

**GIRL CHILD TRAFFICKING FROM ZIMBABWE TO
NEIGHBOURING COUNTRIES: AN ANALYSIS OF THE
INTERVENTIONS BY GOVERNMENT AND SELECTED NON
GOVERNMENTAL ORGANISATIONS**

Abstract

The writer of this dissertation explores why Zimbabwe is a girl child traffickers' paradise. Adopting several gender-focused methodologies, guided overall by the Human Rights based Approach, she collects, analyses and presents data (including relevant law, literature and evidence from key informants in relevant State departments and NGOs) which reveal that Zimbabwe scores high in the typical 'push-and-pull' factors which make her girl children so vulnerable to this global crime against humanity. A major 'push' factor is the fact that trafficking is legal in Zimbabwe: still reeling from a socially devastating economic meltdown which peaked in 2008 and, despite being a signatory to a key UN Anti-Trafficking Protocol, Zimbabwe is yet to criminalise or even define the offence in its domestic legislation! In the face of this bizarre and tragic situation, the writer suggests numerous urgent policy, legal, economic, educational, social and cultural reforms and recommendations which must be undertaken by an apparently complacent Government which is being currently outperformed on all fronts by criminal syndicates and NGOs alike.

BY

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DEDICATION

To my dear mother for all the love, support and encouragement even at the moment when you were not feeling well. My dear late father for believing in me although the Lord took you before you could see all my endeavors.

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LIST OF INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime

Convention on the Rights of the Child

African Charter on the Rights and Welfare of Children

The Convention on the Elimination of all Forms of Discrimination Against women

The African Charter on Human and People's Rights on the rights of Women in Africa

The African Charter on Human and People's Rights

Universal Declaration of Human Rights

LIST OF DOMESTIC LAWS

Constitution of Zimbabwe

Children's Act Chapter 5:06

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

The Labour Act (Chapter 28:01)

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LIST OF ABBREVIATIONS

ACHPR: African Charter on Human and People's Rights

ACRWC: African Charter on the Rights and Welfare of the Child

CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women

CRC: Convention on the Rights of the Child

ILO: International Labour Organisation

ILO/IPEC: International Labour Organisation/ International Programme for the
elimination of Child Labour

IOM: International Organisation for Migration

NGO: Non Governmental Organization

UNICEF: United Nations Children’s Education Fund

UNESCO: United Nations Education Scientific and Cultural Organisation

UNDP: United Nations Development Programme

SADC: Southern African Development Cooperation

CHAPTER ONE

1.0 Introduction

The evil of human trafficking is beginning to become a hot – button advocacy issue, in Zimbabwe. The Government and NGOs are working together to try to address the problem of girl child trafficking. There is however no official statistical information on the number of girl children who are trafficked from Zimbabwe to neighboring countries. Even at global level, the issue of trafficking and what is actually known is still a big problem. What one can actually find are estimates, such as some estimates indicating that 600, 000- 800, 000 people are trafficked annually across international borders. Approximately, 80% are women and girls, of whom 50% are girls. The vast majority of those trafficked under 18 years are minors. (US Department of State, 2005).

Not much is known about the underling causes, the characteristics, consequences and the scale of human trafficking in Zimbabwe and not much have been written about girl child trafficking in Zimbabwe to neighbouring countries. The phenomenon of girl child trafficking is however becoming familiar through newspaper coverage and magazine articles written by some Non Governmental organizations such as Women Action Group, International Organization for Migration and Girl Child Network. No research has been carried out to determine the problem of trafficking, its trends, and its extent in Zimbabwe. Moreover there are little debates on broader measures, which might be targeted to address the ‘root causes’ of trafficking. Interventions by the Government and NGOs are quite minimal and also uncoordinated.

Many countries in Southern Africa region such as South Africa, Lesotho, and Zambia are also trying to battle out with the problem of human trafficking. This crime has been called ‘modern day slavery’ and is common not only in Southern Africa but across the World.

There are many definitions used to define trafficking in persons. However in the context of this research, the definition of trafficking that would be used is that provided for in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons,

especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime. This study will therefore discuss, analyze and seek to understand the problem of girl child trafficking from Zimbabwe to neighbouring countries. An analysis of the interventions by Government and selected Non Governmental Organizations will also be made.

1.1 Background to the study

In Southern Africa, scarce but persistent documentation suggests that human trafficking is a contemporary form of slavery that has existed for at least a century between Southern Africa and Europe. According to the US Department of State, Trafficking in Persons report, (2005), it is estimated that 600,000-800, 000 people are trafficked annually across international borders, approximately 80 % are women and girls, of whom 50 % are minors. The vast majority of those trafficked under 18 years of age are girls. UNICEF estimates that 1, 2000,000 children were trafficked globally in 2000.

In Zimbabwe, there are no official statistics on the number of people trafficked from Zimbabwe to neighbouring countries. However what one can find are official police records, which as in in many countries subsume human trafficking data into statistics on a range of crimes including abduction, kidnapping, rape, assault and immigration- related offences. Since there are no official statistics of trafficking, and therefore no gender breakdown, it is impossible to know with any accuracy the scale of girl child trafficking in Zimbabwe. However it is believed that though there are no statistics on human trafficking in Zimbabwe, the problem of trafficking has been taking place since time immemorial, (The Herald, 2006). Furthermore, it has been noted that it is only in recent years where issues touching on human rights have begun to take centre stage that NGOs and the general public have started to show some interest on the subject of human trafficking since it is a violation of fundamental human rights. (UNICEF: 2006)

Trafficking in Zimbabwe started to receive some attention in 2003 when IOM launched a programme called the Southern African Counter Trafficking Programme and Zimbabwe was included as one of the countries in Southern Africa where the problem of trafficking

was believed to be taking place. Since then, however no studies or research have been carried out to assess the trends, politics and dynamics of human trafficking in Zimbabwe. However a research by IOM is underway which seeks to find out what is really taking place on the ground in terms of trafficking in Zimbabwe. IOM and other organizations such as Girl Child Network are also flashing advertisements in the Television and Radios as part of their awareness-raising programme. Messages about trafficking are also sent to the general public through the articles in the Newspapers and magazines by some NGOs. (See Annexures) Though this is being done, one wonders if the issue of trafficking is known by the majority of the people in the country since the majority of the population especially in rural areas do not own radio or televisions and do not have access to Newspapers and some of them are illiterate and can not read Newspapers.

1.2 Definition of Trafficking in persons

For the purposes of this research, I relied on the definition of trafficking in persons that is provided in the Optional Protocol to the United Nations Convention on Transnational Organized Crime. Article 3 of the Protocol reads as follows:

‘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.

The above definition encompasses the following main elements namely:

- Actions making up trafficking (recruitment, harbouring and receipt of victims)
- Means used to recruit them and maintain their cooperation
- Purpose of the process, which is exploitation

1.3 Definition of a child

For the purposes of this study, the UN Protocol definition will be relied upon.

Article 3 (d) defines a child as any person less than eighteen years of age.

Subject to subsection (3), no employer shall employ any person in any occupation (as an apprentice who is under the age of 13 years

(b) Otherwise than an apprentice who is under the age of 15 years

No employer shall cause any person under the age of 18 years to perform any work which is likely to jeopardize that person's health, safety or morals, which work shall include but not be limited to work involving such activities as maybe are prescribed

In terms of Section 10 A (1) (b) of the Children's Act, except in such circumstances as may be prescribed, no person shall employ for gain or reward a child or young person of school- going age at a time when the child or young person might reasonably be expected to attend school.

1.4 Justification for and Significance of the Study

The problem of trafficking is beginning to receive attention from both Government and the NGO sector. However not much is known about the prevalence and nature of trafficking within, to and from Zimbabwe. The little that is known is about human trafficking in generally and not girl child trafficking specifically. However since not much is known about girl child trafficking or no research has been carried out as yet on girl child trafficking from Zimbabwe to neighbouring countries, my research will be significant in that it will give an indication of whether girl child trafficking from Zimbabwe to neighbouring countries is a reality. The study will also seek to reveal the nature, trends and magnitude of the problem of girl child trafficking from Zimbabwe to neighbouring countries. An attempt will also be made to find out what interventions are in place to deal with girl child trafficking from both Government and selected NGOs.

In addition, the generally fragmented and often contradictory literature on trafficking in Zimbabwe has prompted me to carry out this research with the hope that the research will

inform future policy and legal reform. It is also hoped that the research will act as a baseline that will be used for future researches on trafficking.

Furthermore, the purpose of this study is to find out whether the problem of girl child trafficking from Zimbabwe to neighbouring countries is reality and also to find out what are the interventions in place from the Government and NGOs and to find out if these interventions are adequate. This will help me to make meaningful recommendations that will inform future policy or legislative interventions. It is also hoped that the data collected will provide information on the following:

- extent of the problem, including the number of girl children trafficked from Zimbabwe to neighboring countries
- The nature of the reasons why they are being trafficked
- the means used to traffic them
- the factors that contribute to both to trafficking and to making the girl child vulnerable to being trafficked
- the interventions or support available to victims; and
- the Zimbabweans' attitudes to, and knowledge of, trafficking
- what is needed to prevent and tackle the problem

1.5 Objectives of the study

The main objectives of this study were as follows;

- To investigate cases of trafficking of the girl child from Zimbabwe to neighboring countries for purposes of forced labour.
- To find out the efficacy of legislation, policies and administrative measures in place to curb trafficking in Zimbabwe.
- To unearth the challenges and difficulties faced by law enforcement agencies and the judicial personnel in policing and prosecuting trafficking cases.
- To find out whether training programmes/ capacity building programmes for law enforcement agencies dealing with trafficking are adequate.
- To find out whether there are support structures or programmes for victims of trafficking.

- To analyze the interventions by Government and selected NGOs in dealing with girl child trafficking from Zimbabwe to neighbouring countries.
- To make recommendations for legislative and policy changes on curbing trafficking in Zimbabwe.

1.6 Research assumptions

The research assumptions, which informed this study, were as follows;

- ✓ The girl child is being trafficked from Zimbabwe to other countries for purposes of forced labour.
- ✓ Girl children are lured through coercive or deceptive means such as offers of employment which will turn up to be forced labour on reaching their destination.
- ✓ The girl child is vulnerable to trafficking due to poverty and unemployment (economic crisis in the country).
- ✓ Orphans and other vulnerable children are at a higher risk of being trafficked due to their social status.
- ✓ There are inadequate legal and administrative measures to curb trafficking of the girl child.
- ✓ Law enforcement agencies lack training on arresting and prosecuting traffickers.
- ✓ There are inadequate support infrastructures or programmes for victims of trafficking.
- ✓ There are inadequate interventions by the Government and NGOs to deal with girl child trafficking from Zimbabwe to neighbouring countries.

1.7 Research questions

The following research questions were informed by the above assumptions;

1. Is the girl child trafficked from Zimbabwe to other countries for purposes of forced labour?
2. Is the girl child lured through coercive or deceptive measures such as offers of employment? Does this turn up to be forced labour on reaching their destination?

3. Is the girl child vulnerable to trafficking due to poverty and unemployment (economic crisis)
4. Are orphans and other vulnerable girl children at higher risk of trafficking due to their social status?
5. Are the legal and administrative measures to curb trafficking of the girl child adequate?
6. Do law enforcement agencies lack training on arresting and prosecuting traffickers?
7. Are there adequate support infrastructures or programmes for victims of trafficking?
8. Are there adequate interventions by Government and NGOs to deal with girl child trafficking from Zimbabwe to neighbouring countries?

1.8 Outline of Chapters

Chapter 2 will be a law and literature review and will examine the legislation and literature that is available on trafficking in Zimbabwe and other jurisdictions. The methodology and methods that were used in the research will be touched on in Chapter 3. The fourth chapter discusses the findings and conclusions. The last chapter will focus on the recommendations that can be made to address the issue of girl child trafficking.

1.9 Newspaper and Magazine Articles on Trafficking in Zimbabwe

The Newspaper and Magazine articles, See (Annexure) point to the fact that girl child trafficking from Zimbabwe to neighbouring countries is in existence. They also pin point the fact that the girl child is the most vulnerable to trafficking and the majority of people trafficked from Zimbabwe to neighbouring countries are girls. The articles also show us that internal trafficking might be taking place in Zimbabwe where young girls are taken from rural areas to urban areas to work as domestic workers or as sexual workers in brothels. They point to the fact that trafficking is not only an issue that is minor, but also something that needs urgent action since it is on the increase. They also point to the fact that not much is known about the problem of trafficking in Zimbabwe because it is something which is illegal and something which not easy to detect, (The Herald, 2006).

The fact that there are articles on trafficking gives an indication that girl child trafficking is in existence in Zimbabwe. There might not give us an indication as to the prevalence or extent of trafficking, but gives us some indicators that the problem of trafficking is an issue in Zimbabwe that has to be dealt with by Government, NGOs and other relevant stakeholders. In addition the fact that there is news on girl child trafficking in the papers shows that it is something that has entered the public domain. They also give us an indication that the problem of trafficking has or is beginning to receive attention in the country. Some of the articles in the Newspapers highlight the fact that trafficking is a new phenomenon in Zimbabwe and also what can be done to combat it. Some of these articles reveal that trafficking is a phenomenon that needs to be attended to and also reveals the fact that not much is known about the problem of trafficking in the country. Though it seems as if not so much is known about the problem of trafficking in Zimbabwe, the articles show us that it is taking place in Zimbabwe.

CHAPTER TWO

2.0 Law and Literature Review

2.1 The legal framework

2.2 Human Rights Framework on Trafficking

2.3 Trafficking and the Constitution of Zimbabwe

Zimbabwe does not have an express provision on trafficking in its Constitution. Trafficking is also not specifically provided for in the various pieces of our national legislation. However the Constitution of Zimbabwe enshrines a number of fundamental human rights, which are guaranteed to all persons regardless of their race, sex, religion or political affiliations. Amongst the rights protected hereunder, the following are relevant to trafficking in persons: right to life, right to personal liberty, freedom of movement and residence and freedom from inhuman treatment. Any person whose rights have been violated has a remedy before the courts of law. However different legal tools are available to address some aspects of human trafficking activities. Since there is no specific law criminalizing trafficking, suspected traffickers are charged with lesser offences relating to kidnapping, abduction, sexual offences such as defilement and rape, altering and falsification of documents and contravention of immigration laws, to punish and prosecute them.

The Labour Act can also be relied upon since it specifically prohibits the employment of young persons in worst forms of labour. It provides as follows:

- (a) *Subject to subsection (3), no employer shall employ any person in any occupation (as an apprentice who is under the age of 13 years.)*
- (b) *Otherwise than an apprentice who is under the age of 15 years
No employer shall cause any person under the age of 18 years to perform any work which is likely to jeopardize that person's health, safety or morals, which work shall include but not be limited to work involving such activities as maybe be prescribed.*

In addition the Children's Act can also be used to charge perpetrators of trafficking, though it does not specifically refer to trafficking. Section 10 A (1) (b) of the Children's Act, provides as follows;

except in such circumstances as may be prescribed, no person shall employ for gain or reward a child or young person of school-going age at a time when the child or young person might reasonably be expected to attend school.

Other pieces of legislation that can be used are the Criminal Code, which makes it an offence to abduct children. The Immigration Act can also be relied upon, but it does not address trafficking in persons but has provisions, which could be relied upon to prosecute cases relating to trafficking in persons.

2.4 The legal framework on trafficking from other jurisdictions

Zambia is one of the countries in the SADC region that have specific laws dealing with trafficking in children such as the Zambian Penal Code Act, Chapter 87 of the laws of Zambia as amended by the Penal Code (Amendment) Act No. 15 of 2005. Section 143 of the Act specifically provides for trafficking in children and makes the following provision:

Any person who sells or trafficks in a child or other person for any purpose or in any form commits an offence and is liable, upon conviction, to imprisonment for a term of not less than twenty years

The problem with the Code however is the fact that there is no definition of trafficking in persons. (Chisaka: 2006, page 26) This can create some problems as to what amounts to trafficking. It has been observed that the most significant weakness in the amendment is that the provision is not based on the United Nations Protocol on trafficking and is limited in scope (ZLDC 2005).

The South African Children's Act defines trafficking in relation to children as:

- “ (a) the recruitment, sale, supply, transportation, transfer, harbouring or receipt of children, within or across the borders of the Republic.
- (i) by any means, including the use of threat, force or other forms of coercion, abduction, fraud, deception, abuse of power or the giving or receiving of payments or benefits to achieve the consent of a person having control of a child or
 - (ii) (due to a position of vulnerability, for the purpose of exploitation; and

(b) (includes the adoption of a child facilitated or secured through illegal means.”)

Other pieces of legislation that can also be used in South Africa though they do not refer specifically to trafficking are the Child Care Act, which deals with child sexual exploitation in section 50 (A) and defines the commercial sexual exploitation of children as follows:

‘The procurement of a child to perform a sexual act for a financial or other reward payable to the child, the parents or guardian of the child, the procurer or any other person.’

Other relevant legislation is the Sexual Offences Act, which provides criminal sanctions as it deals directly with issues of brothels and ‘unlawful carnal intercourse’, which is limited to sexual intercourse between a male and female person.

Furthermore, the South African Constitution and the Basic Conditions of Employment Act (1997) prohibits employment of children under the age of 15 years.

Lesotho has no specific law, either statutory or common law that directly addresses the problem of human trafficking. (UNESCO 2003) However there are laws that indirectly, and to some extent, provide for the liability of perpetrators of human trafficking and for the protection of trafficked persons.

The Constitution of Lesotho enshrines a number of fundamental human rights, which are guaranteed to all persons regardless of their race, sex, religion or political affiliations. Amongst the rights protected hereunder, the following are relevant to trafficking in persons: right to life, right to personal liberty, freedom from movement and residence, freedom from inhuman treatment and freedom from slavery and forced labour.

The Children’s Protection Act No.6 of 1980 which had provisions that deal with the protection of children in cases of abduction, child stealing, assault, sexual offences, and any offence involving bodily injury to a child.

The Sexual Offences Act No. 29 of 2003 can also be used which details a number of substantive sexual offences and prescribes specific minimum sentences to be imposed upon those who commit the specified offences.

2.5 International Human Rights Norms

Child trafficking is prohibited under International law as both a 'practice similar to slavery' and one of the 'worst forms' of child labour.

At the international level, trafficking has been enshrined in a number of international instruments to which Zimbabwe is a signatory, although, as yet, the content of those conventions has not yet been fully domesticated, as required by section 111B of the Constitution of Zimbabwe. Nonetheless the Conventions have a compelling force and do indicate what states should be striving to attain in relation to trafficking, especially trafficking of the girl child. The critical provisions are also expressed in clear obligatory terms and are not merely inspirational. Article 6 of CEDAW states that:

States parties shall take all appropriate measures including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women.

It is important to note that these conventions go beyond the exhortation to put appropriate laws in place but call on states parties to take all appropriate measures to suppress all forms of trafficking in women and exploitation of prostitution of women.

ICCPR, states as follows;

'every child shall have the right to such measures of protection as are required by his status as a minor on the part of his family, society and the state'.

C.R.C provides that;

'all persons under eighteen, unless under the law applicable to the child, majority is attained earlier have a right to be protected from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development.'

CRC, Article 36 provides as follows:

States parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, sale of or traffic in children for any purpose or in any form.

CRC addresses the need for legislative and administrative measures that should be put in place to combat trafficking, Zimbabwe does not have a law that specifically outlaws trafficking of the girl child, so the right to protection is not yet an enforced reality.

U.N Protocol To Suppress Trafficking in Persons outlines states obligations with respect to human trafficking in Article 5 as follows:

Each state party shall adapt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in Article 3 of this protocol, when committed intentionally.

Each state party shall also adopt such legislative and other measures as may be necessary to establish as criminal;

(a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article:

Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article

The Protocol calls on states to take appropriate measures to prevent trafficking in persons, protect victims of trafficking, strengthen border controls and improve international co-operation.

Article 9 further provides as follows:

States parties shall establish comprehensive policies, programmes and other measures;

To prevent and combat trafficking in persons; and

To protect victims of trafficking in persons, especially women and children from revictimisation.

Article 11 further provides;

Without prejudice to international commitments in relation to the free movement of people, states parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons.

The African Charter on the Rights and Welfare of the Child in Article 29 is explicit about the need to combat trafficking in children, providing as follows:

States parties to the present Charter shall take all appropriate measures to prevent

(a) The abduction, sale or traffic of children for any purpose or in any form, by any person including parents or legal guardians of the child

Article 3 (1) of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa provides as follows;

Every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights

States parties shall adopt and implement appropriate measures to prohibit any exploitation or degradation of women.

Every woman shall be entitled to respect for her life and the integrity and security of her person, all forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.

States parties shall take all appropriate and effective measures to prevent and condemn trafficking in women, prosecute the perpetrator of such trafficking and protect those women most at risk

From the above, it is clear that Zimbabwe has a clear obligation to ensure that trafficking of the girl child is combated and make to make sure that the perpetrators are brought to book. Whether the Government is fulfilling this obligation or not, is what I will analyze in this study.

2.6 Literature on trafficking in Zimbabwe and other jurisdictions

According to a report by Protection Project, an organization that researches and documents the global scope of trafficking in persons, Zimbabwe is a country of origin, transit and destination for trafficking in persons. IOM Harare, Zimbabwe- Safe Journey Campaign reported that the porous nature of the borders in SADC region greatly facilitates illegal entry. The report notes that people who are trafficked are mainly women and children and they are mainly trafficked to South Africa. The report also states that among trafficked person, a large number of young Zimbabwean women (high risk group 14-25years) are recruited and forced into prostitution and forced labour in South Africa, United Kingdom, United States of America and South East Asia. It is further stated in the report that victims' travel documents are confiscated upon arrival making it difficult to escape. (IOM, Harare, Zimbabwe). IOM estimates that between 1000 and 2000 Zimbabweans are deported back from South Africa through Beitbridge border on a weekly basis. IOM however further notes that it is difficult to establish the extent to which some of these people might have been trafficked.

In addition, according to media reports, internal trafficking in Zimbabwe is largely unreported but has been happening for some time. This is mainly rural to urban trafficking of young girls (12-18 years) who are brought as domestic servants and are sometimes subjected to physical and sexual abuse. (The Herald, 2006)

The methods of recruitment for trafficking are largely false promises of employment, marriage or education, and even abduction in some cases. (The Herald, 2006). On legislation, the Herald reports that lack of legislation dealing specifically with trafficking enable traffickers to take full advantage of the weak legal instruments such as the Immigration Act.

In addition, IOM notes that the Government of Zimbabwe has signed the United Nations Protocol to 'Prevent, Suppress and Punish Trafficking in Persons', but this has not yet been ratified. Countries in the SADC region that have ratified the UN Convention include South Africa, Lesotho, Namibia, Zambia, Mozambique and Botswana. As the lack of legislation contributes to making it a 'low risk' country attractive to perpetrators of trafficking of human beings to operate from, IOM encourages the ratification of the United Nations Protocol to 'Prevent, Suppress and Punish Trafficking in Persons as well at the enactment of appropriate laws at the national level. (IOM Safe- Journey Campaign, 2008).

IOM also states that since trafficking is a relatively new phenomenon in the region, many people are yet to fully recognize and understand it as a serious criminal activity. With the advent of awareness campaigns by the IOM- Southern African Counter Trafficking Assistance Programme (SACTAP), in conjunction with the Zimbabwe Republic Police, new information is now trickling in and has resulted in some useful leads.

However IOM further states that Government and other NGOs should have interventions in place because it is unlikely that one agency or organization will be able to meet the needs of trafficking which is a complex exploitative phenomenon. It further notes that a

multi- disciplinary approach is essential and the only way to more effectively combat human trafficking.

The IOM Safe Journey Campaign also acknowledges the fact that there is little literature on trafficking in Zimbabwe. According to this report, human trafficking is a new phenomenon to the SADC region, and the effects of this criminal activity are grossly underestimated, unappreciated or simply not known. According to I.O.M report, trafficking in women and children for sexual exploitation is a significant problem in Southern Africa. Angola, Botswana, D.R.C, Lesotho, Mozambique, Malawi, South Africa, Swaziland, Tanzania, Zimbabwe and Zambia are source countries for trafficking activities in Southern Africa. Thailand, China and Eastern Europe are the extra- regional sources for victims trafficked to South Africa. Botswana, Malawi, Mozambique, South Africa, Tanzania, Zambia and Zimbabwe are transit countries for trafficking activities. South Africa is the destination for regional trafficking activities. It is further noted in this report that trafficking victims from the region are recruited by deception, coercion and force. It is further noted that the exploitation suffered by victims in South Africa ranges from exploitation for the personal sexual gratification of the trafficker, sexual exploitation for the financial benefit of the trafficker, forced ‘ marriage’ to labour exploitation. (IOM Safe- Journey Campaign, 2008, page 2).

It is further noted in the report that the absence of specific legislation criminalizing trafficking in persons in most Southern Africa such as Lesotho, Mozambique and Zimbabwe is the main obstacle preventing police and prosecutors from investigating the practice, and charging the perpetrators. The absence of domestic anti- trafficking legislation offers law enforcement little incentive to pursue the criminal syndicates responsible for the activity. Indeed in many parts of the region, law enforcement officials are unable to distinguish between human trafficking, which culminates in the sustained exploitation of the victim, and human smuggling, where a client pays a smuggler to assist with an undocumented boarder crossing.

It is also noted that the tactics used to recruit, transport and exploit victims remains similar. In most cases, women and children are lured with promises of employment or educational opportunities abroad, offers made appealing and credible within the context of historical migration patterns in the region which flow southwards to the relatively prosperity of South Africa. It further outlines the fact that despite the immense profit that trafficking for sexual exploitation generates for criminal syndicates, and the lawlessness and social and political disarray to which they contribute, this contemporary slave trade in women and children has yet to be adequately addressed in the SADC region. It is further stated that curtailing trafficking in persons requires that States cooperate to criminalize the trade, share information, protect victims, prosecute traffickers and raise public awareness in source, transit, and destination countries.

African women in particular are profoundly affected by the continent's deterioration macro economic situation, deepening poverty, and the re-occurrence of conflicts and wars. Gender- based violence remains pervasive increasingly intertwined with situations of conflict and the precarious economic situation that includes new forms of exploitation, such as trafficking of women and girls (UNIFEM, 2002). Southern Africa also offers little in the way of rehabilitative support for trafficked women and children, and the illegal status of most victims gives them little motivation to seek it.

The authors of the I.O.M (2003) report believed that trafficking is fuelled primarily by poverty and disruption. They argued that traffickers easily capitalize on both established traditions of migration and the vulnerabilities created by war, diseases like HIV and AIDS, endemic poverty, weak education system, unemployment and the general lack of opportunities available to most people in the region, especially women. As in most other places, 'trafficking victims' are first and foremost economic migrants who move in search of opportunities and a better life. As they explain:

The recurrent civil and political unrest and gross economic disparities that characterize the Southern African region have long generated a potent mix of push and pull factors that, when coupled with borders so porous as to be nearly irrelevant, have ensured a consistent southward flow of documented and

undocumented migrants. In most cases, victims of trafficking are a nearly indistinguishable part of these flows, typically displaced from their communities or motivated by dreams of stability and prosperity abroad. (IOM Safe Journey Campaign, 2008, page 2).

In the research report, it is further noted that trafficking is a global problem and a high profit, 'low risk' activity in many parts of the World, including Southern Africa. It is called a 'high profit- low risk' activity because traffickers can earn a lot of money by exploiting their victims, yet few countries have a law against the crime.

According to the study compiled by UNICEF (2003), children aged between 12 and 16 are the main victims of human trafficking across Africa. It is further noted in this study that in Kenya, Zimbabwe and Ghana, girls as young as 8 years old were sold as brides for their 'purity'- playing on people's fears of HIV infection.

According to the UNICEF Executive Director, Carol Bellamy, 'Trafficking is among the worst violations of child rights.' Carol Bellamy further called on Governments to put an end to what he called, the 'brazen trade.' UNICEF urged all African countries to recognize that human trafficking, particularly involving children, is a violation of human rights and can have grave consequences for economic development. The main push factors identified are economic conditions in Zimbabwe, characterized by poverty, a rise in unemployment and irregular migration. In addition, the low status of women in society perpetuates gender violence against them and to a larger extent that of patriarchal society, where a woman's identity and existence is dependent upon that of men.

2.7 Literature on Trafficking in Lesotho

Victor Nkiwane and Lydia Muso, authors of a Policy Paper on human trafficking in Lesotho, looking at the root causes of trafficking in Lesotho, noted that there are various pull and push factors for trafficking. They noted the pull factors such as a demand for domestic and sexual services, economic differentials that make even relatively poor neighbouring countries, regions or countries seem a likely source of livelihood. They further noted the push factors as mainly to include poverty, gender discrimination, lack of

information and education, HIV and AIDS, violence against women, harmful social-cultural practices and lack of legislative and policy frameworks. (Policy Paper, 2007, page 12)

According to the above noted policy paper, women and children tend to be the most vulnerable to human trafficking as they very often carry the burden of poverty. It is further noted in this policy paper that the laws that are currently in Lesotho are inadequate. The Child and Gender Protection Unit, which should play a key role in the fight against trafficking is under funded, understaffed and lacks sufficiently trained personnel to deal with this specialized area of law enforcement. It is further stated in this paper that there is also a need for policies or projects that are directly geared towards eliminating the push and pull factors of human trafficking to accompany adequate legislation. They also state that in order to eradicate trafficking of women and children there are needed to address its main root cause, which is poverty. It is also stated that women are vulnerable to trafficking because they have less access to employment, resources and other means of earning a livelihood. Lack of access to education and means of livelihood expose children to situations of trafficking. It is critical that development policies are targeted at poverty alleviation. The policy paper further points out that in Lesotho, there is also lack of information and knowledge about trafficking because of the silence surrounding the problem. Public acknowledgement and creation of awareness of the problem would contribute significantly towards its eradication. (Policy Paper, 2007, page 12).

Victor Nkiwane and Lydia Muso stated that legislative, political and economic measures must be undertaken at national, regional and international levels to eradicate human trafficking. (Policy Paper, 2007, page 13).

Moreover women who have experienced trafficking are not willing to come forward as they fear stigmatization or criminal prosecution, e.g. for crossing borders. The paper further notes that HIV AIDS are explanatory factors for human trafficking and human trafficking is triggering more HIV infections. The absence of accurate statistics on

trafficking, the number of people trafficked in Lesotho is creating difficulties for Government and civil society to devise prevention and intervention strategies. In addition the clandestine and illegal nature of trafficking in persons also makes it a difficult area to research, as reliable research methods can often not be used. Existing information is scattered and in some regions, notably Latin America and Africa, trafficking in persons is considered a 'new issue' with the result that data collection methods are not yet fully developed. The paper further notes that this makes the scale of the phenomenon difficult to assess. This major difficulty that is the lack of verifiable and reliable figures on the phenomenon makes it difficult to take appropriate measures.

There are many reasons why trafficking of women and children is taking place in Lesotho, the most significant factor creating the conditions for trafficking is poverty. Lesotho is a country with very little by way of natural resources. In Lesotho, the unemployment rate for women is particularly high up to 70 %. The closure of textile factories has left a lot of female workers without any activity and this economic reality makes them particularly vulnerable to traffickers. On the other hand, South Africa is perceived as the place where one can just go and easily find a job. As a result, false promises of a better future in South Africa expose Basotho women to human trafficking situations. Other factors highlighted in the policy paper are harmful socio- cultural practices. The cultural expectation that children should support their parents and elders puts pressure on children forcing them to take risks in an attempt to satisfy these expectations. Many are forced to move into cities where they may turn to prostitution and other activities that expose them to trafficking situations.

HIV and AIDS have left many orphans in Lesotho, it being estimated in 2003, HIV and AIDS accounted for 56% of orphans in the country. Many of these children find their way into the towns in search of means of survival and find themselves at risk of being trafficked. There is no specific national law in Lesotho, either statutory or common law that directly addresses the problem of human trafficking. However there are laws that indirectly, and to some extent, provide for the liability of the perpetrators of human trafficking and for the protection of trafficked persons. Perpetrators can be charged the

crime of kidnapping and abduction. However the paper notes that there have been hardly any prosecutions on either kidnapping or abduction in Lesotho.

2.8 Literature on Trafficking in South Africa

Another research by Molo Songololo (2000) also blames factors such as high levels of domestic violence and abuse for pushing young people on to the streets or into situations that elevate them vulnerable to exploitation. He further argues that such factors, combined with a weak social support system, corruption and often limited intervention by the police and welfare agencies in cases of exploitation, create a setting in which trafficking can flourish.

The International Labour Organization's Towards the Elimination of the Worst Forms of Child Labour (TECL) programme carried out in South Africa examined the prevention and support infrastructure available in South Africa. The TECL reports showed that some Governments departments, Police services and a small number of national and provincial NGOs working with children touch on trafficking issues in campaigns aimed at raising awareness about child abuse. The studies further notes that a few organizations such as Child line, Streetwise and Lifeline indirectly address aspects of trafficking through their efforts to prevent children leaving home to live on the streets or to re-unite street children with their families, but this happens by chance rather than design. This shows that the support services in South Africa are equally limited.

Elize Delpont and Karin Koen, authors of a Policy Paper on human trafficking in South Africa noted that people are trafficked for many purposes- sexual exploitation, begging, underpaid and exploited forced labour in the agriculture, manufacturing and construction industries, domestic service and organ harvesting. They further states that widespread gender discrimination that denies women their rights, as well as attitudes that consider women and girls inferior and weak and hence objectify them and tolerate violence against women support the existence of trafficking practices that deliver women and girls into appalling living and working conditions. South Africa is a source, transit and destination country for men, women and children trafficked for forced labour, sexual exploitation

and organ harvesting. In spite of overall economic growth, poverty, both urban and rural, is the most visible cause of trafficking in humans particularly women and children. (Policy Paper, 2007, page 11).

The researchers further state that there are no official statistics on human trafficking in South Africa. Official police records, as in many countries, subsume human trafficking data into statistics on a range of crimes including abduction, kidnapping, rape, assault and immigration related offences. They further contend that a small number of studies have examined the topic of human trafficking. They also further notes that most of the victims are orphaned girl children. AIDS orphans become socially isolated and rejected. They have limited survival opportunities and are extremely vulnerable to abuse and exploitation. This is particularly true of girls who may have been forced to leave school early to fulfill their socially ascribed role of 'carer'. Uneducated and unskilled, they become prey to unscrupulous employers and hence to trafficking. Children are subsequently more exposed to traffickers and trafficking and ultimately to HIV and may be infected and affected on a large scale. (Policy Paper, 2007, page 36).

The ILO-IPEC (2001) study further notes that it is precisely those individuals who have few or no resources that is vulnerable to being trafficked. It is further noted that the political and legislative policies adopted by Governments also appear to play an important role in trafficking. In the face of growing incentives to migrate, for instance, restrictive immigration policies can fuel trafficking as enterprising entrepreneurs seize the opportunity to make large profits not only smuggling people across borders, but also exploiting the vulnerability brought about by their illegal status. As the ILO-IPEC (2001) comments:

A major incentive for trafficking in labour is the lack of application and enforcement of labour standards..... tolerance of restrictions on freedom of movement, long working hours, poor or non-existent health and safety protections, non-payment of wages, substandard housing, etc. all contribute to expanding a market for trafficked migrants who have no choice but to labour in conditions simply intolerable and unacceptable for legal employment.

2.9 International Literature on trafficking

This section examines what the literature tells us about trafficking in other countries beyond the African region. Although most of the literature has focused on the trafficking of women and children into the commercial sex industry, several newer studies also show that large numbers of men, women and children are trafficked into a range of work outside the sex industry. A detailed study of confirmed trafficking and forced labour cases worldwide by the ILO shows that although sexual exploitation accounts for the single largest category of exploitation, a little over half of all those trafficked were involved either in some kind of economic exploitation or in mixed or undisclosed activities. The study, which collected data on validated reports of forced labour from police and government sources, trade unions, academics, NGOs and the media, suggests that much forced labour occurs at the margins of the formal economy, usually among those with irregular employment or migration status. Other reports, such as the 2005 Trafficking in Persons report by the US Department of State, link trafficking to the use of child soldiers in some conflicts and sporting – cum- cultural events, such as camel racing in the Middle East.

As with most phenomena, drawing definite conclusions about the ‘causes’ of trafficking is impossible: each country suggests a different set of factors, or different combinations of factors, that are unique to its particular situation. (Innocenti Research Centre, *op cit*, p5). Most studies nevertheless mention a range of ‘push’ and ‘pull’ factors associated with trafficking. On the ‘push’ side the majority focus on such factors as poverty, a lack of opportunities, dislocation, gender, racial and ethnic inequalities, and the break- up of families. Common ‘pull’ factors include the promise of a better life, consumer aspirations, lack of information on the risks involved, established patterns of migration, porous borders and fewer constraints on travel. Many analysts have also linked trafficking to the reworking of gender relations against the backdrop of more general ‘feminization’ of poverty in developing countries. As Ramirez et al, note, rising levels of poverty and unemployment in many poorer countries as a result of both stringent economic policies and globalization, combined with higher costs of living and a desire

for equality, have resulted in women entering the 'productive' economy in ever-greater numbers over the last three decades.

Slippery numbers and the difficulty of finding victims to research has lead some analysts to wonder whether mainstream estimates on the prevalence of trafficking are not wildly inaccurate. (Kelly, 2005, op cit, p 240). Gozdzia and Collect argue that despite claims that upwards of 14, 000 people are trafficked in the US each year, the US Office of Refugee Resettlement, which is responsible for certifying victims of trafficking so that they can access state benefits and support, had of March 2005 only certified 717 victims of trafficking since the adoption of the Trafficking Victims Protection Act (TVPA) 2000. Many would argue that the low numbers of identified victims reflect the hidden nature of the problem. This may often be the case, but the huge disparities between estimated and recorded numbers are difficult to ignore and suggest that there is need for careful, critical research on the extent of trafficking.

2.10 Conclusion

This chapter carried out the literature review on trafficking and what is provided for in various international and national instruments on trafficking. An outline of trafficking in the Zimbabwean legislation was given. Following that an outline of trafficking in the some countries in the Southern African region was made. In addition, the chapter looked at what various authors say about the problem of trafficking, its causes, characteristics, its effects and how it can be tackled. However, most of the literature examined did not deal with girl child trafficking specifically and the reasons why the girl child is most vulnerable. However most of the literature was making passing reference to girl child trafficking. Most of the literature focused on trafficking of women and girls for sexual exploitation and this therefore means that not much is known or virtually nothing is known about trafficking for other purposes, such as labour exploitation, carrying drugs or the extraction of body parts. The emphasis on women and girls trafficked for sexual exploitation means that our current understanding is biased towards victims being forced into prostitution and tells us nothing about men, women and children who may be trafficked into other sectors. Another gap in the literature on trafficking in Zimbabwe is

that the data does not provide information on how many people are trafficked from Zimbabwe to neighbouring countries.

Furthermore, while IOM reports provide insights into the services available or the kinds of interventions are available in dealing with trafficking, no other researches have been carried out to analyze Government and NGOs interventions to deal with the problem of trafficking in Zimbabwe.

CHAPTER THREE

3.0 METHODS AND THE METHODOLOGICAL FRAMEWORK

3.1 Introduction

In order to get a clear understanding of the problem of trafficking of the girl child in Zimbabwe and the various interventions by the Government and Non Governmental Organizations dealing with trafficking issues, various theoretical frameworks were adopted to analyze, explain, describe and understand what was happening on the ground in terms of girl child trafficking in Zimbabwe. The theoretical frameworks complemented each other. In order to effectively carry out my research and collect data using the grounded theory, human rights approach, legal centralism and gender perspective approach, I used some other methods described in Weis Bentzon et al 1989: 179-189, which included amongst others, interviews with key informants. This chapter deals with the various methods used, the reasons for using them and some of the problems encountered.

3.2 Women's Law Approach

Women's Law is a legal discipline that takes women and their lived experiences as the starting point. This approach explores the reality of women's lives, from that perspective interrogates and investigates the law (Bentzon et al, 1998). This approach leads to the inclusion of empirical data about their lived realities. Since my topic was on girl child trafficking, it was obvious that the women's law approach would be the ideal methodology to use since it is a legal discipline, which takes the women as the starting point for the analysis of the position of women in law and society. It was necessary for me to utilize the women's law approach, taking the girl child as the starting point so that I would be able to get information through talking to women themselves. I would hear their voices on how they were lured, transported and what they experienced from the day they were recruited up to the point they reached their destination. It is only by talking to these women that one would be able to understand why besides the laws that seek to deal with trafficking, women still at times will be found to be not using the law. However this

did not materialize to be the case, since efforts to find girl children who had been victims were unfruitful. At first, this made me to panic and thought that it was not going to be possible for me to carry out the research. However on deeper thought, I began to think that there were so many approaches I could use to gather the data for my topic. Be that as it may, I then dropped the thought of using the women's law approach and decided to focus on other methodologies such as the grounded theory, human rights approach and legal centralism. All these approaches helped me to gather data on the problem of girl child trafficking from Zimbabwe to neighbouring countries.

3.3 Grounded Theory

The grounded theory or dung beetle method was used as the major research approach through out the data collection in this study.

The approach involves an iterative process in which data and theory; lived realities and perceptions about norms are constantly engaged together with others and help the researcher to decide what data to collect and how to interpret. The grounded theoretical approach encourages the use of data collected to establish whether the law required reform and if it did what kind of reform. (Bentzon etal)

The approach was applied to all groups of my key respondents namely Ministry Officials, and NGO officials. I interviewed various officials from various Ministries to get their views on the problem of girl child trafficking and also to find out what interventions they had in place to tackle the problem of girl child trafficking. I had intended to interview the victims themselves since some of the assumptions would have been clearly answered if I had had the opportunity to interview the victims themselves. One of the assumptions was that traffickers use coercive or deceptive means to lure their victims. This assumption could have been answered more clearly had I been able to interview a person who had been a victim of trafficking. However since I did not manage to interview victims, I had to rely on information from my key informants who were secondary sources of information. These were mainly Government officials and officials from the selected organizations dealing with trafficking issues such as IOM, Justice for children Trust, Girl Child Network, Oasis Zimbabwe, Musasa Projects and Child line. Both male and female

respondents were interviewed. Government officials interviewed were those who sit in the Inter- Ministerial Taskforce on Human Trafficking, representing their Ministries.

As I went into the field, I had an open mind that girl child trafficking was taking place from Zimbabwe to neighbouring countries for purposes of forced labour since one of my assumptions was that girl children are trafficked from Zimbabwe to neighbouring countries for purposes of forced labour. My first point of entry was IOM since I had interacted with this organization before as a member of the Inter- Ministerial Committee on human trafficking representing the Ministry of Justice, Legal and Parliamentary Affairs where I worked. When I carried my interview with one of the respondents at IOM, he revealed to me that from his experience, there were so many reasons why the girl child was trafficked from Zimbabwe to neighbouring countries. He stated that there were other reasons such as sexual exploitation, debt bondage, forced marriages, removal of parts or body parts. I however did not rely on this finding alone, I had to ask him to give me leads to other organizations that were dealing with trafficking issues so that I could get their own views on girl child trafficking and the reasons for this. The officer directed me to Justice for Children Trust and Girl Child Network.

I then went to Justice for Children Trust and Girl Child Network. The respondents from these organizations also concurred with what has been stated by the respondent at IOM. As if this was not enough, I felt that since my topic also encompassed an analysis of interventions by Government, I thought it was not good to rely on the information from NGOs alone. I then decided to go to the Victim Friendly Unit and the Ministry of Public Service, Labour and Social Welfare, which I knew had the mandate of protecting children to get their views on the problem of girl child trafficking. The respondents also concurred with what had been stated by respondents from NGOs. The officer at the Victim Friendly Unit also gave me access to their files and from the files, I got information that of the five cases of girl child trafficking that the Unit had dealt with, two of the cases involved cases where the victims were trafficked from Zimbabwe to countries like South Africa and Tanzania and they were forced into prostitution. My findings therefore revealed that besides forced labour, there was a multiplicity of reasons why the girl child was being

trafficked from Zimbabwe to other countries. Besides this, I would say that triangulation of data was necessary since it assisted me to get valuable information on what was really happening on the ground. I also wanted to find out whether there was no duplication of work from what one organization was doing from the other.

Though my assumption had been challenged, I did not however change it, but had to rephrase my research questions, so that I get some information which would assist me to find out whether forced labour was the main reason for girl child trafficking or not. This I could only measure through analysis of statistics. I then had to look for statistics on the number of girls who had been trafficked for forced labour, prostitution, debt bondage and other reasons from Government and NGOs. The statistics will be analyzed in the findings.

Since one my research questions was to find out whether the legal and administrative measures to curb trafficking were adequate, I had to go to the various Government Departments to find out whether there were any laws to deal with trafficking and if so whether these were adequate. My first point of call was the Ministry of Justice, Legal and Parliamentary Affairs since it is the Ministry responsible for drafting the laws. From the Ministry of Justice, I also went to the Victim Friendly Unit to find out whether they know of any laws in place since they are the very people who investigate the cases. I had also to visit the Department of Social Welfare since it is the Department that protects children. I wanted to find out their views about the laws in place and whether they had any other administrative measures in place. Since one of my assumptions was that there are no adequate support infrastructures or programmes for victims of trafficking, I wanted to find out whether as the Ministry responsible for children's rights, there were programmes or support structure in place for victims of trafficking. After getting information from the various Government Ministries, I had to go back to the various NGOs to find out what they know about the Government interventions and whether they were adequate. I also wanted to find out what were the interventions in place. I then had to go to Girl Child Network to find out the kind of services they offered to victims of trafficking and also to find out what they know about girl child trafficking. I also went to these other

organizations like Justice for Children Trust and IOM, so that I would be in a position to check whether there was no duplication of work in terms of girl child trafficking. This would assist me to see what interventions were in place from NGOs and Government and whether these were adequate.

One advantage of using the grounded theory is that I was able to get information on what was really happening on the ground in terms of girl child trafficking from Zimbabwe to neighboring countries.

3.4 Gender Perspective

My research was mainly focused on the girl child being a victim of trafficking. I however wanted to get some ideas on whether it was only the girl child who is a victim of trafficking. I therefore used the gender approach as a comparative study to find out women and men's position as far as trafficking was concerned. Hence, I perused some of the records from NGOs to find out if they had statistics on boy children also being victims to trafficking. The approach was useful to me as I was able to know who between a boy and a girl was most vulnerable to trafficking and also the reason why one was more vulnerable than the other. This perspective recognizes that men and women have different roles imposed on them by society, so I wanted to get a better view of the extent to which societal expectations have in terms of trafficking of the girl child. This perspective seeks to position men and women in the same hierarchy with men so that they have equal opportunities. The gender perspective was important to me since it enabled me to examine the position of the girl child in society and see the gender dimension of the problem of trafficking.

3.5 Human Rights Approach

It was necessary to refer to the various human rights alluded to previously, so that I would get to understand what they provide on girl child trafficking and then analyze the Zimbabwean legal framework and other administrative measures in order to establish compliance. Since one of my assumption was that there were inadequate legal and administrative measures in place, I wanted to compare or check the extent they were in

line with international set standards and if not, know how they can be amended to be in line with international human rights instruments since the human rights instruments such as the UN trafficking Protocol to which Zimbabwe signed set some minimum standards to be employed in addressing this crime.

3.6 Legal Centralism Approach

Before going into the field, one of my assumptions was that there were no adequate legal measures to curb trafficking in Zimbabwe and this view had been informed by some researches I had done through library and internet research. This had further revealed that besides there being no specific law on trafficking, there were other pieces of legislation that could be used against the perpetrators though they would be charged with lesser offences. So to get the correct information, I had to examine these national laws to find out what they really provide in terms of trafficking and to find out if they were any gaps in law and if so what could be done to fill these gaps. After examining the law, I was able to see the gaps that were in existence in our laws in terms of dealing with trafficking and therefore was left in a position on knowing what could be done to improve the situation through law reform. Examining the law was important as state law is taken to be the most important normative order while other norm creating and enforcing social fields, institutions and mechanisms are considered as being either, not legal, significant or relevant, (Bentzon et al 1998 p.31). This approach is a women's law methodology in that, part of the aim of women's law is to identify areas of weak legal support and judicial voids with a view to foster development. (Dahl 1987).

Armed with this information, I had then to employ other methodologies such as the grounded theory to find out how the law enforcement agencies dealt with cases of trafficking, how they prosecuted them and the problem or challenges they faced and also to find out what they think should be done in to addressing the problem of girl child trafficking in Zimbabwe.

3.7 Methods and Data Collection

Considering that the primary objective of the research was to find out about the problem of girl child trafficking in Zimbabwe and also to analyze the interventions by various players such as the Government and the NGOs, it was therefore important to adopt a number of methods to realize this objective. The following were some of the methods used to get information from different sources.

3.8 Interviews with Key Informants

Key informants were mainly chosen because of their expert knowledge on issues of trafficking. Some of these key informants were NGO officials who were programme officers for trafficking issues. Government officials who set on the Task Force on human trafficking were also targeted for their valuable information and experience in dealing with trafficking issues. Through the interviews with these key informants, I was able to get valuable information on girl child trafficking and also to get an understanding of the interventions that were in place to deal with the problem of girl child trafficking. I was therefore able to get first hand information on what was really happening on the ground.

3.9 Desk Research

In this research study, books, documents, dissertations, policies were used as secondary sources of information. The laws, policies, books were reviewed to understand the nature and extent of the problem. Analysis of records and reports and training manuals as secondary sources of information was also carried out.

3.10 Delimitation of study

The study restricted itself to six (6) Non Governmental Organizations and various Ministries which form the task force on human trafficking such as the Ministry of Justice, Legal and Parliamentary Affairs, Ministry of Public Service, Labour and Social Welfare, Ministry of Home Affairs, Law Development Commission, the Department of Immigration, Department of Prosecution, Ministry of Foreign Affairs. Respondents were drawn from these institutions.

Table 'A', Table of Respondents

Name of Organisation	No of persons Males	No of Persons Females	Total
International Organization for Migration	1	1	2
Girl Child Network	2	1	3
Justice for Children Trust		2	2
Oasis.Zimbabwe	1	2	3
Musasa Projects		2	2
Childline		1	1
Victim Friendly Unit	1	1	2
Department of Immigration	1		1
Ministry of Justice, Legal and Parliamentary Affairs	1	2	3
Ministry of Public Service, Labour and Social Welfare	1		1
Ministry of Foreign Affairs	1		1
Law Development Commission	1		1
Department of Prosecutions	1	1	2
Total No of Respondents	11	14	Total 25

3.11 STUDY LIMITATIONS

3.12 Lack of Statistics

Lack of statistics on human trafficking in Zimbabwe was one of the limitations of the study. I was not able to get valuable statistics on trafficking in Zimbabwe. There were no accurate official statistics to show the extent of the problem. The lack of statistics was a result of lack of and / or inadequate awareness of the problem by law enforcement authorities such as the Police and the Prosecutors, the NGOs and the public in general. However, the fact that in this research I did not manage to get some statistics does not mean that the study is invalid. This is however to show how difficult it can be to carry out research on trafficking and to guide those who might want to carry out future researches on trafficking and my experience is useful in that it would guide them so that they know what they are supposed to do to gather the data or to be aware of some of the challenges they are likely to face and if possible devise strategies that can assist them. This limitation obviously incited me make recommendations that Government and NGOs should put their efforts together and undertake a study and assessment of the extent and magnitude, including the provision of statistical data, of the problem of trafficking.

3.13 PERMISSION AND BUREAUCRATIC HURDLES

In some organizations, it took some time to get permission to talk to the Director or person who was responsible for trafficking issues. At one organization, I had to beg the officers to interview them without having gotten the permission because it was taking long to be able to see the Director. Each time I went there to see the Director, the receptionist would advice to wait for the response via post since I had written a letter seeking permission to carry out some interviews. Since I knew that it would take some time before the letter reached me, I had to find some way through negotiating with the officers who were dealing with trafficking issues. After negotiating with them, they finally agreed and I managed to carry out the interviews.

3.14 WRITING OF END OF YEAR REPORTS

The study time coincided with the time when the NGOs were writing their end of year reports. It was therefore not easy to find Directors in their offices who would give me authority to carry out the interviews.

3.15 FAILURE TO INTERVIEW VICTIMS

My main problem and limitation was my inability to interview any victim of trafficking. All the organizations, I visited professed to have given shelter to victims of trafficking said all victims had been reunited with their families. Girl Child Network said all the victims whom they had given shelter had been reunited with their families and said that it was not possible for me to visit them in their families since they would think that this information would make their traffickers track them. They also stated that the last time they reunited the victims with their families was 5 months ago and the organization have not made any follow ups to check whether the victims were still with their families, so they said that it would be time wasting for me to make follow ups since they were not sure whether the victims were still in their families or some have gone back to South Africa. They also stated that the organization was not allowed to give to the public names and information of victims once they were no longer in their shelters for confidentiality purposes.

CHAPTER FOUR

4.0 KEY FINDINGS AND DISCUSSION

4.1 Introduction

This chapter presents and analyzes the findings of the study, which will incorporate the voices of key informants such as Government officials and NGO officials. The main issues, which emerged from the study, will be outlined and discussed. The first finding was that girl child trafficking from Zimbabwe to neighbouring countries for purposes of forced labour was a reality and also a problem. The main destination for girls trafficked from Zimbabwe being South Africa and Botswana. The second finding was that there were multiplicity of reasons why the girl child was trafficked from Zimbabwe to neighbouring countries such as sexual exploitation, forced marriages, removal of human parts or body parts and debt bondage. Lack of adequate legislative and administrative measures to curb trafficking also emerged as a third issue which need to be looked at or needs to be addressed at a national level. Fourthly, the use of coercive or deceptive means by traffickers to lure victims also emerged as an issue. The fifth finding, which also emerged, was the inadequacy of interventions by the Government and NGOs to mitigate the impact of trafficking. The gendered dimension of trafficking and socialization also emerged as a sixth critical issue. The vulnerability of orphaned girl children also emerged as an issue, which was of critical importance and need to be looked at by the Government and other players such as NGOs. The difficulties or challenges of getting statistical data on the number of girl children who were victims to trafficking was another finding which came out of the research findings. Poverty and lack of opportunities also emerged as some of the factors fuelling girl child trafficking in Zimbabwe. The other issue that emerged was the difficulty in understanding what trafficking entails by some NGOs.

TABLE 'B' Statistics showing the number girl children trafficked for purposes of forced labour and sexual exploitation

Name of Organization	Year	No of girls trafficked for purposes of forced labour	Year	No of girls trafficked for purposes of prostitution
International organization for Migration	2006	10	2006	7
	2007	12	2007	8
Girl Child Network	2006		2006	
	2007	19	2007	19
Justice for Children Trust	2007	2		
Victim Friendly Unit	2006	1	2005	2
			2006	2
Total		44		38

4.2 Girl Child trafficking from Zimbabwe to neighbouring countries is a reality.

The research findings from the discussions held with key informants from NGOs and Government officials revealed that girl child trafficking from Zimbabwe to neighbouring countries for the purposes of forced labour was a reality. Source countries in Southern Africa for trafficking activities were identified as follows:

Botswana, Zimbabwe, Zambia, South Africa, Mozambique, Malawi, Angola, Lesotho, Swaziland. South Africa came out to be the main destination country for regional and extra regional trafficking activities. It also came out that Zimbabwe was also a transit country for trafficking activities.

It was however very difficult to access how prevalent the problem was since there was no official statistics from both the Government and some selected NGOs who were dealing with trafficking issues such as International Organization for Migration, Justice for

Children Trust, Girl Child Network, Oasis Zimbabwe and Musasa Projects. The respondents from NGOs were clear to say that information on trafficking was very scarce and also difficult to get in Zimbabwe. One of the reasons the respondents advanced was that trafficking was a new phenomenon and very few people were aware of its existence in Zimbabwe. One official from IOM stated that it was very difficult to get statistics that can help one access or determine the extent of the problem since victims of trafficking usually are not willing to come forward and report as they fear revictimisation by the traffickers or criminal prosecution since some of them would have crossed the borders illegally and also fear stigmatization. He stated as follows:

'There is very little information on girl child trafficking from Zimbabwe to neighbouring countries since it is a new phenomenon. However information on trafficking is beginning to trickle in through newspaper articles and some NGOs dealing with children's issues such as Girl Child Network and Justice for Children Trust are working with us in trying to deal with the problem of girl child trafficking and also raise awareness on the problem'

On further probing on what kind of interventions that IOM and these other organizations that they were working with had in place, the respondent stated that they were conducting awareness raising campaigns through the use of the print and electronic media sensitizing people about what trafficking entails, its consequences, the need to report to the Police traffickers or suspected traffickers and where to get assistance when one has escaped. The On being asked whether the campaigns were reaching the majority of the population especially the rural population, the respondent stated that some people in some rural be believed that the coverage was still low since most people in the rural areas do not have own radios or televisions.

What the respondents on the problem of getting statistics on trafficking stated was also stated to be happening in countries like South Africa and Lesotho. The problem of accurate information and statistics on trafficking seems to be a global problem since a study of literature from other countries such as South Africa, Lesotho, Zambia also revealed the fact that lack of literature on trafficking is one of the problems making it difficult for Governments and Civil society to make or devise prevention and intervention strategies. This was highlighted in the policy papers looking at human trafficking in

Lesotho and South Africa previously alluded to in the Literature review chapter. Lack of statistics showing the extent of the problem of trafficking was highlighted as a problem in South Africa and Lesotho and one of the reasons advanced for lack of statistics was a result of and/ or inadequate awareness of the problem by law enforcement authorities, NGOs and the public in general. From the above literature, and also from what some of the respondents stated, one can conclude that getting statistical information on trafficking is a problem that is faced by many countries. However that as it may, available literature and statistics. (See 'Table B') clearly indicate that girl child trafficking from Zimbabwe to neighbouring countries is taking place. Though it was not clear how the above figures were arrived at, the statistics highlight the fact that besides being trafficked for forced labour, there were other factors such as sexual exploitation that the girl child was being trafficked for. What really needs to be looked at are the reasons why the data is difficult to find, the challenges researchers or NGOs face in trying to get statistical data and the methods that can be employed to gather the data.

Lack of accurate and disaggregated data on girl child trafficking makes the scale of the phenomenon difficult to assess. The statistics above (Table 'B') however gives an indication that girl child from Zimbabwe to neighbouring countries for purposes of forced and sexual exploitation are a reality. Though the figures are very low, they however indicate that there were some girl children who had been trafficked. It was however very difficult to find statistical information from other Government departments such as Ministry of Public Service, Labour and Social Welfare and other NGOs such as Oasis Zimbabwe on the number of girl children who had fallen victims to trafficking. One of the reasons advanced by an Official from Ministry of Public Service, Labour and Social Welfare was that usually children who needs assistance are referred to the Ministry by NGOs and they have not yet received children who would have been trafficked, so that was the reason why they did not have statistics on victims of trafficking.

One official from IOM also stated that usually they keep records containing information on the number of people who had been victims of trafficking, but not state the reason one might have been trafficked. One would also find out that during interviews on the

prevalence of the problem, the officers would say that there were quite a number of girl children who were being trafficked from Zimbabwe to neighbouring countries. But if one asked them about the statistics, they would say that they did not have the statistics, but what they could only say was that there were some girl children who had fallen victims to trafficking. This can be said to be one of the challenges that was found out when this research was being carried out. It was also not possible to interview the victims themselves who had fallen victim to trafficking since I was told that they all been reconciled with their families.

4.3 Sex and Gendered dimension of trafficking: Vulnerability of the girl child to trafficking

Respondents from Girl Child Network which is an organization which work with girl children only stated that the girl child was the most vulnerable to trafficking compared to the boy child due to the different gender roles imposed by society or due to societal expectation of what should be done by the girl child and the boy child. However, the respondents also agreed that trafficking does not only affect the girl child. They stated that women, men and the boys can also be victims of trafficking, but said the majority of those trafficked were girls. They said they did not have statistical information showing how many women, men or boys who had been victims since their organization only work with girls or give assistance to the girl child, so they did not bother themselves looking for information on women or men who had been trafficked. Other respondents from Justice for Children Trust also stated that girl child trafficking is a serious problem for the country, although little is known or said about it. They also revealed that though most of the times girls would be trafficked from Zimbabwe to neighbouring countries such as South Africa and Botswana. They stated that in 2005, they gave legal assistance to two girls who had been trafficked to Botswana. They managed to assist them to get birth certificates since they did not have birth certificates. The Director at Justice for Children Trust pointed out that usually children who do not have birth certificates are targeted by traffickers because they are difficult to trace. She further stated that one of Justice for Children Trust's work was to assist these children get their proper identification.

She also further stated that internal trafficking where girl children were trafficked to urban areas for exploitation as domestic workers or sexual exploitation was also taking place in Zimbabwe. This can be supported by articles from the Newspapers where it was reported that internal trafficking was rife in Zimbabwe. (The Herald 2006). On their views on why the girl child was most vulnerable to trafficking either internal or external, respondents from Justice for Children Trust noted that girl children are at greater risk because traffickers can make a lot of money by forcing them into prostitution. One respondent from Justice for Children Trust stated as follows:

‘The different gender roles imposed by society or due to societal expectation of what should be done by the girl child and the boy child makes the girl child vulnerable to trafficking.’

The findings revealed that girl child was most vulnerable to trafficking due to the fact that girls were considered a weaker sex and traffickers would therefore take advantage of this. The other issue that emerged as the main reason why the girl child was most vulnerable to trafficking was harmful socio- cultural practices such as marrying off of the girl child. The officers at Girl Child Network stated that in areas such as Chiredzi where most of the trafficking was taking place due to the town’s proximity to the South African border, parents were exchanging or marrying off their daughters to traffickers in exchange for money or grain. The respondents said that the issue of parents giving away their daughters to ‘rich’ or foreign men was quite common in Chiredzi and most of the parents would do this because of poverty. The other issue that arose was the fact that due to the patriarchal nature of our society and the way girls or women in general are denied access to education and other resources, most of them end up with no means of survival, prompting them to seek for employment and thus putting themselves at a higher risk of being trafficked.

One respondent from Musasa Projects, an organization that offer counseling services to women who would have been victims of domestic violence stated that widespread gender discrimination denies women their rights as well as attitudes that consider women inferior and weak and violence against women was also cited as one of the reasons fuelling trafficking in girl child. This seems to be the case in most African countries and the

policy papers on human trafficking in South Africa and Lesotho previously alluded to in the literature review highlighted. According to these two policy papers, gender discrimination, harmful socio- cultural practices supports the existence of trafficking practices that deliver women and girls into appalling living and working conditions. One of the respondents from Girl Child Network echoed this assertion by saying:

‘You know the problem when it comes to trafficking is our culture. Society does not really value the education of the girl child but also expects her to support her parents or elders despite the fact that she had been denied education. So one would find that at the end of the day, the girl would resort to prostitution in order to fulfill societal expectations. In the end some become victims to trafficking. We should do away with this culture thing if we are to progress in life.’

It therefore became clear that society’s attitude towards the education of the girl child had a strong bearing on the way the girl child was trafficked. The majority of the respondents stated that society needs to be sensitized or educated about the need to value the education of the girl child. It therefore became clear that the issue of gender roles also impacted or had some role to play in exacerbating the problem of trafficking of the girl child.

4.4 Orphanhood, poverty, HIV and AIDS and their impact on girl child trafficking

The research findings revealed that that orphans and other vulnerable children were at a higher risk of being trafficked due to their social status of being orphans. One respondent from Girl Child Network stated that the girl child often take the burden of taking care of HIV and AIDS sick relatives and after the death of these people they were taking care of, in some instances the girl child would be left to take care of their young siblings. The girl child would therefore be at a higher risk of being trafficked since most of them would be desperate for jobs. She advised that traffickers would take advantage of this desperation to lure these orphaned girl children through false promises or deceptive means such as offers of employment. She further stated that most of the girls that the organization had assisted were orphans. Some of the girls would even be desperate for jobs since they would want to earn something so that they take care of their young siblings.

The Director at Justice for Children Trust said:

‘Usually trafficked victims are girl children who had been orphaned by HIV and AIDS. You can see by the records that four trafficking cases that we have dealt with, all the victims were orphans.’

To prove this, she then gave me the files or the records, which showed that these children who had been victims were orphans.

A visit to Girl Child Network revealed that the majority of children who had been victims of trafficking were orphans. The Programmes Officer at Girl Child Network echoed the same views echoed by the Director at Justice for Children Trust by saying:

‘In the majority of trafficking situations, the majority of girl children who are victims are orphans.’

On being pressed on what kind of interventions the organizations or Government had put in place to prevent orphans from being vulnerable to trafficking, some respondents from Girl Child Network stated that there did not have programmes in place that were designed to assist orphans, but said that they would only intervene where one has been trafficked and managed to escape from the traffickers. They further noted that the kind of assistance that they would offer to victims would be shelter, counseling and reintegration with families. Some officials from the Government also stated that the Government had no programmes in place to protect orphaned children from traffickers. One of the reasons advanced by an officer from the Ministry of Public Service, Labour and Social Welfare was that the Government is financially constrained. It therefore became clear that neither the Government nor NGOs had interventions in place to protect orphaned children from traffickers.

From the above, the vulnerability of orphans to trafficking cannot be disputed. This seems to be the case in most countries evidenced by what Victor Nkiwane and Lydia Muso noted in their Policy paper on trafficking in Lesotho. They noted that possibly deprived of their inheritance, shunned by family, stigmatized and poorly educated with limited marketable skills, AIDS orphans become socially isolated and rejected. They have limited survival opportunities and are extremely vulnerable to abuse and exploitation. Uneducated and unskilled, they become prey to unscrupulous employers and

hence to trafficking. (Policy Paper, 2007). The above seem to show us that orphaned children especially AIDS orphans are at a higher risk of being trafficked and this seems to be the trend in most countries. What is therefore needed is for the Government and NGOs to work together and devise strategies or put in place mechanisms or support systems in place to assist orphans so that they do not easily fall victims to trafficking. The issue of poverty alleviation needs to be looked at as a serious issue by both Government and other stakeholders.

The vulnerability of the girl child to trafficking due to poverty was also confirmed when the issue of the effects of HIV and AIDS in the context of girl child trafficking was being discussed. A Deputy Director in the Ministry of Public Service, Labour and Social Welfare had this to say:

‘It is very difficult to separate issues of HIV and AIDS, poverty and orphan hood as we discuss them in this context of girl child trafficking. Once HIV and AIDS has taken its toll in a family, in most cases poverty takes the center stage because in most cases a lot of resources would have been spent buying the medication for the sick person. In most cases, there will be children in the family and then the issue of orphan hood comes into play.’

The above sentiments show that HIV and AIDS, poverty and orphan hood contributes to the vulnerability of children to trafficking. Since in most cases, it is the girl child who is expected to take care of young siblings after the death of the parents, she would be forced to look for better means to take her younger siblings. Another respondent from the Victim Friendly Unit further stated that she was worried about the way HIV and AIDS was taking its toll and also the collapse of the economy. She stated that the problem of trafficking was likely to increase due to poverty and HIV and AIDS. In explaining how she felt concerned about this, she had this to say:

‘Although trafficking is something which is relatively new in the country, what is really worrisome is the fact that the economy is shrinking on a daily basis. With deepening poverty and the scourge of HIV and AIDS, we are likely to see an increase in trafficking and not only girl child trafficking.’

One official from the Department of Immigration also interviewed also concurred with the above sentiments and stated that the problem of trafficking needs to be urgently looked at and should be treated as a serious issue since it is likely to increase or

something that is on the increase. He stated that most people in Zimbabwe are desperate for better jobs or better living conditions and if they are promised better jobs in South Africa or other countries, they would not even think of a possibility that there are being trafficked. He further noted that many people are suffering in the country and the rate of deportations from countries like South Africa and Botswana is clear evidence that people are suffering and the only option available to most people is to leave the country to look for greener pastures.

4.5 Means used to lure victims by traffickers

It came out during the discussions that coercion and deception are one of the means that traffickers use to lure their victims. One respondent from IOM stated that in most cases traffickers would promise victims employment which would however turn up to be either forced labour or prostitution when the victims reach their intended destination. He noted that most girls who would fall victims to trafficking would have been tricked into believing that there would get employment in countries such as South Africa, Botswana and Zambia. He further pointed out that South Africa was the main destination for trafficking due to its supposedly rich wealth. He also stated that the majority of the girls were trafficked to South Africa because it is one of the countries in the region where jobs can be found either in farms, factories, other industries, so it was easy for victims to be deceived after being promised jobs in South Africa. Another respondent from the Department of Immigration also concurred with the above sentiments and noted as follows:

‘They further said that many trafficked persons would willingly accept the services offered by the traffickers without realizing the full nature of their future employment, or the conditions in which they will work. Once trafficked, victims would be firmly trapped in an alien environment, or, they are most often forced into prostitution or bonded labour to earn profits for their traffickers.’

Another respondent from IOM noted that some of the victims they had assisted have testified that they were prevented from escaping by security guards, who threatened them with violence and confiscated their identity documents.

Some of the respondents from Justice for Children Trust and Girl Child Network stated that it was very difficult to know or state the extent of the problem of girl child trafficking since they did not have much statistics on the people trafficked, but said that from what they have experienced and from the number of people leaving the country illegally, they believed that there was so much trafficking taking place especially with the current economic conditions in the country. They also stated that trafficking is very difficult to dictate because the people who are in the business of trafficking work as a team and they use different tricks for them not to be caught by the Police. IOM officers however stated that at times people whom they give assistance after being deported from countries like South Africa are usually victims of trafficking. Officers further stated that these people usually do not come out in the open, but they would only realize this after the people had told their stories to them. They further stated that people usually do not tell the Police the truth for fear of the fact that the Police would want to carry out investigations and want them to give indications of where the perpetrators would be. She also stated that usually victims do not report to the police for fear of being victimized by the traffickers. He also stated that traffickers are clever people and they use different kinds of tricks to discourage their victims from escaping or even reporting to the Police. One of the officers stated as follows:

‘One of the common ploys is that the traffickers confiscate the victim’s passport once she is in the destination country. After confiscating their documents, the victims are told that if they try to escape, the Police will imprison them for being illegal immigrants.’

Another trick is that known as ‘debt bondage’, where a victim would be forced to sign a contract that says that she will pay the trafficker for transportation services, making her believe that she must pay the debt even she is forced to work in deplorable conditions.

On further probing on whether Government and NGOs had any interventions in place to make people aware of the traffickers’ tricks, an official from IOM stated that this information was being conveyed to the general public through awareness raising campaigns in the media. An official from the Department of Immigration however stated that the Government had no programmes in place on awareness raising.

4.6 The inadequacy or otherwise of the various interventions by Government and NGOs on girl child trafficking

The research findings revealed that interventions that were in place varied from organization to organization. The research findings revealed that there was in place an Inter- Ministerial Task force on human trafficking in Zimbabwe. Some of the duties of the Task force were to identify pieces of legislation that deals with trafficking that the Government has not signed or ratified and making recommendations to Cabinet and Parliament for their signature or ratification. Another mandate of the Taskforce was to look for other interventions that the Government could do to curb the problem of trafficking. IOM was the coordinating NGO and it was also working with the Inter-Ministerial Committee on trafficking issues. The findings revealed that since the formation of the Taskforce in 2007, nothing much has been done, besides the compilation of the various human rights instruments dealing with trafficking and no recommendations have since been made to Cabinet. The Task force has also worked with IOM to produce campaign materials for the Campaign on human trafficking, which started in January 2008. All the members of the Taskforce have received training on trafficking conducted by IOM.

On what other measures the Government has put in place to assist the girl child, the findings revealed that the Victim Friendly Unit was doing its best to assist victims of trafficking. One of the interventions in place that the Victim Friendly Unit would do was to offer counseling services to victims. The Victim Friendly Coordinator stated that as one of the interventions or the services that they offer to victims in 2007, the Unit assisted five girl children who had been victims of trafficking. She pointed out upon receiving the victims, the Unit made some investigations though it was not possible to arrest the traffickers since the victims did not know the whereabouts of their traffickers. She further advised that the Unit also offered counseling services to victims and then referred those who needed some shelter to some organizations that offer shelter. I also found out that in 2006, the Unit had referred six cases to Girl Child Network and Girl Child Network provided the victims with shelter. On whether they had investigated any cases of trafficking, the Victim Friendly Unit Coordinator advised that in 2006, they only

managed to investigate one case and the case involved a Mozambique National who had recruited two girls from Zimbabwe on the pretext that they would be employed at his flea market, but this however turned not to be the case. The girls were employed as domestic servants and they did not get paid for this. The girls managed to escape and came back to Zimbabwe. They then reported the matter to the Police who in turn referred them to the Victim Friendly Unit. The matter was said to be pending before the courts. When I tried to make a follow up of the case at the courts, the follow up was not fruitful since the Magistrates and Prosecutors were on strike. The clerks at the Magistrates courts said that it was very difficult for them to assist me since I had not managed to get the criminal record number from the Victim Friendly Unit.

In addition, I also found out that the Department of Public Service, Labour and Social Welfare had a role to play in terms of giving assistance to victims of trafficking. The Deputy Director reported that since the Department has one of its mandates as to offer protection to children, one of the interventions in place was that the Department would offer counseling services to trafficked children if they were referred to their offices. He stated that the Department can also offer shelter to trafficked children if need arises. He however stated that no such children had been referred to the Department who had been trafficked and needed to be provided with shelter. He further noted that the Department has not given or provided shelter to any trafficked victims since some NGOs do not report or refer the victims to their department.

He stated as follows:

'Usually NGOs do not refer cases to us as a matter of procedure. This is due to the mistrust that is between the Government and NGOs. In most cases, we only hear of trafficking cases through the Newspapers and none have been reported to our department by NGOs.'

On further probing on why there was mistrust between Government and NGOs, the Deputy Director said that he was not quite sure why there was mistrust, but said he only knew that two did not trust one another. Another official from Girl Child Network stated he usually do not refer victims to the Department of Social Welfare because he believed that Government do not take children's issues seriously. From both sentiments, one can say that something needs to be done if the problem of girl child trafficking is to be

addressed. There is no way girl child trafficking can be combated if the working relationship between Government and NGOs is not well. This also shows us that though they might be interventions activities by Government and NGOs, these will not yield mush results in curbing trafficking there are uncoordinated.

Furthermore, the findings revealed that IOM had a programme operating in Southern Africa, which was called the Southern African Counter Trafficking Assistance programme SACTAP). SACTAP's aims is to prevent trafficking in persons and protect trafficked persons in Southern Africa while supporting governmental and non governmental stakeholders to develop their capacities to combat human trafficking effectively. SACTAP was established in 2003 and since then, the officer from IOM advised that they have conducted public awareness campaigns for the general public, conducted counter training workshops for law enforcement officers and other government officials, as well as civil society groups, through training and the provision of other technical support. The training was on demystifying what human trafficking is, how to identify traffickers and how to assist trafficked victims. He further noted that they have provided trafficked persons with safe accommodation, medical and psychological assistance, and a range of return and reintegration options. He also advised that IOM interventions were limited due to limited resources. This shows us that although IOM is doing sterling work in addressing trafficking, it does not have the capacity to deal with such a complicated problem. There is need for Government to work with IOM and other organizations to combat girl child trafficking. This is supported by Victor Nkiwane and Lydia Muso who stated that there is a clear need for the Government to take the lead playing a supporting or complementary role vis-a vis the NGOs. (Policy Paper, 2007).

The findings clearly show that it is unlikely that one agency or organization will be able to meet the needs of trafficking which is a very complex and exploitative phenomenon. It goes without saying that a multi- disciplinary approach is essential which entail the working together of all key players such as NGOs, judicial, law enforcement and migration authorities to effectively combat human trafficking. Some interventions such as putting in place policies geared towards eliminating the push and pull factors of human

trafficking need to be looked at seriously by both Government and NGOs if girl child trafficking is to be combated. There is no way girl child trafficking to other countries such as South Africa can be addressed as long as the push factors such as poverty, lack of employment and low levels of education are still rife in Zimbabwe. These problems need to be addressed if girl child trafficking is to be eradicated in Zimbabwe.

On further inquiry on what interventions other organizations besides IOM were doing, the Director at Justice for Children Trust stated that the organization's was to offer free legal assistance to children. She stated that in terms of trafficking, Justice for Children Trust's work was to assist children get their birth certificates if they had been trafficked without birth certificates. She further advised that 2006 they assisted two girls who had been trafficked get their birth certificates. She also said that they were in the process of formulating programmes geared at raising awareness on trafficking in general and girl child trafficking in particular.

Discussions with officials at Girl Child Network revealed that they offer shelter, counseling services to victims and reintegrate victims with their families. In addition, the organization carried out sensitization and awareness campaigns to the general public. The officers also gave me permission to peruse records showing how many victims had been assisted. The records showed that in 2006, 31 girls were given shelter by Girl Child Network. In 2007, 29 victims were assisted and of these 19 were trafficked to South Africa, Botswana and Zambia for purposes of forced labour and eleven were forced to work in Brothels as prostitutes. However I did not manage to get hold of victims since I was advised that all of them had been reintegrated with their families. Failure to interview victims was one of the challenges I faced when I carried the research.

Furthermore, Girl Child Network Officers stated that in August 2007, they received a grant from the American Embassy which was used to carry out an Anti- human trafficking campaign. Through this grant they managed to carry out a Girls Arts Festival in Chimanmani and participants were school children, headmasters, artists, NGOs and representatives from other government departments. Anti trafficking messages were

conveyed through the use of poetry, drama and dance. The above shows that Girl Child Network is doing quite tremendous work in assisting victims of trafficking and also in raising public awareness on trafficking. What is needed is for the Government and other organizations to complement these efforts. This was echoed by one official from Girl Child Network who stated as follows:

‘A lot of work is being done by NGOs. However the problem with these organizations is that they are not coordinated. One would find out there would be duplication of work which is a waste of resources. There is need for a multi- disciplinary and coordinated approach which involves all concerned players such as NGOs, social authorities, judicial, law enforcement, migration authorities and other relevant stakeholders’

Other organizations such as Child line and Oasis Zimbabwe revealed that they were not doing much in addressing issues of girl child trafficking. The Director at Child line pointed out that one of the interventions in place was that they were carrying out awareness raising campaigns where issues of girl child trafficking would be brought board. However officers from Oasis stated that one of the interventions in place was that Oasis Zimbabwe was also participating in awareness raising campaigns spear headed by IOM.

The need for a multi – disciplinary approach is quite ideal since this would mean that resources are not wasted through duplication of work. Girl trafficking is a serious issue, which cannot be addressed through action by one organization, but a comprehensive approach.

It also became clear that the Government’s role in trafficking was quite minimal. Much work was being done by the NGOs and on further probing on why this was the case, both Government officials and NGO officials agreed that the Government was facing financial constraints that is the reason they seem not be doing much.

The other problem that emerged is that there is no system in place or facilities to rehabilitate persons who have been subjected to and survived trafficking. There are only two organizations that offer shelter such as Musasa Projects and Girl Child Network and these cannot be said to be adequate for a country like Zimbabwe. This can be said to have

led some people not to report the cases for fear or has led to some children who have experienced trafficking not willing to come forward as they fear revictimisation and knowing that there is no protection available in the form of shelter.

4.7 Lack of legislation and administrative measures

Lack of legislation specifically criminalizing trafficking emerged as one of the issues of concern to both Government officials and NGO officials. One official from the Ministry of Justice, Legal and Parliamentary Affairs stated as follows:

‘There is no legislation in place which criminalizes trafficking. This is one of the problems when it comes to the problem of trafficking in Zimbabwe. Traffickers know that and they take advantage of this loophole. They know that even if they are caught, they will be charged with lesser offences or even get away with it. Something really needs to be done and the Government needs to put a law in place.’

It was also revealed that the absence of specific legislation criminalizing trafficking in persons is the main obstacle preventing police and prosecutors from investigating the practice and charging the perpetrators. This is supported by one article in the Herald, in which the writer stated that traffickers are taking advantage of lack legislation since they know that they will escape criminal liability, (The Herald, 2006).

On further probing on whether respondents know of any cases that have been brought before the courts on trafficking, respondents from NGOs said there have not heard of any case. However from the Victim Friendly Unit, one case was said to have been before the courts where the perpetrator had been charged with kidnapping. Follow up of the matter at the courts did not yield any positive results since the prosecutors were on strike during the time the research was being carried out.

The respondents further stated that the problem with using other pieces of legislation is the fact that perpetrators will not be charged for trafficking, but with lesser offences such as child abduction, kidnapping or rape. To this end, legislation on trafficking would be welcome since it will target trafficking perse and the perpetrators will face the full wrath of the law.

4.8 Vulnerability of the girl child due to poverty and unemployment

Discussions with bodies such as IOM and Justice for Children Trust revealed that girl child was more vulnerable to trafficking due to poverty and unemployment. Source of data was not stastical but views expressed by respondents from these organizations. This was confirmed through expressions from the majority of respondents. The respondents further expressed the view that the problem of girl child trafficking was likely to increase due to deepening poverty and unemployment in Zimbabwe.

4.9 Definition of Trafficking

The other finding that emerged was the fact that NGOs seem to have different meanings attached to trafficking. Some respondents from organizations such as Girl Child Network and Child line stated that the definition of trafficking in the UN Protocol was too broad and also provide little clarity on what the elements such as recruitment entails. They further noted that they had difficulties in understanding trafficking. They stated that since the definition in the UN Protocol was too broad, this could be manouvered by different people to cover different situations, which might not be trafficking perse or not linked to trafficking. One can therefore conclude that it would not be surprising to find out that what was recorded as trafficking cases did not meet the requirements in the UN Protocol. It was not even clear from the NGOs what definition they used since none of the reports from the NGOs defined how trafficking was defined and also it was not clear which definition they were using to prove that this was a trafficking case. Some respondents even stated that it was very difficult to draw a line between child trafficking, child abuse and kidnapping etc. It was therefore highly questionable whether some of the cases that were recorded as trafficking fall within the definition of trafficking as defined in the United Nations Protocol. It would not be surprising to find major discrepancies in the UN bodies understanding of the definition and what some respondents understood. The Director at Child line echoed this:

‘The problem with trafficking issues is that some of the core terms used in trafficking such as such as ‘recruitment’ are very difficult to define or understand. Even the definition of trafficking itself is very difficult to apply or understand. In our context, people understand it differently and it would not be surprising to find that they at times people use it so widely to the extent that

what they perceive to be trafficking will not meet the UN Protocol definition. This is a problem one finds when dealing with trafficking issues.'

The above noted difficulty points to the need for one to look long and hard at how trafficking is conceptualized in various organizations in their researches. Too broad a definition risks making an already unwieldy concept more difficult to apply and blunting legislative instruments designed to combat it. It could also result in an over-estimation of the problem and the diversion of already scarce criminal justice sector resources to deal with issues that are addressed in Zimbabwean law and law enforcement.

4.10 Conclusion

It became clear from the research findings that girl child trafficking from Zimbabwe to neighbouring countries is a reality in Zimbabwe. It was however difficult to access the extent of the problem since there it was very difficult to get the statistics from both Government and NGOs. However given the secrecy of the problem and the fact not much is known about girl child trafficking, there is need to carry out sensitization and awareness campaigns that target both the urban and rural population. Trafficking can be brought into the spot light through sensitization and awareness programmes. Measures to avoid the trafficking of the girl child from Zimbabwe to neighbouring countries need to be put in place. Government and NGOs need to work together in a coordinated manner and make sure that their interventions are geared towards the elimination of push and pull factors of human trafficking if girl child trafficking is to be combated. There is need for more players to take part actively and jointly in the fight against girl child trafficking. (Women's Action Group, 2008).

4.11 Human Rights Implications

Trafficking is a violation of the human rights of trafficked persons through the exploitation they face. (Policy paper No 14.6 E)

Under international law, the State has a core obligation to put measures in place to combat trafficking in persons as provided in various Conventions. Of importance to note is Article 9 of the UN Protocol, which provides as follows:

States parties shall establish comprehensive policies, programmes and other measures;

To prevent and combat trafficking in persons; and

To protect victims of trafficking in persons, especially women and children from revictimisation.

Furthermore Article 36 of CRC provides as follows:

States parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, sale of or traffic in children for any purpose or in any form.

From the above, it is clear that the state is under duty to enact legislation and take other measures to combat trafficking in girl children. Since the research findings revealed that there were some girl children who had been victims of trafficking from Zimbabwe to neighboring countries, one can therefore say that the Government is failing to comply with the human rights obligations. The Government is supposed to implement this right through positive actions.

In addition, CEDAW, ACRWC and ACHPR calls on states parties to take all appropriate measures to eliminate discrimination against women and combat trafficking, but as the results of the findings revealed, girls were falling victims to trafficking. In practice the rights of the girl children are also being violated as a result of trafficking. Some rights such as right to health are being violated since some of the children who are sold into prostitution are sexually abused and some ending up contracting diseases such as HIV and AIDS. The right to bodily integrity is also violated since they do not volunteer to be involved in prostitution activities but are forced to do it.

There is therefore a need to have a law or policy in place, which creates State responsibility to protect children who have fallen victims to trafficking since the state has the obligation to take the necessary legislative and other measures, within its available resources, for the progressive realization and protection of children's rights.

CHAPTER FIVE

5.0 RECOMMENDATIONS AND CONCLUSION

5.1 RECOMMENDATIONS

A bold and more holistic and long-term approach is needed since the problem of trafficking in girl children seems to be a global problem. Girl child trafficking is likely to increase in Zimbabwe due to deepening poverty and the economic downfall currently prevailing in Zimbabwe. Prevention initiatives have to be seen as 'core business' and an urgent priority across all components of the sector.

- The Role of Government and legislation on trafficking

Ministry of Justice, Legal and Parliamentary Affairs should put a law in place specifically criminalizing trafficking. This would clarify the issue and law enforcement agencies would be in a better position to tackle or deal with the issue if there is a law in place. Having a law in place will not work unless, it is complemented with training for law enforcement agencies on trafficking issue.

- Sensitization and awareness raising

Given the secrecy of the problem of trafficking and the fact that not much is known about girl child trafficking in Zimbabwe, a lot of sensitization and awareness raising is needed so that Government authorities such as Parliamentarians and the general public know about trafficking and its dangers. Girl children themselves must be sensitized on the issue of trafficking so that they are aware and can make informed decisions. The media should take a leading role in bringing out the problem of trafficking through use of the radios, televisions and newspapers. Much of the sensitization and awareness must be carried at the boarder towns such as Chiredzi, Chirundu and Nyamapanda where much of the trafficking is taking place.

- Practical measures should be taken to ensure that girls do not fall victims to traffickers. Policies that are geared towards eliminating the push factors such as

poverty, unemployment, HIV and AIDS, AIDS orphans and pull factors such as the need for cheap and low skilled labour should accompany legislation. The need to fight poverty or eradication of poverty in Zimbabwe is an ideal response to trafficking. Unless poverty is reduced or eradicated in Zimbabwe, the girl child will still be vulnerable to trafficking.

Those who had fallen victims should be supported through the provision of permanent safe houses or shelter to make sure they are protected from revictimisation by their traffickers. Government should complement NGOs efforts by providing shelter to victims of trafficking.

- Develop ‘circles of support’ for children who would have been victims of trafficking.

Necessary support services should include support from health services providers, financial and material support, counselling and reintegration with their families.

- People should be sensitized on the need to change their socio- cultural attitudes and practices that militate against the education of children, including the girl child. Communities need to be sensitized on the need to educate their children and the value of education, so that the girl children earn a living limiting their chances of falling prey to traffickers.
- Involve children in decision making planning and responses whenever possible.

Children often have better understanding of their needs and their participation will enable them to make informed decisions about their own lives.

- Reinforce engagement of communities and parents. Enable communities to identify children who they suspect might have fallen victim to trafficking in their communities and empower them to come out in the open to report.

- Strengthen coordination and inputs of other sectors and programmes. Strengthen NGO input through systematic cooperation.
- A multi-sectoral approach to the problem of trafficking needs to be done to avoid duplication of work.

Government, NGOs and other relevant stakeholders need to work as a team and coordinated manner to avoid duplication of work.

- Human rights approach to developing effective interventions.

Human rights approach should be utilized since it includes making the best interests of a child the priority consideration and also includes the participation of children and also the integration of responses in communities, family and other key role players and ensuring accountability at all levels.

- All law enforcement personnel and other stakeholders should undergo training in trafficking. Strengthen training for law enforcement personnel, immigration and custom officials, prosecutors and judges, and other relevant officials on the prevention of trafficking, prosecution of the traffickers, and protection of the rights of victims, including child victims. This should take place on a continuous basis.
- Ensure the desegregation of migration data on the basis of age, gender, nationality, date and place of entry and departure, place of visa renewal, overstay and deportation.
- Politicians such as Parliamentarians and Senators should also be taken on board so that they get to understand the problem of girl child trafficking and since they are the ones that pass the laws, they would be able in a position to make informed decisions.

- Adopt regional and bilateral agreements aimed at preventing trafficking, and protecting the rights and dignity of trafficked persons.
- International Cooperation: Zimbabwe should work with other countries in the region and abroad because the problem of trafficking can not be tackled by one country alone since it is a cross- border phenomenon.
- The need for practical anti trafficking action: Measures need to be put in place, including explicit legal protection to all individuals, and preventive measures, as well as measures to ensure adequate protection of, support for, and assistance to the victims.
- Female empowerment for example, transforming existing power relations stemming, for example, from gender bias so as to broaden the range of options available to women through measures such as access to more and better education and living conditions, decent work and working conditions and effective non discrimination policies and the promotion of gender equality.
- Need for budgetary allocation for trafficking purposes. A budget needs to be set aside for trafficking programmes such as the training of law enforcement agencies, awareness campaigns, provision of shelter for victims and other interventions and programmes aimed at combating trafficking.
- Need for future research. Future researches are necessary since trafficking seems to be a serious problem in Zimbabwe. Researchers need to think of different types of methodologies to use and also the time frame should be a year or more since trafficking involves a lot of issues which can not be tackled within shorter periods like six months.

5.2 CONCLUSION

It became clear that girl child trafficking from Zimbabwe to neighbouring countries is a reality though it was difficult to access the extent of the problem since it was very difficult to get statistical information on the number of girls that had been trafficked from Zimbabwe to countries such as South Africa, Botswana, Zambia and other countries. It was also revealed that forced labour was not the main reason the girl child was trafficked for, but there were other reasons such as sexual exploitation or debt bondage. The above figures in Table B, though very low that girl child trafficking is a reality. It also became clear that there might have been other reasons, but this was very difficult since there were no statistics to prove or show this. It was very difficult to get the statistics since NGOs did not keep records indicating the reasons why the girl child was being trafficked. The findings also revealed that both internal and cross boarder trafficking are issues of concern in Zimbabwe. As in many other countries, though, our understanding of the problem remains rudimentary. We know nothing about how prevalent trafficking is, extremely little about trafficking that is not for purposes of forced labour, sexual exploitation and other reasons, and for methodological and definitional reasons we can not be sure how well the data on forced labour reflects what is happening in Zimbabwe.

There is also lack of depth to our knowledge of the phenomenon since I did not manage to interview any victim and the findings are based on cases described by those working in support organizations or Government officials. There is no way of knowing how accurate such figures are and for methodological reasons one has to be cautious about the data. There are reasons to look critically at the data. Since I did not find any victim of trafficking to interview, I relied on information from discussions with service providers, law enforcement, NGOs and Government representatives, this study will provide useful preliminary data on trends and patterns and highlight the possibility of, and potential for widespread girl child trafficking. However given the slim statistical evidence, their primary use is to identify future areas of research.

The Government seemed to be playing a minimum role in terms of putting in place measures aimed at preventing girl child trafficking or protection measures aimed at

offering protection to victims of trafficking. However NGOs seemed to be playing quite a big role in terms of offering assistance to victims of trafficking. Both Government and NGOs interventions seemed to be concentrated on giving assistance after one has been rescued. Nothing is being done by the Government and NGOs to identify victims or prevent the trafficking of girls. There is nothing in place to protect children from being victims or to be trafficked. There are no preventive measures from both the Government and NGOs to protect children from trafficking.

However, carried out over a six month period, beginning in October 2007 and ending in January 2008, this research does not aim to provide a comprehensive picture of girl child trafficking from Zimbabwe to neighbouring countries, but rather to construct a snapshot of the trade to which others may add with future research and to make recommendations that the Government may wish to consider.

ANNEXURES

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Zimbabwe

August 2006

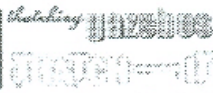
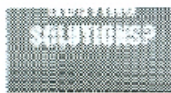
Stop Trafficking in Women and Children, (The Herald, 2006-08-22): -In recent years many studies on the sexual exploitation of women and children in Zimbabwe have been conducted and the results show that many challenges still abound when it comes to understanding the repugnant practices. The focus worldwide has been on cross-border trafficking though indications point to the fact that this accounts for a very small percentage of women and children trafficked within major cities. However, the last few years have witnessed the larger evil of internal trafficking within Zimbabwe. According to Ms Patricia Rodriguez, a former commercial sex worker and founder of Cave of Adlam, an organisation that seeks to rehabilitate women and girls on the streets, there could be thousands of women and children working in and around Harare's streets and brothels. More chilling is the fact that not only is child trafficking on the increase, but also the number of minors getting infected with HIV and Aids is also rising. Since commercial sex work is mostly done in hotels, brothels, lodges, cinema halls, parks along major roads and highways, among others, it is impossible to provide actual facts and figures. The problem is compounded by the fact that since it is carried out illegally and clandestinely, it is not easy to detect. The only conclusion possible, therefore, is that the problem itself is much bigger than previously thought. Ms Rodriguez agrees: "There are girls who come from rural areas after being promised jobs as domestic workers or other forms of menial employment but are led into brothels for sexual exploitation. Some of the girls are hardly teenagers and only seek help after falling pregnant or when they become very sick. Some are so badly damaged physically, particularly in the reproductive organs due to untreated sexually transmitted infections (STIs) and various forms of sexual abuse. I have had a teenager undergo surgery to remove the womb because of STIs that had become septic." Ms Rodriguez said although she had no statistics of the actual numbers of women that have been smuggled to other countries, she had heard of girls who were promised jobs on boats and ships in both Mozambique and South Africa who had not returned home. The Girl Child Network believes there are girls that could have travelled around African countries unknowingly for commercial sex work. "Many girls have gone as far as Mozambique, South Africa and Botswana and I wouldn't be surprised if some girls have not found their way overseas for sex jobs. I know this because I was once in that area of trade," Ms Rodriguez said. Ms Rodriguez cited Chiredzi as one of the worst hit by child traffickers for sexual exploitation and urged authorities to tighten patrols along the Mozambican border to rescue these unsuspecting and innocent girls. "Most of these girls come from very poor households and are seeking better fortunes for their families, but they land in the hands of these self-enriching vultures that steal their youth away," she said. Girl Child Network director Ms Betty Makoni also confirmed this fact. Salome, an 18-year-old teenager from Epworth, recently revealed in an interview this week that she had been a sex slave since she was 13 years old. A friend of her aunt who promised her a job at a food outlet brought in Salome, an orphan, from Murenwa, but her nightmare began three days after arriving at her house in Mbare. "I was told on the third day to dress up in clothes she had bought. I was instructed to wear make-up and to join her at a local pub. When we got there at around 9pm I was made to drink alcohol and I was introduced to all sorts of men. That night I was forced to go with some man at her house where he raped me. That became the trend until I no longer went to the bar but instead clients would come to the house any time of the day and the money would be paid to the woman. I lived there like a prisoner and I never set foot in the city centre for the period I lived there. I was threatened not to tell anyone until I fell pregnant when I turned 15 and she chased me away in December last year. I then found myself on the streets. I was too scared to go back to my rural area because I had nothing to show for the few years that I had been working and so I am now living in Epworth with other teenage girls that have been through more or less the same ordeal. My baby died from pneumonia a few months after birth," Salome said. When asked how they were surviving, she said they had resorted to full-time prostitution and that they walked the streets of Harare at night seeking clients. Trafficking is a multi-dimensional problem encompassing a whole range of economical, social and cultural issues, which are varied and highly complex. Most of the victims have been trafficked with promises of jobs, better career prospects and marriage. Some are inducted forcibly through abduction. Poverty and deprivation, secondary status accorded women in society, prejudice against the girl child, weakening of the family structure, changing public attitudes towards sex and morality, urbanisation and migration are other factors that have contributed to commercial sexual exploitation of women and children. Trafficking and commercial sexual exploitation of women and children have resulted not only in violation of rights, but also in very adverse physical, psychological and moral consequences for the victims which are serious, life-long and also life-threatening. Ms Rodriguez says at least 60 to 70 percent of the women and girls that she has dealt with suffer from more than one disease including sexually transmitted illnesses such as HIV and Aids. "These girls and women are invariably penniless, physically ill and psychologically broken. Prevention of trafficking in women and children can be achieved only by addressing the root cause. Poverty is a major primary cause of trafficking," said Ms Rodriguez. According to a report by Protection Project, an organisation that researches and documents the global scope of trafficking in persons, Zimbabwe is a country of origin, transit and destination for trafficking in persons. Zimbabweans are trafficked to South Africa. Traffickers crossing from

http://www.queensu.ca/samp/migrationnews/article.php?Mig_News_ID=3698&Mig_New... 6/26/2007

Mozambique to South Africa may choose to bypass the shortest route through Kruger National Park because of the dangers posed by wild animals, and opt for a longer, safer route through Zimbabwe. War, poverty and flawed or non-existent birth registration systems exacerbate trafficking in African women and children who are forced into prostitution or exploitative labour, says a recent study by the United Nations Children's Fund (Unicef). Unregistered children are easy to move between countries because they never formally acquire a nationality. A Zimbabwean official with the Southern African regional Interpol office reported in June 2004 that trafficking in persons, particularly for cheap labour and sexual exploitation, was a growing problem for Southern Africa. Of the 53 African countries, 89 percent were affected by trafficking flows to and from other countries on the continent. In 34 percent of the countries trafficking also takes the victims to Europe, and in 26 percent of the cases trafficking flows to the Middle East. Twice as many African countries report trafficking in children as compared to women. Although Zimbabwe has no specific laws on human trafficking, there are some pieces of legislation that could to a certain extent deal with the problem. The Criminal Code prohibits corruption of children and young persons. The code penalises any person who allows a child or young person to reside in or frequent a brothel. Similarly, the code penalises any person who causes seduction, abduction, or prostitution of a child or young person. The code also prohibits allowing a child or any prostitute or person known to consort with prostitutes to enter into or continue in the employment of any prostitutes or persons of known immoral character. Punishment for these offences is a fine or imprisonment of up to two years, or both. The Sexual Offences Act (No. 8 of 2001) criminalises sexual exploitation of young persons outside Zimbabwe and conspiracy or incitement abroad to exploit young persons in Zimbabwe. The Immigration Act (18 of 1979, as amended) considers a prohibited person to be anyone who is a prostitute; anyone who lives on, or anyone who knowingly receives or has received any part of the earnings of prostitution or anyone who has procured persons for immoral purposes. There is no definition of trafficking in existing laws giving opportunity to offenders to escape from criminal liability. Last year, the International Organisation for Migration (IOM) Pretoria launched a US\$1.9 million two-year programme -- the Southern African Counter Trafficking Assistance Programme -- to prevent trafficking in persons. It protects victims and provides them with rehabilitative assistance as well as return and reintegration options. The programme covers Botswana, Lesotho, Madagascar, Malawi, Mozambique, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. However, a lot still has to be done because trafficking is not only complex, but also dynamic. Traffickers change their methods of operation and routes constantly in response to changes in demand for forced labour and commercial sex and to avoid detection. For example, clients now demand much younger girls, hence the increase in child trafficking throughout the world. In Zimbabwe there is a dangerous and mistaken belief in some quarters that sex with a virgin can cure Aids and that has led to an even higher demand for younger girls. Many women and girls have reported that clients paid more for unprotected sex and they -- especially girls -- are rarely in a position to demand safe sex. Shifting economic conditions, conflict and natural disasters give rise to new trafficking patterns. Operations and trafficking routes also evolve in response to pressure from increased law enforcement or community awareness. President Mugabe, at the official opening of the Second Session of the Sixth Parliament last month, stressed the need to protect children from all forms of abuse. "As a nation, we are challenged by the incidence of gender-based violence and the rampant abuse of minors, trends which betray moral decadence in our society. It is high time we critically considered a total shift from some retrogressive traditional and religious practices that include wife inheritance, girl child marriages and child pledging," the President said. President Mugabe's sentiments should set the tone for lobbying for anti-trafficking laws, in the current session of Parliament, that will curb these heinous crimes against the vulnerable. Parliamentarians can make a difference in preventing and responding to all matters related to child protection. Child trafficking should be halted in Zimbabwe before the practice gets out of hand.

South African Migration Project (SAMP) - Queen's University - <http://www.queensu.ca/samp>

http://www.queensu.ca/samp/migrationnews/article.php?Mig_News_ID=3698&Mig_New... 6/26/2007



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Opinion & Analysis

Stop trafficking in women, children

By *Ropafadzwa Mapimhidze*

IN recent years many studies on the sexual exploitation of women and children in Zimbabwe have been conducted and the results show that many challenges still abound when it comes to understanding the repugnant practices.

The focus worldwide has been on cross-border trafficking though indications point to the fact that this accounts for a very small percentage of women and children trafficked within major cities.

However, the last few years have witnessed the larger evil of internal trafficking within Zimbabwe. According to Ms Patricia Rodriguez, a former commercial sex worker and founder of Cave of Adam, an organisation that seeks to rehabilitate women and girls on the streets, there could be thousands of women and children working in and around Harare's streets and brothels.

More chilling is the fact that not only is child trafficking on the increase, but also the number of minors getting infected with HIV and Aids is also rising.

Since commercial sex work is mostly done in hotels, brothels, lodges, cinema halls, parks along major roads and highways, among others, it is impossible to provide actual facts and figures.

The problem is compounded by the fact that since it is carried out illegally and clandestinely, it is not easy to detect.

The only conclusion possible, therefore, is that the problem itself is much bigger than previously thought.

Ms Rodriguez agrees: "There are girls who come from rural areas after being promised jobs as domestic workers or other forms of menial employment but are led into brothels for sexual exploitation.

"Some of the girls are hardly teenagers and only seek help after falling pregnant or when they become very sick. Some are so badly damaged physically, particularly in the reproductive organs due to untreated sexually transmitted infections (STIs) and various forms of sexual abuse. I have had a teenager undergo surgery to remove the womb because of STIs that had become septic."

Ms Rodriguez said although she had no statistics of the actual numbers of women that have been smuggled to other countries, she had heard of girls who were promised jobs on boats and ships in both Mozambique and South Africa who had not returned home.

The Girl Child Network believes there are girls that could have travelled

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around African countries unknowingly for commercial sex work.

"Many girls have gone as far as Mozambique, South Africa and Botswana and I wouldn't be surprised if some girls have not found their way overseas for sex jobs. I know this because I was once in that area of trade," Ms Rodriguez said.

Ms Rodriguez cited Chiredzi as one of the worst hit by child traffickers for sexual exploitation and urged authorities to tighten patrols along the Mozambican border to rescue these unsuspecting and innocent girls.

"Most of these girls come from very poor households and are seeking better fortunes for their families, but they land in the hands of these self-enriching cultures that steal their youth away," she said.

Girl Child Network director Ms Betty Makoni also confirmed this fact.

Salome, an 18-year-old teenager from Epworth, recently revealed in an interview this week that she had been a sex slave since she was 13 years old.

A friend of her aunt who promised her a job at a food outlet brought in Salome, an orphan, from Murehwa, but her nightmare began three days after arriving at her house in Mbare.

"I was told on the third day to dress up in clothes she had bought. I was instructed to wear make-up and to join her at a local pub. When we got there at around 9pm I was made to drink alcohol and I was introduced to all sorts of men. That night I was forced to go with some man at her house where he raped me.

"That became the trend until I no longer went to the bar but instead clients would come to the house any time of the day and the money would be paid to the woman. I lived there like a prisoner and I never set foot in the city centre for the period I lived there.

"I was threatened not to tell anyone until I fell pregnant when I turned 15 and she chased me away in December last year. I then found myself on the streets.

"I was too scared to go back to my rural area because I had nothing to show for the few years that I had been working and so I am now living in Epworth with other teenage girls that have been through more or less the same ordeal. My baby died from pneumonia a few months after birth," Salome said.

When asked how they were surviving, she said they had resorted to full-time prostitution and that they walked the streets of Harare at night seeking clients.

Trafficking is a multi-dimensional problem encompassing a whole range of economical, social and cultural issues, which are varied and highly complex. Most of the victims have been trafficked with promises of jobs, better career prospects and marriage.

Some are inducted forcibly through abduction.

Poverty and deprivation, secondary status accorded women in society, prejudice against the girl child, weakening of the family structure, changing public attitudes towards sex and morality, urbanisation and migration are other factors that have contributed to commercial sexual exploitation of women and children.

Trafficking and commercial sexual exploitation of women and children have resulted not only in violation of rights but also in very adverse physical, psychological and moral consequences for the victims which are serious, life-long and also life-threatening.

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Ms Rodriguez says at least 60 to 70 percent of the women and girls that she has dealt with suffer from more than one disease including sexually transmitted illnesses such as HIV and Aids.

"These girls and women are invariably penniless, physically ill and psychologically broken.

"Prevention of trafficking in women and children can be achieved only by addressing the root cause. Poverty is a major primary causes of trafficking," said Ms Rodriguez.

According to a report by Protection Project, an organisation that researches and documents the global scope of trafficking in persons, Zimbabwe is a country of origin, transit and destination for trafficking in persons.

Zimbabweans are trafficked to South Africa. Traffickers crossing from Mozambique to South Africa may choose to bypass the shortest route through Kruger National Park because of the dangers posed by wild animals, and opt for a longer, safer route through Zimbabwe.

War, poverty and flawed or non-existent birth registration systems exacerbate trafficking in African women and children who are forced into prostitution or exploitative labour, says a recent study by the United Nations Children's Fund (Unicef).

Unregistered children are easy to move between countries because they never formally acquire a nationality.

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Although Zimbabwe has no specific laws on human trafficking, there are some pieces of legislation that could to a certain extent deal with the problem.

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Last year, the International Organisation for Migration (IOM) Pretoria launched a US\$1.9 million two-year programme — the Southern African Counter Trafficking Assistance Programme — to prevent trafficking in persons. It protects victims and provides them with rehabilitative assistance.

as well as return and reintegration options.

The programme covers Botswana, Lesotho, Madagascar, Malawi, Mozambique, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

However, a lot still has to be done because trafficking is not only complex, but also dynamic. Traffickers change their methods of operation and routes constantly in response to changes in demand for forced labour and commercial sex and to avoid detection.

For example, clients now demand much younger girls, hence the increase in child trafficking throughout the world.

In Zimbabwe there is a dangerous and mistaken belief in some quarters that sex with a virgin can cure Aids and that has led to an even higher demand for younger girls.

Many women and girls have reported that clients paid more for unprotected sex and they — especially girls — are rarely in a position to demand safe sex.

Shifting economic conditions, conflict and natural disasters give rise to new trafficking patterns.

Operations and trafficking routes also evolve in response to pressure from increased law enforcement or community awareness.

President Mugabe, at the official opening of the Second Session of the Sixth Parliament last month, stressed the need to protect children from all forms of abuse.

"As a nation, we are challenged by the incidence of gender-based violence and the rampant abuse of minors, trends which betray moral decadence in our society.

"It is high time we critically considered a total shift from some retrogressive traditional and religious practices that include wife inheritance, girl child marriages and child pledging," the President said.

President Mugabe's sentiments should set the tone for lobbying for anti-trafficking laws in the current session of Parliament, that will curb these heinous crimes against the vulnerable.

Parliamentarians can make a difference in preventing and responding to all matters related to child protection.

Child trafficking should be halted in Zimbabwe before the practice gets out of hand.

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Several men would come to this house where I was kept hostage to rape me...

The Scourge of Human Trafficking

Dear Editor

Six months ago I escaped from a house in Johannesburg where I had been trafficked by a male friend who had promised to secure me a job as a teacher. My husband is late and I have two beautiful daughters to fend for and so I did not think twice when I was promised a job from which I would be earning about 6 000 Rands a month. When I received this message I thought God had finally answered my prayers but it was not to be.

We left Zimbabwe on the 15th of January this year. He had a beautiful car which I later discovered did not belong to him but to people who employ him to scout for young women to sell for sex in South Africa and other neighbouring countries. When we got to South Africa I was taken to a house in a location I am still not sure about. It was only on the first night we got there that I discovered that I had been lied to. Several men would come to this house where I was kept hostage to rape me and several other women who were in the same house. We were being raped for a fee which was being paid to the person to whom we had been sold. This happened for about a month until by the grace of God I managed to escape one night when the man who was on guard that night drank himself to sleep. All I managed to do was find my way to a bus terminus and got a Zimbabwe bound bus using the rands that one man who came to this place regularly had given me. I only managed to get assistance when I got to the Beitbridge border post where there is an International Organisation for Migration Office (IOM) which deals with cases of human trafficking.

The experience was a traumatizing one. I cannot even remember the number of men who were brought in to have unprotected sex with me.

I think many young women are still unclear about the reality of human trafficking. Besides IOM, I do not know of any other organization which is doing sensitization programmes on human trafficking. I think all Women's organizations need to seriously consider doing programmes to sensitize women in the different constituencies they are working about this problem.

I have been going for counselling for some months now. In one of the sessions I was advised to go for HIV testing and after a struggle I finally went a month ago. I tested HIV positive.

Claris, Bulawayo



Our Response:

Dear Claris

We are sorry to hear about your encounter, but we thank you for being strong enough to share your experience in an effort to stop it from happening to other women. We hope you have not only accepted and dealt with what happened, but that you have also begun to live positively.

It is very true that a lot of human trafficking is taking place with Zimbabwe as a source, transit and destination for such activities. Both men and women are falling prey to traffickers who go to different countries promising people good jobs, better education and such like. When people are trafficked they only discover when they get to

their destinations that they have been brought to be sex slaves or labourers.

Whilst violence has been publicly condemned in Zimbabwe, this form of violence has not yet received deserving attention because there seems to be not much evidence on the ground. As a result of Women's economic disempowerment and low knowledge levels, women fall prey to human trafficking easily. Also it seems more women are trafficked because there is a lot of demand for women who are made into sex slaves than men.

There is need for national and regional strategies to fight human trafficking. Currently IOM flights adverts and messages through radio, television and has put up billboards and posters at strategic places like main roads, border posts – just to mention a few. Also IOM has offices responsible for repatriating victims of human

trafficking at different border posts. The organisation also produced an album with different Zimbabwean artists aimed at disseminating information on human trafficking. Like you rightly point out Claris, there is need for more players to take part actively and jointly in the fight against human trafficking.

In Southern Africa no country has specific legislation on human trafficking though this is addressed under various laws. It is for such reasons that the draft SADC Protocol on Gender and Development proposes legislation to prevent trafficking by 2010. As WAG, we promise to increase our awareness campaign on human trafficking in all the communities that we work in. WAG will also make efforts to encourage other organizations to do the same if they are not already doing so. Thank you Claris for being strong enough to share your experience.

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