


National Trafficking in Persons Survey






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NATIONAL SURVEY ON TRAFFICKING IN PERSONS



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FOREWORD

It is with great privilege and a sense of duty that I introduce the National Survey Report on Human Trafficking in Zambia. This Report stands as a testament to our collective efforts to combat the scourge of human trafficking within and across our borders.

Human trafficking is a grave violation of human rights and dignity, exploiting individuals for labor, sexual exploitation, and various forms of exploitation against their will. It is a crime that knows no boundaries, affecting men, women, and children across all demographics. As a nation, we are committed to eradicating this scourge and ensuring that all individuals within our borders are protected and treated with dignity and respect.

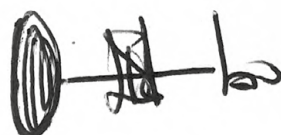
This Report provides valuable insights of the prevalence, patterns, and dynamics of human trafficking in Zambia. Through rigorous research and analysis, it sheds light on the various forms of exploitation faced by victims, including forced labor, sexual exploitation and organ removal. Importantly, it also identifies key risk factors and vulnerabilities that make individuals susceptible to trafficking, as well as gaps in our response mechanisms.

As a Government, we are committed to addressing these challenges head-on. We recognize that combating human trafficking requires a multi-sectoral approach, involving collaboration between government agencies, civil society organizations, international partners, and the private sector. By working together, we can strengthen prevention efforts, enhance victim support services, and improve law enforcement responses to effectively tackle this crime.

I would like to commend everyone who was involved in the production of this Report for their immeasurable dedication and professionalism. Their timeless expertise and insights have enabled the production of a comprehensive and invaluable resource that will guide our efforts to combat human trafficking and protect the rights and dignity of all Zambians.

As we move forward, let us reaffirm our collective resolve to prevent trafficking, protect the vulnerable, prosecute perpetrators, and build a future where human dignity is upheld, and exploitation is eradicated. Together, we can create a Zambia where every individual is free to live a life of dignity and self-determination.

Dickson Matembo



Permanent Secretary – CRIAR

MINISTRY OF HOME AFFAIRS AND INTERNAL SECURITY

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The development of the National Survey on Trafficking in Persons was based on a consultative process involving various key stakeholders including Government Ministries and Departments, civil society organizations, United Nations agencies as well as members of the public countrywide.

Special appreciation is extended to the Anti Human Trafficking Department for the strategic guidance throughout the consultations, research, drafting and validation of the Report. I wish to express the Government's gratitude to the United States Department of State and the International Organization for Migration (IOM) for the financial and technical support that has contributed to the realization of the Survey. Further, I wish to appreciate the National Committee on Human Trafficking for their commitment and tireless effort demonstrated in the consultations, drafting, review and finalisation of this Survey Report.

Hon. Jacob Jack Mwiimbu, SC. MP.



MINISTER OF HOME AFFAIRS AND INTERNAL SECURITY

1.0 INTRODUCTION

1.1 Background

Trafficking in Persons (TIP) is a lucrative business which generates millions of dollars globally for criminal groups advancing and benefitting from this crime against humanity. Human trafficking is the second largest criminal industry in the world, accounting for an estimated USD154 billion trade in human beings as of 2019.¹ The Global Trafficking in Persons Report (GTIP) of 2020 indicated that while human trafficking is prevalent in every country and region, trafficking in persons remained a hidden and a complex crime, difficult to detect investigate and prosecute. The Report further indicated that 49,032 cases were reported, with 3,553 convictions globally.

Zambia has not been spared of this vice that over the past years the country has been grappling with challenges of human trafficking. Zambia is experiencing both internal and transnational trafficking and has reported an increase in cases of young men, women and children trafficked for the purpose of sexual exploitation, domestic servitude, forced labor and child marriages.

In an effort to counter trafficking in persons, Zambia is a State Party to a number of international human rights instruments aimed at fighting transnational organized crimes such as trafficking in persons. In this regard, Zambia is a State Party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which entered into force on 25 December 2003 and is commonly referred to as the Palermo Protocol. The Protocol, which is supplemental to the United Nations Convention against Transnational Organized Crimes adopted by the United Nations General Assembly on 15th November 2000, was ratified by Zambia on 24th April 2005. It defines human trafficking as:

“The recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the

¹ United Nations Office on Drugs and Crime 2020 Report.

exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, or practices similar to slavery, servitude or the removal of organ.’²

In promoting the spirit of the United Nations Convention against Transnational Organized Crimes, which signifies the recognition by Member States of the seriousness of the problems posed by transnational crimes and the need to foster and enhance close international cooperation, the objective of the Palermo Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.

Zambia, having ratified the Transnational Organized Crimes Convention and the Palermo Protocol, has the primary duty to “promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law.”³ This arises from the position that the State is the primary duty bearer to secure human rights protection⁴ and that it is legally bound to observe its international commitments in good faith.⁵

Consequently, Zambia is expected under the Vienna Convention on the Law of Treaties,⁶ whose adoption by the United Nations General Assembly was preceded by a consideration of, *inter alia*, the political context in which the law operates and develops,⁷ to observe its international commitments in good faith. This obligation is in accordance with Article 26 of the Vienna Convention which provides that “every treaty in force is binding upon the parties to it and must be performed by them in good faith.”⁸ This obligation also extends with equal force to preventing, suppressing, and punishing trafficking in persons. Ultimately, the significance of the obligation is for Zambia to provide effective protection for presumed, potential and victims of trafficking.

In line with its international obligations, Zambia has enacted the Anti-Human Trafficking Act No. 11 of 2008 which, akin to the Palermo Protocol, also defines trafficking in persons as:

² Article 3(1) of the Palermo Protocol

³ World Conference on Human Rights, Vienna Declaration and Programme of Action (Adopted 25 June 1983) para 1.

⁴ Rhona K.M Smith, Textbook on International Human Rights (6th Edn Oxford University Press 2014) P 181

⁵ Article 26 of the Vienna Convention on the Law of Treaties

⁶ UN A/RES/2287/XXII

⁷ Rosenne Shabti, ‘The Law of Treaties: A Guide to the Legislative History of the Vienna Convention’ (Oceana Publications 1970) 30

⁸ Article 26 of the Vienna Convention on the Law of Treaties

“to recruit, transport, transfer, harbour, receive or obtain a person, within or across the territorial boundaries of Zambia, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”⁹

Zambia remains a country of origin, transit, and destination for men, women, and children subjected to forced labor and sex trafficking and is categorized as a Tier II Country. It is against this background that the Government of the Republic of Zambia (GRZ), with technical support from the International Organization for Migration (IOM), has initiated a national survey whose intended outputs are the report and a Policy Brief concisely containing specific findings and recommendations to inform interventions.

1.2 Objectives of the Survey

The general objective of the national survey is to contribute towards improved awareness on the Trafficking in Persons in Zambia with a view to assist the Government to better prevent the crime, protect the victims, prosecute the traffickers, and enhance partnerships for a coordinated national response to TIP.

The specific objectives of the survey were to:

- (i) Review the annual GTIP Reports between 2005 and 2021 and other relevant documents to establish the TIP situation in the country. Critically review the major dynamics related to TIP in Zambia considering the economic, social, and political developments at national, regional and global levels. Among others, the review should cover the following issues:
 - Trends, types, patterns, dynamics, and levels of TIP in Zambia,
 - Issues related to Prevention, Protection, Prosecution and Partnerships with regards to TIP,
 - Major drivers of TIP in Zambia and in the region,

⁹ Section 2 of the Anti-Human Trafficking Act No.11 of 2008 as amended by the Anti-Human Trafficking (Amendment) Act No.16 of 2022.

- Availability and flexibility of pathways for regular migration,
 - Review of the operations of the recruitment agencies vis-a viz fair and ethical recruitment and safeguarding conditions that ensure decent work, as well as point out any deficiencies in relation to international good practices.
- (ii) Undertake a national survey to assess the knowledge, attitudes, beliefs and practices on TIP in Zambia.
 - (iii) Explore the impact of COVID-19 on TIP.
 - (iv) Conduct an in-depth analysis of existing legislation, policies, institutional structures and coordination mechanisms pertaining to TIP in Zambia and to provide recommendations in line with international good practices as points of reference for improving national response to TIP in Zambia; and
 - (v) Highlight the major priority areas for improvement of national response to TIP and propose actionable recommendations to enable the GRZ to meet the minimum standards for the elimination of trafficking in Zambia.

1.3 Scope of Survey

This survey covers among other things Zambia's performance on preventing, suppressing, and combating trafficking in persons with a special focus on the 4Ps (Prevention, Protection, Prosecution and Partnership) as assessed from 2005 – 2022 under the Global Trafficking in Persons Report (GTIP); It also highlights the existing legal and policy framework as well as the institutional and coordination framework against Trafficking in Persons. Further, it gives an assessment of knowledge, attitudes, beliefs, and practices on Trafficking in Persons in Zambia with a view to information intervention measures. The survey also highlights the impact of Covid-19 on Trafficking in Persons and concludes with specific recommendations for consideration by government and other stakeholders.

2.0 METHODOLOGY

The methodology used to undertake the survey was qualitative and included a desk review of key primary and secondary data sources or documents on TIP. Secondary data sources included a review of the Annual GTIP Reports between 2005 and 2021 and other relevant documents and frameworks to establish the TIP situation in the Zambia, such as the 2022 Trafficking in Persons (TIP) Report, by the U.S Department of State; and Resolution 64/293 of the United Nations Global Plan of Action to Combat Trafficking in Persons of 2010 among others. The survey also included an analysis of the international legal framework as well as the national policy, legislative and institutional frameworks, coordination mechanisms and National Action Plans on TIP. Further, an examination of the major drivers of TIP in Zambia and the region was undertaken including the trends, types, patterns, dynamics, and levels of TIP in Zambia. In addition, an analysis of the availability and flexibility of pathways for regular migration and a review of the operations of recruitment agencies vis-a-viz fair and ethical recruitment, safeguarding conditions that ensure decent work and international best practices were highlighted.

The Survey made use of both secondary and primary data which was collected through virtual and in-person interviews and focus group discussions with key informants and stakeholders in Zambia. Snap surveys were done in selected areas in Zambia's 10 provinces, using key informant interviews with experts on TIP, victims, and offenders. Further a detailed desk review of relevant legal framework, international, regional, and national legal instruments and established minimum human rights standards was undertaken.

2.1 Review of Secondary Data

2.1.1 Desk Review of Secondary Literature and Frameworks on Trafficking in Persons

The desk review involved a review of the initiatives being used globally to fight TIP, the 4Ps approach to fighting TIP, including observations assessments made under the Global Trafficking in Person Reports from 2005 - 2021. Further, material on the subject matter from other credible sources such as the Anti-Human Trafficking Department (Ministry of Home Affairs and Internal

Security); International Organization for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC) were used. Additionally, the survey took into consideration the United Nations Global Plan of Action to Combat Trafficking in Persons of 2010.

Secondary data was considered in order to gather data and evidence to positively contribute *inter alia* improved awareness on the Trafficking in Persons in Zambia; enhance the country's ability to prevent the crime, protect the victims, prosecute offenders; and strengthen coordination and partnerships in the fight against TIP.

2.1.2 Best Practices

Best practices from selected jurisdictions from which Zambia can learn lessons on fighting TIP such as Uganda, the Philippines, Costa Rica, USA and United Kingdom have been highlighted to inform the findings of the assessment and contribute to the formulation of recommendations that are expected to help Government prevent the crime, protect the victims, prosecute offenders and enhance partnerships for a coordinated national response to fighting TIP.

2.2 Review of Primary Data

A review of primary data was undertaken which informed the specific findings and recommendations contained in the report. Primary data sources included the following:

2.2.1 Review of the Legal Framework:

The review processes considered international and regional human rights instruments, the Zambia Constitution and subordinate legislation such as the Anti- Human Trafficking Act No. 11 as amended by the Anti-Human Trafficking Act No. 16 of 2022; the National Prosecutions Act; and the Anti-Gender Based Violence Act among others. This provided a comprehensive assessment of the legal framework in place intended to prevent, suppress, and punish trafficking in persons. Further, National policies were identified and provided valuable input in the formulation of intervention measures.

2.2.2 Key Informant Interviews and Focus Group Discussions.

As part of the methodological approach, Key Informant Interviews, and Focus Group Discussions were conducted using a combination of virtual and in-person modalities with stakeholders and other

key informants from the provinces. Key Informant Interviews targeted officers from the Anti-Human Trafficking Department, Zambia Police Service, Zambia Correctional Service, Ministry of Justice, IOM and the United States Embassy among others. Further, members of Provincial and District Anti-Human Trafficking Committees and other first line officials were targeted because of their special knowledge and experience on matters relating to Trafficking in Persons.

Further, key informant interviews were conducted separately with first line officials and persons convicted or alleged to have committed the offence of human trafficking as well as victims of trafficking who were found in correctional facilities or places of safety during the survey. The information obtained from key informant interviews was supplemented by information from Focus Group Discussions.

Table 1: Matrix of the Data Collection Framework

	METHODOLOGY	DESCRIPTION	OBJECTIVE
1	Desk Analysis and Literature Review	This included a review of secondary data and reports on TIP, Policy, institutional and legal frameworks for countering TIP in the country.	To get evidence on the situation of TIP in Zambia and interventions being put in place to counter TIP.
2	Case Studies:	Five cases were identified of documented cases of TIP in Zambia and how the cases were handled. Further, it also included the selection and analysis of country best practices on countering TIP.	To learn more and identify drivers of TIP, public perceptions, knowledge, prevention, prosecution, protection, partnerships and other best practices in countering TIP.
3	Key Informant Interviews	Key informant interviews were conducted physically and virtually with identified stakeholders including front line officers; victims of TIP, convicted and remanded persons on TIP, victims of TIP, Government institutions, cooperating partners and other stakeholders working on countering TIP.	To identify types of trafficking in Zambia and a series of steps performed by the to address a trafficking of persons for purposes of exploitation.
4	Focus Group Discussions	Two FGDs were conducted during the survey. The first FGD was held with Immigration Officers, and first line officials in correctional and police detention facilities visited. Further, FGDs were held with irregular immigrants found in correctional facilities linked to possible cases of	The methodology was adopted in order to gain an in-depth understanding of TIP from the victim's point of view.

	TIP, comprising Ethiopian and Somalia nationals.	
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2.3 Data Analysis

Following the collection of data from both primary and secondary sources, a review and analysis was conducted. This formed the basis for developing the specific findings and drawing conclusions that helped with the formulation of recommendations to guide Government and other stakeholder interventions aimed at improving awareness and prevention on countering TIP in Zambia; protecting victims of TIP; prosecuting traffickers and enhance partnerships for a coordinated national response to countering TIP locally and internationally.

2.4 Limitations

Limitations encountered during the survey included:

- (i) Limited resources to undertake a comprehensive national survey nationwide. The survey mainly included informants and participants from national and provincial headquarters and deliberately selected districts, which are known to often encounter cases of TIP such as those along the Great North Road and the Great East Road which are known common routes for traffickers and victims of trafficking.
- (ii) language barrier when conducting interviews with foreign nationals detained in correctional facilities at the time of the survey and victims found in detention facilities at the time of the survey; and language barrier when interviewing locals who could not understand English. involved or victims of TIP; and
- (iii) Inability to fully report on identified case studies involving trafficking in persons which were at the time of the survey were active in courts of law. Divulging certain information would have been prejudicial to accused persons and victims and would have negatively affected the dispensation of justice.

3.0 REVIEW OF THE LEGAL AND POLICY FRAMEWORK ON TRAFFICKING IN PERSONS

3.1 The International and Regional Legal Framework

Zambia is a state party to a plethora of international and regional instruments against transnational organized crimes. In keeping the spirit under the Vienna Convention on the Law of Treaties, there is a legitimate expectation that Zambia will implement its obligations in good faith. The following are some examples of international instruments, relevant to the fight against human trafficking, to which Zambia is a State Party.

3.1.1. The United Nations Convention against Transnational Organized Crime

The United Nations Convention against Transnational Organized Crime was adopted by General Assembly resolution 55/25 on 15th November 2000. The Convention is the main international instrument in the fight against transnational organized crime. The Convention represents a major step forward in the fight against transnational organized crime and signifies the recognition by Member States of the seriousness of the problems posed by it, and the need to foster and enhance close international cooperation and partnerships to address these problems. The Convention came into force on 29th September 2003, and is supplemented by three Protocols, which target specific areas and manifestations of organized crime. namely:

- (i) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
- (ii) Protocol against the Smuggling of Migrants by Land, Sea, and Air; and
- (iii) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.

Countries must become parties to the Convention itself before they can become parties to any of the above Protocols.

Zambia ratified the Convention in 2005 and committed to promote cooperation to prevent and combat transnational organized crime, such as trafficking in persons, more effectively.

According to Article 2 of the Convention, the term “organized criminal group” is defined to mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with the Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

Article 2 of the Convention defines the words “Serious crime” to mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty. The definition of the words “serious crime” provides guidance as to the appropriate sentence for the offence of trafficking in persons. Consequently, it has been found that the Anti-Human Trafficking Act provides for a minimum of 20 years for the offence of trafficking in persons in line with the transnational Organized Crimes Convention. Further, where there are aggravating circumstances, the Court is given latitude to enhance the sentence up to life imprisonment.

Article 10 of the Convention requires that all State parties adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for offences established by the Convention.

By way of analysis, Zambia has complied with the Convention and has established the liability of legal persons for offences established under the Convention. In this regard Article 266 of the Zambian Constitution defines a “person” to mean “an individual, a company or an association of persons whether corporate or un-incorporate”. Therefore, for purposes of the requirement for defining a person all subordinate legislation, including the Anti-Human Trafficking Act, is construed in accordance with the definition contained in the Constitution. However, it has been observed that the Anti-Human Trafficking Act, 2008 (as amended in 2022), despite prohibiting trafficking in persons, does not define the term “organized criminal group” which is an important element to be addressed when devising measures for fighting transnational organized crimes.

3.1.2 [The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children \(The Palermo Protocol\)](#)

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which is commonly referred to as the Palermo Protocol, was adopted by the United

Nations in 2002 to supplement the United Nations Convention against Transnational Organized Crime. It requires that State parties criminalize the offence of trafficking in persons¹⁰ and that victims of trafficking should be offered protection assistance.¹¹

In addition, the Palermo Protocol provides for measures to facilitate the repatriation of victims of trafficking to their countries of nationality or habitual residency in dignity and safety.¹² The Palermo Protocol also obligates States Parties to establish comprehensive policies, programmes, and other measures to *inter alia* prevent and combat trafficking in persons; and to protect victims of trafficking in persons, especially women and children, from re-victimization.

Further, the Palermo Protocol calls on States Parties to take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.¹³ Other measures provided for relate to among other things Information exchange and training, enhanced border control measures, Security and control of documents, and the verification of the legitimacy and validity of travel or identity documents when requested.

It has been observed that Zambia, in line with the Palermo Protocol, has criminalized trafficking in persons. Further, it has put in place both legal and administrative measures to combat trafficking in persons, provide protection assistance to victims, and to promote cooperation with both local and international the international community. With the 2022 amendments made to the Anti-Human Trafficking Act, Zambia's legislation is highly compliant to the Palermo Protocol.

3.1.3. The Protocol against the Smuggling of Migrants by Land, Sea, and Air

Even though the elements of smuggling of migrants are different from human trafficking, what starts as a smuggling case may become a human trafficking case. Smuggling of Migrants is defined as the *“procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent*

¹⁰ Article 5 of the Palermo Protocol

¹¹ Article 6 of the Palermo Protocol

¹² Article 8 of the Palermo Protocol

¹³ Article 9 of the Palermo Protocol

*resident*¹⁴. It is a serious crime and a grave violation of human rights which threatens national security and undermines sustainable development and the rule of law¹⁵. Therefore, the United Nations has adopted the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime to fight the scourge.

The above notwithstanding, the survey has revealed that Zambia is yet to ratify the Protocol against the Smuggling of Migrants by Land, Sea, and Air. This deprives the migrants the necessary protection and may make them vulnerable to becoming victims of trafficking. In this regard, Zambia should consider ratifying and domesticating the protocol.

3.1.4. The United Nations Convention on the Rights of the Child

The UN Convention on the rights of the child enshrines fundamental principles relating to the child namely non-discrimination,¹⁶ best interests of the child,¹⁷ life, survival and development;¹⁸ and views of the child.¹⁹ Generally, the CRC protects the child from violence, abuse or any form of harm. In relation to trafficking the CRC in Article 35 provides that “States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”

Given that Zambia is a State party to the CRC, the country is legally under the obligation to protect children from being trafficked and from any form of abuse or exploitation.

3.1.5 United Nations Global Plan of Action to Combat Trafficking in Persons - General Assembly resolution 64/293.

The Global Plan of Action to Combat Trafficking in Persons is a human trafficking action plan adopted by the United Nations in July 2010 to urge Governments worldwide to take coordinated and consistent measures to defeat the scourge.²⁰ One of the most significant elements of the Plan is

¹⁴ Article 3 The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

¹⁵ Declaration of the United Nations High Level Meeting on the Rule of Law (Parag. 24)

¹⁶ Article 2 UNCRC

¹⁷ Article 3 UNCRC

¹⁸ Article 6 UNCRC

¹⁹ Article 12 UNCRC

²⁰ [~wtf0C543A27.doc \(unodc.org\)](#)

the establishment of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, through financial, legal, and humanitarian aid. The Plan further, calls for integrating the fight against human trafficking into the United Nations' broader programmes to boost development and strengthen security around the world.

3.1.6 African Charter on Human and Peoples' Rights

At the regional level, the importance of the African Charter on Human and Peoples' Rights (ACHPR) cannot be over emphasized. The ACHPR guarantees the protection of all categories of rights. Despite not making any express reference to the prohibition of trafficking in persons, the Charter prohibits slavery which is a form of exploitation. In addition, the ACHPR creates an obligation for State Parties to protect the human rights of all people. This by necessary implication includes the protection of all people from trafficking in persons. Further, the Charter requires State Parties to prohibit all forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman, or degrading punishment and treatment.

It consequently follows that if Zambia is to fully respect and protect the rights guaranteed under the ACHPR, it should equally combat trafficking in persons.

3.1.7 African Charter on the Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child (ACRWC) was adopted by the Organization of African Unity in July 1990 and entered into force on 29 November 1999. The Charter which has been ratified by Zambia and is therefore binding *inter alia* protects children from child labor; sexual exploitation and against the sale, trafficking, and abduction of children. Further, the Charter explicitly provides for the protection of the rights of victims of child trafficking. Therefore, it is an important regional instrument in the protection of children from being trafficked and exploited.

3.2 The National Policy and Legal Framework on Trafficking in Persons

To strengthen the fight against TIP the Zambian government has put in place a policy, legal and institutional framework to ensure a comprehensive, coordinated, and strategic approach to curbing the vice in country. To support the fight against trafficking in persons Government has *among other*

things revised the policy framework supporting the fight against TIP to ensure that it remains responsive and relevant to the fight against TIP. In 2007 the Government adopted the first *National Policy to Combat Human Trafficking in Zambia* which was anchored on the 3Ps (Prevention, Prosecution and Prevention). Implementation of the Policy resulted in among other things, the enactment of the Anti-Human Trafficking Act No. 11. of 2008, the first principal Act against TIP. The Act was passed to enhance the country's national legal framework to address the emerging challenges on TIP. Other measures included the formulation and operationalization of the national referral mechanisms, development of Standard Operating Procedures (SOP) and various other administrative tools. The Country also established the National Committee and National Secretariat on Human Trafficking. Further, public awareness activities on TIP were scaled up including the provision of protection services to victims of trafficking in accordance with the policy objectives and measures. The criminal justice system, also made progress in building capacity to effectively identify, investigate, and prosecute cases of human trafficking and smuggling.

Due to the complexity of TIP and other emerging issues, in 2022, Zambia revised its national policy framework on TIP and passed the National Policy on Human Trafficking and Smuggling of Migrants to enhance the fight against human trafficking and smuggling of migrants.

3.2.1 National Policy on Human Trafficking and Smuggling of Migrants (2022)

In 2022, Government adopted the *National Policy on Human Trafficking and Smuggling of Migrants* and a five-year Policy Implementation Plan 2022 – 2026 to guide its implementation. The Policy is the main national document that deals with TIP and is anchored on the 4Ps approach (Prevention, Protection, Prosecution and Partnerships) and was passed in order to enhance the country's national policy framework to address emerging and persistent challenges on human trafficking and smuggling of migrants in Zambia and globally. The Policy provides a framework for guiding the development and implementation of strategic and comprehensive interventions in Prevention, Protection and Prosecution of human trafficking and smuggling of migrant cases. It also provides for enhanced Partnerships and coordination with stakeholders in anti-human trafficking and smuggling of migrants.

The Policy also identifies increased public awareness on human trafficking and smuggling of migrants as a measure that can be used fight this vice as-well-as addressing issues related to abuse of travel

documents, porous borders systems and other immigration issues, employment recruitment and adoption systems.

Further, the Policy enhances the institutional framework on fighting TIP by establishing the National Anti-Human Trafficking Department in accordance with the requirements of the 2005 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Creation of this Department is expected to strengthen national capacity to coordinate, implement interventions, enforce and monitor Anti-Human Trafficking and smuggling of migrant's interventions, laws and regulations.

The National Policy on Human Trafficking and Smuggling of Migrants, has a five-year Policy Implementation Plan 2022 – 2026, with objectives that will be achieved through identified measures or strategies using the 4Ps approach as follows:

(i) Prevention:

Under Prevention the Policy has the objective to reduce the incidences of human trafficking and smuggling of migrants through, to and from Zambia, by 2030, by:

- Enhancing knowledge levels of society on human trafficking and smuggling of migrants. This will among others include development of an Information Education and Communication (IEC) materials and a curriculum on human trafficking and smuggling of migrants for schools; capacity building especially for trainers and front-line officers; step-up media campaigns; and development of manuals.
- Enhancing the management of national identity documents. This will include undertaking capacity building on national document identification and verification; undertaking joint operations to identify and verify immigration status of non-national and establishing Joint Investigation Teams at border areas and in transit towns.
- Strengthening mechanisms aimed at addressing the drivers of human trafficking and smuggling of migrants. This will involve sensitization and training of public transporters, customs and immigration agents, employment agents and adoption societies and child care facilities; undertaking border reaffirmation; identification and conducting skills training for potential victims; providing grants to victims and potential victims of trafficking; developing

mentorship programs for vulnerable or potential victims of trafficking; undertaking sensitizations and promoting safe migration; and creating a toll-free help line on human trafficking and smuggling of migrants.

- Enhancing the generation and dissemination of information for decision making on human trafficking and smuggling of migrants. This includes the holding of quarterly Inter-ministerial Trafficking in Persons Report meetings; development of a module on the national integrated information management systems to cover human trafficking and smuggling of migrants; training for researchers in research techniques and analysis on TIP; and undertaking research on human trafficking and smuggling of migrants.

(ii) Prosecution:

To strengthen the prosecution of perpetrators of TIP, the Policy identifies the need to enhance the capacity of the criminal justice system to investigate, identify and prosecute human trafficking and smuggling cases effectively and efficiently by 2026. This is expected to be achieved through the following measures:

- Strengthening of the national legal framework on human trafficking and smuggling of migrants in line with international obligations and best practices. This will involve the development of regulation on smuggling of migrants and revision of legislation on human trafficking, though in 2022, the Anti-human trafficking Act of 2008 was amended by Act No. 16 of 2022, and sensitization of stakeholders on new legislation on TIP.
- Enhancement of the capacity of criminal justice institutions to effectively and efficiently manage and prosecute cases on TIP and human smuggling. This will include the development of a curriculum for advanced training in human trafficking and smuggling of migrants; training of first line officials and interpreters in human trafficking and smuggling of migrants; and capacity building of interpreters in various languages to enhance communication with victims of TIP and court proceedings; capacity building of officers in the criminal justice system on human trafficking and smuggling of migrants; the establishment of virtual courts and training of criminal justice practitioners in conducting virtual court sessions; and development and dissemination of guidelines on conducting virtual courts.

- Enhance national, regional, and international collaboration to support prosecution of human trafficking and smuggling of migrant cases. This will involve the updating the Prosecutors Handbook, Law enforcement manuals and Standard Operating Procedures on TIP; and strengthening collaboration with regional and international criminal justice systems involved in TIP.

(iii) Protection:

To ensure the protection of victims and witnesses of TIP, the Policy identifies the objective to strengthen national capacity to provide protection services and care for victims, witnesses, and potential victims of human trafficking by 2030, by implementing the following measures:

- Enhancing facilities and support services that facilitate the protection of victims, witnesses and other persons affected by trafficking and smuggling of migrants.
- Strengthening coordination in the implementation of the national referral mechanisms for victims of human trafficking; and
- Enhancing resource mobilization for protection of victims of human trafficking.

(iv) Partnerships.

The Policy also identifies the need to strengthen collaboration and fight TIP through strong partnerships. In this regard the Policy identifies the need to strengthen national, regional, and international coordination and cooperation, to curb human trafficking and smuggling of migrants by 2025, as one of its objectives. This objective is expected to be achieved through implementation of the following measures:

- Strengthening the institutional framework on human trafficking and smuggling of migrants to effectively coordinate the implementation of initiatives; and
- Strengthening regional and international engagements to foster cooperation and partnerships in countering human trafficking and smuggling of migrants.

Other national policies that support the policy framework on combating TIP include the National Migration Policy, National Diaspora Policy, National Labor Policy, and National Child labor Policy.

3.2.2 National Migration Policy

In 2022, Government also adopted the National Migration Policy to provide a well-coordinated framework that enhances the positive contributions of migrants to national development. The National Migration Policy provides a framework to address issues of mixed migration or migration flows, human trafficking, smuggling of persons, long porous borders, irregular migration, forced displacement, inadequate disaggregated migration data, strain on urban and social amenities, smuggling of goods, untapped development potential of labor migration and remittances.

Zambia has a long history of labor migration as a migrant sending and receiving country. labor migration to and from Zambia is influenced by a combination of push and pull factors. The main push factor is high unemployment levels in the country, while the pull factors include higher salaries, better career prospects, skills development opportunities and higher standard of living in other countries.²¹ .

Migration if not well managed, can create insecurity, migrant smuggling, human trafficking, social unrest or tension and discrimination. The Policy identifies women, youth, and children as some of the vulnerable groups of migrants who are at risk of sexual exploitation, human trafficking, forced sex work, gender-based violence, limited opportunities for portability of social security benefits and unfair labor practices such as long working hours, meagre earnings below the minimum wage. Forced migrants equally are at risk of discrimination, exclusion from social and economic amenities and services, human trafficking, labor and sexual exploitation and gender-based violence.

The Policy identifies push factors related to irregular migration as poverty, gender discrimination, unemployment, job insecurity, gender based violence, orphan hood, fractured family structures, natural disasters and climate change, while the pull factors include improved standards of living, perceived better life, demand for cheap labor, and the low risk and high profit for traffickers and smugglers.²² The other challenges related to irregular migration include lack of holding facilities for irregular migrants, huge cost of deportation, removals, repatriation, increased public health risks, and inconsistencies in migration related legislation.

²¹ Republic of Zambia, 'National Migration Policy 2022' (Lusaka Zambia)

²² (Ibid)

In order to counter TIP and other such vices one of the National Migration Policy Objective is the promotion of safe, orderly and regular migration for socio-economic development by strengthening Assisted Voluntary Return, Reintegration for vulnerable returnees and re-admission mechanisms for irregular migrants; including strengthening coordination structures and mechanisms for the prevention of TIP, protection of vulnerable migrants; timely prosecution of offenders and effective partnerships on fighting human trafficking; enhancing access to justice for migrants and providing assistance to stateless persons.

3.2.3 National Diaspora Policy

In 2019 Government launched the Diaspora Policy for Zambia to provide the country with a comprehensive national framework for effective mobilization and engagement of Zambia's Diaspora, by identifying objectives and implementing strategies and mechanisms that will harness the developmental potential of the Diaspora. The Diaspora Policy provides a framework for reviewing and implementing legislative and institutional reforms that will facilitate the realization of the objectives of the Diaspora Policy for an integrated and prosperous Zambia. The Diaspora Policy is based on the realization that the Zambian diaspora has great potential to make positive contributions to the development of the country, as their homeland. The country has recognized the vast contributions and benefits that can be realized from effective engagement with diaspora which, among others, includes skills and technological transfer, remittances flows, networking, and investment.²³ The Policy also acknowledges the important contributions made by migrants and migration to global and national development and the need to protect the human rights and labour of the migrant workers. The Policy further identifies the need to engage into bilateral labour agreements to provide employment opportunities in other countries for Zambians who may wish work abroad or overseas. This is also expected to promote safe migration and curb TIP.

3.2.4 National Employment and Labour Market Policy, and National Child Labour Policy

Zambia has developed and implemented the National Employment and Labour Market Policy which stipulates the role of Government in creating a conducive environment aimed at generating

²³ Diaspora Policy. GRZ. 2019

employment and ensuring effective and efficient Labour Market. The Policy provides policy direction can successfully propel the Zambian Labour Market.

In addition, Zambia has the National Child Labour Policy which are aimed at curbing child labour and other malpractices. Therefore, the focus is to enhance the protection of employees and children from any form of exploitation including, but not limited to human trafficking and other vices.

Zambia has lately become a labour migrant receiving country amidst a constrained labour migration governance framework. The situation is compounded by non-operationalization of the Labour Market Information System (LMIS) to facilitate evidence-based decision and policy making. Zambia has not yet ratified some of the international agreements on labour migration.

3.2.5 National Gender Policy, 2014

In 2014, Zambia revised the first National Gender Policy to reposition the country for a more integrated and strategic approach to the promotion of gender equity and equality, including emerging issues. One of the objectives of the Policy included the elimination of eliminate all forms of Gender Based Violence (GBV).

GBV has been recognised a violation of human rights and public health issue that affects both sexes. Evidence has shown that most victims of GBV are females, while the perpetrators are predominantly males. This vice has its roots in the unequal power relations between men and women as well as boys and girls. According to the Zambia Police Service-Victim Support Unit (ZP-VSU), the GBV reported cases in 2020 increased from 21,504 in 2017 to 26,370 cases. Of these cases, 19,741 were female and 6,629 were males. Human trafficking has been identified as a form of GBV. This is because GBV is both a driver of human trafficking and a tool to manipulate and control women, children and even men into both sex work and forced labor across all forms of trafficking.²⁴

In order to address the gender-based challenges in the country, including GBV, the 2014 National Policy is currently under review to among others strengthen the GBV referral system, which is currently weak. This includes inadequate skills, low staffing levels, inadequate finances, poor

²⁴ <https://www.futureswithoutviolence.org/>

coordination, inadequate and inappropriate infrastructure, poor service delivery and lack of a well-coordinated and centralised GBV Management Information System.

Observation

Overall, the country has a good policy framework to support the fight against human trafficking. The main national policy framework to guide the fight against TIP being the National Policy on Human Trafficking and Smuggling of Migrants (2022) anchored on the 4Ps, which is the recommended global framework to fighting TIP. The National Policy is further supported by other national policies highlighted above such as the National Migration Policy, the National Diaspora Policy, the Employment and Labour Market Policy, and the National Child Labour Policy and others. These are intended to compliment the fight against TIP at Policy level. Therefore, it can be concluded that Zambia has a very clear and adequate Policy Framework and position to champion the fight against TIP.

It is also important to highlight that for this Policy Framework on TIP to be fully realized, it must be supported by an adequate legislative and institutional framework; and enhanced capacity (financial, human, knowledge, and research); partnerships and other mechanisms. Further, it must equally continue to enjoy a supportive institutional framework at national level.

3.3 The National Legal and Regulatory Framework against Trafficking in Persons in Zambia

The legal framework in the fight against human trafficking in the country is guided by the Constitution and several other pieces of legislation, with the main pieces of legislation being the Anti-Human Trafficking Act No.11 of 2008, the Anti-Human Trafficking (Amendment) Act No. 16 of 2022, and the National Prosecution Authority Act No. 34 of 2010. Other standards regulating and guiding the fight on TIP include international instruments such as the 2000 United Nations Convention against Transnational Organized Crime and the 2002 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Palermo Protocol), and international best practices. TIP is a very serious offence in Zambia and the law provides for stiffer penalties for accused persons charged and convicted for human trafficking and related offences.

3.3.1 The Constitution. Chapter 1 of the Laws of Zambia

The Constitution, Chapter 1 of the laws of Zambia is the supreme law binding all persons and authorities in the Republic.²⁵ Any law that contravenes the Constitution is null and void to the level of its inconsistency. The Constitution outlaws the violation and abuse of human rights and fundamental freedoms as well as any form of exploitation (which includes TIP).

The Preamble of the Constitution commits to “*upholding the human rights and fundamental freedoms of every person*”; Further, Part III of the Constitution provides for *Protection of Fundamental Rights and Freedoms of the Individual* (Bill of Rights). Article 11(c) guarantees the *protection of young persons from exploitation*; further Article 24(1) which provides for the Protection of young persons from exploitation, stipulates that:

“No young person shall be employed and shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development” while Article 24(3) also states that *“No young person shall be the subject of traffic in any form.”*

Therefore, the Constitution sets a firm foundation for the protection of persons from trafficking and any form of exploitation. Subordinate legislation such as the Anti-Human Trafficking Act operationalizes the constitutional provisions and requirements.

3.3.2 The Anti-Human Trafficking Act No.11 of 2008

The Anti-Human Trafficking Act No.11 of 2008, as amended by the Anti – Human Trafficking (Amendment) Act No. 16 of 2022 is the principal piece of legislation for the prohibition, prevention, and prosecution of trafficking in persons. The Act in Section 3 prohibits and criminalizes TIP. It prescribes penalties ranging from a minimum of 20 years and the maximum of life imprisonment.

Further, it provides for identification and protection of victims, provision of centers, forfeiture of proceeds of TIP, compensation of victims, investigations, port and border controls, deportation orders, mutual legal assistance and extradition, prevention of TIP, the Committee on Human Trafficking and the Human Trafficking Fund, which should be utilized on providing for basic material

²⁵ Article 1(1) of the Constitution of Zambia

support to victims, skills training of victims, family tracing for victims and any other matters connected to rehabilitation and re-integration of victims in their best interest.

The Act contains a definition of human trafficking which is akin to the definition under the Palermo Protocol. Further, Section 2 has redefined exploitation to cover all forms of slavery or practices similar to slavery, including debt bondage or forced marriage; sexual exploitation; servitude; forced labour; child labour; the removal of body parts; forced involvement in armed conflict; or any labour or services obtained through threats or other forms of coercion or the abuse of power or of a position of vulnerability. Furthermore, Section 2 defines “victim” to mean a person who has suffered harm or is at risk of suffering harm, including mental and physical injury, emotional suffering, economic loss, or substantial impairment of the person’s fundamental human rights through acts that are a violation of this Act, and has been certified as a victim in accordance with this Act.

Another positive development following the amendment of the Act is the establishment of the Anti-Human Trafficking Department, under Section 2A of the Act, in the Ministry of Home Affairs and Internal Security. The Department is responsible for among other things coordinating activities of all relevant institutions on matters connected with trafficking in persons; establishing effective measures for the prevention and eradication of trafficking in persons; investigating, arresting, and prosecuting cases of trafficking in persons; and sensitizing and educating the public on dangers of trafficking in persons. Section 2B of the Act demands that the Department is to be headed by a Director (appointed by the Civil Service Commission) and supported by Assistant Directors and such as staff as may be required.

It should further be pointed out that prior to the 2022 amendment of the Act, the Anti-Human Trafficking Act did not have a specific provision prohibiting trafficking of children. However, this has now been addressed in Section 3A of the Act. Most important, the section only requires the proof of the act and the purpose to establish the offence of trafficking of a child. The means used are irrelevant. This was not the standard prior to the amendment and the Act was therefore not in conformity with the requirements of the Palermo protocol in this regard.

Further, the Act in section 22A provides for the certification of a victim of human trafficking by the Anti-Human Trafficking Department. However, the procedure for certification is to be prescribed.

Given the requirement for prescription of the procedure, it follows that to operationalize section 22A Government will need to develop Regulations through a Statutory Instrument.

In addition to the foregoing positive development regarding the law, Section 24 of the Anti-Human Trafficking Act which previously provided for the prosecution of a victim of human trafficking with the consent of the Director of Public Prosecutions has been repealed and replaced with a provision which offers full immunity from prosecution for a victim of trafficking. The new section now reads that *“despite the provisions of any other written law, a victim of trafficking in persons shall not be criminally liable for an offence regarded as illegal in the Republic or for a criminal act that is a direct or indirect result of being trafficked.”* This development is in full conformity with Zambia’s obligations under international law which require a victim of trafficking to be protected from prosecution. Further, the Act was amended by introducing Section 94A which provides for the application of the Mutual Legal Assistance in Criminal Matters Chapter 98 of the Laws of Zambia, and the repeal and replacement of Section 101 to expand the composition of the Anti-Human Trafficking Committee.

It should be noted that following the enactment of the Anti-Human Trafficking (Amendment) Act into law, the Anti-Human Trafficking Act has to a larger extent been aligned to the established minimum standards under the Palermo Protocol and the UN Convention against Transnational Organized Crimes. Therefore, the Act is in conformity with international law.

3.3.3 National Prosecution Authority Act No. 34 of 2010

Section 8 of the National Prosecution Authority Act. No. 34 of 2010, gives the Director of Public Prosecutions authority to institute and undertake criminal proceedings against any person before any court in respect of any offence alleged to have been committed by that person. This enabling provision is therefore equally applicable to the prosecution of cases on human trafficking.

3.3.4 Anti-Gender Based Violence Act. No. 1 of 2011

Section 3(p) of the Anti-Gender Based Violence Act. No. 1 of 2011 identifies trafficking in persons as part of what it defines as *“physical, mental, social or economic abuse”* which is an act of violence

and can therefore be inquired into, tried, or prosecuted. This can be used as a guide in the identification, investigation and prosecution of cases involving trafficking in persons.

3.3.5 Employment Code Act. No. 3 of 2019

The Employment Code Act, in section 30(1) provides that: *“An authorized officer may, before attesting a contract of employment outside the Republic, require an employer or an employment Agency to give security by bond, and provide a surety resident within the Republic as approved by an authorized officer.”*

This provision if applied consistently in Zambia can enhance the protection of persons from trafficking. Further, it can be used to hold employers and recruitment agencies accountable should it turnout that the purported employment outside Zambia was a disguised case of human trafficking.

Further, Part V of the Employment Code Act provides for Employment of Young Children and Young Persons. it prohibits the employment of children or young persons in worst form of labour. Section 80(a) provides for interpretation of *“worst form of labour”* and it includes all forms of slavery and practices similar to slavery, such as the sale and trafficking of young children and young persons. Therefore, the Children’s Code Act is essential in the fight against trafficking in persons.

3.3.5 Children’s Code Act No. 12 of 2022

The Children’s Code Act No. 12 of 2022 provides for the prevention and protection of children from trafficking and prosecution of offenders. Section 16 of the Code provides that a child on the move is entitled to appropriate protection and humanitarian assistance in accordance with the Anti-Human Trafficking Act, 2008, the Refugees Act, 2017 and any other relevant written law. Section 17 provides for the protection from maltreatment and other forms of exploitation, including sale, trafficking, and abduction, cyber bullying, or online exploitation by any person. Section 32(2)(k)(iv) provides for provision of welfare services to a child that is a victim of human trafficking. Further, section 167(1)(w) states that a child is in need of care and protection if that child is a victim of human trafficking.

Given that the Children’s Code Act has domesticated the CRC and the ACRWC, the importance of its implementation and enforcement cannot be underestimated especially on matters of protecting children from trafficking and exploitation.

3.4 National Level Institutional and Coordination Framework Against Trafficking in Persons Zambia

3.4.1 Ministry of Home Affairs and Internal Security

According to Gazette Notice No. 90 of 2021 the portfolio function to deal with human trafficking is under the Ministry of Home Affairs and Internal Security. The national institutional framework for fighting TIP includes criminal justice institutions such as National Prosecution Authority, Judiciary, Ministry of Home Affairs, and Internal Security including the Department of Immigration, Zambia Correctional Services, and Zambia Police Service; Drug Enforcement Commission; Anti-Corruption Commission and the Legal Aid Board.

In 2022 the institutional framework for fighting TIP and human smuggling was enhanced when Zambia adopted the National Policy on Human Trafficking and Smuggling of Migrants, and the enactment of the Anti-Human Trafficking (Amendment) Act No. 16 of 2022. These provided for the establishment of the National Anti-Human Trafficking Department in accordance with the requirements of the 2005 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The creation of the Department is expected to strengthen national capacity to implement interventions and enforce Anti-Human Trafficking and smuggling of migrant’s legislation.

3.4.2 Ministry of Community Development and Social Services

According to Gazette Notice No. 90 of 2021 the Ministry of Community development and Social Services has the portfolio function to deal with child development, adoptions services, social welfare group housing, welfare, and counselling services, among others. The Ministry is also responsible for managing the human trafficking victim fund and establishment and management of Centres for Victims (places of safety).

3.4.3 Committee on Human Trafficking (National Inter-Ministerial Committee on Human Trafficking)

Zambia also has a National Committee on Human Trafficking to coordinate activities on TIP. The National Committee on Human Trafficking is established under section 101 of the Anti-Human Trafficking Act No.11 of 2008 and is responsible for recommending policy guidelines to the Anti-Human Trafficking Department; promoting institutional linkages; and coordinating the preparation of trafficking in persons reports. The Committee is also replicated at provincial and district levels. Currently, the country is implementing the National Action Plan on Human Trafficking and Smuggling of Migrants 2022- 2024.

3.4.4 Centers for Victims /Places of Safety

The Anti-Human Trafficking Act No.11 of 2008 provides for establishment and operation of centers for Victims of trafficking under the Minister responsible for social welfare. It also provides for minimum norms and standards for these centers, including programmes to be offered, victims assessment, family tracing, rehabilitation of victims and provision of health care and other support. Currently the country has had four (4) places of safety located in Chongwe, Sesheke, Mansa and Chipata districts. Government aims to have at least one (1) place of safety in each Province to cater for the growing numbers of victims of trafficking.²⁶

3.4.5 National Referral Mechanism and Guidelines

The Government of the Republic of Zambia, with support from partners, has developed a Referral Mechanism and guidelines for Victims of Trafficking, which is supported by the Minimum Standard Guidelines on the Protection of Victims of Trafficking. Others include those for children on the move or unaccompanied or separated children and best interest determination for vulnerable child migrants in Zambia.

- (i) *National Guidelines and Referral Mechanism for Children on the Move (COM) or Unaccompanied and Separated Children (UASC)*

²⁶ National Policy on Human Trafficking and Smuggling of Migrants. GRZ: 2022

The Guidelines set out the various obligations Zambia has towards vulnerable Children on the Move (COM) and Unaccompanied and Separated Children (UASC), the relevant legal provisions applicable to them, the various players involved in meeting the short, medium and long-term needs of children on the Move and Unaccompanied and Separated Children, and referral pathways which draw from identified legal provisions and are presented in such a way as to harmonize the operation of different role players and service providers.

The Guidelines are also intended to operate alongside similar child protection systems and documents, such as the IOM Guidelines and referral mechanisms for the protection and assistance of migrants vulnerable to violence, exploitation and abuse and victims of trafficking and the national referral mechanism for the protection of vulnerable migrants in Zambia.

(ii) The Guidelines for Best Interests Determination (BID) for Vulnerable Child Migrants in Zambia

Guidelines for Best Interests Determination (BID) for Vulnerable Child Migrants in Zambia have been developed for the purpose of establishing a formalized procedure of dealing with vulnerable migrant children, establishing a formalized procedure for best interest's determination, and for the purpose of increasing the consistency and quality of services received by vulnerable migrant children in Zambia. These children include (but are not limited to) victims of trafficking (presumed and potential), unaccompanied and separated children, and stranded migrant children. The Guidelines also seek to improve service delivery by promoting consistency, efficiency and effectiveness when responding to the needs of vulnerable migrant children.

The Guidelines are based on international, regional, and national best practices and agreed-upon minimum standards. They ensure that the best interests of the child are taken into consideration throughout the process of identification, provision of protective services, return/resettlement, and reintegration of all those in care.

4.0 DRIVERS OF HUMAN TRAFFICKING IN ZAMBIA

Drivers of TIP in Zambia are vast and are usually supply and demand driven. Drivers include high unemployment levels, poverty, traditional beliefs, cultural practices, unregulated labour practices, low levels of public Awareness; Socio-economic challenges which include gender inequality, discrimination, and the effects of HIV/AIDS and COVID 19 which all create an environment conducive for TIP. Below is a detailed narrative of the drivers of TIP in Zambia, as documented in the National Policy on Human Trafficking and Smuggling of Migrants, key informant interview (including focus group discussions with victims and first line officials) and other support documents reviewed.

4.1 Low Levels of Public Awareness

Zambia has developed and implemented safe migration communication strategies which include the National Strategic Communication for the Prevention of Human Trafficking (2009-2011) and the Communication Strategy on Mixed Migration and Human Trafficking titled “*Know before you Go*” (2017- 2018). Despite all these efforts, public awareness on human trafficking is generally low in the country as the implementation of these strategies has been hampered by inadequate resources, inconsistency of interventions and limited coverage. Further, this is worsened by limited access to and inadequate formal systems and structures in place to help individuals verify offers of employment and scholarships within or outside the country which may expose them to human trafficking and being smuggled.²⁷

4.2 Socio-Economic Conditions

Socio-economic challenges create an environment conducive for TIP, especially for vulnerable persons. These challenges include gender inequality, discrimination, and the effects of HIV/AIDS, among others. Human traffickers and smugglers of migrants usually tend to target poor people in countries or regions where socio-economic conditions are unfavorable and opportunities for personal development are limited. These underlying conditions create a desire among target populations to migrate to find work or a “better life” through education, adoption, or marriage,

²⁷ (Government of Zambia: 2022) *National Policy on Human Trafficking and Smuggling of Migrants*.

which increases their risk of being trafficked or seek the assistance of smugglers. In the period 2015 - 2020, Zambia recorded 379 cases of which of which approximately 57 were women and girls, showing that cases involving men constitute the majority²⁸ (Ibid).

4.3 Increased Access to Information Technology and Abuse of Internet

Most citizens today, in both rural and urban areas, have access to the internet. As of December 2020, Zambia had an estimated 9.1 million active internet users, representing 52.2% which is above the continental average of 35.9%. Increased access to technology has made it easier for perpetrators to access their victims and accomplices from anywhere around the world, without necessarily having physical contact with victims. Young people are usually prone to falling victim to such schemes due to ignorance, too trusting and the drive to look for better opportunities and success. However, Zambia has not established a government operated trafficking in person's toll-free line for reporting suspected cases of human trafficking and smuggling of migrants.

4.4 Unsafe Migration

The emergence of inadequately regulated private recruitment, travel, and immigration agencies, have made prevention of trafficking, and smuggling of migrants more challenging. These agencies at times also act as middlepersons between perpetrators and victims and hence canvas TIP through seemingly legal international labour recruitments and employment offers.

4.5 Capacity Challenges among Front Line Officials

TIP crimes are complex and are ever evolving such that they require highly committed, capacitated, skilled, sophisticated, and experienced cadre of front-line officials. At times, prosecution or investigations of such cases are lost or negatively impacted due to poor investigative skills and tools, loss of evidence, poor collaboration among front line officials and rushing to arrest perpetrators and/or victims, instead of giving adequate time to surveillance of the crime, and let it unfold for better collection of evidence.

4.6 Porous Borders and Trans-national and Regional Challenges

Zambia shares borders with eight (8) different countries. Many of these are open borders with few geographical or man-made barriers. Although Zambia's immigration laws are generally adequate,

²⁸ (Ibid)

immigration efforts continue to be hindered by porous international boundaries, inadequate border facilities and resources. Currently there is no regional framework on the cross-border migration for unaccompanied minors (children) to effectively protect them from human trafficking and smuggling of migrants. The situation is exacerbated by inadequate surveillance instruments and systems such as scanners, drones, and handheld carbon detectors, among others, vital for intercepting human trafficking and smuggling of migrants. In addition, there is a challenge of un-re-affirmed boundaries and the need to establish buffer zones (No man's Land)²⁹.

4.7 Corruption and Malpractices

Zambia has taken several measures to fight corruption, especially through the establishment of the Anti-Corruption Commission, and other relevant law enforcement agencies. However, corruption, malpractices, and failure to follow procedures are known drivers of human trafficking and smuggling of migrants.

4.8 Other Governance Issues

The fight against human trafficking and smuggling of migrants requires institutions and systems to be transparent and accountable in their operations with enhanced access to information for all. Currently, due to the multi-sectorial approach being used to address human trafficking and smuggling of migrants, there is no institution that has been mandated to consolidate, publish, and disseminate information periodically. This has affected public awareness, access to information, transparency, and accountability in the fight against human trafficking and smuggling of migrants.

4.9 Adoption of Children

In Zambia, only a national or a foreign child who has not attained the age of 21 years or 18 years respectively may be adopted. False or illegal adoption has been cited as one of the forms of human trafficking being used to target children. This is happening due to technical capacity challenges being faced in responsible institutions coupled with the corrupt practices such as falsification of documents by perpetrators. Parents may be deceived, misled, or threatened to put their child up for adoption by persons involved in human trafficking and smuggling of migrants. In some cases, parents and guardians may be offered financial or material rewards in exchange of their children, as-well-as

²⁹ (Government of Zambia 2022) *National Policy on Human Trafficking and Smuggling of Migrants*.

provide false information to authorities to influence the outcome of the adoption process, and in the end a child becomes a victim of a of false and illegal adoption. Zambia is a signatory to the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption which was signed in 2015.

4.10 Demand for Cheap Labour

The demand for cheap labour especially in labour intensive sectors such as agriculture, fishing, mining, and domestic services have also contributed to human trafficking and smuggling of migrants. In 2019 the country enacted the Employment Code Act No. 3, which addresses issues of forced labour, minimum wages, and prevention of employment of young children in industrial undertakings³⁰. However, human trafficking for labour exploitation remains a big challenge, especially among vulnerable groups such as those with intellectual disability, the youth, children and women.

4.11 Inadequate Research and Data Collection

Research and data management on human trafficking and smuggling of migrants in Zambia is necessary to inform policy and practice on effective prevention and enforcement. It should be noted, however, that the country does not have a formalized system for effective collection of data relating to human trafficking and smuggling cases. Currently, there is a challenge of very limited research done on human trafficking and smuggling of migrants in Zambia. The situation has created a knowledge gap to inform decision making.

4.12 Inadequate legal framework

The country had been struggling with an inadequate legal framework to support emerging challenges in the fight against TIP. In 2022 the principle Act on TIP namely the Anti-Human Trafficking Act No. 11 of 2008, was amended, following the enactment of the Anti-Human Trafficking Act No. 16 of 2022, in order to enhance the country's legal framework to address the emerging and persistent challenges on human trafficking and smuggling of migrants in Zambia and internationally; harmonize the Anti-Human Trafficking Act with other local legislation; and enhance the institutional framework by creating a department to effectively deal with issues of human trafficking and smuggling of

³⁰ Government of Zambia, *'National Policy on Human Trafficking and Smuggling of Migrants'* (2022)

migrants. This is expected to enhance the multi-sectorial approach in the fight against human trafficking through cooperation with various law enforcement agencies.

4.13 Other Factors

Zambia currently, does not have a platform to support the case flow management system for an integrated management of data on human trafficking and smuggling of migrants cases. This affects information sharing which is necessary for effective and efficient delivery of prosecution services.

In addition, there is also a challenge with the whistle blowers. The Public Interest Disclosure (Whistleblowers) Act. No. 4 of 2010 does not adequately protect and reward the whistle blower thus very few people are willing to make disclosure. Given the nature and complexity of TIP, whistle blowers are critical and need to be adequately protected and rewarded.

5.0 INTERNATIONAL BEST PRACTICES ON COMBATING TIP

In addition to the desk review and key informant interviews, the survey included a review of some best practices on fighting TIP and measures being used by other jurisdictions that have shown impressive progress or interventions in addressing TIP under Tier1 category of the U.S. State Department's TIP Report. Best practices countries that were considered in the country assessment included those that have enhanced sensitization, built strong partnerships, enhanced reporting, and feedback mechanisms, invested in research, and keeping abreast with tactics being used to traffic persons among others. Others also included those that have an integrated case management system for TIP cases and the use of technology such as mobile phone applications to fight for TIP and enhance information sharing among stakeholders. The countries considered included Morocco, Taiwan, Australia, and New Zealand.

5.1 Bilateral Labour Agreements - Morocco

To promote safe migration and employment of their nationals in foreign jurisdictions, some countries like India and Morocco to name a few, have signed bilateral labour migration agreements with host countries that need their labour. These agreements if based on international labour standards can be a tool which can ensure safe, orderly, and regular labour migration and reduce the incidence of TIP based on people exposing themselves to trafficker's while in search of employment in foreign countries. Labour migration agreements can also help protect migrant workers and guarantee decent work.

India and Morocco use such bilateral labour agreements as a tool to secure decent employment opportunities for their nationals in foreign countries that need their labour. This also creates a safe opportunity for its nationals to send remittances back home at a reduced cost including the portability of their social security benefits.

Zambia unfortunately is yet to sign any bilateral labour agreements with other countries, which could help safeguard Zambians looking for employment in foreign countries and maybe at high risk of being trafficked in the name of searching for employment in foreign countries.

Zambia is currently facing low employment levels particularly among the youth and women. Labour Force survey of 2018 indicates that youth unemployed is very high. Youth unemployment rate was higher in urban areas at 18.1 percent than in rural areas at 17.6 percent, and youth unemployment rate among females was higher in urban areas at 20.9 percent than in rural areas at 14.4 percent.³¹

5.2 Improved Interagency Coordination on TIP – Taiwan

TIP had been a challenge for Taiwan which was primarily a destination country for persons trafficked for purposes of forced labor and sexual exploitation. It was also a source of women trafficked to other destinations such as the United Kingdom, the United States of America, Japan, Australia and Cambodia. Most TIP victims into Taiwan were workers from rural areas of Vietnam, Thailand, Indonesia, and the Philippines who were fraudulently employed through recruitment agencies and brokers to perform low skilled work in Taiwan's construction, fishing, and manufacturing industries, or to work as domestic servants. Others due to high the debt they incurred with they incur with their employment brokers end up in involuntary servitude.³² To mitigate TIP, Taiwan had put in place anti-human trafficking efforts which included the ability to publicly acknowledge the problem of TIP and effectively reporting on it, improved inter-agency coordination to combat trafficking; new policy initiatives intended to streamline investigations; continued oversight of vulnerable labor recruitment channels; increased inspections and investigatory referrals of potential forced labor cases on fishing vessels³³.

5.3 Integrated Case Management System – Philippines

It was found during the assessment that Philippines created an Integrated Case Management System. This platform was used by several government agencies to address longstanding issues around interagency coordination needed to assist Filipino trafficking victims, who were often exploited outside the country, and to prosecute their traffickers.³⁴ The system brought together role players in the fight against human trafficking and proved effective in the management of identified cases of human trafficking.

³¹ Zambia Decent Work | Country Programme | 2020 - 2022

³² [Human trafficking in Taiwan - Wikipedia](#)

³³ [2020 Trafficking in Persons Report – Taiwan - American Institute in Taiwan \(ait.org.tw\)](#)

³⁴ www.state.gov/reports/2022-trafficking-in-persons-report

5.4 Trafficking in Persons Mobile Application Platform – Uganda

In Uganda the Office of the Director of Public Prosecutions, in partnership with Civil Society organizations, had developed the Trafficking in Persons Mobile App Platform which was used to collect and disseminate standardized data pertaining to human trafficking investigations and prosecutions. The platform enabled government agencies to track suspected and convicted traffickers and trends in trafficking in persons.³⁵

5.5 Development of Code of Conduct – Costa Rica

According to the National Coalition against Migrant Smuggling and Trafficking in Persons unit (CONNAT), trafficking in children and child sex tourism is a very big problem in Costa Rica, especially in tourist provinces such as Guanacaste, Puntarenas, and San Jose. Costa Rica developed a Code of conduct to protect children and adolescents from commercial sexual exploitation in travel and tourism. According to the Institute of Tourism of Costa Rica by 2020 over 500 companies in the tourism sector had signed this Code and these included hotels, tour operators, vehicle rentals, theme parks and others. This had compelled corporate bodies in this sector to work with government to prevent and protect child victims of TIP and sexual exploitation in the country since Costa Rica is one of the top tourist destinations in the Americas region. Hotels, train their workers and have put in measures to help identify and curb cases of trafficking and sexual exploitation of children in their business.

³⁵ ibid

6.0 SPECIFIC SURVEY FINDINGS

6.1 Findings on Trafficking in Persons Situation in Zambia

Zambia, like many other countries, is affected by TIP and is a source, transit and destination point for victims of human trafficking³⁶. Victims of human trafficking are trafficked for mainly sexual exploitation, domestic servitude, forced labor especially in labour intensive sector and industries such as agriculture, hospitality, mining, construction; drug trafficking; small businesses; forced begging and child marriages.

In addition to transnational trafficking, which involves victims crossing international borders, Zambia is adversely affected by internal trafficking which occurs within the country's borders. Drivers of internal trafficking includes poverty, traditional beliefs, cultural practices, inadequately regulated labor practices and limited awareness on internal trafficking including limited capacity to identify, investigate and prosecute trafficking cases.

Internal trafficking involves victims being moved from rural to urban areas or vice versa and within cities for purposes of exploitation especially for domestic servitude or cheap labour.³⁷ Sexual exploitation is still rife especially along the line of rail and border towns. Traffickers, at times, use front companies posing as travel and employment agencies, adoption agencies or immigration and education consultants, to lure victims and collude with local facilitators and middlepersons.³⁸ The country has reported an increase in cases of young men, women and children trafficked for the purpose of sexual exploitation, domestic servitude, forced labor and child marriages.

Children can also become victims of human trafficking and smuggling of migrants through false or illegal adoptions. False or illegal adoptions have been cited as one of the forms of human trafficking and smuggling in migrants that are being used to target children. In Zambia, a Zambian child up to the age of 21 years can be adopted, while for a foreign child it is up to 18 years of age. Currently the country has recorded cases of child trafficking as a result of adoptions.

³⁶ (Government of Zambia 2022) National Policy Against Human Trafficking and Smuggling of Migrants

³⁷ (Government of Zambia 2022) National Policy Against Human Trafficking and Smuggling of Migrants.

³⁸ (Ibid)

6.1.1 Review of Annual Global Trafficking in Persons Reports 2005-2021

Zambia is a source and transit country for women and children trafficked for purpose of exploitation. Zambia's national response to human trafficking is premised on prevention, prosecution, protection, and partnership.

This chapter depicts Zambia's anti human trafficking efforts with a focus on investigations, prosecutions and convictions reported from 2005 when Zambia was first covered in the trafficking in persons report to 2022. The figures below represent statistics of each previous year preceding the publication. For example, Trafficking in Persons Report, 2005 depicts statistics for the years 2004.

There is currently no one comprehensive and centralized repository of human trafficking data in Zambia. Data on human trafficking is collected by different institutions and from various sources within the country. Given the different foundations and purposes for data collection, data from these sources does not necessarily triangulate each other. National institutions mandated to respond to human trafficking use different tools to collect data, consequently there was no uniformity in data fields presented throughout the span of nearly two decades.

This report presents the statistics in spans of fours for easy analysis and comparison.

The data relied on to generate this statistic was collected during the formative stages of Zambia Anti-Human Trafficking mechanisms, therefore, no tool is available for measuring its accuracy. However, the data has been validated through a very rigorous process and included in the US trafficking in persons reports for the period under review.

6.1.2 Human Trafficking Cases by Investigation, Prosecution and Conviction in Zambia: 2004-2007

During this period 2004-2007 effective identification, investigation, prosecution of human trafficking was negatively affected by inadequate legislation, i.e. lack of an express offence of human trafficking in the penal code. Further, a stop-gap penal code amendment prohibiting the 'sell or trafficking of a child or other person for any purpose or in any form', without defining human trafficking failed to effectively enhance identification, investigation, and prosecution of human trafficking.

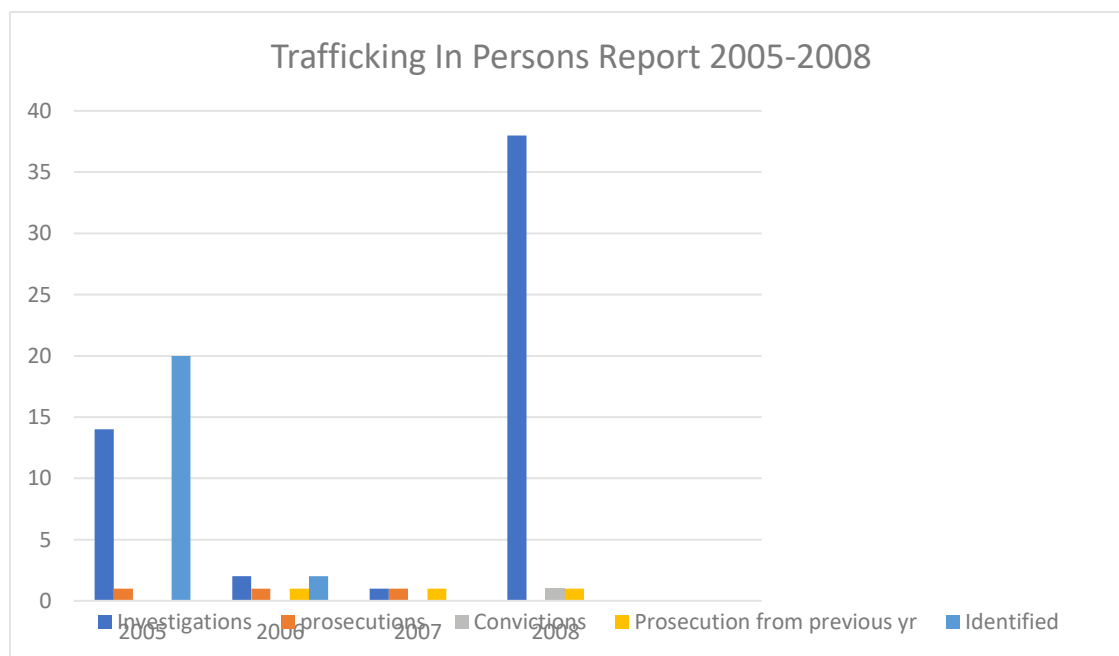
However, an increase in identified cases was recorded in 2007 mainly attributed to increased awareness, inception of the national committee on human trafficking, finalization of national policy on human trafficking and the training of 400 combined criminal justice practitioners.

The 2004-2007 statistics could not be disaggregated in gender, age, and nationality due unavailability of such information on source documents. It should be noted that Data management has continued to be cited as a major challenge therefore, these statistics cannot be conclusively said to be a true reflection of the trafficking in persons activities during the said period.

Zambia had made substantial progress in furthering its anti-trafficking law enforcement efforts, by enacting a comprehensive anti-trafficking law legislation among others in November 2008. However, the country continued to record low identification, investigation, prosecution, and convictions. Nevertheless, in 2011 there was a significant rise in investigation initiated due to among others an increased national anti-trafficking budget, increased victim protection capacity, implementation of the 2011-2012 National Action Plan and enhanced oversight by the secretariat. Unfortunately, the high rate of identification did not result in any conviction until 2007.

A total of 55 cases were investigated during the above period out of which only 3 cases were prosecuted representing 5.5% while convictions stood at 1.8% for the same period.

FIGURE 1



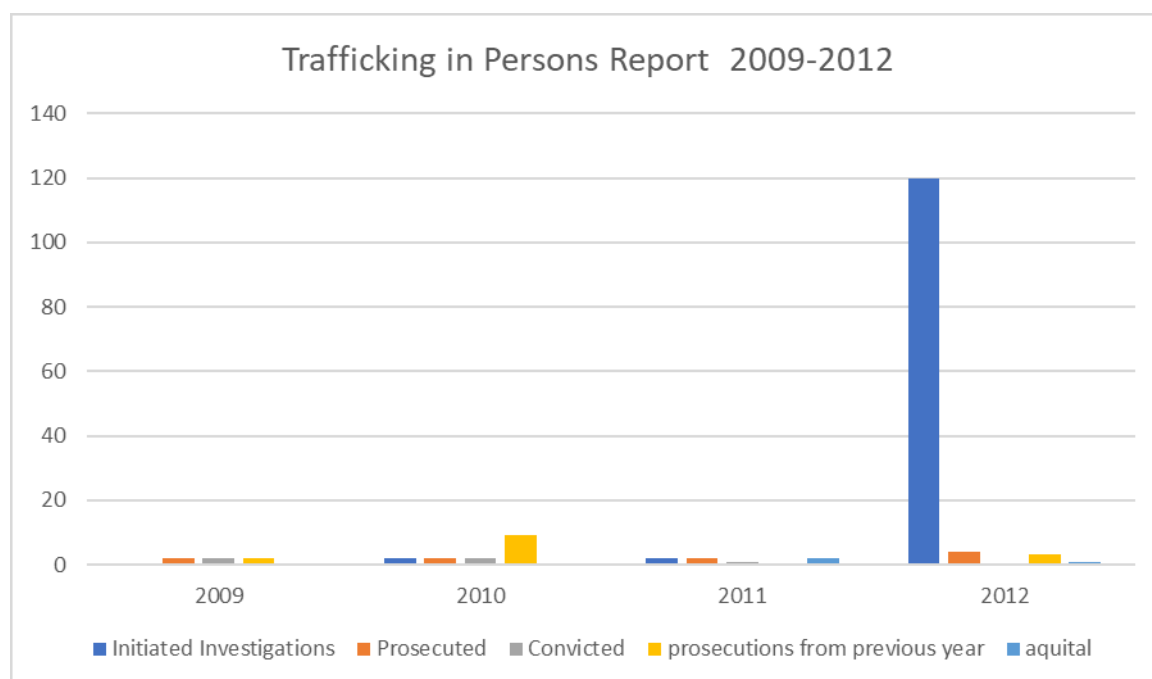
6.1.3 Human Trafficking Cases by Investigation, Prosecution and Conviction in Zambia: 2008-2011

The government continued with efforts to address human trafficking during the period under review.

In 2012 the government doubled its anti-trafficking budget, tripled the number of labour inspectors, convened the national committee on human trafficking, finalised the development of guideline on the protection of Victims of trafficking, national referral mechanisms, prosecutor's manual and completed upgrades to one shelter among other measure. The above measures resulted in overall increased identification, investigation, prosecution, and convictions.

During the period under review 124 investigations were initiated out of which 10 cases were prosecuted leading to 5 convictions which represented 8.1% and 50% respectively.

FIGURE 2

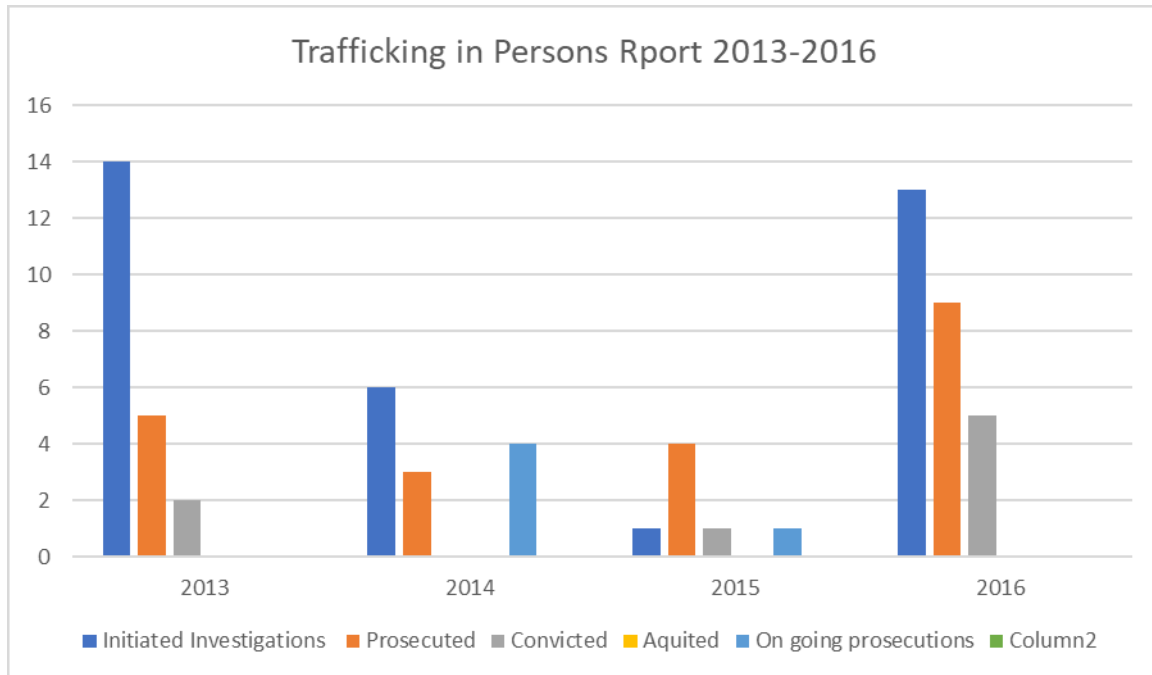


6.1.4 Human Trafficking Cases by Investigation, Prosecution and Conviction in Zambia: 2012-2015

The period was characterized by decreased anti-trafficking efforts. The country operated under an expired National Action Plan 2012-2015, did not host any annual symposium, and did not provide anti-trafficking training to diplomats. Consequently, the beginning of this period recorded zero convictions despite a fair number of prosecuted cases. Law enforcement investigated 34 cases,

prosecuted 21 of these cases and secured 8 convictions representing 62% prosecution rate and 38.1% conviction rate over the period of four (4) years.

FIGURE 3

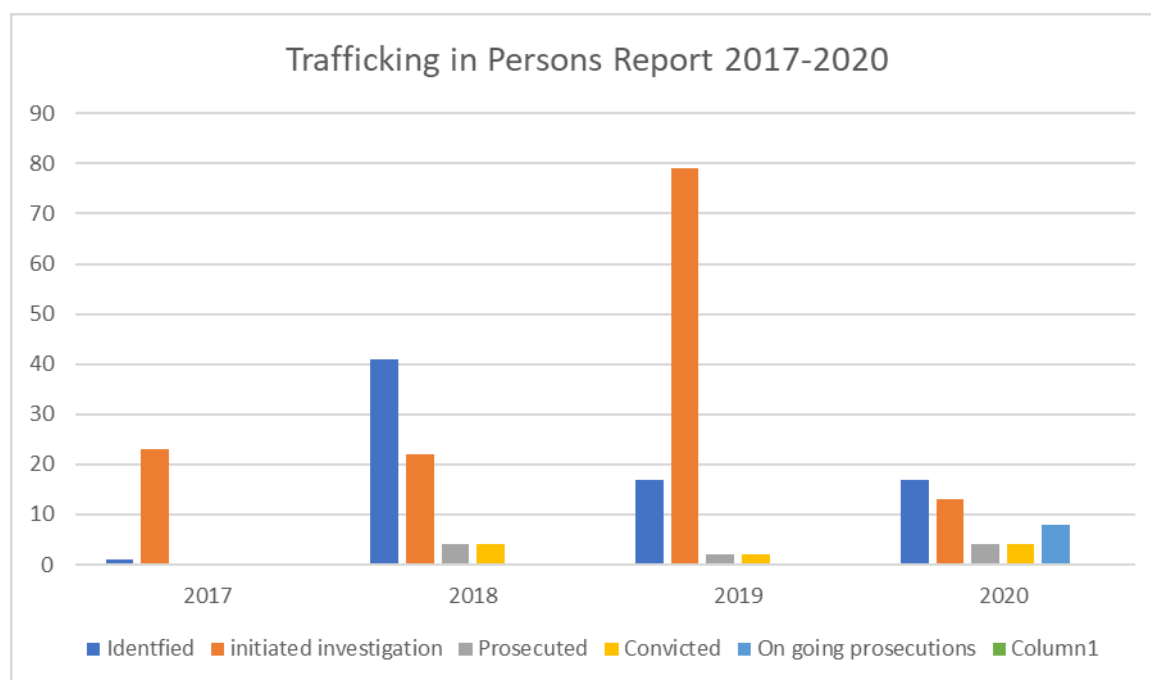


6.1.5 Human Trafficking Cases by Investigation, Prosecution and Conviction in Zambia, 2016-2019

The period 2017 and 2018 recorded an increase in identification, investigation which resulted in some prosecution and convictions attributed mainly to increased anti-trafficking budget for second year consecutively, the revival of the national secretariat, finalisation of the updated National Action Plan, integration of modules and training of 1,021 first line officials using those manuals. The country maintains the momentum till the end of the period under review. This may be attributed to the additional training of 50 criminal justice practitioners and 2500 police recruits in 2019.

The period under review saw 137 investigations initiated with 10 cases successfully prosecuted representing 7.3% prosecution rate out of which 10 convictions were secured representing 100% conviction cumulatively.

FIGURE 4

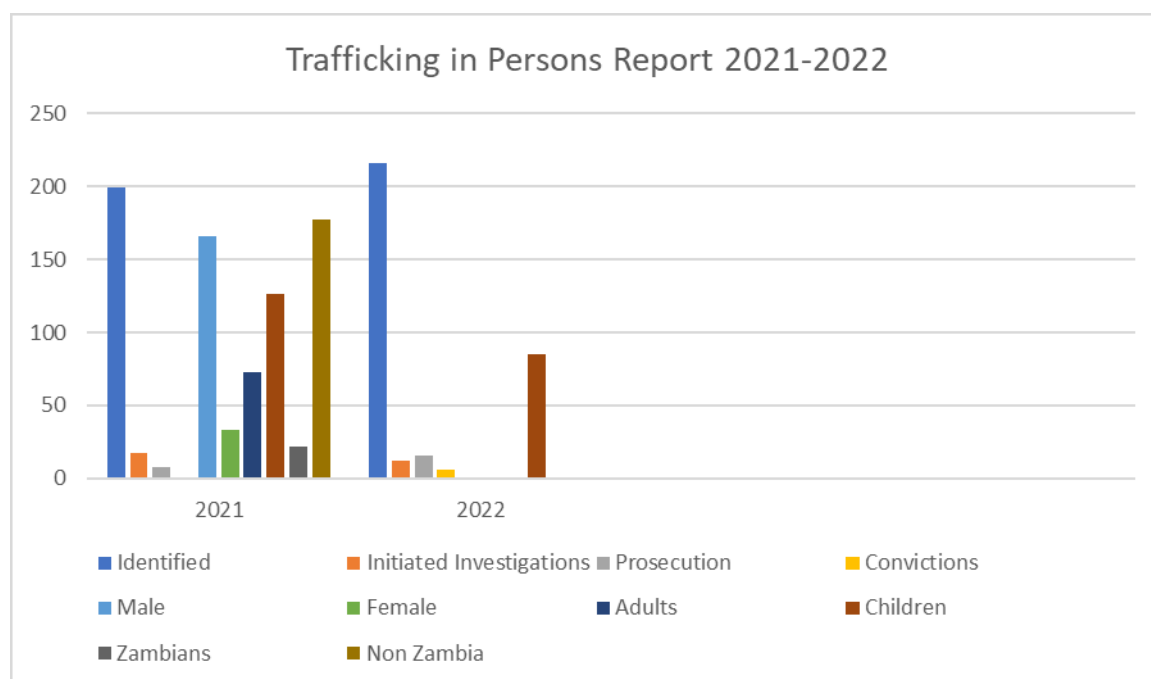


6.1.6 Human Trafficking Cases by Investigation, Prosecution and Conviction In Zambia, 2020-2022

The periods under review recorded high identification rates with no to low convictions. The period coincides with the peak seasons of COVID 19 which affected anti-trafficking national responses including awareness rising, court operations and budgeting. However, 2020 recorded improve anti-trafficking efforts together enhanced reporting. Reporting protocol included all vital fields such as age nationality and sex among others. This was not the case in previous years. The period 2020 to 2021 also reported enhanced proactive screening of vulnerable populations, revised and operationalised National Referral Mechanisms. The report highlights enhanced national and regional coordination aimed at addressing human trafficking. Therefore, statistical data for this period appears more comprehensive compared to that of preceding periods.

In terms of cases investigations initiated, a total of 29 cases were recorded out of 415 cases identified. Prosecution stood at 24 cases representing 83% prosecution rate of total cases investigated while cumulative convictions stood at 25% of the cases prosecuted.

FIGURE 5



6.1.7 Overall Analysis of Human Trafficking Situation in Zambia from 2005 -2022

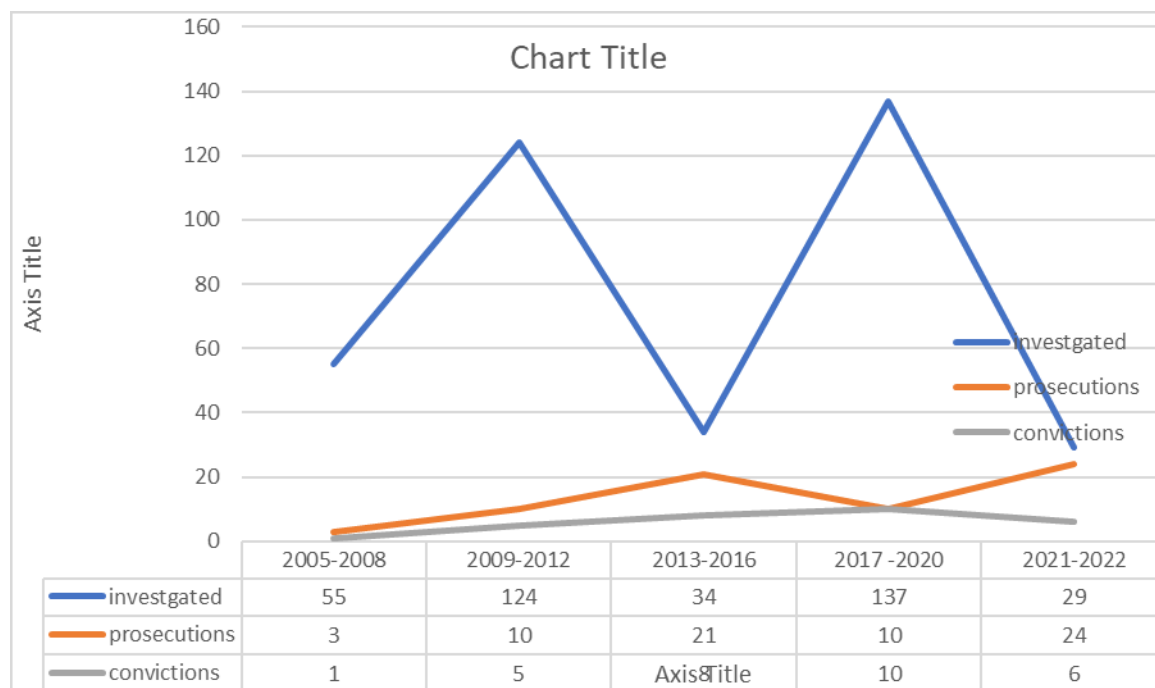
The overall trend from the year 2005 to the year 2020 reveal that identification and initiation of investigations increased from below 50 cases to over 120 cases between the year 2005 and 2012 and dropped gradually reaching less than 40 cases between the 2014 and 2015. However, identification and investigation continued to rise since 2015.

Generally, the period under review has seen very few cases progress to court for prosecution. The year 2005 to 2014 recorded a steady increase in prosecution of human trafficking cases followed by a constant decline in prosecution from 2014 to 2019. Notwithstanding low prosecution rates, the rate of convictions has been increasingly evenly from 2005 to 2022 though in some years the conviction rate declined due to the few numbers of cases presented before the courts for prosecution.

The analysis above reveals that the prosecution pillar is the weakest link in the fight against human trafficking. The statistics have shown that if more cases are presented before the courts, the

conviction rates can also increase. This points to the need to address the underlying factors negatively affecting the successful investigation and prosecution of identified cases of human trafficking.

Figure 6 - Overall TIP Situation Analysis 2005 to 2022



Generally, there has been an increase in the number of identifications, investigations and prosecutions from 2008 to 2021. However, the rate of convictions has been relatively low during the period under review. The drop in successful prosecutions is mainly attributed to policy, legal and institutional inadequacies during the period in question amidst increased incidences and the ever-evolving technics employed by traffickers.

Notwithstanding that the survey covers the periods up to the year 2021, this chapter includes findings relating to the years 2022 which indicate that government addressed most of the gaps stated above by the close of the year 2022. Consequently, Zambia was upgraded from Tier 2 Watchlist to Tier 2 in the Global Trafficking in Persons Report 2022 to 2023.

6.2 Findings on Trends, Types, Patterns and Dynamics of TIP in Zambia

There has been a rise in the recorded cases of TIP in Zambia as seen from the statistics contained in the preceding Section of the report. TIP has remained complex in Zambia. It has continued to

present different trends, types, patterns, and dynamics. This Chapter presents the trends, types, patterns, and dynamics of TIP in Zambia which have been observed between 2004 and 2022 as reported in the respective US TIP Reports.

6.2.1 TIP Types in Zambia

Zambia has experienced both internal and cross border trafficking in persons. Zambia remains a source, transit, and destination country for victims of human trafficking. Victims for both internal and cross border trafficking were exploited in the agricultural, labour and domestic sectors. Among the forms of exploitation prevalent in Zambia, prostitution and forced marriages were ranked at the bottom. However, child prostitution related to human trafficking was quite common in Zambia's urban centers,³⁹ border towns and mining establishments and the fishing industry. Further, false employment recruitment resulting into sexual exploitation have been identified.⁴⁰

It was also found that traffickers most often operated through ad hoc, flexible networks of relatives, truck drivers, businessmen and women, cross-border traders, and religious leaders. Internally, females, adolescent, and orphaned victims were coerced by relatives or acquaintances in exchange for money or gifts, into involuntary domestic servitude or other types of forced labor. Children of more affluent village families and perceived high-status symbol for families with children abroad or urban areas frequently featured as a push factor for human trafficking.

6.2.2 TIP Patterns in Zambia

The survey revealed that between 2004 and 2020 the general pattern of trafficking was that majority of victims were moved from rural areas to urban areas in Zambian cities in cases of domestic trafficking. Regarding cross border trafficking, Zambia appeared to mostly record victims transiting through Zambia from mainly the horn of Africa, great lakes, and the gulf region to South Africa. Child victims primarily trafficked within the country for labor and sexual exploitation make a significant of trafficking in Zambia. It was found that the victims were mostly female, adolescents, and orphans.⁴¹

³⁹ US TIP REPORT,2007 page 210

⁴⁰ ibid

⁴¹ US TIP REPORT,2009 PAGE 303

Majority inflows were reported at places where Zambia shares boundaries with the Republic of Congo, Tanzania, and Malawi while outflows were mainly reported where Zambia shares borders with Namibia, Zimbabwe and at the Kenneth Kaunda International Airport⁴²

Most trafficking occurred within the country's borders and involved women and children from rural areas exploited in cities in domestic servitude or other types of forced labor in the agricultural, textile, and construction sectors. Zambian trafficking victims had also been identified in South Africa, the Democratic Republic of the Congo, and Namibia. While orphans and street children were the most vulnerable, children of more affluent village families are also vulnerable to trafficking, as sending children to the city for work was perceived as a status symbol.⁴³

It was also found that children were also brought from villages and made to serve as guides for groups of persons with sight impairment (the blind) begging on the streets. While orphans and street children were the most vulnerable, children of affluent village families were also vulnerable to trafficking, because sending children to the city for work was perceived to confer status⁴⁴

Patterns consistently suggested that South Africa was being used as a springboard to Europe⁵ and other destinations. Zambian victims had been identified in the United States, and Europe. Regionally, victims from Angola, Zimbabwe, Malawi, Mozambique,⁶ great lakes region country, Tanzania, south Africa, and Uganda were identified in Zambia. In the same vein, Zambian victims had also been identified in these countries except Uganda.⁴⁵

Further, records indicated that to a lesser extent, Zambia was a destination for migrants from Malawi and Mozambique who were exploited in forced labor or forced prostitution after arrival in Zambia. However, Asian, and South Asian males continued to be trafficked to and through Zambia for forced labor in the mining and construction industries in Zambia.⁴⁶

⁴² ibid

⁴³ US TIP Report 2011 page 388

⁴⁴ US TIP Report,2012 page 375

⁴⁵.US TIP Report 2011 page 388

⁴⁶ US TIP Report,2011page 388

Further, Southeast Asians who transited Zambia were subjected to forced labor in construction in South Africa by South African criminal groups. Potential trafficking victims from Ethiopia, Democratic Republic of Congo, and Syria were identified in Zambia.⁴⁷

Additionally, victims from China, Syria, Lebanon, India, Bangladeshi and other Southeast Asian countries were identified in Zambia while Zambian women and girls were exploited, in forced prostitution, by truck drivers in towns along the Zimbabwean border. Further, Zambian victims of sex trafficking were identified in the United States and South Africa. In 2012, Zambia continued to be a transit and destination country for many nationalities. Women and children from Malawi and Mozambique were forced into labor or prostitution after arriving in Zambia.⁴⁸

Domestically, extended families and trusted family acquaintances continued to facilitate trafficking. Women and children from neighboring countries are exploited in forced labor or sex trafficking after arrival in Zambia. Nationals from South and East Asia are exploited in forced labor in textile factories, bakeries, and Chinese-owned mines. Chinese traffickers brought in Chinese women and underage girls for sexual exploitation in brothels and massage parlors in Lusaka; traffickers used front companies posing as travel agencies to lure Chinese victims and coordinated with Zambian facilitators and middlemen. The transnational labor trafficking of Southeast Asians through Zambia for forced labor in construction in South Africa continued and was linked to criminal groups based in that country.⁴⁹

6.2.3 TIP Trends in Zambia

TIP trends included the recruitment of persons (especially women and children from poverty-stricken communities) for sexual and labour exploitation. Majority of victims were mainly females, adolescents, and orphaned Children who were trafficked from rural to urban centers for prostitution, forced labour, and domestic servitude amounting to human trafficking.⁵⁰ Most cases of cross border trafficking appear to have taken place using porous borders, and lax immigration regulations facilitated by relatives, acquaintances and other middle persons from Zambia via Zimbabwe to south Africa.

⁴⁷ US TIP Report, 2016 page 366

⁴⁸ US TIP report, 2013 Page 397

⁴⁹ US TIP Report, 2015 page 366

⁵⁰ US TIP Report, 2009

Increasing Traffickers lure Rwandan women to Zambia with promises of refugee status, coerce them into registering as Democratic Republic of the Congo nationals seeking refugee status in Zambia, and subsequently exploit them in sex trafficking and threaten them with physical abuse and reporting them to immigration officials for fraudulent refugee claims.⁵¹

In 2020 authorities identified fewer trafficking victims. Possibly because it did not consistently screen potential victims of trafficking in cases that appeared to be smuggling.⁵²

There is currently a growing trend of Zambia Returnees from Namibia being coerced back into Namibia for forced labor. Social economic factors have continued to act as push factor for children and young women in the Western Province into Namibia. Traffickers are purposely mixing trafficked and smuggled migrants making it difficult for authorities to distinguish these cases, particularly with an influx of refugees fleeing conflict in the Democratic Republic of the Congo (DRC). Reports suggest that authorities did not adequately screen potential Zambian victims of forced labor who returned from Namibia.⁵³ Because of the lack of screening, authorities reportedly detained and deported potential trafficking victims that appeared to be involved in smuggling.⁵⁴

6.2.3 Trafficking in Persons Dynamics in Zambia

Human trafficking is an ever-evolving phenomenon and as expected trafficker kept changing their modus operandi to among others reasons elude law enforcement counter trafficking maneuvers. This section highlights the most notable variation recorded that shaped the human trafficking space during the period under review.

Traffickers kept changing their tactics for luring victims, means by which the recruit and control victims and forms of exploitation employed on victims. The source of victims continued to change, from foreign victims to recruiting children from rural areas into soliciting help from strangers such as truck drivers and children leading the blind.

The period under review also recorded trafficking involving Zambian children who appeared to have been forced by jerabo gangs engaged in illegal mining to load stolen copper ore onto trucks in the

⁵¹ US TIP Report 2019 page 503

⁵² US TIP Report 2020 Page 502

⁵³ US TIP Report Page 457

Mining districts of Zambia and others reported being starved, beaten, deprived of sleep, and or overworked to the point of exhaustion.

Notwithstanding these variations, the exploitation of boys and girls for sexual exploitation trafficking by truck drivers along the Zimbabwean and Tanzanian borders, mining towns such as Solwezi continued. However, the period recorded the exploitation of Zambian boy for sexual exploitation in Zimbabwe and South Africa, which seems to be a total departure from the traditional victims of sexual exploitation, being girls and women.

Zambian trafficking victims have also been identified in South Africa, the Democratic Republic of the Congo.

Zambian Children from rural areas were increasing identified in Namibia trafficked for domestic servitude as cattle headers while orphans and street children in urbanized settlements were the most vulnerable to forced begging, stealing among others.

Cases where former victims of trafficking engaged in recruiting others on behalf of Criminal networks mostly based in South Africa were recorded. These criminal networks appeared responsible for forced labour in Construction industries. However, forced labour in the Mining and construction industry involving perpetrators of Chinese and Indian origin and mostly Asian victims in the copper belt were recorded.

The period also recorded forced labor in massage parlors, textiles and bakeries, small business, illegal mining and Chinese victims in brothels. Where victims are Zambian evidence showed that their extended family members in Lusaka or other urban area were involved in their recruitment.

6.3 Findings from the Assessment of Knowledge, Attitudes and Beliefs

To establish the levels of knowledge, attitudes and beliefs on trafficking in persons, a questionnaire (contained in Annex 1) was designed and administered in Zambia's 10 provinces. The information below reflects the demographic attributes and findings from the survey in this regard.

6.3.1 Demographic Profile of Participants

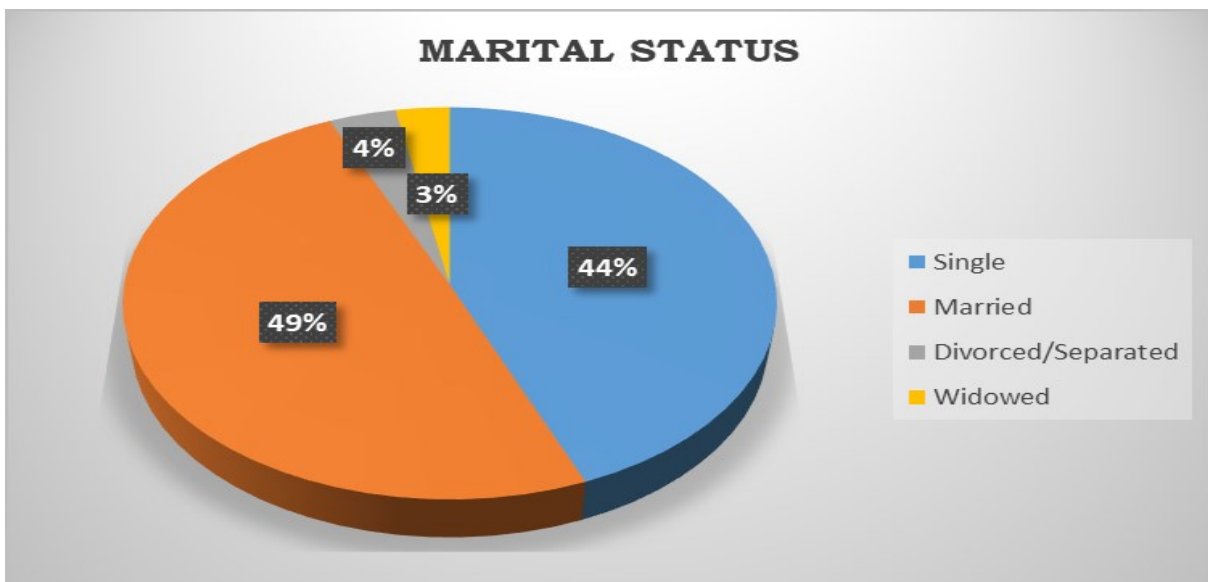
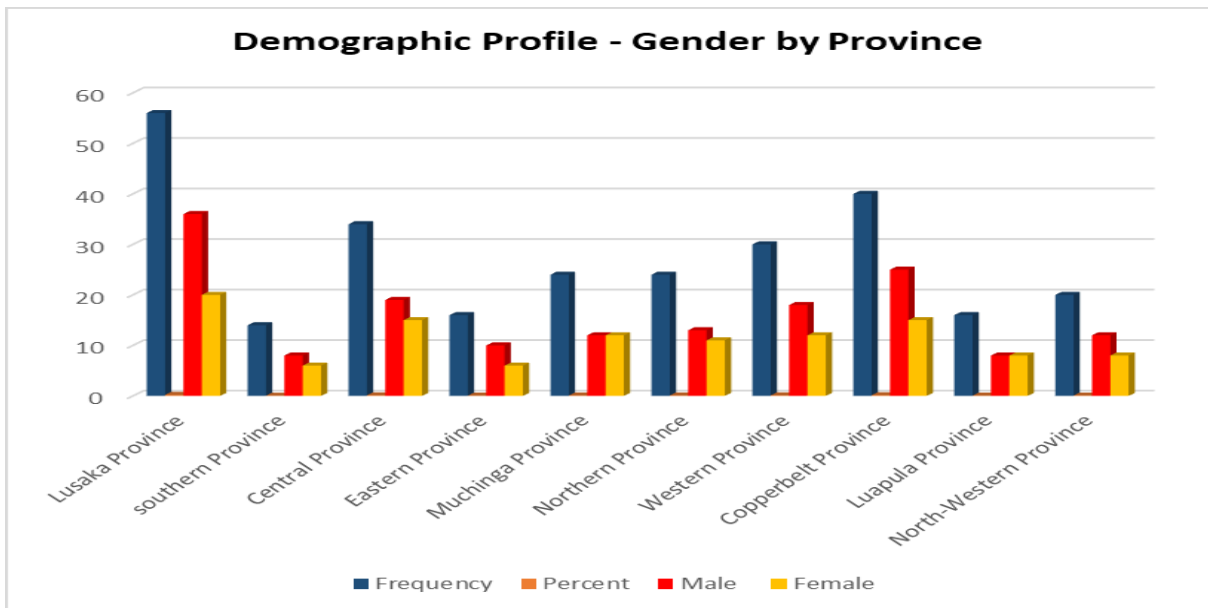
An assessment was undertaken to gather more information on the knowledge levels, attitudes, and beliefs on TIP in Zambia. The assessment included administration of a self-administered

questionnaire to individuals and interviews. Two hundred and seventy-four (274) questionnaires were administered in ten provinces in the following Districts, Lusaka, Livingstone, Chipata, Kasama, Chinsali, Mansa, Kaoma, Kabwe, Solwezi and Ndola.

Provinces	Male	Female	Total/Frequency	Percent
Lusaka Province	36	20	56	20.40%
Southern Province	8	6	14	5.10%
Central Province	19	15	34	12.40%
Eastern Province	10	6	16	5.80%
Muchinga Province	12	12	24	8.80%
Northern Province	13	11	24	8.80%
Western Province	18	12	30	10.90%
Copperbelt Province	25	15	40	14.60%
Luapula Province	8	8	16	5.80%
North-Western Province	12	8	20	7.30%
TOTAL	161	113	274	100%

Fifty-nine (59) percent of the participants were male while forty-one (41) percent were female as shown in the table below. 49% percent were married, 44% were single, 4% were divorced or on separation while 3% were widowed.

Regarding their education levels, 80.3% had reached tertiary education, 14.6% had secondary school level education, 2.9 percent had Primary school level education, while 2.2% had no formal education at all. On their employment status, 78.8% were in full-time employment, 5.1 % were working part-time, 2.9% were unemployed, and 13.1% percent were students.



6.3.2 Knowledge, Attitudes and Beliefs on TIP in Zambia

(i) Knowledge Levels:

Most respondents 97.1% said they had heard about trafficking in persons (TIP). The highest age group who confirmed having heard of TIP were between 20-24 years of age. Those who had heard about TIP said they had learnt of TIP from the media (News, Television, radio and social media), some had heard of TIP from school, while some had learned from Immigration Officers others had learnt of it during their line of duty.

77% of the respondents said they did not know anyone who had been a victim of TIP, while 23% said they knew or had seen a person who had been a victim. Some based their experience on seeing victims who had been caught by law enforcement officers who were being smuggled in trucks loaded with sulphur, while another person responded that someone they knew went missing for more than a month just to later resurface that they had found themselves in a neighbouring country, working on a farm. Another said the person they knew left their village saying they had been invited by their relative in Lusaka for a visit, just to be picked up at the station by another person who turned them into a live-in housemaid and paid them very little money, till they run away.

Most respondents (96%) thought human trafficking is a serious problem. For the male respondents those who thought TIP was a very serious problem were mostly aged above 40 years of age, while for women those who mostly thought TIP was very serious ranged from 25 years to 50 years of age. 76.6% of those interviewed said that believe Zambia has legislation that criminalizes human trafficking, while 16.8% didn't know and 6.6% were not sure of the status.

When asked what they understood as human trafficking, most respondents seemed to have had a good understanding of what human trafficking was. Below are some of the responses that were received to define human trafficking:

What is Human Trafficking	Forceful transportation of a person with the purpose of exploitation, or organ removal and force labour through deception;
	It is a process where human beings are kidnapped and kept in hidden places far away from their families;
	The act of illegally transporting of people without their consent or under false pretenses;
	This is the selling of humans for the purpose of force labour or sexual slavery and physical abuse;
	It is the recruitment, transportation, transfer, labouring of a person by means of threat force, abduction and fraud for the purpose of exploitation;
	Illegal transportation of individuals from one country to another for the purpose of

illegal exploitation;
It is the situation of illegally abducting humans to mistreat or abuse against them against their will;
Transporting or coercing people in order to benefit from their work or service;
Getting or taking someone with a promise that he/she will be given a job or lied and change the direction of the purpose along the way;
Trading/use of people in situations that do not give them an option to decide about their lives, it is a form of slavery;
Get people from one country to another either with their knowledge or on pretext of looking for opportunities; and
It is the movement of people especially children or women against their will for forced labour, sexual harassment.

The Survey also included asking participants who a human trafficker was, in order to assess their knowledge or capacity to identify a possible human trafficker. The responses received were quite wide but mostly pointed to the definition of what human trafficking is. This indicates that the people interviewed have a good understanding of what human trafficking is and who a human trafficker might be. Over 75% of the respondents identified a human trafficker as *“A person or group of people who engage in the recruitment, transportation, and illegal trade of people for exploitation or forced labour”*.

Other respondents actually even acknowledged that human traffickers can be even be familiar people that live in your community and those that are abducting people for the purpose of removing and selling their body organs. Other responses received of who a human trafficker was include the following:

- (i) A criminal, neighbor or family member who unlawfully transport someone against their will.

- (ii) Someone that kidnaps human beings and starts demanding money from their families so they can be released. Some traffickers even abuse human beings and kill them.
- (iii) One who perpetrates the illegal act of human trafficking by illegally transporting others against their will.
- (iv) Organizations or a person who usually uses or abducts humans and sell them for slavery.
- (v) Anybody can be a trafficker especially Men.
- (vi) Is a perpetrator who exploits his/her fellow human being by depriving of their dignity.
- (vii) Any person that causes the movement of a person within the country and across borders for the purpose of exploitation using force with a promise of a better future.
- (viii) Anyone can be a trafficker. It could be a neighbour, family member, gang member, transnational crime organizations.
- (ix) A person who by false pretense kidnaps another person and transports them to another area of different jurisdiction.
- (x) Is the person involved in the illegal assisting the foreigner who has legal document in exchange for money.
- (xi) Any person who trades in trading people for business like the hearts, business, and the kidneys; and
- (xii) Those who make false invitations abroad.

Most respondents when asked about how they think recruiters get their victims, the majority responded that most people are recruited through coercion or methods such as false invitations abroad and through deception and false job promises through social media and other advertisements, while others are abducted. The least method identified of the options given of how people are recruited, was the option of giving or receiving payments or benefits to a person to obtain their consent to have control over them.

When, a comparative analysis of the results was done on the human trafficking techniques among the different age groups there was a notable variation in the techniques reported. The most common technique reported by age groups below 30 years was "Threat or use of force or other forms of coercion," and "Abduction" was also prevalent. Other techniques such as "fraud," "abuse of power or position of vulnerability," and "giving or receiving payments/benefits for consent" demonstrated varying degrees of prevalence for those above the age of 30 years. These findings

shed light on the differing experiences and vulnerabilities of individuals within different age brackets concerning human trafficking techniques. Further research is necessary to explore the underlying factors contributing to these variations and to develop targeted interventions to combat human trafficking effectively. The Table below reflects the knowledge levels about some facts about TIP.

	QUESTION	Agree %	Don't Agree %	Don't Know %
1	Anyone, men, women, children can be trafficked	86	9	5
2	Human trafficking is a problem in this country	54	39	7
3	Organized criminals are mainly responsibility for human trafficking	88	6	6
4	They experience physical, mental abuse and may be traumatized	89	5	6
5	They may be sexually abused by their traffickers/exploiters or the traffickers/exploiters friends or traffickers' clients.	96	1	3
6	They may be forced to live in shared accommodation with poor hygienic conditions and limited access to food	94	4	2

The results obtained demonstrated that most respondents showed a reasonable understanding of what TIP and also think that it is a serious problem. The community interviewed was also reasonably aware of the methods used to recruit victims. This gives Government an upper hand at implementing interventions on TIP and partnering with communities to address TIP. Since society also acknowledges that TIP is a problem, it gives Government and its partners an opportunity to enhance the fight against TIP, preventing TIP in communities through public awareness, strengthened partnerships with communities to report incidences of TIP in communities and addressing other drivers of TIP such as the increased incidences of selling of children, illegal adoptions, and removal of human body parts especially for persons with albinism.

On the other hand there is also a need to enhance knowledge levels in the communities so that in the future, communities are capacitated with information that can help them competently fight TIP. It was also observed that a good number of respondents interviewed could not distinguish TIP from Smuggling in Migrants. Zambia has seen an increase in reported cases of smuggling of migrants. A number of people interviewed, thought this crime was the same as TIP. Therefore, the country may need to step up knowledge sharing on the importance of knowing the difference between the two crimes and how they can be addressed as well as what kind of protection is offered to victims of TIP.

(iii) Beliefs:

Beliefs can influence perceptions and attitudes toward victims of TIP. Beliefs such as victims of TIP are only foreigners and that only poor people can be trafficked, and that all victims of trafficking are raped or that victims are taken outside their country, must be dispelled as these can lead to people finding themselves as victims of TIP, or influence their attitudes towards victims of TIP. For example, myths and beliefs about sex trafficking have been used to justify sexual violence toward women and children. These have also been linked to why people have a negative attitude towards victims of trafficking. Equally, beliefs that prostitutes cannot be raped or that they deserve to be raped, or that they cannot be harmed by rape, justify the exploitation of women, increase violence against prostitutes, and reduced reporting on violation of such persons. (Cromer, 2014)⁵⁵ Since beliefs can influence one's attitude, it then becomes challenging to offer support, protection and prosecute TIP cases especially if such beliefs are widespread in communities' or among law enforcement officers such victims are found, as it reduces their chances at being helped, supported or receive justice.

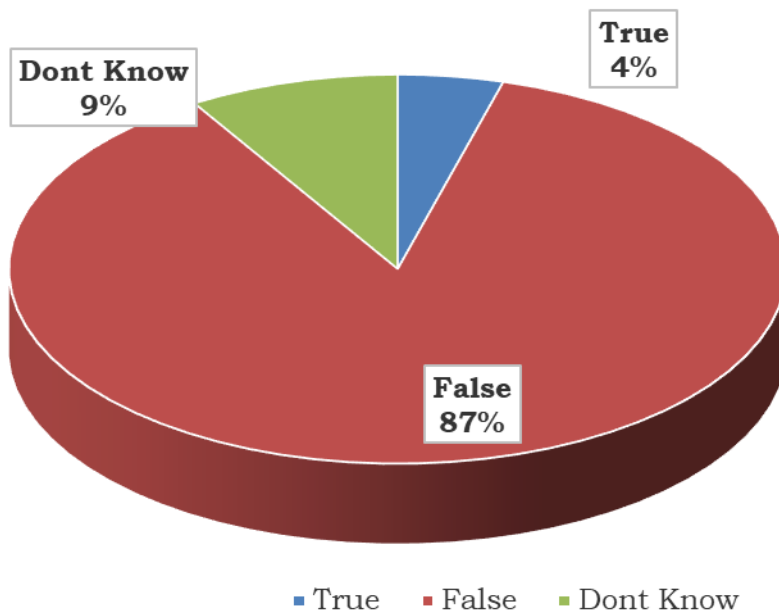
From the Survey, results obtained showed that peoples beliefs on TIP and victims of TIP varied, though most (72%) believed that women are trafficked mainly for sexual exploitation, and that most victims of TIP are immigrants looking for work as highlighted in the table below:

⁵⁵ Katherine C. Cunningham and Lisa DeMarni Cromer (2014)

	QUESTION	Agree %	Don't Agree %	Don't Know %
1	Most young women are trafficked for sexual exploitation	72	21	7
2	Most victims of trafficking come from poor countries	69	28	3
3	Human trafficking does not affect me directly	56	26	18
4	Most victims of trafficking are immigrants who are looking for work	77	18	5
5	I know what to do if I come across someone who I think is trafficked or exploited	69	23	8
6	It is easy to opt out or escape from a trafficking situation	14	77	9
7	They are treated kindly and with respect	16	81	3
8	Their personal belongings, passport and money are seized	84	9	7
9	They are often kept locked in their accommodations during the day and are forced into prostitution at night	88	9	3

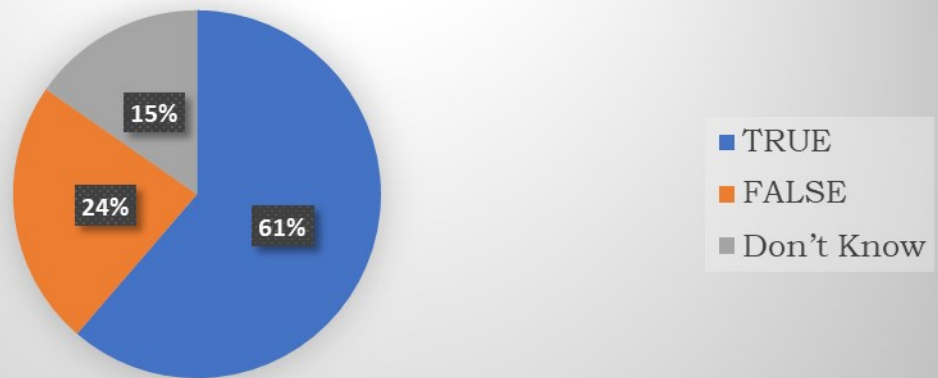
According to the Survey results, 87% of the respondents did not think that trafficked persons receive good payments for their services or enjoy generous gifts. Some based their reasoning on the stories they have seen, read or heard about what happens to such persons. Others said if these people were benefitting from such an act then it would not have been such a criminal matter because it would be just like they are working and earning a living from it and even freely support their families back home.

Trafficked Persons Receive Good Payments For Their Services And Enjoy Generous Gifts



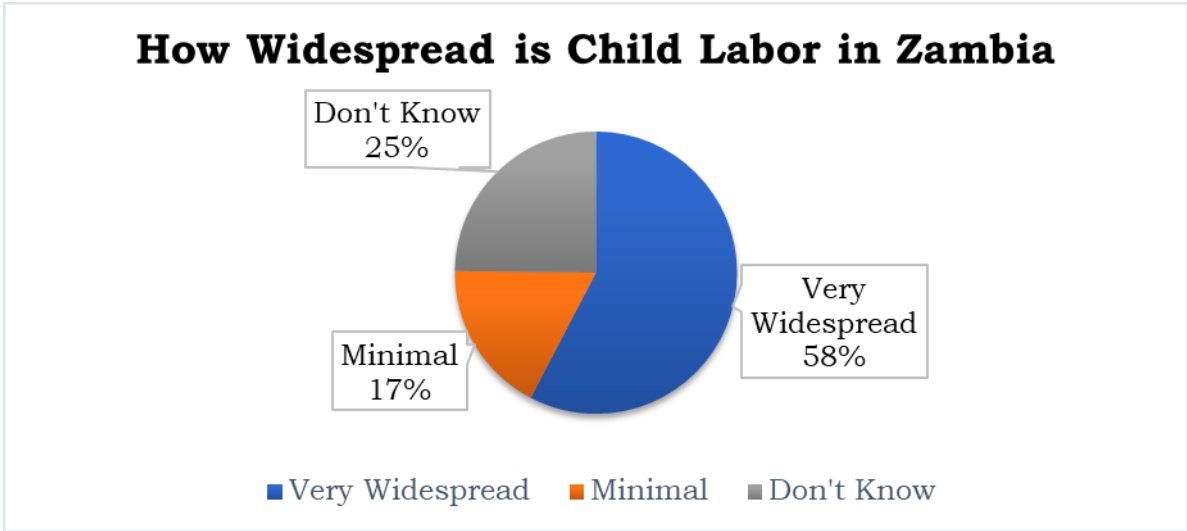
When asked if children can be trafficked the majority of respondents (89%) agreed that they think children can be trafficked. When analyzed further, the results showed that more of the male respondents thought that children can be trafficked. Further, 81.7%, confirmed that they believe in reporting perpetrators if they ever come across a case of trafficking in persons. 92.7% believe every person is at risk of being trafficked, and identified women, children, and the rural poor as being at a higher risk of being trafficked due to being more vulnerable. Only 33.9% thought human traffickers are usually violent people. When probed further, people who responded in this manner, believe that for traffickers to convince their victims to fall into their trap, they probably hoodwink their victims by being nice and persuasive and only become violent towards them after they fall into their trap. When asked if they thought victims of TIP would seek help as soon as they had an opportunity, most of the respondents (61%) thought these victims would indeed seek help.

Victims Will Seek Help



According to the 2018, Zambia Child Labour Report by the Central Statistics Office, child labour involving children between the ages of 5-17 is at 15.8% in Zambia. For females the rate was estimated at 18% while for males 13.6%. Western Province was sighted as the Province with the highest prevalence of child labour cases at 23.9%. In May, 2022 the Minister of Community Development and Social Services Hon. Doreen Mwamba, MP, expressed concern at the increasing incident of child labour in the country and called for quick intervention into the matter, especially among poor children which has increased their vulnerability. Children are being abused and child labour has been identified as one of the drivers of TIP, involving children. Child labour can have lifelong negative consequences on children's physical, mental and social development, robbing them of a chance to play and learn, and therefore, needs to be addressed, to stop the abuse against children.

During the survey, when respondents were asked how widespread child labour was in Zambia, most respondents (58%) responded in the affirmative as highlighted in the chart below.



In conclusion it can be said that the beliefs that people hold on TIP in the country, may not really hinder or prove to be obstacles to Government interventions in the fight against TIP. And people seem to be willing to partner with Government to fight TIP.

(ii) Attitudes:

The attitude that law enforcement offices, people or the community have towards TIP and its victims is critical to the fight against TIP. Attitude can be influenced by their beliefs or knowledge about a particular subject matter. The treatment of migrants as prohibited immigrants and blaming victims of sexual exploitation for being found in that position, including treating forced labour as just mere labour issue are some of the real issues that are hindering the fight against TIP and must be address. Therefore, attitude is important factor in the fight against TIP, especially when it comes to preventing and reporting crime, preventing revictimization and re-trafficking among others.

During the Survey, peoples' attitude towards TIP was assessed by asking question which gave a reflection of their view towards traffickers, victims of trafficking and their thoughts on trafficking in persons, as highlighted in the table of results below:

	QUESTION	PERCENT
1	People who get trafficked have themselves to blame	0.8%
2	Victims of trafficking are usually problematic people in society	2.3%
3	Only women and children can be trafficked	0.7%
4	All victims of trafficking are to blame for being trafficked	3.6%
5	People who get trafficked are those who like easy money	16.3%
6	Victims of trafficking need to be helped	96.9%
7	Human Traffickers deserve long imprisonment with hard labor	95.3%

Generally, the attitude towards fighting TIP was positive, and showed the sample populations attitude towards partnerships in the fights against TIP and their thoughts towards punishment of perpetrators. 95.4 agreed that Zambia needs to collaborate with other countries to deal with perpetrators of human trafficking, while 96.8% of the respondents, agreed that the country needs tougher law enforcement to tackle criminals responsible for trafficking. 93% agreed that companies and businesses that are associated with human trafficking must be blacklisted by Government, and that there must be more awareness-raising campaigns about human trafficking in the media, internet, TV, Radio, and other forms of community-based awareness raising programs. To strengthen awareness on TIP, 83.4% of the interviewees, especially those aged between 15 – 25 years of age, agreed that human trafficking should be mainstreamed into the school curriculum.

The attitude of most respondents when asked if victims of TIP should not be deported back to their countries of origin, was not in support of the country retaining foreign victims of TIP. Very few 13.7% respondents supported this position. And those who mainly supported this position were those aged between 20 to 29 years of age. When probed further those who thought victims of TIP, should not be returned to their country of origin, said they thought so because they feared that these people may end up being re-trafficked. Of the sample group that thought victims of TIP should be deported to their country, some said they supported this position because they had fears that most of these people who find themselves in this situation come from war-torn countries or

problematic countries and may start criminal activities in our communities, which will compromise public safety.

On the other hand, there was more support shown for victims of trafficking to be allowed to stay in this country legally if they face threats or harm from their traffickers back home.

In conclusion it can be said that the knowledge levels on TIP in the country are average and the attitude of the people and law enforcement officers toward TIP and its victims are not bad, and most people were also willing to report cases of TIP. This gives the Government a good chance at partnering with the community and successfully implementing anti-human trafficking interventions, which need to be enhanced. Sensitization and other capacity building interventions also need to be stepped-up among Law Enforcement Agencies (LEAs), so that those with a negative attitude or beliefs towards TIP maybe addressed. This is important because during interviews a majority of law enforcement officers exhibited an attitude or behavior indicative that they believe that most foreigners from east and north Africa transiting through the country, are a case of TIP or illegal immigrants, due to the increase in such cases for people from Somalia and Ethiopia. As such they are not given much attention as they are regarded as a nuisance and bundled up in prisons awaiting determination of their cases by immigration.

6.4 Findings on the Impact of COVID-19 on Trafficking in Persons (TIP)

COVID-19 (Coronavirus) has affected most countries around the world including Zambia. By September 2020 statistics showed that there were more than 33 million cases globally⁵⁶. COVID 19 has negatively impacted the national and the global economies and has overwhelmed the health sector as most people were gravely sick, forced to self-isolate or killed by the pandemic. Those who are not infected were also affected by the pandemic as they had to care for sick relatives; bear the grief of losing loved ones who at times were the families' breadwinners; affected by lockdowns; were at risk of losing employment or income due to job losses that happened in a number of sectors and industry coupled with the whole mental stress of the pandemic and staying alive. Some were even at the brink of facing destitution due to loss of opportunities and employment.

⁵⁶ www.orfonline.org/research/the-social-impact-of-the-covid19-pandemic

Even though there are no official statistics on the relationship between Covid -19 and TIP, the outbreak of COVID -19 worsened economic and social inequalities which are among the root causes of human trafficking. This increased the vulnerability of people especially for those who were thrown into desperation and destitution. COVID -19 also contributed to the sharp increase in the use of technology to do business or get services as most face - to - face interactive services were either stopped or restricted. This also increased the likelihood of people finding themselves in the web of traffickers.

Traffickers have a tendency of prying or targeting those who are vulnerable, and measures put in place to manage the COVID -19 pandemic such as lockdowns and restricted movements had a negative impact on the socio -economic and living conditions of people. This situation was worse for victims and survivors of TIP which further increased the number of vulnerable people globally who could fall victim to human trafficking. Studies done by UNODC have shown that during the pandemic traffickers took advantage of the global crisis and capitalized on peoples' loss of income and the increased amount of time that both adults and children were spending online, to get them trafficked or for sexual exploitation.⁵⁷ Children were increasingly targeted by traffickers who were using social media .

and other online platforms to recruit new victims and profiting from the increased demand for child sexual exploitation materials. During this period most children were accessing education through online platforms, and this contributed to their vulnerability to trafficking and exploitation syndicates.

Further, 4key informant interviews and other studies revealed that that due to lockdowns and limitations on anti-trafficking services, victims had even less chances of escaping from their traffickers, and some were even afraid of speaking out or seeking help. Survivors' reluctance to seek help from public systems increased the risk of enduring more abuse while quarantined with their traffickers. With borders closed, many rescued trafficking victims had been forced to remain for months in shelters in the countries where they had been exploited instead of returning home.⁵⁸

⁵⁷ www.unodc.org/unodc/en/human-trafficking/

⁵⁸ *ibid*

7.0 CONCLUSION AND RECOMMENDATIONS

7.1 Conclusion

Human Trafficking is a growing problem for Zambia, which is experiencing and increasing incidences of people being trafficked out, into or through the country. The situation is made worse especially by political instability and economic challenges experienced by North -east African countries such as Eritrea, Sudan, Ethiopia and Somalia, whose nationals are mostly found in TIP situations in Zambia. Therefore, there is need for Zambia and other African countries redress the situation which has mostly remained an unabated .

In Zambia, there has been generally an increase in the number of identifications, investigations, and prosecutions from 2005 to 2021. However, the rate of convictions remained relatively low during the period under review. The drop in successful prosecutions is mainly attributed to policy, legal and institutional inadequacies during the period in question amidst increased incidences and the ever - evolving techniques employed by traffickers. The survey also covers the year 2022. Findings from 2022 indicated that government had addressed most of the gaps observed from 2005 - 2022. Consequently, Zambia was upgraded from Tier 2 Watchlist to Tier 2 in the Global Trafficking in Persons Report for 2022 which was produced in 2023.

7.2 Recommendations

To maintain the gains and make further improvement in the areas of prevention, protection, prosecution, and partnership aimed at addressing human trafficking effectively, the following measures are recommended for immediate action.

- (i) The Civil Service Commission should appoint as a public officer the Director of Anti -Human Trafficking department who should be responsible for the administration of the provisions of the Act as required under Section 2B of the Anti -Human Trafficking Act. Further, Assistant Directors and such other staff should be appointed as required under Act.
- (ii) The Ministry of Home Affairs and Internal Security should fully operationalize, capacitate, and fund the Anti-Human Trafficking Department for a coordinated and professional national response to human trafficking.

- (iii) Following the enactment of the Anti -Human Trafficking (Amendment) Act, 2022 Zambia should develop Regulations to facilitate the better implementation and enforcement of the Act. This will result in the comprehensive enhancement of Trafficking in Persons legislation including in the areas of labour exploitation, recruitment, and collaboration among criminal justice practitioners.
- (iv) Expand the training of law enforcement officers and other first line officials to enhance identification, investigation, prosecution and adjudication of trafficking in persons cases.
- (v) Zambia should arrange and sign bilateral labour agreements to provide employment opportunities in other countries for Zambians who may wish work abroad. The bilateral labour agreements will promote safe recruitment practices and bilateral cooperation aimed at protecting citizens and other persons from trafficking for purposes of labour exploitation.
- (vi) Zambia should develop Ethical Codes of Conduct and Practice on recruitment, establishing minimum standards within which recruitment agencies should operate, in order to insulate individuals from trafficking and to promote safe labour migration.
- (vii) Counter trafficking measures should be innovatively crafted to match the creativity of criminal networks. In addition, Zambia should conduct proactive screening of different population categories to increase chances of identification.
- (viii) There is need to institutionalise the National referral mechanism (NRM) to enhance proactive identification, especially among all vulnerable groups, and ensure effective referrals.
- (ix) There is need for criminal justice role players to consistently investigate, prosecute and adjudicate human trafficking cases, using trafficking in persons legislation, as matters which are distinct from human smuggling to ensure that appropriate sentences are imposed against perpetrators.
- (x) There is need to enhance institutional frameworks to promote effective partnership among state and non-state actors in many areas including provision of protective services such as shelters, translation and interpretation among others .
- (xi) Government, through the Ministry of Home Affairs and Internal Security, should develop an enhanced data management and publication system on trafficking in persons information.

(xii) The Ministry of Home Affairs and other stakeholders should respond to human trafficking in a holistic and inclusive manner to equitably respond to victims of domestic and transnational trafficking alike, while seeking the input of victims in crafting measures regardless of the forms of exploitation suffered by the victim.

(xiii) There is need to raise awareness on human trafficking as well as the rights and protection assistance for victims of human trafficking among rural communities. Given that victims and traffickers enter, stay and transit through the Republic (sometimes in rural areas), low levels on the much-needed protection assistance for victims may put the lives of victims in danger while perpetrators may not be intercepted and arrested.

