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FACULTY OF ARTS

DEPARTMENT OF DEVELOPMENT STUDIES

RESEARCH TOPIC

An Appraisal of Legislation and Policy on Human Trafficking in Zimbabwe.

BY

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Date

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DEDICATION

I dedicate this research to all the people and the families who lost their loved ones in form of husbands, fathers, mothers, wives, daughters and sons due to human trafficking. This is also dedicated to victims of trafficking those who are hopeless of the future due to the painful experiences they went through to be hopeful again.

To my loving parents and supportive siblings, Linda, Lizzy, Lewis, and Leslie, thank you so much.

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ABSTRACT

Human trafficking is considered to be modern day slavery. Zimbabwe continuously seeks to strengthen its fight against this crime, latest with the Trafficking in Persons act of 2014 and the National Action Plan against human trafficking. The thesis analysis and investigates the extent to which law is able to fight against human trafficking. This is done by analysing Zimbabwe's legal framework within the field of human trafficking, conducting interviews with experts, and looking at country reports, books and journals. It appears that the recent legislation and policy have got pitfalls which are hindering the effective elimination of human trafficking. This is mainly seen in the definition of human trafficking in the Trafficking in Persons act of 2014 which emphasises the transportation aspect and ignoring other important aspects such as exploitation which is essential in a definition to enable elimination of all forms of human trafficking. Hence there is need to review the available legislation and policy to avoid the inhuman practise.

ACRONYMS

AU.....African Union

CEDAW.....Convention on the Elimination of all Forms of Discrimination
against Women

CSO.....Civil Society Organisations

EAPCCO.....Eastern Africa Police Chiefs' Cooperation Organization

EU.....European Union

ESO.....Employee Share Ownership

IOM.....International Organisation of Migration

MDC.....Movement for Democratic Change

NAPLAC.....National Plan in Action

NGO.....Non-Governmental Organisations

NIEE.....National Indigenisation and Economic Empowerment Act

SARPCCO.....Southern African Regional Police Chief's Cooperation
Organization

UN TIP.....United Nations Trafficking In Persons

VOT.....Victims of Trafficking

WILSA..... Women and Law in Southern Africa Research and
Education

UNODC.....United Nations Office on Drugs and Crime

ZANUPF.....Zimbabwe African National Union

Patriotic Front

ZCDA..... Zimbabwe Community Development Association

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INTRODUCTION

Human trafficking in Zimbabwe became popular in 2003 when the Organisation of Migration (IOM) launched a Programme called the Southern African Counter Trafficking Programme (Gumbo 2008). Zimbabwe was identified as one of the countries in southern Africa that was affected by human trafficking. The recent Kuwait issue further showed that human trafficking hitches were heightening in the country. It estimated that more than 200 women were trafficked to the Gulf country. This also showed that females are the ones who are mostly affected by human trafficking though this does not mean that men are not being trafficked. Currently, statistics on this ill are unavailable as human trafficking is criminal in nature. It is however estimated that between 600,000 and 2.5 million people are trafficked yearly (Llewellyn Leach 2004, Bales 2009; UNODC 2012).

Little has been done on human trafficking in the country. Scholars tend to focus much on the causes and impacts of human trafficking. However, there is need to look at the available laws and policy on human trafficking. The available laws and policy need to be evaluated to see their effectiveness in curbing trafficking in the country. Furthermore, it is necessary to look at enforcement efforts by the government and Non-Governmental Organizations (NGO's).

BACKGROUND

Human trafficking is a criminal trade that is placed as a third largest industry in the world after arms and drugs, on national development from a human rights perspective (United Nations Office ON Drugs and Crime (UNODC 2012). Human trafficking affects millions of people worldwide. It is largely depicted as a horrific offense which requires critical attention. This offense, however, occurs many times in a particular environment that aids this exploitation. A thorough understanding of the phenomenon will illuminate some of the reasons why millions of people become enslaved. Current estimates from various government sources, non-governmental organizations (NGOs), and academics suggest that approximately

twelve to twenty-seven million people are enslaved at any given time; it is also estimated that between 600,000 and 2.5 million people are trafficked yearly (Llewellyn L 2004). Even the most conservative estimates reflect a significant humanitarian problem that demands attention.

Human trafficking is not a new phenomenon in the world in general and Zimbabwe in particular as this practice was also common when the ancient days' rulers could forcibly take their subjects and sell them to other territories as cheap labour. The dissimilarity probably lies in the scale of the practice and the methods being employed these days. Human trafficking according to scholars is modern day slavery which dates back to the 14th century. This practise in Africa mainly affected states that were along the Pacific, Atlantic and Indian oceans. The victims were mainly targeted for labour exploitation, except for a few cases where some women were sexually exploited leading to the creation of the early coloured community (Dodo 2012). In the ancient days the colonial governments were deeply involved, while today human trafficking is carried out mainly by non-government agents, especially private individuals and groups, most of whom are criminals.

The difference between migration and human trafficking is not always clear. Many trafficked people are recorded as migrants, and many migrants are trafficked into countries where they have migrated to. Migration is not an evil thing; it can be a way in which humans can develop their chances of achieving their human potential socially, economically and politically. However, human trafficking is a form of migration that many experts regard as a kind of modern slavery because it involves force, coercion and criminality.

Human trafficking in Zimbabwe takes place within the country and also beyond the country's borders. Human trafficking within Zimbabwe is mainly characterised by factors such as the rise in sex tourism and political factors, though internal human trafficking is not given much

attention. This maybe because of lack of knowledge among the people on what human trafficking is. Human trafficking in Zimbabwe is caused mainly by poverty which took its toll as a result of the economic meltdown that the country has faced since the economic collapse of the late 1990's. Women, girls and children are the most trafficked both locally and beyond the borders where young girls are recruited as domestic slaves and in the tourism sector as brothel maids for a subsistence wage. Human trafficking victims from Zimbabwe are taken everywhere globally, that is Asia, Europe and also Africa though much attention is being given to Kuwait. This is mainly due to the recent Kuwait scandal which estimated that more than 200 women were trafficked.

In Zimbabwe, trafficking started to receive some attention in 2003 when International Organisation of Migration (IOM) launched a Programme called the Southern African Counter Trafficking Programme. Zimbabwe was included as one of the countries in Southern Africa where the problem of trafficking was believed to be taking place and it has gained momentum since then. Zimbabwe has taken initiatives to strengthen the fight against human trafficking, latest being the Trafficking in Persons act of 2014 and the Zimbabwe Trafficking in Persons National Plan of Action (NAPLAC). The Acts seeks to meet the challenges facing Zimbabwe on fighting human trafficking to prevent trafficking, prosecute the offenders, and to protect the victims in line with the United Nations standard.

A joint effort is necessary to fight human trafficking through the coordination of strategies, exchange of data and education of officials, but the politicians tend to be reluctant to commit themselves to the level of change, which is necessary to alter the dynamics of trafficking. The thesis will analyse the Zimbabwean legislation and policy and how successful it has been in preventing, combating and protecting people against human trafficking.

CONCEPTUAL FRAMEWORK

The following concepts are going to be used often during the study:

HUMAN TRAFFICKING

The United Nations Convention on Transnational Organized Crime Article 3 of the Protocol defines trafficking in persons as:

Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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 exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of body organs. This definition will be used in the thesis to explore the different kinds of trafficking within the country and beyond the borders.

A country's legislative definition ought to be dynamic and flexible to empower the legislative framework to counter human trafficking that:

- (1) Happens both across borders and domestically (not just cross border)
- (2) Is for a variety of exploitative purposes (not just sexual abuse)
- (3) Victimizes children, females and males.
- (4) Takes place with or without the participation of organized crime groups.

LEGISLATION

Synonyms of legislation include body of laws, rules, rulings, regulations, acts, bills, statutes, enactments and ordinances. Legislation consists of laws made by parliament or by people who are given power by the parliament to make laws, such as the governor. Good trafficking legislations should be in line with the international and regional protocols to suppress trafficking. For the successful elimination of trafficking the three should work together. Zimbabwe ratified the international and regional protocols. A country's effort should be guided by this trafficking protocol that seeks to prevent trafficking from occurring, protect victims of trafficking and, bring its perpetrators to justice and build partnership domestically and internationally.

POLICY

According to the Cambridge English dictionary, it is a set of ideas or a plan of what to do in a particular situation that has been agreed to officially by a group of people, a government or a political party. Zimbabwe has a National Action Plan which was built on current responses and commitment to work together with partners to prevent and combat trafficking. This influences and builds Zimbabwe's international and domestic experience and provides aggressive new initiatives in order to address human trafficking in all forms.

The impact of legislation, policy and enforcement efforts on human trafficking issues in Zimbabwe in this study will be measured using the following Indicators:

- ❖ Laws that are in line with international and regional standards
- ❖ Eradication of all forms of human trafficking (bonded labour, child labour, sexual exploitation, forced labour, slavery like practises, domestic labour etc.)
- ❖ Eradication of corruption
- ❖ Eradication of exploitation of labour in all employment sectors.
- ❖ Availability of both human and material resources to address human trafficking issues

- ❖ Safe repatriation of victims back home
- ❖ Public awareness about human trafficking (information on human trafficking should reach to people of all age)
- ❖ Continuous training of law enforcement officers
- ❖ Efficiency and effectiveness in the prosecution of trafficking crimes.
- ❖ Adequate protection of all victims of human trafficking (not just witnesses)
- ❖ Compensation to victims of human trafficking by the appropriate court
- ❖ Access to safe houses(they should be made enough to house both the local people and foreigners)
- ❖ Main causes of human trafficking should be addressed.

THEORETICAL FRAMEWORK

This is based on the rational choice theory. Rational choice theory propounds that criminals are rational beings who make decisions to commit crime based on the costs and benefits (cost benefit analysis) involved in the process of crime perpetration. Deterministic in nature, criminal decision making process and crimes are based on free will, which necessitates observation of opportunities, circumstances and situations that could affect the successful perpetration of the planned crime, (Lanier & Henry, 2004). It is pointed out by Brown, Esbensen and Geis, (2008) that rational decision making pertaining to crime also involves the choice of the victims determined by the type of crime, modus operandi, where and when to commit it and post criminal process decisions.

In essence, criminals may; first observe the accessibility to potential victims, location, and the time at which they are at most vulnerable. The appropriate way that could provide an entry with ease and how to protect their criminal activities from criminal justice authorities and other capable guardians and security personnel. However, other rational theorists have argued

that criminals differ in the choices they make based on their perceptions, motives, skills and abilities to read opportunities as situations guide their decisions making processes, (Lanier & Henry 2004). For the purpose of this study rational decision making, free will, cost and benefits are three variables that will be used to explain human trafficking. The manner in which human traffickers select their victims, in most cases, is based on the gains they could get from the crime and the extent of the vulnerability of potential victims.

According to rationale theory perpetrators of human trafficking will desist from crime if they believe that the criminal activities will no longer generate profits and that legal and attractive income generating opportunities are available. A further incentive to quit is that risks have outweighed profits and there is high probability of arrest prosecution and punishment. The theory shows the causes of human trafficking and what needs to be done to curb human trafficking. Human trafficking in Zimbabwe is being caused by the economic situation that the country is facing. There are no jobs and people are living in poverty hence trafficking is a lucrative endeavour for perpetrators. It seems as if authorities fail to fully understand the rationale behind trafficking of humans in the country which is the issue that needs to be solved first or rather align laws and policy behind the rationale of trafficking. To make traffickers quit human trafficking, legislation with stiff penalties was enacted in 2014. Zimbabwe sought to promote the fight against human trafficking by harmonising legislation with this field without law it would not have been prioritised. The study however looked at the ability of legislation and policy in curbing human trafficking.

STATEMENT OF THE PROBLEM

The phenomenon of human trafficking in the country has recently gained momentum. This was evidenced by the Kuwait saga which estimated that more than 200 women were trafficked to the Gulf country. However, human trafficking is taking place within the country

and outside the country. This is being caused by factors such as poverty, unemployment and hunger which came as a result of the economic collapse that the country faced since 1999 (Ngwende, 2014). Literature on human trafficking in Zimbabwe tends to focus on the causes and impacts of human trafficking. Dodo (2012) noted that human trafficking is the obstacle to development. It was pointed out that human trafficking was breaking family ties and human capital. Gumbo (2008) on the other side looked at the factors that are leading to the trafficking of females to neighbouring countries. Therefore, the researcher seeks to examine and analyse the laws that existed before the Trafficking in Persons act together with the current laws and policy in the country on the subject of concern. Human trafficking has been taking place within the country and outside the country with devastating results on the individual who has been trafficked, the family and the country as a whole. It is in the interest of this research to examine how the Zimbabwean legislation and policy provides the country with the necessary tools to fight this phenomenon.

SIGNIFICANCE OF THE STUDY

Trafficking has become problematic and it has attracted attention worldwide from both the government and Non-Governmental Organisation sector. It is important to note that not much is known about the existence of trafficking within and outside Zimbabwe. Besides the work of Dodo (2012), Gumbo (2008) and Ngwende (2014) little has been done on human trafficking in Zimbabwe. Dodo (2012) looked at how human trafficking impeded development within the country, whilst Gumbo focused on the trafficking of females from Zimbabwe to neighbouring countries. Ngwende researched on the causes and the response to human trafficking by the government. No research has been carried out as yet on how the legislation, particularly the 2014 Trafficking in Persons act and the National Plan of Action have been effective in curbing the problem of trafficking in Zimbabwe. The research will be

significant in that it will give an indication of whether the legislation and policy to curb trafficking in the country is effective. It will also examine if there have been improvements of curbing trafficking through the laws and policies that were put in place. The study will also seek to reveal the nature, tendencies and the extent of the problem of human trafficking in the country and from Zimbabwe to other countries. An attempt will also be made to find out what interventions have been made to curb trafficking since the establishment of an anti-trafficking inter-ministerial committee that was put in place.

Also, the generally fragmented and often opposing laws and policies in Zimbabwe have urged the researcher to carry out this research. The researcher hoped that the research will inform proper law, policy formulation and improvements that would help eliminate trafficking. It is also my wish that this research will act as a model which would be used for additional studies on human trafficking.

Furthermore the purpose of the study was to find out if human trafficking was taking place within the country and internationally. Also, the researcher wanted to find out if the legislation and policy put in place are adequate to curb trafficking. This helped the researcher in making well informed suggestions that will help in future law and policy formulations.

RESEARCH OBJECTIVES

1. To give an overview of the phenomenon of human trafficking in Zimbabwe.
2. To unearth and analyse the policies and laws with regards to human trafficking in Zimbabwe
3. To evaluate enforcement efforts in line with laws and policy on human trafficking in Zimbabwe
4. To find out whether the government has policies which support victims of trafficking

RESEARCH QUESTIONS

- What is the overview of human trafficking in Zimbabwe?
- What laws are used to combat human trafficking in Zimbabwe and how effective are they?
- What enforcement efforts are in line with the existing laws and policy on human trafficking in Zimbabwe?
- Does the government have policies which support victims of trafficking?

RESEARCH METHODOLOGY

Qualitative research approach was used in the study by the researcher. Burns and Groove (2003) described a qualitative approach as a systematic subjective used to describe life experiences and situations to give them meaning. The researcher used qualitative research based on primary sources (oral responses) and informed by the secondary body of literature delineated in the literature review. The rationale of using a qualitative approach in the research was to understand how laws and policies are impacting human trafficking in the country. However since interviews may cheat or lie a bit, the statements were examined for consistency through drawing information from as many different sources as possible.

RESEARCH APPROACH

The research approach that was used is qualitative, both primary and secondary data were used. Snape and Spencer (2003) indicated that qualitative research is a naturalist approach which focuses on understanding the meaning people give to the phenomenon within their social setting. Hence this was used to understand the laws and policies on human trafficking in the country. The advantages of using qualitative approach are that it provides an understanding of the social world. It also permits new issues and ideas to be discovered.

Primary data was obtained through interviews while secondary data was obtained from the internet, journals and books.

RESEARCH DESIGN

Orodho (2003) defines a research design as the scheme, outline or plan that is used to generate answers to research problems. It can constitute the blueprint for the collection, measurement and analysis of data. The research design used in this study was evaluative. Weiss (1998) points out that evaluation is the systematic assessment of the operation or the outcomes of a program or policy compared to a set of standards as a means of contributing to the improvement of the program or policy. Weiss (1998) notes that evaluative research seek to assess in some way providing useful information about something other than might be gleaned in mere observation. Results obtained can also be used for future publications. Evaluative research seeks to evaluate the outcomes and effectiveness of programs and policies. The study collected information from respondents on trafficking legislation and policy in Zimbabwe. The researcher used evaluative research to find out how the existing laws and policy on human trafficking operates and if there can be any improvements. The research was conducted to see if the existing solutions meet the needs of the people. Pausen (2002) noted that evaluation is important to determine the success of an intervention in dealing with problems. Hence the researcher examined if the laws have been successful in dealing with human trafficking issues. This was done so as to bring changes to the laws and policy to effectively curb trafficking. The study used interviews and desk research to analyse the laws and policies on human trafficking. The strength and the weaknesses of the Constitution of Zimbabwe, the Immigration Act [Chapter 4:02], the Criminal Law (Codification and Reform) Act (Chapter 9:23), the Labour Act (Chapter 28:01) towards

human trafficking were also reviewed. The trafficking in persons act and the National plan of action were also analysed.

POPULATION AND SAMPLING

Sampling is the process of choosing a sample. A sample is the use of a small part to represent the whole population. Purposive sampling was used in the selection of respondents from NGOs and officers from various government ministries for interviews. Purposive sampling was used in the selection of key respondents because they are well versed with human trafficking issues. They are the ones that best understand how laws and policies are curbing the problem of human trafficking. Eight key informants were interviewed from four ministries and four NGO's. The ministries include the Ministry of Public Service, Labour and Social Welfare, the Ministry of Home Affairs, the Ministry of women affairs and Ministry of foreign Affairs. The NGO's include UN Women, International Organisation for Migration, Msasa project and Women and Law in Southern Africa Research and Education

DATA COLLECTION

Data collection refers to specific information gathered to prove or refute facts. Data collection is important in research as it allows for dissemination of accurate information and in developing meaningful projects (Kombo and Tromp 2006). Data was collected for this research to evaluate various pieces of legislations that deals with human trafficking. This research collected data from both primary and secondary sources.

INTERVIEWS WITH KEY INFORMANT

Key informants interviews allow a free flow of ideas and information. Key informants were chosen because of their expert knowledge on issues of trafficking. Some of these key informants were NGO officials who are programme officers for trafficking issues. Government officials who set on the Task Force on human trafficking were also interviewed

for their valuable information and experience in dealing with trafficking issues. Interviews were chosen because they give instant feedback compared to other techniques and they tell a lot from non-verbal communication. Also, key informant interviews directly provide information from knowledgeable people. They also explore new ideas and issues which would not have been anticipated during the planning. They are not expensive and they can easily be conducted. Through these interviews the researcher accessed valuable information.

DOCUMENT ANALYSIS

The researcher conducted a document analysis. It is a qualitative research in which the researcher gives a voice and meaning around an assessment topic. Document analysis is a systematic procedure for reviewing documents both printed and electronic material. Corbin and Strauss (2008) notes that document analysis require data to be examined and interpreted to give meaning and develop empirical knowledge. In this research study, books, documents and laws were used as secondary sources of information. The books that were used were delineated from the literature review. The laws that were analysed include, the Constitution of Zimbabwe, the Immigration Act [Chapter 4:02], the Criminal Law (Codification and Reform) Act (Chapter 9:23), the Labour Act (Chapter 28:01), the sexual offences act and the trafficking in persons act (chapter 9). The laws, were reviewed to understand how they have managed to curb trafficking, that is their strengths and weaknesses. Analysis of Trafficking in persons reports were also looked at as secondary sources of information.

DATA ANALYSIS

The purpose of analysing data is to convert raw data into comprehensible explanation. The task of a researcher is to sort, arrange, process and give meaning to the data. The intention of analysing data is to present raw data into meaningful events (Weiss 1998). For an evaluative study data analysis is used to answer certain questions to determine the success of a program,

data analyses constitute strategies such as describing and telling the story. The data that was used was collected from a total of 8 people using interviews. The researcher recorded her interviews and analysed the data using the content analysis. A classification system was used to record the information based on the frequency of an idea as these were important. Thematic analysis was used. This helped getting the research in the historical parallels, past trends and sequences of events of human trafficking to suggest the past, present and future of the research.

ETHICAL CONSIDERATIONS

Ethical considerations are important when conducting a research and therefore need to be followed. Some of the ethical considerations that the researcher followed for the success of her research are mentioned below.

Every organisation and department has got its own rules and regulations that govern their behaviour and that are to be adhered to by anyone who goes there. Henceforth the researcher had to seek permission first from the authorities of the different ministries and NGO's. Participants must be voluntarily willing to participate in the research. The researcher did not use force or any form of coercion. She respected the respondent's decision in case they decide to withdraw from the interview. There is need for the participants to know that the researcher is carrying out a research on them. It should be up to the participants to agree on whether or not to take part in the research. Therefore it is always important that there is an agreement between the researcher and the respondent before the interviews begin. The researcher ensured confidentiality and the participants' anonymity. Some participants did not want to be exposed and wanted their identity to be anonymous therefore it is the researchers' duty to protect the privacy of participants who agreed to provide data for the research.

LITERATURE REVIEW

Human trafficking as a subject has received a fair share of scholarly and academic attention worldwide. Information ranges from the human trafficking of girls and women as well as the impacts of trafficking on development. However, a knowledge gap exists of the comprehensive analysis of the impact of legislation and policies mainly focusing on the human trafficking act of 2014 in Zimbabwe as shall be evidenced below. The literature review will use the funnel approach.

HUMAN TRAFFICKING GLOBALLY

Hung Mo's (2011) work focuses on the causes and effects of human trafficking legislation globally. He highlighted that the most useful tool in combating human trafficking is adequate human trafficking legislation. He noted that democracies are likely to have the most efficient legislation. While a high level of wealth also increases a democracy's likelihood of having adequate legislation, this has opposite effects in autocracies. He pointed that the wealthiest autocratic states are the most likely to have no legislation. He looked into the human trafficking situation in the United Arab Emirates which showed that improved legislation had led to an increase in convictions which is a positive change in the global fight against human trafficking. While the writer focuses on the impacts of human trafficking legislation globally, the writer did not mention anything about the impacts of human trafficking legislation and policies in Zimbabwe. Hence the research is going to be vital because it's going to highlight how legislation and policy impacts human trafficking in Zimbabwe.

Lutya and Lanier (2012) in their study described human trafficking of young women and girls for involuntary Prostitution. The writers noted that variables from existing theories were drawn to formulate a comprehensive view of the process followed during the commitment of this crime. The basic argument is that, since human trafficking involves a high contingent of

role players from a variety of backgrounds, a single explanation for its cause cannot exist. Essentially, human trafficking responses should consider the importance of an integrated framework in order to effectively, prevent, prosecute suspects and protect victims of human trafficking of women and girls for involuntary prostitution. Thus while they identified many cause of trafficking they did not address the impacts of legislation and policies of human trafficking in Zimbabwe.

HUMAN TRAFFICKING IN EUROPE

To add to the above, Wolken, (2006), focused on the feminists' legal theory and human trafficking in the USA. She noted how USA passed the Trafficking Victims Protection Act (TVPA), one of the purported goals of which was to protect victims by creating a special "T-Visa" that would permit them to leave their oppressors without being deported. However the writer pointed out that the special T visa was a failure due to the fact that most people were unable to meet the criteria for obtaining help.

The writer went on to note that the TVPA that were granted between 2000 and March 2005, were less than 500 which was contrast to the estimated 14,500 to 17,500 people trafficked into the United States each year highlighting its failure. The writer further analysed the ways in which feminist legal theory has contributed and helped with the problem and explored ways to move past this narrow emphasis. This makes this research important as it looked at the impacts of legislature and policies in Zimbabwe to curb trafficking.

Yuko (2009) in his paper titled Theories, Practices and Promises: Human Trafficking Laws and Policies in Destination States of the Council of Europe pointed out that human trafficker have greater opportunities to exploit those who migrate to other States. The writer discusses the development of international human trafficking treaties in the pre-human rights law era, from the 1880s until 1945. He also discusses the development of international human

trafficking treaties in the human rights law era from 1945 until the present and analyses this period. Thus while she identifies the international human trafficking treaties in the pre human rights era and in the human rights era, he does not focus on the impacts of legislation and policies on human trafficking in Zimbabwe.

Also, Nielsen, (2011), wrote on the ability of EU law to fight trafficking in women for sexual exploitation. He noted that the EU primarily addresses the fight against human trafficking through criminal law, and he investigated the extent to which EU law is able to fight trafficking in women for sexual exploitation by analysing the EU's legal framework within the field of human trafficking. It is therefore my wish to explore the extent to which the Zimbabwean legislature and policies are able to curb trafficking.

HUMAN TRAFFICKING IN AFRICA

Olagbegi and Ikpeme (2002), reviewed legislation and policies in Nigeria on human trafficking and forced labour. The writers points out how Nigeria came up with the trafficking in persons law enforcement and administration act of 2003 and how Nigeria has signed ratified and domesticated the UN protocol to prevent trafficking in persons especially women and children. They however noted that the lack of domestication and effective implementation of some of the laws and policies made them ineffective and reduced their impact to curb human trafficking. It is in this light that the purpose of the study seeks to come up with concrete evidence on the impacts of laws and policies in curbing human trafficking in Zimbabwe.

More so, UNICEF (2002) Innocenti Research Centre, UNICEF Regional Office for West and Central Africa, wrote a paper on child trafficking in West Africa and noted that it supported high-level meetings that have helped to put child trafficking on the sub-regional agenda. It also pointed out how it advocated for the ratification of all of the major international treaties

on the issue. It was also written that since 2000 it has worked in partnership with the other countries such as Italy, to carry out research into policy and programme responses to child trafficking in the sub-region. Thus while they focused on human trafficking of children in West Africa, they did not focus on legislation and policies on human trafficking in Zimbabwe.

UNESCO (2006), in its paper titled *Human Trafficking in Mozambique: Root Causes and Recommendations*, they mentions that lack of recognition of children's rights and women's marginalized and discriminatory location at both public and private sphere have placed them at a higher risk of being trafficked. They went on to highlight armed conflict, extremes of dislocation and loss, reconstruction, political upheaval and deep social scars, together with its particular geography and the AIDS pandemic making Mozambique an inviting target for organized crime. They noted that the impact of these events on women and children, together with systemic gender discrimination and the absence of protective legislation make them particularly exposed to human trafficking. Thus they did not focus on legislation and policy on human trafficking hence this makes my research relevant.

In addition, Masika (2002) in the book *Gender, trafficking and slavery*, focused on the issue of gender discrimination and oppression and the ways in which gendered power unites with poverty to make women and girls vulnerable to human trafficking. The writer pointed patriarchal values and systems as the parent causes of human trafficking and other forms of enslavement. In her book she also highlighted the discrimination which existed within the family and the community which are the causes of human trafficking. This shows that the researcher did not focus on laws on human trafficking in Zimbabwe and hence this study will be of great significance.

Tuyizere (2007) is of the opinion that women are the ones who are mainly trafficked to be exploited in various ways that is sexually, in domestic servitude and in human organs trade. It was also noted that parents and guardians sometimes sell their children due to poverty in the belief that their young ones will be taken care of whilst they do not know that they will be exploited in many ways. Hence this is different from the focus of the study which focuses on the laws which exists on human trafficking in Zimbabwe.

HUMAN TRAFFICKING IN ZIMBABWE

Firstly, (Gumbo, 2014) focuses on the trafficking of the girl child from Zimbabwe to neighbouring countries. She highlights ‘why Zimbabwe is a girl child trafficker’s paradise (Gumbo, 2014). Gumbo, in her paper recommended that the government in general and the ministry of justice, legal and parliamentary affairs should put laws that would criminalise trafficking hence the trafficking and persons act of 2014 and other laws were put in place . It is however my wish to study the impacts of the efforts which were made by the government to curb trafficking through coming up with various laws and policy.

Dodo (2012) in his study focused on investigating human trafficking as an impediment to development. She pointed out how trafficking has ‘broken down family ties, eroded states, human capital, eroded citizens confidence in immigration authorities, the effectiveness trampled on fundamental human rights and the re-introduction of the old age slavery’ (G, Dodo, (2012). Dodo did not pay attention on the impact of legislation and policies in curbing trafficking but rather focused on the impact of trafficking on development hence making the research important as it focuses on the impacts of legislation and policies in curbing trafficking.

To add to the above, Ngwende (2014) looked at the causes and responses of human trafficking in southern Africa with particular reference to Zimbabwe. The researcher pointed

out that human trafficking in the country was mainly as a result of unemployment, poverty and hunger. Adding on to the above, the researcher noted that social, economic and cultural factors are responsible for human trafficking. An investigation conducted by the researcher reviewed that the local conditions were the ones motivating people to migrate in search of better living conditions. The conditions included political instability, natural disasters, oppression and lack of human rights. Factors such as corruption were also noted to be leading to human trafficking. The researcher also noted how the government was struggling in to address the challenge due to the economic challenges that the country is facing, lack of resources and porous borders.

The sources above focused mainly on the human trafficking of girls and women as well as the impacts of trafficking on development but did not give much attention on the impact of legislation and policies on human trafficking in Zimbabwe. Thus the study is going to be of great significance because it will give a broad analysis of the impacts of legislation and policies mainly focusing on the human trafficking act of 2014 and other laws and policies.

CHAPTER 1: AN OVERVIEW OF HUMAN TRAFFICKING IN ZIMBABWE

1.1 Introduction

The chapter provides a review of human trafficking in Zimbabwe. It starts by looking at the history of human trafficking as a way of shaping the discussion. The chapter looked at the various forms of human trafficking that were used in the paper. These included bonded labour, forced labour, sexual exploitation, domestic servitude and child labour. The discussion also noted that they are mainly two types of human trafficking in Zimbabwe. These are domestic and international human trafficking. The chapter goes on to explore the causes and impacts of human trafficking.

1.2 History and the reasons behind Trafficking in Persons

In Africa, the trafficking of people has a long history dating back to the Arab and Trans-Atlantic Slave Trade which exported 28 million Africans to the Middle East and 11 million to the west respectively. In recent times, there has been resurgence in the sale of human cargo. For instance, since the 1980's the human trafficking business has boomed with an estimated \$ 32 billion in profits a year (Lutya and Lanier 2012). A dominant feature of this illicit activity is that the costs are low since the supply is massive and cheap. Furthermore, few human traffickers are arrested, prosecuted and sentenced for the crime. The ineffective criminal justice and community response of human trafficking, strengthens the process, increases abuse of trafficked persons and allow traffickers to generate financial proceeds from the crime (Lutya and Lanier 2012). Due to the abundance of victims, trafficking perpetrators do not spend a lot of money on their maintenance. If a victim slave get sick or injured or if he outlines his usefulness or becomes troublesome he may be dumped or killed. Global issues (2013). In light of the universal challenges that have been caused by human trafficking.

At present, human trafficking has gone out of control. For instance, within two years between 2010 and 2012, as many as 154 victims with different citizenships were identified in 124 countries around the globe (Global issues 2013). Whereas the attention is often given to the impact of this trade on women and children, the challenge is far more wide-ranging than these two classes. An overwhelming number of people are being trafficked for domestic or construction purposes. In fact, the ILO has revealed that of the 21 million victims of forced labour worldwide, only 4.5 million of them are victims of sexual exploitation (Lutya and Lanier 2012). It is a major tragedy that in the era of human rights such a huge number of people has been trapped into jobs through deception and are not in a position to extricate them from the trap. By 2002, this trap accounted for 11.4 million female and 9.5 million male victims illustrating that human trafficking can victimize men as nearly as equally as it can women.

1.3 The forms of human trafficking

Human trafficking takes place in many forms globally; these forms include forced labour, bonded labour, sex trafficking, labour exploitation, and domestic servitude and child soldiers. In the past years according to the Global issues (2013) a person could be considered as being trafficked only if he had been transported into exploitative situation within the country or outside the country. The term has now been broadened to mean all criminal conduct involved in forced labour and trafficking. According to (Allan 2012) there are three requirements to be met before an individual can be considered to be trafficked. The first one is being moved from one location to another (for example through recruitment, transportation, transfer, harbouring or receipt of a person). However some scholars argue that trafficking does not necessarily entail transportation, travel or movement of persons across borders. Trafficking can take place within a person's own locality. The second factor is that various methods should be used, (for example threat or use of force, or other forms of coercion, abduction,

fraud, deception and abuse of power. The third one is that the purpose is supposed to be for exploiting the victim.

Forced labour is also known as cheap labour and it includes people who are forced to work in their countries as well as out of their countries. It is less frequently detected and reported than trafficking of persons for sexual exploitation. Persons who have been trafficked or are illegal immigrants are in demand by unscrupulous bosses wanting cheap and submissive labour. For such workers there is no job security and their existence is dangerous as they are without access to law, protection welfare or assistance (Global issues 2013). This labour is especially in demand in labour intensive enterprises, that is factories, plantations and farms and in dirty and dangerous jobs such as picking through refuse and working with hazardous chemicals. Forced labour is however different from slavery. Slavery is physical abduction which is followed by forced labour without pay under subordinations of the employer. ILO (1930) defines forced labour as “all work or service which is exacted from any person under the threat of any penalty and for which the said person has not offered himself voluntarily. The ILO estimates that 68% of all trafficking is done for labour exploitation.

There is bonded labour which can be called debt bondage. This is the type of trafficking where by the victim is forced to work without being paid because he will be paying back a debt they might have or may have not agreed on as part of employment. This type of exploitation in the Zimbabwean case usually applies to those that are trafficked outside the country. For example, people working as maids but they will not be paid because their “agencies” back home will be the ones getting paid as they are the ones who would have facilitated the jobs and travelling arrangements. United Nations 1999 in B Herzfeld (2002) noted that at least 20 million people around the world are affected by bonded labour. According to ILO 1/5th of trafficking involves sexual exploitation. Sex trafficking is in two categories, the first is for children who have been forced into prostitution, that is child sex

trafficking and it is usually for commercial purposes. The second is for adults who have been forced and deceived into prostitution. Global issues (2013) notes that if a person agrees to indulge in prostitution and then faces physical or psychological abuse, it will be considered as trafficking. This type of exploitation in the Zimbabwean case exists both in domestic and international trafficking as will be shown in the discussion. Also, child soldiering is another form human trafficking. It involves children under the age of 18 who are forced into national forces. They are often used as cooks, spies or are forced to have sex with adult combatants. It has been reported that more than 20 countries have militias with children since 2010.

Child labour is another form of human trafficking. UNICEF estimates that 1.2 million children are trafficked each year for cheap or unpaid labour. They tend to engage in work that is likely to be hazardous to their health and or physical wellbeing. This often interferes with their education. Other forms of human trafficking that are going to be discussed in the paper include domestic servitude, and child labour.

Human trafficking is one of the greatest challenges that Zimbabwe is facing. Zimbabwe is a source; transit and a destination country for men, women and children that are exposed to various forms of exploitation (Trafficking In Persons report 2009). The exploitations include sexual abuse, domestic servitude and forced labour in agriculture amongst many other forms. There is domestic and transnational trafficking in the country. Counter trafficking officer from IOM noted that most often victims of human trafficking agree to go with traffickers based on false promises of good jobs, educational opportunities and marriage offers. The country is badly affected by human trafficking with 99 600 estimated victims as shown by the Global Index of practises such as forced labour, debt bondage, child exploitation and forced marriages.

1.4 Perpetrators of human trafficking

There are several groups that operate on a global scale to traffic people. Large amounts of money are gathered in the illegal trade to create influential networks around the world. These consist of many West African Nigerian networks, Chinese Triad Societies and the Russian Mafia who manage massive trafficking empires (Newsday May 10, 2014). These are calculative syndicates that develop networks in government, corporate circles and at borders with massive amounts of money involved. This allows them to easily move victims from country to country. The perpetrators of human trafficking in Zimbabwe include people in high places who abuse their power and any other person. Perpetrators are often people with the ability to establish trust with victims they are recruiting. UNODC study reviewed that female traffickers are often used to recruit people who would quickly see them as reliable and influential. In operations where females are the traffickers, information indicates that their victims have a tendency to be women or girls (<http://www.unodc.org/unodc/en/human-trafficking/publications.html>). Trafficking processes consisting of only male traffickers or in conjunction with female traffickers have been reported as trafficking in women, men and children.

1.5 Human trafficking within Zimbabwe

In Zimbabwe human trafficking happens to everyone that is females, males and children of all ages. However females and children are the ones who are mostly affected by human trafficking. Trafficking victims are forced to engage into activities such as stealing, begging, used as domestic slaves, forced labour or forced into prostitution. Young women are the ones at high risk because they can be sold to brothels or forced into prostitution. An IOM officer noted that traffickers most often promise their victims good opportunities where they are “greener pastures” during the recruitment period. This often includes jobs in big cities, countries and continents such as Harare, Mutare, Bulawayo, South Africa, Namibia, Europe,

Asia and America. This is because in Zimbabwe they are no opportunities that people wish for and they hope to achieve them abroad.

The Zimbabwean crises which have been on-going since 1997 following the announcement of the unbudgeted payment of gratuities to war veterans have resulted in an increasing number of Zimbabweans seeking 'greener' pastures both at home and abroad. Hyperinflation, restricted economic opportunities and high unemployment levels gave birth to many instances of abject poverty. In light of this, human traffickers have found a fertile ground to operate from. This development reached its peak recently with revelations that many Zimbabweans were working in slave-like conditions in countries such as Kuwait. At home, cases of people Efforts by both the public authorities and civic societies to combat this malady have largely had mixed fortunes as citizens continue to fall victim to human traffickers.

Internal human trafficking in Zimbabwe reached its peak in 2008 due to the closure of schools, worsening political violence and a bad economy (Trafficking in Persons Report, 2009). Between March 2008 presidential elections and June 2008 run-off election, ZANU PF youth militias, Zimbabwe Central Intelligence Organization (CIO) and veterans of the liberation struggle abducted and held an unknown number of women and girls particularly opposition supporters as sexual and domestic victims at camping bases (AIDS free world 2009). Against this background, this chapter traces human trafficking in Zimbabwe from a historical perspective.

The impacts of the implosion of the Zimbabwean economy on human trafficking merits close especially at the peak of the crises from 2007 to early 2009. For example, there was an unprecedented increase in the number of rape cases in 2008 especially after the announcement of the March 2008 presidential election results. Female victims have narrated

harrowing tales of being drugged and being gang-raped intensely and violently by militant gangs (Trafficking in persons report 2009). Explaining their ordeal, most women pointed out that they lost count of how many times they were raped whilst held hostage, which links human trafficking with the dangerous spread of HIV/ AIDS as perpetrators hardly use protection during such forced sexual encounters. This exposed the victims to sexually transmitted infections.

Victims of sex trafficking in the bases included women who had positions in the party, political activists, and those related to opposition politicians (AIDS free world 2009). Women were abducted from their homes by alleged ZANU PF militia, chanting revolutionary songs and party slogans. Lawrence and Roberts (2012) noted that women and children are vulnerable to trafficking when they are alone or in small groups, they are easily abducted. It was made clear to victims that they were being abducted for their party affiliations and they would be assaulted physically and sexual.

Rampant in Zimbabwe is labour exploitation of labour on desperate people by those in power. Reports suggest that young men were taken to work in the Marange diamond fields by the government security forces. During this period villagers who would not have seen their relatives for days feared they could have been trafficked for mining activities (Trafficking in persons report 2009). Many people were forced to work in the mining sector both adults and children were forced into panning and digging. Many of these mines were guarded by militia and security forces. The problem also occurred in seized farms, where the individuals to whom the farms were given sometimes forced the peasants into unpaid labour (International Trade Union confederation 2011). In Mudzi, Chingwena children were reportedly not going school to look after gardens and fields against baboons (Zimbabwe youth council 2014).

They are speculations that men are being trafficked internally in mines and farms. This is being done as a way of maximising profits while exploiting people. In most cases the men are not held hostage but the conditions they live in make it difficult for them to run away. This is because they know their traffickers and at times they will be living within the same communities. Hence they cannot run away. To this end, Zimbabwe Community Development Association (ZCDA) is investigating on the issues.

Furthermore, the emergency of sex tourism has led to the rise of internal trafficking. Young, unemployed women are reportedly taken to Victoria Falls where they are forced into prostitution. It is estimated that 10 million children under 18 years participate in prostitution activities, an estimated 1 million are forced into prostitution every year (Willis and Levy, 2002). It is noted that there are high levels of prostitution in Victoria Falls because it is a tourism destination and a route for trucks ferrying coal. It is noted that young women are being recruited, by pimps, from small towns including Hwange. Towns such as Lukosi, Ngundu, Neshuro and Hwange are the places with high rates of prostitution (The Sunday mail 15 May 2013). During the World tourism Conference (2013) minors were supplied as sex objects for the tourist market. There are also reports of social workers following up on sex trafficking getting life threatening remarks from perpetrators (Zimbabwe Youth Council 2014).

In addition, in Bulawayo the rise of forced prostitution has led to high rates of human trafficking. Girls are being trafficked from within and outside the city and from as far as Botswana under false pretence of employment as house maids and waitresses. The girls are trafficked using haulage trucks and on arrival they are sold to pimps and madams who use them as prostitutes. It was noted that the girls were being abused with an average of four men a day whom they charge as little as \$1 per client. (Newsday July 2014). Children are being abused as prostitutes due to economic difficulties.

In Harare, dancers are being forced to strip in night clubs by club owners. Many clubs in the capital are offering ‘private sessions’ between dancers and customers. This shows labour exploitation at its best as club owners earn good money from it while they pay little to the girls. Sherpered Tsandukwa the manager of a dancer named chocolate noted that some of the girls worked more than 18 hours. They are also ordered to entertain clients beyond professional duties. A club owner noted that it was cheaper to hire the girls than a live band. The clubs that were reported to own adult entertainment included private lounge, Holly’s and Tipperary. (Newsday 7 September 2017). This shows human trafficking in the sense that dancers are deceived into being sex workers under exploitative conditions due to economic conditions within the country. Another source reviewed that police officers were being bribed to allow it. (<http://www.weekendpost.co.zw/articles/2016/02/05/teen-strippers-invade-ghettoes>)

Tradition, led to the patriarchal society in most African countries including Zimbabwe. They are constructed traditional myths and mind-set built from interlocking constructs that men are superior to women. This means culture has the power to undermine basic human rights for females. Social weakness of individuals can justify violence against them. Young girls are often married off and governments in Africa including Zimbabwe often look at it as cultural or religious (Akullo 2012). This can be exemplified in the case of most apostolic sects in the country who are led by the Holy Spirit to marry young girls. This exposes the women to human trafficking. Also, the practise of avenging spirits popularly known as “ngozi” in vernacular language exposes people especially females to human trafficking. People give a family member to another family to avenge the spirit of a murdered relative (Trafficking in persons report 2016) hence these people will be exposed to trafficking.

To add to the above, the tradition of placing children in other people’s households exposes children in all kinds of exploitation. Marriage is another tradition which exposes females to

trafficking. Girls and women marry out which accustoms families and societies to the fact that girls will leave them at some point. Exploitation of women is tolerated and often excused due to a deeply rooted culture. Some argue that the lobola culture justifies men to abuse their wives because “they paid for them”. This leads to subjugation of women’s rights(Allan 2012). The same mentality can be the reason traffickers buy and sell women as if they are objects. This is due to patriarchal gender roles that strip females off their autonomy and make subordinates out of them. When females are viewed as objects, they are denied of their own economic agency. This leads to discrimination of women in education, employment and other opportunities. Women therefore become more vulnerable.

In the Zimbabwean societies women are marginalised and not prioritized economically. Women are not included in the important economic activities at the national level. This makes them vulnerable to trafficking. This can be seen in the national economic programmes. The Land reform program did not have special provisions for gender issues. In the land reform programme men obtained about 80% of the land (Mudeka 2013). This was an important drive that could have settled the historical gender in balances. This is further worsened by the rules of inheritance which exclude females from owning the land. This marginalizes women in their communities of origin (Mike 2002).

Also, the National Indigenisation and Economic Empowerment Act of 2007(NIEE) was also male oriented and women were marginalised despite the existing gender equity protocols. The empowerment policy was male dominated with S, Kasukuwere at the head of negotiations with different companies. The NIEE board whose duty was to equalise development in the country was also male dominated. Women are not involved in important economic development posts in important boards. Hence this shows that women do not have access and voice to control the decisions and distribution of resources. In other structures such as the Employee Share Ownership (ESO) and Community Share Ownership (CSO)

males are dominant (Mudeka 2013). These are local boards where local people benefit economically in the areas they live in. Women do not have representation within important schemes and there is no one to push their interests. Male domination at all significant levels pushes females backwards. This makes females vulnerable to trafficking as they are marginalized economically.

In big cities, people are subjected to domestic servitude both young and old. There is high demand for females in the urban areas. Females are needed to work in the houses or assisting in selling food and other products in street markets. This is because of the assumption that females are best suited for work in the house or are linked to the household economy (Mike 2002). Females are taken from rural areas to big towns as maids and promised good lives and salaries but they are abused by the people who would have recruited them. They are not given the agreed salaries and at times even food. Herzfeld (2002) notes that exploitative employers often prefer children to adults because they are more vulnerable, easier to control, cheaper and less likely to complain about the working conditions and higher wages.

To this end the UNODC regional legal advisor S, Munodawafa at the NAPLAC launch in July this year advised the public to be conscious as trafficking is not only across borders but also inside the country. She noted that this was through under aged forced marriages, young and old women that are brought from rural areas that are exploited and abused in domestic servitudes after being promised good salaries and education opportunities on recruitment. UNODC GLOTIP (2014) notes that females made up 70% of human trafficking victims.

Human trafficking of children

Trafficking of children began with the decline of adult slavery in the slavery dependent communities (Lawrence and Roberts 2012). The ways that are used to traffic children include marriage, adoption, indenture, bonding and slavery. Children are bonded or pawned in the

context of famines, rural distresses and economic depression. Parents pawned their children in periods of hunger to be given food (Lawrence and Roberts 2012). In the rural areas, children are often recruited by their relatives to come and work in the big cities of the country. In the cities people are often exposed to domestic servitude and other forms of forced labour. Children, usually orphans, are often given promises of being adopted or for furthering their education.

The children are then exposed to illegal activities such as drug smuggling or in forced labour in the agriculture and mining sectors (Trafficking in persons report 2016). The lack of access to education, health services, adequate nutrition and legal protection are exacerbated for children who are a group suffering from discrimination and leave them at a significant disadvantage. Nearly 2/3 of all births in Africa are unregistered. The impact of the lack of registration affects the poor in most cases. If a child is caught up in human trafficking without registration and taken to another country, it becomes difficult to be repatriated back as the home country may reject him (Akullo 2012).

In the country, abandoned children have the highest chances of being trafficked. This is because they are vulnerable, without parents or guardians children are often found on the streets. They lack education, proper identification documents and without regular means of economic support. They become an easy target of traffickers who offer them opportunities or an easier life elsewhere within or outside Zimbabwe. Niewiarowska, (2015) point out that minorities depend on traffickers to cross borders due to difficult immigration enforcements, the fear of deportation leads victims to escape law enforcements agencies.

The taxi drivers who transport people to the border at Beitbridge or nearby, some of them are traffickers as they transfer the migrants into criminal gangs that subject them to abuse, including forced prostitution in cities such as Johannesburg, Cape Town and Durban

(Trafficking in persons report 2015). In 2009 UNICEF estimated that thousands of children from Asia, Africa and South America are sold into the global sex trade every year. A US Department of justice study noted that more than 30 per cent of the total trafficking cases for 2007 to 2008 were children coerced into the sex industry. (UNODC and SADC 2007) The average age of young girls sold into sex slavery is 13 and the average profit made by a pimp from one girl repeated rape for profit is \$ 200, 000 which makes it a lucrative business. (UNODC 2009) Children are vulnerable to trafficking because they are easily kidnaped, controlled and uncultured (Lawrence and Roberts 2012).

1.6 Zimbabwe as a corridor of traffickers

Zimbabwe is used as a corridor by human traffickers from countries such as Pakistan India, DRC, Mozambique and Zambia to South Africa. There are reports of South Africans being exploited as domestic labour in Zimbabwe (Trafficking in persons report 2010). People from East Africa are transported through Zimbabwe to South Africa. There are reports of children from Mozambique doing street vending in Mbare, Harare (Trafficking in persons report, 2015). Refugees from Somalia and the Democratic Republic of Congo travel from Zimbabwe Tongogara refugee camps to Harare where they are forced into prostitution and some are exploited. It was noted that many refugees were coming from the horn of Africa and the great lake regions. Zimbabwe has a total of 7685 refugees since 2014. It was noted that 902 refugees absconded from Zimbabwe to unknown destinations (www.veritaszim.net). This can also be the other victims of human trafficking.

Noteworthy is the point that human trafficking for ages seemed like a distant phenomenon to Zimbabwe and this could be probably have allowed the practice to grow unnoticed. It is noted that in 2007 the government relied on organizations such as IOM to identify victims and alert the authorities, the author of this paper may argue that this was due to reluctance within the government ministries. One is justified to wonder, how can the government not launch a

commission of inquiry into such an inhumane practice? However some may argue that it was due to the general misunderstanding of trafficking among the government various departments in the previous years though senior government officials talked about the dangers of illegal migration and human trafficking. Social media led to the rise of the phenomenon of human trafficking. The formation of whatsapp groups led women to share their experiences and realize that they were being trafficked. People were unaware of trafficking issue but now they know about the issues.

Parliamentarians should however be credited for taking the issue of human trafficking in the country for discussion. It is important to examine the third session of the national assembly, the 8th parliament on Thursday the 9th of June 2016. The parliamentarians had previously talked about the issue on the 19th of May in the previous parliamentary session on the 9th of June. This was due to the rising number of women who were trafficked and the case of 200 women who were reportedly stranded in Kuwait. Parliamentarians demonstrated against the trafficking of women in Kuwait by sitting on the floor and boycotting sitting on the benches. This was done by women across all the parties in the country. The women included B.Nyamupinga of ZANUPF, P. Misihairabwi – Mushonga of MDC, R, Bunjira of MDC and N, Ndlovu of MDC T. This was after horrific tales of girls who were trafficked in Kuwait were read by the foreign affairs chairperson, honourable, K, Paradza (Newsday 14 may 2016).

The women wanted the minister of foreign affairs, honourable Mumbengegwi to resign from his post. This was because he had ignored letters that were written by the Zimbabwean ambassador in Kuwait, Mr G, and Marongwe. The letters informed the minister of the situation that women were facing in Kuwait. The minister noted that nothing could be done because the government did not have money to assist the girls. In another call he was asked to assist the girls through air tickets to return home but he never responded to the call.

The ambassador to Kuwait assisted the girls during their stay at the embassy. This led him to owe \$130 000 in rental arrears to Kuwait and around \$275 000 in salary areas. It was reported that one of the officers at the Zimbabwean embassy in Kuwait failed to pay for his wife bill at a maternity hospital (Newsday 14 May 2014). However, the government engaged and made sure that the women including those that had been put under slavery conditions, were brought back to Zimbabwe, with the promise of bringing perpetrators to book. It is important to note that various organisations contributed in bringing the women back home. These include Wicknell Chivayo, the Young Women Christian Association (YWCA) International which is led by human rights defender Nyaradzayi Gumbonzvanda and the government.

The Ministry of Home Affairs embarked on awareness campaigns, conscientising the public about human trafficking especially the youths. The ministry engaged the government of Kuwait in ensuring that such an ordeal would not happen again. This was done by banning the active 20 visas also which made Zimbabweans to be employed as slaves by the Kuwait embassy. The Zimbabwean embassy in Kuwait was later granted funds to send back and feed the people who were affected. A proposal to develop a comprehensive national strategy that would fight human trafficking and call on government to establish a compensation fund to all human trafficking victims was made.

1.7 International human trafficking of Zimbabweans

The human resources director at the Women Affairs, Gender and Community Development ministry highlighted that trafficking internationally was not taking place in Asian countries (especially china and Kuwait) only but also, in the other continents though Asia has the highest issues of trafficking. According to the global issues (2013), of the number of people being trafficked worldwide, 50% of them were in Asia, nearly 20% were in Africa, 10 % in Latin America and up to 17, 500 in USA. This shows that human trafficking is a global problem that needs urgent international attention.

People are trafficked through deception in most cases. For example the recent Kuwait issue, the women knew they were going to be working as maids but they did not know the working conditions. The working conditions made them realize that they were being used as “slaves” in a way. The other way that is being used in trafficking people is smuggling. This is because after smugglers help someone to enter a certain country illegally, they often become greedy. They end up using the person for other things like prostitution, though this will be against the person’s will. They can also sell the victim to traffickers due to greediness. There are no cases of coercion in the country; if they are there they are few.

More than 200 women from Zimbabwe went to Kuwait under the guise of better job opportunities. The Kuwait former ambassador to Zimbabwe, Ahmed Aljeeran and one of his secretaries, Brenda Avril May were the ring leaders of the trafficking ring using his powerful status to lure women in trafficking. Traffickers work in organized groups, usually when the trafficking is international in nature. In all respects, the organized groups fall within the definition of organized criminal groups as outlined in the UN Organized Crime Convention. In accordance with Article 2 of the Convention, an ‘organized criminal UNODC and SADC (2007)

They tricked people by adverts of job vacancies in the local media and they processed the visas for the victims. The adverts made promises such as good salaries, education and air ticket. On arrival in the Gulf their passports and cell phones would be seized and the victims would find themselves in domestic servitude or as concubines. The problems they faced included working long hours, beatings, sexual abuse starvation, low wages and house arrests. At times they would not get paid, the money would be sent to Zimbabwe to those who would have mobilized the people. Victims worked for 22 hours per day without meals. They had two hour rest; most were locked up in small rooms so that they would not escape. In some instances, human traffickers would demand ransom from the victim’s families before

they could be release them. The Senior Programs Officer for ILO Zimbabwe and Namibia Country Office, A, Chinomwe noted that the recruitment of domestic workers in the Middle East is done through the *Kafala* System which gives the association between employers and employees as master and slave association. He also reviewed that maids were forced to sign stringent measures.

“It is part of their culture and system of governance as it delegates the management of domestic workers to individuals or companies. Individuals pay recruitment agents to cater for the processing of would be workers’ travel expenses and upon arrival they will work without being paid in order for the master to recover the sponsorship costs.”

This shows that selling maids as slaves in Kuwait is not illegal. The maids were sold for \$2500 to \$3000 to people and companies who needed maids (Newsday 14 May 2016). The maids would not be free until after two years when their contracts expired. For the two years the “slave masters” would do as they please without the government intervention

To this end, the United Nations Women country director, Delphine Serumaga noted that some of the women who were trafficked to Kuwait were approached by people in their communities. Most of the women were single moms with professions such as teaching, banking, etc. They were told to apply for visas and within a day they had the visas. Also, they were given air tickets to go to Kuwait though some of them had no working experience. These acts were too good to be true because visas take time to be processed. It was further stated that these acts showed that there was something fishy about the job offers.

The women who were trafficked in the Kuwait saga realized that something was wrong on their arrival in the gulf country when upon arrival were taken to a basement. In the basement they were other women of different origins such as Philippians, Ghanaians, and Vietnams etc.

it was noted that the women were graded according to their beauty. The most beautiful were in their own groups while the rest were in their own. The women who questioned those in authority faced harassment. For example a certain woman asked what was happening and her passport was torn. The following day agents came and elected individuals they wanted.

In other cases where Zimbabwean women were taken as maids, it was reported that in the houses were other girls from Togo and Ghana who were also maids. It was noted that on the first day they were treated very well by their 'master'. Deception was used as a way to keep the women working as maids though they had professional qualifications. They were told that they would change employment with time. It was after a few days that the women would be told that they would be no changes on working conditions. Victims of human trafficking work under difficult conditions. In some instances they were forced to get up at 3 am and work for long hours. Further, their bosses abused them sexually and psychologically, their clothes were burnt and they were made to wear slave uniforms. One young Zimbabwean woman recalled how she was forced to have sexual intercourse with 5 to 10 men a day. It was noted that 32 girls became mentally challenged due to the trauma they faced in Kuwait.

The above mentioned system, that is the Kafala laws made it difficult for the women to be brought back home because they approve slavery practices. The slave holders demanded refunds of \$3000 dollars excluding air fares to the Zimbabwean embassy in Kuwait making the situation difficult for the embassy.

Zimbabwean women are also lured in false employment in the hospitality sector jobs in China and latter forced into sex work. An unnamed employment agency was believed to be trafficking people to china where they were working in clubs as strippers and act pornographic films. It was believed that Zimbabweans were working together with Chinese in Beijing while the others were recruiting people from this end. The rings were targeting

people between the ages of 16 and 25. Victims were mostly being trafficked from upper class clubs and on social media.

Men were also being recruited to work as escorts. Individuals were made to pay for their travelling visa processing while the traveling agency was to pay for accommodation and pay the recruits salaries (The herald 10 July 2014). To this end the chairperson of the parliamentary portfolio committee on women affairs, honorable Biata Nyamupinga noted that “*our women are not only trafficked in Kuwait but in other countries like China, other African countries and even South Africa.*” In a report in 2009 a Chinese company recruited people to work in Chinese owned companies in Angola. When they reached there their passports were confiscated. They were subjected to forced labour and the case was reported but nothing was done. The case progressed slowly in the Zimbabwean labour courts.

In South Africa, The youths both males and females are vulnerable to human trafficking because they are desperately looking for employment. South Africa, because of its attractive nature and its historic employment opportunities for jobless people, aided by its permeable borders, makes it the most apparent destination for migrants. Its successful sex industry makes it a target for traffickers. Zimbabwean men and women are lured into exploitative labour sectors such as agriculture, construction and in forced sex work. Migrating to South Africa, (Adepoju,etal 2010), is a survival strategy for Zimbabweans which formerly was the ‘food basket of Africa’ but has become a failed state. In other cases young men and boys are trafficked into South Africa where they are subjected to providing ‘free’ labour and their authorities often report them so that they may be deported. The country’s economic challenges and the belief that jobs are in abundance in South Africa have made many Zimbabweans vulnerable to human trafficking.

Human trafficking of Zimbabweans is also taking place in war torn countries, for example 15 people were trafficked to Somalia after a local church had placed a job advert. The people were reported to be working in the country as sex slaves, waiters and waitresses. (ZBC News 07 March 2016). In countries such as Namibia children including those from Zimbabwe are subjected to human trafficking in the cities such as Windhoek and used in organized street vending, sex trafficking and in the fishing sector. It was noted that in 2013 there were reports in the Chinese owned retails of Namibia involving foreign adults and children in construction and fishing operations. (Trafficking in persons report 2013)

Also, false employment opportunities in Egypt and Israel have trapped both males and female to human trafficking. Jobs are advertised in newspapers and on the internet. Personal approaches to potential Victims are sometimes also made.

Job advertisement in local newspapers might read as follows:

Vacancies for International job opportunities.

“Strike a chance to fly, stay and work abroad as maids/general hands. There is also a chance for an advance air ticket payable later.”

Advertisements like these sound tempting and look innocent. The possibility of paying later for an air ticket is an attraction to an unemployed person looking for a job, especially if the job is overseas. The evidence shown above shows that human trafficking is not taking place in Kuwait only but from other countries also though little is being said about it

1.7.1 Cyber trafficking

There is no standard definition of ‘cyber trafficking,’ however VGreiman and C Bain (2013) defines it as

‘Cyber trafficking’ is the transport of persons, by means of a computer system, Internet service, mobile device, local bulletin board service, or any device capable of electronic

data storage or transmission to coerce, deceive, or consent for the purpose of 'exploitation'.

The advent of internet has led to the rising of women as sex and child laborers very easy. It was noted that the internet was being used by traffickers to sell women and children as sex slaves. Women appear on the internet as sex traders, but they do not do it willingly they are made to do so, they are victims of trafficking. Online employment agencies and chat rooms are used to recruit “trafficable” victims. (Global issues 2013). A Zimbabwean cyber security strategist, Cade Zvavanjanja, note that email “spoofing” was taking place in the country. This is an act where by a person sends an email pretending to be someone he is not. This is done for deceiving people that they have find employment as a way of trafficking them. He further noted that spoofing is an easy thing to do and does not require IT specialists to conduct it.

1.7.2 The use of technology in trafficking

Cyber trafficking has different forms, which can be grouped into three categories. The first category is the use of Internet, texts, cameras, and smartphones to advertise and sell sex. A shift in the advertising of commercial sex was observed in moving from the streets, to online classified advertising sites such as backpage.com and other specialized sites (Greiman and Bain 2013) It was discovered that traffickers make elegant use of mobile technology to photograph their victims, place and send photos and other information about victims to potential customers in real time to arrange transactions, etc

The second type of the use of technology in trafficking is identifying, finding, enticing and engaging new victims into trafficking. Technology also helps to control the victims once they are trafficked. This is done by using social networking sites, for example, Facebook, linked in, twitter and others. Direct communications tools like email, instant messaging, and text messages can also be used. this recruiting utility is being used for sex trafficking and for labor trafficking. Examples of this type take account of creating fabricated

employment and immigration assistance websites to attract potential victims into contact with the traffickers. However, the role of social networking sites and online classifieds has not been fully researched. The third type involves both the advertising and the delivery of forced sex services on the Internet. Cybersex victims are offered to customers over the Internet and then involuntarily perform sex acts for those customers via Internet webcams and chat technologies (V Greiman and C Bain 2013).

In Zimbabwe cyber trafficking is also happening. On this note POTRAZ head of ICT Mr. Mujuru noted that there was need to strengthen laws against cyber trafficking in the country because most human trafficking cases took place on the internet (ZBC News 07 march). In 2004 there was an advert on the internet that was inviting applications for hotel jobs in Canada. The conditions for acceptance to the respondents included going for medical check-ups in Malawi, paying for their own air fares to Canada and pay US\$500 to sustain them until their first salary payment in Canada, which would be US\$9,000 a month. Three friends, all Zimbabwean females, namely Mary Tafa (31), Rhoda Tavengwa (24) and Portia Muzidzi, were interested in the jobs and they applied for it through the internet.

They were recruited over the phone by a person named 'Claude Wilson'. Mary Tafa was the first to go to Canada via Kenya as arranged. She never arrived in Canada and never left Kenya. The other two girls also left for Kenya upon arrival in Nairobi, they were met at the airport and taken to a taxi by a man who told them that they were being taken to Mombasa. On their arrival their passports and money was taken away.

The women managed to contact the police leading to the arrest interrogation of the suspected trafficker, which led him to confess to the Kenyan police that he had killed 20 people from different countries including Zimbabwe, South Africa, Malawi and Zambia who responded to an advert he placed on the Internet. Mary was one of the murdered victims and he led the

police to a place outside town where he had buried the body of Mary Tafa. Cybercrimes in general are difficult to handle hence a person who is trafficked through the cyber is difficult to find. The person can only be found through forensic research.

1.8 Factors that are leading to human trafficking in Zimbabwe

The main factor that is causing human trafficking in Africa in general and Zimbabwe in particular is poverty. Most of the reasons are linked to poverty directly or indirectly. However, the writer cannot conclude that poverty is the only reason leading to human trafficking because not only the poor are affected by human trafficking. While poverty stands out, there are other factors causing and perpetuating human trafficking as shall be shown below.

Poverty in the country is being heightened by the El Niño droughts that the country is facing. In the country poverty is mainly a rural phenomenon. According to Zimbabwe poverty Atlas (2015) Buhera's overall poverty prevalence was 78%. Generally there is a low rainfall amount in that area which explains why poverty prevalence in its different districts exceeds 65%. This is a good example of a lucrative place for human trafficking perpetrators. It presents places likely to be affected by human trafficking. To this end Mike (2000) point out that poverty is the central factor in the parents' decision of sending their children to work in wealthier countries. In many cases recruiters promise to send the children's parents some money and in few cases they hand over money straight away. Parents send their children in the hope that they will make their fortune in wealthier cities or communities. They mistakenly trust the smooth talking agents who paint a rosy picture of the children's prospects.

As mentioned above, the economic crisis that the country is facing has led women to migrate to other countries without proper paperwork, which eventually presents them as prey for

human traffickers. The economic disparity between men and women caused by the social learning of certain jobs being only suitable for men and the high literacy rate in men has led women to be victims of human trafficking to a large extent (R Masika 2002). Household pressures leave people, especially women desperate to find anything income generating and ultimately living them vulnerable. Minorities are politically and economically excluded thus they are the most likely to fall victims of trafficking

As highlighted earlier on, the economic crisis that the country is facing was propelled by factors such as the 1997 unbudgeted payment of gratuities to war veterans, hyper inflations and ESAP. The economic blueprints like ESAP reduced the greater part of the population to mere paupers. Moyo (2005) reported that since 1990 Zimbabwe was among the 16 Sub-Saharan countries that were experiencing reversals in human development, meaning that poverty was now increasing. Zimbabwe Human Development Report (ZHDR) (1999) reported that 60% of the population was earning less than US\$1 a day (although this is debatable), 80% live in rural areas while 25% were unable to meet basic needs as a result of ESAP. There was massive employment instability. Many Zimbabweans were retrenched in agriculture and other industries as indicated by Kanji (1992). At the end of 1993, the Zimbabwe Congress of Trade Unions (ZCTU), in Mlambo (1997), estimated that 60,000 workers were retrenched in all sectors of the economy as ESAP took its toll.

According to Mlambo (1997) liberalization of trade, one of the prerequisites of ESAP leads to a progressive denationalization of the borrowing country's economy. This was done through the destruction of locally owned enterprises and the promotion of multinational businesses. Liberalization usually results in flooding of the local market with cheaper imported goods which consequently destroys the local business whose prosperity wholly depends on the availability of protected market. Thus liberalization opened the local market to competition from imported finished goods which therefore impose massive strain on local

companies. More so, with reference to exports, local companies found it very difficult to increase their exports to international markets especially those companies that were previously not involved in exports (Mlambo 1997).

This was fuelled by unpredictable land grabs of 1999. This can largely be attributed to the newly resettled farmers who underutilized the land from which commercial farmers had previously produced 90 % of marketed food, with exports contributing essentially to foreign exchange and they employed over 25 % of the formal workforce. Moreover the manufacturing sector was tightly linked to the agricultural sector and therefore the collapse of agriculture had a huge impact on other sectors as well. This negatively affected the majority of Zimbabwe's population. Economic growth stagnated while unemployment, inflation and dissatisfaction all grew steadily

The above was compounded by the 2005 Operation Restore Order, popularly known as Murambatsvina, the economic melt-down of 2007-8 and the political violence of 2008. The 2010 Indigenization Act is another factor that led to the crumbling of the economy. It required all enterprises in Zimbabwe to cede fifty one per cent ownership to indigenous Zimbabweans within five years. This scared away investors as they felt they would not gain so they had to move to other countries (Ngwende 2012). This led many people to lose their jobs as many foreign owned companies closed down. The rich and influential Zimbabweans became rich by buying shares of many companies but the majority suffered and migrated to foreign countries in eagerness of good life. All these activities led to economic hardships that were experienced beginning from 2000 up to now (Dodo 2012). These factors led to the declining trends of the Zimbabwean economy over the past years. It prompted the movement of part of the population to neighbouring countries, for example Botswana and South Africa, and to Europe, to look for employment. Human traffickers exploited the vulnerability of moving population.

Unemployment is also credited as one of the reasons that have led to the rise of human trafficking in Zimbabwe. They are many jobless secondary and tertiary graduates in the country in both urban and rural areas. These people lack basic need for example, food, accommodation and transport money (Tuyizere 2007). They become vulnerable to the schemes of human traffickers who falsify better lives in foreign countries

The economic disparity between men and women is also another factor that has led to the human trafficking of women especially (Tuyizere 2007, Masika 2002). In most developing countries like our Zimbabwe men are more educated than women and they are the ones with salaried jobs while women usually depend on men. This has led women to be prone to human trafficking. To this end the UN Information Service (2002), noted that more than 700 000 women and children are trafficked every year for sexual exploitation, forced labour and forced adoption.

Discrimination in the work place is another factor leading to the massive trafficking of females in the country. Many women work in hostile work environments after they struggle in securing jobs. In Zimbabwe women achievements are ridiculed and seen as favour. This was evidenced in the country politically when former Vice President Mujuru's achievements were portrayed as "favour". Such attitudes are not only limited to the dirty political game but are also still prevalent in the workplace. Women still face discrimination and this limits their growth trajectory. Another form of discrimination is through sexual harassment and it is one of the factors deterring women from realising the full actualisation of their economic empowerment in the country.

In most cases men often hold key positions of power in most organisations and some patriarchal mentalities justify maltreatment of women, many women are often left vulnerable to harassment and left in a situation where they have no power to report it. Furthermore in an

economic environment with inadequate job opportunities, researchers believe that women are often the last hired and the first fired. These conditions add to a hostile situation that forces many women to look abroad for work. This makes them particularly vulnerable to human trafficking.

The advent of Globalization led to the establishment of a global market. The advent of an integrated world economy led to a rise in trafficking issues. Globalisation has led to homelessness of people and also widespread poverty levels. This has led to the 4th world where human trafficking victims are drawn worldwide. Markets in the developed countries needed labour in many fields for example food processing, construction, domestic services and many other industries. In the less developed countries like Zimbabwe masses are educated but without jobs. This resulted in people moving to developed countries where they are used as cheap labour by multinational co operations (Brewer 2011). This has led to trafficking and exploitation of labour subjected to a life time of slave like conditions.

Human trafficking according to (Lutya and Lanier 2012) occurs because traffickers observe trade in persons as a lucrative business to generate income. America generates millions of dollars from human trafficking (Bales and Scodalter 2009). Considering that few human traffickers are arrested, prosecuted and sentenced for the crime for example the perpetrators of the Kuwait scandal in the country nothing was done to them except for those that were operating in Zimbabwe at the Kuwait embassy thus more trafficking may occur. The ineffective criminal justice and community response of human trafficking strengthens the process, increases abuse of trafficked persons and allows traffickers to generate financial proceeds from the crime.

1.9 Impacts of human trafficking

Human trafficking has negative impacts on the individual, the society and the country as a whole as will be examined in this research.

1.9.1 Impacts upon an individual

The victims of human trafficking suffer in many ways including, physical, sexual, violence, deprivation, torture and at times they are forced to use substances and many other factors. It is important to highlight the fact that victims of human trafficking would be those that already have issues, for example the poor, the vulnerable and the disabled. They went under traumatic experiences which they repeatedly do in some cases. This is the reason they are taken to protective homes before they are integrated back into the society.

The victims of trafficking often get sick and some die. To this end Tuyizere (2007) argues that women who are victims of this trade are at an increased risk of unwanted pregnancies and sexually transmitted diseases. For example a woman from Bulawayo Debbie Siyangapi who was impregnated and left with the HIV/AIDS virus in 2002 after being forced into the youth service which was popularly known as “Boarder Gezi”. She stayed in the training camp for nine months and was raped almost daily for the nine months she had stayed in the training camp, by some of the hundreds of young male conscripts and this was evidenced by the child she had from those abuses whom she named peace. She also highlighted how at times she was happy and other angry about the child (Wines 2003).

Some of the women who were abducted in the camps in the above discussion tested positive due to the fact that they were abused sexually and the perpetrators did not use protection. This is because the women lack bargaining power concerning the use of condoms. The other reason why victims of trafficking end up sick is because they are not given medical attention when they will need medical services.

Another example is of a 16 year old girl called Audrey Mukachana who was accommodated at a rehabilitation home run by Msasa Projects in Harare. The girl stayed in Musina, South Africa for eight months after being recruited by four white people at Beitbridge. The perpetrators of human trafficking facilitate the illegal cross border of their victims. In some instances victims are sexually exploited. The perpetrators instruct the victims on how they want them to perform sexually. Victims can be made to have sexual intercourse with two or three men at the same time. In some cases traffickers expose victims to drugs during sexual acts to undertake pornographic films and photographs. This is done to make victims corporative and comfortable in displaying different sexual acts. Often time's victims are threatened by traffickers in order to control them. They threaten them by reminding them that they are illegal migrants in a certain country or by death.

UNODC (2008) notes that a stigma is attached to victims and this has an impact on their lives, including in the trauma experienced by victim as well as the possibility of physical rejection by family and/or community. This was witnessed by the sour relationship between Audrey and her step mother and she decided to run away from home. The long-term results of human trafficking for the individual are complex and depend on many factors, with no guarantee of recovery UNODC (2008). Revictimization is often a further consequence of the experience. Audrey was revictimised and taken to Zambia and proceeded to Malawi where they stayed for some time.

Traffickers in many cases hide their true identity to victims. In the case of Audrey the man told her that he was Tanzanian and he would take her with him, however the man spoke French which showed that the man might have not been from Tanzania. Victims of human trafficking are subjected to further sexual exploitation and drug abuses. When traffickers no longer need their victims they dump them. In most cases victims are dumped without

anything including clothes. Zimbabwean embassies in various countries help victims to get back home safely.

In Zimbabwe, Audrey was taken to a rehabilitation home where she received psycho-social support. It was noted that Audrey could not remember all that had happened to her at once; each time one meets her she had more to tell about her ordeal. The behavior of trafficking victims can be challenging for third parties to understand, while victims can find it difficult to understand what happened to them, discuss or explain it to others UNODC (2008). The specialists who took care of her indicated that loss of memory was normal for traumatized people. She tested positive for HIV and hepatitis and her health was deteriorating.

The Msasa Project noted that people who would have been trafficked, they have symptoms which include:

- Post-traumatic stress disorder
- Anxiety
- Depression
- Suicidal ideation
- Panic disorder
- Substance abuse

Many blame themselves for what would have happen to them. UNODC (2008) Studies showed that trauma exacerbates during the trafficking process and may continue far beyond the end of any exploitation.

The UN women country director also noted that some women in the Kuwait saga were embarrassed to go back into their original communities. This is because they had given away

all their belongings. They were left with nothing and they came back with nothing. Some had given away their clothes, cars, properties etc. to their relatives this made it difficult for some women. This shows that the women were stressed and under a lot of pressure. Trafficked people have no means to develop themselves.

Some victims of human trafficking end up in prostitution as survival strategies. Victims of human trafficking are given false information of employment. This happened especially during the economic meltdown in 2008. Many young women were promised false employment opportunities in South African restaurants. On arrival victims would be handed over to foreign nationals for example Nigerian women, who would confiscate their passports. They would threaten victims by black magic to avoid them from running away. This would be done by taking a sample of their hair, nails and undergarments. The young women would be exploited sexually but the money was collected by the Nigerian women. The men demanded unprotected sex and they could not deny it to them because they would be punished for it. In many cases, the girls who managed to escape ended up in prostitution for survival.

Also, there is victim blaming, where on being repatriated, victims may find it difficult to fit into societies again. Many people are often blamed for being trafficked. This is cemented by the fact that victims will be brain washed to think that they will be willingly doing what they will be doing. Failure in doing what they will be instructed to do will result in physical abuse from their capturers. Societies tend to believe that victims would have chosen the lifestyle they will be living. They often portray victims as 'ladies of the night'. This is because some of the victims would have narcotic addiction and might be involved in the sex industry. (www.monarchsc.org/wp-content/uploads/Human-Trafficking.pdf.) Many people do not report what happened to them due to the societies they live in.

1.9.2 Impact on families

Human Trafficking causes family separation and family ties are broken as the individual who is trafficked is not allowed being in contact with his or her family members. This results to psychological effects on both the individual and the family members. This can be seen in cases where victims do not give their relatives their phone numbers and physical addresses of where they would be staying. In some instances when they call their relatives they just talk to them for a short period of time as if the calls are being monitored. The relatives back home are the ones who will take care of the victim's children if they had any. This is due to the fact that they will be constantly complaining of the difficult living conditions in the foreign countries. Family members are even more worried when they hear of trafficking issues being discussed.

1.9.3 Impacts on the country

Human trafficking lead to increased Social responsibility on government as in some instances children are left stranded with no parents to provide for them. The government will have to take care of the children of the victims. In the case of Zimbabwe most victims of human trafficking are single females who will be looking for ways to look for their children. It was noted that they are 48 223 child headed houses in Zimbabwe housing 102 233 children. Thus the government has to take care of the children. (www.nac.org.zw/sites/default/files/OVC8.pdf). This is due to ratification of a number of acts by the country which forces it to take care of the children. The government takes care of the children through programs such as the Basic Education Assistance Module, Zunde Ramambo and many others.

One of the consequences of human trafficking in persons is loss of human resources and declines in tax revenue. To support this Zimbabwe women's resource and network center director Mhlanga noted that human trafficking is a practice that was robbing the nation its

human resources that could have largely contributed to the country's economy. This is because trafficking is resulting to the loss of human capital for the turnaround of the economy in the country. The participation of women in the economy is not quantified but it is very important. (The herald 10 July 2014) Moreover, potential remunerations, to migrants, their families, community and government or other potential legitimate employers to traffickers and their associates are lost due to trafficking in persons. Trafficking creates a firm and regular source of income for criminal networks, resulting on other forms of criminal activity as well as legitimate business.

1.10 Chapter summary

The chapter noted that human trafficking can be traced to the slave trade which dates back to the 14th and 15th century. Human trafficking in Zimbabwe takes place within the country and beyond the borders. Human trafficking takes place in many forms which include child labour, domestic servitude, sexual exploitation, bonded labour and forced labour. Females, males and children can all be victims of human trafficking for different forms of human trafficking. However, women and children are bound to be victims to a larger extent. This is because they are the most vulnerable groups due to the structure of societies which are patriarchal in nature and also other factors that were discussed. Internal trafficking is human trafficking which is taking place domestically. Internally people are being trafficked in the areas they live and forced to do work on farms and mines. There is also the trafficking of victims from rural areas to towns where they are being promised greener pastures. The country witnessed sex trafficking scandals due to political and economic reasons. Politically sex trafficking was used as a tool by ZANU PF to intimidate those who were against it. Economically, the rise of sex tourism has led to the exploitation of under aged children in tourist destination places such as Victoria Falls. Other factors such as forced prostitution in the country's capital such as Bulawayo and Harare are some of the factors which prove that human trafficking exists in

the country. Culture is another factor that is leading to trafficking of women and children. This can be due to marriages, the inheritance system and the system of placing children in relatives' households. Domestic servitude of both young and old women is rampant in the country. All the mentioned factors show that human trafficking exist domestically. Internationally, human trafficking is not only taking place in Kuwait but also in other countries such as china and South Africa though much attention was given to the Kuwait scandal. The Kuwait trafficking scandal raised attention due to the estimation that 200 women were trafficked in the gulf country. The chapter also noted that human trafficking in Zimbabwe is mainly caused by poverty though they are other factors that cause human. Poverty in Zimbabwe can be traced back to the 1990's with the unbudgeted payment of gratuities to war veteransto the recent indigenization policy which led to the flee of investors from the country. Human trafficking has impacts to the individual, the society and to the country.

CHAPTER 2: AN ANALYSIS OF LEGISLATIONS, POLICY AND ENFORCEMENT EFFORTS SURROUNDING HUMAN TRAFFICKING IN ZIMBABWE

2.1 Introduction

Acknowledging the importance of engaging regional and international actors in combating human trafficking, the writer, in this chapter, looks at the available international and regional laws to this cause. Globally, the problem of human trafficking tops the priority list. The 1990's witnessed the increase of fear of human trafficking because it was linked to coercion, exploitation and the involvement of migration profession often linked to organized crimes (Global issues 2013). Since human trafficking comes with displacement and intensive exploitation of the victims, the writer looked at the laws available internationally, regionally and locally, that seeks to protect victims of human trafficking.

2.2 International instruments addressing human trafficking

Instruments of international laws that have dealt with the abolition of human trafficking began in the anti-slavery era. These were seen in the provisions within the slavery convention of 1926 and the supplementary convention of the abolition of slavery, the slave trade and institutions and practices similar to slavery of 1956. There are instruments of international law that include sections that are against the trafficking of persons. These include the Universal Declaration of Human Rights of 1948, the International Covenants on Civil and Political Rights of 1966, The United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) of 1979 (Niewiarowska 2015). These instruments laid the foundation for the contemporary conventions and efforts to eliminating trafficking.

The most recent international legislation on trafficking which was created by The United Nations Office on Drugs and Crime (UNODC) include the main instrument namely the United Nations Convention against Transnational Organized Crime. The instrument was supplemented by two protocols namely the, the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo) of 2000 and the United Nations Protocol against the Smuggling of Migrants by Land, Sea, and Air, which entered into force in 2003-2004. A protocol is a term that is given to a treaty that is negotiated at a later date to supplement an established instrument.

However, the Palermo protocol was negotiated at the same time with the main instrument. The protocols were distinct from conventions to allow states to choose protocols they would give consent. As of September 2014, the Palermo Protocol has been ratified by 166 nations including Zimbabwe (Allan 2012). The protocol required all signatories to criminalize all acts of trafficking which include forced labour, slavery and slavery like practices (Lawrence and Roberts 2012). Other scholars like A Gallagher notes that the protocol does not define exploitation but it provides a list of contexts in which exploitation of trafficked people occurs. The protocol states that “*the exploitation of prostitution and other forms of sexual exploitation, forced labour of services, slavery of practices similar to slavery, servitude or the removal of organs*”. It however did not explain what exploitation is.

However, Niewiarowska (2015) noted that many of these states have failed to implement effective human trafficking legislation. In support of enforcing these instruments, the UNODC established the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) in 2007. (L King)

UNODC model law on trafficking in persons

The UNODC developed a model law on trafficking in persons after the general assembly requested the secretary general to promote and assist the efforts of states to implement the United Nations Convention against Transnational organized crime and other protocols. The model was made with the assistance of two consultant drafters, Marjan Wijersband and Roelof Haveman (Allan 2012). Experts in the field of human trafficking from different legal and geographical backgrounds met to discuss and review the draft of the model law. The model was produced to help states in implementing provisions that are in the protocol to prevent, suppress and punish trafficking in persons especially women and children.

The model law facilitates and helps provision of legislative assistance by UNODC as well as facilitating review and amendment of existing legislation and adoption of new legislation by states. It is made to fit the needs of different states that is their legal tradition, social, economic and geographical conditions. The model has all provisions that states are required to include into their domestic laws. The commentary is clearly distinct on mandatory and optional provisions. It also stresses that matters related to organized crimes, corruption and money laundering which often accompany trafficking activities are contained in the model. It also states that laws of trafficking should be in line with the state's constitutional principle, legal structure and enforcement arrangements. The definitions of human trafficking should be similar so as to allow curbing human trafficking in union with other countries. The model also stipulates that there is need to review legislative context of a given state before incorporating the model law. Hence when reviewing Zimbabwe's trafficking laws the model is there as the guide.

Table 1: shows the international instruments and the year that Zimbabwe ratified them.

Name of the instrument	Provisions	Ratification by Zimbabwe
<p>The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (The Palermo Protocol)</p>	<p>Stop and combat trafficking against women and children</p> <p>Protection and assistance to victims of trafficking</p> <p>Encourage international collaboration to prevent trafficking and catch traffickers</p> <p>Provide physical, psychological and social recovery for victims e.g. housing, counseling, employment, education and training opportunities</p> <p>Providing security for the victims</p>	<p>December 2013</p>
<p>The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC)</p>	<p>Protecting children from abusive business such as prostitution and pornography especially that facilitated by the trafficking of children.</p>	<p>14 February 2012</p>
<p>The Protocol Against the Smuggling of Migrants by Land, Air and Sea</p>	<p>a tool which gives protection and detecting the smuggling of victims of trafficking</p>	<p>12th of December 2000</p>

The Convention on the Elimination of All forms of Discrimination Against Women (CEDAW)	It protects women against discrimination. Article 6 of CEDAW prohibits the trafficking of women of sexual exploitation and prostitution	13 May 1991
The Convention on the Rights of the Child (CRC)	It guarantees the basic human rights of children – civil, political, social and economic rights and it also prohibits discrimination against children. Hence trafficking, by virtue of its nature and consequences, goes against this convention	11 September 1990

2.3 Regional instruments that deals with human trafficking

The African charter on the rights and welfare of the child, the provisions of the charter that are against human trafficking include articles, 15, 16, 22, 27, 28 and 29. These articles mainly protect children against trafficking. Article 15 protects children from all forms of exploitation for economic reasons including child labor. Article 16 protects children from sexual abuse. Article 22 protects children from being used as child-soldiers in armed conflicts and Articles 27, 28 and 29 protect children from sexual exploitation, drug abuse and sale, trafficking and abduction respectively. The other instrument is the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa. Articles 5(g), 6 (b), 11 and 13 have provisions that are against human trafficking.

Africa Union (AU) and European Union (EU) joint hands against human trafficking and formed the Ouagadougou Action Plan to Combat Trafficking in Human Beings especially Women and Children. The declaration was adopted in November 2006. AU and EU agreed to take measures to combat illegal migration, migrant smuggling and trafficking in human

beings especially women and children. The declaration noted that the fundamental causes of trafficking within Africa were poverty under development which was aggravated by economic and demographic imbalances, unequal terms of global trade, conflicts, environmental factors, poor governance, uneven impacts of globalization and humanitarian disasters (Allan 2012). The declaration does not speak about the EU migration policies with regard to economic migration where people will be seeking to make a better living in Europe. The EU restrictive immigration policies according to scholars have led to the deaths of many African migrants.

The Ouagadougou Action Plan notes that states approaches in dealing with human trafficking should be based on respect of human rights. It also notes that the protection of victims should not affect their human rights. It further recommended that trafficking can be addressed through prevention and awareness raising, victim protection, legislation, law enforcement, policy development, cooperation and coordination between states. The plan resulted in the launch in June 2009 of the AU commit campaigns, the AU Commission initiative against trafficking and the publication of its strategy document of 2009 and 2012 (Allan 2012). Akullo notes that the AU Commit reflects effort by African countries to develop and reform their policies and laws.

The action plan has three prolonged strategies which are prevention of trafficking, protection of victims and prosecution of offenders. The activities of the plan were meant to take place in successive years. The four year budget was only \$ 600,000. Scholars notes that the budgets reflects that all the parties that were involved lacked true commitment of all involved in the issue in Africa. Each year was entitled to \$150, 000 for the four years. The issue of human trafficking in Africa remains a low priority while EU is most concerned with northward migration.

Some scholars noted that the action plan was one sided and evidenced in one of its three principles which noted that

Poverty and vulnerability, an unbalanced distribution of wealth, unemployment, armed conflicts, poor law enforcement systems, degraded environment, poor governance, societies under stress as well as non-inclusive societies, corruption, lack of education and human rights violation including discrimination, increase of demand for sex trade and sex tourism are among the root causes of trafficking in human beings and must be addressed.

To some scholars the above provision shows the relationship between Africa and Europe. Other scholars noted that the plan was only meant to stop African migration to Europe (Allan 2012). However some scholars noted that agreements between EU and AU demonstrate that that they shared a common interest in addressing human trafficking. The two regions continue to work in collaborate to realize the benefits of their cooperation (Akullo 2012).

However, international and regional instruments which are against crimes including human trafficking, led to the formation of Interpol. Interpol is the world largest police organization with 190 countries, including Zimbabwe. Its purpose is to work together to do away with crime worldwide. It has high technology and operation supports that helps in fighting the large number of crimes including human trafficking in the 21st century (The herald 2013). Zimbabwe participated in an operation to end human trafficking and other crimes across Eastern and Southern Africa known as USALAMA operation. The operation was done by the Eastern Africa Police Chiefs' Cooperation Organization (EAPCCO) and the Southern African Regional Police Chief's Cooperation Organization (SARPCCO) with support from Interpol. USALAMA means freedom. (www.interpol.int/en/News-and-media/News/2013/PR092). In 2013 more than 350 suspects of human trafficking were arrested and in 2016 more than 4500 criminals were arrested including traffickers. In 2013 Zimbabwe did not participate in the

operations, it participated this year. (www.interpol.int/en/News-and-media/News/2016/PR092). However, this shows the importance of integration in fighting crimes such as human trafficking.

2.4 Legislation and policy in Zimbabwe on human trafficking

Zimbabwe just like other African countries had no specific legislations and policies towards human trafficking until 2014 when it enacted the trafficking in Persons Act. People were charged with crimes such as kidnapping, false imprisonment, abduction, extortion and fraud. However it is necessary to review the legislations which were used to prosecute perpetrators of human trafficking before the Trafficking in Persons Act.

Constitution of Zimbabwe

Immigration Act [Chapter 4:02]

Criminal Law (Codification and Reform) Act (Chapter 9:23)

The Labor Act (Chapter 28:01)

Sexual offences Act

The constitution of Zimbabwe does not have provisions on human trafficking, but it is however important to note that the constitution of Zimbabwe include a number of important human rights which are assured to all people, regardless of their color, religion, sex or political differences. Amongst the rights mentioned in the constitution include, the right to life, the right to liberty and security, the right not to be submitted to slavery, servitude, forced labour or bonded labour, the right not to be subjected to torture and/or cruel, inhuman, degrading treatment or punishment, the right to be free from gendered violence, the right to freedom of association, the right to freedom of movement, the right to the highest attainable standard of physical and mental health the right to just and favorable conditions of work, the

right to an adequate standard of living, the right to social security and the right of children to special protection.

According to UN (2014), there is a relationship between human rights and human trafficking because many of the practices associated with modern trafficking are clearly prohibited under international human rights law. To this note the IOM chief of mission Miss Lilly Sanya stressed the importance of adopting a ‘rights based’ approach on trafficking. She argued that this integrates the norms, standards and principle of international human rights systems into legislation, policies programs and practices. Human trafficking has contributed to shed lights on human rights abuses potentially related to migration (De Guchteneireetal 2009). According to the frame work to combat human trafficking, human trafficking is a human rights problem. This is because traffickers subject victims to human rights abuses including physical and sexual violence, withholding wages which these practices violates vulnerable international human rights and the constitution of Zimbabwe.

Zimbabwe however failed to honor the requirements of its constitution in preventing human trafficking by failing to uphold human rights in the country. There were more than 200 reports of abductions resulting from political violence in 2008. The human rights NGO forum noted that it filled more than 400 lawsuits to the courts of Zimbabwe against perpetrators of human rights abuses such as deprivation of life but nothing was done.

Criminal Law (Codification and Reform) Act [Chapter 9:23 Section 70, 71, 72, 83 these are mainly sexual offences that were usable to prosecute trafficking, particularly in cases involving children under the age of 16. These necessities points out sexual crimes against young persons and “procuring” for unlawful sexual conduct. The extraterritorial provisions built in that enable prosecutors to reach beyond Zimbabwe’s borders in many cases, as well as to prosecute internal forms of sex trafficking. Property occupiers can be accused with

complicity in permitting the sexual exploitation of children under sections 76 and 86, and parents can be reached under section 87. The strength of these measures is that they are gender neutral, not limited to commercial forms of sexual exploitation, and address both internal and cross-border forms of trafficking for sexual purposes

There is a limitation, it does not cover the obtaining of adults for other forms of commercial sexual exploitation not involving sexual intercourse (including pornography, stripping, etc.) or any form of trafficking for labor exploitation, and procurement of adults is only an offence. The Criminal Law recommend laws that are not severe enough hence it shows its weakness in curbing trafficking

To strengthen laws against child labour and bringing domestic law with international labour standards, Zimbabwe along with other countries in the SADC region, amended their labor acts (USAID 2007). It is an offence to employ a child in “worst forms of child labour” in Zimbabwe. ILO Convention defines worst forms of child labour and includes trafficking, prostitution/pornography, slavery-like practices, and hazardous labour. However, some may argue that there is no specific provision in the Labour Act directed at protecting children from such abuses.

To this end, the Zimbabwean government should be credited for being part of a program such as the ILO-IPEC which is against the worst forms of labour, the government created a committee which includes government agencies, NGOs, employers and trade unions. The implementation of the Basic Education Assistance Module (BEAM) and a National Action Plan for orphans aimed at ensuring that children do not indulge in the worst labour practices because of lack of money to pay for fees. The government also came up with the National Program for eliminating worst forms of child labour

The adults are also protected against labour exploitation by the government of Zimbabwe through the labour act. The ministry of labour and social security investigated a number of Chinese construction companies which were suspected of abusing employment practices like forced labour and they were also not complying with the Zimbabwean labour law, this exhibits the usefulness of Zimbabwean law in curbing and reducing human trafficking. However, it was not known whether concrete action was taken.

The sexual offences act covers some of the elements of human trafficking though it is not specific about the recruitment, transport, transfer, harboring or receipt of persons by the use of threats or force or other forms of coercion, abduction, fraud, deception and abuse of power. (ESAAMLG 2011) Cases where people have been promised good jobs only to end up in servitude before the enactment of the trafficking in persons act may have not been successful for prosecution because there was lack of appropriate legislation by then.

The Immigration Act [Chapter 4:02] is used for regulating the entry of persons into and the departure of persons from Zimbabwe; to provide for the removal from Zimbabwe of certain persons; and to provide for the control of aliens’.

According to section 14, prohibited persons include:

- Any person who is a prostitute or homosexual;
- Any person who lives or has lived on, or knowingly receives or has received,
- Any part of the earnings of prostitution or homosexuality; or
- Any person who has procured persons for immoral purposes.

Section 36 lays down penalties for those who, among other things

- forge permits or travel documents;
- Use permits or travel documents which they are not entitled to use;
- Assist persons to enter remain in or depart from Zimbabwe in contravention of this Act; or convey persons into or out of Zimbabwe in contravention of this Act.

The Act gives powers to immigration officers to deal with foreigners and illegal immigrants. These powers provide an easy route for law enforcement officers to deal with undesirables, including prostitutes, by deporting them instead of deploying needed resources for investigation and prosecution. As a result, however, some victims who are innocent may be criminalized, particularly as the Act puts the burden of proof on accused persons to show that they are not guilty of the offence

To demonstrate the strength of the immigration Act, Rommy a Zambian national was charged for trafficking of minors. It was reported that he was given \$11, 000 by Victor who is also a Zambian national to traffic two girls. Rommy stayed in a lodge in Bulawayo with the two girls aged 7 and 9. He claimed to be the father of the children but they seemed to be a language barrier between him and the kids. The kids spoke Lingala, a language from Malawi. The staff at the lodge they stayed was suspicious because the room where the 3 stayed was always locked.

In some cases traffickers organize visas for victims. Investigations showed that perpetrators of human trafficking often buy air tickets to various destinations showing that they have been in the business for a long time. However, Advocate Tonderai Bhatasara of Mupanga Bhatasara Legal Practitioners noted that the laws were no longer suitable to deal with complicated cases of human trafficking. The Immigration Act, was last updated in 1997, its penalties are not very stiff and not the right tool to deal with human trafficking cases

The Sexual Offences Act's objective is to criminalize certain sexual acts, including the sexual exploitation of young and mentally handicapped persons. It does not deal with adults, who are, however, included in the Human Trafficking Protocol, or with other forms of exploitation, such as labor exploitation, which are similarly included in the Protocol. Certain

sections of the Sexual Offences Act may, however, relate to aspects of human trafficking.

These include section 5, 6, 9, 10, 11 and 12

- Prevention of sexual exploitation of young persons and intellectually handicapped persons outside Zimbabwe
- Prevention of conspiracy of incitement abroad to exploit young persons or intellectually handicapped persons in Zimbabwe
- Brothels and pimping
- Imprisonment of persons for sexual purposes
- procuring and Coercing or inducing a person to have extramarital sexual intercourse

They are people who were arrested due to this law, for example a woman who was arrested for recruiting women aged between the ages of 22 to 24 to work as house maids in Saudi Arabia. She got arrested when the travelling papers were being processed in February 2014. In another case a woman was arrested for making young girls sleep with men in her apartment in St Martins for a fee and she would give them a small portion to silence them(Newsday May 10 2014)

All the above mentioned laws were useful in prosecuting people for human trafficking but they had their shortfalls, including the fact that the penalties for traffickers were very low hence a more suitable law had to be enacted to curb human trafficking in the country. Traffickers were mostly deported than prosecuted for criminal offences. Prosecution of some charges were treated as violation of some independent laws such as immigration laws where the trafficker ends up being deported instead of prosecuted for criminal offence committed.

2.4.1 The Trafficking In Persons Act (Chapter 9: 25) of 2014

Zimbabwe is credited for ratifying the trafficking in persons Act among other countries in the SADC region. The Act has provisions which include crime of trafficking in persons, powers

of law enforcement agents, protection of and compensation of victims, forfeiture of traffics proceeds and property, extraterritorial jurisdictions of Zimbabweans in cases of trafficking in persons, centers of victims and the establishment and functions of the anti-trafficking inter-ministerial committee and the provisions will be unpacked in the paper.

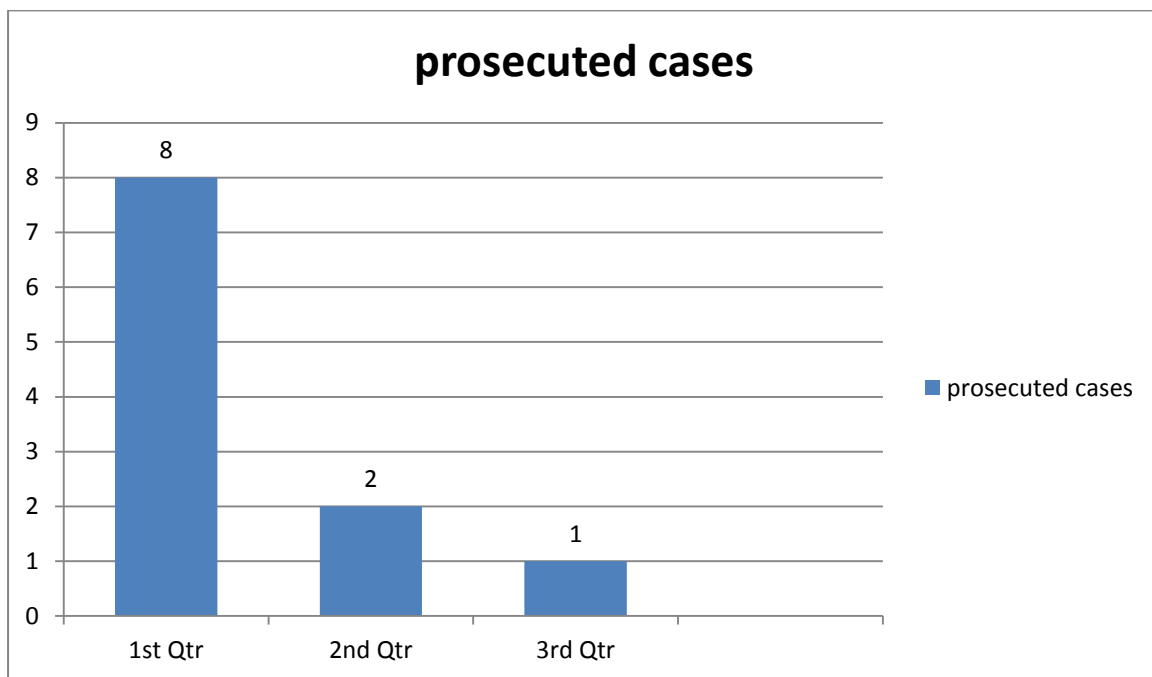
The act enabled the repatriation of identified trafficked victims back home in Zimbabwe. A number of trafficked victims have been repatriated back home. The Act requires that the victims vindicated must be helped by the country's embassy and send back home. Zimbabwe Broadcasting Cooperation (ZBC) news reported that around 107 Zimbabwean women have been repatriated back home from Kuwait. The first group which came consisted of 89 women and the second group with the rest of the women arrived on 21 July 2016. To this end Ambassador Mumbengegwi told ZBC news (8 September 2016) that Zimbabwean embassies in various countries should search for nationalities that have been trafficked. This demonstrates the strength of the human trafficking act in curbing human trafficking on Zimbabwean nationals.

Also, through the Act, perpetrators of human trafficking are being prosecuted based on the categorization of human trafficking victims and criminals. For example the case of a Zimbabwean woman who trafficked fellow women to Angola deceiving them with the existence of decent work but when they reached there, they were used as sex slaves. The woman forced them to have unprotected sex with different men and she would collect revenue obtained. The woman was penalized for her actions. Trafficked persons were classified as victims and the perpetrators were criminalized.

In addition, seven people were charged for human trafficking and they appeared in court for operating dubious travel agencies and recruiting people to go to work in Kuwait. The people who were reported to be running false agencies include Lucia, Lawrence Chibayambuya,

Faith Magora, Josephine Gondo, T Gondwa, F, Nyandoro and E Gora. Gondwa, Gora and Gondo were working with Tinashe Nyandoro who was based in Kuwait. Tinashe owned an employment agency in Kuwait and he facilitated the travelling arrangements to Kuwait and arranged jobs for people as house maids were they worked for more than 22 hours. According to the ministry of home affairs, between January 2014 and May 2016 a total of 10 cases have been prosecuted, 2 have been completed while 8 are still pending before the courts. It was also highlighted that one case was still pending with the national prosecuting authority.

GRAPH 1: A bar graph showing prosecuted cases



The Act gave powers to law enforcement agents in article 4 but it failed to state how the enforcement agencies would receive training on the issues of human trafficking. Law enforcement agencies at times lack knowledge on issues to do with human trafficking. Proper training is needed on human trafficking issues. The training of law enforcement agencies lacks continuous training on the issue hence many cases of human trafficking are happening in more complicated ways. Law enforcement agencies are also given power to stop people who they suspect to be traffickers but not vehicles. However vehicles such as the malaicha

buses are well known for smuggling people to South Africa. There is a possibility that they might be part of trafficking rings that target people for sexual purposes in South Africa.

Cyber trafficking has grown worldwide, the anti-trafficking law of 2014 prosecutes the internet service providers operating in Zimbabwe who will be aware of any site on their server that has information that advertises or assist in advertising, printing, publication, broadcasting or distribution by any means any material that promotes trafficking in persons. To curb trafficking in the country the act has heightened penalties for traffickers to include life in prison or the charges to be more than 10 years for those who would have assisted knowingly that a person is being trafficked. The charges of trafficking people are also heightened by many facts which include the age of the person, disability, violation of a country or territory rights etc. However it is not clear when the minimum penalty can be imposed.

There are also opportunities to obtain compensation in article 5, once a trafficker has been charged for the case. The acts determine the level of compensation the victim has to obtain and it compels the trafficker to comply with the demand and payable period of the compensation. However the researcher was informed that the pending cases in courts will demonstrate the effectiveness of the provisions in practice. The trial court was given power to award compensation, however criminal courts not always do they have enough information to assess compensation. Victims should therefore be free to access a civil court for compensation.

The act also ensures witness protection and security on article 6; the witness is protected by law from any threats or mishaps from the trafficker. This allows the witness to give clear evidence in the case without threats and fear. This helps the court with evidence that helps in prosecution of the trafficker and in compensation of the victim. With the help of the Act

there are Protections in court proceedings to assure victims with privacy and dignity. This was done to the victims of trafficking that came from Kuwait and other countries journalists were denied access to have interviews with them as a way to protect them. Also, Avril May, of the Kuwait saga was ordered not to interfere with witnesses among other bail conditions that she was given. Anyone who would abuse the victims would also be prosecuted. However the victims that are protected are only those that will be giving evidence to the court. It does not protect victims before and after the court cases. The victims that are not called to give evidence are not protected.

The act is also applauded for the provision of safe houses for the victims of trafficking as mentioned in section 8 of the act. The 2014 anti-trafficking act required the government to establish centers in the 10 provinces of Zimbabwe, which would provide counseling, rehabilitation and integration services for the victims. The shelters are to offer victims with counseling, psycho-social support especially for those with post-traumatic stress disorders and rehabilitation. This is done to sustain their lives and quick rehabilitation. The 107 women that were received from Kuwait, Sudan and Saudi Arabia were sent to a safe house for the night were they received health checkups to see if they were not infected with sexually transmitted diseases and other diseases. They also do profiling where they will be telling the social workers how they were recruited, the conditions they faced and other associated issues.

The safe houses have professional medical personnel that are doctors, nurses, psychologists, counselors and physiologists. The victims received counseling because 30 to 40 % had suicidal minds. The ones who are more affected and will be requiring medical services, there bills are paid for. The government also insures that the people are doing well by having officers who do checkups on them. The researcher was informed that 1 safe house (center) was established since 2014 when the Act was established but it has not yet started operating because it is dilapidated. They also noted that the safe houses that are there only cater for

women and children and there was none for males. Also, it is however not clear whether the children and adults who suffered from sex and labour exploitation would benefit from protection under the law, due to the inaccurate human trafficking definition (trafficking in persons report 2015). The houses are likely to be ineffective because their funding must come from the government. There is no setting up for outside funding, for example from NGO's and international donors.

Article 9 of the 2014 anti-trafficking act stipulated that a 14 ant trafficking inter-ministerial committee was to be established, on 9 January 2015, in line with the provisions of the Act. Its purposes are to formulate national plans against trafficking, to propose and implement strategies against trafficking, promote rehabilitation of victims and to make people aware of trafficking and its impact. However it was left without a designated chair though it was under foreign affairs. The foreign affairs ministry noted that the committee was appointed in December 2015. The secretary of home affairs, Mr. M. Matshiya was appointed as the chairperson. The anti-trafficking inter-ministerial committee on migration is composed of the following ministries

- Public services, labor and social welfare
- Foreign affairs
- Home affairs (including the department of immigration, registrar general's department and the Zimbabwe republic police.
- Higher and tertiary Education, Science and technology development
- Primary and secondary education
- Health and child care
- Finance including Zimbabwe National Statistics Office
- Local government, public works and national housing
- Youth, indigenization and economic empowerment
- Justice, legal and parliamentary affairs

- Women affairs, gender and community empowerment
- Media, information and broadcasting services
- Small and medium enterprises and cooperative development
- Lands and rural development

The committee was established to ensure national coordination with regards to national coordination strategies. This was in line with the AU Commit which encourages countries to engage in researching and effective methodologies, bringing relevant ministries and agencies to formulate policy and take action against human trafficking (Akullo 2012). The first task that the committee was given was to come up with a national plan. However some argue that the effectiveness of this committee is doubted. This is due to the fact that all its members are civil servants for example police and immigration officers. There are no precise provisions for other organizations such as churches, NGO's or International organizations such as ILO, IOM and UNODC. The other thing is that there are no provisions for gender balance within the committee off which victims of human trafficking are predominantly women and children. Also, the committee cannot do anything without the approval of the minister of home affairs. This can be a possible recipe for paralysis.

The money laundering and proceeds of crime act chapter (9.24) apply to the trafficking act articles 11 and 12. Money laundering is a serious crime, because proceeds from criminal activities including human trafficking activities are corrupt. Zimbabwe committed itself to work with the Financial Action Task Force (FATF) and the Eastern and Southern Africa Anti Money Laundering Group (ESAAMLG) to address deficiencies in its ant money laundering and combating the financing of terrorism laws. Human trafficking is connected with the convention for the financing of terrorism on the issue of proceeds of crime. It was noted that the country was faced with threats for sanctions for not domesticating the protocol. Therefore there was need to advance publication of the trafficking in persons regulations to avoid

sanctions. The effects of the economic sanctions were to affect the country at regional and international levels negatively. This is because the country was not going to transfer money outside or receive money from other countries. This would have negatively affected the country. Hence this shows a positive attribute of the act.

However, according to the trafficking report (2015 and 2016), the government of Zimbabwe does not fully comply with the minimum standards of the elimination of human trafficking and is not making enough efforts to do so. It was argued that the anti-trafficking act of 2014 failed to make its definition of human trafficking consistent with the international definition of trafficking in persons under the 2000 UN TIP protocol.

United Nations Convention on Transnational Organized Crime Article 3 of the Protocol defines trafficking in persons as:

Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of 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 exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of body organs.

While the Zimbabwean trafficking in persons act of 2014 section 3 defined it as:

Crime of trafficking in persons is any person who traffics any individual by transporting him or her into or outside Zimbabwe involuntarily that is to say by any of the following means force, violence or threats thereof or administering drugs to subdue the victim to be addicted to drugs of abduction or detention or detention of the victim or fraud, extortion or detention of

the victim or abuse of power or trust over the victim or control over the victim for the purposes of facilitating the transportation of the victim or voluntarily for an unlawful purpose.

This is contrary to the UN TIP definition which prohibits exploitation while it serves to prohibit transportation. The inaccurate definitions leave Zimbabwe without comprehensive prohibitions of trafficking crimes (Trafficking report 2016). It also leaves the country at danger of not being able to fully prosecute trafficking crimes. This is because some of the illegal purposes for trafficking people were not included, for example child soldiering and sexual exploitation. UNODC recommended in its guide that the definition in the Palermo protocol should be closely followed in national laws. This will enable closer cooperation globally on trafficking issues and the gathering of statistics

The act did not provide foreign trafficking victims with shelter that is temporary or permanent residential status or any other legal alternatives to their removal to countries where they may face hardships. Victims should be granted a breathing space that is a period to recover from their ordeal before being taken to their countries. Support victims should be availed to trafficked persons, for example housing, medical and legal services, counseling, language, integration courses and financial assistance (E Pearson 2002). In other countries that have adopted the UN TIP protocol they offer foreign victims temporary residential status. In Belgium and Netherlands .they give victims' rights to work. Also, there are no specific provisions on the return of Zimbabwean victims to Zimbabwe.

The act has other general faults as noted by an officer at WILSA; there is nothing to cooperate with other states which is one of the purposes of the Palermo protocol. Article 2c of the protocol states that “to *promote cooperation among states parties in order to meet objectives*”. The government is required to cooperate with institutions such as Interpol, IOM

and UN agencies. There are no provisions to involve non-governmental organisations in policies and programs of trafficking issues. Article 9.3 Of the Palermo protocol states that *“policies, programs and other measures established in accordance with this article shall include cooperation with non-governmental organisations, other relevant organisations and other element of civil society.”*

Also, the act did not follow article 10.1 of the Palermo protocol, there is no provisions for law enforcement agencies, ministries and agencies in Zimbabwe which has a role to play in trafficking issues apart from the inter-ministerial committee. Article 11.2 and 3 of the Palermo protocol requires states to have a provision on commercial carriers such as buses and airlines to take measures against human trafficking. Also there is no provision for denying visas and entry to people who have been implicated in trafficking as mentioned in article 11.5 of the protocol. The functions of the inter-ministerial committee are vague some ways of controlling trafficking should be mentioned in the regulations.

It should also be noted that, a large gap exists between the observance of human trafficking in the field and the arrest and conviction of traffickers. Many cases of human trafficking are reported several times but fewer arrests are made as Thompson (2007) highlighted. This postulates that a large gap exist between scene of trafficking and penalization of culprits. As such, this illustrates the weakness of legislation in dealing with human trafficking. In 2008 they were reports that MDC youths and Civil Society Organizations (CSO) were being abducted from their homes and taken to places where they were being beaten and interrogated for a day or two and be released by the CIO's and ZANU PF youths. They are also many other cases of MDC leaders who were beaten in ZANU PF bases and reported the crimes but nothing was done by the police. For example the then leader of Mudzi and the chairperson of Wedza north, Peter Munyanyi was also abducted for six months and managed to escape. He was beaten and his arms broken but he was not allowed medication. The room that he lived

was dark with nothing in it. (Human Rights Report 2009) Very few cases involving traffickers or trafficking have been prosecuted to date.

The act has a weakness in that perpetrators of human trafficking are not severely punished, this can be seen in the case of James Marodza who was accused of facilitating the trafficking of several women through his employment agency called Employment Engine Global Services. He had placed an advert in the newspaper that maids were needed in Kuwait and they will be receiving 600 dollars monthly. He was prosecuted after one of the Zimbabwean women he had organized work for was battling for her life in Kuwait after trying to commit suicide due to the abuses that she faced from her employers. However, Marodza was given a \$400 bail. In another case, in April 2014 a woman charged with the fraudulent recruitment of 22 Zimbabwean women for employment as housemaids in Saudi Arabia was released by the government. (2015 trafficking in persons report)

2.4.2 The Zimbabwe Trafficking in Persons National Plan of Action (NAPLAC), Zimbabwe's First anti Trafficking Policy

The above mentioned anti-trafficking committee gave birth to a national policy; it is the first policy on human trafficking in the country. This was in line with the Global Plan of Action which was put in place by United Nations General Assembly. It urged governments to take measures against human trafficking. It also called for integration to fight against human trafficking in persons in UN's broader programs to strengthen security worldwide. (https://www.unodc.org/.../human-trafficking/United_Nations_Global_Pla... Aug 12, 2010 - Cooperation in Europe Action Plan to Combat Trafficking) This was done in order to control trafficking of human beings (Tuyizere 2007). The plan is called the Trafficking in Persons National Plan in Action (NAPLAC) and it will run until 2018. The plan was developed with technical support from IOM Zimbabwe and the United Nations office on Drugs and Crime

(UNODC). This came after an implementation workshop was first held from 18 to 19 May 2016. The purpose of the plan was to review, finalize, and adopt the draft Trafficking in Person (TIP) national plan of action for the 2 years. According to the minister of home affairs honourable Chombo the government was willing to expedite the full implementation of the National plan of Action so as to operationalize the TIP Act to enable the assistance of the trafficked victims.

The draft of the TIP National Plan of Action is based on four pillars which are prevention, protection, prosecution and partnership. Each pillar has specific objectives. This is in line with the four cornerstones of counter trafficking (Akullo 2012). The goal of establishing an effective criminal justice response and legal framework has objectives. The objectives include detecting, investigating and prosecuting TIP cases. It also seeks to review legislation, keeping it aligned with regional and international standards and eliminating all forms of corruption on TIP cases.

The second goal is to prevent trafficking in persons. This will be done through conducting research, documentation and facilitates information sharing on the crime. It was noted that there is also need to raise awareness on the crime and to build capacity of stakeholders on the prevention of trafficking in persons. They also look forward to do poverty alleviation programs in coordination with non-state actors involving the vulnerable and targeted communities and enacting laws that support the Trafficking in Persons Act.

The third goal is the establishment of a system which identifies; refer and assist victims of trafficking. This will be done through the establishment of a functional identification and referral system for reported cases of TIP. The plan will also provide direct assistance to include shelter and psychosocial support services to identify victims of trafficking. They will

also establish a sustainable national reintegration and rehabilitation program for identifying victims.

The other goal is the coordination and cooperation at national, regional and international level. This will be done through ensuring enhanced participation, cooperation and coordination at national regional and international level. They will also monitor and evaluate the implementation of the overall national response to trafficking in persons and funding the implementation of NAPLAC. The plan emphasizes the importance of prevention activities while the protection, wellbeing and security of the victims of trafficking is important. The plan also intends to educate the vulnerable populace on employment practices in various countries to be aware of possible slavery practices.

The establishment of NAPLAC led foreign governments, regional and international organizations to applaud Zimbabwe for taking such a huge measure against human trafficking. Among the organizations that applauded Zimbabwe included the International Organization for Migration country representative Ms. Lilly Sanya and the acting UN coordinator in Zimbabwe and World Health organization representative Dr D. Okello. (The Herald, 2 August 2016).

It is clear that NAPLAC outlines a plethora of activities that will be used to support survivors of trafficking through prevention, protection, prosecution and partnerships. Progress is being made to set up structures at the provincial and districts levels to operationalize it. The strategies include the establishment of the smaller inter-ministerial operational task force at provincial and district levels in response to trafficking cases. This functioned well in other countries, for example Mozambique (reference groups), in South Africa (Task force) and in Swaziland (Rapid Response Teams). This is to ensure that the victims are systematically referred to the relevant service provider.

The basis of the development of Zimbabwe's responses to TIP will be guided by data collection research and regular Monitoring and Evaluation (M&E). The plan also looks forward to have expertise in the field of human trafficking from different sections of the country to be included in strategizing anti trafficking of humans. It also looks forward to guide victims on the basis of human rights standards especially children to be given special protection. Akullo (2012) notes that action plans in Africa were an attempt to address the causes of child trafficking which is rampant in the continent. However, the Zimbabwean action plan does not give much attention to child trafficking.

Also, victims are to be given dignity, confidentiality and respect which would include the right of choice to the victim. The plan also seek to promote gender equality, it does not discriminate on any basis that is race, colour, language, class to mention just a few. The government will ensure that the national response to combat TIP will remain relevant in curbing human trafficking.

The researcher was told that NAPLAC is still new and has not started operating and also that the government on paper did well. What is lacking is the resources to commit and carry out the projects. However the challenge remains as this plan is attached on the Trafficking in persons act of 2014 which the researcher mentioned above, it varies with the international law and this restricts the scope of human trafficking in the country. To give more detail, the evil is in the definition of human trafficking. The 2014 Act criminalises the involuntary transportation of an individual in or outside Zimbabwe and the voluntary transportation for an unlawful purpose. The key element of the International law (2000 UN TIP Protocol) is exploitation, which is the missing ingredient in our local law. The inconsistent definitions leave the country at risk of not being able to fully prosecute trafficking crimes.

2.5 Efforts on the ground to end human trafficking

Awareness campaigns are being held by the government as a way of educating the masses; the awareness campaigns include the awareness programs by four government controlled stations including radio Zimbabwe and others that aired an IOM public service announcement 8 times a day with 5 different languages during the peak of migration. (Trafficking in persons report 2009) It was further noted that the department of immigration, required all deportees returning from South Africa to attend an IOM briefing on safe migration.

They are workshops which are being conducted as a way of curbing human trafficking. In August 2014, a training of trainer's workshops for law enforcement was conducted in Kadoma by the ministry of home affairs in partnership with IOM and UNODC. It was to sensitize law enforcement officers (police, customs, immigration officers, from the registrar general's office and social workers) of the new legislation and impartation of skills on how to conduct victim centered investigations of TIP (Trafficking in persons report 2016).The government should be applauded because they also conducted a refresher course in 2015 of the course. Also, the parliamentarians were informed on the trafficking in persons act as a way of empowering them with information to reach out to their communities. This was done through the government partnership with IOM, UNODC and SADC secretariat

As a way of reducing human trafficking in 2008 the government signed a memorandum of understanding with the South African government to legalize the status of illegal Zimbabwean migrant farm workers in South Africa's Limpopo province and ensure them proper employment conditions. This was done as a way to reduce the exploitation and trafficking of Zimbabweans due to lack of proper documentation.

According to the government ministries, poverty is the major factor contributing to human trafficking in the country. Zimbabwe is spear heading poverty alleviation policies and programs under different ministries and through non state actors targeting vulnerable groups. To empower citizens especially women and child headed households. It was noted that the Mozambique experience in the region has shown that there is value in establishing income generating programs to the Victims of Trafficking (VOT).

The government gave long term assistance to orphaned and vulnerable children in five shelters. In these houses, they are potential trafficking victims. Hence they can access health, counseling and educational services (Human trafficking report 2016). There are collaboration efforts from the government with other organizations. In 2011, the government collaborated with IOM and launched a program called Building National Response Capacity to Human Trafficking in Zimbabwe (BNRCCHTZ). The ministry of home affairs and IOM noted that some of the efforts that were done include the establishment of anti-trafficking booths every year from 2014 at the Harare agriculture show and Zimbabwe International Trade Fair (ZITF) to target potential victims. They also distribute anti-trafficking materials for example pamphlets which educate the people about human trafficking and also they are posters on human trafficking which are in public places to educate the people.

The picture below shows an example of posters that are put in public place



Source: Ministry of Public Service, Labour and Social Welfare

The poster is warning people that human trafficking is a reality. It also describes how people are being trafficked and that people should verify first before going to other countries for employment. A toll free number is provided to avoid costs and give people room to consult in case one finds employment internationally.

Adding on to the collaboration efforts, during the launch of NAPLAC, Zimbabwe joined the blue heart campaign as a way to bring awareness to the people. The blue heart campaign is a world-wide global initiative to combat human trafficking by raising awareness around its effect on society. It has been adopted by 16 countries. It raises awareness through online promotion which include events on art, culture and sporting. One of its goals is to promote involvement and inspire action to stop the crime. The campaign allows people to unite with the victims of human trafficking by wearing a blue heart.

(<http://www.unodc.org/blueheart/en/about-us.html>) The heart represents pain for those who are being trafficked and the cold heart for the traffickers who are trading with people.

IOM and other NGOs are curbing poverty which leads to human trafficking through projects. The researcher was also informed that Msasa Project conducted projects since 2010 as a measure to curb human trafficking during the world cup. The project was aimed at protecting the children and young women living in Zimbabwe from human trafficking among many other things. They managed to raise awareness, before, during and after world cup. IOM is also doing projects to support victims of trafficking , they asked the girls to come up with projects they wish to do, for example chicken rearing. They give less than \$2000 per individual to enable them to start projects of their choices. This is done as a way to curb poverty which is responsible for human trafficking in the country.

UN Women is carrying out projects that aim at alleviating poverty among women to curb human trafficking. 60 women including human trafficking victims in Masvingo Province are involved in a three-year project funded by the Swedish government which started in 2015 to end in 2017. The women were provided with 791 pullets as well as poultry management training. A market for the eggs was also established for the women. The project created employment for the group, aged between 18 and 45. The researcher was also informed that the project moreover created two security guard jobs in the district. In a drought prone area where most people survive on hand outs and casual labour, the project brought hope to some of the poor and vulnerable.

Another NGO called “Shamwari Yemwanasikana” which is directed by E.Chifamba noted that it was embarking on awareness campaigns to educate females on the dangers of human trafficking. The organization which is based in Chitungwiza noted that it was targeting the rural communities. R. Makayi, who is the founder of Immigrant Women Coalition (IWS) which is based in the USA, an organization that caters for immigrants. She started self-help projects for the victims of trafficking who were brought back in the country

(www.voazimbabwe.com). She noted that she was doing it to avoid the revictimisation of the victims due to the economic situation that the country is currently facing.

The formation of the coalition of parliamentarians against trafficking is another way to end human trafficking. On 21 July 2016 MP's were invited to join a coalition for parliamentarians against human trafficking in persons (PATIR) in order to promote the participation of all members of parliament in the fight against human trafficking. This was done so that they would teach about it in their different communities so as to curb human trafficking.

2.6 An assessment of enforcement efforts to end human trafficking

There is lack of awareness in law for both the public and the law enforcement agencies in issues of human trafficking in the country. There is little training of law enforcement agencies. There is need for continuous training on the issue as human trafficking happens in more complicated ways. This exposes weakness on the Act used to combat human trafficking. Awareness to the general public is limited hence the general public falls prey in various methods which are used by the traffickers. To this end, the head of journalism at Christian College of Southern Africa (CCOSA), Mr. G, Nyikadzino noted that TIP reports were very low. He urged the media to support the government and other stakeholders involved in the circles. (herzimbabwe.co.zw)

The shortages of resources, that is personnel and equipment also hinders the implementation of law to combat human trafficking issues. Zimbabwe has a limited budget allocation; this hinders efforts of dealing with the human trafficking cases. Many resources are needed in training and purchasing equipment such that when trafficking issues have been recited, quick action is applied. This has prevented the government's ability from identifying trafficked victims along the South African and Botswana borders. The police lacked resources, finances and other resources to thoroughly investigate cases of trafficking. General awareness

campaigns on human trafficking also need resources to be carried out. Mostly there are being carried on small capacity. In 2009 according to the trafficking in persons report (2010) the department of social welfare lacked finances and it depended on IOM and NGOs which provided shelter for national and transnational victims. IOM also trained social service providers, psycho social support, family tracking and reunification

There is over dependence on NGOs and Intergovernmental organizations on protecting victims of human trafficking (Trafficking report 2016). NGO's are the ones who identifies and assist victims. A project official at Msasa noted that they looked after women who were referred to them by IOM since 2008. Due to financial constraints they were however not able to keep victims of trafficking for longer periods but IOM provided funds for the upkeep of the people by giving them money monthly and also by maintaining the safe houses they were leaving in. This is because IOM could not release them to the society because they were other justifying circumstances. This may be because people fear and distrust state based organisations for several reasons (Zvetkova 2002). Also, victims may prefer to discuss their situations in more gender sensitive environments.

Lack of coordination (internal and regional) coordination between government bodies, private and non-governmental organization hysterically allows increase in the cases of human trafficking. The large number of actors in governments, Ngo's and UN agencies in the country, coupled with the diversity and range of mandates and approaches means the coordination of ant trafficking activities at national and international levels still remains a challenge (Akullo 2012) Much time is taken in trying to coordinate several issues stakeholders who have something to do with human trafficking instead of applying actions to offences of human trafficking. This creates bureaucracy in dealing with the human trafficking issues.

Also, corruption is another issue that is hindering the implementation of the act in curbing human trafficking. The people who are supposed to curb human trafficking are being corrupted by the offenders. Due to economic hardships bewildering Zimbabwean people from all angles, officials are being fuelled by such circumstances to be bribed. Sometimes they ask for bribes or are being offered by the traffickers. WOZA (2010) argue that police officers are not working professionally to reduce crime, which continues to increase. The police also apply the law selectively, openly solicit bribes from people and ignore crime rates that are increasing. This weakens acts and policies used in combating human trafficking issues. Newsday July 5, 2014 in a story mentioned in chapter 1 noted that a woman who was buying children from traffickers and force them into prostitution in Bulawayo was reported by a girl who works in a restaurant when she was in the restaurant buying food for one of the victims who had sores all over her body and she was arrested and sentenced to 6 years in prison but she was released after four days for unclear reasons. Hence this weakens laws in the country

Corruption is rampant in the country and it was noted that people were being smuggled to South Africa due to lack of proper paper work and they will be avoiding the border. The people were being assisted by soldiers and police who will be patrolling the area and other individuals for a 500 rand fee. This was reported to be happening on a daily basis enriching a few individuals in the process (The herald 10 July 2014). On this note (Trafficking in persons report 2016) noted that the government did not report cases of government officials, law enforcement and the judiciary who were involved in trafficking cases.

Another reason that is hindering enforcement of laws is inadequate victim/witness protection measures. Victims tend to have “police phobia” and also the issue of inadequate victim protection systematically makes people who have witnessed the case to distance themselves from the case. Some fear harassment from police investigations and uncertainty about futures as result of the case prosecution pushes people away in such trafficking cases. In developing

countries, protection of witness is limited hence the act has some weakness in them. (Human trafficking report 2016). In Zimbabwe some of the women who were repatriated from Kuwait received messages from the people who trafficked them. Saying for example, '*zvauri kutiendesa ku court unofunga kuti zvinokubatsirei?*'. Hence this shows the inadequacy of the law in protecting the victims. It also shows that there might be corrupt tendencies within the law enforcement agents. There is also absence of formal training and expertise in skills and tools that are required for assisting victims of trafficking and there is no comprehensive national Monitoring and Evaluation system for the implementation of procedures for handling trafficking cases. There are delays in handling issues of trafficking within the government itself. The government appointed the secretary of home affairs as the chairman of the Anti-Trafficking Inter Ministerial Committee (ATIMC) in December 2015. A National Action Plan was developed in September 2015 but it was launched in August this year and nothing has been done yet.

The government has no formal instructions on the identification of victims and referring them to protective services. NGO's and international organization does the identification and they also assist victims. The Zimbabwean Victim Friendly Unit (VFU) police is responsible for investigating issues to do with women and children and make referrals to organisations and support services. According to the trafficking in persons report 2016 they did not report investigations on trafficking cases. Due to lack of victim identification procedures the government might have deported potential human traffickers. On July 2009, 29 men from India were who were believed to be traffickers were held in Harare central police for two weeks for immigration violations before being deported. These men were supposed to be thoroughly investigated before being released to suppress trafficking trends in the country. However, one may argue that this was due to lack of resources by the police.

The government failed to embrace the adequate definition of human trafficking. There is exploitation of labour in the country which is part of human trafficking as noted in the UN TIP definition. The government did not make enough efforts in reducing forced and child labor. Child labour is still a particular problem in mining, agriculture, domestic servitude and services provided by self-employment. Children who live in the rural areas frequently work in plantations for example tobacco, sugar cane, cotton and tea and in other farms. Children are also involved in the mining and forestry industries. Children who live in the cities are in most cases street vendors, car washers and domestic servants. It was noted that children as young as 12 are found in mines where they are hazardous chemicals and toxic substances without wearing protective gears and they also control dangerous machines that they would not have been trained to use (International Trade Union confederation 2011). Children on often times work for long hours in domestic servitude where they are sexually exploited in some cases. Zimbabwe has about 1.3 million orphaned children who lead their own lives and they engage in street vending. Other children end up in crime gangs or they fall victim of trafficking in neighboring South Africa in search of seasonal farm work.

To further show that there is exploitation of labour in Zimbabwe, Chinese companies who operate in African countries in general and Zimbabwe in particular do not adhere to the international labor conventions and national labor laws governing relations and occupational health and safety. They do not want their employees to join trade unions they want and they do not want issues of collective bargaining. In Zimbabwe most people who work for Chinese work over time that is 9 to 12 hours a day of the whole week. This however contradicts with the national labor laws. To add to the above illustrations of labor exploitations in the country, a case of Advance Constructions a Chinese company was also examined. The private company was in Botswana and also at the Zimbabwe- Botswana border. The company had

53 employees, 48 Zimbabweans and 5 expatriates, (4 Chinese and 1 Zimbabwean in the management). The company did not belong to any employers association.

Religion and culture also poses great impediments to enforcement of acts. In Zimbabwe child marriages are common among the Johanne Marange apostolic sect. The church is believed to constitute more than 1.2 million members. The church addresses Christianity in an African way by promoting polygamy. They use the Holy Spirit to threaten people and put fear in them. The Holy Spirit also “guides” men to marry young girls who are below 18 years, they claim. The church also discourages education especially for girls which disempowers girls (Sibanda 2011). The young girls cannot stand up for themselves to demand protected sex. Hence this shows that there is a sexual exploitation and child marriage due to religion. Patriarchy is another factor that impedes the effectiveness of laws. Societies expose females to human trafficking, for example, the inheritance system. Females are vulnerable without any economic independence. Ostensibly, laws and policies might be there but as long as religion and culture issues are not addressed human trafficking is bound to happen.

2.7 Chapter summary

Zimbabwe ratified many protocols, internationally and regionally. This led to the formation of powerful organisations such as Interpol and SARPCO which helps in curbing human trafficking issues. Yearly, USALAMA activities take place and Zimbabwe sometimes does not participate, this may be due to lack of resources. Before the establishment of the Trafficking in Persons act of 2014, people faced charges such as fraud, kidnapping and abduction. The laws that were used included the sexual offences act, the labour act, criminal law and the immigration act. However, these laws on their own were not enough because they carry low penalty of imprisonment. The Trafficking in Persons act of 2014 was established as a way to minimize trafficking of people by heightening punishment for traffickers and also to assist victims of human trafficking. The trafficking in persons act so far

has had its successes to a lesser extent. This is evidenced by the number of people that have been charged with human trafficking from 2014 till now. The factors that are hampering the effectiveness of the act include the definition that was used in the Zimbabwe Trafficking in Persons act which is not enough in curbing human trafficking issues, lack of resources and other factors that were discussed above. The NAPLAC is the first policy that was put to assist victims of human trafficking. The policy is to operate for two years that is from 2016 to 2018. However, up to now nothing has been done to implement the plans in the policy. It is also important to mention that the challenge remains as this plan is attached to the trafficking in persons of 2014 which varies with the international law and this restricts the scope of human trafficking in the country. The Lack of resources has also hampered the effectiveness of the plan till now

CHAPTER 3: TOWARDS A BENEFICIAL POLICY AND LEGAL FRAMEWORK ON HUMAN TRAFFICKING IN ZIMBABWE

3.1 Introduction

A long term approach is needed since the problem of human trafficking is problematic globally. Human trafficking is likely to increase in the country due to the tornado droughts and the economic hardships that the country is facing. There is need to improve Zimbabwe's laws, policy and enforcement efforts against human trafficking.

3.2 Legislation

Reviewing legislation

Applicable legislation should be continuously reviewed to respond to the changing needs of the people and international standards. The laws of Zimbabwe need to meet the minimum efforts of international laws that it ratifies and should not change any of it. The 2014 trafficking in persons act should be amended to incorporate a definition of trafficking similar with the 2000 UN TIP protocol. The prescribed definition in the act demonstrates minor anti-trafficking enforcements by the government because it is contrary to the international law which defined trafficking in persons a crime of exploitation which is generally described as forced prostitution or other forms of force of transportation whilst the act defines it as a transportation crime. (Trafficking in persons report 2015). The act criminalises the involuntary transportation of people inside or outside Zimbabwe.

The available criminal laws do not adequately address all element of human trafficking or meet the minimum standards of article 5 of the trafficking protocol (Thompson 2007). This suggests that legislation and policies need to be realigned. The legislature should be amended by government such that almost all essential element of human trafficking are at least met and set standard are included. This will lead to the development of an ample trafficking law consistent with the Trafficking Protocol (Thompson 2007).

Foreign victims' provisions

The government should provide foreign trafficking victims with shelters, that is permanent or temporary or any other legal alternatives to their removal to countries where they might face hardships

3.3 Policy

Addressing root causes

Policies of human trafficking should encompass ways to create employment to the youths and the general populace to avoid being offered false job opportunities outside the country. The government also need to stimulate macroeconomic conditions and political condition in the country. In the case of our country Zimbabwe, the government has to implement various economic policies which may improve the economy. Improving the economy creates employment opportunities, promotes entrepreneurship and overall the development of people's lives. This will discourage people from notions of searching green pastures regionally and internationally. This will strengthen policies and acts which deals with human trafficking. When employment is available in the country and the economy is sustainable to the living conditions of its population, will be invalid and non-implementable. This will help in preventing and protecting the citizens from human trafficking.

Facilitating legal immigration

The Zimbabwean government should make an effort to reduce the costs of legal documentation required for immigration (passports and visas) so that everyone can afford them. This reduces smuggling of people in other countries as it leads to human trafficking. Araia (2009) notes that migrants illegally entering SA are at risk of rape or sexual assault by criminal gangs and smugglers operating in boarder areas. This is because illegal migration is a crime, migrants are less likely to report crime or seek assistance. Lack of documentation

exposes migrants to labour exploitation. Illegal migrants are less likely to report abuses (African centre for migration and society 2009).

Addressing the demand issue

The main problem of trafficking lies in the issue of demand. Those at the end of acquisition chain depend on exploiting labour, power and financial reward (Lawrence and Roberts 2012) policies should also address the demand side of trafficking not only focusing on the supply. Such efforts would require the deep seated cultural practises that exploit women and children.

3.4 Enforcement

Establishment of a comprehensive witness protection programme

There is need to establish a comprehensive witness protection programme which will not benefit just victims of trafficking but other victims and witnesses of crime. Victims need to be protected to prevent them from being revictimised by perpetrators. Protection programmes or centres should be created and disseminate information of their existence to create awareness to the public. Also, protection should also be given to victims under recovery. This will be a good practise.

Engaging other stake holders

There is need to engage traditional leaders and rural community structures to raise awareness about trafficking in persons. This has worked in other countries in the SADC region. The leaders should then disseminate information to the rural populace. This will help in bringing awareness to the vulnerable groups.

There is need to establish formal training and expertise.

There is an absence of formal training and expertise in skills and tools. Formal training and expertise is required for assisting victims of trafficking. There is also need for a

comprehensive national Monitoring and evaluation system for the implementation of procedures for handling cases of trafficking in persons. There is need for further capacity building and law enforcement, prosecution and the judiciary on identification, prosecution and settlement of the crime. This is because capacity building initiatives will result in more prosecutions of offenders.

Law enforcement agencies need to be trained continuously to be upgraded such that they are up to difficulties of human trafficking issues UN (2008), highlighted that expertise about techniques to detect traffickers, identify and care for their victims and prosecute traffickers successfully has increased significantly since 2000. However, developing countries are still lagging behind in accelerating the techniques due to various obstacles which their governments face. This needs mutual cooperation between Zimbabwean government and the world at large. Training courses present to law enforcement agencies training courses must be able to show the differences between trafficking and smuggling of migrants that are not demonstrative of the complications encountered at the operational level. That is when victims may be unwilling to talk to law enforcement officials about their experiences for weeks or even months.

Train law enforcement to use existing law and to apply it more aggressively to trafficking cases. Development and implementation non-legislative measures (policies/practice guidelines, statutory instruments) should be adopted in addressing trafficking issues where possible. Spontaneous operations or invasions by law enforcement officials are a way of take-out people who are held in captivity by their traffickers or exploiters from the site of their exploitation. In the course of some raids, both trafficking victims and others have experienced further trauma. The Asia Pacific Forum of National Human Rights Institutions has recommended the development of procedural guidelines for raids and rescues to ensure that the human rights of trafficked victims are protected. Raids should not occur without

adequate planning for the subsequent protection and support of trafficked people. Clearly, it is important that the use of raids on places where trafficked individuals might be located should be carefully monitored by senior law enforcement officials and human rights institutions to ensure that the techniques used are proportional to the abuse they intend to stop. Similarly these guidelines can be adopted by the government and implemented effectively.

Anti-corruption.

There is need to strengthen anti-corruption efforts to ensure the integrity of officers handling TIP cases. This is to allow traffickers to be prosecuted effectively to stop them in trafficking people. The trafficking in persons act should be adequately enforced. (Gonzacia 2013) noted that the cases of trafficking are low than the scope of the problem. In 2006 the total number of prosecutions globally was 5808 with just 3160 of them resulting in convictions. The number of convictions must increase to effectively combat trafficking globally in general and particularly in Zimbabwe. There is need to formalise procedures for identifying victims and referring them to the care of appropriate government and non-government service providers.

Extra territorial jurisdiction

There is need for cooperation and coordination with other countries especially those in the SADC region and other countries of destination are important. It is important in investigation and prosecution of trafficking in persons cases. This is because in most cases crime starts in one country, continues in another and ends in another. A function mutual legal assistance mechanism is therefore critical. Harmonisation of legislation as well as participation in legal platforms must be encouraged. There is need to fully implement and use the southern African development community database for trafficking cases.

Availing funds and resources

There is need to avail funds and resources to NGO's and international organisations that provide victims with services. There is need to implement and allocate sufficient resources to the National Action Plan to combat trafficking. This will help in providing understandable programmes designed to heal, rehabilitate and integrate victims into the society

Raising public awareness

There is need to raise awareness on human trafficking to the people. UN (2008) highlighted that improvement in the public awareness and education may help in dealing with human trafficking. This can be done by collaborating with as many NGO's and international organisations that can raise awareness and avail assistance to victims. Human trafficking is unknown in most societies yet it is the most common crime nowadays. Awareness campaigns can be done in schools, churches, social media, mass media, information campaigns and road shows. People need to be taught the tricks that are used to trap people and the detrimental effects of human trafficking on the individual, family and the society as a whole. Also, education leads to prevention, Zimbabwe can include the topic human trafficking in the children's curriculum. This will prevent children to be victims of trafficking. This is the best way of fighting human trafficking in tomorrow's adults.

Creation of stiff penalties

Stiff penalties should be created for companies that do not follow policies and laws of labour in Zimbabwe. This can be done to force companies that rely on forced labour and are abusive to workers to desist it. This can also be done to people who are abusing victims in domestic servitude in the country. The crimes which are stipulated to the acts such as the criminal law, Zimbabwe labour relations amendment act the penalties are low. They should be stiffened

from 2 years to at least 5 years or more depending with the extent of the crime so that perpetrators would hesitate to indulge in crimes related to human trafficking

Promoting research

Deeper Research and collection of data should be encouraged. This would be compiled and statistics concerned with forms, and methods used by traffickers. Support and initiating research on the impacts of human trafficking should be promoted this ensures adequate prevention, protection and assistance to trafficked persons and the prosecution of criminals. The government can partner with non-governmental organisations and carry out many researches on trafficking issues. This can be done to find the techniques being used by traffickers, the conditions of victim's vulnerability and the scope of the problem. This can also help in finding numbers of trafficked persons and monitoring, evaluating and assessing the impact of prevention and rehabilitation efforts in order to ensure that funded programmes are effective.

There is need to document these crimes for planning purposes and accurate knowledge of the risk young girls and women are facing. It will also help in tightening alert systems in areas more prone to the crime in the country. The government has a duty to collaborate with private players to enable officials representing Zimbabwe in other countries to be able to identify victims of human trafficking and bring them back home.

Monitoring employment agencies

Zimbabweans especially women should not be lured into human trafficking through false offers of employment. They should cross-check with relevant government ministries and departments. Also, Zimbabwean authorities should monitor private employment agencies as part of measures to curb human trafficking. The government should also set in place policies

which guides the process of migration by providing sufficient information and refining information diffusion so that people who wish to seek domestic work in other countries are knowledgeable and able to make sound decisions. Also, proper measures should be taken to prosecute fraudulent recruitment agents

3.5 Chapter summary

In this chapter the researcher presented the study recommendations based on the findings of the study. The researcher presented areas that need to be altered to have a beneficial policy and legal frame work on human trafficking in Zimbabwe. These included addressing the root causes of human trafficking, establishing comprehensive witness protection programmes to avoid revictimisation of victims of trafficking in persons. Human trafficking is unknown in most societies yet it is the most common crime nowadays. On this note, the researcher noted that there is need to engage traditional leaders in raising awareness. Awareness programmes can be done through public awareness and education in schools, churches, social media, mass media, information campaigns and road shows. This can be done by collaborating with as many NGO's and international organisations that can raise awareness and avail assistance to victims. Above all, there is need to avail resources so that laws and policy can be implemented practically not just being on paper.

CONCLUSION

Zimbabwe is a source; transit and a destination country for men, women and children that are trafficked for various forms of exploitation. The forms of human trafficking include sexual abuse, domestic servitude, child labour and forced labour in agriculture and mining sectors. The methods that are mainly used to traffic people in the country include deception and smuggling.

Zimbabwe has two types of human trafficking, that is, internal and transnational trafficking. Internally, they are speculations that men are being trafficked in mines and farms. This is being done as a way of maximising profits while exploiting people. The men are not held hostage but the conditions they live in make it difficult for them to run away. The rise of sex tourism has led to trafficking of young women and girls to tourist attraction cities such as Victoria Falls where they are being forced into prostitution. People, especially women and children are being trafficked to big cities where they are promised greener pastures. They work as domestic servants with little or no pay.

Women and children have the greatest risk of being trafficked mainly for labour, domestic, sexual and ritual purposes. The paper explored that Kuwait is not the only country where people are being trafficked. People are being trafficked everywhere that is Asia, Europe and Africa, though Asia has become popular with trafficking issues. It was also noted that anyone can be a trafficker, relatives and friends in most cases. They do it knowingly and unknowingly. They offer educational and job opportunities abroad. Due to the economic conditions in the country people are bound to go to better themselves. However people in power in most cases use their positions to lure people in trafficking. Human trafficking is rising due to poverty, globalisation and other factors that were discussed in the study. Human trafficking has negative impacts to the individual, family and the country as a whole as noted in the study.

To curb human trafficking Zimbabwe ratified many protocols, internationally and regionally. This led to the formation of powerful organisations such as Interpol and SARPCO which helps in curbing human trafficking issues. Yearly, USALAMA activities take place and Zimbabwe sometimes does not participate, this may be due to lack of resources. Before the establishment of the trafficking in persons act of 2014, people faced charges such as fraud, kidnapping and abduction. The laws that were used included the sexual offences act, the labour act, criminal law and the immigration act. However, these laws on their own were not enough because they carry low penalty of imprisonment. The trafficking in persons act of 2014 was established as a way to minimize trafficking of people by heightening punishment for traffickers and also to assist victims of human trafficking.

The trafficking in persons act so far has had its successes to a lesser extent. This is evidenced by the number of people that have been charged with human trafficking from 2014 till now. The factors that are hampering the effectiveness of the act include the definition that was used in the Zimbabwe anti trafficking act which is not enough in curbing human trafficking issues, lack of resources and other factors that were discussed above. The NAPLAC is the first policy that was put to assist victims of human trafficking. The policy is supposed to operate for two years that is from 2016 to 2018. However, up to now nothing has been done to implement the plans in the policy. It is also important to mention that the challenge remains as this plan is attached to the trafficking in persons of 2014 which varies with the international law and this restricts the scope of human trafficking in the country. The Lack of resources has also hampered the effectiveness of the plan till now

The researcher went on to give suggestions to areas that need to be altered to have a beneficial policy and legal frame work on human trafficking in Zimbabwe. These included addressing the root causes of human trafficking, establishing comprehensive witness protection programmes to avoid revictimisation of victims of trafficking in persons. Human

trafficking is unknown in most societies yet it is the most common crime nowadays. On this note, the researcher noted that there is need to engage traditional leaders in raising awareness. Awareness programmes can be done through public awareness and education in schools, churches, social media, mass media, information campaigns and road shows. This can be done by collaborating with as many NGO's and international organisations that can raise awareness and avail assistance to victims. Above all, there is need to avail resources so that laws and policy can be implemented practically not just being on paper.

ANNEXES

Annex 1 instructions for interviews

Topic: An Appraisal of Legislation and Policy on Human Trafficking in Zimbabwe. The research is carried by Lydia T. Chibwe in partial fulfilment of the requirements for the Masters of Arts in Development Studies Degree. Your participation will be used for academic purposes only.

The following points must be noted:

- The interview must take 40 minutes
- Each question must not take more than 4 minutes
- Notes will be taken during the interviews
- The interview can be audio taped where possible

THANK YOU FOR YOUR ASSISTANCE

Annex 2: Interview schedule

I, Lydia T. Chibwe a student from Midlands state University. I am carrying a research on Legislation and Policy on Human Trafficking in Zimbabwe in partial fulfilment for the Masters of Arts in Development Studies Degree. The interview contributions will be used for educational purposes only.

The government Ministries targeted are the Ministry of Public Service, Labour and Social Welfare, the Ministry of Home Affairs, the Ministry of women affairs and Ministry of foreign Affairs. Permanent Secretaries of the relevant Ministries will be interviewed. A paper with instructions for the interviewee will be attached.

QUESTIONS FOR GOVERNMENT MINISTRIES

1. How is the phenomenon of human trafficking in Zimbabwe?
2. Do you deal with human trafficking issues directly or indirectly?
3. Does Zimbabwe ratify international laws and policies on human trafficking?
4. Are there any standards on human trafficking laws and policies?
5. Which laws and policies are associated with human trafficking?
6. Which enforcement efforts are in line with the available policies and laws on human trafficking in Zimbabwe?

Annexe 3: Interview schedule

I, Lydia T. Chibwe a student from Midlands state University. I am carrying a research on Legislation and Policy on Human Trafficking in Zimbabwe in partial fulfilment for the Masters of Arts in Development Studies Degree. The interview contributions will be used for educational purposes only.

The people to be interviewed are the Director of UN Women, International Organisation for Migration, Msasa project and Women and Law in Southern Africa Research and Education. A paper of instructions will be read out to the interviewer.

QUESTIONS FOR NON GOVERNMENTAL ORGANISATIONS

1. How is the phenomenon of human trafficking in Zimbabwe?
2. Does Zimbabwe ratify international laws and policies on human trafficking?
3. How effective are the available laws in curbing trafficking?
4. How do you assist victims of human trafficking as an organisation?
5. Are there any weaknesses within the acts and policies on human trafficking?
6. What are the factors hindering the elimination of human trafficking in the country?
7. Do you think the government is doing enough in curbing the problem of human trafficking?
8. Suggestions on how Zimbabwe can improve its laws and policies to curb human trafficking

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Interview with the deputy director of the ministry of Public Service, Labour and Social Welfare, Mrs J, Pikinini on the 9th of September 2016 at the department of social services

Interview with the ministry of women affairs, Mrs Chikumira on the 9th of September 2016 at the ministry

Interview with UN Women director, Delphine Serumaga on the 12th of September 2016 at the British council

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