



**5<sup>th</sup> SESSION- EIGHTH PARLIAMENT**

**FIRST REPORT**

**OF THE THEMATIC COMMITTEE ON HUMAN RIGHTS**

**ON**

***HUMAN TRAFFICKING AND MODERN DAY SLAVERY***

**SC 4/2018**

## **1.0 INTRODUCTION**

1.1 As part of its oversight role, the Thematic Committee on Human Rights conducted an inquiry on human trafficking and modern day slavery in Zimbabwe in order to have an in-depth appreciation of the subject matter.

1.2 Human trafficking in Zimbabwe became topical in 2003 when the International Organisation for Migration (IOM) launched a Programme called the Southern African Counter Trafficking Programme. 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 was on the increase in the country. It is estimated that more than 200 women were trafficked to one of the Gulf countries.

1.3 Currently, statistics on this illicit activity are unavailable as human trafficking is criminal in nature. It is however estimated that between 600,000 and 2.5 million people in the world are trafficked yearly.

1.4 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 illegal act; 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 modern slavery because it involves force, coercion and criminality.

1.5 Little has been done on human trafficking in the country. Therefore, this means that the current laws and policies need to be evaluated to ensure their effectiveness in curbing trafficking in the country.

## **2.0 OBJECTIVES**

2.1 To give an overview of the phenomenon of human trafficking in Zimbabwe;

2.2 To unearth and analyse the policies and laws with regards to human trafficking in Zimbabwe;

2.3 To evaluate enforcement efforts in line with laws and policies on human trafficking in Zimbabwe;

2.4 To find out whether the government has policies which support victims of trafficking; and

2.5 To make appropriate recommendations in respect of possible solutions to the challenges identified.

### **3.0 METHODOLOGY**

3.1 In order to fully appreciate the subject under consideration, the Committee invited the following stakeholders to provide both written and oral submissions:

- The Ministry of Public Service, Labour and Social Welfare;
- The Ministry of Home Affairs;
- International Organisation for Migration (I O M);
- Musasa project; and
- Victims of Human Trafficking.

### **4.0 KEY FINDINGS**

#### **4.1 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 witnessed 28 million Africans being exported to the Middle East and 11 million to the West respectively. In recent times, there has been a resurgence in the sale of human cargo. For instance, since the 1980's the human trafficking business has experienced a boom with an estimated \$ 32 billion in profits a year. 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 worldwide 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.

## **4.2 Forms of human trafficking**

Human trafficking takes place in many forms globally. These forms include forced labour, bonded labour, sex trafficking, labour exploitation, domestic servitude and child soldiers. In the past years persons could be considered as being trafficked only if they 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. 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). 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.

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. The exploitation includes sexual abuse, domestic servitude and forced labour in agriculture amongst many other forms. There is domestic and transnational trafficking in the country. Most often victims of human trafficking agree to go with traffickers based on false promises of good jobs, educational opportunities and marriage offers.

## **4.3 Perpetrators of human trafficking**

There are several groups that operate on a global scale to traffic people. A large amount of money is 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. 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.

## **4.4 Human trafficking within Zimbabwe**

In Zimbabwe human trafficking affects everyone, females, males and children of all ages. However females and children are the ones who are mostly affected. 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. During oral evidence, it was gathered that traffickers most often promise their victims good opportunities where there are “greener pastures” during the recruitment process. This often includes jobs in big cities, countries and continents. This is because in Zimbabwe there is a high rate of unemployment and high poverty level and therefore, people have a tendency of seeking opportunities elsewhere.

The emergence of sex tourism has led to the rise of internal trafficking. Young, unemployed women are reportedly taken to resort towns such as Victoria Falls where they are forced into prostitution. Girls are being trafficked from within and outside the cities under false pretence of employment as house maids and waitresses.

#### **4.5 Zimbabwe as a corridor of traffickers**

Zimbabwe is used as a corridor of human traffickers from countries such as Pakistan, India, DRC, Mozambique and Zambia to South Africa. People from East Africa are transported through Zimbabwe to South Africa.

Noteworthy is the point that human trafficking for ages seemed like a distant phenomenon to Zimbabwe and this could have probably allowed the practice to grow unnoticed.

#### **4.6 International human trafficking of Zimbabweans**

Trafficking internationally was not only taking place in Asian countries (especially China and Kuwait) but also, in the other continents though Asia has the highest cases of trafficking. According to the IOM, the number of people being trafficked worldwide, 50% of them were in Asia, 20% in Africa, 10 % in Latin America and 20% in USA. This shows that human trafficking is a global problem which needs urgent international attention.

People are trafficked through deception in most cases, for example the recent Kuwait issue, where more than 200 women from Zimbabwe went to Kuwait under the guise of better job opportunities. They were tricked by adverts of job vacancies in the local media. The adverts made promises of good salaries, education and air tickets. On arrival in Kuwait their passports and cell phones were seized. The victims found 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 recruited them.

#### **4.7 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.

Unemployment is also credited as one of the reasons that has led to the rise of human trafficking in Zimbabwe. There are many jobless secondary and tertiary education graduates in the country in both urban and rural areas. These people become susceptible to the schemes of human traffickers in foreign lands.

#### **4.8 Impacts of human trafficking**

4.8.1 Human trafficking has negative impacts on the individual, the society and the country as a whole. The victims of human trafficking suffer in many ways including, physical, emotional, 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 are the poor, the vulnerable and the disabled. They are subjected to very severe traumatic experiences repeatedly. This is the reason victims are taken to protective homes before they are integrated back into the society. The victims of trafficking often get sick and some die.

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

- Post-traumatic stress disorder,
- Anxiety,
- Depression,
- Suicidal thoughts,
- Panic disorder, and
- Substance abuse

4.8.3 Human Trafficking causes family separation and family ties are broken as the individual who is trafficked is not allowed to be in contact with his or her family members. This would result in psychological effects on both the individual and the family members.

## **5. LEGISLATIONS, POLICY AND ENFORCEMENT EFFORTS SURROUNDING HUMAN TRAFFICKING IN ZIMBABWE**

### **5.1 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 included in the provisions within the slavery convention of 1926 and the supplementary convention on 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. 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 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.

### **5.2 Regional instruments that deal with human trafficking**

The African charter on the rights and welfare of the child has provisions against human trafficking. The provisions mainly protect children against trafficking. The other instrument is the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

Africa Union (AU) and European Union (EU) joined 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 and 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.

### **5.3 Legislation and policy in Zimbabwe on human trafficking**

Zimbabwe is credited for enacting the Trafficking in Persons Act (Chapter 9: 25) of 2014 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 trafficking proceeds and property, extraterritorial jurisdictions of Zimbabweans in cases of trafficking in persons, centres of victims and the establishment and functions of the anti-trafficking inter-ministerial committee.

A 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.

## **6. COMMITTEE OBSERVATIONS**

6.1 There is lack of awareness of the law for both the public and the law enforcement agencies in issues of human trafficking in the country.

6.2 The shortages of resources in the form of personnel and equipment also hinder the implementation of law to combat human trafficking. Zimbabwe has a limited budget allocation; which hinders efforts of dealing with the human trafficking cases.

6.3 General awareness campaigns on human trafficking also need resources. These are being carried out on irregular basis and there is over dependence on NGOs and intergovernmental organizations on protecting victims of human trafficking.

6.4 Lack of coordination (internal and regional) between government bodies, private and non-governmental organization does not help in reducing cases of human trafficking.

6.5 Corruption is another issue that is hindering the implementation of the act in curbing human trafficking.

6.6 Another reason that is hindering enforcement of laws is inadequate witness protection measures. Victims tend to have “police phobia” and also the issue of inadequate victim protection systematically results in people who have witnessed the case to distance themselves from the case. For instance the Committee was briefed that some of the women who were repatriated from Kuwait received messages from the people who trafficked them. Some of the messages were recorded as follows “*zvauri kutiendesa ku court unofunga kuti zvinokubatsirei?*”. This depicts the inadequacies of the law in protecting the victims.

## 7. RECOMMENDATIONS

7.1 Policies on human trafficking should encompass ways to create employment for the youths and the general populace to avoid being offered false job opportunities outside the country. The Executive also needs to stimulate macroeconomic growth for creation of employment opportunities by end of July 2018. This will discourage people from notions of searching for “green pastures” regionally and internationally.

7.2 The Department of Immigrations should make a deliberate effort to reduce the costs of procuring legal documentation required for immigration (passports and visas), by end of July 2018, so that they are affordable. Migrants illegally entering South Africa are at risk of rape or sexual assault by criminal gangs and smugglers operating in border areas.

7.3 The Executive should establish a comprehensive witness protection programme which will not benefit just victims of trafficking but witnesses of crime by end of July 2018. Victims need to be protected to prevent them from being re-victimised by perpetrators. Protection programmes or centres should be created and disseminate information of their existence to create awareness to the public while protection is given to victims under recovery.

7.4 There is need to continuously engage traditional leaders and rural community structures to raise awareness about trafficking in persons beginning July 2018. This has worked in other countries in the SADC region. The leaders should then disseminate information to the rural populace.

7.5 The Executive should establish formal training and expertise is required for assisting victims of trafficking by June 2018. 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, law enforcement, prosecution and settlement of the crimes.

7.6 The Executive should strengthen anti-corruption efforts to ensure the integrity of officers handling trafficking in persons cases by September 2018.

7.7 The Executive should bolster cooperation and coordination with other countries especially those in the SADC region and other countries of destination by June 2018.

7.8 The Executive should partner with non-governmental organisations and carry out many researches on trafficking issues. Scientific researches, collection and analysis of data should be encouraged. Support and initiating research on the impacts of human trafficking should be promoted to ensure adequate prevention, protection and assistance to trafficked persons and the prosecution of criminals..

7.9 The Executive should monitor private employment agencies as part of measures to curb human trafficking by June 2018. The Executive should also craft policies which guide the process of migration by providing sufficient information so that people who wish to seek domestic work in other countries are knowledgeable and able to make sound decisions. Proper measures should also be taken to prosecute fraudulent recruitment agents.