**BINDURA UNIVERSITY OF SCIENCE EDUCATION**

**FACULTY OF COMMERCE**

**DEPARTMENT OF INTELLIGENCE AND SECURITY STUDIES**

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**ZIMBABWE'S CRIMINAL JUSTICE SYSTEM AND ITS CAPACITY TO COMBAT HUMAN TRAFFICKING IN ZIMBABWE.**

**BY**

**RUWIZA RUJEKO RUTH**

**(B1851029)**

**A PROPOSAL SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE BACHELOR OF COMMERCE HONORS DEGREE IN FINANCIAL INTELLIGENCE AT BINDURA UNIVERSITY OF SCIENCE EDUCATION**

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# **DEDICATION**

This research is dedicated to all the people and families who have lost loved ones as a result of human trafficking, including husbands, dads, mothers, wives, daughters, and sons. This is also devoted to victims of human trafficking who have lost hope in the future as a result of the harsh events they have had to overcome in order to be hopeful again.

Thank you very much to my loving parents and my younger sister Marcia.

# **ABSTRACT**

Modern-day slavery is defined as human trafficking. Zimbabwe is always working to improve its battle against human trafficking, most recently with the 2014 Trafficking in Persons Act and the National Action Plan against human trafficking. The thesis examines and analyses Zimbabwe Criminal Justice system’s ability to combat human trafficking. A sample size of 50 respondents from various branches of criminal justice system of Zimbabwe was used. Structured questionnaires and structured interviews were conducted in order come up with results for this research. This was accomplished through a review of Zimbabwe's legal structure in the area of human trafficking, interviews with experts, and examination of country reports, books, and journals. Recent legislation and policy appear to contain flaws that are impeding the effective elimination of human trafficking. This is most evident in the 2014 Trafficking in Persons Act's definition of human trafficking, which emphasizes the transit aspect while neglecting other factors significant features such as exploitation, which must be included in a definition in order for it to be eliminated human trafficking in all its manifestations. As a result, it is necessary to evaluate the existing legislation policy to prevent inhumane treatment.

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# **ACRONYMS**

AU……………………………African UnionCEDAW………………………Convention on the Elimination of all Forms of Discrimination against Women

CSO……………………………Civil Society OrganizationsEAPCCO……………………….Eastern Africa Police Chiefs‟ Cooperation OrganizationEU………………………………European UnionESO…………………………….Employee Share OwnershipIOM…………………………….International Organization of MigrationMDC…………………………....Movement for Democratic ChangeNAPLAC……………………….National Plan in Action

NGO……………………………..Non-Governmental Organizations

NIEE……………………………..National Indigenization and Economic Empowerment ActSARPCCO……………….............Southern African Regional Police Chief’s Cooperation Organization UN TIP……………………………..United Nations Trafficking In PersonsVOT………………………………..Victims of TraffickingWILSA…………………….……… Women and Law in Southern Africa Research and Education

UNODC….……………………….United Nations Office on Drugs and Crime. ZANU PF…………………………..Zimbabwe African National UnionPatriotic FrontZCDA……………………………… Zimbabwe Community Development Association

# **CHAPTER 1**

# **1.0 Introduction**

Human trafficking in Zimbabwe became popular in 2003 when the Organization of Migration (IOM) launched a program called the Southern African Counter Trafficking Program (Gumbo 2008). Zimbabwe was identified as a country prone to human trafficking in Southern Africa, particularly in light of the recent Kuwait cases, which demonstrated the effects human trafficking would have on Zimbabwe, (Chibwe 2016). It is believed that around 200 women were smuggled to the Gulf countries. This also found that females are the ones most impacted by human trafficking, yet this does not rule out men being trafficked as well. However, it is believed that between 600,000 and 2.5 million individuals are trafficked each year, (Llewellyn Leach 2004, Bales 2009; UNODC 2012).

Human trafficking has received little attention in the country. Scholars are often preoccupied with the origins and consequences of human trafficking. However, there is a need to examine the existing human trafficking laws and policies. The effectiveness of existing laws and policies in combating trafficking in the country must be assessed. It is also vital to consider the governments and non-governmental organizations' (NGO) enforcement activities.

# **Background of the study**

Over the past several decades, the problem of human trafficking has received increased public attention. In the United States, stakeholders in the criminal justice system from various interest groups have publicized the problem of human trafficking and encouraged strong governmental responses (Bastone, 2007; Bales, 2008). According to The Zimbabwe Trafficking in persons National plan of action (NAPLAC) briefing paper(2019-2020), between January 2014 and May 2016, 10 cases have been prosecuted of which two have been completed (one conviction and one acquittal), while eight are still pending before courts. A case is still pending with the National Prosecuting Authority, this is according to the (NAPLAC). The United Nations Convention against Transnational Organised Crime has three supplementing protocols dealing with specific transnational organised crimes. These include the protocol to prevent suppress and punish trafficking in persons, especially women and children.

Human trafficking is a criminal enterprise that ranks third in the world, after arms and narcotics, in terms of its impact on national development and human rights (United Nations Office on Drugs and Crime) (UNODC 2012). Millions of individuals are affected by human trafficking around the world. It is frequently depicted as a heinous crime that necessitates immediate treatment. This violation, on the other hand, occurs frequently in a setting that facilitates exploitation.

Human trafficking is not a new phenomenon worldwide, and in Zimbabwe in particular, as it was popular in ancient times when kings could forcibly capture their subjects and sell them as cheap labor to other countries. The difference is most likely due to the size of the practice and the procedures used these days. Scholars define human trafficking as modern-day slavery that extends back to the 14th century. This practice mostly impacted African countries in the Pacific, Atlantic, and Indian oceans. The victims were mainly targeted for labor exploitation, except for a few cases were some women were sexually exploited leading to the creation of the early colored community (Dodo 2012). In the ancient days the colonial governments were deeply involved, while today human trafficking is carried out mainly by non-government agents, especially private individuals and groups, most of whom are criminals.

It's not always easy to tell the difference between migration and human trafficking. Many trafficked individuals are identified as migrants, and many migrants are trafficked into the nations to which they have relocated. Migration is not always a bad thing; it can be a way for people to improve their prospects of reaching their full social, economic, and political potential. Human trafficking, on the other hand, is a type of migration that many experts consider to be a sort of contemporary slavery because it involves compulsion, force, and illegality.

Human trafficking in Zimbabwe is mostly caused by poverty, which has taken its toll as a result of the country's economic disaster since the late 1990s. Young girls are recruited as domestic slaves and in the tourism sector as brothel maids for a subsistence income, and women, girls, and children are the most trafficked both locally and beyond the boundaries. Human trafficking victims from Zimbabwe are transported all over the world, including Asia, Europe, and Africa, though Kuwait receives a lot of attention. This is mostly owing to the recent Kuwait scandal, which resulted in the trafficking of more than 200 women.

In Zimbabwe, trafficking started to receive some attention in 2003 when International Organization of Migration (IOM) launched a program called the Southern African Counter Trafficking Program Zimbabwe was named as one of the countries in Southern Africa where human trafficking was thought to be an issue, and it has grown in popularity since then. The Trafficking in Persons Act of 2014 and the Zimbabwe Trafficking in Persons National Plan of Action are the most recent attempts to improve the fight against human trafficking in Zimbabwe (NAPLAC). The Acts aim to address Zimbabwe's issues in combating human trafficking by preventing trafficking, prosecuting criminals, and protecting victims in accordance with UN standards. The thesis will analyse the Zimbabwean legislation and policy and how successful it has been in preventing, combating and protecting people against human trafficking.

# **Statement of the problem**

Trafficking in persons can prove very costly and dangerous to a country and its citizens. This is because of the devastating psychological effect suffered by victims, depression, anxiety, fear and other forms of mental trauma. The country may incurred costs in providing awareness on trafficking, putting in place security measures to counter trafficking and counselling costs for victims of human trafficking, therefore the need for this study and the need on the Zimbabwe Criminal Justice System in fighting organised crimes (Gounev and Ruggiero 2014).

Levi, Petrus (2005), found that women are lured into exploitative labour situations in agriculture, construction and some are sexually exploited. Human trafficking is slavery in a modern form, and a crime against humanity. It is as profitable as arms trafficking and drug trafficking. The crime of human trafficking usually involves the following stages known by the acronym A.M.E. “A” for activity this involves the recruitment, transporting, transferring, harbouring and receiving of the victim. “M” for means includes threats, use of force, coercion, abduction, fraud, deception and abuse of position of vulnerability ( Levi, Petrus 2005). Forced labour, domestic servitude, pornography, removal of organs, street begging, adoption, forced marriages and child soldiers becomes the actual Exploitation “E”. There is repeated violation of human right, verbal, mental, physical and psychological abuse of the victim, serious trauma and possible death.

This is due to causes such as poverty, unemployment, and starvation, which have resulted from the country's economic collapse since 1999. (Ngwende, 2014). Human trafficking literature in Zimbabwe tends to focus on the causes and consequences of human trafficking. Human trafficking, according to Dodo (2012), is a barrier to development. Human trafficking, it was pointed out, was destroying family bonds and human capital. Gumbo (2008), on the other hand, investigated the elements that led to female trafficking to neighboring nations. As a result, the researcher aims to compare and contrast the laws that existed prior to the Trafficking in Persons Act with the country's present laws and policies on the subject of concern. It is in the interest of this research to examine how the Zimbabwean legislation and policy provides the country with the necessary tools to fight this phenomenon

# **Research objectives**

The specific objectives being:

1. To examine the role of the Zimbabwe Criminal Justice System and its capacity to fight human trafficking a form of organised crime.
2. To unearth and analyse the policies and laws with regards to human trafficking in Zimbabwe
3. To evaluate enforcement efforts in line with laws and policy on human trafficking in Zimbabwe
4. To find out whether the government has policies which support victims of trafficking

# **Research questions**

1. What is the Zimbabwe Criminal Justice System and its role in fighting organised crimes of human trafficking?
2. What laws are used to combat human trafficking in Zimbabwe and how effective are they?
3. What enforcement efforts are in line with the existing laws and policy on human trafficking in Zimbabwe?
4. Does the government have policies which support victims of trafficking?

# **Significance of the study**

Generally human trafficking undermines the safety and security of all nations it touches therefore this study would enable Zimbabwe to try and safeguard Zimbabwe from trafficking through strategies and policies this study will suggest as ways to counter human trafficking.

Human trafficking has become a serious problem that has drawn the attention of governments and non-governmental organizations all around the world. It's worth noting that little is known about human trafficking both within and outside Zimbabwe. Apart from the work of Dodo (2012), Gumbo (2008), and Ngwende (2014), little has been done in Zimbabwe to combat human trafficking. Gumbo focused on the trafficking of females from Zimbabwe to neighboring nations, whereas Dodo (2012) looked at how human trafficking hampered development within the country. Ngwende investigated the reasons of human trafficking as well as the government's response. There is barely any research on the effectiveness of the legislation, specifically the 2014 trafficking in Persons Act and the National Plan of Action.

The study will also look into the nature, trends, and scope of the human trafficking problem in Zimbabwe and from Zimbabwe to other countries. It will also be attempted to determine what interventions have been made to combat trafficking since the establishment of an anti-trafficking interministerial group. In addition, the researcher was prompted to conduct this study due to Zimbabwe's typically fragmented and often contradicting laws and regulations.

# **Assumptions of the study**

* The researcher will assume that the police and correctional services personnel will provide the information relevant for the research voluntarily.
* The sample(s) of the police and correctional service members chosen will be a true representation of the entire population(s) of the study
* The researcher will also assume that the methodology (through interviews and surveys using questionnaires) to be adopted will be ethical and acceptable and the instruments to be used are valid.
* The target respondents will provide bias free information and return all questionnaires.

* 1. **Delimitations and Limitations of the study**

This study is on the Zimbabwe Criminal Justice System and the crime of Human Trafficking in Zimbabwe.The researcher focused on a sample consisting of members of the judiciary, the police and the prisons personnel. The findings of this study have to be seen in the light of some limitations such as time constraints, limited access to data due to confidentiality and financial constraints.The time available to study a research problem comes with deadlines thus being a constraint. Generally, some of the information may be hard to solicit as the information required might be of a sensitive nature hence the researcher shall be required to exercise due diligence, patience and persistence to complete the study. Scarcity of resources both financial and equipment is also expected to be an impeding factor to the success of the study.

# **Chapter summary**

This chapter lays down the core of the study starting with the introduction followed by the background of the study, statement of problem, research objectives, research questions, and assumptions of the study, delimitations and finally the limitations to the study. It is in this chapter that the basis, the reason for conducting the study and the expected contributions of the research are drawn up. Subsequent to this chapter is Chapter is Chapter Two which reviews the theoretical framework, empirical evidence providing previous researches carried out in the analysis of Zimbabwe’s Criminal Justice System and human trafficking and the fight against it.

# **CHAPTER TWO**

# **REVIEW AND ANALYSIS OF RELATED LITERATURE**

# **2.0 Introduction**

This chapter shall review theoretical literature from the work of other scholars related to the topic to be studied. As defined by (Arlene, 2014) a literature review is a survey of books, scholarly articles and other sources that are relevant to the area of study. She went on and outline the purposes of literature review. The purpose includes describing the relationship of each work to other under consideration. The chapter will be composed of literature reviews which gives insights of other scholars’ views in the already-existing information about The Criminal Justice System of Zimbabwe and its capability to fight organized crime. Wiersma (1995:406), exclaimed that, “literature review establishes the need for the research and indicates that the researcher is knowledgeable about the area of study”. This section gives the theoretical framework of The Zimbabwe Criminal Justice System and its capacity to fight human trafficking, that is, information acquired through observation, interviews and questionnaires.

# **2.1 Conceptual framework**

Conceptual framework looks at the key concepts regarding human trafficking, the Zimbabwe Criminal justice system and its capacity to combat the crime.

# **2.1.1 Crime and crime causality theories explained**

This is based on the rational choice theory. Rational choice theory propounds that criminals are rational beings who make decisions to commit crime based on the costs and benefits (cost benefit analysis) involved in the process of crime perpetration. Deterministic in nature, criminal decision making process and crimes are based on free will, which necessitates observation of opportunities, circumstances and situations that could affect the successful perpetration of the planned crime, (Lanier & Henry, 2004). It is pointed out by Brown, Esbensen and Geis, (2008) that rational decision making pertaining to crime also involves the choice of the victims determined by the type of crime, modus operandi, where and when to commit it and post criminal process decisions. In essence, criminals may; first observe the accessibility to potential victims, location, and the time at which they are at most vulnerable. The appropriate way that could provide an entry with ease and how to protect their criminal activities from criminal justice authorities and other capable guardians and security personnel. However, other rational theorists have argued that criminals differ in the choices they make based on their perceptions, motives, skills and abilities to read opportunities as situations guide their decisions making processes, (Lanier & Henry 2004). For the purpose of this study rational decision making, free will, cost and benefits are three variables that will be used to explain human trafficking. The manner in which human traffickers select their victims, in most cases, is based on the gains they could get from the crime and the extent of the vulnerability of potential victims.

According to rationale theory perpetrators of human trafficking will desist from crime if they believe that the criminal activities will no longer generate profits and that legal and attractive income generating opportunities are available. A further incentive to quit is that risks have outweighed profits and there is high probability of arrest prosecution and punishment. The theory shows the causes of human trafficking and what needs to be done to curb human trafficking. Human trafficking in Zimbabwe is being caused by the economic situation that the country is facing. There are no jobs and people are living in poverty hence trafficking is a lucrative endeavor for perpetrators. It seems as if authorities fail to fully understand the rationale behind trafficking of humans in the country which is the issue that needs to be solved first or rather align laws and policy behind the rationale of trafficking. To make traffickers quit human trafficking, legislation with stiff penalties was enacted in 2014. Zimbabwe sought to promote the fight against human trafficking by harmonizing legislation with this field without law it would not have been prioritized. The study however looked at the ability of legislation and policy in curbing human trafficking.

# **2.1.2 Definition: The Criminal Justice System**

Crime is the commission of an act usually deemed socially harmful or dangerous and specifically defined, prohibited and punishable under criminal law (Bernard 2012). Criminal Justice is the generic term that refers to laws, procedures, institutions and policies at play before, during and after the commission of a crime this is according to Mayeux (2018).

According to McBride (1984), criminal justice system is an organisation of a country, in this case Zimbabwe, which exists to enforce a legal code. There are three main branches of Zimbabwe’s criminal justice system namely, the police, the courts and the correctional services. According to the Zimbabwe Legal Information Institute the Criminal Justice System in Zimbabwe is basically the Adversarial or accusatorial system (Saki and Chiware, 2007)

Under The Criminal Justice System the prosecutor states the case against the accused and the defence states the defence and an impartial officer decides whether the accused person is guilty or not on the basis of the evidence as a whole (Bernard 2012).

# **2.1.3 Human trafficking an organized crime**

Organised crime is defined as planned and coordinated criminal behaviour and conduct by people working together on a continuing basis and their motivation is often but not always financial gain, according to Finckenauer (2005:408).

According to the Organised Crime, Violence and development guide, Organised Crime ranges from protection economies and extortion rackets to cybercrime, oil theft, money laundering, counterfeiting, maritime piracy and trafficking and /or smuggling of illicit drugs, humans, firearms and wildlife. Human Trafficking is the illegal trade in and exploitation of humans, according the Parliamentary Briefing Paper of March 2011. It takes place throughout the world and thrives on demand for sex and cheap labour in particular. The word “trafficking “means trade, therefore human trafficking would translate to trade in persons.

# **2.1.4 Human trafficking in Africa**

Olagbegi and Ikpeme (2002), reviewed legislation and policies in Nigeria on human trafficking and forced labor. The writers points out how Nigeria came up with the trafficking in persons law enforcement and administration act of 2003 and how Nigeria has signed ratified and domesticated the UN protocol to prevent trafficking in persons especially women and children. They however noted that the lack of domestication and effective implementation of some of the laws and policies made them ineffective and reduced their impact to curb human trafficking. It is in this light that the purpose of the study seeks to come up with concrete evidence on the impacts of laws and policies in curbing human trafficking in Zimbabwe.

More so, UNICEF (2002) Innocent Research Centre, UNICEF Regional Office for West and Central Africa, wrote a paper on child trafficking in West Africa and noted that it supported high-level meetings that have helped to put child trafficking on the sub-regional agenda. It also pointed out how it advocated for the ratification of all of the major international treaties on the issue. It was also written that since 2000 it has worked in partnership with the other countries such as Italy, to carry out research into policy and programme responses to child trafficking in the sub-region. Thus while they focused on human trafficking of children in West Africa, they did not focus on legislation and policies on human trafficking in Zimbabwe.

UNESCO (2006), in its paper titled Human Trafficking in Mozambique: Root Causes and Recommendations, they mentions that lack of recognition of children‟s rights and women‟s marginalized and discriminatory location at both public and private sphere have placed them at a higher risk of being trafficked. They went on to highlight armed conflict, extremes of dislocation and loss, reconstruction, political upheaval and deep social scars, together with its particular geography and the AIDS pandemic making Mozambique an inviting target for organized crime. They noted that the impact of these events on women and children, together with systemic gender discrimination and the absence of protective legislation make them particularly exposed to human trafficking. Thus they did not focus on legislation and policy on human trafficking hence this makes my research relevant.

In addition, Masika (2002) in the book Gender, trafficking and slavery, focused on the issue of gender discrimination and oppression and the ways in which gendered power unites with poverty to make women and girls vulnerable to human trafficking. The writer pointed patriarchal values and systems as the parent causes of human trafficking and other forms of enslavement. In her book she also highlighted the discrimination which existed within the family and the community which are the causes of human trafficking. This shows that the researcher did not focus on laws on human trafficking in Zimbabwe and hence this study will be of great significance.

Tuyizere (2007) is of the opinion that women are the ones who are mainly trafficked to be exploited in various ways that is sexually, in domestic servitude and in human organs trade. It was also noted that parents and guardians sometimes sell their children due to poverty in the belief that their young ones will be taken care of whilst they do not know that they will be exploited in many ways. Hence this is different from the focus of the study which focuses on the laws which exists on human trafficking in Zimbabwe.

# **2.1.5 Human trafficking in Zimbabwe**

Firstly, (Gumbo, 2014) focuses on the trafficking of the girl child from Zimbabwe to neighbouring countries. She highlights why Zimbabwe is a girl child trafficker’s paradise (Gumbo, 2014). Gumbo, in her paper recommended that the government in general and the ministry of justice, legal and parliamentary affairs should put laws that would criminalise trafficking hence the trafficking and persons act of 2014 and other laws were put in place . It is however my wish to study the impacts of the efforts which were made by the government to curb trafficking through coming up with various laws and policy.

Dodo (2012) in his study focused on investigating human trafficking as an impediment to development. She pointed out how trafficking has „broken down family ties, eroded states, human capital, eroded citizens confidence in immigration authorities, the effectiveness trampled on fundamental human rights and the re-introduction of the old age slavery (G, Dodo, (2012). Dodo did not pay attention on the impact of legislation and policies in curbing trafficking but rather focused on the impact of trafficking on development hence making the research important as it focuses on the impacts of legislation and policies in curbing trafficking.

To add to the above, Ngwende (2014) looked at the causes and responses of human trafficking in southern Africa with particular reference to Zimbabwe. The researcher pointed out that human trafficking in the country was mainly as a result of unemployment, poverty and hunger. Adding on to the above, the researcher noted that social, economic and cultural factors are responsible for human trafficking. An investigation conducted by the researcher reviewed that the local conditions were the ones motivating people to migrate in search of better living conditions.

The Zimbabwean crises which have been on-going since 1997 following the announcement of the unbudgeted payment of gratuities to war veterans have resulted in an increasing number of Zimbabweans seeking „greener‟ pastures both at home and abroad. Hyperinflation, restricted economic opportunities and high unemployment levels gave birth to many instances of abject poverty. In light of this, human traffickers have found a fertile ground to operate from. This development reached its peak recently with revelations that many Zimbabweans were working in slave-like conditions in countries such as Kuwait. At home, cases of people Efforts by both the public authorities and civic societies to combat this malady have largely had mixed fortunes as citizens continue to fall victim to human traffickers.Internal human trafficking in Zimbabwe reached its peak in 2008 due to the closure of schools, worsening political violence and a bad economy (Trafficking in Persons Report, 2009). Between March 2008 presidential elections and June 2008 run-off election, ZANU PF youth militias, Zimbabwe Central Intelligence Organization (CIO) and veterans of the liberation struggle abducted and held an unknown number of women and girls particularly opposition supporters as sexual and domestic victims at camping bases (AIDS free world 2009).Against this background, this chapter traces human trafficking in Zimbabwe from a historical perspective.

The impacts of the implosion of the Zimbabwean economy on human trafficking merits close especially at the peak of the crises from 2007 to early 2009. For example, there was an unprecedented increase in the number of rape cases in 2008 especially after the announcement of the March 2008 presidential election results. Female victims have narrated harrowing tales of being drugged and being gang-raped intensely and violently by militant gangs (Trafficking in person’s report 2009). Explaining their ordeal, most women pointed out that they lost count of how many times they were raped whilst held hostage, which links human trafficking with the dangerous spread of HIV/ AIDS as perpetrators hardly use protection during such forced sexual encounters. This exposed the victims to sexually transmitted infections.

Victims of sex trafficking in the bases included women who had positions in the party, political activists, and those related to opposition politicians (AIDS free world 2009). Women were abducted from their homes by alleged ZANU PF militia, chanting revolutionary songs and party slogans. Lawrence and Roberts (2012) noted that women and children are vulnerable to trafficking when they are alone or in small groups, they are easily abducted. It was made clear to victims that they were being abducted for their party affiliations and they would be assaulted physically and sexual.

Rampant in Zimbabwe is labour exploitation of labour on desperate people by those in power. Reports suggest that young men were taken to work in the Marange diamond fields by the government security forces. During this period villagers who would not have seen their relatives for days feared they could have been trafficked for mining activities (Trafficking in person’s report 2009). Many people were forced to work in the mining sector both adults and children were forced into panning and digging. Many of these mines were guarded by militia and security forces. The problem also occurred in seized farms, where the individuals to whom the farms were given sometimes forced the peasants into unpaid labour (International Trade Union confederation 2011).In Mudzi, Chingwena children were reportedly not going school to look after gardens and fields against baboons (Zimbabwe youth council 2014).

The conditions included political instability, natural disasters, oppression and lack of human rights. Factors such as corruption were also noted to be leading to human trafficking. The researcher also noted how the government was struggling in to address the challenge due to the economic challenges that the country is facing, lack of resources and porous borders.The sources above focused mainly on the human trafficking of girls and women as well as the impacts of trafficking on development but did not give much attention on the impact of legislation and policies on human trafficking in Zimbabwe. Thus the study is going to be of great significance because it will give a broad analysis of the impacts of legislation and policies mainly focusing on the human trafficking act of 2014 and other laws and policies.

2.2 Empirical review Hills (2000), defines Organised Crime as relating to exploitation of irregular migrants. It’s often, but not always, connected to modern slavery, labour exploitation or servitude. It is highly profitable and often organised by gangs linked with other illegal activities such as arms trade, the drug trade and people smuggling. Men, women and children (the victims) are often from poor backgrounds in search for better prospects in life but end up being lured into situations where they are subsequently exploited for profit.

Criminology is the study of why individuals commit crimes and why they behave in certain situations (Krohn, 2014:19). By understanding why a person commits a crime, one can develop ways to control crime or rehabilitate the criminal. There are many theories in criminology. . By studying these theories and applying them to individuals, perhaps psychologists can deter criminals from repeating crimes and help in their rehabilitation. Some scholars attribute crime to the individual; they believe that an individual weighs the pros and cons and makes a conscious choice whether or not to commit a crime. Others scholars believe it is the community’s responsibility to ensure that their citizens do not commit crime by offering them a safe and secure place in which to live. Some ascertain that some individuals have latent traits that will determine how they will react when put in certain negative conditions.

These crime causation theories include the choice theory, classical theory and the rational choice theory. According to the choice theory, individuals choose to commit a crime, looking at the opportunities before them, weighing the benefit versus the punishment, and deciding whether to proceed or not (Weisbud, 2008:202). Akers and Sellers, (2008) classical Theory ascertains that people think before they proceed with criminal actions; that when one commits a crime, it is because the individual decided that it was advantageous to commit the crime. Weisbud, (2008) explains the rational choice theory saying that an individual thinks through each action, deciding on whether it would be worth the risk of committing a crime to reap the benefits of that crime, whether the goal is financial, pleasure or some other beneficial result.

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children provide the following definition, “Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force, or other forms of coercion, of abduction, of fraud, of deception, of abuse of power or of a position of vulnerability or of the giving or of the receiving of payments of benefits to achieve consent of a person having control over another person, for the purpose of exploitation. The protocol goes on to say that consent of a victim of trafficking in persons is irrelevant where any of the means of coercion mentioned above have been used. The recruitment, transportation, harbouring or receipt of a victim is considered.

Most statistics on trafficking are estimates because of the underground and illegal nature of trafficking. The UN estimates that nearly 2.5 million people from 127 different countries are being trafficked around the world at any given time. The US government estimates that globally at least 12.3 million adults and children are currently in forced prostitution and/or forced or bonded labour as a result of being trafficked. At the launch of the United Nations Trust Fund for Victims of Trafficking in November 2010, UN Secretary General Ban Ki Moon said: “We are here because trafficking is everywhere. No part of our planet is immune. Almost every country is affected by this crime, whether as a place of origin, transit or destination for victims. Traffickers respect no geographic borders or moral boundaries.” Therefore, Zimbabwe is not exempted from the issue of human trafficking as well as its effects on society and the economy as well.

A more recent paper by the International Labour Organization (ILO) provides a brief country-by- country synopsis of the extent of the human trafficking in SADC countries. There are indications that trafficking, especially from countries with failing economies and diaspora populations, Zimbabwe in particular, is on the rise and that victims are being trafficked for sex work and cheap labour. This brings us to the main purpose of this research, is The Zimbabwe Criminal Justice System able or capable of dealing with the rising issue of human trafficking of its citizens.

The Interpol Sub-Regional Bureau for Southern Africa in Harare has a desk officer for human trafficking, but he says he has no resources to carry out investigations and faces difficulties in accessing information from the police in the various countries. Members of the Victim-Friendly Unit of the Zimbabwe Republic Police have reportedly come into contact with trafficked persons during the course of their duties, but also lacked sufficient resources to investigate fully. The International Organisation for Migration (IOM) has traced a number of missing Zimbabwean women to Johannesburg who stated that they had been trafficked.

An IRIN report (IRIN is the humanitarian news and analysis service of the UN Office for the Coordination of Humanitarian Affairs) of May 2009, recorded individuals at the Musina border post who stated that the large number of Zimbabweans pouring into South Africa as traders, asylum-seekers, economic migrants, shoppers, and an increasing number of unaccompanied minors provide ample camouflage for human traffickers. For example, the malaicha (taxi drivers/ smugglers) claiming to arrange safe passage for migrants are often part of trafficking rings and specifically target vulnerable young children, as there is a demand for labour and sexual exploitation in South Africa.

Sexual exploitation is estimated to be most common form of human trafficking is for sexual exploitation and that the victims of sexual exploitation are predominantly women and girls. Sexual trafficking includes coercing a migrant into a sexual act as a condition of allowing or arranging the migration. Women and children, for example, may be promised work in domestic service or industry but are taken instead to brothels and stripped of their passports and any other identification papers (Zane, 2006). They may be beaten or locked up and promised their freedom only after earning – through prostitution – their purchase price, as well as their travel and visa costs.

The statistics are deeply shocking. In 2009, UNICEF estimated that thousands of children from Asia, Africa, and South America are sold into the global sex trade every year. A recent US Department of Justice study says more than 30 per cent of the total number of trafficking cases for 2007–08 were children coerced into the sex industry. The average age of young girls sold into sexual slavery is thirteen and the average profit made by a pimp from one girl’s repeated ‘rape for profit’ is $200,000, which makes it a ‘seriously lucrative business’.

The second most common form of human trafficking is forced labour, which is less frequently detected and reported than trafficking of persons for sexual exploitation. Persons who have been trafficked or are illegal immigrants are in demand by unscrupulous bosses wanting cheap and submissive labour. For such workers, there is no job security and their existence is precarious, as they are entirely without access to law, protection, welfare or assistance. Such labour is especially in demand in labour-intensive enterprises – factory sweatshops, plantations and farms, and in dirty or dangerous or jobs such as picking through refuse and working with hazardous substances.

There are no figures indicating how many of these have been trafficked, but UNICEF estimates 1.2 million children are trafficked each year for cheap or unpaid labour. They tend to be engaged in work that is likely to be hazardous to their health and/or physical wellbeing, not to mention their mental, spiritual, moral or social development, and it often interferes with their education.

These include forced recruitment into armies and the drug trade; forced marriage, mutilation for begging; the abuse of adoption, resulting in the trafficking of babies and pregnant women; and trafficking of organs and body parts for surgical transplants. Children are also trafficked for forcible recruitment for armed conflict, the illegal drug trade, the illegal arms trade, and other illicit activities.

The UN estimates that 2.45 million people are in forced labour (including sexual exploitation) at any given time as a result of trafficking. Approximately 43 per cent of trafficking victims are used for forced commercial sexual exploitation, of which 98 per cent are females of all ages. Another 32 per cent are used for forced economic exploitation, of which 56 per cent are again females of all ages. Although the poor are particularly vulnerable to being trafficked, no one is immune – 18 per cent of victims have at least middle-level education. The principal lure for victims is an offer from a trafficker for financial opportunities for herself or her family. (Younger victims are often kidnapped.)

Victims are falsely assured of a job in the catering and hotel industry or in a bar or club, modelling contracts, or work. Once trafficked, they are often kept under control by threats of physical abuse, the administration of addictive drugs, or are beaten, tortured and raped to instil sufficient fear to prevent them from trying to escape. Moreover, being in a country illegally without any form of official ID, or having been made to engage in illegal activities, if they escape they are reluctant to report their predicament or seek help, or are simply too young, too terrified and/or unsure where or to whom they should go.

Trafficking is a highly lucrative business , it is now the world’s fastest growing criminal industry, with an estimated global annual market value of about $42.5 billion. Its profits are exceeded only by those of the drugs and arms trades. Its links to drugs and arms crime syndicates, which are also often involved in organised smuggling of migrants across borders, make it difficult to bring traffickers to justice.

Indeed, very few traffickers are ever prosecuted. In 2006 there were only 5,808 prosecutions and 3,160 convictions throughout the world. This means that for every 800 people who were trafficked, only one person was convicted. Perhaps surprisingly, in 30 per cent of the countries that provided information on the gender of traffickers, women constitute the largest percentage. As traffickers need to gain the trust of potential victims at both source and destination, women traffickers are the norm in some parts of the world. It is also for this reason that the majority of suspects involved in the trafficking process are nationals of the source country.

An Inter-Ministerial Task Force on Human Trafficking has been set up in Zimbabwe. The government reported in 2007 that it was drafting a comprehensive anti-trafficking Bill. However, it is not available for scrutiny and has not reached Parliament. The IOM has been working on raising public awareness and producing and distributing information to educate vulnerable groups on the dangers of trafficking. An Non-Governmental Organisation (NGO) Anti-Trafficking Network has been formed to help with awareness-raising. A Zimbabwean police detective now works on trafficking at the Harare Interpol offices, but he needs more resources. Definitely more still needs to be done, although good foundations, the above initiatives need to be built on if they are to be fully effective.

Required actions include greater dissemination of information by UN agencies, government and NGOs about trafficking and what is being done about it in Zimbabwe. Running awareness campaigns about trafficking to educate potential victims can also be done. Stamping out the corruption that facilitates the illegal crossing of borders. Approaching the media to give free publicity and airtime to awareness-raising campaigns and to feature programmes and articles on the problem of trafficking. Refraining from further punishing the victims by arranging their immediate deportation can also minimise the effects from trafficking. Catching and punishing traffickers. Above all, there needs to be far more regional and global cooperation. The government of Zimbabwe also needs to accede to the Palermo Protocol and expedite the Anti-Trafficking Bill.

A good anti-trafficking law will give full effect to the Palermo Protocol. To this end, UNODC has drawn up a model law against trafficking in persons, much of which could be adapted to the Zimbabwe situation to achieve the following objectives: Criminalising not only trafficking in persons, but also using or profiting from the services of victims of trafficking and facilitating trafficking. Investigating suspected traffickers and undertaking relevant policing and border control measures, including training of law enforcement and border officials in relevant areas. Providing for persons convicted of trafficking and related offences under the Act to be sentenced to punishments that recognise the grave nature of these offences, particularly where the victims are from vulnerable groups such as women and children.

To add on, giving the courts of Zimbabwe both territorial and extra-territorial jurisdiction to try persons for trafficking offences, i.e., those committed within Zimbabwe as well as offences committed outside Zimbabwe by Zimbabwean nationals. Courts convicting traffickers having the power to order them to pay compensation to their victims. Ensuring safety and assistance for victims and their rehabilitation, and for the application of immigration laws in a manner recognising their special plight as victims of trafficking. Educating potential victims and the general public on trafficking. Compliance with and domestication of international instruments. Setting up an Inter-Sectoral National Council to advise on national policy and make recommendations to all relevant ministries and local authorities to prevent trafficking, carry out strategic coordination to ensure cooperation between government agencies, enlist the support of NGOs, CBOs, unions, churches, etc. in raising awareness and handle the accreditation of centres and organisations for victim support

Ensuring that national statistics are collected and collated on all aspects of trafficking. Enabling liaison with regional and international agencies and the governments of other countries.The problem of human trafficking is not only a criminal justice issue. It also involves broader social issues, including labour, urban management, immigration and foreign policies. A national policy on human trafficking should reflect this complexity, ensuring input and assistance from all ministries, UN agencies and NGOs with expertise in these matters.

**2.3 Conclusion** This chapter carries out the literature review on The Criminal Justice of Zimbabwe and its capacity to fight human trafficking in relation to existing literature on the study. This chapter constituted the relevant key contributions of other writers and researchers as well as other supporting theoretical and empirical evidence. To sum up with above literature, the Zimbabwe Criminal Justice System was reviewed as well as its capacity to fight organized crime. The aspects discussed include crime, criminological theories on crime causation, human trafficking, the Zimbabwe Criminal Justice System and its capacity to fight organized crime and findings of other researchers relating to The Criminal Justice System of Zimbabwe and its capacity to counter human trafficking.

# **CHAPTER THREE**

# **RESEARCH METHODOLOGY**

# **3.0 Introduction**

This chapter spells out and focuses on the research methodology which shows how data will be gathered and analyzed. Research methodology focuses on the research process and the kinds of tools and procedures to be used (Babbie 2005:77). This shows that it covers all methods and techniques used by the researcher in trying to gather the necessary information needed to achieve research objectives.

# **3.1 Research approach**

In this study, the researcher used the mixed research approach, both qualitative quantitative research approaches to gather data. David and Sutton (2004), argues that qualitative research is associated with the inductive approach which is explanatory, seeking to build accounts of what is going on from data collected. According to Burns and Burns (2008:19), qualitative research “captures expressive information not conveyed in quantitative data about perceptions, needs, feelings, and motivation that underlie behavior at an individual level”. Data from qualitative studies describes qualities or characteristics of a variable this includes information about behavior, needs, desires, routines which quantitative data methods cannot match. According to Creswell (2003, 153), Quantitative research involves the collection of data so that information can be quantified and subjected to statistical treatment in order to support or refute “alternate knowledge claims”. The quantitative data used to analyze the findings from respondents by using graphs, charts and statistics to enable the researcher to examine the relationships and trends within the data with regards to the Zimbabwe Criminal Justice System’s effectiveness to counter human trafficking. In addition, combination of quantitative and qualitative research will enable the researcher to dig deeper into what is really taking place in the world of work through direct contact with the participants in the field.

# **3.2 Research Design**

Cracy (2009:131), defined research design as “the overarching plan for the collection, measurement and analysis of data”. The researcher used a case study to collect data on the capabilities of the ZCJS. Yin (1984:23) says that case study “is an empirical inquiry that investigates a contemporary phenomenon clearly evident; and in which multiple sources of evidence are used”. This allowed the researcher to come up with the valid and reliable information.

# **3.3 Population**

The aggregate of individuals sharing similar objectives describes the target population (Kothari 2004). The target population further refers to the population onto which the study findings are generalized. It also refers to the entire group of people, events or things of interest that the researcher wishes to investigate (Kothari 2004). This study targeted a total population 35 people from different backgrounds within the criminal justice system of Zimbabwe, such as, correctional services personnel, the police and judicial officers who decide on criminal cases in courts.

# **3.4 Sampling**

Kumar (2011:193) and Cough and Nutbrown (2012) points out that sampling is the process of selecting a few (a sample) from a bigger group (the sampling population) to become the basis for estimating or predicting the prevalence of an unknown piece of information, situation or outcome regarding a bigger group. Singh (1996: 855), states that stratified sampling is the procedure of partitioning the population into groups, called strata, and then drawing a sample independently from each stratum. Stratified sampling was used to select the participants and this type will base entirely on the judgment of the researcher. Respondents were put in stratas as the researcher targets Lawyers, the correctional services personnel and the police. The researcher used the slovin formula to find the sample. Slovin's Formula - is used to calculate the sample size (n) given the population size (N) and a margin of error (e). -It is computed as n = N / (1+Ne2). When to use Slovin’s formula? - If a sample is taken from a population, a formula must be used to take into account confidence levels and margins of error. If the researcher does have an idea about a population’s behavior, they should use the Slovin formula.

# **3.5.0 Research Instrument**

# **3.5.1 Interviews**

According to Armstrong (2009:182), interviews are important methods of collecting data; they obtain information on attitudes and feelings of people on certain subjects. Opdennakker (2006), supported that interviews can take advantage of social cues such as voice, intonation, body language among others and they depend on what the interviewer wants to know. The researcher used telephone and face to face semi-structured interviews. Advantages of telephone interviews and face to face semi-structured interviews include that its time saving, fills in the gaps since interviewer can seek clarity and ensures that the interviewee and the researcher are the same page. Gilbert (2001:88) stated that interviews will need some form of document to guide questioning and this may consist of both pre-coded and open ended question. The researcher used open-ended questions which allowed giving more information about the research. According to David and Sutton (2004:80), “open ended questions may generate theoretical insights, so they may offer new leads in the identification of research subjects”. Therefore, interviews with open-ended allowed the researcher to ask more questions according to the answers of the respondents and this will help in gathering more essential information.

# **3.5.2 Questionnaires**

The researcher used self-administered questionnaires with open-ended questions. A self-administered questionnaire need the presence of the researcher and is advantageous in that it enables queries and uncertainties to be addressed immediately with the questionnaire design. Ndlovu et al, (2015) said that self-administered questionnaires ensure a hundred percent response rate and that all questions will be completed and filled in correctly. The researcher used open-ended questions which allow respondents to express themselves in terms of their feelings and insights audit effectiveness. Questionnaires quicken the research process since the researcher can gather information in a short period of time from a larger number of participants as compared to interviews data gathering instrument because researcher can engage more participants at the same time.

# **3.5.3 Data collection procedure**

The researcher sought permission from top officials before carrying out a research and the make appointments with different respondents. The ZRP and correctional services personnel were interviewed face to face to those available and through telephone to those out of offices. Telephone interview were conducted in case of lockdown or covid-19 restrictions. Some of the lockdown restriction and containment measures due to the Covid 19 pandemic require that all citizens minimize one on one meetings and rendezvous thus prohibiting face to face meeting to take place. Questionnaires were distributed to members of the police and correctional services personnel.

# **3.5.4 Data presentation and analysis**

The researcher used thematic method of data analysis. Thematic analysis is a search for themes that emerge as being important to the description of the phenomenon (Daly, Kellehear and Gliksman 1997). Themes for data presentation and analysis will be designed in accordance with the research study objectives. Firstly the researcher will familiarize with data and further analyzed the data by comparing the research findings with the existing literature on human trafficking and the ZCJS. The researcher generated searching themes which will be later reviewed by combining the similar phrases and corrections will be made possible to certify that minimum data of quality standard have been achieved and finally defined. The choice of a code manual for the study is important because it serves as a data management tool for organizing segments of similar or related text to assist in interpretation (Crabtree 1999). The researcher used an interview guide in asking questions and recorded notes which will be read and compared to come up with themes relevant to the objectives of the research study. Responses from the questionnaires will also be put under themes to ensure the relevance and reliability of them through comparison with other responses. Then at last, the researcher produced a final report. Data will be collected from various participants, grouped and synthesized to come up with a critical analysis of the findings. The researcher used descriptive summaries or narrations to present and analyze qualitative data whilst graphs, tables and charts will be used to collect quantitative data.

# **3.6 Ethical considerations**

The researcher considers ethical issues as important in gathering data from different groups of participants from different backgrounds of the ZCJS. According to Greener (2008) ethics relates to moral choices affecting decisions, standards and behavior. The researcher ensure that private and confidential information was never be exposed to unnecessary users, informed consent becomes the priority where the researcher first notified respondents about the purpose of the research before interviewing or questioning them, permission from responsible authorities before conducting research, the collected data is presented only without false data additions.

# **3.7 Summary**

This chapter explained how data was collected, presented and analyzed. It gave light about the targeted respondents, characteristics and selection of the sample frame. Data collection methods, research instruments and research approach have all been planned and suggested in this section. Therefore, the chapter is a road map that the researcher followed to get to intended objectives.

# **CHAPTER 4**

# **DATA PRESENTATION, ANALYSIS & DISCUSSION**

# **Introduction**

This chapter seeks to present, analyze data and also discussion the findings. The data gathered was interpreted to give meaning. The reason behind the collection of data was to evaluate Zimbabwe's Criminal Justice System's capacity to counter Human Trafficking. The researcher made use of tables and graphs in the presentation and analysis of the data gathered, the observations presented were based on information gathered through the use of questionnaires and interviews

# **4.1 Response Rate on Questionnaire**

**Table 4.1: Questionnaire Response Rate**

|  |  |  |  |
| --- | --- | --- | --- |
| **Respondent’s Organisation** | **(N) Questionnaire distributed** | **(N) Questionnaire responded** | **Response rate (%)** |
| Zimbabwe Republic Police (ZRP) | 15 | 13 | 86.7% |
| Courts personnel (state lawyers included) | 15 | 15 | 100% |
| Prisons personnel | 10 | 8 | 80% |
| Non-governmental organizations | 5 | 3 | 60% |
| Other | 5 | 4 | 80% |
| **Total** | **50** | **43** | **81.34%** |

**Source: Primary**

Table 4.1 indicates a total of 50 questionnaires we distributed to different branches within the ZCJS and other relating organizations. Of the 50 distributed to the respondents, 43 were responded to signifying an 81.34% response rate as indicated above. This shows that the majority of the questionnaires were responded to. This was as a result of very close follow ups by the researcher.

# **Interview response rate**

**Table 4.2 Interview Response Rate**

|  |  |  |  |
| --- | --- | --- | --- |
| **Respondent’s Organisation** | **(N) Interviews scheduled** | **(N) Interviews done** | **Response rate (%)** |
| Zimbabwe Republic Police (ZRP) | 3 | 3 | 100% |
| Courts personnel (state lawyers included) | 3 | 3 | 100% |
| Prisons personnel | 3 | 3 | 100% |
| Non-governmental organizations | 3 | 3 | 100% |
| Other | 3 | 3 | 100% |
| **total** | **15** | **15** | **100%** |

**Source: Primary**

The researcher planned to conduct 15 interviews by picking 3 respondents from each category of related parties. Out of the 15 scheduled interviews, all 15 were conducted showing a 100% response rate as shown above.

# Demographic characteristics of respondents

Demographic data entails personal attributes of the respondents in respect to this research. Demographic data includes age, gender, and period of employment and level of education. This is presented below.

**Table 4.3 Demographic characteristics of respondents**

|  |  |  |  |
| --- | --- | --- | --- |
| Variable | Variable description | Frequency | Percentage |
| Gender | Male | 19 | 55.8% |
| Female | 24 | 44.2% |
| **Total** | **43** | **100%** |
|  |  |  |
| Age | Below 25 | 7 | 16.3% |
| 25-29 years | 10 | 23.3% |
| 30-35 years | 11 | 25.6% |
| 35-40 years | 8 | 18.6% |
| Above 40 | 7 | 16.3% |
| **Total** | **43** | **100%** |
|  |  |  |
| Period of employment | 2 years and below | 5 | 11.6% |
| 2-4 years | 10 | 23.3% |
| 5-6 years | 13 | 30.2% |
| 6 years and above | 15 | 34.9% |
| **Total** | **43** | **100%** |
|  |  |  |
| Level of education | O’ and A’ Level certificate | 9 | 20.9% |
| Undergraduate degree | 12 | 27.9% |
| Post graduate Degree | 17 | 39.5% |
| Other | 5 | 11.6% |
| **Total** | **43** | **100%** |
|  |  |  |

Source: Primary

# **4.2.1 Gender**

The above table shows the gender distribution of the respondents. 55.8% of the respondents were female, while 44.2% were male. The high response rate by females was due to the fact that victims of human trafficking are predominantly women and girls. Most men were reluctant to respond to the questionnaires.

# **4.2.2 Age of respondents**

Table 4.3 also shows age ranges of respondents. The age ranges were divided into 5 groups. Majority of the responded were 30-35 years of age which constituted 25.6% of the respondents. This is because those aged 30-35 were more familiar with aspects of human trafficking in relation to their employment.

# **4.2.3 Period of employment**

The results shows a modal period of employment was 6 years and above with 34.9% followed by 5-6 years with 30.2%, 2-4 years with 23.3% and lastly 2 years and below with 11.6%. Those who had been employed in their organisation for a long time were keen to respond since they had knowledge relating to human trafficking in Zimbabwe.

# **4.2.4 Level of education**

Since the research constituted the ZRP whose minimum requirement is an O’ Level Certificate they constituted 20.9% of the respondents. Majority of the respondents had post graduate degrees which constituted 39.5% of the respondents, followed by 27.9% of respondents who had an undergraduate degree. Other certificates had 5 respondents which translated to 11.6%.

# **4.2.5 Human trafficking from Zimbabwe to neighboring countries is a reality**

Respondents were asked to indicate where human trafficking was most prevalent in terms of gender. The following results were obtained.

**Table 4.4 Prevalence of human trafficking**

|  |  |
| --- | --- |
| **Variable** | **Prevalence** |
| Men | 6.1% |
| Women | 35.4% |
| Boys | 13.3% |
| Girls | 45.2% |

The above table highlights that human trafficking is mostly common in girls, this is indicated by the 45.2% figure on the prevalence of human trafficking in girls. Respondents indicated that trafficking in persons was mostly common in girls. Men and boys were indicated to be less prone to human trafficking

# **4.2 Level of satisfaction and effectiveness current measures to combat human trafficking in Zimbabwe**

# **4.2.1 Level of satisfaction**

The respondents were asked to indicate their level of satisfaction on the measures that Zimbabwe has put in place to combat human trafficking. The following results were obtained.

**Table 4.5 Level of satisfaction**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Level of satisfaction** | Very dissatisfied | Dissatisfied | Satisfied | Very satisfied |
| **Frequency** | 33.6 | 49.9% | 15.9% | 0.6% |

Source: primary

Table 4.5 shows that 49.9% of the respondents were dissatisfied with current measures to combat human trafficking in Zimbabwe. 33.6% was very dissatisfied showing that more can be done to improve on policy, legislation and penalty pertaining to the crime of human trafficking? Majority of the respondents showed that the measures put in place by Zimbabwe were not deterrent enough in combating human trafficking. Therefore if Zimbabwe had to go through a human trafficking threat it would not be able to defend itself to prevent the effects of the crime of human trafficking. On this note researcher went on to question respondents on their level of knowledge pertaining policies and legislation against human trafficking as well as measures to combat it. The respondents went on to indicate that since most of them were part of the ZCJS most of them were well versed with Zimbabwe’s take on human trafficking and measures against the crime.

# **4.2.1 Level of effectiveness**

The respondents were tasked to indicate in their own opinion the level of effectiveness of measures to combat human trafficking. The following were the results.

**Table 4.6 Level of effectiveness**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Level of effectiveness | Very ineffective | Ineffective | Effective | Very effective |
| Frequency | 27.4% | 44.5% | 19.9% | 8.2% |

Source: primary

Table 4.6 indicate that majority of the respondents are of the view that the current measures that are meant to combat human trafficking are barely effective. This is indicated by the 44.5% that highlighted that the measures were ineffective followed by those that stated that they were very ineffective. This shows that very minimal effort has been put by the ZJSC in order to combat human trafficking as well as its effects on the society. However 19.9% indicated that they thought that they were effective and 8.2 also thought they were very effective.

# **Reasons for trafficking in persons**

The first discovery was that human trafficking from Zimbabwe to neighboring nations for forced labor was both genuine and problematic. South Africa and Botswana are the most common destinations for girls trafficked from Zimbabwe. The second conclusion was that human was trafficked from Zimbabwe to neighboring nations for a variety of reasons, including sexual exploitation, forced marriages, removal of human or body parts, and debt bondage. A third issue that has to be looked at or handled at a national level is the lack of effective legal and administrative measures to combat trafficking. Fourth, traffickers' use of forceful or misleading tactics to entice victims has become a concern. The insufficiency of government and non-governmental initiatives to alleviate the consequences of trafficking was the sixth finding.

The vulnerability of orphaned female girls surfaced as a key problem that needed to be addressed by the government and other stakeholders such as NGOs. Another conclusion of the research was the difficulty or problems in obtaining statistical data on the number of people who were victims of trafficking. Poverty and a lack of options have also been identified as factors that contribute to the trafficking in persons in Zimbabwe. Another issue that came up was certain NGOs' inability to comprehend what human trafficking entailed.

# **Summary**

The respondents’ suggestions and views were discussed in the previous chapter. The chapter outlined the demographic structure of respondents. This chapter focused on the presentation, analysis and discussion of the findings of the study. The findings were presented in tables. The findings were also analyzed and discussed. The following chapter concentrates on research summary, conclusions, recommendations and suggestions for future study.

# **CHAPTER 5**

# **SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

# **5.0 Introduction**

This chapter seeks to summarize the research project as well as giving conclusions and recommendations to the research relating to the Zimbabwe Criminal justice system and its capacity to fight human trafficking. Findings of each research objective will be discussed within this chapter.

# **5.1 Summary of the study**

The study sought to establish the ZJSC’s capability in combating human trafficking. The major findings for each objective were:

# **5.1.1 What is the Zimbabwe Criminal Justice System and its role in fighting organised crimes of human trafficking?**

This particular question seeks to explain what the Zimbabwe criminal justice system is and its roles in the combating of human trafficking. The Supreme Court, the High Court, the Administrative Court, the Magistrates' Courts, the system for the administration of the courts, the Attorney General's office and affiliated public prosecutors, and the legal profession make up Zimbabwe's justice system. In Zimbabwe, the Justice System is a critical component of the rule of law's smooth operation. The police are the enforcers of the law as well the prisons services are there to ensure the rule of the law is carried out through the rehabilitation of those prosecuted for different crimes. Therefore the role of the ZCJS in combating human trafficking entails enaction of laws and policies that criminalize the crime as well tightening penalties. The police and its branches are there to ensure that these laws are followed, close monitoring at the country's borders as well as inland. However where the laws have not been followed the courts therefore are responsible for defining the crime committed and pass a fitting verdict that is detterant enough. The prisons are there to ensure that the criminal is serving their sentence as well gone through a rehabilitation process where necessary.

# **5.1.2 What laws are used to combat human trafficking in Zimbabwe and how effective are they?**

This research question sought to establish Zimbabwe's efforts to combat human trafficking. Until 2014, when the Trafficking in Persons Act was adopted, Zimbabwe, like other African countries, had no explicit legislation or procedures in place to combat human trafficking. Kidnapping, false imprisonment, abduction, extortion, and fraud were among the offences charged. However, prior to the Trafficking in Persons Act, it is vital to study the laws that were used to prosecute human trafficking violators. Below are the acts pertaining to the Zimbabwe constitution?

Constitution of ZimbabweImmigration Act [Chapter 4:02]Criminal Law (Codification and Reform) Act (Chapter 9:23)The Labor Act (Chapter 28:01)Sexual offences Act

Although the Zimbabwean constitution has no provisions for human trafficking, it is crucial to remember that the constitution guarantees a number of important human rights to all persons, regardless of race, religion, sex, or political differences. Among the rights enumerated in the constitution are the following: the right to life, the right to liberty and security, the right not to be submitted to slavery, servitude, forced labour or bonded labour, the right not to be subjected to torture and/or cruel, inhuman, degrading treatment or punishment, the right to be free from gendered violence, the right to freedom of association, the right to freedom of movement, the right to the highest attainable standard of physical and mental health the right to just and favorable conditions of work, the right to an adequate standard of living, the right to social security and the right of children to special protection.

# **5.1.3 What enforcement efforts are in line with the existing laws and policy on human trafficking in Zimbabwe?**

Education of the public has been carried out though not that extensively .Zimbabwe however failed to honour the requirements of its constitution in preventing human trafficking by failing to uphold human rights in the country. There were more than 200 reports of abductions resulting from political violence in 2008. The human rights NGO forum noted that it filled more than 400 lawsuits to the courts of Zimbabwe against perpetrators of human rights abuses such as deprivation of life but nothing was done.

Criminal Law (Codification and Reform) Act [Chapter 9:23 Section 70, 71, 72, 83 these are mainly sexual offences that were usable to prosecute trafficking, particularly in cases involving children under the age of 16. These necessities points out sexual crimes against young persons and “procuring” for unlawful sexual conduct. The extraterritorial provisions built in that enable prosecutors to reach beyond Zimbabwe’s borders in many cases, as well as to prosecute internal forms of sex trafficking.

# **5.1.4 Does the government have policies which support victims of trafficking?**

Most of the support work of victims is done by different stakeholder which includes the government, NGOs and general communities. The government assists victims though repatriation, counselling services as well as a toll-free counter-trafficking hotline with a 24 hour answering service. The Msasa Project which provides temporary shelters to survivors of different injustices with the purpose of safekeeping the survivor and at times their children. They noted that people who would have been trafficked, they have symptoms which include:

➢ Post-traumatic stress disorder

➢ Anxiety

➢ Depression

➢ Suicidal ideation

➢ Panic disorder

➢ Substance abuse

# **5.2 Recommendations**

# **5.2.1 Sensitization and awareness raising**

Given the secrecy surrounding the issue of trafficking and the fact that little is known about the trafficking in persons in Zimbabwe, there is a great need for education and awareness-raising so that government officials, including lawmakers, and the general public are aware of the problem of trafficking and its risks. Every citizen needs to be made aware of the problem of human trafficking so they can be informed and make wise decisions. Through the use of radios, televisions, and newspapers, the media should take the initiative to highlight the issue of trafficking. The border towns like Chiredzi, Chirundu, and Nyamapanda, where most of the trafficking occurs, must receive a significant amount of education and knowledge.

To prevent people from becoming victims of traffickers, practical measures should be adopted. Legislation should be accompanied with policies aimed at removing the pull causes, such as the demand for cheap and low-skilled labor, and the push factors, such as poverty, unemployment, HIV and AIDS, and AIDS orphans. The best way to combat trafficking in persons in Zimbabwe is to fight or eradicate poverty. Zimbabwe's population will continue to be exposed to trafficking unless poverty is drastically reduced or eliminated.

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

# **5.2.2 The Role of Government and legislation on trafficking**

A law that clearly criminalizes trafficking ought to be passed by the Ministry of Justice, Legal, and Parliamentary Affairs. If there is a legislation in place, this will help to clarify the situation and put law enforcement agencies in a better position to deal with it. A statute alone will not stop trafficking unless it is accompanied by training for law enforcement authorities.

# **5.2.3 Human rights approach to developing effective interventions**

Since the best interests of human life are given top priority consideration, the human rights method should be used. It also involves citizen engagement, integration of responses in communities, families, and other key role players, and assurance of responsibility at all levels. Training on trafficking should be provided to all members of the police force and other interested parties. Boost instruction on human trafficking prevention, prosecution of traffickers, and victim rights protection for law enforcement officers, immigration and customs officers, prosecutors, judges, and other relevant officials. Continuously doing this should be the goal.

# **5.3 Conclusions**

This research made it clear the more had to be done to ensure measures against human trafficking were deterrent enough in order to combat human trafficking. In as much as not much information on human trafficking cases it is evident that Zimbabwe and the ZJCS would struggle to combat the crime. Massive effects would be suffered by both the citizens and the government. Therefore laws and policies need to be revised so that they are in line with the United Nations standards. Maximum cooperation with other countries can help fight human trafficking.

This It became clear that human trafficking from Zimbabwe to neighboring countries is a reality, though it was difficult to gauge the scope of the problem because statistical data on the number of people trafficked from Zimbabwe to South Africa, Botswana, Zambia, and other countries was difficult to come by. It was also discovered some of the major reasons for trafficking in persons was forced labor, sexual exploitation and cheap labor.

Our understanding of the phenomena is also incomplete because I was unable to speak with any victims and our research is based solely on cases that support organization employees or government officials have reported. Since it is impossible to determine how reliable such numbers are, one must be cautious when using the data for methodological reasons. There are good reasons to examine the evidence closely. This study will provide helpful preliminary data on trends and patterns and highlight the possibility of, and potential for, widespread human trafficking because I was unable to locate any victims of trafficking to interview; instead, I relied on information from discussions with service providers, law enforcement, NGOs, and Government representatives.

# **5.4 Further research study**

This study is not exhaustive it requires further studies on how far the country has gone on combating human trafficking.

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# **Appendix 1:**

BINDURA UNIVERSITY OF SCIENCE EDUCATION FACULTY OF COMMERCE THE INTELLIGENCE AND SECURITY DEPARTMENT RESEARCH INTRODUCTORY LETTER

To whom it may concern

Dear sir /madam

Re: an invitation to participate in my study by answering the attached questionnaire.

My name is Ruwiza Rujeko Ruth a fourth year student at Bindura University of Science Education studying Bachelor of Commerce in Financial Intelligence. It is a requirement of the degree program for one to carry out a research project. You are invited to participate in a research project entitled: “An analysis of the Zimbabwe Criminal Justice System and its capacity to combat human trafficking.” The research seeks to establish to what extent Zimbabwe is able to fight against the crime of human trafficking and the roles of the Zimbabwe Criminal Justice System.

You are informed that your participation in this study is voluntary and you can decide to withdraw your participation at any moment without any prejudice. You are also informed that no monetary or any other benefits will accrue to you for participating in this study. In going about the research, the confidentiality of the respondents will be respected and the completed questionnaires will only be kept and processed by the researcher. The information is for academic purposes only.

Your assistance is greatly appreciated.

Yours faithfully

Ruwiza Rujeko Ruth.

# **Appendix 2**

Please tick in the appropriate box that matches your answer and where available you can fill in brief.

SECTION A:

1. Gender

Female [ ]

Male [ ]

2. Age

Below 25yrs [ ]

25 – 35yrs [ ]

36 – 45yrs [ ]

Above 45 [ ]

3. Educational profile

O’ and A’ Level [ ]

Undergraduate Degree [ ]

Postgraduate Degree [ ]

Other [ ]

(Specify)………………………………………………………………………………..

SECTION B

4. Do you think human trafficking can be a major problem in Zimbabwe?

Not really [ ]

Possibly [ ]

5. Indicate the major what you think would be the causes of human trafficking in Zimbabwe

|  |  |  |
| --- | --- | --- |
| Cause | Major cause | Minor cause |
| Poverty |  |  |
| War and political instability |  |  |
| Demand for cheap labor |  |  |
| Lack of human rights for vulnerable groups |  |  |
| Lack of education |  |  |
| Natural disasters |  |  |

6. Do you think the measures put in place by the Zimbabwe Criminal Justice System effective?

Very effective [ ]

Effective [ ]

Ineffective [ ]

Very ineffective [ ]

*(State a reason for your answer)* ………………………………………………………………………………………………………………………………………………………………………………………………………………………………..

7. In your own opinion what else can be done to improve on the measures to combat human trafficking?

……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………..

THANK FOR YOUR TIME AND EFFORT, YOUR PARTICIPATION IS GREATLY APPRECIATED.

# **Appendix 3**

Interview guide for members of the branches of the Zimbabwe Criminal Justice System and related organisations such as NGOs.

1) In your view what is basically the ZCJS?

2) Do you know anyone who has been a victim of human trafficking?

3) Have you ever encountered an education campaign on human trafficking and how has it helped you?

4) What would you say are the weaknesses of the ZJCS in combating human trafficking?

5) Which policies or legislation do you know that are targeted on fighting human trafficking in Zimbabwe?

6) The above mentioned laws how effective are they?

7) What do you think should be done to improve on the existing laws and measures to combat human trafficking?