

*Full Length Research*

# The Effectiveness of State and Non-State Actors in Combating Human Trafficking and Ensuring Safe Migration Concerns of Zimbabwean Women

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This study focuses on the effectiveness of State and Non-state actors in combating human trafficking and ensuring safe migration of Zimbabwean women. The study relied on qualitative research methodology while data was gathered through primary and documentary search. Respondents were purposively selected from victims of human trafficking and organisations that deal with combating human trafficking. These included IOM, Zimbabwe Republic Police (ZRP) Human Trafficking Desk, Ministry of Justice, Legal and Parliamentary Affairs. The study revealed that human trafficking in Zimbabwe thrives under conditions of vulnerability which are caused by various factors ranging from poverty, limited educational opportunities, poor economic conditions, gender and age. A strong relationship between Government and NGOs' inadequate adherence to the Palermo Protocol standards and escalation of human trafficking was also exposed. Though Zimbabwean has several laws that deals with human trafficking, implementation of these laws still remains a challenge. This has contributed to the escalation of human trafficking cases from Zimbabwe to neighbouring countries, particularly South Africa.

**Key words:** Human trafficking, International Organisation for Migration, Migration, Palermo Protocol

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## INTRODUCTION

Human trafficking is by nature a transnational issue and a form of modern day slavery. Research and documentary evidence have indicated that, other than forced labour, sexual exploitation of women claims the most profitable segment of the human trafficking industry (United Nations Office on Drugs and Crime Report, 2015). The International Labor Organisation (ILO) Report

(2008) also confirms that ninety eight percent of those trafficked for the purposes of sexual exploitation are women and children. This has been attributed to the fact that human trafficking has more economic benefits that motivate perpetrators to continue engaging in the crime. According to Davey (2005) human trafficking has globally turned into a multi-billion dollar industry where a few

individuals are benefitting from violating vulnerable groups. Every year the industry generates thirty two billion Dollars. Fifteen point five billion United State Dollars is generated in industrialised countries. Other scholars have argued that human trafficking is closely tied to terrorist organisations such as ISIS and Boko Haram (Mapuranga, 2016).

Shelly (2010) asserts that approximately 600 000 to 800 000 people are trafficked across international borders each year. On average, an estimated number of about 2.5 million people from 127 countries have been trafficked to 137 countries for purposes such as forced labour, sexual exploitation, the removal of organs and body parts, forced marriages, child adoption and begging (UN Report, 2008). Although statistics regarding the average number of victims in Africa is unknown, human trafficking has become a very common trend in African countries. Anti-human trafficking measures are either virtually non-existent, weak and inapplicable (Shu-Acquaye, 2013). For example, national legislations on anti-human trafficking in most of West and Central African countries such as Ghana, Liberia, Nigeria, Sierra Leone and the Gambia, and Mauritania were passed recently. Currently, there are no anti-trafficking laws in Chad, Cote d'Ivoire and Niger. However, Africa has regional instruments that specifically fight against human trafficking. These The Protocol to the African Charter on Women and People's Rights on the Rights of Women in Africa, Charter on the Rights and Welfare of the Child and Trafficking in Human Beings Especially Women and Children (Shu-Acquaye, 2013).

## LITERATURE REVIEW AND THEORETICAL FRAMEWORK

This study relied on the economic and victimology theories to explain human trafficking of women. It is important to note that a combination of criminal justice and crime prevention measures be considered to prevent, protect victims, and prosecute human traffickers. This study proposes for an integrated framework for explaining and describing human trafficking given that there is no single explanation for the causes of human trafficking as it involves a high contingent of role players from a variety of backgrounds.

### Economic Theory

Economic theory can be used to explain crimes, actions and behaviours which calculate the gains and benefits accrued from participating in a certain task. Witt and Witte (2002) postulates that economic theory of crime suggests that people make decisions to offend in ways that resemble their decisions made about other non-

criminal activities. The underlying principle of the economic theory is that criminals commit crime because they have perceived the benefits from the crime to outweigh the possibility of being prosecuted and incurring costs (Eagle and Betters, 2007; Persson and Siven, 2007). Therefore, traffickers commit crime if the expected profits from legal work are less than those from illegal activities. Pratt (2008) and Witte and Witt (2002) indicated that individuals apply legal or illegal actions because of the expected utility from those acts and are influenced by the fact that the possibility of the expected gains from crime relative to earnings from legal work accentuates trafficking endeavours. Another component of this theory is that the lesser the punishment the more human trafficking progresses. The probability of being apprehended, prosecuted and sentenced and the value of the expected punishment will determine the extent of the crime. In support of this, McCray (2006) argues that certainty is more important than severity.

### The theory of Victimology

The theory of Victimology argues that certain women might be at greater risk of being victimised than others. According to Luya and Lanier (2012) victim-offender interaction, repeat victimisation and lifestyles are key factors in describing the nature of escalation of human trafficking. Interactions with traffickers, lifestyles and number of times women have been trafficked form an essential part of the process of human trafficking of women for purposes of sexual exploitation. Van de Hoven and Maree (2005) asserts that there are three categories of victims that could be prone to victimization. These are innocent, precipitating and provocative victims. By interacting with criminals innocently through no fault of their own or by walking alone in the dark some individuals can be seen as precipitating their own victimisation. In addition, by exhibiting certain traits that can be perceived as provocative by traffickers, some people become prone to human trafficking. Precisely, the distance between the trafficker and the victim and the intentions of the trafficker and the nature of victim-trafficker interaction may increase the chances of trafficking.

Van Den Hoven and Maree (2005) pointed out that victims and the offender can interact closely before victimisation occur and during that time, victim's weaknesses that led to victimisation can be easily identified. Chances are that the victim can instigate or precipitate the victimisation incident. Women and children are more likely to be victimised by a known person than by strangers. Hence, victim proneness, precipitation and provocation will be used as the three factors which create vulnerability of women and girls to human trafficking for prostitution purposes. Perpetual victimisation entails that victims of crimes are likely to be victimised either by

different perpetrators or the same assailant during a limited period of time. Van den Hoven and Maree (2005) further argued that repeat victimisation is likely to manifest into a cycle of violence and in turn, victims are likely to become abusers by replicating or modelling behaviour and actions perpetrated against them by human traffickers and recruit other women and girls for sexual exploitation. Van den Hoven and Maree (2005) outlined target vulnerability (which is illustrated by victim's weakness and psychological distress), target gratifiability (which entails traits that are attractive to the perpetrator) and target antagonism (which is trauma experienced through the process of first victimisation) as characteristics that make people more prone to repeat victimisation than others. Hence, unaddressed traumatic experiences, future plans constrained by the sexual exploitation and financial gains that could have been generated from prostitution, are likely to motivate former victims to either work independently as prostitutes or replicate the process by recruiting trafficking victims for monetary gains.

On the other hand, lifestyle activities such as substance abuse, internet use and equivalent groups are key factors explaining human trafficking of young women for sexual exploitation. It is possible for human traffickers to draw into the human trafficking ring with full knowledge of victims whose lifestyles intersect with theirs instead of selecting women from unfamiliar places. Such victims are unlikely to report the perpetrators to the authorities thus rendering themselves easy prey to human traffickers (Van den Hoven, 2005).

### **The Global Scale of Human Trafficking**

According to Dube (2012) human trafficking is a terrible crime involving the trade of human beings and is usually referred to as modern day slavery. Human beings are moved from one place to another whether within the same country, from one country to another or even from one continent to another. Upon their arrival at their final destination the individuals transported will be exploited for different purposes. Forms of trafficking includes; forced labour, servitude and sexual exploitation. Morrissey (2006) pointed out that human trafficking is ranked the third largest profiting transnational organised crime after drugs and weapons trafficking and \$32 billion is generated annually from human trafficking worldwide (ILO, 2008). According to U.S State Department Report (2011), an approximate of 600,000 to 800,000 human trafficking victims mainly women and children are trafficked across international borders worldwide every year. These statistics shows that human trafficking has become one of the world's greatest socio-economic challenge. The statistics also shows that most governments in the developing countries have failed to

effectively control the escalation of human trafficking mainly due to lack of expert knowledge, inadequate financial resources and gaps in anti-human trafficking laws. The socio-cultural context also affects victims' ability to use the protective measures of the law as they fear being castigated by the community. This results in most cases going unreported.

### **Push-Pull Factors as Causes of Human Trafficking**

The factors that enable human trafficking to occur vary and are interdependent and interconnected (Stop Violence Against Women (SVAW), 2008; Truong, 2001; Van Impe, 2000). Universal factors that contribute to trafficking of women can be divided into push and pull factors (Jones, Engstrom, Hilliard and Diaz, 2007). The push factors comprise of poverty, socio-economic instability, natural disasters like earthquakes and floods leading to virtual destitution of some people, lack of education, skill and income opportunities for women in rural areas, absence of public awareness about the activities of traffickers, pressure to collect money for dowries which leads to sending daughters to distant places for work, dysfunctional family life, domestic violence against women, low status of girl children among others (Shelley, 2010).

Cho (2012) asserted that pull factors include; lucrative employment propositions in big cities, easy money, promise of better pay and a comfortable life by the trafficking touts and agents, demand of young girls for marriage in other regions, demand for low-paid shop labour, government officials' corruption and the growing demand of young kids for adoption, an increase in the demand for women and girls in the rapidly expanding sex industry and exploitation as a result of the misconception that sexual intimacy with young girls reduces chances of contracting HIV/ AIDS or myth that sex with a virgin cure HIV/ AIDS, demand for young women in places of military concentration (Waghmode and Angadi, 2014).

It is important to note that push factors do not only make victims vulnerable to traffickers but they also create conducive environments and incentives for trafficking. For example, prostitutes who have no option to come out of the exploitative environment, gradually develop intimate bond with the traffickers and follow in their footsteps (Tremblay, 2010).

According to Gumbo (2008) it is difficult to assess the prevalence and nature of human trafficking because of a variety of reasons. Waghmode, Kalyan and Angadi (2014) argued that human trafficking is a complex, multi-dimensional phenomenon that requires multidisciplinary approach and therefore any analysis of the root causes of human trafficking must take into account factors that are specific to a certain country or region, its socio-economic conditions and its poverty levels.

## Human Trafficking in China

Gertz (2010) indicated that sophisticated and well-orchestrated syndicates like 'Triad' play a major role in fuelling human tracking in China by deceiving victims into believing that they will further their education overseas as well as better job opportunities. However, victims are later handed over to hair salons, massage parlors, bathhouses, and labour and sex industries. In some poverty-stricken areas, trafficked victims are sold to old, mentally impaired or disabled unmarried men (Jiang, Li and Sanchez, 2011). Other famous Chinese criminal groups such as She' To'u or Snakeheads are also known for specialising in human trafficking and are active in exploiting people into prostitution (Rankin, 2012).

According to United Nations Inter-Agency Project (UNIAP) (2013) China is a source, transit, and destination country for women, aged between 17-25 years, from countries like Burma, Vietnam, Laos, Mongolia, Russia, Myanmar and North Korea, Romania, Democratic Republic of Congo, Mozambique, Zambia and Zimbabwe who are subjected to commercial sexual exploitation, servitude and forced labour. The United Nations Inter-Agency Project on Human Trafficking Report (2014) claimed that approximately 600,000 migrant workers also leave China to work overseas every year and this figure 1 accounts for only those tracked by the Ministry of Labour and Social Security and does not include illegal immigrants (Tiantian, 2014). This indicates the high levels of human trafficking in China.

June (2014) asserts that massive human trafficking has been fueled by China's one-child policy that resulted in gender imbalances and a universal expectation to marry as men are experiencing severe shortage of women to marry. Other factors such as lack of employment opportunities in conjunction with country's boom in manufacturing and construction industries and the traditional culture where women are subordinate to men also immensely contributed to massive rural-urban migration and played a major role in exposing women to traffickers.

The Chinese government has taken the issue of combating human trafficking seriously by ratifying every international human trafficking law has also put in place harsh domestic laws. Under the Criminal Code of Republic of China (1979), anyone who abducts or traffics women or children is subjected to a jail sentence of 5 to 10 years and a fine. This is a clear indication that the Chinese government is committed in prosecuting the perpetrators of human trafficking though the crime's prevalent rate has remained high. Non-Governmental Organisations (NGOs) have also collaborated with the government in trying to fight against the crime. In 2000, the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in Greater Mekong Sub Region was established. Six government, thirteen UN agencies and

eight International NGOs were brought together to fight against human trafficking (Best, 2005). Furthermore, NGOs awareness campaigns were increased. In 2007, USAID and AusAID in partnership with MTV Europe Foundation and MTV Networks Asia Pacific also carried out an anti-trafficking campaign throughout Asia where anti-trafficking materials were provided through media, public service announcements, concerts and MTV events in China, India, Malaysia and many other Asian countries.

## Human Trafficking in Kuwait

According to McGeehan (2012) the GCC countries employ the 'kafala' or sponsorship system so as to contain the influx of migrant workers through which the demand of labour is determined by employers (kafalees) and meet their employees either by direct recruitment or private employment agencies (PEAs). An approximate of 25 million semi-skilled or unskilled migrant workers from Asia and Africa are prone to human trafficking in the Middle East (Harroff-Tavel and Nasri, 2013). A migrant worker's status is tied to an individual sponsor for their contract period and therefore making the workers vulnerable to forced labour. In this regard countries in the Middle East have ratified the Palermo Protocol and the ILO Conventions on forced labour. All the States in the region have adopted national legislations to combat trafficking (Harroff-Tavel and Nasri, 2013). The penalties prescribed for violations vary, but all provide for terms of imprisonment and, in some cases, fines. The Kuwait government, social partners and other key stakeholders in the region have also made some significant efforts to respond to various forms of human trafficking (Mattar, 2011). These responses include training programmes on identification of trafficking victims in order to enhance awareness, detection and response. CSOs have played a direct role providing relief and legal support to the victims of human trafficking. Harroff-Tavel and Nasri (2013) suggested that there is need to broaden the prism through which human trafficking is perceived, taking into consideration the close relationship between human trafficking and labour migration and the loop-holes in the current labour migration governance systems that allows human trafficking to persist in the region. The discovery of oil, trade, tourism and wars are the major factors that have caused labour migration in the Middle East and the most favourable destinations are the Gulf Cooperation Council (GCC) Countries, particularly Kuwait, due to their societal transformation in the wake of their emergence as economically prosperous states (Baldwin-Edwards, 2010).

## Human Trafficking in South Africa (Africa)

According to the United Nations Children Fund

(UNICEF) (2003) Report, South Africa is both a source and a transit country for the international market of human traffickers and has provided a safe harbour of human trafficking activities especially of victims from regional and international locations. Well organised syndicates of both international and local traffickers exploit the victims, especially from Zimbabwe, in agricultural and industrial labour, sex industry and organ harvesting. Due to its strategic position within Africa, South Africa also offers direct shipping and flights of trafficked victims to Europe and Asia. Evidence has shown that majority of trafficked African victims to Europe and Middle East are from South Africa and Zimbabwe (UNESCO, 2009).

UNIDOC (2012) cited the primary causes of human trafficking in Africa as poverty and lack of viable economic opportunities. Lack of awareness on recruitment channels has also been identified as one of the major causes of trafficking of African women to various nations, especially Middle East (Wakgari, 2014). Human traffickers in Africa are now comprised of well-orchestrated syndicates throughout the continent. Traffickers have extended their network from the lower calibre level to the bigger cities through which they can track potential victims and brainwashes poor girls and women through false promises of better life opportunities in Asia, Middle East and Europe. Pressure from families, friends and neighbours are some reasons that influence women's decision to migrate in general and trafficking in particular. The government of South Africa has made efforts to combat human trafficking through training of border officials and police officers in counter-trafficking courses, provision of shelter and the IOM's Southern African Counter Trafficking Assistance Project (SACTAP) (UNODC and SADC Report, 2007).

### **The United Nations Convention Against Transnational Organised Crime (UNCTOC)**

According to UNCTOC (2000), the convention, seeks to prevent and apprehend perpetrators of international crimes including human trafficking, drug trafficking and arms trafficking. These crimes occur across borders hence a coordinated effort to foster international cooperation among states is necessary. Zimbabwe signed the Convention on 12 December 2000 and ratified it on 12 December 2007 but has not fully domesticated its provisions.

### **The Palermo Protocol (The Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children)**

The Palermo Protocol which is a supplement to the

Convention against Transnational Organised Crime came into existence on 12 December 2000 but entered into force in 25 December 2003. Article 3 (a) of the Palermo Protocol outlines that Trafficking in Persons entails the recruitment, transportation, transfer, harbouring or receipt of persons through the use of force, threat, coercion, abduction, fraud, deception or giving and receiving of payments to achieve the consent of a person having control over another person for the purpose of exploitation. However, there are mixed perceptions over the effectiveness of the Palermo Protocol. Dube (2012) posits that the Protocol marked the international community's most comprehensive effort to deal with trafficking in persons in its modern forms. According to Marie (2004), the inclusion of NGOs and Inter-Governmental Organisations (IGOs) in the draft process of the Protocol assisted in the realisation of human trafficking victim's rights as NGOs maintained that the protocol should include the right of trafficked persons to remain in the Destination State. Kamala (2005) indicated that in the Palermo Protocol, human trafficking was placed under the heading of international criminal activity and states were requested to combat trafficking especially against women and children, protect and assist victims of trafficking, promote international cooperation aiming at preventing trafficking and prosecuting traffickers, provide physical, psychological and social recovery for victims, provide physical safety for the victims and strengthen border controls.

On the contrary, Louise (2007) views the definition of human trafficking, in the Palermo Protocol only as a problem of transnational organised crime rather than a migration or human rights issue. Therefore, the existence of the Protocol is contested and this might render it ineffective and there is need for non-state actors, like IOM, to intervene in fighting the crime.

Nevertheless, if strictly adhered to, the Protocol is one of the international conventions that can reduce the escalation of human trafficking. Article 2 of the Palermo Protocol states that its purpose is to prevent and combat human trafficking paying particular attention to women and children, to protect and assist the victims of such trafficking with full respect to their human rights and to promote cooperation among State Parties in order to meet its objectives. In addition, Article 9 of the Protocol requires states parties to establish policies and programmes to prevent trafficking in persons, such as awareness raising campaigns, research and data collection. The Protocol does not only cater for women and children despite its particular specification for them, it even caters for men and hence its existence is important.

Though Zimbabwe has acceded to the 2000 Palermo Protocol and is making some significant efforts to do so, it fails to adhere to the least principles which are meant to eradicate trafficking. According to US Department of State (2014), the Zimbabwean government efforts to

investigate, prosecute trafficking offenses and convict traffickers remained weak because it does not have law enforcement statistics on investigations of suspected forced labour and sex trafficking crimes. There is continued lack of laws that criminalise all forms of trafficking. This has resulted in the escalation of human trafficking in the country.

### **The Protocol to the African Charter on Human and People's Rights of Women in Africa**

The Protocol is a legally binding multilateral supplement to the African Charter on Human and People's Rights (African Charter). It was adopted in 2003 by African Heads of States. By 2009, it had been ratified by 27 out of 53 members of the African Union (Viljoen, 2009). The Protocol provides various rights to women such as the right to freedom from discrimination, the right to dignity, the right to life, integrity and security of the person, the right not to be subjected to harmful practices, rights relating to marriage, separation, divorce and annulment of marriage, access to justice and equal protection before the law, right to participation in the political and decision-making process, right to peace, rights of women in armed conflicts. The above rights are in accordance to Article 5 (g), which prevents and condemns trafficking in women as well as prosecutes the perpetrators of such trafficking and protects those women most at risk.

The Protocol further requires states parties to provide remedies to women whose rights have been violated. Article 11 calls for the protection of women in armed conflict from all forms of abuse including sexual exploitation. These include widow's rights, right to inheritance the special protection of elderly women, special protection of women with disabilities and special protection of women in distress. However, the adoption and entry into force by state parties and domestication of the Protocol is incomplete. The potential effect of the Protocol depends largely on the knowledge and awareness of its content and the possibilities of its use in advocacy, legal reform and litigation. As such, the role of the Protocol remain limited.

### **The Trafficking in Persons Act of Zimbabwe**

The Trafficking in Persons Act, which was passed in June 2014, seeks to impose a punishment ranging from life imprisonment or imprisonment of not less than 10 years for human traffickers. The Trafficking in Persons Act Chapter 10:20 deals with the prohibition, prevention and prosecution of crimes of trafficking and protection of victims. This implies that the Act closes loopholes that allow many sex predators to walk free unlike before when

migration laws and sex offenses were used as basis to prosecute perpetrators of human trafficking. The Trafficking in Persons Act also seeks to criminalise the hosting of adverts or any material on the Internet that is linked to human trafficking, any person who advertises or assists in the advertising, printing, publication, broadcasting or distribution by any means, material that promotes the trafficking in persons shall be guilty of the crime of trafficking in person. It also seeks to appoint a committee on trafficking in persons with a mandate to formulate and implement a national plan of action against trafficking in persons and to create centres for victims of trafficking in every province (Mbiba, 2014). The Act gives the courts powers to order the confiscation of all proceeds derived from or property used in connection with trafficking and provides for the establishment of programmes and centres for victims of human trafficking.

The law is however, considered to be vague and cannot effectively curb the escalation of the crime. According to the Southern African Development Community (SADC) Forced Labour and Human Trafficking Report (2015), the Trafficking in Persons Act does not comply with the international definition of trafficking in persons under the Palermo Protocol. In fact, the Act serves to prohibit transportation-based crimes (TIP Report, 2015). Furthermore, no centre has yet been established. The Zimbabwean government has made some efforts to implement the Anti-Human Trafficking Act. The government established an inter-ministerial anti-trafficking committee, under the leadership of the Ministry of Home Affairs. However, the committee appears to be idle, since its establishment the committee has not yet met or undertaken anti-trafficking activities. This means NGOs need to lobby the government to amend the Anti-Human Trafficking Act in order to fully comply with the Palermo Protocol standards.

### **Non-State Actors Involved in Combating Human Trafficking**

Although the Palermo Protocol has gathered momentum, human trafficking remains a serious crime, with grave human rights violations, that are largely overlooked by both governmental and non-governmental actors. Curbing human trafficking has been hampered by definitional difficulties of the phenomenon, a lack of knowledge and the existence of grey areas between trafficking and other forms of exploitation and lack of resources to fight against the crime on the part of various States (IOM, 2015). Furthermore, Counter-Trafficking efforts are not necessarily viewed as immediate life-saving in an emergency situation, hence, several international organizations like IOM, ILO, OSCE, UNODC and UNGIFT have developed approaches to address human trafficking.

### International Organisation for Migration (IOM)

IOM has created more than four hundred partnerships with both state and non-state actors and implemented almost 500 counter-trafficking projects in more than 85 countries since 1994. Furthermore, IOM has provided assistance to over 15,000 trafficked persons. IOM's primary aims are to prevent human trafficking and protect victims of the trade through offering them options of safe and sustainable reintegration and return (Sanchez, 2012). IOM has extensively empowered and protected victims of human trafficking. For example in 2007 it was involved in a two-year USD 2.3 million joint programme with Indonesia which was supported by the United Nations Trust Fund for Human Security. IOM has joined forces with the Government of Indonesia in fighting against human trafficking by strengthening the capacity of public authorities and civil society to both protect and empower victims of trafficking and to prevent persons in situations of vulnerability from being trafficked. The Protecting and Empowering Victims of Trafficking in Indonesia (EMPOWER) project aimed at strengthening the capacity of key State and non-State actors in Indonesia and main countries of destination and transit to protect and empower victims of trafficking; provide victims with comprehensive assistance; strengthen the capacity of key government agencies to address public and individual health risks associated with trafficking in persons; and prevent human trafficking in targeted high-risk villages through awareness-raising and capacity-building (Sanchez and Nguyen, 2012).

Under IOM's Southern African Regional Counter-trafficking programme, the organization has assisted 307 victims of trafficking between January 2004 and April 2010, including 60 minors and Zimbabweans comprised some 10 percent of the total beneficiaries (Muzulu, 2010). IOM Zimbabwe is working with Ministry of Home Affairs and Cultural Heritage to raise awareness among the community through schools, national platforms such as the annual Harare Agricultural Show as well as the Zimbabwe International Trade Fair. It has contributed to the ratification and subsequent domestication of the Palermo protocol by the Government of Zimbabwe, drafting and subsequent enactment of the Trafficking in Persons Act in Zimbabwe, facilitated the capacity building through training of over 50 parliamentarians on human trafficking dynamics and the importance of criminalising the crime through legislation and improved police investigations processes for cases of trafficking through the training of 30 Training of Trainers (ToT) law enforcement agents (IOM, 2015).

### International Labour Organisation (ILO)

ILO's mandate is to protect the interests of workers

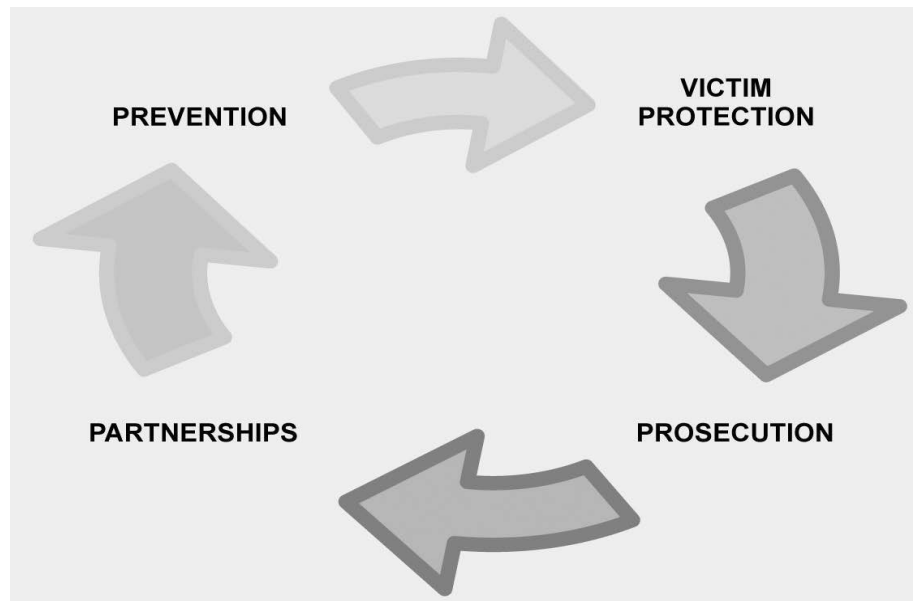
when employed in foreign countries. ILO conventions relevant to human trafficking focuses on issues to do with forced labour, child labour and migrant workers (Harroff-Tavel and Nasri, 2013). The formulation of labour conventions by the ILO led to an extension of the scope of trafficking in persons beyond the sole focus on prostitution and sexual exploitation. Accordingly, ILO considers trafficking as a degrading misuse of human resources resulting in undignified and unproductive work where forced labour is referred to all work or service extracted from any person under the menace of any penalty and for which the person has not offered himself or herself voluntarily (Human Trafficking Working Group, 2015).

ILO initiatives are part of attempts to prevent compulsory labour from degenerating into working conditions similar to slavery and deals with the recruitment, placing, and conditions of migrant workers that are favourable. The Forced Labour Convention of 1930 requires States Parties to take additional measures to suppress forced labour, recognising that the contemporary labour market place is unrecognisable from the one that existed when the Convention was initially drafted (Mudimu, 2016). The Zimbabwean government is in the process of finalising its labour migration policy because it provides the framework for managing migration issues in the country and has also engaged the ILO to address human trafficking in Kuwait following the abuse of trafficked Zimbabwean women in Kuwait.

### The Four 'Ps' Dimensional Approach to Human Trafficking Combating

The response at national, regional and international levels should be coordinated and coherent, following the 'four Ps' approach: prevention, protection, prosecution and partnerships (US Department of State, 2011). (Figure 1)

The State and non-state actors must show efforts in *protecting* both national and foreign human trafficking victims, of which the majority of them were previously unqualified to receive assistance from the host government. *Protection* efforts are centered around, the establishment of CSOs and Referral Networks of civil service providers for the purpose of providing victims of trafficking with sufficient psycho-social support and reintegration assistance (US Department of State, 2011). The provision of direct assistance to survivors of human trafficking in the form of temporary shelter, medical treatment, counselling, legal aid support and reintegration support should be regarded as a basic right. For instance, Trafficking Victims Protection Act (TVPA) ensures that US Government issues T-Visas to foreign victims of human trafficking and provide ways of ensuring that trafficking victims get assistance in investigations



Source: Sanchez (2012)

**Figure 1:** Four 'Ps' in combating human trafficking

and prosecutions of traffickers.

On the other hand, *prosecution* entails that there is strong need for governments to strengthen efforts to prosecute traffickers through creation of a series of new crime laws on trafficking, forced labour and be aware of the fact that human trafficking takes place in various forms which include fraud, coercion and force (IOM, 2015). For example formulation of the Palermo Protocol clearly defines 'sex' and 'labour' trafficking. In Zimbabwe, IOM works with the government in collecting their statements towards ensuring that legal recourse is sort, in line with the international minimum requirements. The organisation also supports different stakeholder consultations, meetings and seminars on the TiP Act Chapter 9:25 of 2014. On that regards, victim identity and confidentiality is considered to be of utmost importance.

*Prevention* measures ensures that there is cooperation among various States in efforts to combat trafficking, as well as to address trafficking within the country through awareness campaigns, provision of assistance in drafting anti-human trafficking laws and creation of programmes meant to provide assistance to trafficking victims, especially the implementation of effective investigation of trafficking cases (Atest Guide, 2004). In other words, prevention involves the exclusive capacity building and sensitisation workshops for government and CSOs where there is identification and assistance to survivors of human trafficking and comparative assessment of national anti-trafficking legislation to other countries especially within the SADC region. The use of mass

media, like newspapers, radio, and television and mobile telephone platforms to ensure that information on human trafficking reaches a wider audience is essential.

In 2009, United States of America Secretary of State, Hillary Rodham Clinton came up with a fourth 'P' *partnership* which serves as a conduit to the advancement of efforts in fighting against modern-day slavery (U.S Department of State, 2011). This means that there is no single actor that can lonely fight against human trafficking. There is need for cooperation of both State and non-state actors. Zimbabwe has a Legal and Constitutional Affairs Cluster which seeks to fight human trafficking. The Cluster is led by the Women and Law in Southern Africa and Zimbabwe Women Lawyers Association and IOM is part of the cluster.

## RESEARCH DESIGN AND METHODOLOGY

The research relied on qualitative methodology. A case study of Zimbabwe was used to understand the role of State and Non-state actors in combating human trafficking. A total of 10 respondents were chosen for the study. Respondents for the study were selected from Harare, the capital city while key informants were purposively selected from IOM, Home Affairs Ministry (ZRP Human Trafficking Desk), and Ministry of Justice, Legal and Parliamentary Affairs. The key informants were chosen because of their expertise in the area of human trafficking. Key informant interviews were used to gather



data from respondents while documentary search was used to supplement the interviews.

## DISCUSSION OF FINDINGS

This section presents and analyses the findings of the research. Data was analysed using thematic analysis. Findings of the study clearly indicate that human trafficking, especially of women and young girls from Zimbabwe to other countries for purposes of prostitution and forced labour is a real problem. Factors contributing to the escalation of human trafficking include poverty, high unemployment rate and lack of understanding of the human trafficking phenomenon.

### The Effectiveness of IOM and ZRP in Assisting of Human Trafficking Victims

Findings from the interviewees who once fell victim of human trafficking, mostly in South Africa and Botswana indicated that they had received assistance from either the ZRP or IOM. This assistance was in the form of counselling, shelter or legal assistance and attempts to bring perpetrators to book. Respondents indicated that the assistance received from the above organisations was effective as they had managed to safely reunite with their families. Some respondents felt that neither IOM nor the ZRP had the capacity to combat human trafficking. The respondents indicated that even though IOM had managed to assist victims to reunite with their families, victims were still grieved with the fact that the perpetrators of human trafficking were not brought to book.

### Prevalence of Human Trafficking in Zimbabwe

Responses from key informants showed that human trafficking from Zimbabwe to other countries such as South Africa for the purposes of prostitution and forced labour was a reality. Other source and destination countries for trafficking activities were identified as Botswana, Mozambique, Kuwait and China. South Africa was mentioned to be the main destination country for regional and extra regional trafficking activities. Zimbabwe was also cited as a transit country for trafficking activities. However, it was difficult to assess the prevalence of the problem since there were no official statistics of trafficked persons from both IOM and the ZRP. One of the major challenges cited was the unwillingness of the victims to come forward and report their cases to the police. The IOM respondent attributed the unwillingness to a number of factors such as fear of re-victimisation by the traffickers, stigmatization from

families and friends, and criminal prosecution. The IOM official stated that:

*Statistics on human trafficking victims from Zimbabwe to neighbouring countries is scarce because the crime is still regarded as a new and modern phenomenon. However, information on trafficking is starting to trickle in through media and some organisations like IOM and Msasa Project which are making efforts to curb the escalation of the crime by raising awareness on the problem through sensitisation and awareness campaign workshops.*

Statistical crisis was also highlighted in a documentary known as *Human Trafficking in South Africa* by Tom Malitz, which postulated that South Africa is a major outlet and destination for human trafficking. One of the reasons advanced for lack of statistics was a result of inadequate awareness of the problem by law enforcement authorities, NGOs and the public in general. From the above literature, and also from the majority of the respondent's opinions, one can deduce that statistical crisis is a major problem that is being faced by many countries and this makes it difficult for relevant stakeholders to assess the prevalence of the crime.

A respondent from the ZRP indicated that it was not easy to assess the magnitude of human trafficking victims because they did not have much data on the trafficking victims. He said that there was so much trafficking taking place especially due to the victims' vulnerability since there is a large number of people who illegally migrate to neighbouring countries like South Africa. The respondent also stated that trafficking is very difficult to dictate because the traffickers use different tricks and work as a team to avoid police detection.

An ENCA documentary titled *The Dark and Scourge of Human Trafficking in South Africa*, a human trafficking expert mentioned that it was difficult to get statistical data on human trafficking due to its close link to prostitution and drug abuse despite the fact that it is a major problem in South Africa (Subban, 2016). She indicated that:

*Monitoring human trafficking is a major problem, experts says there is lack of data because of its links to prostitution and drug abuse. But it's clear that human trafficking can happen to anyone, anywhere and anytime.*

According to *Social Development Notes: Conflict, Crime and Violence (2009)*, The United States Government Accountability Office (GAO) reports that there is a considerable discrepancy between the numbers of estimated victims of human trafficking across various agencies because each organisation uses its own methodology to collect data and analyses the problem

based on its own mandate. Differences in definition and methodology, together with a general lack of reliable data, result in an immense variation in global estimates of the number of trafficked victims and the global estimates given by the US government are focused on transnational human trafficking which does not include the number of victims who are trafficked internally.

### Causes of Human Trafficking

Key respondents mentioned that human trafficking in Zimbabwe thrives under conditions of vulnerability which are caused by various factors ranging from poverty, limited educational opportunities, poor economic conditions, gender and age. Another matter of concern that emerged from the study was the lack of full compliancy to legislation aiming specifically at criminalising trafficking, particularly the Trafficking in Persons Act. A respondent from the Ministry of Justice, Legal and Parliamentary Affairs stated that;

*Lack of cooperation on the part of relevant stakeholders to fully comply with laws that criminalise trafficking is one of the problems when dealing with trafficking because traffickers take advantage of that ambiguity. On that regards, there is need the policy makers to tighten anti-human trafficking laws because even if perpetrators are apprehended, they easily get away with it or they can be charged with light offences.*

It was also revealed that the police and prosecutors were being obstructed from investigating and charging the perpetrators of human trafficking because of the vagueness of the legislations that criminalise trafficking in persons. The IOM official indicated that the only case that was brought before the courts was of a Kuwait embassy official in 2016. Lack of full compliancy, implementation and enforcement of human trafficking laws in South Africa has also contributed to the escalation of human trafficking. According to eNCA documentary *The Dark and Unseen Scourge of Human Trafficking in South Africa*, South Africa has ratified United Nations Palermo Protocol which aims to tackle human trafficking in 2004 and this demands South Africa to prosecute traffickers, implement preventative measures and most importantly adopt its laws to deal with the crime. However, legal experts believe that South Africa has been slow in implementing the provisions of the Palermo Protocol.

The IOM respondent highlighted that people become more vulnerable to trafficking due to poverty and unemployment. Although the source of data was not statistical, the IOM respondent further confirmed that due to high rate of unemployment and poverty, trafficking in

persons was likely to intensify in Zimbabwe. Therefore, people were tempted to either legally or illegally migrate to neighboring countries like South Africa seeking for better opportunities where they become vulnerable to forms of human trafficking like forced labour and prostitution. The respondent highlighted that:

*Many people are betrayed with promises of job opportunities in foreign countries, particularly in Botswana and South Africa. Both women and men have been enticed with employment opportunities where jobs are publicized in newspapers, on the internet and sometimes personal approaches to potential victims are also made. Without considering the nature or conditions of their potential employment, most trafficking victims would just agree to take any type of job offered by the traffickers. Resultantly, the victims would be confined in a foreign setting where they are forced into bonded labour or prostitution. In Gauteng, the commercial sexual exploitation of children is highly organised in a local sense in that, although traffickers operate their own child prostitutes, they are interlinked with other trafficking rings run by Nigerians. Many child victims were exchanged between groups in Rosettenville, Germiston, Benoni, Pretoria and Durban. NGOs like IOM and Government departments are very active in carrying out awareness campaigns both in electronic and print media where human trafficking cases seem to be getting a fair share of time and space.*

Findings also concur with UNICEF Innocenti Research Centre Report (2003) which asserts that most people are lured by promises of a good education or a greener pastures and smuggled across borders and far from home or in a foreign country, trafficked people disoriented, without papers, and excluded from any protective environment can be forced to endure prostitution, servitude, early and involuntary marriage, or hazardous and punishing labour.

The findings also revealed that most women were falling victims to human trafficking because traffickers take advantage of them since they were considered to be a weaker sex. Another reason why women were vulnerable to trafficking was detrimental traditional practices like forced marriages of minors or young women. The ZRP officer cited places which are closer to the South African border like Beitbridge and Chiredzi, as examples where women trafficking was taking place after parents marry off their daughters to traffickers in exchange for money or grain. According to ZRP respondent, the tendency of parents marrying off their daughters to aliens was rife in Zimbabwe and this was

attributed to poverty. The respondent also stated that women or young girls were denied equal access to education and other resources as compared to their male counterparts and this was because of the patriarchal nature of our culture. Having subjected to such unjust situation, the majority of women ended up without any other choice of survival and they are prompted to seek for greener pastures outside the country, thus exposing themselves trafficking. Respondent from IOM stated that the women were the most vulnerable to trafficking compared men because of the socialisation instinct which create some societal expectations of what should be done by men, children and women. However, the respondent also elaborated that trafficking does not only affect women or girls citing that men and boys can all be victims of trafficking. On the issue why the women were most vulnerable to either internal or external trafficking, the IOM respondent noted that women are at greater risk because traffickers can make a lot of money by forcing them into prostitution. The respondent stated the following:

*You know the problem when it comes to trafficking is our culture. Society does not really value the welfare of the women but also expects them to support their parents or elders despite the fact that they had been segregated, especially their denial to educational rights. Resultantly, the women would resort to prostitution in order to fulfill societal obligations and in the end some become vulnerable to trafficking.*

The research findings revealed that widows, divorced and orphans were vulnerable to trafficking because of their social status. An official from IOM stated that women often take the burden of taking care of HIV and AIDS sick relatives and after the death of their husbands they were taking care of, in some instances the widowed women would be left to take care of their young children. These women would be exposed to high risk of trafficking because of their desperate need for employment. The respondent indicated that the perpetrators of trafficking would take advantage of the desperation to trap the vulnerable women through false promises or deceptive means such as offers of employment. He indicated that:

*Usually trafficked victims are women who had been divorced or widowed after the passing on of their husbands due HIV/AIDS related ailments. You can see by the records that majority of trafficking cases that we have dealt with, most of the victims were widows, divorced or vulnerable children.*

### **The Role of IOM in Combating Human Trafficking and Assisting Vulnerable Immigrants**

The IOM respondent indicated that his organisation is a 'migration agency' that has been active in the promotion of cooperation between sending and receiving countries on migration related issues and effective cooperation is important in addressing the issue of human trafficking. He indicated that while trafficking in persons may also occur within a country or region, IOM also focuses on the exploitation of individuals across international borders. The respondent highlighted that the organisation was active in countering human trafficking since the end of the 1990s and its approach, within the wider context of migration management, is based on the respect for human rights, physical, mental and social well-being of the individual and his or her community and sustainability through institutional capacity building of governments and civil society. The respondent further mentioned that they have complemented the Zimbabwean government efforts to protect trafficking victims through identifying and assisting victims of human trafficking. He mentioned that:

*IOM identifies and assist trafficking victims, providing them initial shelter and resources as well as counseling about options for further assistance. Government-run shelters and programmes are in place to offer counseling and long-term shelter to vulnerable and orphaned children, including child trafficking victims. At Beitbridge border crossings, trained government staff work closely with IOM to ensure the protection of vulnerable children and immigrants. In most cases Immigration officers refer trafficked victims intercepted by South African authorities after crossing the border at Beitbridge to Zimbabwean government authorities and IOM who assist the victims in returning to their families.*

In response to the question on what interventions IOM had put in place to curb the escalation of human trafficking, the respondent stated that the organisation was conducting awareness raising campaigns through joint-workshops with the government and the media was playing a significant role in sensitising people on the consequences of human trafficking and the need to report suspected trafficking cases to the police. However, the respondent expressed much concern on the fact that the campaigns were not reaching some people, especially the rural population. According to the respondent, the media coverage in rural areas was still low since some people do not own televisions or radios and only few officials have attended anti-trafficking campaign workshops, hence cannot be in a position to disseminate the message countrywide. He mentioned that:

*Between November 2012 and March 2013 the government and IOM modestly increased their efforts to prevent trafficking through anti-trafficking media campaigns. In November 2012, the deputy prime minister launched an anti-trafficking awareness campaign in cooperation with IOM, through a donor-funded project; attended by the deputy minister of justice, the minister of labor and social services, immigration and police officers, NGOs, and international organizations, the launch event allowed officials and NGO-stakeholders to jointly discuss the trafficking problem affecting Zimbabwe and served to raise awareness among Zimbabweans. In March 2013, the Permanent Secretary of the Ministry of Home Affairs, in partnership with UNODC, organised a workshop to increase the understanding of trafficking and coordination among the inter-ministerial working group, established in March 2013."*

## CONCLUSION

Human trafficking remains a big challenge as indicated by the study. According to United Nations Children Fund (UNICEF) Report (2003), South Africa is both a source and a transit country for the international market of human traffickers and has provided a safe harbour of human trafficking activities especially of victims from regional and international locations. Due to its strategic position within Africa, South Africa also offers direct shipping and flights of trafficked victims to Europe and Asia and evidence has shown that the majority of trafficked African victims to Europe and Middle East are from South Africa and Zimbabwe (UNESCO, 2009).

Human trafficking in Zimbabwe thrives under conditions of vulnerability which are caused by various factors ranging from poverty, limited educational opportunities, poor economic conditions, gender and age. As outlined by Shelley (2010), the push factors comprise of poverty, socio-economic instability, natural disasters like earthquakes and floods leading to virtual destitution of some people, lack of education, skill and income opportunities for women in rural areas, absence of public awareness about the activities of traffickers, pressure to collect money for dowries which leads to sending daughters to distant places for work, dysfunctional family life, domestic violence against women, low status of girl children among others.

A strong relationship between the Government and NGOs' inadequate adherence to the Palermo Protocol standards and escalation of human trafficking was also exposed in the study. Despite Zimbabwe and the South African governments making several law enforcement

efforts, implementation of these TIP laws still remains a challenge. In Zimbabwe, the TIP Act is considered to be vague and cannot effectively curb the escalation of the crime. According to the SADC report on Forced Labour and Human Trafficking (2015), the TIP Act does not comply with the international definition of TIP under the Palermo Protocol. In fact, the Act serves to prohibit transportation-based crimes while rehabilitation and re-integration centres are not yet established (TIP Report, 2015). Zimbabwe and South Africa have played a minimum role in terms of implementing measures aimed at curbing the escalation of human trafficking or console measures that offer protection to victims of trafficking. However, NGOs and IOM are playing a pivotal role in terms of offering assistance to victims of human trafficking and vulnerable immigrants. NGOs also collaborate with the government in trying to fight against the crime.

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