

---

**A CRITICAL STUDY OF WOMEN'S VULNERABILITY TO HUMAN  
TRAFFICKING IN ZAMBIA**

---

**BY**

**Stewart CHIYAYIKA**

**Supervisor: Ms Rosalie Katsande**

**A Dissertation submitted in partial fulfilment of the requirements for a Masters Degree  
in Women's Law, Southern and Eastern African Regional Centre for Women's Law,  
University of Zimbabwe  
2014**

## **Abstract**

In a bid to fight the scourge of human trafficking, the Government of the Republic of Zambia ratified the United Nations Convention against Transnational Organized Crime and its Protocol on Smuggling of Migrants by Land, Sea and Air and further acceded to the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. It subsequently domesticated these anti-human trafficking provisions into the Anti-Human Trafficking Act No 11 of 2008 and the National Policy to Combat Trafficking in 2007. Despite the domestication of the Anti-Trafficking Protocol and the development of a comprehensive national policy and action plans, women in Zambia have continued to be vulnerable to the global scourge of human trafficking. Therefore, this research critically examines women's vulnerability to this international crime against humanity. In this regard, the paper in the first chapter introduces the topic, study area and why it was relevant to undertake this study. In the second chapter, the paper defines and discusses human trafficking and also looks at the different human rights perspectives to understand and explain women's vulnerability to human trafficking in Zambia such as the gender, socio-economic, human rights perspectives and best practices approach. In the third chapter the paper discusses the methodological choices used in the collection of data such as the women law approach, human rights approach and social exclusion. The fourth, fifth and sixth chapters discuss, analyse and recommend the findings of the research paper. In a nutshell it may be safely concluded that Zambia's comprehensive anti-trafficking strategy has so far failed to be effective in its prevention of human trafficking, the prosecution of its perpetrators and the protection of its victims, especially, its female victims.

## Table of contents

Table of contents.....	3
Declaration.....	6
Dedication.....	7
Acknowledgements.....	8
List of acronyms.....	9
List human rights instruments.....	10
List of national legislation and policy.....	10
List of appendices.....	11
List of figures.....	11
List of tables.....	11
Executive summary.....	12
CHAPTER ONE.....	17
1.0 INTRODUCTION AND BACKGROUND TO THE STUDY.....	17
1.1 Introduction.....	17
1.2 Statement of the problem.....	18
1.3 Justification for the study.....	18
1.4 Objectives of the research.....	19
1.5 Specific objectives of the study.....	19
1.6 Assumptions of the study.....	19
1.7 Research questions.....	20
1.8 Overview of study area.....	21
CHAPTER TWO.....	22
2.0 CONCEPTUAL AND THEORETICAL FRAMEWORK.....	22
2.1 What is trafficking in human beings?.....	22
2.2 The definition of trafficking.....	22
2.2 Trafficking vs smuggling.....	24
2.3 Factors contributing to women’s vulnerability to human trafficking.....	24
2.3.1 Gender perspective.....	25
2.3.2 Social-economic perspective.....	29
2.3.3 The human rights perspective.....	32
2.3.3.1 International legal obligations.....	32
2.3.3.2 Measuring the strides undertaken.....	33

2.3.4	<i>Best practices to combat human trafficking</i> .....	34
2.3.4.1	Analyzing the Tier system of standardization.....	34
2.3.4.2	Linking the Tier system to Zambian practices.....	35
2.4	Conclusion.....	36
CHAPTER 3	.....	37
3.0	METHODOLOGIES AND RESEARCH DESIGN .....	37
3.1	Methodological approaches .....	37
3.2	Research design .....	43
3.2.1	<i>Sampling of respondents</i> .....	43
3.3	Data collection methods .....	43
3.3.1	<i>In-depth interviews with key respondents</i> .....	43
3.3.2	<i>Individual interviews</i> .....	44
3.3.3	<i>Focus group discussions</i> .....	44
3.3.4	<i>Analysis of documents</i> .....	45
3.4	Limitations of the study.....	45
3.5	Conclusion.....	46
CHAPTER 4	.....	47
4.0	FACTS OF THE MATTER.....	47
4.1	Demystifying women’s vulnerability to human trafficking in Zambia .....	47
4.1.1	<i>Is socio-economic disempowerment a contributory factor to women’s vulnerability to trafficking?</i> .....	47
4.1.2	<i>Who is facing the double-edged sword of trafficking - the unemployed or the employed?</i> .....	48
4.2	What is wrong with key state actors in combating the trafficking in persons? .....	51
4.2.1	<i>Inter-Ministerial Committee on Trafficking</i> .....	51
4.2.2	<i>Protection and prevention of victims</i> .....	53
4.3	Is the lack of ‘due diligence’ by law enforcement officers a factor in women’s vulnerability to trafficking? .....	54
4.4	What has gone wrong with the multi-sectoral strategy to combat trafficking? .....	58
4.5	Is lack of awareness a factor of women’s vulnerability to trafficking? .....	60
4.5.1	<i>Locating the weakest link in awareness-raising strategies</i> .....	60
4.5.2	<i>The impact of the lack of information on trafficking in the informal sector</i> .....	62

4.6	How non-state actors view sensitization strategies.....	63
4.7	Conclusion.....	67
CHAPTER 5 .....		68
5.0	SETTLING THE MATTER .....	68
5.1	Rethinking the causes of women’s vulnerability to human trafficking .....	68
5.1.1	<i>The resources are ‘permitting’</i> .....	68
5.1.2	<i>Incorporating the excluded women</i> .....	69
5.1.3	<i>Awakening the state actors from their slumber</i> .....	70
5.1.4	<i>Enhancing the protection of victims</i> .....	71
5.2	Redefining the victims of trafficking.....	72
5.2.1	<i>Prevention of vulnerability to trafficking</i> .....	72
5.3	Internal trafficking: A forgotten crime .....	73
5.4	Multi-sectoral strategy re-strategized .....	74
5.5	Harmonized data collection .....	75
CHAPTER 6 .....		77
6.0	CONCLUSIONS AND RECOMMENDATIONS .....	77
6.1	Conclusions .....	77
6.2	Recommendations .....	79
6.2.1	<i>Short term</i> .....	79
6.2.2	<i>Long term</i> .....	79
Bibliography .....		81
Appendix 1: Photographs of field findings (Figures 5 to 8) .....		84

## **Declaration**

I, Stewart Chiyayika, do hereby declare that this is an original work submitted in partial fulfilment of the award of Masters in Women's Law Degree at the Southern and Eastern African Regional Centre for Women's Law, University of Zimbabwe, 2014. I further declare that this piece of work has never been previously submitted for any degree or other award in academic institution.

.....  
Author's Signature

.....  
Date

.....  
Supervisor's Signature

.....  
Date

### ***Dedication***

*To my wife, Debra, for taking care of our children and giving birth to a lovely daughter, Wali, during my absence from home. I will need to 'value your unpaid work' when I return home! You are a strong lady, keep it up.*

## **Acknowledgements**

I am deeply indebted to the academic and administrative staff of SEARCWL, University of Zimbabwe, for their unwavering support during the tenure of the entire course. Special thanks go to my supervisor, Ms Rosalie K Katsande, for her guidance and advice throughout the research process.

I want to thank the Zambian Government for granting me authority to participate in this rich course.

I also want to thank NORAD for financial support as it would have not been possible to pursue this course.

To my respondents for their time and effort in providing me with much needed information vital to this research.



## **List of acronyms**

ACHPRWR	African Charter on Human and Peoples Rights on Women's Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
EU	European Union
GBV	Gender based violence
HARID	Home Affairs Research and Information Department
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
IOM	International Organization for Migration
MDG	Millennium Development Goals
NGO	Non-Governmental Organization
SADC	Southern African Development Community
SEARCWL	Southern and Eastern Regional Centre for Women's Law
TIP	Trafficking in Persons
TOT	Trainer of Trainer
TVPA	Trafficking Victim Protection Act
UN	United Nations
UNESCO	United Nations Education Scientific and Cultural Organization
UNFP	United Nations Population Fund
UNICEF	United Nations Children's Emergency Fund
VoT	Victim of Trafficking
YWCA	Young Women's Christian Association

### **List human rights instruments**

CEDAW Committee, General Recommendation No. 19. Violence against Women (1992)  
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)  
Declaration on the Elimination of Violence against Women (DEVAW, 1993)  
ILO Convention Concerning Forced or Compulsory Labour 1930 (No.29)  
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families  
International Covenant on Civil and Political Rights (ICCPR, 1966)  
International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)  
Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (2000)  
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

### **List of national legislation and policy**

Constitution of Zambia  
Immigration and Deportation Act  
Anti-Human Trafficking Act  
National Policy to Combat Trafficking

## **List of appendices**

Appendix 1: Photographs of field findings shown in figures 5 to 8 in the list of figures (below).

## **List of figures**

Figure 1: Map of Zambia .....	21
Figure 2: Schematic representation of definition of trafficking (Source: ILO, 2008).....	24
Figure 3: Existing inter-Ministerial structure .....	74
Figure 4: Proposed inter-Ministerial structure.....	75
Figure 5: Photograph (1) showing lack of awareness raising by state and non-state actors! No anti-trafficking posters in public places .....	84
Figure 6: Photograph (2) showing lack of awareness raising by state and non-state actors! No anti-trafficking posters in public places .....	84
Figure 7: Photograph showing demonstrators protesting against human trafficking not being considered as gender based violence.....	85
Figure 8: Photograph showing the socio-economic dilemma faced by women who trade in second hand clothes on a road under construction in Lusaka's Kamwala second class shops .....	85

## **List of tables**

Table 1: Showing percentage distribution of employed population (15 years and older) by sex and employment sector.....	25
Table 2: Showing details of key informants (Source: Field research diary).....	44

## **Executive summary**

This research investigates the causative factors that are associated with women vulnerability to human trafficking in Zambia. Although the crime of human trafficking is relatively a new concept in Zambia and the subsequent enactment of laws and policies to combat the scourge, the scourge of trafficking in persons which affects both men and women, is regarded as not being a gender neutral phenomenon, as women are more particularly vulnerable to trafficking as a result of their weak social and economic position and lack of enforcement of the Anti-Human trafficking Act No 11 and implementation of the National Policy to combat human trafficking in Zambia respectively.

This report therefore is as a result of field research carried out in Lusaka and Eastern Provinces of Zambia which are part of the larger areas of origin, transit and also destination regions in as far as the human trafficking is concerned. The research also took cognizant that trafficking occurs within and as well as across borders.

The whole purpose of the research was to investigate the causes of women vulnerability to human trafficking in Zambia. The concept of conducting this research was borne from the fact that Zambia, not so long ago, acceded to the optional protocol to prevent, suppress and punish trafficking in persons, Especially Women and Children and the subsequent enactment and development of the Anti-Human Trafficking Act No 11 of 2008 and the National Policy to Combat Trafficking respectively. Therefore, despite this comprehensive anti-trafficking and policy framework whose main objective is to eradicate all forms of human trafficking from, through and within Zambia while providing adequate and appropriate support to trafficked persons, the numbers of women vulnerability to the scourge of trafficking has been on the increase. In a nutshell the research critically examined the existing law and policy and policy strategies and the effects of informal and formal dichotomies of labour.

The research was carried out with specific assumptions that Zambian women are at risk of human trafficking in search of a better livelihood. It was also assumed that the multi sectoral strategy to develop the capacity of law enforcement officers was not effective. Further lack of information and inadequate funding on human trafficking were other areas that the research looked into.

The main methods of data collection employed was qualitative and desk research; Quantitative methods were also employed were necessary. To able to conduct this field research the whole research was informed by a methodological choice known as women's law. The women's law approach is an overarching approach that was used to capture the interplay between law and life from a woman's perspective. The human rights based approach to the prevention and protection of trafficking was also very cardinal in the research as it helped assess what rights were being infringed by state- actors and also helped to finding out whether the women themselves were aware of their rights. The Actors on structures approach was also employed to interrogate, assess and evaluate the involvement of state actors in the combating trafficking through the enforcement and implementation of the policy respectively.

Zambia has ratified key human rights instruments containing provisions equality on equality between men and women in particular the Convention on the Elimination of All Forms of Discrimination against Women, International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Protocol to African Charter on Human and Peoples Rights on Rights of Women to name a few. Despite the initiation of legislation on promotion of gender equality and combating of violence against women, in practice it is evident that the Zambia is not fulfilling its obligations.

Therefore in the light of the application of the above methodological choices, it is widely acknowledged that poverty, unemployment and lack of formal social security of women in Zambia are the cause of women vulnerability to the scourge of trafficking. It was learnt that thousands of women are without formal employment as compared to men. This scenario is forcing the women to have the ambition to work across the borders. Some women are working in the informal sector to earn a living. These types of economic challenges are forcing the women to be in lured by traffickers through fake job advertisements.

Another factor is the demand for cheap labour from the rural areas to urban areas has exacerbated the scourge of internal trafficking. Women and girls are transported from rural area to urban cities to work as domestic workers .Most these women go to work in house without their free will and as a result of this they end up being sexually abused. These types

of victims are categorised as victims of internal trafficking a crime that has not received much attention from government and law enforcement officers.

Further despite the enactment of law and the development of the National Action Plan to combat trafficking, women in informal sector are more susceptible to trafficking than women in formal sector. They also lack information on the human trafficking thereby by exposing them to lure of the trafficker. The inability to conduct vigorous awareness campaigns through a multi-sectoral approach strategy by the inter-ministerial committee has been viewed as one of the many weaknesses to women vulnerability the scourge of trafficking.

The law enforcement agencies in Zambia are not adequately trained to combat trafficking. This has an effect in the manner the police would be able to handle a trafficking, case as most of them are unable to distinguish what constitutes trafficking in persons. The three paradigms of prosecution and prevention and prosecution are not adequately implemented by the state actors to match the minimum standards prescribed by the OHCHR guideline. As a consequence of this many victims of trafficking have ended up being detained by law enforcement agencies before being handed over to safe houses that are owned by NGOs.

To conclude, it is by respecting, protecting the rights of women that progress can be made to end the vulnerability of women to the scourge of trafficking. It is therefore pertinent that the legal and policy framework developed by Zambia be utilized not only on paper but in practice. In a nutshell the research uncovered the following;

### **Key Findings**

The strategies to combat trafficking in Zambia such as the national policy, national action plan developed to combat trafficking are not effectively employed by the state actors (inter-ministerial committee to combat trafficking in Zambia).

The efforts to combat trafficking in Zambia employed by state and non-state actors is exclusionary to other forms of trafficking such as the scourge of internal trafficking.

State actors have no capacity to enhance the protection of victims of trafficking as demanded by international human rights norms through the provision of safe houses and counselling services.

Women located in the informal sector and educational institutions have no information on the scourge of human trafficking in Zambia.

The majority of law enforcement agencies in the country are such as the police, immigration officers and other are not adequately trained to combat the scourge of human trafficking in Zambia.

The multi-sectoral strategy to combat trafficking in Zambia is limited to a few government institutions as opposed to the engagement of all sectors of both public and private institutions respectively.

### **Recommendations**

There is need to effectively adhere to national strategies to combat trafficking in Zambia such as the multi-sectoral strategy and the national action plan. The inter-ministerial committee which has the responsibility to draw up strategies must adopt regular schedule of meetings.

State and non-state actors must incorporate a two pronged approach to combat both internal and external trafficking through training of law enforcement agencies and non- governmental organizations to deal with both forms of trafficking.

There is need for state actors to establish an international standard of victim protection from trafficking through development of effective safe houses in all the provincial headquarters of the country. Counselling and victim rehabilitation should also be on the agenda.

State actors need to specifically target learning institutions and the informal sector through visitation for purposes of awareness raising on the scourge of human trafficking. Posters, brochures, print and electronic media are modes that the state actors can employ to reach the said groups.

There is need for law enforcement training academies to incorporate anti-human trafficking courses in their curriculum for purposes of imparting knowledge of scourge of trafficking to all law enforcement officers.

The multi-sectoral strategy to combat trafficking in Zambia must incorporate all line ministries as opposed to a few ministries. The strategy is also recommended to devolve to provincial administrations of government and also private institutions.



## **CHAPTER ONE**

### **1.0 INTRODUCTION AND BACKGROUND TO THE STUDY**

#### **1.1 Introduction**

The Zambian government is considered to be among the forerunners in the Southern African region as combating human trafficking is concerned. To demonstrate its commitment to the fight against trafficking in persons (TIP) Zambia stands tall to be among the first few nations in the whole of the southern African region to accede to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, a protocol that supplements the United Nations Convention against Transnational Organized Crime. Zambia is also a signatory to various regional and international conventions, treaties, declarations and protocols that within their content seek to combat and address the scourge of trafficking in persons (IOM, 2011). These include the Convention on the Elimination of All Forms Discrimination against Women (CEDAW); the Global Platform for Action and the Beijing Declaration; the SADC Protocol on Gender and Development. By acceding to the aforementioned instruments especially the accession of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, the Zambian government has made a serious and laudable commitment to take appropriate and effective action to prevent and combat trafficking in persons.

In conformity with the Protocol to Prevent and Suppress and Punish Trafficking and specific reference to other protocols, conventions and declarations that seek to fight trafficking in persons, Zambia enacted the Anti-Human Trafficking Act No 11 of 2008 in the month of September 2008. It also subsequently developed a Comprehensive National Policy to Combat Human Trafficking and a National Action Plan with the specific objectives to prevent, protect, prosecute and punish perpetrators of trafficking. A multi-sectoral strategy was also adopted to sensitize the scourge of trafficking in persons especially women in every sector.

Despite Zambia's strong legal and policy position, human trafficking has continued to pose a challenging phenomenon to government, non-governmental organizations and the community at large and the country's women have been identified as its most vulnerable victims. For this

reason, I found it prudent to examine factors leading to women's vulnerability to trafficking in Zambia.

## **1.2 Statement of the problem**

Zambia has adopted a comprehensive system to address the scourge of trafficking in persons through the enactment of the Anti-Human Trafficking Act No 11 of the 2008 and the development of policy and other strategies. Other legislation such as the Penal Code and the Immigration and Deportation Act No.18 of 2010 has been added to the government's arsenal or weaponry to fight the scourge of trafficking in persons. The National Policy to Combat Trafficking is designed to eradicate all forms of trafficking, from, to and within Zambia and to provide for adequate and appropriate protection and support to those who do become victims of trafficking. Besides the legislation, Zambia has well-developed policy and strategies on Anti-Human Trafficking such as the National Action Plan that propagates a multi-sectoral approach to combating trafficking in persons and prevent, protect victims and prosecute perpetrators of trafficking through massive sensitization and law enforcement. The National Action Plan is designed to operationalize the policy and the Anti-human trafficking Act.

I have discovered that despite the enactment of the Anti-Human Trafficking Act No 11 of 2008, the development of a National Policy to Combat Human Trafficking in Zambia, the operationalization of policy through National Action Plan and attempts by government to increase the capacity of law enforcement agencies to detect human trafficking and provide assistance to victims, trafficking in persons has continued to flourish. Although the government's efforts to build capacity, raise awareness and increase enforcement or vigilance may seem to have made authentic strides towards strengthening its response to human trafficking, general awareness amongst women is still low thereby resulting in their increased vulnerability to the crime. Men are less affected by it.

## **1.3 Justification for the study**

It has been six years since the Zambian government approved its National Policy to Combat Human Trafficking and the emergence of the Anti-Human Trafficking Act No 11 of 2008 respectively. Over the past few years the policy and the law have been used to provide long term guidance and a framework for the development and implementation of multi-sectoral,

co-ordinated and comprehensive intervention in the area of trafficking prevention, law enforcement and information dissemination. In the light of the above, it has been widely acknowledged in the Trafficking in Persons Report 2012 (TIP) that Zambia does not fully comply with the minimum standards for elimination of trafficking, although it is making significant efforts to do so. Therefore, despite the enactment of this law and the development of its policy to combat trafficking in Zambia, women have continued to be vulnerable to human trafficking. It therefore against this background that it is justifiable to critically study the factors behind women's vulnerability to trafficking in Zambia.

#### **1.4 Objectives of the research**

My main objectives were to critically investigate the causative factors to women's vulnerability to human trafficking in Zambia. The following specific objectives, assumptions and research questions guided my study:

#### **1.5 Specific objectives of the study**

1. To investigate the economic, social and cultural risks that may be associated with women's vulnerability to the scourge of trafficking in persons in Zambia.
2. To examine the effects of the informal and formal sector dichotomy on women's vulnerability to human trafficking.
3. To examine the importance of knowledge and information dissemination relating to human trafficking especially women.
4. To examine the various legal and policy strategies adopted by the government to combat human trafficking especially of women in Zambia.

#### **1.6 Assumptions of the study**

1. Women in Zambia are at risk of trafficking in search of a better livelihood.
2. The formal and informal sector dichotomy contributes to the vulnerability of women to human trafficking in Zambia.
3. There is a lack of information and knowledge about human trafficking among women in the informal and educational sectors in Zambia.
4. The Multi-Sectoral Strategy to develop the capacity of law enforcement officers and others to combat trafficking is ineffective.

5. The Inter-Ministerial National Steering Committee and Task Force on Anti-Human Trafficking are failing to effectively perform its mandate under by the National Policy to Combat Human Trafficking in Zambia.
6. There is inadequate funding to key government institutions dealing with trafficking to specifically combat human trafficking.

### **1.7 Research questions**

1. Are women in Zambia at risk of trafficking in search of a better livelihood?
2. Does the formal and informal sector dichotomy contribute to the vulnerability of women to human trafficking in Zambia?
3. Does the lack of information and knowledge on human trafficking among women in the informal and educational sectors in Zambia contribute to their vulnerability to trafficking?
4. Does the ineffectiveness of the Multi-Sectoral Strategy to develop the capacity of law enforcement officers to combat trafficking contribute to the problem?
5. Is the Inter-Ministerial National Steering Committee and Task Force on Anti-Human Trafficking failing to effectively perform its mandate under the National Policy to Combat Human Trafficking in Zambia?

## 1.8 Overview of study area

**Figure 1: Map of Zambia**



This study was carried out in Lusaka and Chipata Districts of Zambia respectively. Lusaka is the capital city of Zambia and is located in the southern part of the central plateau. The city's population is approximately 1.7 million people. The city is the centre of both commerce and government activities and connects to all provincial headquarters. Chipata district is located about 600 Kilometres, east of Lusaka district and is the provincial headquarters of Eastern province. Chipata has a population of 455,783 people. I opted to conduct research in these districts because of the geographical proximity and centrality of the two districts in terms of access to key government ministries and NGOs, international frontiers and key respondents.

## **CHAPTER TWO**

### **2.0 CONCEPTUAL AND THEORETICAL FRAMEWORK**

#### **2.1 What is trafficking in human beings?**

Trafficking in persons is the slavery of our time. Victims are often recruited, transported or harboured by force, coercion or fraud in exploitative conditions, including sexual exploitation, forced labour or services, begging, criminal activities, or the removal of organs. It is a severe violation of human rights and a serious form of crime which takes many different forms, and adapts to changing socio-economic circumstances. Trafficking is a cause of human rights violations because the act violates fundamental human rights. It is both a cause and consequence of human rights abuses because the lack of protection of persons can and often does lead to more violations. It targets vulnerable women and men, girls and boys in society (EU, 2013).

#### **2.2 The definition of trafficking**

In the last few years, human trafficking for labour and sexual exploitation has increasingly been recognised as an issue that requires urgent attention in Zambia. Prior to this, whilst trafficking has been recognised in Asia and in West Africa, the incidence and threat of trafficking in Eastern and Southern Africa is only now becoming clear. Concrete evidence is scarce but a clearer picture is emerging for the region and for Zambia (UNICEF, 2009). Most countries in the Southern African region are considered ‘source’ countries, from which victims are recruited or obtained, or transit countries through which traffickers transport their victims en route to their destination countries. Most victims are transported to South Africa, which is considered to be the primary destination or receiving country in the region. Trafficked persons are often made promising job offers in destination countries by the recruiter who can be a boyfriend, a relative or an acquaintance (IOM, 2011). Other methods of recruitment are done through job advertisements, employment or even marriage agencies. Some of the trafficked persons usually know about the kind of work they will be doing and are not informed about the circumstances in which they find themselves except that they will be forced to utilize all their earnings allegedly to repay the debt of the journey to the trafficker. Most of the cases of trafficking are unique, but the common thread that runs through them is the experience of deceit, violence, coercion and abuse of being subjected to

exploitation with little or no personal freedom and living in constant fear (UNODC). In this context, Zambia is considered mainly as a source and transit country in as far as trafficking is concerned.

Zambia employs the definition of trafficking in persons as prescribed by the Protocol to Prevent and Suppress and Punish Trafficking in Persons, especially Women and Children which was signed in Palermo in 2000 and came into force in 2003 which was also subsequently domesticated in the Anti-Human Trafficking Act No 11 of 2008. The Protocol is also commonly known as the Palermo Protocol. Article 3(a) of the Protocol defines trafficking in persons as:

‘The recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of abuse of power or position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another, for purpose of exploitation shall include at minimum the exploitation of prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs.’<sup>1</sup>

Trafficking must comprise—

1. An ACTION (recruitment, transportation, transfer, harbouring, or reception of persons);
2. through MEANS of (threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim); and
3. GOALS (for exploitation or the purpose of exploitation, which includes exploiting the prostitution of others, other forms of sexual exploitation, forced labour or services, slavery or similar practices, and the removal of organs).

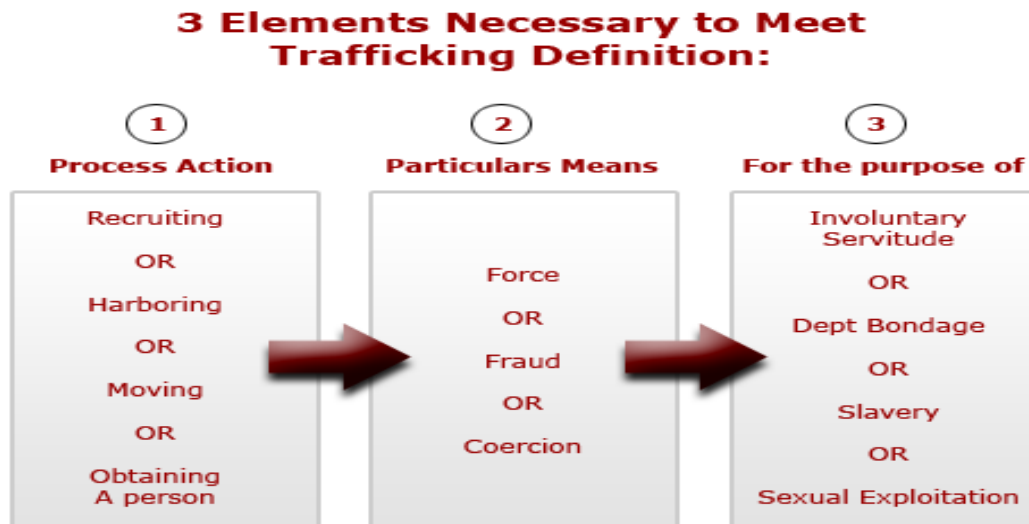
One element from each of the above must be present for trafficking to occur. Special protection is extended to children under the age of 18. The recruitment, transportation,

---

<sup>1</sup> The Anti-Human Trafficking Act No 11 of 2011 has adopted this exact wording for its definition of trafficking.

transfer, harbouring, or receipt of a child for the purpose of exploitation is considered trafficking in persons, even if it does not involve any of the means set forth above.

**Figure 2: Schematic representation of definition of trafficking (Source: ILO, 2008)**



## 2.2 Trafficking vs smuggling

Deriving its definition from the Protocol, the Anti-Human Trafficking Act No 11 of 2008 clearly makes a distinction between trafficking and smuggling. Smuggling is the facilitation of irregular border crossing or irregular stay while trafficking as stated above is the exploitation of human beings. Another distinction is that smuggling always entails crossing the border which is not necessarily the case in trafficking. Trafficking can also occur without crossing national boundaries.

## 2.3 Factors contributing to women’s vulnerability to human trafficking

Human Trafficking in the world today affects millions of people. However of all the victims of trafficking, women and children have been identified to be the most vulnerable to the vice (UNODC). A lot of factors have been identified by many pundits as to why certain groups of women are more vulnerable to the scourge. In the light of the above, this segment of the paper will seek to interrogate the probable causative factors of human trafficking the world over.



### 2.3.1 Gender perspective

Globally it is widely acknowledged that human trafficking is perpetuated by lack of awareness, poverty and desire for a better life. Economically disadvantaged women are particularly vulnerable to the promises and lure of the traffickers, and impoverished families often give children away genuinely believing that they will find a better life (UNICEF, 2009). Arising from the aforementioned factors and in accordance with research carried out by the International Labour Organisation (ILO) on forced labour trafficking and migration, the victims of trafficking are mainly women and children although men are also sometimes vulnerable (ILO, 2008).

The causes of transnational human trafficking are most often examined in terms of what have been called ‘push and pull’ factors: the factors that push people from countries of origin and the factors that ‘pull’ people into destination countries. (The same factors are often applicable to the trafficking of persons from one region of a country to another.) Poverty is perhaps the greatest underlying cause of human trafficking from and within countries of origin (Cullen-Dupont, 2009). Zambia is not an exception to the above stated trends as more women than men are economically disadvantaged and hence live below the poverty datum line. Those who are economically disadvantaged often lack employment or the capital to start or maintain their own business.

**Table 1: Showing percentage distribution of employed population (15 years and older) by sex and employment sector**

Percentage Distribution of Employed Population(15yrs and older)by Sex and Employment Sector						
Sex	Total Employed Population		Employment Sector			
			Formal		Informal	
	Number	Percent	Number	Percent	Number	Percent
Total	5,499,673	100	847,420	15.4	4,652,253	84.6
Male	2,702,410	100	603,224	22.3	2,099,186	77.7
Female	2,797,263	100	244,196	8.7	2,553,067	91.3
Source: CSO Labour Force Survey 2012						

Zambia's unemployment rate stands at 7.8 percent of the labour force.<sup>2</sup> This represents a total of 466,526 out of a total of 5,966,199 persons who are without work. Out of the unemployed population 60.8% are females and 39.2 % are males (Zambia Labour Force Survey, 2013). In 2013 about 847,420 people worked in the formal sector as against 4,652,253 in the informal sector. These figures represented 15.4 percent employment in the formal sector and 84.6 percent in the informal sector. Of those in the formal sector, 71.2 percent were male workers while 28.8 percent were females.

The figures as represented in the Zambia Labour Force survey 2013 are an indication that the formal and informal sector dichotomy has forced more women than men into unemployment which means that they are therefore perpetually in need of a better life elsewhere, thereby putting themselves most vulnerable to the typical trafficker. This trend was aptly explained by Aronowitz (2009: 45):

‘The social and economic decline in most countries has resulted in inflation, unemployment, poverty and income differentials. This has had a dramatic impact on women, weakening their position in the labour market and resulting in increased unemployment among women and feminization of poverty. This has increased migration, particularly among younger women. Women in large societies face discrimination in the job market, lack of skills training and added responsibility of sole provider of family. Feminization of migration has been provided as an explanation for large number of women exploited in conditions of trafficking.’<sup>3</sup>

Those who fall prey to human trafficking tend to be the most vulnerable - usually the socially deprived characterized by low income, poor education, and lack of employment. These are typically circumstances of the poor — even though available data shows that it is not necessarily the poorest people in a country who are trafficked. Research, however, shows that many of the victims assisted by international organizations and NGOs invariably come from some of the most poverty-stricken countries (Aronowitz, 2009).<sup>3</sup> In this regard gender inequality in terms of access to economic empowerment such as employment opportunities and access to credit as compared to men is usually a causative factor.

---

<sup>2</sup> The unemployment rate is defined by the International Labour Organization as the proportion of the labour force that is without jobs, available for work and is actively looking for work during a specified reference period.

<sup>3</sup> A Global Trade in Human Beings.

Feminist theorists believe that in order to fight the economic inequalities faced by these women, the starting point must be that it is the law and policy that blatantly discriminates against the women. This is because their approaches take the view that women are the subject of the law and policy in every social, economic, cultural and political context (Tong, 1994). Liberal feminism is rooted in the concept of liberalism which emerged with the growth of capitalism. Liberalism emphasises individual rights and equality of opportunity. According to liberalism, all human beings are 'potentially rational and seek to maximize their own self-interest' (Ng, Mohamad and Tan, 2006). The state and society should protect individual rights and allow everyone to maximize their self-interest and thus their self-fulfilment. In the light of this, liberal feminists believe that men and women are essentially equal but women have been discriminated against and marginalised by laws that need to be amended. Thus liberal feminists advocate legal reforms and equal rights, for example in the areas of education, employment, training, financial management and political rights (Brym and Lie, 2007). They wish to bring women equally into all public institutions and to extend the creation of knowledge so that women's issues will no longer be ignored.

This in my view would not work without the conceptions of other theories such the radical theories and interventions strategies. For example, while utilizing this theory in the research, it became apparent that as much as trafficking in persons may be attributed to lack of employment and economic empowerment of women, women across all sectors (whether they are employed or economically empowered or not) can still become victims of trafficking as long as they lack information and awareness about the scourge as well as state actors failure to deal with trafficker. Therefore the most important problem with liberal feminist theory, according to Christine Beasley (1999), is that it leaves the private (non-public) sphere untouched, with no basic changes in the private relations between women and men. It is therefore in these unregulated private relations that the trafficker takes control of the woman for purposes of trafficking paying little or no regard to the laws and policies. Analysing the commentary by Christine Beasley above and subsequently translating it into the Zambian context. It is clear that there are increased cases of trafficking emanating from family domain. Countless women have ended up as victims of internal trafficking due to family ties. The most common scenario is where girls are forced into engaging into domestic work in urban areas against their free will and are handed over to unknown would-be employers from urban areas and far flung cities (ILO, 2008). In the light of foregoing, the million dollar question one ought to ask is, 'Are there any due diligence test conducted on the part of state actors to

control the situation of internal trafficking of women and girls in Zambia?’ The answer to this question critically lies in CEDAW Committee’s adoption of General Recommendation 19 which expressly confirmed that violence against women impedes gender equality and that the implementation of the Convention requires eliminating all forms of violence against women. Bonnita Meyersfield (2010) aptly explained the efficacy of General Recommendation 19 as follows:

‘General recommendation 19 broadened the definition of violence to include physical, sexual and psychological harm, including threats of such acts as, coercion or arbitrary deprivation of liberty whether occurring in public or public life. It demonstrated that violence between intimates affects women disproportionately demarcating women as a group in need of proactive state protection. It recommended that state specific steps to reduce domestic violence by improving women’s legal protection, through legislative amendments and gender sensitive training for judiciary, gathering statistics in order to identify the nature and extent of the problem, and creating complaint mechanisms and places of refuge for women escaping violent circumstances. Finally it incorporated reference to the so called “due diligence” standard to determine what states should do fulfil the objectives contained in the General Recommendation 19’ (Meyersfield, 2010).

In the light of the above, La Strada observed that gender equality has come to be associated with gender stereotyping, which attaches specific roles and responsibilities to women, have become more prevalent (La Strada, 2005). This scenario forces the women from the public into private spheres which influences the position of women in the family and labour market. According to statistical data from the Zambia Labour Force Survey, it is evident that Zambia is faced with unequal opportunities in the labour market. The majority of the women are not in formal employment and if they are, they are hit with low wages and in most instances located in the informal sector. Therefore, the term informal sector in Zambia and many other developing countries has been broadly associated with unregistered and unregulated small scale activities that generate income and employment for the urban poor (Bernabe, 2002). The International Labour Office, through its international report on income and employment in Kenya (1972), further suggested that there existed a marginal, poor ‘informal sector of urban economy’ which produced goods and created employment for poorest of the poor. The informal sector was seen as an autonomous sector, which was defined in contrast to the formal one (Bernabe, 2002). In this regard, Bernabe quoting the International Labour Organisation (ILO, 1972) opined as follows:

‘Thus for instance, where formal sector units were characterized by large scale production, incorporation and use intensive technologies, informal sector units involved small scale production, were unincorporated and family owned used labour intensive technologies (ILO, 1972: 6).

In this regard dichotomisation of labour into formal and informal sectors, according to Sheilley Louise leads to the feminisation of poverty and in the long run exposing women to human trafficking.

### ***2.3.2 Social-economic perspective***

Globalisation has been identified as one of the common threads that run through the causes of women vulnerability to human trafficking in most countries including Zambia (Louise Sheilley, 2010). Globalization has resulted in an unprecedented mobilization of unskilled and low-skilled labour to fill labour-deficit markets for domestic work, agriculture, construction, and manufacturing resulting in the rise to human trafficking by marginalising many rural communities, impoverishing women and children in many regions (Louise Sheilly, 2010). An increasingly global world, easily accessible through television and the Internet, provides ready access to information about actual or potential employment opportunities in large cities, neighbouring countries or other destinations, such as Australia, Canada, Europe, or the United States (Lethi, 2003). In Zambia this is clearly manifested through the advent of social media such as Facebook which rides on the increased availability of mobile internet service. Many unsuspecting young women have been tricked into befriending traffickers on the pretext of being offered lucrative jobs abroad and the promise of marriage. This is attributed to the lack of formal employment of women in the country. According to the Zambia Labour Force Survey 91.3 percent of women are working in the informal sector against 8.7 percent in the formal sector. This implies that more women are socially excluded from economic empowerment.

Social exclusion is safely defined as the ‘process’ through which individuals or groups are wholly or partially excluded from full participation in activities in which they live (Francis, 1997). Stemming from this, the recognition of gender equality and empowerment of women are important goals in their own right and vital to poverty alleviation and achievement of all the MDGs (DFID, 2009). Often reducing poverty and attaining MDGs is made harder by the phenomenon of social exclusion where certain groups of people such as women are socially

excluded from developmental agendas. Social exclusion is used to portray multitudes of lack ranging from civic rights and human fulfilment (SILVER, 1994).

The social exclusion approach was used to interrogate what rights are inherent to the women at both international and national level. By using this approach, I was able to understand the dynamics of the informal and formal sector dichotomy in relation to women's vulnerability to trafficking in persons. This aided the investigation to determine the victims' position in the social order and access to economic empowerment amenities. Zambia is a party to various international instruments that promulgates the right to work as an inalienable right for all human beings and the right to social security in case of unemployment. This obligation is enshrined in article 11(a) and (e) of the CEDAW. Further article 13 of the CEDAW obligates state parties to take all appropriate measures to eliminate discrimination against women in the areas of economic social life in order to ensure, on the basis of equality with men, the same rights in particular the right to access bank loans, mortgages and other forms of financial credit. Despite this obligation, the Zambian constitution does not recognize the right to social security and right to employment. However, the rights pertaining to the improvement of the welfare of the citizenry such as education, health, housing, employment and social security are not placed in the Bill of Rights even though economic, social and cultural rights have been recognized to be important in the realization of political and civil rights. These rights are placed under Part IX of the Constitution, which deals with Directive Principles of State Policy, and may be may be attained as far as State resources permit.

The fact that the above rights are not placed in the Bill of Rights and are subject to the availability of resources is a clear breach of the non- discrimination principle which requires governments to pay attention to those who are excluded from sharing. Women in the Zambia case are excluded from participating in the formal employment and social security thereby forcing them into the lure of traffickers in their quest to seek a better life. The formal-informal sector dichotomisation of the labour market and the urban-rural geographical divide, therefore, combine to exacerbate the exclusion of women from enjoying their rights enshrined in laws and policy.

In the light of the above, the inability by the Zambian government to recognize the right to social security and employment is in breach of Article 9 of the International Covenant on Economic, Social and Cultural Rights and article 11 of the African Charter, respectively.

While it is understood that Zambia is a poor nation and therefore cannot afford to amend the Constitution to recognize the right or to fulfil the right immediately, the government still has the obligation of making sure available resources are accessed and used equitably. In this regard since the dichotomisation of labour affects more women than men and that economic and social rights enshrined in both international and regional human rights instruments are legally binding on member states, it is the obligation of the Zambia to respect, protect and full fill these rights. Therefore, as long as this position remains unchanged women will continue to be vulnerable to human trafficking.

In bid to keep in line with international human rights conventions such as the CEDAW and the Protocol to Prevent, Protect and Punish Trafficking in Persons, Zambia enacted the Anti-Human Trafficking Act and subsequently developed a comprehensive policy to fight the scourge. Zambia enacted the Anti-Human Trafficking Act No 11 of 2008 to address the problem of trafficking in persons immediately preceding its accession to the Protocol to prevent Suppress and punish Trafficking. The Anti-Trafficking Act which can be best described as an acutely comprehensive legal document was enacted to address the deficiencies under section 143 of the Penal Code (Amendment Act), which did not include a definition of human trafficking, subsequently presenting challenges regarding practical implementation such as lacking the ability to define human trafficking and strategies for prevention, protection of victims of trafficking (VoTs). A critical analysis of the Anti-Human Trafficking Act and the strategies to combat trafficking revealed that there is no deliberate policy to incorporate gender discrimination as a significant social factor underlying low status of women and girls to causes of human trafficking especially in girls. Low status can lead to discriminatory and abusive treatment. La Strada put it this way:

‘The social and economic positions of women are interrelated, an important strategy for preventing violence against women including trafficking and domestic violence, is the creating of economic independence for women. Creating opportunities for economic independence provides women with tools to take their lives into their own hands.’

The feminization of poverty is a global reality. Women are particularly hard hit when employment options and social security protection wanes, or where they never existed in the first place. Where girls are less valued than boys and this often leads to girls being married off at a tender age hence families opting to make less investment in the girls’ futures. Girls in

rural set ups are usually considered as a financial burden to the family if they are not providing an additional income. Current limitations on girls' access to education and information also increase their vulnerability.

### ***2.3.3 The human rights perspective***

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. All individuals are all equally entitled to our human rights without discrimination (La Strada, 2008). These rights are all interrelated, interdependent and indivisible. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law (Aronowitz, 2009). International human rights law lays down the obligations of governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

#### **2.3.3.1 International legal obligations**

Zambia is a party to all major international and regional human rights instruments such as the International Covenant on Civil and Political Rights, the International Convention on Economic and Cultural Rights, the Women's Protocol, the African Charter on Human and Peoples Rights, the SADC Protocol on Gender and Development. These international human rights instruments place various obligations on states to fulfil, protect and respect their citizens' rights. The obligation to 'protect and fulfil' requires that state parties must end discrimination of women in all its forms. Article 2 of the CEDAW which is the central provision that places an international obligation on states to end discrimination, requires state parties to pursue 'by all appropriate means and without delay a policy of eliminating discrimination against women.'<sup>4</sup> This includes amending national constitutions and legislation to 'embody the principle of equality of men and women'.<sup>5</sup> Apart from legislative reforms states are required to amend civil political, social, educational and cultural institutions through judicial reform to ensure equality before the law especially with regard to marriage, education reform; labour which prohibits the exploitation of women by trafficking or prostitution. CEDAW also calls on states to alter the way the public and private entities and how individuals treat women, it brings the state into the private realm by compelling the state

---

<sup>4</sup> Article 2 of CEDAW.

<sup>5</sup> Article 2(a) of CEDAW.



to equalize private relationships and intervene when discrimination marks both private and public affairs.

### **2.3.3.2 Measuring the strides undertaken**

In relation to obligations as set out by international human rights instruments as highlighted above, Zambia has made significant progress to address the problems of gender inequality or discrimination by enacting various laws such as the Anti-Human Trafficking Act No. of 2010 and the Anti-Gender Violence Act No. of 2012. The efficacy of these laws is yet to be proven, owing to the newness of legislation. While has done well to enact the above mentioned statutes, it is conspicuously clear that the Zambian government has completely failed to amend its civil, political, social, economic and cultural institutions. The civil, political, social and cultural institutions have been identified as causal factors to women vulnerability to human trafficking by a wide range of scholars as they propel unequal status of women and girls. In this respect, Aronowitz (2009) observed as follows:

‘Traffickers in source countries take advantage of the unequal status of women and girls, which include the misguided and dangerous stereotypes of women as (sexual) objects, property, and servants of men. Gender discrimination, a risk and push factor associated with trafficking, is recognized as a fundamental denial of human rights. Among other rights violated are the rights to health care, life, and liberty, and the right to be free from all forms of slavery. Children have the right to grow up safe and free from abuse and exploitation. Violations of human rights have been labelled both a cause and a consequence of trafficking in persons.’

In this respect, the Bill of Rights embodied in Part III of the current Zambian Constitution provides for the protection of fundamental rights and freedoms. However, the rights pertaining to the improvement of the welfare of the citizenry such as education, health, housing, employment and social security are not placed in the Bill of Rights and therefore not recognized as rights inherent to women. The failure by the Zambian Constitution to recognize the above rights as inalienable rights contributes to the ‘push and pull’ factors which make women vulnerable to human trafficking. The push and pull factors to human trafficking globally are associated with the lack of economic empowerment such as insufficient jobs for the women and the need to earn a decent livelihood abroad. It may be persuasively argued that the Zambian government has conspicuously failed to take appropriate measures to eliminate discrimination against women in the field of employment, on the basis of equality with men, in particular the recognition of right to social security in case of unemployment as

provided for in CEDAW. The lack of recognition of these rights by the government has attributed to many women consenting to trafficking and others being coerced and cheated into the vice. This was amplified by Catherine Mackinnon when she argued that:

‘Women do not become prostitutes for enjoyment. Women do not participate in hardcore, sadistic pornography for enjoyment; women do not enjoy sexual and other physical violence at the hands of strangers. These conditions are forced on women because of their economic vulnerability, and vulnerability encouraged and supported by male control of the economy and of political power.’

### **2.3.4 Best practices to combat human trafficking**

Human trafficking is a global phenomenon that has virtually affected every nation regardless of its economic prowess. However, it is understood that countries with economic challenges such as the third world, have been experiencing challenges in fighting the scourge of human trafficking as compared to those that are economically advanced. Many nations across the globe including Zambia have agreed to fight the scourge of human trafficking by acceding to the Protocol to Prevent and Suppress and Punish Trafficking and in Persons especially Women and Children which is the principal agreement governing state obligations to combat human trafficking. Despite all the efforts by the government of Zambia to fight human trafficking, there has been very little significant progress to attain the minimum required standards of ‘best practices’. Many questions and theories have been presented as to why Zambia is unable to meet the minimum standards to fight human trafficking especially women vulnerability. To help get to the bottom of this issue, I decided to employ the best practices approach (BPA). The BPA may be described as a tool that is used to compare how other countries engage in the fight against trafficking especially women and children. Yen (2002:16) describes how the best practices approach supplies practical ways of partnership between communities, governments and the private sector to improve governance, eradicate poverty, provide access to shelter and support economic development.

#### **2.3.4.1 Analyzing the Tier system of standardization**

In the light of the above, the United States and other first world countries are the leading countries with high standards of combating human trafficking. Many more governments including the Zambian government are demonstrating their own commitment to combat trafficking. However, best practices of combating human trafficking are mainly anchored in the core principles of protection of freedom rather than regulation of movement of people and

the establishment of the ‘three paradigm’ of prevention, protection and prosecution that seeks to guide governments in combating trafficking. In this similar vein the United States government passed a ‘Victims of Trafficking and Protection Act’ in 2000. The US State of Department views this piece of legislation as (UNESCO, 2005):

‘An act to combat the trafficking in persons especially into sex-trade, slavery and involuntary servitude, to reauthorize certain federal programs to prevent violence against women and other purposes.’<sup>6</sup>

A key rider to the three tiered ranking system adopted in the by the US government since 2001, is an attempt to ‘encourage’ governments’ compliance with a set of minimum criteria set in place for the application for victims of trafficking and violence protection (UNESCO, 2005). The Department places countries, according to the TIP report 2013 into tiers as mandated by TVPA. This placement is based more on the extent of government action to combat trafficking (TIP, 2013).

The Tier placements have been linked with penalties and sanctions that the United States has declared on countries since 2004. In these respects countries in Tier 3 risk US opposition to assistance from international financial institution such as the IMF and multi-lateral development banks such as the World Bank.

#### **2.3.4.2 Linking the Tier system to Zambian practices**

The TIP report for 2014 locates Zambia in Tier 2. This implies that the government of Zambia does not fully comply with TVPA’s minimum standards but are making significant efforts to bring themselves into compliance with the standard. The failure to comply with these standards implies that the rights of women are being infringed despite the introduction of new laws on trafficking such as the Anti-Human Trafficking Act No 11 of 2008. Besides the enactment of the law to combat trafficking, the government has developed comprehensive policy strategies such the National Policy to Combat Trafficking in Zambia whose vision is to eradicate all forms of trafficking from, to and within Zambia. A key element of this policy is the protection for Victims of Trafficking (VoTs) through the provision of shelter and other services.

---

<sup>6</sup> <http://www.state.gov/g/tipsrpt/2003/21262htm>.

The reformation and introduction of policy on trafficking in Zambia has brought very little hope to victims of trafficking. The scenario is also in direct conflict with the liberal feminist agenda whose claim is to protect the rights of the individual by reforming the law and policy, though the theory could not be applied singularly with the conceptions of the radical theory. Radical feminism regards patriarchy as the root cause of women's subordination. This position views patriarchy as the oldest and most universal form of domination and oppression (Willis, 1992). As a social class, women are oppressed by men. Patriarchy is made possible by the unpaid domestic service of women in the home and by the exploitation of women's bodies through marriage, sexual slavery, pornography, human trafficking and rape. Thus radical feminists conclude that the very idea of gender must be changed to bring an end to patriarchy. The way to abolish patriarchy is through the creation of a culture for women whereby they can reshape their lives outside of patriarchal definitions. In terms of concrete actions, radical feminists have been active in establishing women's centres dealing with rape, domestic violence, and women's health needs. At the global and national level they have networked quite successfully on issues involving international sexual slavery and human trafficking (Ng, Maznah and Tan, 2006: 5). The theory influenced the need to critically look at the plight of victim of trafficking (VoTs) through the establishment of various centres country wide and the provision of psycho-social counselling to the victims of trafficking.

## **2.4 Conclusion**

Women's vulnerability to human trafficking is not only exacerbated by a single factor. There are countless factors that make women feel vulnerable. The dichotomisation of the labour in the formal and informal sector has led to many women being located in the informal sector and therefore inequitably discriminated against as a result of gender. The right to work and social security is another contributory factor as women are forced to depend on traditional or informal social security systems which are not a guarantee. Therefore in a bid to seek a better livelihood owing to the denial of the said rights, women come into direct area of capture of traffickers because they lack economic and social empowerment. In this respect, it was necessary that a methodology be adopted to critically investigate the problem of vulnerability further.

## **CHAPTER 3**

### **3.0 METHODOLOGIES AND RESEARCH DESIGN**

#### **3.1 Methodological approaches**

This chapter highlights the research methodologies and methods of data collection that were employed, largely dependent on circumstances. A qualitative approach to data collection was adopted. However, quantitative data was not completely over-looked. I endeavoured to capture female key informants' voices as the objective of the research was to look at the vulnerability of women to human trafficking in Zambia. Male informants were also interviewed for the purposes of necessitating the essentiality of a balanced view (Stewart, 1997: 47-49). Under the spot light were constitutional provisions on the right to economic empowerment and the right to information and the strategies employed by the National Policy to combat Human Trafficking in Zambia. To achieve these goals it was pertinent for me to evaluate these provisions in relation to the current trends in human trafficking and to do that I employed the women's law approach. This approach helped me to examine and understand the lived realities of the women in Lusaka and Chipata districts as far as the vulnerability to human trafficking and the rights inherent to them are concerned.

In applying this methodology, I also employed various research methodologies that will be discussed in due course such as the women's law approach, human rights approach, influence of actors on structures, gender and sex analysis and social exclusion and construction.

I embarked on my research journey using the methodologies named above. I approached my field work with an open mind to the collection of all relevant data. This implies that my respondents were not treated as typical sources of information. I was prepared to hear their experiences and provide basic information about the subject matter in order to get them going. For example, a good number of women I engaged with, who had no idea at all about the meaning of trafficking, had to be told about it as well as the harm it poses to women and so forth. From this angle, most women were able to recollect their lived realities and eventually provide important information.

My field research was dominated by a legal discipline that seeks and aims at an understanding of the role of law in the social subordination of women, their qualitative characteristics and activities (Dengu-Zvobo *et al.*). This discipline is usually referred as Women's Law approach. This approach explains and describes the legal position of women so as to improve their position in society (Dahl T.S, 1987: 17) and was described by Tove Stang as follows:

'The methodology of women's law is cross disciplinary and pluralistic and calls for a rather free use of available material wherever it can be found. We can nevertheless distinguish three distinct methodological bases as fundamental: the ethical and the legal doctrinal. We discuss moral and political questions. We deal with empirical material. And we analyze current law. All of this is done from the perspective of one looking upwards below which shall herein after call women's perspective. This term implies that we wish to see law, reality and morality from women's point of view.'

From the perspective of the women's law approach, my focus of the study was to critically look at the vulnerability of women to the scourge of human trafficking in the face of the newly enacted Anti-Human Trafficking Act No.11 of 2008 and the development of the National Policy to Combat Trafficking in Zambia coupled with National Action Plan and strategies employed by state actors in combat trafficking. I needed to critically evaluate these provisions, policies and strategies in order to comprehend their efficacy in relation to women vulnerability to Trafficking in Persons (TIP). To achieve this I used the women's law approach to shape and focus my study as it informed all my assumptions against women's lived realities as a starting point in so far as vulnerability of women to human trafficking is concerned. The approach was of great assistance in the collection of data as it helped me to probe whether the law and strategies on Anti-Human Trafficking were of great help and importance in the reduction of women vulnerability to trafficking in Zambia.

In applying the methodology I employed the experiences of women I interacted with during field study as a starting point to analyze their position in society in as far as the Anti-Human Trafficking Law and policy strategies are concerned (Benzton *et al.*, 1998). For instance, I discovered that women in Zambia are at risk of trafficking because they lack the social and economic empowerment such as they typically lack formal employment and the protection of social security. This has led to some women consenting to be trafficked for the benefit of earning a living despite their even being aware of the perils of human trafficking.

‘I had to consent to his proposal of going abroad because I have no job and have to earn a living at all costs said one of the victims of trafficking.’

Further use of the women’s law approach also assisted in my unearthing the fact that women lacked protection and information on human trafficking in Zambia. This exposed the immense gap that exists between the law, policy strategies and the women’s lived realities compelling me to interrogate further how the National Action Plan to Combat Trafficking has been implemented by the state actors. It became apparent to me that there was nothing being done to effectively implement the action plan in relation information dissemination on the scourge of human trafficking. I realized that the rights based approach to combating trafficking was almost non-functional. For example, most women I interviewed expressed ignorance on having been sensitized on the dangers of human trafficking. The methodology assisted me to look at the stories and experiences of the women in line with human rights violations, women’s vulnerability to trafficking and the state as duty bearers and implementers of the policy. In order to appreciate how women become vulnerable to the scourge of human trafficking I used grounded theory to interrogate laws and policy strategies.

As my engagement with my respondents gained momentum, I hastily adopted a process that has been simplified as the ‘dung beetle process’ where data is gathered on the ground sifted and assessed later on. This way of data collection starts from interrogating what is taking place on the ground as opposed to desk research. Grounded theory is an interactive process which facilitates continuous dialogue between legal concepts, theoretical generalizations as well as assumptions and ever growing data base of empirical knowledge obtained from men and women’s lived realities, on gender relations, local practices, norms and procedures (Bentzon *et al.*, 1998: 18). Grounded theory approach enabled the study to be conducted with an open mind in a manner that allowed constant engagement with the assumptions and research questions. Prior to my field research, all of my assumptions and suppositions were specifically focused on the law and policy strategies as key elements to women vulnerability to trafficking. However, when I conducted in depth interviews with both gender, it emerged that women were at risk of being trafficked due to economic disadvantages. The resultant action was to immediately create another assumption. In order to have room for a broader assumption I had to merge the initial assumptions that the ‘National Task Forces to combat human trafficking was ineffective’ and the assumption that the ‘inter-Ministerial Steering

Committee on Anti Human Trafficking was failing to perform its mandate as provided by the National Policy to Combat trafficking’. After merging the two assumptions, a new broader assumption that ‘women in Zambia are at risk of trafficking in search of a better livelihood’ was thus adopted. The new assumption allowed me to be able to interact with all the women from a cross section of sectors on issue of vulnerability to human trafficking. The ability to have a constant engagement with my assumptions and research questions led to an interview with a former victim of human trafficking. She narrated to me that she was a mother of two, a boy and a girl. She bore the said children outside wedlock and has no capacity to look after them. As a way of earning a living she consented to be trafficked to Pakistan. The sequence of events and interviews was therefore based on grounded theory. The fact women in Zambia can fall prey to trafficking because of economic implications is one thing that I did not expect to emerge. As a result of this discovery, there was a need to investigate what actions are being undertaken by state and non-state actors.

Zambia has a comprehensive law on Anti-Human Trafficking. The advent of the law to combat human trafficking has also seen the development of various policy strategies to combat trafficking using a multi-sectoral approach. My assumptions were that state and non-state actors were not doing enough to sensitize the public especially women on the ills of human trafficking. I identified and evaluated the involvement of State and Non-State actors such as law enforcement departments, government ministries and departments, non-governmental organization (NGOs), Task Force to Combat Trafficking , the Inter-Ministerial Steering Committee and Church Body Organizations (CBOs). I critically examined how the fore stated actors interacted vis-à-vis the implementation of the Anti-Human Trafficking Act and Policy strategies. One such actor that I critically examined is the International Organization for Migration (IOM), which is an international organization whose purpose and function is to make organized transfers of migrants for whom existing facilities are inadequate. IOM concerns itself with organized transfers of refugees, displaced persons and other individuals of migration services such as victims of trafficking. IOM also provides at state request services such building capacity of law enforcements officers and sensitization programmes on trafficking in persons respectively. Despite efforts to build the capacity of law enforcement officers IOM, my views are that there have been no counteraction form state actors hence rendering the Policy strategies on trafficking ineffective.



Since I engaged so much with various state actors responsible for combating human trafficking such as the police and immigration officers and other key respondents from other ministries, making appointments for interviews and data collection has always been a challenge for most researchers owing to the bureaucratic processes. Therefore whenever I encountered such problems of reaching my respondents in government institutions, I circumnavigated this problem by using my work relations with most of the respondents. In this regard to keep myself abreast with certain appointments and for the purposes of tracking my progress, I maintained a field diary which assisted me carry out analysis of data and follow up important interviews.

Further, during data collection, respondents mentioned the fact there was a lack of protective facilities for victims of trafficking and also a lack of adherence to minimum standards as prescribed by the international best practices. With this in mind there was a need apply the human rights approach.

The human rights approach focuses mainly on the recognition of the rights of all individuals by virtue of their being human. In a rights-based approach, every human being is recognized both as a person and as a right-holder (UNFPA). A rights-based approach strives to secure the freedom, well-being and dignity of all people everywhere, within the framework of essential standards and principles, duties and obligations. It also focuses on those who are most vulnerable, excluded or discriminated against (UNFPA).<sup>7</sup> In a nutshell, the human rights approach is based on international human rights standards and operationally directed towards promoting and protecting human rights. It integrates the norms and standards and principles of international rights system, policies and processes of development.

The human rights based approach was of paramount importance to my research in the sense that I was focusing on women's vulnerability to human trafficking in Zambia. It was envisaged that state actors as duty bearers would address the nuances that make trafficking a discrete form of slavery as it does not reflect the reality of this particular rights abuse. In this regard most of my assumptions were informed by this rights based approach in particular the assumption that 'Women in Zambia were at risk of human trafficking in search of a better livelihood'. The approach subsequently revealed that there was a need for duty bearers to

---

<sup>7</sup> <http://www.unfpa.org/rights/approaches.htm>.

invoke Constitutional provisions that prohibit slavery and forced labour in the fight against human trafficking as well as implement the Anti-Human Trafficking Act No 11 Of 2008 and various policy strategies for the purposes of meeting the minimum standards prescribed by the 2012 US Department of State Trafficking in Persons Report.

In a nutshell the human rights approach was employed throughout the study. The various related international instruments were analysed as they depicted the ideal life for every victim of trafficking. The choice of international instruments was most influential in directing by my research topic, assumptions and targeted groups. Therefore it was inevitable for me analyse how sex and gender conceptions affects different groups.

To comprehend the impact of trafficking in persons in Zambia, I employed sex and gender analysis. Gender analysis is a powerful tool for evaluating, it is a tool for raising people's awareness about gender differentials in roles (Wakes, 1995). Gender analysis describes social relations between characteristics of women and men's participation in determination of their roles including access to rights, power and control over resources (Coates, 1999). Human trafficking can occur to both male and females and as such during my field research there was a need to employ a gender and sex analysis. During the study my main focus was hinged in the assumption that women in Zambia were at risk of human trafficking in search of better livelihood. It became clear that men too can be at risk of human trafficking seeking of a better livelihood. To determine who was more vulnerable to trafficking, I employed the sex and gender analysis. This tool was very vital in my study in that it enabled me to draw a line between women's and men's vulnerability to trafficking. However, as I sifted through the data, I realized that there was need to study particular at cases of women vulnerability to trafficking for the purposes of getting a clear and precise understanding on the issue.

In a bid to conduct an in-depth, multi-faceted investigation into the complexities of real of the so called 'three elements of trafficking', I decided to employ the case study approach. To achieve this I needed to locate what material have been written on this subject matter such as statements from victims so that I could have a hands on approach to what transpires in the recruitment process. This helped me to analyze the critical areas of vulnerability in a far as women and children are concerned. The approach helped me to find respondents who have the experience about the 'three elements of trafficking' such as NGOs who have been engaging with the victims of trafficking. In employing this approach, I was able to discover

that girls in rural areas were being trafficked to urban areas as domestic servants by their close relatives such as parents, uncles and other. They are usually handed over to strangers from urban areas that hold themselves out as employers. What transpires thereafter to the victims is usually unknown as there is, in most cases, no communication between the family and the employer.

## **3.2 Research design**

### ***3.2.1 Sampling of respondents***

My respondents to this study were selected using purposive sampling. This is where respondents are selected strategically using my research question (Bryman, 2008). For instance my key respondents such as officials from various ministries, law enforcement agents, International Organization for Migration and church body organizations were purposively selected. Three focus group discussions were conducted in which two comprised women and the other involved men in Lusaka and Chipata, respectively.

## **3.3 Data collection methods**

### ***3.3.1 In-depth interviews with key respondents***

Key informants were interviewed in order to get deeper and wider information on the enforcement of the Anti-Human Trafficking Act and the implementation of the multi-sectoral strategies to combat human trafficking. I was able to triangulate these sources and test issues of reliability and validity.

**Table 2: Showing details of key informants (Source: Field research diary)**

Respondents	Female	Male	Total Number
HARID	0	01	01
IOM	01	0	01
Social Welfare	01	01	02
Zambia Police VSU	01	01	02
Immigration Department	02	03	05
YWCA	01	02	01
Evelyn Hone College	01		01
Ministry of Gender		01	01
Provincial Administration	0	01	01
ZANIS	01	0	01
Radio Maria	0	01	01
CBOs	0	01	01
TOTAL	08	11	18

### **3.3.2 Individual interviews**

Random interviews of eleven women from the formal, informal sector and educational institutions were conducted at different intervals. The average age of those interviewed was 25 years. Among the interviewees was a former victim of human trafficking. My main focus of conducting interviews with the women from a cross section of sectors was to interrogate and triangulate data on the implementation of the National Policy to Combat Human Trafficking in Zambia in particular the issue of awareness raising and the right to protection from violation of individual or non-state actors.

### **3.3.3 Focus group discussions**

Focus Group Discussion (FGDs) are used to emphasize a specific theme or topic that is being explored in depth and that this method opens up for arguing there by ending up with more realistic account on issues at hand (Bryman, 2008).<sup>8</sup> This method of data collection was used for a number of reasons, among which was the participants tend to less inhibited in group setting. Also the interaction and sparking of views can be rich source of data particularly of differing male and female generational views (Dengu-Zvogbo *et al.*). In this regard I

<sup>8</sup> Bryman A. (2008) Social Research Methods, 3<sup>rd</sup> edition, Oxford University Press.

conducted two (4) focused group discussions at different locations. These discussions were not only restricted to women except for the one that was conducted with High School Students. Generally, the aim of these discussions was to investigate their knowledge on trafficking in persons (TIP) and related human rights issues vis-à-vis the protection of victims. All the four groups I engaged with opened up for realistic account of issues that were obtaining in the trafficking sphere. The debates in all groups raged on until I stepped in to calm the storm. The debate method had a special prowess in that it helped me understand that women knowledge and human rights awareness levels of women in so far as trafficking in persons is concerned.

### ***3.3.4 Analysis of documents***

The following policy documents on Anti-Human Trafficking were qualitatively analyzed: Minimum Standard Guidelines on Protection of Victims of Trafficking; Law Enforcement Manual on the Implementation of the Zambia Anti-Human Trafficking Act No.11 of 2008; The Training Toolkit and Minimum Standard Guidelines on Protection of Victims of Human Trafficking. The method of analysis was non-obstructive and objective as it was able assist in triangulation of data collected from individuals and non-state actors. This helped me to effectively comprehend and broaden perspectives on the state as duty bearer of human rights.

## **3.4 Limitations of the study**

Research in the field of trafficking in persons is complicated for many diverse reasons. The most challenging factor faced by this research is most of the respondents relevant to the study such as traffickers, victims or survivors constitute what has been described by many as a hidden population. A hidden population is a group of individuals for whom the boundaries are unknown and for whom no sampling frame exists. Hidden populations often involves stigmatized or illegal behaviour leading to individuals to refuse to co-operate, or give unreliable answers to protect their privacy (Heckanthorn, 1997).

In the view of the above, it was beyond the scope of this research to locate and interview traffickers. Victims of trafficking were also not accessible as the there is one government run safe house located in Mansadistrict, which is about 800 kilometres from Lusaka. So both the distance and resources were a major factor in reaching the victims.

### **3.5 Conclusion**

The chapter has discussed and explained in detail the methodological that were employed to collect data; it has also highlighted the respondents interviewed during the research and the challenges and limitations of the study. Therefore, as a result of successful utilization of the methodological choices and cooperating respondents, the next chapter discusses the findings of this chapter.

## **CHAPTER 4**

### **4.0 FACTS OF THE MATTER**

#### **4.1 Demystifying women's vulnerability to human trafficking in Zambia**

This chapter discusses the findings made and their impact on legal and policy strategies in combating the scourge of human trafficking especially women and children. The chapter will discuss in greater detail the identifiable causative factors that contribute to human trafficking especially women and children in Zambia.

##### ***4.1.1 Is socio-economic disempowerment a contributory factor to women's vulnerability to trafficking?***

According to the 2012 Zambia Labour Force Survey, the unemployment rate was at a staggering 7.8 percent of the labour force. Out of this unemployed population, 60.8 percent were identified to be females while 39.2 percent were males. The age group 20-24 year olds had the highest rate of 14.3 percent followed by 15-19 year olds with 12.3 percent. The report further elaborates that out of the unemployed population 16.7 percent were illiterate while 83.3 percent were literate. Persons whose educational level was between grades 8-12 indicated the highest proportion of unemployment (58.8 percent).

The above statistical data on unemployment provided by the central statistical office of Zambia speaks volumes in as far as women access to employment is concerned as compared to the men. This trend in which women are identified to be the most vulnerable to access employment and other has been identified as the main causative factor to women vulnerability by many researchers on human trafficking on global perspective, especially in underdeveloped countries like Zambia. This trend has placed a lot of women in direct confrontation with the traffickers for forced labour and sexual trafficking. Louise Sheilley (2010) aptly amplified this as follows:

'Labour and sexual trafficking have grown in response to changing social conditions of recent decades. Youthful populations have burgeoned in developing world. Without capital and adequate jobs, rural to urban migration has undermined traditional values, well-established communities are destroyed and long standing discrimination against women, girls and minorities amplified by the global economy.'

The scenario in Zambia is perhaps worse than what has been observed elsewhere. In Zambia one does not need labour statistics to discern where the majority of women are located economically. A simple walk in Lusaka city's central business district paints a broader picture of the gravity of female unemployment. Most women are located in the informal sector doing petty businesses of airtime vending, selling assorted items, green vegetables, etc., for purposes of survival. This observable social economic dilemma of the women gave me the impetus to investigate the whether women were at risks to human trafficking in search of a better livelihood.

#### ***4.1.2 Who is facing the double-edged sword of trafficking - the unemployed or the employed?***

To get the women talking about trafficking in persons I needed to comprehend their perception and knowledge in the subject matter. I also needed to know their ambitions to obtain a well-paying job both within and outside the country. Most of the respondents made it clear that they have heard about human trafficking but they do not understand the dynamics of the crime and how one can become vulnerable. One of the respondents had this to say:

‘Is being stolen unknowingly...may be through a job offer...but I don't really understand how it happens.....and how one can be stolen! I will need to have more information that now that you asked.’

As I delved further with the women, it became clear that from most of the respondents that they would not mind accepting a job advertised online or in the print media to work outside the country as this would be a wonderful opportunity to seek a better life elsewhere. One of the women said that she would of course trust anyone offering a job to her as long as they were introduced by a peer or relative. The responses by most of the women were a clear indicator that the most women were not aware of the tactics that can be employed by the trafficker. The trafficker in luring the victims looks for desperate women in need of a job outside the boundaries of Zambia or perhaps within the boundaries (ILO, 2008). According to research, there are various ways in recruitment of victims of trafficking by traffickers. Some traffickers use newspaper advertisements or printed materials to attract their victims while others rely on word of mouth, social and interactive networks, the internet or personal



contacts (UNDP, 2003).<sup>9</sup> Structurally traffickers may be disguised as travel or employment agencies, or agents of entertainment industry. Recruitment may also be through a network of individuals or simply persons working independently. Members of the victim's family such as parents, siblings, relatives, boyfriends or girlfriends, and spouses may also be involved in carrying out the recruitment (IOM, 2011).<sup>10</sup>

In the light of the above one of my respondents, a female unemployed aged 34 years and mother of two children who identified herself as a victim of trafficking but opted to remain anonymous for fear of reprisal, narrated to me how she consented to trafficking due to economic pressure. She narrated to me that she has no formal job but she is engaged in the informal sector selling groceries in one of the suburban markets in the city of Lusaka. She stated that she was not married and finds it difficult to look after her two children. She also stated that she lives at her parents' home with her two children. She narrated that despite knowing very well the consequences of trafficking, she consented to the vice for the purposes of trying to make it in life and be able to take care of her two kids. She explained to me that she was introduced to Nigerian gangs in Zambia by her friend who is into trafficking and was tasked to complete a task of transporting United States Dollars from Pakistani into Zambia. She stated that the air ticket and other logistics such as travelling on different name and passport were arranged by the Nigerian gang. She stated that though her trip was not successful as she was discovered by security in that country. She knows about many girls who have been trafficked and are still stuck in Pakistani as sexual workers. This is what she said:

'I consented to get involved with the Nigerians guys because they offered me a good money upon successful completion of the mission...I have two children. No job and need to survive.'

At the other end of the spectrum and for the purposes of securing a balanced view, I also engaged women working in the formal sector. Many of my respondents whom I spoke with explained to me that they were aware of the human trafficking scourge. They were able to explain the consequences of trafficking in persons though they were not sure as whether they would be able to identify the authenticity of job advertisement. One of the women had this to say:

---

<sup>9</sup> [www.undp.ro/governance/Best%20practice%20manuals/user\\_manual/01\\_manual.html](http://www.undp.ro/governance/Best%20practice%20manuals/user_manual/01_manual.html).

<sup>10</sup> Law Enforcement Manual (On Implementation of the Anti-Human Trafficking Act No.11 of 2008).

‘I know something about human trafficking because I have access to the internet at my work place....so if I don’t understand it...I simply ‘Google it’. And all the information is displayed on the click of the button..... It’s that easy.....there no need to wait for someone to explain it you.’

The women in the formal sector when asked about the desire to work in a foreign country for greener pastures expressed mixed feelings with some indicating that it not worth looking for a job in a foreign country when they could manage with what they had, whilst others mentioned that they would take the job offer if it provided a handsome package. They also mentioned that before deciding to take such a job they want to confirm the authenticity of the company.

The comparison between the unemployed women and the employed women regarding how they perceived job opportunities outside and within the country was a useful tool to gauge the possible vulnerability of women to trafficking in persons especially those who were economically challenged. This led me to an inescapable conclusion that unemployed women are more likely to be trafficked for forced labour and sexual slavery than their counterparts because of the need to earn a decent livelihood. It further came to my attention that most of the women in the informal sector had very little information and knowledge on human trafficking. It is in this respect that one of the women representing cross border traders in Zambia stated the following during a focus group discussion:

‘Our association has a total number of 19,800 registered members....and 70% of the membership are women engaged in cross border business. Most of the women are less knowledgeable about the issues of human trafficking because there is literary no information on the subject matter from the government and other stake holders.....even simple posters would help sensitize our members...As an association, we would like to take up the initiative of sensitizing our member, but the resources will not permit us.’

Emanating from the focus group discussion, I developed an interest in observing whether the state actors were utilizing the posters as a mode of sensitization around the central business district and work places such as government and other offices. It was amazing to learn that as much as the state actors were keen in advertising gender based violence through posters in public places, conspicuously missing were anti-human trafficking posters. This observation was extended to 25th of November when Zambia joined the rest of the world to

commemorate the Sixteen Days of Activism against Gender Violence.<sup>11</sup> It was startling to observe that not even a single placard hoisted by women from different sectors, including the informal sector carried a message about human trafficking, most of the placards carried general messages on gender based violence without necessarily narrowing down to specifics of gender violence such as trafficking. The aforesaid observations helped me to conclude that the scourge of human trafficking in Zambia is not receiving the necessary attention it deserves from either state or non-state actors.

## **4.2 What is wrong with key state actors in combating the trafficking in persons?**

Zambia is one of the few countries that have responded to various international and regional instruments calling action on all forms of violence against women. In response to these calls both at regional and international level, the country was able to respond in quick time by domesticating the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Person also known as the Palermo Protocol.

In the light of the above, Zambia enacted the Anti-Human Trafficking Act No.11 of 2008 and subsequently developed a comprehensive anti-human trafficking policy strategies. However, about five years have passed since the introduction of these laws and policy strategies, but the country is still experiencing women vulnerability to trafficking. This section of the study critically looks at key state actors and what they ought to have done to control the scourge.

### ***4.2.1 Inter-Ministerial Committee on Trafficking***

In accordance with the provisions of section 100 of the Anti-Human Trafficking Act No.11 of 2008, the law provides for the establishment of a committee on Human Trafficking. The Act further specifies the functions of the committee which is to coordinate activities of all relevant institutions and make recommendations for national plan of action against trafficking; monitoring; policy advice; investigation and prosecution advice; strategic planning; government liaison; guideline preparation; international best practice and incidental matters. The Act further specifies the composition of key members of the committee from

---

<sup>11</sup> Sixteen Days of Activism against Gender Violence is an international campaign that starts on 25 November, the International day for the Elimination of Violence against Women and ends on 10 December, Human Rights Day. The campaign hopes to raise awareness about gender based violence as a human rights issue at local, national, regional and international level.

Ministries responsible for social welfare; gender; local government; health; home affairs; labour; information and representative from Immigration and Zambia Police; the Attorney-General and non-governmental organizations dealing with children.

Armed with the above information I sought to find out why the inter-ministerial committee to combating trafficking as provided by law and policy was ineffective. To this end I endeavoured to have an audience with numerous members of the committee.

One of the key members of the committee in the Ministry of Home Affairs revealed to me that the inter-ministerial committee which is chaired by the Permanent Secretary Ministry of Home Affairs was alive to its task and a committee was also appointed in the year 2012 as provided by the law. The tenure of the committee runs up to the year 2015. The committee which is responsible for liaising with government agencies and NGOs to promote action against human trafficking has also developed the National Action Plan to Combat Trafficking in Zambia. The official further stated that despite the development of the national action plan there was very little progress. This is what he said:

‘It has been over two years since the National Action Plan was put in place and nothing have improved so far...the committee has not yet sat to map out how to implement the plan.’

He attributed the above statement to lack of commitment by all members of the committee. He was quick to point that budgetary constraints were another factor as it was not possible to run all the programs on a shoe-string budget. The national action plan according to policy provides for strengthening Government’s response to cases of trafficking as well as the development of partnerships with non-state actors to achieve improved public awareness and the provision of appropriate and accessible services to victims trafficking.

Desk research conducted on the composition of members of the committee revealed that only six (6) ministries (social welfare, gender, local government, home affairs, labour, health and justice) were recognized by law as members of the inter-ministerial committee against a total of twenty one (21) ministries currently in existence. This in my humble view defeats the whole purpose multi-sectoral strategy to combat trafficking whose aim is to include more governmental sectors in the fight against human trafficking, especially women.

#### **4.2.2 Protection and prevention of victims**

The protection and prevention of victims of trafficking is strictly a preserve of the department of social welfare. Section 40 of the Anti-Human Trafficking Act provides the minister responsible for social welfare to establish and operate victim centres from funds appropriated by parliament. One of my respondents from a social welfare mentioned that indeed the social welfare department is mandated by law to come up with centres of victim's assistance across the country. He admitted that the department was in process of establishing these centres and was quick to mention that such a project was already running in Luapula province where the department is currently running safe houses. He also stated that Mansa safe house is the only safe house the government is running country wide this is what he had to say:

‘Social Welfare department currently is running only one safe house located in the Mansa, Luapula Province...the safe house is able to cater for about forty victims of gender based violence..I am sure the fact of inadequate funding constrains government from expanding to other provinces...but I am sure with time we will be there.’

Another respondent from the social welfare department in the Eastern Province also bemoaned the lack of provisions of adequate shelter for victims of trafficking in her district. She stated that as a stop gap measure, her office refers cases of trafficking to YWCA for assistance. Funding to cater for victims of trafficking was also identified by the two officers as another critical area in their department that poses serious challenges to the successful performance of duty.

‘You can imagine the hassle of not being able to protect victims of gender based violence simply because you no capacity to that...it has an impact on the victims.’

In my view the inability by government to provide enough funding for the erection of various protection centres in the country for victims of trafficking is a failure by the government to meet the ‘Tier’ system of grading. This placement is largely based on governments efforts to reach compliance with TVPA’s standards for elimination of human trafficking under the ‘3P’ Paradigm, i.e., prosecution, protection and prevention. Whereas the law enforcement authorities have been doing their part to enforce the law through prosecution of offenders, it is clear that the issue of protection of victims leaves much to be desired.

Another observable issue that discreetly contributes to the failure to attain minimum standards of protection of victims as observed during desk research lies in the section 23 of the Anti-Human Trafficking Act No 11 Of 2008 which gives powers to the minister to declare a country as a country of origin or destination of victims of trafficking. The section also gives powers to the minister to develop a screening for purposes of determining if persons going to and coming from are victims of trafficking. A critical analysis of this section reveals glaring inconsistencies in the identification of victims of trafficking. The Act in section 2 correctly defines and identifies that trafficking in persons exists in two forms that is, trafficking across or within boundaries of Zambia. However, when it comes to the identification and protection of victims as outlined under section 23, the section in question excludes victims of internal trafficking. The implication of this omission is that hundreds if not thousands of victims of trafficking are lacking the necessary protection from the state actors as they are not legally identified as victims.

This omission also has the potential to influence how authorities could devise their awareness and sensitization strategies as it is more likely to concentrate on victims of external trafficking thereby exposing the other group to vulnerability to trafficking within the country.

#### **4.3 Is the lack of ‘due diligence’ by law enforcement officers a factor in women’s vulnerability to trafficking?**

Section 69 of the Anti-Human Trafficking Act identifies police officers, immigration officers, customs officers and drug enforcement officers as key law enforcement agencies by giving them powers to examine persons arriving or leaving the country for any related purpose. These powers may be used on any person despite any right given under the Immigration and Deportation Act. However, practically it has been the immigration officers who have been enforcing this power more often than other security owing to the nature of their job and ability to profile travellers. The police too in their own line of duty have been active in bringing culprits to book.

In trying to find answers to my assumption that the multi-sectoral strategy to develop the capacity of law enforcement officers and others to combat human trafficking, I focused my attention on the Immigration department and the Zambia Police Service.

Therefore during an interview with one of the respondents at the Chirundu border control it was learnt that some officers at the border have undergone training in Anti-Human Trafficking enforcement courtesy of the International Organization for Migration (IOM). He responded that he was well placed to detect any trafficking cases involving both genders. He bemoaned the lack of capacity within the department to conduct its own training courses on trafficking. This is what he had to say:

‘I am well trained to be able to detect any external trafficking case. I did my training through the International Organization for Migration (IOM)...Not all officers have undergone this training programme...because the department of immigration has no capacity to train all in-service officers. ...a lot of officers have come to learn about trafficking through sharing of knowledge with the ones who are trained.’

Another immigration officer stated that he benefited from IOM training courses too. He was trained as Trainer of Trainer (ToT).He narrated that he was involved in immigration in-house training in which they went round to train officers on the scourge of trafficking. He said this was not happening any longer because of lack of funding to carry out such tasks. He had this to say:

‘In the year 2011 a total of 13 officers were trained from respective provinces as Trainers of Trainers by the IOM .However, to date the officers have not been utilized to train others in the respective provinces due to inadequate funding.’

On the issue of victim protection the officer explained that the department of Immigration in conjunction with the IOM and some NGOs has made strides by not detaining victims of trafficking as previously used to be done. Suspected cases of trafficking are treated with caution except for a few incidences in which officers are either unaware of the human rights requirement due to a lack of training or mistaken that the case as an illegal migration case. Most cases of trafficking are referred to IOM or social welfare safe custody as the investigations get under way. The lack of consistency in training officers in the handling trafficking cases has seen the detention of victims of trafficking in police cells or prison as they await a determination of their status. This goes completely against the primacy of human rights as propagated by rights bodies which requires that human rights of trafficked persons must be at the centre of all efforts to prevent and combat trafficking.

It was learnt that as far as the immigration department is concerned, trafficking to them involves cases that fall with the ambit of migration, that is, persons going in and out of the country. They have no jurisdiction as immigration officers to deal with cases of internal trafficking as that is the responsibility of the police.

The Zambia Police is the mainstream internal security organ of the country. Functions of the police as provided for under section 5 of the Zambia Police (Amendment) Act Cap 107 of the Laws of Zambia include the preservation of peace, prevention and detection of crime and the apprehension of offenders. Further section 14(3) of the Act prescribes the duties of police officers that require the prevention of commission of crimes and also to be able to detect and bring offenders to justice. A critical analysis of the police functions and duties above, places the institution in the pole position to combat trafficking in persons especially women and children. In contrast with immigration officers who are specialized in the regulation of external traffick, the police are better placed to deal with both external and internal trafficking. In finding out how diligent the police are in reducing women's vulnerability to trafficking I found out the following:

One of my respondents a police officer based in Chipata explained to me that most of the police officers are not trained to handle trafficking cases both in service and training college. He explained that of course as a police officer he knows about the crime but the fact that he has no specialized training to be able to detect the crime.

Another respondent an officer in the Victim Support Unit based in Lusaka explained to me that officers in this unit trained in Anti-Human Trafficking. The training courses which are meant to build capacity of the officers in this section are done by the International Organization for Migration (IOM). He had this to say:

‘Officers under the Victim Support Unit are trained in basic anti-trafficking courses provided by the International Organization for Migration (IOM).The Police has no capacity to train its own members.... Most of those who received training are supposed to train others too...but resources to do that are a challenge.’

It also came to light that the Victim Support Unit which has a total manpower of 439 officers countrywide only managed to train nine officers as trainer of trainers, one from each



department. Officers also received training from IOM for the purposes of training about 120 officers from different stations.

It also came to my attention from one of the respondents (who identified himself as an instructor at Lilayi Police College) that the academy, which is the country's biggest police academy does not train police officers in anti-human trafficking. Human trafficking is not part of the college's curriculum. However, with the advent of IOM, the college recently has been offering basic information on trafficking to recruits. The course offered to recruits is not as detailed as the other modules offered at the college. The inability to provide compulsory detailed training of law enforcement officer in the area of trafficking contributes to the growing cases of human trafficking in Zambia as law enforcement officers are unable to effectively investigate and prosecute the perpetrators. Louise Sheilley aptly explained it as follows:

‘Without a knowledge base, those who oppose trafficking will be a poor match for intelligent well educated and wily traffickers.’

Without a sound knowledge base for law enforcement officers such as immigration and police officer implies that they are unable to effectively arrest, prosecute and imprison the perpetrators of human trafficking especially women. Further the failure by the Zambian government to provide specialized training to officers may be construed as complicity by the state to end violence against women. In the light of the above Caroline Romany explained that there are several ways in which a state action (or inaction) amounts to complicity. State failure to arrest, prosecute and imprison perpetrators of violence (trafficking) against women as acquiescence in (or sanctioning of) the private actor conduct. In *Velazquez v Honduras*<sup>12</sup> the court held that under article 1(1) of the American Convention on Human Rights, the Honduran government was responsible for politically motivated disappearances, even when not overtly carried out by government officials. The court articulated a doctrine of state responsibility encompassing acts or omissions that derived its normative foundations from an affirmative state duty to implement its human rights obligations.<sup>13</sup> The watershed significance

---

<sup>12</sup> Inter-American Court of Human Rights Series C No.2 (1989) 28 ILM 294.  
<sup>13</sup> 127.28 I.L.M at 328.

of Velazquez to human rights jurisprudence is illustrated by the Brazilian case (Romany).<sup>14</sup> The court in Velazquez Rodriquez created a precedent for holding states responsible for human rights violations even when the state is not an active participant. In the same vein, the Zambian government's complicity to trafficking in persons especially women may be equally demonstrable by its failure to exercise due diligence in preventing trafficking and the government of Zambia may be held accountable for violating the rights of women.

#### **4.4 What has gone wrong with the multi-sectoral strategy to combat trafficking?**

The multi-sectoral strategy to combat human trafficking in Zambia is premised on the idea that each sector/ministry or department has a role to play in the protection of women's rights in respect of trafficking in persons (UN Women). The National Policy to Combat Human Trafficking in Zambia prescribes the adoption of this method to help fight the scourge of trafficking in the country. However, the question that lingers in the minds of many people is, 'Has the strategy been effective?' In responding to this question I engaged various government sectors and departments.

One of my respondents from the Ministry of Home Affairs Research and Information Department (HARID) indicated that the strategy so is not working out as anticipated because there is no ownership of the Trafficking Act. The Act has no specific department that can oversee its implementation. This goes along with the policy too. He further stated that although there is in an Inter-Ministerial Committee to oversee the implementation of the strategy, its existence is largely viewed as cosmetic as they have been unable to meet as regularly as expected.

Another respondent at the provincial headquarters in Chipata explained that his office was aware of the policy on trafficking and the strategies it was trying to promote. He wondered who was responsible for the dissemination of awareness information within the civil service. He stated that if at all there was any awareness strategy in the province his office would be the first to know because it supervises all civil service departments in the province. He stated that

---

<sup>14</sup> At least 400 women were murdered by their husbands or lovers in Pernambuco state of Brazil between 1987 and 1989. 70% of reported incidents of violence against women occurred in private homes and almost all the incidents were committed by the husbands or lovers of the victims.

the multi-sectoral strategy was definitely a good idea, but it has not been promoted in the civil service and elsewhere. He had this to say:

‘The problem in the fight against trafficking is that done through line ministries which then trickle down to departments like Social Welfare. If the system could be changed to provincial centres things would improve. This should also include funding of such activities.’

In the light of the above, all government institutions such as schools, colleges, non-governmental organizations and the informal sector I engaged expressed ignorance about the multi-sectoral strategy to combat trafficking. The perception on the strategy was it was the preserve of law enforcement officers. The failure by the inter-ministerial committee to involve other sectors to fight for the rights of women, especially in trafficking cases is against the following principles as opined by UN Women:

‘In accordance with the authoritative instrumentation of the obligation of states by the Human Rights Committee established under the International Covenant on Civil and Political Rights and which is accepted as part of the international law, all branches of government (executive, legislative and judicial) and other public or government authorities, at whatever level-national, regional or local are in a position to engage the responsibility of the state party’ (UN Women, 2010).

A state party may not rely on the fact that an action incompatible with the provision of the covenant was carried out by another branch of government as the means of seeking to relieve itself from the responsibility for action and consequent incompatibility.

The implementation and monitoring of progress in the respect, promotion and protection of rights under CEDAW, the African Charter on Human Rights and its protocol on the rights of women in Africa and other rights instruments cannot be delegated to the national women machinery for advancement rights of women. It is the responsibility of the entire government (UN Women, 2010).

Therefore despite the fight to combat human trafficking in Zambia, especially women being not a preserve of the national women machinery as ostracized above, owing to newness of the Gender Ministry, the fight against the scourge is neither the responsibility of the entire

government. Law enforcement officers have always been the only institutions fighting the scourge trafficking.

#### **4.5 Is lack of awareness a factor of women's vulnerability to trafficking?**

Awareness raising campaigns include everything from radio and television advertisements to education programs at school, to posters at airports providing hotline numbers for incoming passengers to call should they become victims of trafficking (Aronowitz, 2009). It is also essential that awareness campaigns target group at risk of trafficking (as well as family members) and accurately portray recruitment methods of traffickers and the market into which victims from country are trafficked (Aronowitz, 2009). Such efforts are supported by article 20(e) of the SADC Protocol on and Gender and Development which requires state parties to ensure capacity building, awareness raising and sensitization campaigns on human trafficking are put in place for law enforcement officials by the year 2015.

In a bid to assess the progress Zambia is making in so far as the awareness raising is concerned vis-à-vis women vulnerability to trafficking in Zambia, I decided to engage all stakeholders in the fight against trafficking, ranging from NGOs, the informal sector, formal sector, private persons, learning institutions and state actors. Therefore, without deviating from my assumption that there is lack of and knowledge on human trafficking to women in Zambia, I engaged with respondents as follows:

##### ***4.5.1 Locating the weakest link in awareness-raising strategies***

Section 100 of the Anti-Human Trafficking Act No, 11 of 2008 establishes the Committee on Human Trafficking and a schedule to its proper administration. In section 101, the Act explains the functions of the of the committee which is to coordinate activities of all relevant institutions and make recommendations for a national plan of action against trafficking; monitoring and progress reporting; policy advice; investigation and prosecution; strategic planning; government liaison; guideline preparation; international best practice monitoring and incidental matters. The committee is composed of various representatives from social welfare; gender; local government; health; home affairs; labour; information, and representation from immigration and Zambia Police. In essence the committee is responsible devising the multi-sectoral awareness programs in respect of human trafficking. Therefore to understand the dynamics of their strategies I interviewed key players as follows.

In an effort to respond to my assumption that there is lack of information and knowledge on human trafficking to women in Zambia, my respondent from the social welfare department on Chipata stated that her department was actively involved in the dissemination of information using the electronic media such as private radio stations. She admitted the programming on the radio is consistent due to funding. However she also stated that whenever they aired sensitization programs on air, the number of people reporting suspected cases of trafficking to her office increases. But it is unfortunate that the little funding allocation her office received a year prior to the interview could only sustain a 45 minute broadcast per week. This is what she had to say:

‘We don’t receive enough funding to sustain a continuous radio sensitization...the funding we received only sustained us for a 45 minute broadcasts per week. Whenever we run this broadcasts cases being handled by the office increase...but it’s been over a year when did a broadcast of this nature.’

She also explained that elsewhere in the ministry spearheaded a 13-episode English language television programme on human trafficking as well as seven interactive radio programme in local languages. As a result of this campaign ten child coalitions were formed in ten (10) districts. Mostly these awareness campaigns targeted border areas.

Another respondent from the Zambia News and Information Services (ZANIS), which is regarded as a public relations wing of the government under the Ministry of Information and Broadcasting Services informed me that it had no specific programme to raise awareness of human trafficking in the province. She remarked that she was not aware about any multi-sectoral strategy to raise awareness and instead hinted that most of the activities involving trafficking are done in Lusaka and not in the province.

To sum up, an immigration officer based at Chirundu Border Control informed me that there have been some awareness campaigns by the state actors in some instances. His observation was that the institutions involved to raising the awareness of the public were only active when there are big events. He cited the FIFA 2010 World Cup as a good example of state actors’ positive approach towards awareness raising. He said during that period all the stake holders were wide awake and ensured everybody knew about people trafficking. He said

there was so much sensitization at that time but it unfortunately disappeared when the final whistle blew at the end of the World Cup. These were his words:

‘The campaigns against trafficking are...periodical...it’s only done when there are special events such as the World Cup. End of World Cup ...end of campaign...I feel that should not be the trend...sensitization must be on going.’

The statements from state actors were confirmed as follows.

‘To date, there have been no long-term, large-scale public awareness or education campaigns against trafficking, either for those at particular risk, the general public, or key officials, local leaders and others with particular opportunities to prevent or respond to trafficking. Limited public information measures have been carried out primarily by UN agencies ILO and IOM. Efforts by the Zambia Police to identify and respond to trafficking have been largely inconsistent and uncoordinated. Consequently, those involved in local and international trafficking are easily able to lure victims without fear of detection or punishment, whilst society remains blind to the risks of trafficking and the plight of those who are trafficked’ (UN/GRZ Joint Programme, 2009).

In the light of the aforementioned, it was disquieting to learn that a government institution like ZANIS (whose mandate is to interpret Government policies and provide accurate and comprehensive information to the public for purposes of solicitation of support and participation to national development) could fail to interpret the National Policy to Combat Trafficking by upholding its position as the member of committee to combat trafficking at provincial level.

#### ***4.5.2 The impact of the lack of information on trafficking in the informal sector***

A couple of the respondents I interviewed were engaged in the vending of airtime vouchers for different mobile service providers along the streets of Lusaka in particular Cairo Road. A good number of these women explained to me that they as much as they may have heard about human trafficking, they had difficulties in comprehending the nature of the crime. They also confirmed that at least they are ardent listeners of the radio stations and most of them had not heard about an advert on radio except one who confirmed that she listened to some program on human trafficking and it was a long time ago. She had this to say:

‘No one comes here to teach us about human trafficking...not even fliers on trafficking have been distributed ...all have seen and heard is more about HIV AIDS...I think the authorities are not doing their work.’

To get a balanced view, two focus group discussions consisting of men located in the informal sector were conducted. One group was a group of carpenters and the other was of stall keepers. During the discussions it was amazing to note that men were also not well acquainted with information on human trafficking. Out of the first group of five men, one person had knowledge of the trafficking of human beings. It was amazing to hear the second group, which comprised four men, discuss that they have never heard about trafficking in persons and it was the first time they were hearing about the vice. To me this did not just indicate a failure of state actors to sensitize the masses about trafficking, but also how vulnerable the men themselves were as potential victims of trafficking.

#### **4.6 How non-state actors view sensitization strategies**

Another respondent from one of the leading International Organization for Migration, a leading agency that makes arrangements for the organized transfer of migrants, displaced persons and other individuals in need of help, explained to me they work in partnerships with respective governments across the region including Zambia. She narrated how her organization works together with government to build the capacity of law enforcement officers and social welfare department and subsequently how the organization is involved in sensitization of the public in human trafficking. She explained that her organization runs sensitization programs in both the print and electronic media on trafficking. She also explained the programs were run for thirteen weeks. She could not give further information as why the program was run for that short period of time. As much as one can appreciate the efforts made to raise awareness on electronic media, I anticipated to hear other awareness strategies such organizing of work place discussion group that could be held during work breaks, door to door outreach sensitization where there are social, cultural and other activities and organization of role play which would require a small group to act out trafficking in persons.

One non-governmental radio station bemoaned the manner in which state actors were handling the issue sensitization of trafficking in persons in the country, especially in Chipata. He explained that is radio station is a non-profit making organization run by the Catholic

Church. He stated that as far as he could remember he aired a trafficking program the client Social Welfare Department whose purpose was a sensitize people in the rural areas about the human trafficking scourge. He explained that Social Welfare Department has never returned to continue with the sensitization program. He attributed such problems to lack of adequate funding to the government departments with the task of conducting the campaigns. And as such he was quick to describe governments departments obligated to fight trafficking through sensitization as being 'reactive' and inconsistent, they only swing into action if there is a crisis. This is what he had to say:

'Authorities only come to request for programming only (when) there is a crisis of trafficking in persons...this when you see them dashing to the radio station to air programmes.'

He also expressed shock whether the local task force which is supposed to combat trafficking was doing its job in terms of employing the multi-sectoral approach because his institution was never invited to be part of the task force. He stressed that his radio station as a contribution to the fight against trafficking is able to contribute free air time as long as the programme falls under the good governance category. But the problem is that there is no co-ordination on the part of state actors.

The YWCA is a Christian Non-Governmental Organization that is dedicated to the empowerment of the community especially women. The YWCA has over many years gained considerable experience in implementing programmes that promote human rights and socio-economic empower. The institution is currently in partnership with government on promotion basic human rights. With this rich background it was worthwhile to engage in an interview with a female representative at the institution. During the interview it was learnt that the institution is involved in the combating of human trafficking through a series of programmes like the provision of shelter and psycho-social counselling. She confirmed that her institution receives suspected victims of trafficking from the law enforcement officers for safety until the law enforcement officers through with the investigations. Sometimes the victims that are received are detained by the authorities before being are referred to the organisation. This is what she had to say:



‘We receive victims of trafficking from immigration for safety...some victims are detained by authorities prior to being brought here...but it’s not all the cases.’

In another interview with another respondent of YWCA Chipata it was learnt the institution functions alongside one in Lusaka that provides housing for victims of gender based violence. She explained that they often deal with cases of human trafficking and GBV referred to the immigration department and police, however, she was quick to qualify that most of the cases they deal with involve forced labour and forced marriage. This is what she had to say:

‘The institution deals with human trafficking cases that referred to us by the law enforcement agencies...but we also deal in direct cases that involve cases of forced labour and marriages. She explained that most of the victims are girls who are taken as house maids from rural to urban areas. Most of these girls end up being sexually abused.’

I was at this moment referred to the Psycho-Social Counsellor for more information of victims of trafficking. The psycho-social counsellor at the institution said that based his interviews with victims of internal trafficking it is poverty that makes women vulnerable to being trafficked into the urban areas. This prompted the YWCA to conduct sensitization programmes on the local radio stations. Drama is also employed to get the message to villagers. He further explained to that during the time of the interview, he was actually handling a case of suspected internal trafficking. These were his words:

‘I am handling a case of a young woman who is an orphan. She was taken to Lusaka when she about thirteen years for the purpose of employment, seven years ago. Ever since she was taken to Lusaka the family has never heard from her. Whenever they asked the woman who took her to Lusaka, she does not give valid reasons as to her fate. So the family came to this office to report.’

When asked further whether he had involved the law enforcement agencies to handle the matter, he denied having done so but opted to handle the matter single handedly. This was a clear indication to me of how frigid the local task force to combat trafficking is.

In order to interrogate the effectiveness of the awareness campaigns on trafficking I endeavoured to interview respondents from various schools and colleges. Since trafficking in persons affects all age groups, I arranged a focus discussion with the Hill Side Girls High School of Chipata. A total of 16 pupils with an average age 18 years volunteered to take part

in the discussion. The purpose of the discussion was meant help unearth the many claims by state actors that they conducted enough sensitization to protect girls from the ills of human trafficking. It was learnt during this discussion that school going girls are not adequately aware of the scourge of human trafficking. Out of a total of sixteen girls, only four (4) of them were able to effectively discuss the topic of human trafficking. They also confirmed that there was nothing in their extra-curriculum activities that addresses trafficking in persons and no outreach programs by persons responsible for combating human trafficking had ever been conducted at their school. However, a handful of girls who ably articulated their views on trafficking during the discussion confirmed that, apart from any awareness campaigns, they had learnt about human trafficking from watching Nigerian movies depicting trafficked girls. This is what one girl had to say:

‘I learned about the dangers of human trafficking through watching a lot of Nigerian movies that depict victim of trafficking....the girls are really abuse sexually and the ending is always bad.’

This testimony by the Hillside Girls School, in my view was a clear indication that the government communication strategy aimed at raising awareness of the dangers of human trafficking, communicating information on human trafficking to the general public and vulnerable groups is highly questionable in respect of efficacy and implementation. In this regard, section 96 of the Anti-Human Trafficking Act No11 of 2008 obliges the ministers responsible for education and social welfare to establish public awareness programmes or measures designed to inform and educate people at risk of becoming victims. This is a clear testimony that the state actors are lagging behind in teaching the people about the dangers of trafficking. This type of laxity exposes countless women and children to trafficking every day. This also implies that the country is far from reaching its targets and obligation as provided for in regional instruments like the SADC Protocol on Gender and Development and the Maputo Protocol.<sup>15</sup>

---

<sup>15</sup> Article 20 5 (e) directs that state parties shall by 2015 ensure capacity building, awareness raising and sensitization campaigns on human trafficking for law enforcement officials, all parties; Article 4 of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa obliges all state parties to establish mechanisms and accessible services for effective information for victims of violence against women.

#### **4.7 Conclusion**

It is clear from the above discussions that lack of opportunities in the labour market and feminization of poverty are the most likely factors which cause women to seek to migrate from the rural to urban areas or from one country to another. They are more likely to accept what they often believe to be better job offers in urban areas and in other countries and it is this uninformed thinking which does not take into account all the risks of such moves which exposes them to the dangers of trafficking.

The multi-sectoral approach to develop the capacity of law enforcement officers is not effective as officers are unable to effectively detect and combat the crime of trafficking. Further, women in the informal sector of the economy, public learning institutions, and the general public, lack information on human trafficking. The inter-ministerial and National task force on Anti-Trafficking are failing and have not been effective in implementing the policy strategies or the law and this has led to women's vulnerability to trafficking.

In the light of the above, the following chapter will seek to discuss how factors contributing to women's vulnerability discussed in this chapter can be mitigated by those responsible for combating the problem.

## CHAPTER 5

### 5.0 SETTLING THE MATTER

#### 5.1 Rethinking the causes of women's vulnerability to human trafficking

##### 5.1.1 *The resources are 'permitting'*

The status of women within the international human rights regime and the task of ensuring human rights for women are incomprehensible without taking into account the social and economic conditions that characterize women's lives around the world. According to virtually every indicator of social wellbeing and status-access to economic resources, employment, wage differentials and levels of education-women are significantly and sometimes dramatically worse than men (Steiner, 2008).

In this respect the Covenant on Economic Social and Cultural Rights obliges each state party to recognize the right to work, which includes the right of every one to the opportunity to gain her living by work which she freely chooses or accepts, and also to take appropriate steps to safeguard this right.<sup>16</sup> However, this is not the case with Zambia. The Bill of Rights embodied in Part III of the current Zambian Constitution provides for the protection of fundamental rights and freedoms. However, the rights pertaining to the improvement of the welfare of the citizenry such as education, health, housing, employment and social security are not placed in the Bill of Rights even though economic, social and cultural rights have been recognized to be important in the realization of political and civil rights. These rights are placed under Part IX of the Constitution, which deals with Directive Principles of State Policy, and may be attained in as far as State resources permit. Although it is practically difficult for a government like Zambia to domesticate the provision of Article 6 of the ICESCR, the million dollar question is exactly when will the resources available to improve the welfare of the women permit such improvement?

The findings of this research clearly show that most victims of trafficking are vulnerable to the scourge of human trafficking because of being economically disadvantaged. My analysis on this Constitutional term, 'when resources permit', with respect to identified delegated legislation, indicates that so called resources are already 'permitting' or available but the

---

<sup>16</sup> Article 6(1).

problem is they are not being looked at through a feminist and human trafficking lens. These resources are located in the Citizen Economic Empowerment Commission.

The Citizens Economic Empowerment Commission is a body corporate which was established by the CEE Act whose mandate is to promote broad based and equitable economic empowerment of citizens that are or have been marginalized or disadvantaged and whose access to economic resources and development capacity has been constrained due to various factors such as race, sex, educational background, status and disability.<sup>17</sup> Targeted citizens are Zambians who historically have been either marginalized or disadvantaged and have no access to economic resources or opportunities.

The above policy statement from CEEC indicates that government has already put structures to help empower the marginalized persons especially women by empowering them economically. Therefore since economic factors such as lack of resources have been identified by this research as one of the many causative factors to women's vulnerability to human trafficking, there is an urgent need for section 100 of the Anti-Human Trafficking Act that establishes the Committee on Human Trafficking to be revised together with the schedule to incorporate the CEEC as a member of the committee.<sup>18</sup>

The revision of the law should also be done together with a review of the National action Plan to combat human trafficking which in its current form focuses on addressing the '3Ps' paradigm.<sup>19</sup> Therefore, it would be essential for the 'economic marginalization' experienced by many women in the informal sector to be incorporated as part of the policy's vision to eradicate trafficking.

### ***5.1.2 Incorporating the excluded women***

In developing countries like Zambia the term informal sector has been broadly associated with unregistered and unregulated small scale activities that generate income and employment for the poor urban. The informal sector is seen as a separate autonomous sector which is defined in contrast to formal the one (Bernabe, 2002). Countless numbers of women

---

<sup>17</sup> <http://www.ceec.org.zm/about-us/>.

<sup>18</sup> The schedule establishes the composition of committee members from the following ministries: Social Welfare; Gender; Health; Home Affairs; Labour; Information and representatives from Immigration; Zambia Police; Attorney General and a non-governmental organization dealing with children.

<sup>19</sup> Refers to the policy vision of prevention, prosecution and protection of trafficking.

are located in the informal sector due lack of employment. This implies that women in the informal sector are not entitled to formal security system like their counter parts in the formal sector thereby exposing them to trafficking. Data on unemployment clearly show that women have to bear a higher burden compared to men. There are a greater number of unemployed women and they may remain unemployed for rest of their lives.

The Zambian Constitution provides no solution to this problem thereby relegating women to the ills of being potential victims of trafficking.

In view of the above the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women obliges state parties to establish a system of protection and social insurance for women working in the informal sector and to sensitize them to adhere to it. In this respect, there is a need to incorporate the society of women excluded through the enacting of laws that would establish community social security systems like savings associations, cooperatives and other self-help organizations that could empower the lives of the majority excluded women living in urban areas.

### ***5.1.3 Awakening the state actors from their slumber***

In 2007, the Zambia government approved a National Policy to Combat Human Trafficking in Zambia. The National Policy to Combat Human Trafficking seeks to eradicate all forms of human trafficking, from, through, to and within Zambia, and to provide for adequate and appropriate protection and support for those who do become trafficking victims.

The policy recognizes that trafficking violates fundamental human rights, particularly the right of every person to be free from exploitation, forced labour, and ill treatment, the right to not be held in slavery or servitude, and the right to just, fair and safe work conditions (NP, 2007). The policy reflects government's commitment to comprehensively address the problem of human trafficking, consistent with the protocol. The policy prescribes a long term guidance and framework for development and implementation of a multi-sectoral strategy to combat trafficking. However, from the research carried out its clear that the policy strategies are not effective there by exposing unsuspecting women to the traffickers.

The government of Zambia does fully comply with minimum standards for elimination of trafficking especially women. Even though the country has made some effort, the state actors

have been failing to comply with the notion of the ‘3Ps’ paradigm which prescribes the prevention, protection and prosecution. In this respect the CEDAW obliges state parties to make appropriate measures including legislation to suppress all forms of traffic and the exploitation prostitution of women.<sup>20</sup>

#### ***5.1.4 Enhancing the protection of victims***

Trafficking in human beings is without doubt one of the most serious human rights violations occurring in the world today. Trafficking is a cause of human rights violations because the act itself violates fundamental human rights. However, trafficking is not only in itself a human rights violation. It is also a consequence thereof and a lack of protection for trafficked persons can lead to even more violations (Lastrada, 2008).

Even though the government of Zambia was making efforts to ensure victim care through partnerships with international organizations and local NGOs, these efforts were not up to the standard guideline. The standard guideline stipulates:

‘Trafficked persons shall not be detained charged or prosecuted for illegality of their entry into or residence in the countries of transit and destination or for the involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked person’ (OHCHR guidelines).

In the light of the above, the lack of capacity by law enforcement officers (such as the immigration and police authorities) to adhere to norms of due diligence has often led to violations of the rights of the victim by these same law enforcement officers.

There is a need for government to establish its own centres of victim protection through the establishment of shelters for the victims of trafficking other than those established through partnerships with international organizations and local NGOs. This will reduce the problem of victims being detained as the cases are being investigated. Once centres are established and the public are aware about the existence of shelters more cases of trafficking can be exposed as people are generally not comfortable dealing with law enforcement agencies.

---

<sup>20</sup> Article 6.

There is also a need for the development of a comprehensive law enforcement training course for all law enforcement officers in the country. This should be coupled with the establishment of Anti-Human Trafficking Enforcement Unit that should take the investigations and prosecution of offenders to their logical conclusion on a full time basis rather allowing them to fail which is what occurs under the current fragmented system where there is literally no ownership of the Anti-Trafficking Act.

There is a need to redefine the term ‘victim’.

## **5.2 Redefining the victims of trafficking**

A victim is a person who has suffered harm including mental and physical injury, emotional suffering, economic loss or substantial impairment of the person’s fundamental human rights through acts that violate the Act. The Act further defines the term ‘traffic’ as the means of to recruit, transport, and transfer, within or across the territorial boundaries of Zambia. These terms when read together with sections 22 and 23 reveal that the two definitions adopted by the Act are in direct contradiction to each other. Whereas the definition of term ‘traffic’ incorporates all the potential victims of trafficking, it is the definition of the term ‘victim’ that has been identified to be exclusionary to the victims of trafficking. The definition as provide for in the Anti-Human Trafficking Act No.2008 does not take into account the victims of internal trafficking. In a nutshell, there is no correlation between the two definitions in so far as protection of victims of trafficking is concerned. The antagonistic nature of the two legal definitions perpetuates discrimination against one of the two duly identified dichotomies of human trafficking, which is internal trafficking.

There is a need for the definition of the Anti-Trafficking Act to be revised so that it incorporates both internal and external trafficking.

### **5.2.1 Prevention of vulnerability to trafficking**

The Beijing Declaration and Platform for Action appeals to governments to:

‘Take appropriate measures to address the root factors, including, external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women including strengthening existing



legislation with a view to providing better protection of the rights women and girls and to punishing perpetrators through both criminal and civil measures.’

Even though state actors have maintained efforts to prevent trafficking of persons especially women ever since the Anti-Trafficking Act and National Policy to Combat Trafficking was developed through the implementation of key components of the Anti-Trafficking Plan (including multimedia outreach and employer actions), the research found out that these actions fall far short of the required international standard guidelines.

The guidelines stipulate that strategies aimed at preventing trafficking shall address the root causes of trafficking. The guidelines also require states and intergovernmental organizations address the factors that increase vulnerability to trafficking including inequality and poverty and all forms of discrimination.

In this regard there is a need for the anti-trafficking plan, through the multi-sectoral strategy and in line with section 96 of the Anti-Trafficking Act No 11 of 2008 extend their campaigns to women in the informal sector and educational institutions such colleges and primary schools.<sup>21</sup> This can be done through its incorporation into the school curriculum to alert students and pupils on how traffickers operate in order to snare their victims. These measures to sensitize the learning institution should not only be concentrated in the urban schools but should incorporate rural schools as well as those where a lot of internal trafficking has been occurring in great numbers.

### **5.3 Internal trafficking: A forgotten crime**

As Dottridge (2004:11) observes, the practice of human trafficking is embedded in social relations and they are diverse. It is difficult to generalize interpretations on fragmented evidence. A number of non-governmental organizations have noted peculiarities of human trafficking that do not entirely fit the international definition. The definition based itself on the model of transnational trafficking often attributes to the presence of large networks of organized crime. Trafficking in Africa is through small family related network and does not take place across borders.

---

<sup>21</sup> Section 96 confers power on the Minister responsible for Education and Social Services to establish public awareness programmes or measures designed to inform and educate people about the risks of falling victim to trafficking.

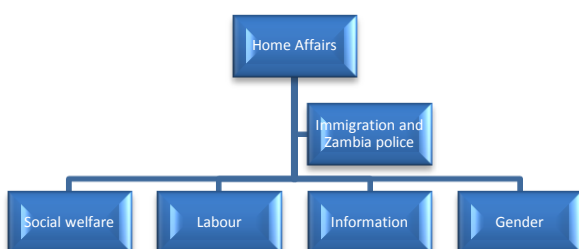
Based on the field research findings it is clear that in Zambia the focus of trafficking in persons is concentrated on external trafficking at the expense of internal trafficking which is more widespread. There is a need for a National Action Plan on trafficking to incorporate a vigorous campaign targeting rural persons to raise their awareness. The Government should partner with non-governmental organizations to sensitize this large group of unsuspecting people. Taking into account that most internal trafficking involves the taking of young women into domestic labour, the Ministry of Labour should take a, if not, the leading role in the identification of such cases.

#### 5.4 Multi-sectoral strategy re-strategized

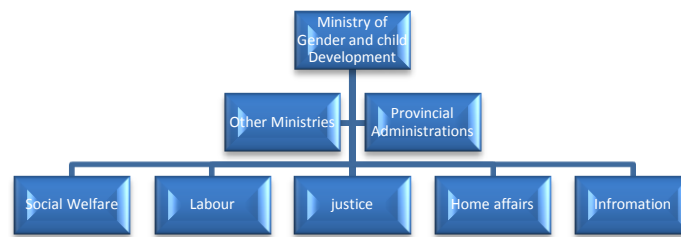
The essence of the multi-sectoral strategy to combat trafficking incorporates all sectors in the fight against the vice. The committee on human trafficking which is established by section 100 of the Act has the task of co-ordinating the activities of all relevant institutions and also the mandate to make recommendation for a national plan of action. The key element in the policy’s vision is to eradicate all forms of trafficking through and within Zambia while providing adequate and appropriate protection of trafficked victims. It is also in the policy to combat trafficking that the responsible for the coordinating activities of the committee on trafficking is the Ministry of Home Affairs headed its permanent secretary.

It is has been noted that the Ministry of Home Affairs is largely an institution that coordinates internal security rather than gender issues. While it is appreciated that this ministry is key in the maintenance of internal security, it is not well placed to coordinate activities and make recommendations on issues of gender in the country. Therefore with the creation of a ministry that specifically deals with gender issues (the Ministry of Gender), there is a need for the responsibilities of the Ministry of Home Affairs as outlined in the policy be reviewed to allow the gender machinery ministry to coordinate activities.

**Figure 3: Existing inter-Ministerial structure**



**Figure 4: Proposed inter-Ministerial structure**



### **5.5 Harmonized data collection**

Zambia has various law enforcement agencies such as the immigration department, police, the drug enforcement commission and the Anti-Corruption Commission to mention a few. These law enforcement agencies have different jurisdictions of operations. For instance, the Immigration department is concerned with the regulation of migrants intending to enter or leave Zambia whilst the police are involved with generally maintaining law and order. By virtue of their duties, these departments have engaged with traffickers and victims of trafficking on different occasions. Each department has its own data on the trafficking cases it has dealt with. This has created great confusion in detecting traffickers. The United Nations observed as follows:

‘Those involved in local and international trafficking are easily able to lure victims without fear of detection or punishment, whilst society remains blind to the risks of trafficking and the plight of those who are trafficked.’

The SADC protocol on Gender and Development obligates state parties to put in place harmonized data collection mechanisms to improve data collection on types of modes of trafficking to ensure effective programming and monitoring.<sup>22</sup>

There is a need for the committee on trafficking to urgently establish a central data storage unit that will be responsible for the collection, processing and analysis of data on trafficking. This will enable all responsible parties to be able to determine the trends and modes of trafficking being employed and the number of victims or survivors involved and this will

---

<sup>22</sup> Article 20(5)(c).

assist in identifying which groups of women may be most susceptible to trafficking. The UN/GRZ Joint programme observed as follows:

‘One of the more common forms of trafficking in Zambia is believed to be internal trafficking of domestic work identified in the National Policy, this form of trafficking often involves moving girls from rural to urban areas, sometimes within extended family networks, the victims are often women or children of single household.’

There is a need for the establishment of a central data station for the whole country which should be electronically linked to all border controls and specific police stations for the establishment of harmonized data storage as required by the SADC Protocol on gender and development. Such a data base would help to distinguish which type of trafficking is more prevalent between internal and external trafficking and enhance due diligence in investigating trafficking cases.

## **CHAPTER 6**

### **6.0 CONCLUSIONS AND RECOMMENDATIONS**

#### **6.1 Conclusions**

The paper has shown that there are several factors that contribute to the vulnerability of women to the scourge of human trafficking in Zambia. These trends are not unique to Zambia alone, they are global. It is clear the gender perspective is more prominent in Zambia with thousands of women not having jobs as compared to the men folk. This has meant that most women depend on the informal rather than the formal sector to earn their living. This also means that many women do not benefit from the formal social security systems and are therefore are forced to look for alternative forms of survival either across international or local frontiers thereby exposing themselves to lure of the trafficker.

The denial of economic and social cultural rights is another factor that has been identified by countless researchers as being a causative factor in making women vulnerable to trafficking. Zambia's ability to eradicate poverty and fulfil these rights may ultimately be farfetched. However, despite the poor economic situation of the country, there are resources available that may be employed to 'permit' the empowerment of women who are visibly excluded from participation in the economic sector. They are available through organizations like the Citizen Economic Empowerment Commission. This paper has shown that it is possible to attain these rights without necessarily amending the national Constitution through the granting of credit to women in the informal sector and the establishment of informal security insurance schemes and cooperatives.

The implementation of law and policy is another area of concern when it comes to the assessment of the vulnerability of women to the trafficking. The research has shown that to effectively reduce vulnerability to trafficking, there is need to adhere to the principle of the 'paradigms' of enforcement that is prevention, protection, and prosecution. Therefore, the country's prevention mechanism strategies were critically analyzed, such as the multi-sectoral strategy to combat trafficking in Zambia and they were found to be lacking in many senses especially in the area of information dissemination on human trafficking across all sectors. In this respect many women in the informal sector, learning institutions and other

sectors have been denied information on human trafficking by the state actors who have failed to implement the law and policy on trafficking. This scenario has a devastating impact on women's vulnerability to trafficking.

The state machinery for the protection of victims of trafficking was discovered to be a factor contributing to the vulnerability of the women to trafficking. Inadequate shelter for victims of trafficking is cardinal to combat the scourge. Because of the lack of state shelters most victims of external traffic are end up being detained in custody with the traffickers by law enforcement agencies and this in most cases jeopardizes the development of a case for prosecution. The construction or establishment of government run safe houses across all provinces would significantly contribute the reduction of trafficking.

The effective investigation and prosecution of human trafficking cases by law enforcement agencies such as the Immigration Department and the Zambia Police is of paramount importance in so far as reducing vulnerability to trafficking is concerned. The research found out that the lack of detailed training of law enforcement officers in counter trafficking activities presented a serious challenge to effectively combat trafficking and hence reduce women vulnerability to the scourge. Only a handful of law enforcement officers in both Immigration and Police have received such training against the thousands untrained officers.

Both the state and non- state actors engaged in the fight against trafficking have concentrated on external trafficking cases and completely disregarded the problem of internal trafficking. This scenario excludes countless of victims of trafficking within the internal boundaries of Zambia from the protection of the law.

Overall there is need for state actors to consider a revision of its law and policies in order to bring sanity to the above findings of this paper.

## **6.2 Recommendations**

### **6.2.1 Short term**

- There is a need for the National Tasks Force to Combat Trafficking in Zambia to specifically target the informal sector, learning institutions and rural areas in raising awareness about the scourge of trafficking by employing the following modes of awareness raising:
  1. Regular sensitization visitations of all learning institutions at primary, secondary and tertiary levels.
  2. Printing and distribution of posters on human trafficking specifically targeting public places, learning institutions, formal and informal sectors.
  3. Utilization of the electronic media such as national and community radio and televisions stations.
- The Inter-Ministerial Committee and the National Task Force to Combat Trafficking must regularly meet to draw up plans for the implementation of the National Action Plan to Combat Trafficking in Zambia.
- There is a need for the state actors to devise and develop a harmonized data collection centre for human trafficking cases which should be able to process and handle data from all law enforcement and other stake holders for the purpose of determining the gravity of the scourge.

### **6.2.2 Long term**

- State actors must revise section 23 of the Anti-Human Trafficking Act No 11 of 2008 so that it may become consistent with the definitions of the terms ‘victim’ and ‘traffic’ respectively as provided for in section 2 of the Act. The revision of the aforementioned section is critical as the definition currently excludes victims of internal trafficking from protection under the Act.

- Lilayi Police Training College which is one of the biggest internal security training colleges in the country must develop and incorporate a comprehensive Anti-Trafficking Course in the police training curriculum.
- Members of the Task force to Combat Human Trafficking in Zambia must be on full time employment for the purposes of overseeing the implementation of policy and enforcement of the Anti-Human Trafficking Act at national provincial levels.
- The Inter-Ministerial Committee to Combat Trafficking and the National Task force to Combat Human Trafficking must also devolve to provincial and district levels for the purposes of enhancing a multi-sectoral approach to combating trafficking for state actors. Other line ministries should be represented in the inter-ministerial committee to combat trafficking. It is recommended that each member of the inter-ministerial committee should establish a working group to ensure it fulfils national action plans. Members of the working group should be drawn from different sections of the ministry or different departments in the case of provincial administrations.
- State actors must institute a progressive realization of the socio-economic rights of women located in the informal sector by offering them loan facilities through the Citizen Economic Empowerment Commission to start up business ventures.
- State actors must establish government run safe houses in each provincial headquarters to run and they must be operated by the department of social welfare for the purposes of protecting victims of trafficking.



## **Bibliography**

Aronowitz A. (2009) *Human Trafficking: Human Misery*, USA, Greenwood Publishing.

Benzton A.W. *et al.* (1998) *Pursuing grounded theory in Law: South North Experiences in Developing Women's Law*, Mond Books and Tano Aschehoug, Harare and Oslo.

Bernabe S (2002) *Informal Employment in Countries in Transition: A Conceptual Work*, London: London School of Economics.

Bryman Robert J. and Lie John (2007) *Sociology: Your Compass for a New World*. Belmont: Thomson Higher Education.

Bryman A. (2008) *Social Research Methods*, 3rd edition, Oxford University Press.

Central Statistical Office (2013) *Labour Force Survey* (Lusaka).

Coates S. (1999) *A gender and development approach to water, sanitation and hygiene*. Available online at: <http://www.wateraid.org.uk/document/gender.pdf>

Cullen-Dupont K. (2009) *Global Issues: Human Trafficking*, USA, Info Base Publishing.

DFID (2009) *Guidance Note on Gender mainstreaming and Social Exclusion in Research*. Available online at: <http://www.dfid.gov.uk/r4d/PDF/publications/GuidancenoteGender&SE.pdf>

Dottridge, M. (2007) 'Introduction', in: GAATW, *Collateral Damage. The Impact of Anti-Trafficking Measures on Human Rights around the World*

Dottridge Mike (2004) *Kids as Commodities: Child Trafficking and What to do about it*. International Federation Terre des Hommes, TDH Switzerland and Germany.

Francis P. (1997) 'Social capital, civil society and social exclusion in kothan.' Oman Matin (Eds) Development theory and practice, critical perspective.

Heckathorn D. (1997) Respondent driven Sampling: A new approach to study of hidden populations, Journal of Epidemiology and Community Health.

ILO (2008) Forced Labour and Human Trafficking. A Toolkit for Trade Unions in Zambia (Geneva).

International Organisation for Migration (2005) A counter-trafficking handbook for law enforcement officers in Southern Africa.

La Strada (2005) European Network against Trafficking in Women. Facts and Practices.

Lehti, Martti (2003) 'Trafficking in Women and Children in Europe.' HEUNI, No. 18, 2003. Limanowska.

Louise S. (2010) Human Trafficking: A global perspective, United Kingdom, Cambridge Press.

Mackinon C.A. (2005) Towards a feminist Theory of the State. In: Brodman J. and Mills S., eds, Sweet and Maxwell.

Meyersfeld B. (2010) Domestic Violence and International Law, United Kingdom, Hart Publishing Ltd.

Ng Cecilia, Maznah Mohamad and Tan Benghui (2006) Feminism and the Women's Movement in Malaysia: An Unsung (R)evolution. Abingdon: Routledge.

Silver Hilary (1994) 'Social exclusion and social solidarity: Three paradigms, International Labour Review.

Steiner H, Alston P. & Goodman R. (2008) International Human Rights in Context, 3rd ed. London: Oxford Press.

The United Nations Department of Public Information (1996) “Women and Violence,” United Nations website, February. Available at: <http://www.un.org/rights/dpi1772e.htm> (accessed 12 March 2014).

Tong R.S. (1994) *Feminist Theory A comprehensive Introduction*, London, Routledge.

UNJPHT (2012) *Service Provider Manual. Training Toolkit and Minimum Standard Guidelines on Protection of Victims of Human Trafficking*.

UNOHCHR (2002) *Recommended Principles and Guidelines on Human Rights and Human Trafficking*.

## Appendix 1: Photographs of field findings (Figures 5 to 8)

Figure 5: Photograph (1) showing lack of awareness raising by state and non-state actors! No anti-trafficking posters in public places

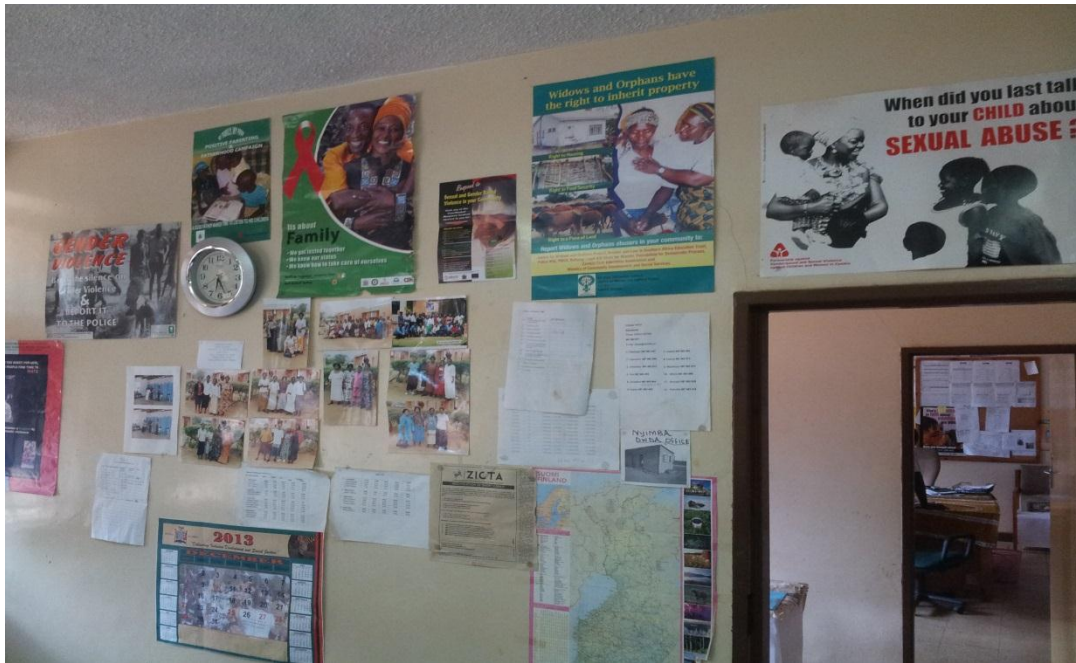


Figure 6: Photograph (2) showing lack of awareness raising by state and non-state actors! No anti-trafficking posters in public places



**Figure 7: Photograph showing demonstrators protesting against human trafficking not being considered as gender based violence**



**Figure 8: Photograph showing the socio-economic dilemma faced by women who trade in second hand clothes on a road under construction in Lusaka's Kamwala second class shops**

