



## Zambia

### Measures Taken to Eradicate Human Trafficking and Organised Crime in Zambia – Post November, 2017

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#### 1. INTRODUCTION

According to the 2018 Trafficking in Persons Report, compiled by the United States Government, Zambia has been upgraded on the human trafficking scale from tier 2 watchlist to tier 2. This means that the Zambian Government has demonstrated increased efforts compared to the previous reporting periods, hence the upgrade to tier 2.

#### 2. MAIN BODY

To start with, the Government of Zambia increased its anti-trafficking budget for the second consecutive year to ZMW143,000 (US\$14,340), an increase of US\$4,000 (U.S. Trafficking in Persons Report, 2018, page 458).

Further, Zambian Government, with support from the International Organisation for Migration (IOM) and other United Nations agencies (in particular the United Nations International Children's Emergency Fund – UNICEF and the United Nations High Commissioner for Refugees), and civil society partners (particularly Save the Children), has made significant progress in meeting the needs of migrant children, including through the prevention of child immigration detention. Moreover, the International Detention Coalition has also provided support. This covers the areas of policy and legislation, systems and procedures, coordination and practical implementation. Actions take into consideration international legal frameworks, including most significantly the Child Rights Convention, the Trans-National Organized Crime Convention and its supplementary protocols on trafficking and smuggling, among others (IOM-Zambia).

The Country has developed National Guidelines on the Protection of Vulnerable Migrants, including unaccompanied and separated children in need of protection. These guidelines are complemented by a National Referral Mechanism and profiling/screening form to help with identification and referral to appropriate services. Correct early identification and referral is an important step in preventing the unnecessary detention of victims, especially migrant children. The referral process recognises the roles of various actors and partnership between these at all levels (national, provincial, and beyond); critically, it is the link between law enforcement (such as Immigration and Police) and social services (and other protection services providers), given their respective mandates, to make sure that alternative to detention options are found.

In line with the referral process, the Government of Zambia with support from the International Organisation for Migration and other partners, strengthened options for safe shelter, including through making improvements to existing shelters for trafficking victims among vulnerable populations, such as migrants and unaccompanied minors. In recent years, significant progress has been made in ensuring that such services are available beyond Lusaka, Zambia's capital, as well as for a range of ages and for both sexes. In the past, Zambia experienced great challenges in finding shelter for unaccompanied and separated male migrant children, leading in some cases to their detention. However, safe shelters are now available for migrants of this category. Such shelters have helped contribute to the prevention of the detention of approximately 500 migrant children (i.e. those below the age of 18) in recent years (IOM-Zambia).

For instance, the International Organisation for Migration and the Government of Zambia are supporting the construction of a protective shelter in the country's border district of Sesheke, a town between Zambia and Namibia, to offer a place of safety for vulnerable migrants, particularly women and children, and ultimately ensure that they avoid unnecessary detention. The shelter will receive referrals of vulnerable migrants and provide them with much needed services, including healthcare, with a view to finding lasting solutions which may include return to the migrants' country or place of origin.

Further, in 2018, Zambia developed an innovative tool (the first of its kind) on Best Interest Determination for Vulnerable Migrant Children. This is based on previously existing Best Interest Determination for refugee children and helps ensure an individualised approach to meeting the needs of unaccompanied and separated migrant children, including victims of trafficking. The role of Best Interest Determination panels is to identify

individualised best interests of each and every migrant child, and to help support the provision of comprehensive protective assistance, until a lasting solution is found for them (in line with National Referral Mechanism). This often includes family tracing and Assisted Voluntary Return and Reintegration to help address the push factors that led them to migrate in an unsafe way in the first place. More than 300 migrant children from outside Zambia have been assisted with family tracing and Assisted Voluntary Return Registration in recent years (IOM-Zambia).

It is also worth noting that the Department of Immigration has introduced a Standard Operational Procedures Manual which contains standard procedures to help Immigration Officers in dealing with issues of Mixed Migration. The manual outlines a step-by-step process in handling cases relating to human trafficking (National Prosecutions Authority).

It is also necessary to mention that addressing the needs of victims of human trafficking is now reflected in Zambia's Seventh National Development Plan, which is reflected under table 5.2 at page 48 of volume two of the Seventh National Development Plan (2017-2021). The first volume of the Seventh National Development Plan (2017-2021) was launched on 21st June, 2017 by His Excellency, Mr. Edgar Chagwa Lungu, President of the Republic of Zambia. The attainment of the development agenda as espoused in the first volume requires having in place a framework to provide guidance in the implementation process. It is against this backdrop that the second volume of the Seventh National Development Plan or the Implementation Plan (volume II) has been prepared which also articulates coordination mechanisms (7NDP, Volume II, page I).

In line with this, Zambia has revived its National Committee and National Secretariat on Mixed and Irregular Migration and Human Trafficking. These bodies support the coordination of expertise and strategic planning on such matters at central level, including advocating for the allocation of resources. The country is currently piloting the decentralisation of this approach to district level, through District Development Coordination Committees, which bring together the same actors (immigration, police, social services, correctional services, among others) to ensure a coordinated approach. Zambia has in place National Action Plans to support the work of these committees (IOM-Zambia).

Furthermore, with the assistance from the International Organisation for Migration, a countrywide data capturing system has since been rolled out to all the ten provinces in the major border controls and airports. This system allows for the sorting of data by nationality, age and gender (IOM, Zambia).

Ensuring the above-mentioned mechanisms are comprehensively and effectively implemented requires adequate capacity among various national actors on the international and national frameworks. This is achieved at the national level through in-service training for law enforcement agencies and other officers, as well as training for new recruits, such as through the national training institutions. These issues have been included in the training curricular for Zambia Police, Immigration and Correctional Services. Moreover, with support from IOM and other partners, frequent training is being conducted at district level for District Development Coordination Committees and other partners (IOM-Zambia).

It is also important to note that in coordination with the International Organisation for Migration, the Ministry of Community Development and Social Welfare has updated and began implementation of the Communication Strategy on Mixed Migration and Human Trafficking, which seeks to educate the public on trafficking through community outreach and interviews on local radio stations (US Report on Human Trafficking 2018, p. 458). The strategy, launched in early 2018 and themed *Know Before You Go*, is designed to ensure that migrants, or potential migrants, possess relevant information and documentation prior to making their move, regardless of intent.

According to the Communication Strategy on Mixed Migration and Human Trafficking in Zambia (2017-2018) at page 2, the Government of Zambia and stakeholders alike recognise that because human trafficking and mixed migration are not only national or regional concerns but global, any meaningful awareness intervention targeting these issues requires adapting a global perspective for effectiveness; which conforms to the prevailing country conditions. By way of illustration, the *Know Before You Go* campaign was conducted as part of the outreach programme during the Government of Zambia's social protection week which ran from 18th to 22nd June, 2018 and is aimed at promoting public awareness of social protection as a tool that can be used to address poverty and vulnerability challenges. The awareness outreach campaign was held in Chazanga, a migrant host community located just outside of Lusaka, and the activities included a drama performance, which covered several themes associated with social protection week including misconceptions and myths around human trafficking.

The above notable interventions are biased towards transnational human trafficking. It must be clarified at this juncture, that the U.S. Report on Human Trafficking (2018) wrongly reported at pages 457 and 458 that

inconsistent with the definition of trafficking under international law, the law only defined an offence as trafficking if it involved transnationality. However, Article 3 of the Palermo Protocol defines trafficking in persons which definition has been adopted by the Anti-Human Trafficking Act. Accordingly, section 2 of the Act defines Trafficking in Persons as follows:

“To recruit, transport, transfer, harbor, receive or obtain a person, *within* or across territorial boundaries of Zambia, by means of any threat or use of force or other forms of coercion... for the purposes of exploitation”. Thus, internal human trafficking is captured under that definition.

Hence, with regard to internal human trafficking, a Non-Governmental Organisation in Zambia called Dialogue for Development, which is a peace building programme under the Religious Sisters of Charity, aims to foster dialogue and reconciliation at local and national levels on issues that promote human rights and integral human development. This organisation sought funding from the General Leadership Team and has been implementing the Project with a view to contributing to addressing human trafficking in general but with a particular focus on internal trafficking targeting areas of source (rural areas) and destination (cities). According to its 2017 to 2018 report, while orphans and street children are most vulnerable, children of affluent village families are also at risk of trafficking because sending children to the city for work is perceived to confer status.

Therefore, Dialogue for Development is committed to raising awareness of human trafficking and child protection in different areas especially in the areas where the Sisters of Charity have a presence. The project being implemented by Dialogue for Development is focused on reducing vulnerability of rural children to child trafficking in forms of forced marriages and domestic servitude in 10 villages in Mulanga of Shiwang’andu District of the Muchinga Province of Zambia and 9 compounds in Lusaka. One (1) training workshop for 30 community animators and traditional leaders from 10 villages on dangers of human trafficking and child marriages and pregnancies was conducted in June (22nd and 23rd) of 2017 and action plans were made for implementation.

Trained community animators have been raising awareness on the dangers of human trafficking, child marriages and pregnancies in the 10 villages and schools and have so far reached about 4,120 people in the 10 villages and 10 schools.

Further, 3 volunteers (1 female and 2 male) within Lusaka, have been trained and these have done door to door sensitisation on human trafficking in 3 compounds (Mtendere, Kalingalinga and Kamwala South) of Lusaka District. This door-to-door sensitisation has made it possible for Dialogue for Development to reach 1,636 people in the three compounds among which 1131 are female and 505 are male.

Furthermore, two (2) Child rights clubs have been formed at Roma Girls Primary and Secondary schools and are operational in the sense that they are raising awareness to peers in the school.

### **3. CONCLUSION**

Traffickers have become more sophisticated, organised and adept in technology – with the consequence that the gap between combating the scourge and implementing effective counter measures has widened. Therefore, law enforcement agencies and stakeholders need to continue developing innovative measures that will effectively address the new challenges in the fight against Human Trafficking. The need to sharpen skills and professional knowledge on matters of Human Trafficking and organised crime cannot be overemphasised owing to the effects that the blight has on humanity world over.