



Republic of Zambia



# THE NATIONAL POLICY ON HUMAN TRAFFICKING AND SMUGGLING OF MIGRANTS

July, 2022



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# FOREWORD



**H**uman trafficking and smuggling of migrants are complex and dynamic global phenomena involving criminal networks for purposes of financial gain. Zambia, is a source, transit and destination point for victims of human trafficking and smuggling of migrants, and like many other countries, is affected by these crimes. Government of the Republic of Zambia is committed to promoting rule of law, justice, civil liberties and security for all. It has hence prioritized the fight against human trafficking and smuggling of migrants in order to promote and uphold human rights. It is for this reason that the Government prioritized among others, the review of the 2007 National Policy to Combat Human Trafficking, to provide an enhanced national framework and measures to address these crimes.

Given the close interrelationship between human trafficking and smuggling of migrants, the Policy aims at combating trafficking in persons and smuggling of migrants through Prevention of the vices, Protection of victims, Prosecution of offenders and strengthening of Partnerships. Government is cognisant of the fact that without effective regulation and coordination efforts and initiatives aimed at addressing human trafficking and smuggling of migrants, it would be impossible to eradicate the vices.

The Policy outlines the challenges being faced in combating human trafficking and smuggling of migrants including the objectives and measures that will be implemented. Further, it presents mechanisms for monitoring implementation and evaluating progress. It has also been aligned to the United Nations Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons. The Policy also seeks to operationalize the institutional framework and Anti -Human Trafficking Fund stipulated in the Anti-Human Trafficking Act No.11 of 2008.

I wish to reiterate Government's commitment to eradicating all forms of human trafficking and smuggling of migrants through effective and successful implementation of the Policy. I, therefore, call upon all stakeholders to partner with Government and take a keen interest in the implementation of this Policy.

Hon. Jack J. Mwiimbu, M.P.

A handwritten signature in black ink, appearing to read 'Jack J. Mwiimbu', written over a white background.

**MINISTER OF HOME AFFAIRS AND INTERNAL SECURITY**

# ACKNOWLEDGEMENT



The development of the National Policy on Human Trafficking and Smuggling of Migrants was based on a consultative process involving all key stakeholders countrywide. Appreciation is extended to the Policy Analysis and Coordination Division at Cabinet Office for technical guidance offered during the formulation of the Policy.

Special thanks are extended to the United Nations Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM) and Save the Children for the financial and technical support that has contributed to the realisation of this Policy. Further, I wish to appreciate the National Committee on Human Trafficking and the Drafting Team for their commitment and tireless effort demonstrated in the consultations, drafting, review and finalisation of this Policy.

Dickson Matembo

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Permanent Secretary - CRIAR

**MINISTRY OF HOME AFFAIRS AND INTERNAL SECURITY**

## WORKING DEFINITIONS


Centre for victims:	A secure place where victims can be accommodated, receive basic needs, counselling, education and skills training
Child:	A child is a person who has attained, or is below the age of 18 years
Coercion:	Violent or non-violent force that disturbs the mind of a person so the person believes that if the person does not perform labour or provide a service, the person or someone else close to that person will suffer serious harm
Deportation:	The act of removing or barring a foreign national permanently from Zambia upon declaring such a person as a prohibited immigrant
Exploitation:	An act of taking advantage of someone in violation of that persons human rights for one's own benefit
Front Line Officials:	Any person holding a position of authority who first come in contact with the victims of trafficking or smuggled migrants
Human Trafficking Fund:	The Fund established under the Anti-Human Trafficking Act No. 11 of 2008 for trafficked victim support
Human Trafficking:	The act of recruiting, transporting, transferring, harbouring or receiving a person within or across borders by means of abduction, threat, coercion, fraud or deception, by destroying or denying access to identity or travel documents, by threatening to abuse the legal system or some other form of power. Human trafficking and Trafficking in persons may be used inter-changeably in the document
Internal Trafficking:	Human trafficking happening within the territorial boundaries of Zambia
Migrant:	A person who moves away from their usual place of residence, within a country or across an international border for a variety of reasons

Migration:	The movement of a person or a group of persons, either across an international border, or within a State
National Referral Mechanism:	A tool that provides guidance on the assistance to vulnerable migrants requiring protection and promotes coordination of national stakeholders using a human rights-based approach
Perpetrators:	Traffickers and persons involved in smuggling of migrants
Potential victims of human trafficking:	A person who has not been trafficked but due to their vulnerability or other circumstances are at risk of being trafficked. This may include persons who may have been exposed to some elements of trafficking but may not have been exploited
Smuggling of Migrants:	Facilitating the entry of a person who is not a citizen or permanent resident into a country in exchange for payment or material benefit
Victim of Trafficking:	A person who has been exploited and has suffered loss of fundamental rights and psychological or physical harm because of being trafficked
Vulnerable Person:	An individual or a person who belongs to a group within society that is either oppressed or more susceptible to harm

## ACRONYMS

3Ps	Prevention, Protection and Prosecution
4Ps	Prevention, Protection, Prosecution and Partnership
ACC	Anti-Corruption Commission
CPs	Cooperating Partners
CSOs	Civil Society Organisations
DEC	Drug Enforcement Commission
FIC	Financial Intelligence Centre
GRZ	Government of the Republic of Zambia
HRC	Human Rights Commission
IOM	International Organization for Migration
MCDSS	Ministry of Community Development and Social Services
MHAIS	Ministry of Home Affairs and Internal Security
MIM	Ministry of Information and Media
MTL	Ministry of Transport and Logistics
MoFNP	Ministry of Finance and National Planning
MFAIC	Ministry of Foreign Affairs and International Cooperation
MOE	Ministry of Education
MOH	Ministry of Health.
MHIUD	Ministry of Infrastructure, Housing and Urban Development.
MLSS	Ministry of Labour and Social Security.
MLGRD	Ministry of local Government and Rural Development.
MoT	Ministry of Tourism
MTS	Ministry of Technology and Science
MYSA	Ministry of Youth Sport and Arts
MLNR	Ministry of Lands and Natural Resources
MoD	Ministry of Defence
NPA	National Prosecution Authority
SDGs	Sustainable Development Goals





SOP	Standard Operating Procedures
SOM	Smuggling of Migrants
TIP	Trafficking in Persons
TOT	Training of Trainers
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNODC	United Nations Office on Drugs and Crime
ZPS	Zambia Police Service



# INTRODUCTION

**H**uman trafficking and smuggling of migrants pose serious threat to security and stability of the country. Transnational trafficking frequently involves irregular migration or migrant smuggling and is increasingly perpetrated by highly organised criminal groups.

# 1.0 INTRODUCTION

**H**uman trafficking and smuggling of migrants are complex and dynamic global problems involving criminal networks for purposes of financial gain. Human Trafficking occurs when a person is recruited, sold, or taken from one country, region, or community to another for purposes of exploitation. This is usually done by means of deception, coercion, force, abuse of power or by taking advantage of a person's vulnerability, gullibility or ignorance for purposes of exploitation. Traffickers tend to target countries or communities where poverty, unemployment and other socio-economic challenges are high. Human trafficking can occur internally or across borders. It is widely recognized as a contemporary form of human slavery and a gross violation of internationally recognized human rights.

The consequences of human trafficking and smuggling of migrants are usually severe to the individual, communities and the state. Victims of human trafficking are subjected to a wide range of human rights abuses, including physical, emotional and sexual violence. Some victims of trafficking disappear and never return to their country or community of origin. Others return sick, injured, emotionally and psychologically traumatised. Human trafficking and smuggling of migrants also pose serious threat to security and stability of the country. Transnational trafficking frequently involves irregular migration or migrant smuggling and is increasingly perpetrated by highly organised criminal groups. Profits from human trafficking and smuggling of migrants may be laundered and used to finance other criminal operations. In addition, human trafficking and smuggling of migrants fuel corruption and complicity at various levels of Government.

Smuggling of migrants involves facilitation or consenting to the illegal entry of a person who is not a citizen or a permanent resident across an international border, in violation of a country's laws, for financial or other material or personal gains. Human smugglers may facilitate the illegal entry of a person through the use of fraudulent documents or circumventing immigration formalities. Human smuggling exposes migrants to human trafficking, violation of human rights, diseases and conflict with state laws.

Major drivers for human smuggling includes prohibitive immigration controls, difficulties in accessing travel documents, porous borders, social economic hardships, natural disasters and internal conflicts in home countries. Human trafficking and smuggling of migrants continue to grow due to the lucrative and perceived low risk nature of the vices.

Zambia like many other countries has been affected by human trafficking and smuggling of migrants. Human trafficking and smuggling of migrants is prohibited in Zambia. In 2005 the country amended the Penal Code, Chapter 87 of the Laws of Zambia, to prohibit the sale or trafficking of any person

including children. This amendment provided for a minimum penalty of 20 years imprisonment for perpetrators. The enactment of this legislation was one of the major legal reforms, passed to enhance the fight against human trafficking. However, the amendment did not provide for the definition of human trafficking which made enforcement of the law challenging.


In 2007, the Government of the Republic of Zambia adopted the National Policy to Combat Human Trafficking. Its Vision was to eradicate all forms of human trafficking from, through, to and within Zambia while providing adequate and appropriate protection and support to trafficked persons. The 2007 Policy, set a foundation for a comprehensive approach to curbing human trafficking, consistent with international instruments such as the United Nations Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Palermo Protocol) and other international best practices.

**T**he National Policy on Human Trafficking and Smuggling of Migrants, is anchored on the four Pillars (4Ps) of addressing human trafficking and smuggling of migrants which are, Prevention; Protection of victims; Prosecution of offenders; and Partnerships

The 2007 Policy was anchored on the “3P’s” approach namely Prevention, Protection, and Prosecution of offenders. During the implementation of the Policy, the country put in place various interventions to curb human trafficking such as establishing an inter-ministerial committee on human trafficking and implementation of the National Action Plans. Further Government enacted the Anti-Human Trafficking Act No.11 of 2008 and strengthened the capacity of criminal justice institutions to investigate and prosecute cases of human trafficking and smuggling of migrants. However, the country is still grappling with the problem of human trafficking and smuggling of migrants. In 2020, the Global Trafficking in Persons report (GTIP) placed Zambia on Tier 2 watch list, implying that the country did not fully meet the minimum standards, for the elimination of trafficking. Government continues to

prioritize measures to combat human trafficking and smuggling of migrants.

In 2019, Government undertook an evaluation of the 2007 Policy which informed the decision to formulate a new Policy on human trafficking and smuggling of migrants. This was done to enhance the country’s national policy framework to address the emerging and persistent challenges of human trafficking and smuggling of migrants.



This Policy therefore, provides an enhanced framework for the implementation of interventions to prevent and respond to human trafficking and smuggling of migrants in a coordinated and multi sectorial approach. Further, it provides for the creation of a dedicated Anti-Human Trafficking Unit, to strengthen the country's response to human trafficking and smuggling of migrants.

The National Policy on Human Trafficking and Smuggling of Migrants, is anchored on the four Pillars (4Ps) of addressing human trafficking and smuggling of migrants which are, Prevention; Protection of victims; Prosecution of offenders; and Partnerships. The Partnership Pillar has been included as a best practice and to conform to Goal number 17 of the Sustainable Development Goals (SDGs).

The Policy is divided into five sections. Section one introduces the purpose of the National Policy and the challenges of human trafficking and smuggling of migrants. Section two is an analysis of the current situation regarding human trafficking and smuggling of migrants in Zambia. Section three outlines the Vision, Rationale and Guiding Principles for the Policy, while Section four presents the Policy Objectives and Measures. The last section contains the Implementation Framework which outlines the Institutional Arrangements, Legal Framework, Resource Mobilisation and the Monitoring and Evaluation Framework to support the implementation of the Policy. The Implementation Plan for the Policy is annexed.



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.

# SITUATION ANALYSIS



## 2.0 SITUATION ANALYSIS

### 2.1. BACKGROUND

Human trafficking and smuggling of migrants are very lucrative businesses which generate millions of dollars globally. Human trafficking is the second largest criminal industry in the world, accounting for an estimated USD154 billion trade in human beings as of 2019 (UNODC, 2020). The GTIP 2020 report indicated that while human trafficking is prevalent in every country and region, trafficking in persons remains a hidden and a complex crime, difficult to detect investigate and prosecute. The United Nations Office on Drug and Crime (UNODC) 2020 report indicates that 49,032 cases were reported, with 3,553 convictions globally. Over the past years Zambia has been grappling with challenges of human trafficking and smuggling of migrants.

In 2019, the evaluation of the 2007 Policy revealed gaps in the policy, legislative and institutional frameworks dedicated to coordinate national trafficking and smuggling of migrant's responses coupled with an inadequate criminal justice system. Further, it highlighted inadequacies in procedures, information and data management relating to human trafficking and smuggling of migrants. In addition, unsustainable and inadequate public awareness, training and capacity building interventions were cited.

Zambia is experiencing both internal and transnational trafficking. Internal trafficking occurs within the country's borders and 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. Persons who are trafficked or smuggled are also used for forced labour in agriculture, mining, construction, small businesses and forced begging. 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 or immigration and education consultants, to lure victims and collude with local facilitators and middle persons.

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. Drivers of internal trafficking in Zambia includes poverty, traditional beliefs, cultural practices, unregulated labor practices and limited awareness on internal trafficking including limited capacity to identify, investigate and prosecute trafficking cases. However, Government has been putting in place measures to address the drivers of internal trafficking. For example in 2020 Government provided protection assistance to 121 victims.

## 2.2 FOUR PILLARS (4P'S) APPROACH

The global response to combating human trafficking and smuggling of migrants is anchored on four pillars namely; Prevention, Prosecution, Protection and Partnerships. Below is an analysis of the current situation prevailing in the country based on the 4Ps approach.

### 2.2.1 PREVENTION OF HUMAN TRAFFICKING AND SMUGGLING OF MIGRANTS

Prevention is the first component of an effective counter trafficking and smuggling of migrants strategy. It requires addressing the root causes of both the supply and demand for trafficking and smuggling of migrants, raising awareness and ensuring that effective mechanisms are put in place. Below is a discussion on the drivers of human trafficking and smuggling of migrants in Zambia.

#### a) Low Levels of Public Awareness

Zambia has developed and implemented a number of 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 and smuggling of migrants is generally low in Zambia as the implementation of these strategies has been hampered by inadequate resources, inconsistency of interventions and limited coverage. Further, this is exacerbated 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.

#### b) Socio-economic Conditions

The socio-economic challenges create an environment conducive for human trafficking and smuggling of migrants, 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 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, 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 majority.



### **c) Increased Access to Information Technology**

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. Further, 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 middle persons between perpetrators and victims;

### **d) Capacity Challenges among Front Line Officials**

Human trafficking and smuggling of migrants 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, prosecutions or investigations of such crimes 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 pick victims, instead of surveillance of the crime for possible arrest of all those involved or for obtaining more information on the case. To mitigate the situation, Zambia has developed various capacity building programmes, such as the incorporation of the Mixed Migration Module course, at training institutions, for officers under the Department of Social Welfare, Zambia Police Service, Department of Immigration and Zambia Correctional Services training schools. However, most of these programmes are unsustainable and have not been standardised;

### **e) 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, 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). However, in 2013 the Government commenced the border reaffirmation exercise, which is in line with the African Union Border Programme (AUBP). The Government also procured heavy duty vehicle scanners and drones to curb the smuggling of goods into Zambia which may be used to curb smuggling of migrants through inter agency cooperation;

#### **f) 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.

#### **g) 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.

#### **h) Adoptions**

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 provide false information to authorities to influence the outcome of the adoption process. A child can also become a victim of false and illegal adoption by abduction.

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. The Government of Zambia is currently reviewing all child related legislation, including that on adoptions Act, in order to harmonise the laws with existing national legislation and conformity to international laws and standards, which the country is party to. This has provided platforms and systems essential in trying to curb and reduce the number of children being trafficked through adoption;

### **i) 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 undertakings. However, human trafficking for labour exploitation still remains a big challenge, especially among vulnerable groups such as those with intellectual disability, the youth, children and women.

### **j) 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 formalised 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; and

### **k) Other Drivers of Human Trafficking and Smuggling of Migrants**

Zambian Government has joined the regional community through initiatives under the Southern African Development Community (SADC) and the Common Market for Eastern and Southern Africa (COMESA), to actively participate in regional consultative forums aimed at mitigating emerging criminal activities including human trafficking. The Southern and Eastern African regions have recorded increased incidences of selling of children, illegal adoptions and removal of human body parts especially for persons with albinism. However, legislation doesn't provide for specific offences against trafficking of albinos who have become frequent targets to such crimes.

## **2.2.2 PROSECUTION OF HUMAN TRAFFICKING AND SMUGGLING OF MIGRANTS**

The current legal framework in the fight against human trafficking and smuggling of migrants in Zambia, is aligned to the United Nations Convention against Transnational Organised Crimes and the Protocol to Prevent, Suppress and Punish Trafficking in Persons. During the period 2019 to October 2021, the country prosecuted 29 cases, secured 10 convictions with 4 acquittals, while the remaining cases were still active in court.

In 2008, Zambia domesticated the Protocol by enacting the Anti-Human Trafficking Act No.11 of 2008, as the principle legislation for the Prohibition, Prevention and Prosecution of human trafficking and smuggling of migrants

cases. However, owing to the difficulties faced in the implementation of the Act, proposed amendments have been made. The amendments seeks to, among others, broaden the composition of the committee on Human Trafficking for it to be more inclusive, harmonise it with allied legislation and adopt best practices.

To further strengthen the criminal justice system, Government enacted the National Prosecution Authority Act No. 34 of 2010. This Act established the National Prosecution Authority (NPA), with the sole mandate to conduct criminal prosecution on behalf of the State. The creation of the NPA also led to the harmonisation of prosecutorial functions which previously were spread among law enforcement agencies.

Some of the challenges being faced in prosecuting human trafficking and smuggling of migrants cases include:

**a) Complexity of Gathering Evidence in Foreign Jurisdictions**

Gathering of evidence in foreign jurisdictions in order to effectively prosecute human trafficking and smuggling of migrant cases, is usually complex due to the transnational nature of the crime. However, Zambia is using bilateral and multi-lateral agreements to address the challenge, though there is need to enhance regional and international cooperation through mutual legal assistance processes;

**b) Limited Access to Justice**

The country does not have appropriate infrastructure and capacity to support prosecution of human trafficking and smuggling of migrant cases virtually or using other victim protection methods. This negatively affects access to justice for victims and witnesses whose cases may-be delayed, due to issues such as outbreak of disease (Covid 19) and lack of appropriate infrastructure to support effective interaction with the justice system.

**c) Inadequate Capacity among Prosecutors**

Currently, the country has inadequate technical capacity to prosecute human trafficking and smuggling of migrant cases, this is because most prosecutors lack adequate skills to effectively prosecute such cases. Government with the support of cooperating partners has developed various capacity building programmes aimed at enhancing the capacity of prosecutors. However, there is need for increased funding to sustain these programmes;

**d) Gaps in the Anti-Human Trafficking Act No.11 of 2008**

The Anti-Human Trafficking Act No. 11 of 2008, does not define child trafficking although the punishment for this offence is provided. Section 9 of the Act provides for the offence of smuggling of migrants and criminalises the smuggled

migrant. In this regard smuggled migrants are therefore, not entitled to victim protection services in Zambia. However, the Smuggling of Migrants Protocol provides that, a smuggled person should not be criminalised. Further, the best practice is to have legislation for the offence of smuggling in persons, separated from that of human trafficking. In addition, Section 20, of the Act, has provided for cooperation with only Zambia Police Officers, which is restrictive on which agency should deal with human trafficking cases. Meanwhile management of such cases requires a multi-sectorial approach in the fight against human trafficking from various law enforcement agencies;

#### **e) Whistle Blowers**

The Public Interest Disclosure Act. No. 4 of 2010 provides for disclosure of interest adverse to public interest and a framework within which such disclosure must be made. However, the Act does not adequately protect and reward the whistle bower thus very few people are willing to make disclosure. Given the nature and complexity of human trafficking and smuggling of migrants, whistle blowers are critical and need to be adequately protected and reward.

#### **f) Witness Management Fund**

Zambia has in place a Witness Management Fund created under Part Three (3) of the NPA Act to support witnesses during court process. However, sustainability of this Fund has been a challenge;

#### **g) Legal Advice and Representation**

When addressing cases of human trafficking, legal issues arise relating to violation of victims' rights. Victims are usually not advised of their rights to pursue civil proceedings against their traffickers. In 2018, Government approved the National Legal Aid Policy, aimed at enhancing the provision of legal aid services in the country and the in-corporation of non-state actors in the provision of pro-bono legal services. However, due to an inadequate legal services referral mechanism and capacity challenges being experienced by Legal Aid Board, legal services for such victims is limited.

#### **h) Case Flow Management**

Currently, the country 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.

## 2.2.3 PROTECTION, CARE AND ASSISTANCE TO TRAFFICKED PERSONS

Protection, care and assistance for victims, survivors and witnesses of trafficking and smuggling of migrants is important in the fight against human trafficking and smuggling of migrants. Timely and effective support to trafficked persons is important to ensure their safety and assistance. It also requires a broad range of legal and non-legal measures implemented in collaboration with all stakeholders and partners. Special consideration may be required for children and persons with disabilities whose best interest must be given paramount consideration. Some of the challenges being experienced in the protection of victims of human trafficking include:

### a) Identification and Immigration Status of Trafficked Persons

In Zambia identification of trafficked persons continues to be a challenge. The victims of human trafficking are not easily identified by front line officials, as the crime is usually hidden and the victims are too afraid or ashamed to self-identify without support and appropriate intervention. This hinders the effective provision of protection services to victims. This may expose victims to being arrested, detained and treated as offenders. However, once they are properly identified their immigration status is regularised. Regularising of the victim's immigration status is necessary to protect the victim from removal or deportation;

Where a person has been identified to be a smuggled migrant, such a person is not entitled to protection services accorded to victims of trafficking because they willfully participated in the criminal act. As such, necessary criminal procedures will be applied. However, if it is established that such a person was coerced into being smuggled, then such a person will be entitled to protection services available to vulnerable migrants;

### b) Consequences of Trafficking for the Victim and the National Referral Mechanism for Victims of Trafficking

Victims of human trafficking are usually subjected to a wide range of human rights violations by their perpetrators including sexual, physical, and psychological violence amongst others. During prosecution of these cases, some witnesses are usually not willing to testify due to trauma, ignorance of their status, fear, language barriers and safety concerns among others.

In the absence of victim protection policies and referral mechanisms, trafficked persons are more likely to be arrested, detained, prosecuted and or deported as criminals. The Government of the Republic of Zambia, with support from partners, developed a Referral Mechanism for Victims of Trafficking which is supported by the Minimum Standard Guidelines on the Protection of Victims of Trafficking. However, the guidelines are not comprehensive in the manner and nature of support;–

### **c) Services and Places of Safety**

When a trafficked person is identified, there is an immediate need to provide that person with temporary shelter in a safe and secure place. Depending on their individual needs and circumstances, victims of trafficking may also need to access a wide range of services such as food, clothing, medical care, and emotional and spiritual support. Currently the country has 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. Despite the major strides made towards ensuring the shelters are safe and operational, challenges in running the facilities include, resources for the upkeep of victims, their repatriation, transportation to courts and security for the victims at risk of being harmed or re-trafficked. It is against this background that guidelines on the minimum standards for the management of centres for victims of trafficking are being developed for the protection and care for victims of trafficking; and

### **d) Migration and Health**

Migration has been one of the drivers for epidemics due to the vulnerability of migrant groups to the transmission of infectious diseases. Health hazards are increasing across national borders and the spread of these diseases cannot be adequately addressed in isolation and require a coordinated approach. For example, diseases and infections such as tuberculosis, cholera and the COVID-19 pandemic among others, has highlighted the role migration plays in the rapid spread of diseases across borders.

This is worsened by cases of smuggled migrants and victims of transnational human trafficking who often do not adhere to national health protocols and guidelines which increases vulnerability to public health risks. Victims of human trafficking and smuggled migrants are usually at risk of contracting diseases based on the manner they are transported and kept. Others also become victims of sexual and physical abuse which puts their lives at risk of contracting other health infections such as HIV and other communicable diseases; and

### **e) Human Trafficking Fund**

Effective victim protection entails the provision of a comprehensive array of services and ensuring their ability to receive the support and resources they need. Adequate victim protection requires effective partnerships between law enforcement and service providers not only immediately after identification, but also throughout a victim's participation in criminal justice or civil proceedings. Comprehensive victims' services include emergency and long-term services. In addition, this may also range from empowerment, repatriation and reintegration of victims of trafficking. The law provides for the establishment of a Human Trafficking Fund. However, the fund has not yet been operationalised.

## 2.2.4 PARTNERSHIPS TO CURB HUMAN TRAFFICKING AND SMUGGLING OF MIGRANTS

The fight against human trafficking and smuggling of migrants is a shared responsibility involving the “*Whole-of-Government*” and “*Whole-of-Society approach*”. To ensure a collaborated and coordinated national and international response to curbing human trafficking and smuggling of migrants, Government is strengthening partnerships across all sectors, including civil society organisations, religious bodies, traditional leaders, private sector, local and international partners.

The Zambian Government has been coordinating the fight against human trafficking and smuggling of migrants, through the provision of legal reforms, law enforcement, border governance, document issuance and control, public awareness, capacity building, and international cooperation. Government has also put in place the National Plans of Action to Combat Trafficking in Persons (2012-2015; and 2018-2021). The National Plans of Action are aimed at ensuring that national responses are well coordinated and strategic encompassing efforts of Non-Governmental Organisations and international partners in addressing human trafficking.

It should, however, be noted that effective coordination of multi-sectorial response to human trafficking and smuggling of migrants requires a full staff complement. Currently, the National Secretariat on Human Trafficking does not have full-time staff and officers are assigned on ad hoc basis. In addition, the National Secretariat only has presence at national level with no cascading institutional arrangements at provincial or district levels. The situation makes it difficult to implement human trafficking and smuggling of migrant's programmes in the provinces and districts. Further, inadequate collaboration and or coordination among different government institutions has negatively affected the fight against these crimes. Additionally, competing interests on government expenditure have negatively affected the budgetary allocations from the Treasury to support human trafficking programs.

Partnerships and good relations with foreign countries is also key in the fight against human trafficking and smuggling of migrants especially in light of employment opportunities across borders. People seeking employment and better opportunities outside the country, are at an increased risk of being trafficked or smuggled. Currently the country does not have many bilateral agreements or labour exchange agreements to facilitate the migration of Zambian labour to foreign countries, especially for non-professional labour such as domestic workers.

Therefore, it is evident that the country needs a new and holistic policy framework to address the complex and contemporary issues on human trafficking and smuggling of migrants.





## VISION, RATIONALE AND GUIDING PRINCIPLES

**M**anagement of human trafficking and smuggling of migrants cases requires differentiated strategies and strengthening of institutional and legislative frameworks to address these vices.

## 3.0 VISION, RATIONALE AND GUIDING PRINCIPLES

### 3.1 VISION

“A Zambia free of human trafficking and smuggling of migrants.”

### 3.2 RATIONALE

The revision of the 2007 National Policy to Combat Human Trafficking was necessitated by the need to provide for emerging issues and mitigating the increasing levels of human trafficking and smuggling of migrants. Management of human trafficking and smuggling of migrants cases requires differentiated strategies and strengthening of institutional and legislative frameworks to address these vices. The Policy therefore, provides long-term guidance and a framework for the development and implementation of strategic and comprehensive interventions in Prevention, Protection and Prosecution of human trafficking and smuggling of migrants cases. Some of reforms include the establishment of the Anti-Human trafficking Unit to strengthen the national capacity to implement and coordinate interventions and amendment of the Anti-Human Trafficking Act No. 11 of 2008.

Further, the Policy takes into consideration of emerging best practices in addressing this vice, by incorporating Partnership in its interventions through a coordinated multi-sectorial partnership approach. Partnership as a concept has been adopted as a best practice around the world for enhancing achievement of goals by strengthening collaboration and harnessing resources among government institutions, cooperating partners, civil society organisations, the private sector and other stakeholders to fight human trafficking and smuggling of migrants.

The Policy equally, provides for increased public awareness on human trafficking and smuggling of migrants by strengthening mechanisms aimed at addressing issues such as abuse of travel documents, immigration, employment recruitment and adoption systems. Further, it provides for implementation of measures aimed at disrupting human trafficking and smuggling of migrants activities abroad and in-country.

### 3.3 GUIDING PRINCIPLES

Implementation of the Policy will be guided by the following principles:

Human Rights:	The National Policy seeks to fulfil Zambia's constitutional obligations to protect its citizens from human trafficking and related human rights abuses. Consistent with these obligations, the Policy recognises trafficked and smuggled persons as victims rather than offenders and places primary emphasis on assisting trafficked persons and ensuring that their dignity and human rights are protected
Inclusiveness and Participation:	In the implementation of the Policy Measures, the Government will work with all stakeholders. In the same vein, all stakeholders must actively be involved in the design, implementation, review, monitoring, and evaluation of the national response. It is necessary that all citizens are aware, involved and committed in fighting and combating human trafficking and smuggling of migrants
Sustainability:	The interventions embarked on should be realistic and sustainable. Simple, low-cost measures should be adopted, and counter trafficking activities integrated wherever possible into existing programs, structures and initiatives
Leadership and Commitment:	Leadership is key in the designing and implementation of strategies aimed at mitigating Human trafficking and Smuggling of migrants. Government will provide strong political leadership and commitment at all levels for essential and sustained effective National response
Integrity:	The successful implementation of Policy Measures will require having individuals and programme implementers that are honest, reliable and beyond reproach in their discharge of duty and in personal conduct
Accountability and Transparency:	Accountability and transparency are crucial in fostering public confidence, acceptability and promotion of human trafficking and smuggling of migrants inventions. Thus, Government will ensure high levels of accountability and transparency in all its operations
Strong Partnerships:	Building and improving national and international coordination and cooperation is key to addressing human trafficking and smuggling of migrants, therefore, Government will facilitate a partnership approach

# 4

## OBJECTIVES AND MEASURES

## 4.0 OBJECTIVES AND MEASURES

### 4.1 PREVENTION

#### 4.1.1 OBJECTIVE

To reduce the incidences of human trafficking and smuggling of migrants within, though, to and from Zambia by 2030.

#### 4.1.2 MEASURES

This objective shall be achieved through the following measures:

- Enhance the knowledge levels of society on human trafficking and smuggling of migrants;
- Address the drivers of internal trafficking in Zambia;
- Enhance the management of national identity documents;
- Strengthen mechanisms to address the drivers of human trafficking and smuggling of migrants; and
- Enhance generation and dissemination of information for decision making on human trafficking and smuggling of migrants.

### 4.2 PROSECUTION

#### 4.2.1 OBJECTIVE

To enhance the capacity of the criminal justice system to investigate, identify and prosecute human trafficking and smuggling of migrant cases effectively and efficiently by 2026.

#### 4.2.2 MEASURES

This objective shall be achieved through the following measures:

- Strengthen the national legal framework on human trafficking and smuggling of migrants in line with international obligations and best practices;
- Enhance the capacity of criminal justice institutions for effective and efficient management and prosecution of cases; and
- Enhance national, regional and international collaboration to support prosecution of trafficking and smuggling of migrants cases.

## 4.3 PROTECTION

### 4.3.1 OBJECTIVE

To strengthen national capacity to provide protection services and care for victims, witnesses and potential victims of human trafficking by 2030.

### 4.3.2 MEASURES

This objective shall be achieved through the following measures:

- a) Enhance facilities and support services that facilitate the protection of victims, witnesses and other persons affected by trafficking and smuggling of migrants;
- b) Strengthen coordination in the implementation of the national referral mechanisms for victims of human trafficking; and
- c) Enhance resource mobilisation for protection of victims of human trafficking.

## 4.4 PARTNERSHIPS

### 4.4.1 OBJECTIVE

To strengthen national, regional and international coordination and cooperation, to curb human trafficking and smuggling of migrants by 2025.

### 4.4.2 MEASURES

This objective shall be achieved through the following measures:

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





# IMPLEMENTATION FRAMEWORK

**T**o effectively coordinate the implementation of this Policy, the Ministry of Home Affairs and Internal Security will establish a Unit dedicated to issues relating to human trafficking and smuggling and will be the Secretariat for the National Committee on Human Trafficking, as established by the Anti-Human Trafficking Act No.11 of 2008.

## 5.0 IMPLEMENTATION FRAMEWORK

### 5.1 INSTITUTIONAL ARRANGEMENTS

Implementation of the Policy will be coordinated by the Ministry of Home Affairs and Internal Security. To effectively coordinate the implementation of this Policy, the Ministry of Home Affairs and Internal Security will establish a Unit dedicated to issues relating to human trafficking and smuggling and will be the Secretariat for the National Committee on Human Trafficking, as established by the Anti-Human Trafficking Act No.11 of 2008.

Effective implementation of this Policy will also require a multi-sectorial response to anti-human trafficking and smuggling of migrants and coordinated support from all stakeholders. Therefore, the Ministry of Home Affairs and Internal Security will collaborate with other institutions and stakeholders using the 4Ps approach to curb human trafficking and smuggling within and outside the borders of Zambia. The table below highlights support that will be required from institutions and stakeholders to implement the policy.

INSTITUTION	RESPONSIBILITY
Cabinet Office:	To provide oversight on Policy implementation, monitoring and evaluation
Office of the Vice-President:	Provision of emergency services to victims of trafficking and smuggling of migrants
Ministry Responsible for Finance:	Mobilisation of financial resources for the implementation of the Policy
Ministry Responsible for Foreign Affairs and International Cooperation:	Monitor the implementation of international instruments on human trafficking and smuggling of migrants and facilitate collaboration with representatives of foreign governments
Ministry responsible for Legal Affairs and Governance:	Facilitate the review and strengthen the legal framework on human trafficking and smuggling of migrants
Ministry Responsible for Education:	Facilitate public awareness programs on human trafficking and smuggling of migrants in institutions of learning
Ministry Responsible for Information and Media:	Facilitate dissemination of information on human trafficking and smuggling of migrants
Ministry Responsible for Local Government, Rural Development and Chiefs Affairs:	Promote public awareness and the usage of village registers, in combating human trafficking and smuggling of migrants



Ministry Responsible for Labour and Social Security:	Collaboration with law enforcement in the fight against human trafficking and smuggling of migrants. Provide information on foreign contracts
Ministry Responsible for Community Development and Social Services:	Manage the human trafficking victim fund and establishment and management of Centres for Victims (places of safety)
Ministry Responsible for Youth, Sports and Art:	Promote public awareness programs on human trafficking and smuggling of migrants among the youth and artists
Ministry Responsible for Transport and Logistics:	Work with law enforcement agencies to facilitate the inspection of vessels, and promote adherence to regulations in the use of transport networks in Zambia
Ministry of Health:	Promote public health measures at ports of entry and provide adequate and equitable health care services to victims and smuggled migrants
Ministry/Institution responsible for Gender:	Coordinating aspects related to gender in the implementation of the Policy
Ministry/ Institution responsible for National Guidance:	Promotion of national values, principles and ethics aimed at addressing exploitative behaviour
Judiciary:	Interpret the law on human trafficking and smuggling of migrants. To timely implement prosecution and disposal of cases.
National Prosecutions Authority:	Timely prosecution of offenders on Human Trafficking and smuggling of migrants
Human Rights Commission:	Promote and protect Human Rights of victims and offenders of human trafficking and smuggling of migrants
Stakeholders:	To collaborate with government and provide technical, financial and other support towards programs
Private sector:	To provide technical and material support towards programs aimed at combating human trafficking and smuggling of migrants

## 5.2 LEGAL FRAMEWORK

For the Policy measures identified in chapter four to be implemented successfully there is need that Government does the following:

Review the Anti-Human Trafficking Act No.11 of 2008, to strengthen the fight against human trafficking; and

Strengthen legislation on smuggling of migrants to address challenges being faced in the fight against smuggling of migrants. The review includes the separation of legislation on human trafficking from that of smuggling of migrants; and

Harmonise other relevant laws, definitions, and practices to be in line with regional and international instruments, protocols and conventions that promote the fight against human trafficking and smuggling of migrants.


## 5.3 RESOURCE MOBILISATION AND FINANCING

Implementation of the National Policy on Human Trafficking and Smuggling of Migrants will require both local and external resource mobilisation based on the outlined policy objectives and measures. The responsibility for mobilisation of resources for human trafficking and smuggling programmes and activities is with the Ministry responsible for finance. The Government shall provide the necessary resources for the implementation of strategies and interventions for prevention, protection of victims of human trafficking and prosecution of human trafficking and smuggling of migrants' cases.

In this regard, funding of programmes on human trafficking and smuggling of migrants should be included in the approved annual national budget for relevant line ministries. The Ministry responsible for finance will establish the Human Trafficking Fund as outlined in Section 102 of the Anti-Human Trafficking Act No.11 of 2008. The fund will be managed and administered by the Ministry responsible for social welfare. This dedicated fund will support the implementation of human trafficking in persons programs in the country and support victims of trafficking.

## 5.4 MONITORING AND EVALUATION

The Ministry of Home Affairs and Internal Security and relevant stakeholders will develop a robust Monitoring and Evaluation Framework. This Framework will outline a comprehensive mechanism for ensuring timely availability of relevant information that ensures among others, accountability, effective coordination, monitoring progress towards programme implementation and integration and decision-making on strategic policy direction and budget allocations.



To effectively monitor and evaluate the implementation of this Policy, the Ministry of Home Affairs and Internal Security and key stakeholders will strengthen their capacity to undertake this task. Cognisant of the above, the Ministry shall:

- a) Develop a National Implementation Plan for the Policy;
- b) Develop Monitoring and Evaluation Framework;
- c) Establish an Integrated Monitoring and Evaluation Mechanism;
- d) Undertake a Mid-Term Review of the Policy every five (5) years;
- e) Prepare annual and quarterly reports on the implementation of programmes and projects;
- f) Establish central databases at provincial and district levels;
- g) Promote specialised training in information management systems; and
- h) Promote networking among stakeholders.

The unit responsible for matters on human trafficking and smuggling of migrants will ensure that mechanisms to collect information and obtain feedback from all relevant stakeholders including victims of trafficking are integrated from the outset.











Republic of Zambia



**UNODC**

United Nations Office on Drugs and Crime



**Save the Children**



**IOM**

UN MIGRATION