthermore, the secretive and clandestine nature of human trafficking makes it difficult to detect, prosecute and measure. As a result, it is difficult to design and implement evidence-based programmes and interventions, thus hampering their effectiveness and potential impact.

#### 4.3 Discussion and interpretation

Study findings have shown that a number of factors have been flagged out as the main causes of human trafficking, most of which were connected to the economic and political environment in the country. This resonated with the views raised in literature where the United Nations Office of Drugs and Crime report of 2015 which alluded that economic motivation explains, to a great extent, ever-increasing migration both legal and illegal forms (UNODC, 2015). This also concurred with the views raised by

Cho et al. (2011); Mierlo (2011) and Lloyd et al. (2012) as they illustrated that poverty, deteriorating living conditions, human deprivation and persistent unemployment increase the vulnerability of trafficking. As noted from the Study findings showed that the rate and trends in human trafficking within Zambia both internally and externally is apparently on the increase as those that rescued provided testimonies to reasons why they had considered migrating. Thus the search for better living conditions or employment opportunities in trying to escape adverse economic conditions have increased vulnerability to human trafficking.

During the process of seeking greener pastures, intending migrants fall victim to fraud and deceit. Falling victim is not a voluntary act, but it is seen as one of the consequences of desperation in migration. There are multiple, complex and intersecting factors as to why young women are more vulnerable to trafficking than men.

#### 4.3.1 Relevance to theory

Commissioner on human security defines human security as; to protect the vital core of all human lives in ways that enhance human freedoms and human fulfilment (UN CHS report, 2009). It means protecting people from critical (severe) and pervasive (widespread) threats and situations. With regards to these study findings, it is evident that the Zambian government has done much in building towards an effective anti-human trafficking act. Study finding have shown that the Anti-human trafficking act has provided mechanism to provide protection to both Zambian citizen and victims of trafficking.

The theory ensured that all mechanisms that can build proper counter-trafficking responses in order to influx migration and continued cases of human trafficking. Cheema, (2010) posit that a poorly governed security sector represents a decisive

obstacle to sustainable development, democracy, and security hence contributing to a highly porous migration system which can be highly detrimental to human security. The adoption of the Anti-Human Trafficking Act therefore helped to develop effective security apparatus that provides security to the state and its people within. Anti-Human Trafficking Act provided counter-trafficking efforts are needed, not only in countries that emerge from violent conflict, but also in more stable settings. For example, police forces, border guards, or prosecutors need training to identify and properly treat victims of trafficking, no matter where.

#### 4.3.2 3Ps- Protection, Provision, Prevention-Counter trafficking provision

Study findings have shown that the government has assisted most victims to return to their country of origin. Study findings have shown that of the trafficking cases that were reported and victims rescued the government was able to organize for their return to their countries of origin. This resonated with Lebov (2010) who posits that repatriation reduce pressure as well as to reduce the number of undocumented immigrants in their countries. Thus the government was able to solve most cases of trafficking victims and were typically deported. In cases where mandatory action was provided for concerning victim protection, study findings showed that the government was able to readjust and extend the budget which facilitated for the construction of the housing shelter for victims. This resonated with Article 6(3) of the Trafficking Protocol calls on states to consider implementing measures to protect the victims of trafficking.

The government continued to ensure victim care through partnerships with international organizations and local NGOs during the reporting period. These efforts

remained lacking in critical areas, however, including the establishment of victim shelters, though such initiatives are mandated in the 2008 anti-trafficking law. The government did not develop or implement systematic procedures for the identification of trafficking victims, nor did it demonstrate use of a formal mechanism for referring victims to NGOs for protective services. Due limited secure shelter space in certain parts of the country and limited means for transporting victims, foreign victims were jailed alongside traffickers for extended periods.

The government, through its Social Welfare Department, provides counselling, shelter, protection to victims of trafficking and children involved in commercial sexual exploitation and refers victims to NGOs that provide such services. In some cases, victims are placed in protective custody at victim support shelters operated by NGOs. Study findings showed that trainings that were conducted for the first inline officers transformed perspectives as government officials no longer treat victims as criminals when they ascertain that individuals are victims of trafficking and therefore theoretically they are not detained, jailed, deported or prosecuted for violation of other laws in the country. However, the respondents' views were varied on this point, with some saying that immigration officers treat victims of trafficking, and under-18s in particular, as vulnerable, while others felt that victims were not treated any differently to adults and possible criminals. It was noted that due to there being no facilities at border posts for victims of trafficking, immigration officials are severely restricted in the way they can assist victims.

Cases of re-victimization were highlighted in the study however, study findings showed that few cases have been recorded. Yoo and Boyle (2016) posit that it is the duty of the state or the level of governmental efforts to prevent and combat human

trafficking within civil society. Study findings showed that several programmes were launched by the government and its supporting partners for example Non-governmental organizations, faith-based organizations and other civil society organizations were key grassroots partners that raised awareness of trafficking. This resonated with literature which highlighted that prevention includes education campaigns, national action plans, information exchange among authorities, and cooperation with nongovernmental organizations and the agencies of other governments (Cho et al. 2011). Study findings showed that organized groups exist within communities often act as authority figures and information sources for community members. Community groups that will be engaged to sensitize communities include migrant associations, community labour committees, community social welfare committees, neighborhood health committees, parent-teacher associations, church groups, women's groups, youth groups and district committees, as well as committees under traditional and community leaders.

Prosecution represents the formal legal response to trafficking. The obligation to criminalize intentional trafficking is a core and mandatory provision of the Trafficking Protocol (Gallagher, 2010). The prosecution provisions of the Trafficking Protocol in combination with the overall Palermo Convention require states to criminalize the laundering of money gained through trafficking, to extend their statutes of limitations for trafficking crimes, and to take other related steps (Palermo Convention, 2000). Trafficking has been recognized as a serious and growing social problem by the Government of Zambia. Study findings have showed that the government has established an interagency committee on human trafficking, chaired by the Ministry of Home Affairs. The committee meets, although infrequently, to promote coordination and information sharing among agencies.

There is not yet an established specialized human trafficking unit in the country. However, the Victim Support Unit (VSU) of the Zambia Police Service is, among other things, directly responsible for conducting investigations into suspected human trafficking offences and has a presence at every police station in the country. Government agencies responsible for combating trafficking include the police, immigration authorities, and the Ministries of Justice, Labour, and Education. Consistent with this, Lloyd, Simmons, and Stewart, (2011) found that the Government of Zambia demonstrated increased anti-trafficking law enforcement efforts during the reporting period, convicting one trafficking offender under the 2008 anti-trafficking law and investigating and prosecuting additional suspected trafficking cases.

Study findings also showed that Zambia's comprehensive Anti-Human Trafficking Act No 11 of 2008 criminalizes all forms of trafficking and prescribes penalties that range from 20 years' to life imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. However, in 2010, the government amended its Immigration Act, adding additional prohibitions against human trafficking. During the reporting period, the government convicted one trafficking offender, acquitted two suspected traffickers, and detained two suspects who are awaiting trial or sentencing.

## **CHAPTER 5 SUMMARY, CONCLUSION AND RECOMMENDATIONS**

### **5.1 Introduction**

The study results and recommendations that are provided by the researcher in this chapter will be of crucial importance to the following organizations and institutions as well as to the society in general. It will assist the government, policy makers and enforcers, donors and the state's population in mitigating human trafficking and the risks that befall children and women.

### **5.2 Summary of the key findings**

The study aimed at examining Zambia's response to human trafficking and exploitation, following the declaration of human trafficking as a global epidemic. It also sought to analyze the effectiveness of these responses in the fight against human trafficking. The study results also managed to identify challenges faced by the Zambian government in implementing responses to human trafficking and make recommendations on what could be done to make the responses more effective. Study findings have shown that Zambia like any other country suffer from the effects of human trafficking both internally and externally. Respondents have identified effects of human trafficking as heinous and greatly affected human security.

Several factors were tabled identifying the nature and vulnerabilities associated with trafficking. Findings show that Zambia is equally characterized by high cases of internal migration, whose key characteristic is that it happens within a country with mostly women and children from rural trafficked to urban areas for domestic servitude. The findings have shown that Zambia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Most trafficking occurs within the country's borders and involves women and children from rural areas exploited in cities in domestic servitude or forced labor in agriculture,

textile production, mining, construction, small businesses such as bakeries, and forced begging.

A number of factors have been flagged out as the main causes of human trafficking, most of which were connected to the economic and political environment in the country. Study findings showed that there are several underlying causes that influence the rate and trends in human trafficking within Zambia both internally and externally findings have shown that the deteriorating living conditions, poverty, and unemployment, lack of information and education increase the vulnerability to trafficking.

Women and children from neighboring countries are exploited in forced labor and sex trafficking in Zambia. Nationals from South and East Asia are exploited in forced labor in domestic servitude, textile factories, bakeries, and Chinese-owned mines. Chinese traffickers bring in Chinese women and girls for sexual exploitation in brothels and massage parlors in Lusaka; traffickers use front companies posing as travel agencies to lure Chinese victims and coordinate with Zambian facilitators and middlemen. Chinese nationals are increasingly exploited in forced labor in Chinese-owned companies in the construction and mining sectors.

### **5.3 Conclusion**

The introduction of the Anti-Trafficking Act of 2008 improved and increased the government law enforcement efforts, as most offenders can be criminalized. It is important to note that prior the adoption of the Act it was challenge to arrest or identify most of the offences hence, the adoption of the Act provided room for dealing with traffickers. The Government acts as the primary duty bearer in combating human



trafficking and in ensuring that citizens', as well as migrants' rights are adequately protected and upheld. Zambia acceded to the UN Protocol on Human Trafficking, especially Women and Children in 2005, which obliges governments to establish anti-trafficking measures that meet the minimum international standards against human trafficking as outlined in the Protocol. Consequently, the Anti- Human Trafficking Act No. 11 of 2008 was enacted for this purpose.

From the findings of the study it can also be concluded clear that most of the respondents understood the main reason for drafting and adopting the Anti- Human Trafficking Act No. 11 of 2008. However, it was argued greatly against the progress made by adopting the Anti-Trafficking Act No.11 of 2008. Accordingly, the Act seems to be more rhetoric than being practical. The respondents in the study echoed views with regards to most of the offenders not being criminalized. The study noted that there is existence of the porous border posts most traffickers use them to cross over from one side to the other without use of required documents when crossing the border. Many strategies have been introduced to mitigate trafficking in general but the continuation of human trafficking indicate lack of coordinated monitoring of the border and the staff at the border. Hence, there is need to enforce the policies put in place as well as increase monitoring of the border staff members as some are agents of irregular cross border migration as well as tightening of border control. Furthermore, the responses from in-depth interviews with respondents have indicated that corrupt officers at the border post receive a form of payment or bribes from the traffickers hence, their vehicles are not essentially checked thus most offenders just pass through. Hence, such a lapse in border security and the ineffective identification system has proved to be a dent to the fight against human trafficking.

However Regional integration has to an extent helped in combating trafficking, the Zambian and Namibian officials' first inline officials have done much in that regard. The government continued its partnerships in the region through routine coordination of anti-trafficking efforts with Zimbabwe and South Africa. The government held three bilateral relationship cooperating meetings at border posts in Chirundu, Chanida, and Nakonde with Zimbabwean, Mozambican, and Tanzanian counterparts, respectively, to discuss cross-border initiatives and efforts to combat trafficking. The government hosted Malawi's anti-trafficking inter-ministerial committee to facilitate a knowledge-sharing discussion as part of a SADC regional cooperation initiative.

#### **5.4 Recommendations**

##### **5.4.1 To the Government of Zambia**

Proactively identify trafficking victims by accurately distinguishing between migrant smuggling and trafficking victims and refer them to protective services; amend the trafficking law to define child sex trafficking as not requiring that force, fraud, or coercion be used and to define trafficking as a crime that does not require movement of the victim; vigorously investigate and prosecute sex and labor trafficking cases within Zambia involving both children and adults;

Formalize and implement victim identification and referral procedures, and train law enforcement and social welfare officials on their use, including among vulnerable populations; expand the availability of shelters; train police, immigration officials, prosecutors, and judges on investigating and prosecuting trafficking crimes;

It is critical to strengthen measures to regulate, register, license and monitor private recruitment and employment agencies, including prohibiting recruitment fees charged to employees to ensure such agencies are not facilitating trafficking in persons.

Furthermore, it was recommended to regulate cottages to help ensure child exploitation including trafficking in cottages is controlled.

Increase the number of labor inspectors and ensure they are trained on trafficking indicators; strengthen coordination and collaboration efforts between relevant ministries;

Finalize an updated multi-year national anti-trafficking strategy and action plan and continue to conduct public awareness campaigns; and compile and make public information on trafficking cases and trends.

Many victims of trafficking can be trafficked voluntary because of the lack of knowledge on the possible effects associated with trafficking. Hence, the Government should create and perform educational campaigns within rural areas especially in vulnerable areas so as to sensitize people about the dangers on human trafficking.

The government can also use this educational campaigns to empower its people on how to survive like in developing income generating activities.

Scale up awareness creation activities targeting specific target groups at specific times with specific messages. In addition, specific campaigns should be developed for those districts where there is a high level of internal trafficking and in border areas the focus should be on cross border trafficking.

Partnerships should also be formed with CSOs in rural areas which target education sector. In addition, young school leavers, who are often targeted by traffickers should be a key target group for awareness raising activities.

Community sensitization initiatives should be reinforced, especially in border communities and communities along identified human trafficking corridors. Child

trafficking disguised as domestic work is widespread; thus, targeted urban community sensitization on child labour and trafficking is necessary.

It is recommended that awareness creation should be implemented together with neighboring countries for cross-border collaborations to counter human trafficking. It is also recommended to work closely with the media to create awareness among the public and to reach out to wider populations.

The government can collaborate with external donors in creating projects for women as a way of empowering them.

It should also increase scholarships for girl children as many who are in this form are faced a challenge of education opportunities.

#### 5.4.2 Recommendation for future research

The researcher recommends that further research should be taken in analyzing on extent of the involvement of the brokers and agencies in trafficking in persons.

To undertake thorough and focused research on the agents and the demand side to ascertain their level of involvement or non-involvement in trafficking of persons. It is critical to formulate policy guidelines and regulate the private recruitment sector.

An explanatory study on the mechanisms that can be employed to ensure the proper functioning of policies put in place for human trafficking as well as functioning of the immigration officials who include police and the border guards as well as the soldiers.

Government should create human trafficking as a flagged unity.

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## Appendices

### Appendix 1: AUREC Letter

  
**AFRICA UNIVERSITY**  
*Of Good Health, Better Tomorrow*  
INVESTING IN AFRICA'S FUTURE

**AFRICA UNIVERSITY RESEARCH ETHICS COMMITTEE (AUREC)**

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Ref: AU1019/19 11 June, 2019

Collins Namangolwa  
C/O CBPLG  
Africa University  
Box 1320  
**MILARE**

**RE: ZAMBIA'S RESPONSE TO HUMAN TRAFFICKING AND EXPLOITATION AS A GLOBAL EPIDEMIC**

Thank you for the above titled proposal that you submitted to the Africa University Research Ethics Committee for review. Please be advised that AUREC has reviewed and approved your application to conduct the above research.

The approval is based on the following.

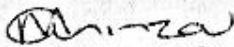
- a) Research proposal
- b) Questionnaires
- c) Informed consent form

- **APPROVAL NUMBER** AURECAU1019/19  
This number should be used on all correspondences, consent forms, and appropriate documents.
- **AUREC MEETING DATE** NA
- **APPROVAL DATE** June 11, 2019
- **EXPIRATION DATE** June 11, 2020
- **TYPE OF MEETING** Expedited

After the expiration date this research may only continue upon renewal. For purposes of renewal, a progress report on a standard AUREC form should be submitted a month before expiration date.

- **SERIOUS ADVERSE EVENTS** All serious problems having to do with subject safety must be reported to AUREC within 3 working days on standard AUREC form.
- **MODIFICATIONS** Prior AUREC approval is required before implementing any changes in the proposal (including changes in the consent documents).
- **TERMINATION OF STUDY** Upon termination of the study a report has to be submitted to AUREC.

Yours Faithfully

  
**MARY CHINZOU - A/AUREC RESEARCH ETHICS OFFICER  
FOR CHAIRPERSON, AFRICA UNIVERSITY RESEARCH ETHICS COMMITTEE**

11 JUN 2019  
APPROVED  
PO BOX 1320, MILARE, ZAMBIA



All communications should be addressed to  
Director General of Immigration  
Telephone: 252609 252622 / 255242  
0944/00203 / 0944 172550 / 0944 14406  
Fax: 252688 254993 257851 / 251335 / 252650  
Email: [pg@zambiaimmigration.gov.zm](mailto:pg@zambiaimmigration.gov.zm)  
[zimmigration@zambiaimmigration.gov.zm](mailto:zimmigration@zambiaimmigration.gov.zm)  
Web Site: [zambiaimmigration.gov.zm](http://zambiaimmigration.gov.zm)



IMHQ/998

If reply please quote

REPUBLIC OF ZAMBIA  
**IMMIGRATION HEADQUARTERS**

18<sup>th</sup> June, 2019

KENT BUILDING  
HAILE SELASSIE ROAD  
P.O. BOX 50300  
LUSAKA

**TO WHOM IT MAY CONCERN**

**RE: INTRODUCTORY LETTER: MR. COLLINS NAMANGOLWA (SIO)**

The above matter refers.

I hereby introduce you to Mr. Collins Namangolwa, holder of National Registration Card No. **220399/84/1**, who is an employee of the Department of Immigration. His residential address is Plot No. A49 Airport Compound in Livingstone. I also confirm that he is employed on permanent and pensionable Terms and Conditions of service and he is confirmed in his employment.

Mr. Namangolwa is currently studying his Masters degree with African University and he is doing a research on Human Trafficking. Kindly assist him in any way possible as he carries out this research.

Find attached hereto, authorisation letter from the school for him to carry out this research.

You may contact the undersigned for further inquiries.

Yours faithfully,

Zimba Styled  
Senior Immigration Officer (HRA)  
For/ **DIRECTOR GENERAL**

Appendix 3: Approval Letter from Ministry of Home Affairs

*All Correspondence should be addressed to the:*

Commissioner for Refugees  
Ministry of Home Affairs  
P.O. Box 50997  
LUSAKA

Telephone: +260 211 255 473/4  
Telegrams: MINHOME  
RIDGEWAY  
Fax: 255637



In reply please quote  
MHA/COR/181/E12 .....

REPUBLIC OF ZAMBIA  
**MINISTRY OF HOME AFFAIRS**  
OFFICE OF THE COMMISSIONER FOR REFUGEES  
P.O. BOX 50997  
LUSAKA

7<sup>th</sup> October, 2019

TO WHOM IT MAY CONCERN

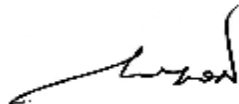
**RE: INTRODUCTORY LETTER: MR. COLLINS NAMANGOLWA (SIO)**

I refer to your letter no. IMHQ/998 dated 18<sup>th</sup> June, 2019, in which you introduced **Mr. Collins Namangolwa**, holder of National Registration Card No. 220399/84/1, who is an employee of the Department of Immigration and currently studying his Masters degree with African University.

I wish to inform you that authority has been granted for Mr. Namangolwa to carry out his research on Human Trafficking.

The Senior Legal Advisor for the same unit is, by copy of this minute, informed of his area of research.

You may inform the officer accordingly.



Hezron Chakanika  
Acting Principal Refugee Officer  
For/Commissioner for Refugees  
**MINISTRY OF HOME AFFAIRS**

*All correspondence should be addressed to : The Commissioner for Refugees*

**TO** : COLLINS NAMANGOLWA

**FROM** : PUBLIC RELATIONS OFFICE


**RE: REQUEST TO CONDUCT A RESEARCH**

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Refer to the above captioned matter.

This serves to inform you that The Inspector General of Police has approved your request to conduct a research on the topic **"HUMAN TRAFFICKING."**

Kindly see the Coordinator- VSU for more details.



Esther Mwaata - Katongo

**POLICE PUBLIC RELATIONS OFFICER**

4<sup>th</sup> October, 2019

Appendix 5: Approval Letter from National Prosecuting Authority



COLLEGE OF  
BUSINESS, PEACE, LEADERSHIP & GOVERNANCE

UNITED METHODIST - RELATED INSTITUTION

P.O. BOX 1320, MUTARE, ZIMBABWE • TEL (263 20) 60075/60026/61611/61616 • FAX (263 20) 61785/63284 • EMAIL [cbplglean@afrcu.edu](mailto:cbplglean@afrcu.edu), [cbplgsec@afrcu.edu](mailto:cbplgsec@afrcu.edu), [cbplgadmin@afrcu.edu](mailto:cbplgadmin@afrcu.edu)

15 May 2019

TO WHOM IT MAY CONCERN

Re: Permission to Undertake Research for Dissertation May 2019 – July 2019

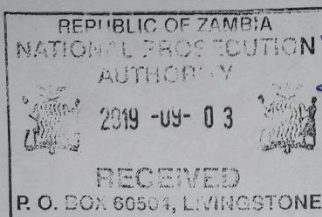
Collins Namasiku Namangolwa student registration number 118043 is a student at Africa University. He is enrolled in the Master in Public Policy and Governance and is currently conducting research for his dissertation, which is required for completion of the programme in April 2019. The research topic is "ZAMBIA'S RESPONSE TO HUMAN TRAFFICKING AND EXPLOITATION AS A GLOBAL EPIDEMIC."

Collins is expected to undertake his data collection from May 2019 to July 2019 before the dissertation can be submitted to the College in July 2019. The student will share with you the results of this research after its approval by the College.

We thank you for your support and cooperation regarding this research.

Yours sincerely

B. Dodzo  
College Administrator



*Appendix 6: Key Informant Interview Guide*

1. What is your role in your institution?
2. Explain how your organization is engaged with human trafficking?
3. Describe new response mechanisms put in place to combat the scourge?
4. What are the present day mechanisms/processes to curb human trafficking in your organization?
5. In your opinion, what are the effective mechanisms of responding to human trafficking?
6. Do you think the Zambian laws and policies are adequate regulations in combating human trafficking?
7. Are there negative impacts of human trafficking? (If yes, names). What has been the impact of human trafficking on Zambian society from your experience
8. Who do you think should be involved in the fight against the Vice?
9. What are the gaps (challenges) do your organization face to combat this epidemic?
10. What are your suggestions for the prevention of the growing cases of human trafficking?

## Appendix 7: Key Informant Interview Guide 2

### INTERVIEW GUIDE FOR LAW ENFORCEMENT AGENCIES (Immigration, Police and Judiciary)

Standardized open ended questions, further probing and follow up questions will be used depending on answers

1. What is the name of your department
2. What is your role as an institution?
3. How long have you served in this institution?
4. What do you know about human trafficking?
5. Discuss the cases/experiences you have dealt with on human trafficking?
6. In which way is human trafficking a threat to society? How do you think your department can address/ deal with the problem of human trafficking?
7. Which measure is put in place by Zambian government to combat human trafficking and exploitation in your department?
8. What response mechanisms put in place by Zambian government to curb the global epidemic of human trafficking and exploitation?
9. How effective are those response mechanisms to fight against human trafficking and exploitation?
10. What challenges and opportunities are faced by the Zambian government exist in responding to human trafficking and exploitation
11. How has your department dealt with such challenges do you deal with these challenges?
12. How do you think Zambian government can meet the SADC minimum requirement in fighting against human trafficking?

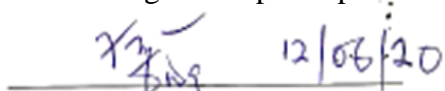
*Appendix 8 :Informed Consent Form*

My name is Collins Namasiku Namangolwa, a principle investigator and a post graduate student at Africa University, currently studying towards attaining a Master’s Degree in Public Policy and Governance. In partial fulfillment of this programme, I am currently carrying out a research on *Zambia’s response to human trafficking and exploitation as a global epidemic*. In order to complete my studies, the university requires me to do a research and write a dissertation based on the findings from the field work.

Therefore I would like to ask if you would be willing to participate in this research which will take place between May and July. Your participation is crucial in this study as it will reveal several findings based on your response and experiences with regard topic under study. The interview is likely to take an hour approximately; however, I will be conscious not to waste your time. In-depth interviews will be recorded for verbatim transcription, interpretations and corrections.

The researcher will make every effort to protect your confidentiality. All recorded information will be destroyed following the completion of the study. Specific information that could identify you, including your name, employment among others will be changed to give you anonymity, you may contact me before, during and after study for any questions, and you are free to withdraw from the process at any time with no penalty. Two copies have been enclosed for you to sign, remain with one and return one for record keeping.

If you have decided to participate in this study please sign this form in the space provide d below as an indication that you have read and understood the information provided above and have agreed to participate in this research.

Handwritten signature and date in blue ink. The signature is partially obscured by a horizontal line. The date is 12/06/20.

-----  
Name of Research Participant (please print)

-----  
Date

-----  
Signature of Research Participant or legally authorised representative

If you have any questions concerning this study or consent form beyond those answered by the researcher including questions about the research, your rights as a research participant, or if you feel that you have been treated unfairly and would like to talk to someone other than the researcher, please feel free to contact the Africa University Research Ethics Committee on telephone (020) 60075 or 60026 extension 1156 email [aurec@africau.edu](mailto:aurec@africau.edu) or contact the researcher on Zambian-line +260 9 77 802 767 and Zimbabwe-line +263 77 141 9733 , and email through to [namangolwa@africau.edu](mailto:namangolwa@africau.edu)