



# **MIGRATION IN ZAMBIA**

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JUSTICE COALITION OF RELIGIOUS  
(JCoR) WORKSHOP

ON MIGRATION

ISC, CHELSTONE

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# OBJECTIVES OF THE SESSION

1. TO EQUIP PARTICIPANTS WITH INFORMATION ON MIGRATION IN ZAMBIA
2. TO EQUIP PARTICIPANTS WITH THE LEGAL FRAMEWORKS IN ZAMBIA THAT GOVERN MIGRATION

# OUTLINE OF PRESENTATION

- 1. Introduction and definition of Migration**
- 2. Background of migration in Zambia**
- 3. Demographics and Dynamics of Migration to and through Zambia today**
- 4. Current policy and Legal Frameworks regarding Migration in Zambia**

# INTRODUCTION TO MIGRATION

- **Migration** can be defined as the movement of people from one place to another for one reason or the other. Migration is inevitable, necessary and desirable.
- Complex migratory population movements may include refugees, asylum-seekers, economic migrants and other migrants, as opposed to migratory population movements that consist entirely of one category of migrants.
- Often involves irregular migration, frequently involving transit migration, where persons often move without the requisite documentation, crossing borders and arriving at their destination in an unauthorized manner. Also includes unaccompanied and separated minors, vulnerable stranded migrants in need of protection assistance & stateless persons.

## **International & regional law obliges Zambia to:**

- Protect the rights of migrants irrespective of their status (regular or irregular)
- Refrain from returning individuals to any place where they may face persecution as well as inhumane or degrading treatment or punishment, including torture, even if they are in an irregular migratory situation.

# INTRODUCTION TO MIGRATION

- **Zambia** is a destination country for refugees & asylum seekers mainly from the Democratic Republic of the Congo (DRC), Rwanda & the Horn of Africa. Zambia is source, transit & destination point for trafficking in persons.
- Vulnerable irregular migrants can have particular needs due to their lack of legal status, which can exclude them from national regulations relating to the protection of basic human rights.
- Categories of vulnerable migrants of concern for this training include: rejected asylum seekers , victims of trafficking; presumed trafficked persons; & ‘potential’ trafficked persons (before exploitation has taken place) ,unaccompanied & separated children (UASC), stranded migrants in need of protection assistance, stateless migrants and other vulnerable migrants

# MIGRATION IN ZAMBIA

Mixed movements usually represent a wide spectrum of nationalities, gender and age groups, as well as religious, social and political backgrounds and legal status.

Individuals of different categories traveling in mixed migration flows share the same journey and therefore face the same dangers and hardship on the way.

The journey, usually harsh and dangerous, may create new vulnerabilities, including physical injuries or emotional trauma.

What else?

Vulnerable migrants, refugees and asylum seekers in mixed migration flows, even if arrived illegally, need to be identified and provided with protection and assistance in line with their human rights.

Refugee Camps



Transit Locations



Border Crossings



Department of Immigration Locations



Prisons



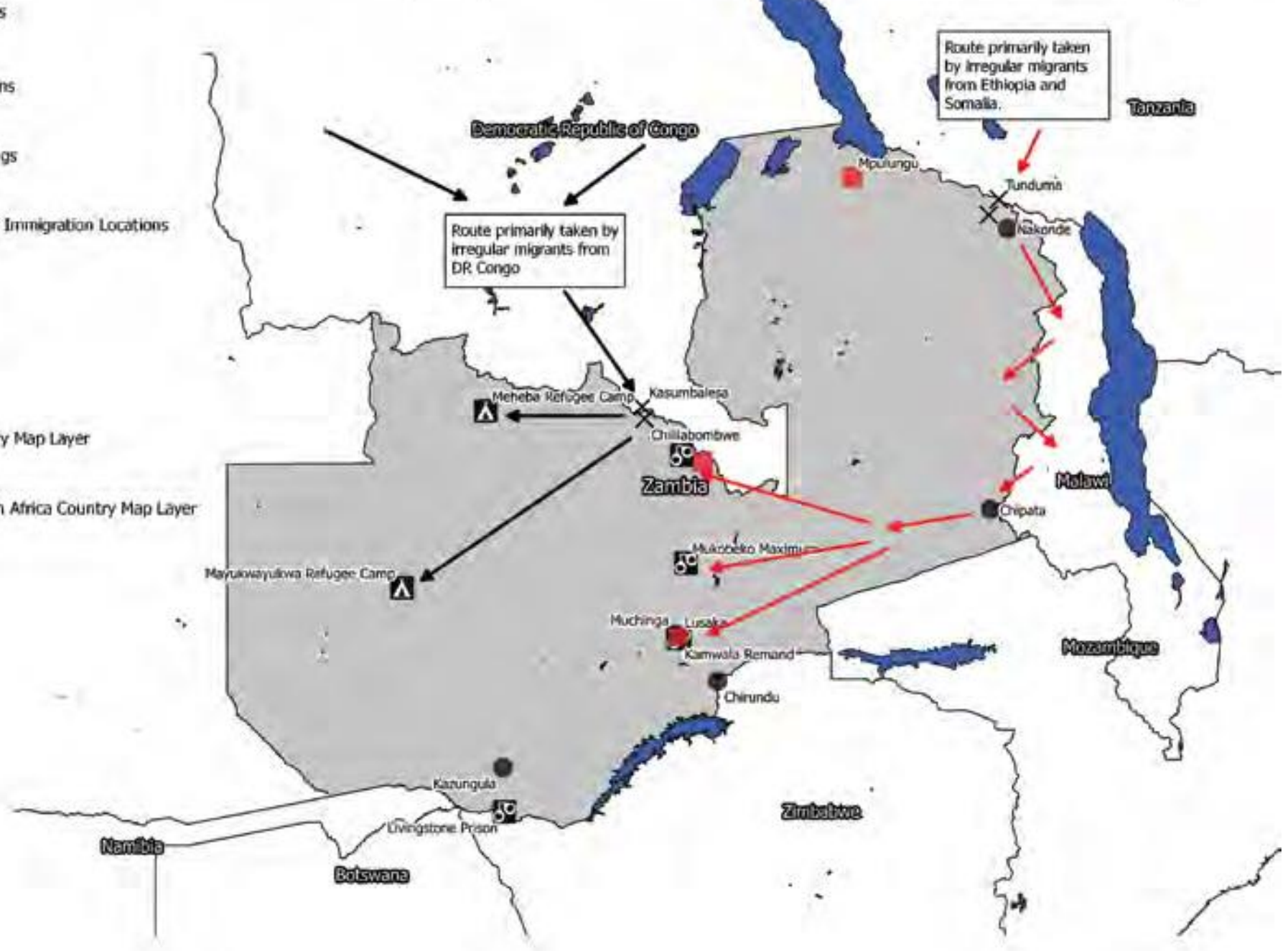
Lakes



Zambia Country Map Layer



East and South Africa Country Map Layer



# BACKGROUND-ZAMBIA

- Zambia: source, transit & destination
- Most trafficking is believed to be ‘internal trafficking’
- Irregular migration is experienced from the Great Lakes Region & Horn of Africa to Southern Africa.
- Zambia – transit South Africa – destination
- Victims of trafficking in Zambia from: Malawi, Mozambique, DR Congo, Zimbabwe & Asia
- Zambian victims of trafficking in: neighbouring states, South Africa, West Africa, USA & Europe



# CAUSES OF MIGRATION-PUSH AND PULL FACTORS

## **PUSH FACTORS**

1. Poverty,
2. unemployment
3. job insecurity
4. Conflict & political instability
5. Natural disasters
6. climate change
7. HIV & orphanhood

## **PULL FACTORS**

1. Perceived better life elsewhere
2. Demand for cheap labour
3. Demand for sexual services
4. Enabling factors
5. Porous Borders
6. Corruption
7. Low risk, high profit for traffickers



# CONSEQUENCES AND RISK FOR STATE AND SOCIETY

- 1) Growth & diversification of organized crime, including money laundering
- 2) Increase in irregular migration – challenges for border management
- 3) Growth of corruption
- 4) Undermining rule of law
- 5) Increased insecurity among communities

# CONSEQUENCES AND RISK FOR INDIVIDUALS

- Life, liberty & personal security
- Physical & psychological harm, health & wellbeing
- Inhumane & degrading treatment – human rights violated
- Detention if not appropriately identified
- Secondary victimization
- Shame, stigmatization & community exclusion
- Risk of re-trafficking, in absence of appropriate protection

# QUESTION AND ANSWER





# SESSION 2- NATIONAL LEGAL FRAMEWORKS

## **OBJECTIVES OF THE SESSION**

1. To understand the provisions of the national legislative frameworks & their application

## LAW/POLICY

## RELEVANT PROVISIONS FOR MIGRANTS

### Constitution of Zambia

- ♦ The Constitution defines a child as any person who has attained or is below the age of 18 years .A person who has attained or is below the age of eighteen years
- ♦ The Constitution is the “grand norm” and guarantees the enjoyment of human rights under the Bill of Rights and provides that every person in Zambia (including children) is and shall continue to be entitled to the enjoyment of fundamental rights and freedoms without discrimination.
- ♦ The Constitution provides for how an individual becomes a Zambian citizen.
- ♦ Article 39, which sets up rules on dual citizenship, makes provision for Zambians in the diaspora to acquire citizenship in their host country while retaining their home country citizenship as well.
- ♦ Similarly, in the same clause, migrants in Zambia can acquire Zambian citizenship without having to renounce their original citizenship.
- ♦ Prohibits any form of torture or other cruel, inhumane or degrading treatment or punishment (Art. 15) against children
- ♦ Prohibits child labour below age 15 (Art. 14, 15, 24)
- ♦ Right to life (Art. 12)

<b>Anti-Gender Violence Act</b>	<ul style="list-style-type: none"> <li>◆ Prohibits physical, sexual, or mental injury, female genital mutilation</li> <li>◆ Prohibits child marriage, trafficking of children</li> <li>◆ Mandates reporting of all GBV, creates reporting pathways for children, communities, and professionals</li> <li>◆ Mandates home visits by police, social workers, counsellors, medical practitioners and other key professionals</li> <li>◆ Establishes Victim Support Units at community level</li> <li>◆ Ensures response services in sexual abuse cases to include removal of perpetrator, protective placement, first aid and medical assistance, counselling and rehabilitation services, access to legal aid/support, witness protection, and judicial action to hold perpetrators accountable.</li> </ul>
<b>Penal Code</b>	<ul style="list-style-type: none"> <li>◆ Assault or battery against anyone is a criminal offence</li> <li>◆ Prohibits abuse ,neglect ,abandonment or exposure in penal institutions (sections 46,248) and forbids sexual abuse (Sections 2, 138, 140,141</li> </ul>
<b>Immigration and Deportation Act</b>	<ul style="list-style-type: none"> <li>◆ Empowers the Department of Immigration to perform immigration control functions, including regulating migrants who enter, stay within</li> </ul>



**Immigration and  
Deportation Act  
No.18 of 2010**

**Zambia Police  
Act (Cap 107 of  
the Laws of  
Zambia)**

- ◆  Furthermore, the Act provides for the establishment of an information management system to collect and manage migration data as well as safeguard data protection.
- ◆  Mandates the Dept of Immigration to co-operate and collaborate with other specialized agencies and organizations to enhance information flow, and comply with national and international protocols in the movement of people.
  
- ◆ The Zambia Police Act provides for the organization, functions and discipline of the Zambia Police Service.
- ◆ The functions of the Zambia Police Service include preserving the peace, preventing and detecting crime, and apprehending offenders against the peace.

**children's rights, protect children against all forms of abuse and child trafficking.**

**National Social Protection Policy**

- ◆ Provides social assistance such as cash and in-kind transfers, fee waivers
- ◆ Provides social security including maternity protection
- ◆ Makes available food security packs, women's empowerment programs, and agricultural inputs and supplies
- ◆ Legal and child protection, especially related to neglect; anti-trafficking programmes and anti-gender violence programmes

**Guidelines for Best Interests Determination for Vulnerable Child Migrants in Zambia**

- ◆ The Guidelines for Best Interests Determination for Vulnerable Child Migrants in Zambia have been developed for the purpose of establishing a formalized procedure for dealing with vulnerable children.
- ◆ The Guidelines apply to vulnerable child migrants in Zambia, including (but not limited to) actual, presumed and potential child victims of trafficking, unaccompanied and separated children (UASC), asylum seekers, refugee children, stateless children and stranded children.
- ◆ The Guidelines outline the different needs of child migrants at different stages of the migration process, in accordance with the National Referral Mechanism (NRM) and the international, regional, and national minimum standards.

**Prisons Act (Chapter 97 of the Laws of Zambia)**

- ◆ The Prisons Act provides for the establishment of prisons and for the management and control of prisons and prisoners lodged therein.
- ◆ The Act requires that particulars of an inmate be recorded at the time of admission to prison.
- ◆ Some of the personal details relevant to migration include age, sex, and place of birth and origin.

**National  
Registration Act  
(Chapter 126 of  
the Laws of  
Zambia)**

- ◆ **The National Registration Act provides for the registration of persons aged 16 years and above in Zambia as the case may apply.**
- ◆ **The particulars captured include sex, declared national status, year of birth and place of birth.**
- ◆ **The National Registration Act also makes provisions in instances where a registered person changes his/her national status.**
- ◆ **In case a person intends to leave the country permanently, he/she is required to surrender the national registration card to relevant authorities.**
- ◆ **National registration allows the State to capture and document the stock of foreign nationals resident in Zambia, regardless of the type of permit held.**

**Anti-Human  
Trafficking  
Amended Act  
(Act No. 16 of  
2022)**

- ◆ **This law provides for the prohibition, prevention and prosecution of human trafficking; and for filing of and dealing with matters related to human trafficking.**
- ◆ **Among other things, it stipulates that no victim shall be repatriated without giving consideration to care and safety arrangements in the country to which the victim is returned.**

## **Refugees Act (Act No. 1 of 2017)**

- ♦ **The Refugees Act provides for the establishment of the Office of the Commissioner for Refugees (COR) and its functions; the recognition, protection and control of refugees; and the rights and responsibilities of refugees, among others.**
- ♦ **The COR keeps records of all registered asylum seekers and refugees in the country and has a comprehensive database of all such persons in the country at any given time.**
- ♦ **Ensures migrant child (who may be in need of refugee status, or is considered a refugee) receives appropriate protection and assistance.**
- ♦ **Assists a child to trace the parents of other members of the family of the refugee child in order to obtain information necessary for the reunification of the child with the family (if family cannot be found, ensure the child receives same protection as any other child permanently or temporarily deprived of the child's family).**
- ♦ **Has special protections for children with disabilities and effects of trauma (Sec 54)**
- ♦ **Ensures the child enjoys rights of life, non-discrimination, freedom and**

**Guidelines for Protection Assistance to Vulnerable Migrants in Zambia, 2014**

- The national Guidelines for Protection Assistance to Vulnerable Migrants in Zambia were developed to facilitate capacity-building of first-line officials to establish and/or implement “protection-sensitive processes, procedures and systems”, with the aim of effectively responding to the protection needs of vulnerable migrants in Zambia.
- These are complimented by the National Referral Mechanism, profiling forms and trainers manuals/handbooks.

**Children's Code Act. No. of 2022**

- States that ‘child’ has the meaning assigned to the word in the Constitution.
- Section 16.A child on the move is entitled to appropriate protection and humanitarian assistance in accordance with the Anti-Human Trafficking Amended Act, 2022, the Refugees Act, 2017 and any other relevant Law
- Section 17(1) A child is entitled to protection from maltreatment and any other form of exploitation, including sale,

## **Zambia's Migration Profile**

- Provides profile for Zambia with statistics whilst making reference to various institutions.

## **Migration Policy**

- The policy provides for the protection of all migrants whilst upholding their human rights.

## **National Policy on Human Trafficking and Smuggling of Migrants**

- The policy provides for the protection of all victims of trafficking and advocates that smuggled victims should be protected.

# QUESTIONS AND ANSWER



# GOVERNMENT AGENCIES RESPONSIBLE FOR MANAGING MIGRATION AND THEIR MANDATES

- 1) Office of the President
- 2) Ministry of Community Development and Social Services
- 3) Ministry of Education
- 4) Ministry of Commerce and Industry
- 5) Ministry of Foreign Affairs and International Cooperation
- 6) Ministry of Local Government
- 7) Ministry of Information and media
- 8) The Ministry of Youth, Sports and arts
- 9) Commissioner for refugees
- 10) Ministry of Finance
- 11) Ministry of Justice
- 12) Ministry of Tourism
- 13) Ministry of Health



# UN AGENCIES RESPONSIBLE FOR MIGRANTS' WELFARE AND THEIR MANDATES

1. The International Organisation for Migration
2. United Nations Children's Fund
3. United Nations High Commissioner for refugees
4. International Labour Organisation

# MANAGING MIGRATION IN ZAMBIA

## **SESSION OBJECTIVE**

1. TO EQUIP PARTICIPANTS WITH KNOWLEDGE ON THE KEY STAKEHOLDERS IN MIGRATION, NATIONAL AGENCIES AND INTERNATIONAL AGENCIES.
2. TO UNDERSTAND THE CHALLENGES FACED BY INSTITUTIONS ON THE MANAGEMENT OF MIGRATION

# SHARING EXPERIENCES AND SKILLS AMONG THOSE SERVING MIGRANTS IN SOME WAY

1. Strategic planning and budgeting
2. National Committees
3. Coordination of key stakeholders in migration programming
4. Networking and linkages
5. Cross border engagements
6. Regional conferences and networks

# CHALLENGES AND HUMAN RIGHTS VIOLATIONS MIGRANTS ARE EXPERIENCING TODAY IN ZAMBIA

Human rights are standards that recognize & protect the dignity of all human beings.

Human rights are:

- Inherent – all humans are born with them
- Inalienable - individuals cannot give them up & they cannot be taken away - even if governments do not recognize or protect them.
- Universal - they are held equally by all people, everywhere – regardless of age, sex, race, religion, nationality, income level or any other status or condition in life.
- Equal - all rights are equal & no right is superior to any other; there are no ‘small’ rights.
- Indivisible – they cannot be separated
- Interrelated – violation of one right has a bearing on other rights

# BASIC HUMAN RIGHT

2. Freedom from Slavery & forced labour

1. The right to life.

4. Prohibition from torture & inhuman or degrading treatment or punishment.

7. The right not to be discriminated against

5. Right to a hearing, with the assistance of an interpreter

3. Freedom of movement

6. Right to an adequate standard of health care

# CHALLENGES EXPERIENCED AS A VIOLATION OF HUMAN RIGHTS

- 1) Prolonged detention, justice delayed is justice denied
- 2) Delayed repatriation
- 3) No access to legal representation
- 4) No access to communication with relations
- 5) Little or no access to basic services

# GOOD PRACTICES IN VISITATION WITH DETAINED MIGRANTS

- Coordination amongst stakeholders expedites the processes of identification, assessment and finding lasting solutions to the cases being handled.
- The voice of advocacy is strengthened.
- Referral mechanisms are enhanced and promoted.
- Technical working groups
- Joint monitoring programmes with partners to correctional facilities, children's homes/facilities.
- Capacity building workshops on case management for frontline officials in government and civil society organisations.

# HOW TO COLLECT DATA/DEVELOP A STRONG, USEFUL OF MIGRANT EXPERIENCES

- Zambia has a Migration profile developed in 2019.
- Collection of data through database platforms.
- Survey and focus group discussions.
- Research programs



# PROGRESS ON ZAMBIA-MIGRANT/VICTIMS OF TRAFFICKING

- World Day Against trafficking is held on the 30<sup>th</sup> of July every year.
- The National Committee on trafficking in persons under the Anti-Human Trafficking Department. (Ministry of Home Affairs and Internal Security).
- Zambia has cross border forums with support from the International Organisation for Migration (IOM) and Save the Children with Mozambique, Namibia, Malawi and Zimbabwe.
- Best Interest Determination guidelines were developed and launched in 2018 for vulnerable children in Zambia.
- Zambia currently has 6 places of safety (2 in Western Province, 2 in Eastern Province, Lusaka and Luapula Provinces).

# PROGRESS ON ZAMBIA- MIGRANT/VICTIMS OF TRAFFICKING

- Zambia has a group called TRIPLE CCCI (Communication, Cooperation, Coordination Initiative) that considers the plight of prisoners and remandees in the correctional facilities.
- Child Justice forum- Judiciary which looks at the plight of children.
- UN-Network on migration is active
- In 2022 Zambia through the Ministry of Home Affairs and Internal Security launched the Migration policy and the National Human Trafficking and Smuggling of migrants policy.
- Zambia amended the Anti-human trafficking Law No.16 of 2022.
- Child friendly spaces at border areas.



**THANK YOU FOR YOUR ATTENTION!**