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USDOS – US Department of State

2019 Trafficking in Persons Report: Zimbabwe

ZIMBABWE: Tier 2

The Government of Zimbabwe does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Zimbabwe was upgraded to Tier 2. These efforts included sentencing a trafficker and increasing cooperation and coordination with NGOs to identify victims. The anti-trafficking inter-ministerial committee (ATIMC) finalized and adopted a National Referral Mechanism (NRM), which outlined Standard Operating Procedures (SOPs) on victim identification and referral. It also drafted and adopted implementing regulations, which gave legal force to key procedures set out in the NRM, empowered provincial operational task forces, and defined clear roles and responsibilities for front-line responders. The government conducted an evaluation of its 2016-2018 National Action Plan (NAP) to identify lessons learned, which informed the drafting of its new 2019-2020 action plan. However, the government did not meet the minimum standards in several key areas. The draft amendments to the 2014 Trafficking in Persons Act remained pending at the close of the reporting period; the government prosecuted and convicted fewer trafficking cases compared to the previous year; and there was a backlog of trafficking cases dating back to 2016. The government identified fewer trafficking victims and did not provide adequate funding to its NGO partners on which it relied to provide protective services to victims.

PRIORITIZED RECOMMENDATIONS

Amend the anti-trafficking law to criminalize all forms of trafficking in line with the 2000 UN TIP Protocol. • Increase efforts to proactively investigate and prosecute trafficking crimes, including complicit government officials and internal trafficking cases. • Provide financial or in-kind support to NGO service providers. • Expand training for law enforcement on investigative techniques. • Allocate adequate funding for law enforcement to proactively carry out investigations. • Train prosecutors and judges on trafficking and trafficking-related legislation. • Establish safe houses for trafficking victims in each province. • Implement, and allocate sufficient resources to, the NAP to combat trafficking. • Develop mutual legal assistance treaties (MLATs) and other agreements to facilitate information gathering and sharing with foreign governments.

PROSECUTION

The government maintained anti-trafficking law enforcement efforts, although it did make efforts to improve international case cooperation or increase sophistication in case management. Inconsistent with international law, the 2014 Trafficking in Persons Act defined trafficking in persons as a movement-based crime and did not adequately define “exploitation.” The 2014 act criminalized the involuntary transport of a person, and the voluntary transport for an unlawful purpose, into, outside, or within Zimbabwe. The focus on transport and the inadequate definition of “exploitation” left Zimbabwe without comprehensive prohibitions of trafficking crimes. The law prescribed penalties of 10 years to life imprisonment, which were sufficiently stringent and, with respect to sex trafficking crimes, was commensurate with penalties for other serious crimes, such as rape. Zimbabwe’s Labor Relations Amendment Act criminalized forced labor and prescribed penalties of up to two years’ imprisonment, which were not sufficiently stringent. The Criminal Law (Codification and Reform) Act criminalized procuring a person for unlawful sexual conduct, inside or outside of Zimbabwe and prescribed penalties of up to two years’ imprisonment; these penalties were not sufficiently stringent when applied to cases of sex trafficking. The act also criminalized coercing or inducing anyone to engage in unlawful sexual conduct with another person by threat or intimidation, prescribing sufficiently stringent penalties of one to five years’ imprisonment. The government, in partnership with an international organization, finalized a draft Trafficking in Persons (TIP) Act Amendment Bill and the inter-ministerial committee convened a final legislative workshop in February 2019 to adopt the bill; however, it remained pending passage by Parliament at the close of the reporting period.

The government increased cooperation and information sharing with NGOs and international organizations during the reporting period, which resulted in more detailed law enforcement data. The government investigated two potential cases of forced labor, compared to investigating two potential cases of forced labor in the previous reporting period. The government reported prosecuting two trafficking cases in 2018, compared with 14 prosecutions in 2017. One case involved an alleged trafficker facing more than 20 counts of trafficking for luring victims to Kuwait and exploiting them in forced labor and sex trafficking during the previous reporting period. Partnering with an international organization, the government increased coordination with a foreign government to locate the defendant abroad, request his extradition to Zimbabwe, and indicted him under the 2014 TIP Act. Both prosecutions remained ongoing at the close of the reporting period. The government reported convicting one trafficker, compared with three convictions during the previous reporting period. The trafficker was on trial since 2017 for exploiting numerous Zimbabweans in forced labor and sex trafficking in Kuwait as early as 2016. Several victims testified against the trafficker and the government convicted her of five counts of trafficking and sentenced her to 50 years’ imprisonment—the most severe sentence ever handed down to a trafficker since the government’s first trafficking conviction in 2007. Out of as many as 20 cases initiated in 2016 involving Zimbabwean victims exploited in Kuwait, only three have been prosecuted, while the others remained under investigation at the close of the reporting period.

Although some delays were beyond the control of criminal justice actors, particularly in cases where the alleged trafficker resided outside of the country, the government lacked relevant agreements with foreign governments such as MLATs, which slowed law enforcement cooperation and the judicial process. Unlike sexual offense cases, which were typically expedited in the courts, trafficking cases were not treated with the same urgency and often languished on the docket for years. A senior Detective Inspector trained Zimbabweans and other government participants at an annual INTERPOL training seminar. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. However, civil society organizations reported widespread judicial corruption; these allegations extended beyond magistrates and judges to senior government officials, who allegedly undermined judicial independence including by giving farms and homes to judges. The government partnered with neighboring governments and an international law enforcement organization to increase investigative capacity of law enforcement through an intelligence-driven operation. As a result of this cooperation, officials in two countries arrested suspected traffickers and identified 87 victims.

PROTECTION

The government demonstrated increased protection efforts by adopting a national referral mechanism and referring all identified victims to care. The government reported identifying 10 victims and an international organization reported identifying 21 additional victims, for a total of 31 potential trafficking victims identified, compared with 87 total victims identified by officials and partners in 2017. In addition, a local NGO-operated hotline responded to one verified case of trafficking during the reporting period. Of those 10 victims identified by the government, eight were female and two were male. The government did not identify any victims exploited within Zimbabwe. The government referred all victims to care, as compared to the previous year when it repatriated some victims and referred others to care. The government referred the eight female victims to an NGO that operated 11 shelters for women in eight of 10 provinces throughout the country; they received protective services including counseling and medical care. Of these victims, two female victims were identified in Kuwait and one female victim was identified in China; all victims were exploited in both sex and labor trafficking. The Ministry of Public Service, Labor and Social Welfare (MPSLSW) partnered closely with the Zimbabwean embassies in both China and Kuwait to repatriate all three victims. Traffickers exploited four victims, two males and two females, in labor trafficking, in China. An international organization identified another 21 Zimbabwean victims, 19 female and two male, 17 of these victims were exploited in Kuwait and four were exploited in China. The MPSLSW partnered with an international organization to provide reintegration assistance and resources to begin income-generating projects to all 21 victims identified abroad by the organization. NGO shelters were capacitated to provide shelter for both male and female victims of gender-based violence, trafficking, and domestic violence. The NGOs that provided protective services did not receive funding from the government and struggled to operate without such support. While the 2014 Trafficking in Persons Act required the government to establish

centers in each of Zimbabwe’s 10 provinces to provide counseling, rehabilitation, and reintegration services, these centers have not been established since the passage of the law.

The government, in partnership with an international organization and other stakeholders, developed and adopted an NRM, which outlined SOPs in the identification, referral, and assistance of trafficking victims. The ATIMC drafted and adopted implementing regulations, which gave legal force to key procedures set out in the NRM, empowered provincial operational task teams, and defined clear roles and responsibilities for front-line responders. In partnership with an international organization, the government trained task force members on international and regional anti-trafficking legal frameworks, trafficking indicators, investigations and prosecutions, the NRM, and the South African Development Community (SADC) data collection tool. During the reporting period, the technical steering committee on the protections of victims of trafficking, led by the MPSLSW, met to oversee the protection and provision of reintegration assistance and services provided to victims of trafficking. The MPSLSW had a system whereby each potential trafficking case reported was handled jointly by an NGO and a Department of Social Welfare caseworker. The government encouraged victims to cooperate in the investigation and prosecution of trafficking cases and at least 10 victims testified during the reporting period. During the reporting period the government provided all 10 witnesses with transport, accommodation, and meals during while they provided testimony in court. The government implemented a comprehensive system for victim-witnesses, which included police units, courts, health services, and a referral system that were more victim-centered. Police officers were trained to obtain forensic reports, direct victims to medical care, and explain the judicial process. Courts had a separate room for victims to testify away from their alleged perpetrators and victims could choose to testify via video. Prosecutors, probation officers, and magistrates were trained to treat victims sensitively, handle cases quickly, and refer victims to post-trial support services. Health service providers were trained to collect evidence for criminal investigations, prepare medical affidavits, and offer immediate and long-term psycho-social support and health care. Despite having this framework in place, there have been cases in which traffickers gained access to victims or their families during court proceedings to compromise the witnesses’ testimony. The government did not have legal alternatives to removal to countries in which victims would face retribution or hardship; however, no foreign victims were identified during the reporting period.

PREVENTION

The government increased efforts to prevent trafficking. The ATIMC met quarterly and led the implementation of the NAP. The government conducted an evaluation of the 2016-2018 NAP to take stock of completed activities and lessons learned, which informed the drafting of an updated NAP for 2019-2020 that included input from 13 government ministries. In 2018, the ATIMC adopted guidelines for engagement between the government and civil society actors, which will establish a National Coordinating Forum, set to provide a platform for such engagement. In partnership with international organizations, the ATIMC developed the capacity of its seven provincial task teams with

targeted trainings. Together, they trained members of the provincial task teams on international and regional anti-trafficking legal frameworks, trafficking indicators, victim-centered investigations and prosecutions, Zimbabwe’s NRM, the 2014 Trafficking in Persons Act, and the NAP. The government organized and funded a commemoration of the World Day Against Trafficking in Persons in Bulawayo and distributed materials with anti-trafficking messages to the public at the event. The government set up anti-trafficking booths at the annual Zimbabwe International Trade Fair and the Harare Agricultural Show, which drew thousands of participants; officials distributed educational materials and hosted focus group discussions. Although the government funded awareness-raising activities, it did not allocate adequate resources to fully implement the NAP during the reporting period and relied on funds from international organizations to implement some of the activities. The government continued to participate in the SADC regional data collection tool by uploading information about trafficking cases, victim and trafficker profiles, and sharing information with countries in the region. The government continued to screen companies that employed foreign nationals and it prohibited proxy employment permit applications. The government did not provide anti-trafficking training to its diplomatic personnel. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Zimbabwe, and traffickers exploit victims from Zimbabwe abroad. Traffickers exploit women and girls from Zimbabwean towns bordering South Africa, Mozambique, and Zambia in forced labor, including domestic servitude, and sex trafficking in brothels catering to long-distance truck drivers on both sides of the borders. Traffickers subject Zimbabwean men, women, and children to forced labor in agriculture and domestic service in the country’s rural areas, as well as domestic servitude and sex trafficking in cities and surrounding towns. Family members recruit children and other relatives from rural areas for work in cities where traffickers exploit them in domestic servitude or other forms of forced labor. Some children, particularly orphans, are lured with promises of education or adoption. Traffickers recruit girls for child sex trafficking in Victoria Falls. Traffickers subject children to forced labor in the agricultural and mining sectors and force them to carry out illegal activities, including drug smuggling. There were reports of traffickers subjecting children from Mozambique to forced labor in street vending in Zimbabwe, including in Mbare. Additionally, the practice of *ngozi*, giving a family member to another family to avenge the spirits of a murdered relative, creates a vulnerability to trafficking.

Traffickers lure Zimbabwean women and men into exploitative labor situations in agriculture, construction, information technology, and hospitality largely in neighboring countries; some subsequently become victims of forced labor, and some women become victims of sex trafficking. Traffickers exploit women in domestic servitude, forced labor, and sex trafficking in Kuwait and Saudi Arabia. There were previous reports of Zimbabwean women lured to China and the Middle East for work, where they are vulnerable to trafficking. There were reports of traffickers luring Zimbabwean students to Cyprus and elsewhere with false promises for education via scholarship

schemes where they are exploited in forced labor and sex trafficking. Many Zimbabwean adult and child migrants enter South Africa with the assistance of taxi drivers who transport them to the border at Beitbridge, or nearby unofficial crossing locations, where traffickers subject them to labor and sex trafficking. Some migrants are transferred to criminal gangs that subject them to abuse, including sex trafficking in Musina, Pretoria, Johannesburg, or Durban. Traffickers exploit some Zimbabwean men, women, and children in South Africa to months of forced labor without pay, on farms, at construction sites, in factories, mines, and other businesses. Traffickers transport men, women, and children, predominantly from East Africa, through Zimbabwe en route to South Africa; some of these migrants are trafficking victims. Refugees from Somalia and Democratic Republic of the Congo reportedly travel from Zimbabwe’s Tongogara Refugee Camp to Harare, where traffickers exploit them and, in some cases, coerce them into prostitution. Traffickers force Chinese nationals to labor in restaurants in Zimbabwe. Chinese construction and mining companies in Zimbabwe reportedly employ practices indicative of forced labor, including verbal, physical, and sexual abuse, and various means of coercion to induce work in unsafe or otherwise undesirable conditions.

ecoi.net summary:

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