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Harmonisation of International Anti-Trafficking Laws with Zimbabwean Municipal Law: Legal Coherence, Gaps, and Implementation Challenges

By

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Abstract

The research assessed the alignment of Zimbabwe's anti- human trafficking municipal laws with International Laws coherence, gaps, and implementation barriers. The study was based on the monism and dualism theoretical lenses and used a qualitative approach. Interviews and document analysis were employed as data collection methods where 13 interviews were conducted with key informants initially purposively selected with snowball sampling eventually used to select subsequent informants and seven documents were analysed. Data was presented using summaries and thematic approach employed for analysis. The study found out that, the international anti-trafficking in persons laws are very relevant to Zimbabwe as they provide foundational basis and a benchmark for the country's trafficking in person policies and that the domestic laws for anti-trafficking in persons in Zimbabwe partially but imperfectly incorporate international standards as there are strong alignments on areas such as non-criminalization and child protection principles. It was also found out that, the application of local laws across the four pillars were there but paper based actions with implementation gaps due to resource constraints. Furthermore, the study found out that, there were some definitional gaps, structural and resource-based barriers to the full implementation of TIP laws in Zimbabwe based on international standards as well as differing legal systems between Zimbabwe and migrant worker destination countries which also compound exploitation vulnerabilities. The study concluded that the international law on TIP provides the much-needed foundation for municipal law and just ratifying it is not enough as systems, structures and resources are required to support operationalisation. It was recommended that, Zimbabwe should make the necessary amendments to align local laws with international standards and establish a dedicated agency to combat TIP as a way to ensure that there is budgetary commitment that mitigates resource constraints. Further studies were recommended on the impact of definitional gaps on prosecution outcomes for TIP offenders as well as the effectiveness of the reintegration support in preventing re-trafficking.

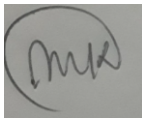
Key words: Anti-trafficking; Municipal Law; International Law; Coherence; Harmonisation.

Declaration Form

I, Memory Rudo Gadzikwa (B251466A) do hereby declare that, this dissertation is my own work and has never been submitted before for any other diploma, degree or examination at any other university. I declare that all sources that I used or quoted which were not mine were acknowledged and well referenced in my thesis.

Signature:  Date 31 August 2026

Supervisor:  Date: 31 August 2026

Chairperson  Date: 30/08/2026

Dedication

I dedicate this academic milestone to my wonderful family for their unwavering support.

Acknowledgements

As a point of departure, I wish to thank the Almighty for granting me the strength and wisdom to navigate through this academic journey. I am indebted to all my lectures at Bindura University of Science Education for giving me guidance and having patience with me throughout this journey.

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List of Abbreviations and Acronyms

ACRWC	African Charter on the Rights and Welfare of the Child
AT-IMC	Anti-Trafficking Inter-Ministerial Committee
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
COVID-19	Coronavirus Disease 2019
ECOWAS	Economic Community of West African States
HIV/AIDS	Human Immunodeficiency Virus / Acquired Immunodeficiency Syndrome
ICJ	International Court of Justice
ILO	International Labour Organization
IOM	International Organization for Migration
INTERPOL	International Criminal Police Organization
ITUC	International Trade Union Confederation
MDAs	Ministries, Departments and Agencies
MPSLSW	Ministry of Public Service, Labour and Social Welfare (Zimbabwe)
NAPLAC	National Action Plan to Combat Trafficking in Persons
NEET	Not in Employment, Education or Training
NGO	Non-Governmental Organisation
NPA	National Prosecuting Authority
OECD/SWAC	Organisation for Economic Co-operation and Development / Sahel and West Africa Club
PACOTIP	Prevention and Combating of Trafficking in Persons Act (South Africa)
SADC	Southern African Development Community
SOPs	Standard Operating Procedures
TIP	Trafficking in Persons
TOC	Transnational Organized Crime

UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
US	United States

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CHAPTER ONE

1.0 INTRODUCTION

1.1 Background of the study

The last twenty years have seen great advancements in the international response to human trafficking and as such, the development of international law has been pivotal in developing domestic policy responses to combat human trafficking. It is estimated that there are over forty million victims of human trafficking world-wide; seventy-one percent of which are women and girls (International Labour Organization [ILO], 2017). In Africa alone, it is estimated that over nine-million people are victims of modern slavery; accounting for twenty-three percent of all victims world-wide (Rahamtalla, 2018); and further more UNODC (2024), noted that there was a twenty-five percent increase in global prevalence of trafficking in persons in 2022 when comparing to 2019 and that victims from Africa were trafficked to more locations around the globe than any other region. Additionally, IOM (2024) reported that there has been a significant rise in child trafficking throughout sub-Saharan Africa. As such, the international community responded to this alarming trend by developing comprehensive legislation to address all facets of human trafficking.

The foundation of international law regarding anti-trafficking in persons was the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which was signed into an agreement by the UN General Assembly in 2000 as a supplementary protocol to the Convention Against Transnational Organized Crime (United Nations, 2000). Commonly referred to as the Palermo Protocol, this defines for the first time internationally what constitutes trafficking in persons and sets forth a structure for states to take cooperative action based on the "4 Ps": prevention, protection, prosecution, and partnership. By 2023, there were 178 countries that had ratified the Palermo Protocol, indicating widespread

acceptance by countries for collaborative efforts in combating trafficking through legally binding agreements.

The Palermo Protocol's definition of Trafficking in Persons is utilized universally across all jurisdictions with domestic legislation and is used as the model for the identification and prosecution of trafficking offenses. State Parties are required to criminalize trafficking under Articles 5; implement preventive measures to combat trafficking (Article 9); provide protection and assistance to victims (Articles 6-8); and to collaborate on an international level in combating trafficking (Articles 10-13).

The Palermo Protocol has been supplemented by a number of international legal instruments that cover particular aspects of human trafficking. For example, the United Nations Convention on the Rights of the Child (1989), including an optional protocol relating to the involvement of child prostitutes and pornographic images of children (2000) covers all forms of trafficking and all types of exploitation to which children may be subjected. Likewise, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949) and the Convention on the Elimination of All Forms of Discrimination against Women (1979) address the gendered nature of human trafficking.

African States have created additional regional tools for addressing African region based trafficking issues. The African Charter on the Rights and Welfare of the Child (1990), the first regional tool, recognized children as "rights holders" and addressed other regional issues that contribute to an increased risk of child trafficking in Africa (e.g. war, poverty, traditional practices) (Gallinetti & Kassan, 2008).

Zimbabwe's interaction with international law on combating human trafficking demonstrates the government's ongoing support for international co-operation and for the protection of individual rights. Because Zimbabwe is both an origin, transit and destination country for human trafficking, it encounters numerous challenges related to human trafficking

due to the convergence of several connected elements (U.S. Department of State, 2022). As a result of economic decline many citizens have migrated from Zimbabwe to neighbouring states in search of work including South Africa, Botswana and Mozambique (Dodo & Dodo, 2012) and in doing so have exposed themselves to increased risk of being recruited into exploitation by traffickers through false employment or other recruitment promises.

In Zimbabwe, it has been documented that especially women and children were/are highly susceptible to trafficking. Cases include sexual exploitation, as well as domestic servitude, forced labour in agriculture and mining, and for the purpose of traditional practices. Children are trafficked internally by moving from rural areas into cities to be employed as domestics, on streets selling things they do not make themselves, or in agricultural jobs (Kusemwa, 2017). According to Mhlanga & Mhlanga (2021), 72% of all victims were sexually exploited; and of global victims, 51% are women, 28% are children, and 21% are men. They also report that approximately 43% of the victims were trafficked intra-nationally while the rest were moved internationally. Thus, these statistics clearly demonstrate the prevalence of this issue in Zimbabwe.

Zimbabwe has started the process of implementing international anti-trafficking law by signing and ratifying the UN Convention Against Transnational Organised Crime (December 12th 2007). Following this, Zimbabwe signed and ratified the Palermo Protocol on December 13th 2013 which made it a legal obligation for Zimbabwe to prevent trafficking, protect victims of trafficking and prosecute those responsible. On June 13th, 2014, the culmination of implementing these international obligations resulted in the passing of the Trafficking in Persons Act (Chapter 9:25).

Zimbabwe's principal legislative response to human trafficking is through the Trafficking in Persons Act (Nine, 2022; Bvirindi & Landa, 2017), which makes trafficking a criminal offense and includes a comprehensive definition of the crime in section 3. The Act

defines all forms of trafficking whether by way of involuntary action with use of force, coercion, fraud, deception or exploitation of vulnerability, or voluntarily for an unlawful purpose, e.g. prostitution, pornography, slavery, debt bondage and removal of organs. In addition to criminalizing trafficking the Act prescribes serious punishments, including life imprisonment if the offense involves aggravating factors (such as child victims, disabled persons or organized criminal groups). The Act also creates the Anti-Trafficking Inter-Ministerial Committee (AT-IMC) under section 9 and requires national plans of action to be developed. Furthermore, the Act permits the creation of victim assistance centres (Masokovere-Magoko, 2024). Assessments of the level of success of actions taken by Zimbabwe since it enacted its laws indicate that there have been attempts to investigate and prosecute individuals involved in trafficking, and to provide training for law enforcement agencies, immigration authorities and other personnel who are responsible for combating trafficking (US Embassy in Zimbabwe, 2022).

The enforcement of the Trafficking in Persons Act is through National Plans of Action to Combat Trafficking in Persons (NAPLAC), which Zimbabwe has implemented with successively produced national plans; the first being from 2016-2018, the second from 2019-2021, and currently the third from 2023-2028. These national plans provide the foundation for the implementation of the law. They outline the specific activities to be completed, indicators to measure successful completion, and the government agency or departments responsible for implementing the specific provisions outlined in each national plan. According to Masokovere-Magoko (2024) she carried out a study assessing the effectiveness of the NAPLAC 2023 – 2028. She found that although victim reintegration is identified as a top priority in the plan, all of the victim reintegrative elements contained within it are "superficial" and do not address victim's comprehensive needs including safe housing, healthcare, psychosocial services, economic opportunities, and legal assistance.

Assessment reports concerning Zimbabwe's implementation of its anti-trafficking legislation have identified a range of issues. Some of the most prominent problems identified included poor systems of identifying victims; under-prosecution based upon the scope of human trafficking activity; limited protective services for victims; and institutionalized barriers in the response of law enforcement agencies (U.S. Department of State, 2022). Thus, understanding the deficiencies, challenges and opportunities of implementing international anti-human trafficking legislation in Zimbabwe are significant steps toward developing evidence-based approaches to improve the country's response to human trafficking as well as contribute to the larger discussion regarding the application of international law within national jurisdictions.

1.2 Statement of the Problem

Although, the country ratified international anti-human-trafficking documents and enacted domestic legislation with an integrated structure of implementation support, significant discrepancies have developed between international legal standards and their application in Zimbabwe. The Trafficking in Persons Act [Chapter 9:25], 2014 provided a strong legal foundation as it criminalizes trafficking; establishes institutional structures; and requires the state to provide protections to victims. However, translating legal provisions into effective actions continues to be difficult. Therefore, a significant body of knowledge appears to be lacking concerning the characteristics of implementation gaps; the barriers to implementation that hindered the effective application of international anti-human-trafficking laws in Zimbabwe; and the opportunity for strengthening both the anti-human-trafficking laws and their application. As such, this study was intended to assist in addressing this gap through conducting a systematic review of international anti-human-trafficking laws and their

application in Zimbabwe. This would allow for developing evidence-based recommendations to guide legal reform; policy improvement; and enhance implementation strategies.

1.3 Purpose of the Study

The goal of this research project was to examine the existing International Anti-Trafficking in Persons Laws and their application in Zimbabwe focusing on gaps existing between application of laws and their implementation including the challenges experienced by all relevant parties involved in the application of those legal frameworks.

1.4 Research Objectives

1. To examine the content of international anti-trafficking in persons laws and their relevance to Zimbabwe.
2. To assess the extent to which Zimbabwe's domestic anti-trafficking legal framework reflects and incorporates international legal standards and obligations.
3. To examine the application of international anti-trafficking laws in Zimbabwe across the four pillars of prevention, protection, prosecution, and partnership.
4. To analyse gaps between international legal standards and their application in Zimbabwe's anti-trafficking response.

1.5 Research Questions

1. What provisions and obligations of the international anti-trafficking in persons laws are relevant to Zimbabwe?
2. To what extent does Zimbabwe's domestic anti-trafficking legal framework align with international legal standards and obligations?

3. How have international anti-trafficking laws been applied in Zimbabwe across the four pillars of prevention, protection, prosecution, and partnership?
4. What gaps exist between international legal standards and their application in Zimbabwe's anti-trafficking response?

1.6 Assumptions

This study assumed that international anti-trafficking laws, particularly the Palermo Protocol, provide suitable standards that should guide Zimbabwe's anti-trafficking response. This assumption was premised on the international widespread acceptance of the protocol as the foundation for global anti-trafficking efforts having been ratified by 181 nation states including Zimbabwe (UNDOC, 2024).

The study also assumed that the monist and dualist interpretation of Zimbabwe's domestic legal laws for trafficking in persons would give balanced assessment on their consistency with international standards. This assumption informed the basis of this study. It was also informed by the recognition that the Palermo protocol establishes comprehensive definition for trafficking in persons.

1.7 Significance of the Study

This study holds significant theoretical, empirical, legal, and practical value for multiple stakeholders. Theoretically, the research contributes to international law scholarship by examining how global legal norms are translated into domestic legal frameworks and applied in practice within a developing country context. The study provides empirical evidence on the pathways and mechanisms through which international anti-trafficking laws influence domestic legislation and implementation, thereby contributing to debates about legal

transplantation, norm diffusion, and the effectiveness of international law in addressing transnational crimes.

From a legal perspective, the study provides a comprehensive analysis of Zimbabwe's anti-trafficking legal framework and its alignment with international standards. This legal analysis will benefit legislators, policymakers, and legal practitioners by identifying specific areas where domestic laws may require amendment or strengthening to better align with international obligations. The identification of gaps between legal provisions and their application will inform discussions about legal reforms and the development of implementing regulations and guidelines.

The results of this study inform the work of government agencies as they develop and implement their institutional responses to address the issues identified by this study. Specifically, through identifying areas where current anti-trafficking laws are being applied ineffectively (and therefore, need improvement), providing recommendations on how to improve the identification of victims of trafficking, investigating and prosecuting such offenses, and improving judicial response to these crimes; the study is useful to both law enforcement and the judiciary. The study can also help guide civil society organizations that advocate on behalf of victims or operate programs designed to assist victims.

The study also contributes to improved protection and access to justice for trafficking in persons survivors. By identifying gaps in the application of legal protections and recommending enhancements, the research aims to influence policy and practice changes that will directly benefit those most affected by trafficking.

The study also contributes to the understanding of challenges of implementing international anti-trafficking laws in the SADC region and provide insights relevant to other African countries and developing nations facing similar challenges. International organizations supporting anti-trafficking efforts, such as IOM, UNODC, and UNHCR, will benefit from the

study's assessment of implementation gaps and recommendations for technical assistance priorities.

1.8 Delimitations of the Study

This study was delimited to examining international anti-trafficking laws and their application in Zimbabwe. While trafficking is connected to broader issues of migration, labour rights, and gender-based violence, the study focus was specifically on trafficking laws and their implementation. Temporally, the study examined the period from 2014 when the Trafficking in Persons Act [Chapter 9:25] was enacted up to 2025, with a bias towards the most recent years. Geographically, the study focused on Zimbabwe, with South Africa providing comparative insights.

1.9 Limitations of the Study

The study could have been affected by some limitations which the researcher did not only acknowledge, but also employed measures to mitigate their impact on the research findings. Firstly, given that the study was based on document analysis, access to sensitive government documents and case files was restricted, especially for trafficking in persons issues. This affected data accessibility thereby affecting the research outcomes. In order to mitigate on this limitation, the researcher sought all ethical and procedural clearances with the university and government departments to gain less restricted access.

Secondly, trafficking survivors are often affected by fear and trauma which affected their participation in the study. As a way to mitigate this limitation, the researcher gave assurances of confidentiality and anonymity to the participants which helped invoke deliberate and voluntary participation. The researcher also highlighted the benefits of the study in stemming the problem which encouraged them to participate.

Thirdly, the study was affected by participant hesitancy to discuss implementation failures candidly and lack of documented cases of trafficking in persons. This led to limited data to effectively address the research problem. In order to mitigate this limitation, the researcher used different data sources and employed triangulation to inform research findings and conclusions. In addition, the researcher also acknowledged research limitations in the findings as a way to give context to conclusions drawn.

1.10 Definition of Key Terms

Application of law: refers to the process of implementing, enforcing, and operationalizing legal provisions in practice. This encompasses legislative domestication, development of implementing regulations and policies, institutional mechanisms for enforcement, and actual outcomes achieved through legal frameworks (Ncube et al., 2023).

Harmonization: refers to a process of modifying domestic legislation (municipal law) to international principles, standards or policies to make it compatible, consistent or closer to the dictates of such principles, standards or policies (Gebauer & Berner, 2023).

International anti-trafficking in persons laws: refers to legal instruments adopted at the international level that establish rights, obligations, and standards for preventing trafficking, protecting victims, prosecuting offenders, and promoting cooperation. This includes treaties, conventions, protocols, and soft law instruments. In this study, this primarily refers to the Palermo Protocol, UNCRC, CEDAW, ILO Conventions, and related instruments. (Macaveiu et al., 2024; United Nations, 2000).

Municipal law: refers to the laws of a sovereign state that are applied internally covering national, state and local legislation which regulates individuals and entities within a given territory. This can be in form of a set of legal principles and regulations covering a given country. (Otieno Ayoma & Ochola Ochieng, 2025).

The 4Ps framework: refers to the organizational framework established in the Palermo Protocol comprising Prevention (measures to prevent trafficking), Protection (assistance and protection for victims), Prosecution (investigation and criminal justice responses), and Partnership (coordination and international cooperation). (Macaveiu et al., 2024).

Trafficking in persons (Human trafficking): Means the recruitment, transportation, transfer, harbouring or receipt of persons through the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability or providing payment or benefits to an individual to obtain the consent of that person for the purpose of exploitation" (United Nations, 2000).

1.11 Dissertation Outline

This dissertation consisted of five chapters including the already outlined chapter one. Chapter two provided an overview of all literature and the theoretical framework used in the development of the study. In this chapter, it explained how each of the concepts used in the development of the study was developed. It also discussed the theory behind each concept and conducted an empirical review to highlight research gaps. Chapter three described the methodology involved in completing the study, including the philosophical foundations upon which the study was based, the design utilised, the population, the sample used, the data

collection frameworks and the ethical considerations that occurred during the process. Chapter four presented and analysed data collected from participants, in addition to discussing the findings. The final chapter provided a summary of the completed study, drew conclusions about what was found and provided recommendations, including future areas of research.

CHAPTER TWO

2.0 LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

This chapter is a review of literature that is related to international law on trafficking in persons and its nexus with Zimbabwe's domestic law. The chapter gives a conceptual framework focusing on trafficking in persons and its variants in terms of geographical presence. The monism and dualism theories are also explained as part of the theoretical framework. The chapter also explores the drivers of trafficking in persons with a special focus on Africa, Southern Africa and Zimbabwe as well as the legal responses to the problem.

2.2 Theoretical Framework

The study was anchored in the Monism and Dualism theories where the relationship between international legal frameworks and domestic laws was explored. Shaw (2021) underlines the relevance of these theories in this context by highlighting their use in explaining the extent to which international law influences domestic legal frameworks.

2.2.1 Monism Theory

Monism as a theory, emerged from the works of Hans Kelsen (1881-1973) whose Pure Theory of Law created the foundations for the monist philosophy (Kirchmair, 2024). This was buttressed by Alfred Verdoss (1890- 1980) and Georges Scelle (1878-1961). The theory is based on five key assumptions (Oxford Bibliographies, 2018).

The first presumption is that there exists unity among legal systems, i.e., both international law and national law are parts of one and the same legal system (Shaw, 2021). Therefore, they should function together. Secondly, there is assumption of hierarchical

structure of norms in which international law has supremacy over national law (Kirchmair, 2024). Hence, according to this presumption international law should have priority of application than national law. Thirdly, the assumption is that, international law is applicable in all areas of national life upon ratification of international agreements and treaties (Klamert, 2014). This presumption is based on the principle of direct effect. Fourthly, there is presumption is that natural persons are subjects under international law and national law (Nijman & Nollkaemper, 2007). Thus, international rules may create rights and duties directly for natural persons, but also regulate the relationships between States. The fifth presumption is that the legitimacy of national law originates in international law (Kirchmair, 2024). So, the legitimacy of national law is dependent on how far it complies with international law.

On the basis of the monistic perspective, the application and implementation of tools like the Palermo Protocol are easy at the level of domestic policies. Additionally, this perspective and way of thinking match perfectly to the human rights-based approach to trafficking in persons and give to human rights their truly universal dimension (Oxford Bibliographies, 2018).

Furthermore, the monistic vision provides an orientation to interpret national laws with reference to international legal instruments (Tshosa, 2018). Therefore, the necessity to find coherence between them is reinforced by this perspective.

States adopt the monist approach to international law for credibility, efficiency and protection of rights. Cham (2018) argues that this is done by demonstrating automatic good faith compliance by not requiring continuous implementing legislation. Doing so helps reduce international relations transaction costs thereby strengthening a state's participation in international organisations through a coherent system. Losano (2015) posits that coherence is achieved if a legal system descends from a single principle. The adoption of monism is also

driven by states' desire to strengthen the protection of individual rights as international treaties easily get involved in domestic courts.

At least four operational mechanisms are available for states to conform to international law. These are; automatic incorporation, direct effect, hierarchical supremacy and consistent interpretation (Bjorgvinsson, 2015). Through automatic incorporation, international treaties become part of municipal law immediately upon ratification without the need for separate transposition legislation (Chiam, 2018). Through the principle of consistent interpretation, domestic courts interpret domestic law in harmony with international obligations thereby balancing domestic and international legal demands (Han, 2024). Where direct effect is applied, individuals can invoke international law provisions before domestic courts. This way, international norms are enforceable in domestic litigation. Through hierarchical supremacy, domestic courts do not apply municipal law that is inconsistent with international law (Bjorgvinsson, 2015). Under such circumstances, international law takes precedence.

2.2.2 Dualism Theory

The dualism theory of legal understanding is a result of the combined work of Heinrich Triepel (1868-1946) and Dioniso Anzilotti (1867-1950) who are credited for significantly shaping the European legal thinking using this view (Oxford Bibliographies, 2018). At the centre of this theory is the view that, the two sets of laws are separate legal systems (Shaw, 2021; Kirchmair, 2024).

The theory is based on four key assumptions (Dixon et al, 2016). The first assumption is that, international law and domestic law are dichotomous legal systems. This means that they operate independent of each other, their sources, subjects and subject matter are all different. The second assumption is that, international law and domestic law represents legal systems that are supreme in their own spheres (Klamert, 2014). This means that these sets of legal systems

target different subjects whereby international law governs states and interstate relations whilst domestic law govern internal affairs of a state. The third assumption is that; international law can only apply to a given nation state when it has been transformed or incorporated. This assumption therefore requires the domestication of international law or instruments for them to have legal effect in a given country. The fourth key assumption is that, domestic law has supremacy over international law (Dixon et al, 2016). This means that in the event that there is a challenge in the application, domestic law takes precedence. It also means that international law does not automatically override municipal legislation.

The dualist lens is relevant in the current study as it gives a theoretical basis to appreciate implementation challenges associated with international instruments for trafficking in persons. In addition, Nkomo (2024) indicates that Zimbabwe is a dualist state which requires ratification of international instruments and their incorporation in the domestic legal framework before they become enforceable. This gives basis to the Trafficking in Persons Act [Chapter 9:25] as an effort towards domesticating the Palermo Protocol.

Despite seemingly dichotomous view of the monism and dualism theories in relation to international law, they all give a balanced theoretical lens to assess the adequacy of international trafficking in persons law and its harmonization with Zimbabwe municipal law.

The use of dualism for international law by nation states is based on a deliberate constitutional choice that is rooted in the preservation of national parliamentary sovereignty and the separation of legal spheres. Bjorgvinsson (2015) argues that, its adoption is aimed at ensuring the international treaties do not alter domestic rights without explicit legislative consent. By doing so, it reinforces the national/ state's democratic principle that the elected parliamentarians are the ones responsible for determining the laws for citizens. At the same time, there is a self-reinforcing obligation on h executive to abide by international law through conducting foreign relations (McLachlan, 2019). This notwithstanding, dualism ensures that

the state speaks with one voice internationally with the preservation of domestic constitutional autonomy.

Dualism is operationalized by states through controlled incorporation that is based on transformation and consistent interpretation. McLachlan (2019) indicates that, through transformation, international treaties become binding within a nation state only when they are incorporated into domestic law. This is the essence of the Constitution of Zimbabwe's section 34 and 327 which makes it explicit that international treaties should be transposed through an act of parliament. Dualism can also be operationalized through legislation to that effect (Bjorgvinsson, 2015). The other available mechanism has to do with consistent interpretation. Schutze (2021) posits that, domestic courts can use the unincorporated international treaties as interpretive aids for domestic legislation. Doing so gives the international treaties an indirect modicum of legal force thereby forming he basis for legal decisions domestically.

2.3 Conceptual Framework

In exploring the adequacy of international anti-trafficking law and its harmonization with Zimbabwean municipal law, the study utilized the analytical lens founded in the concept of trafficking in persons in general, international and domestic trafficking in persons. The framework that guided this study is outlined in Figure 2.1 below.

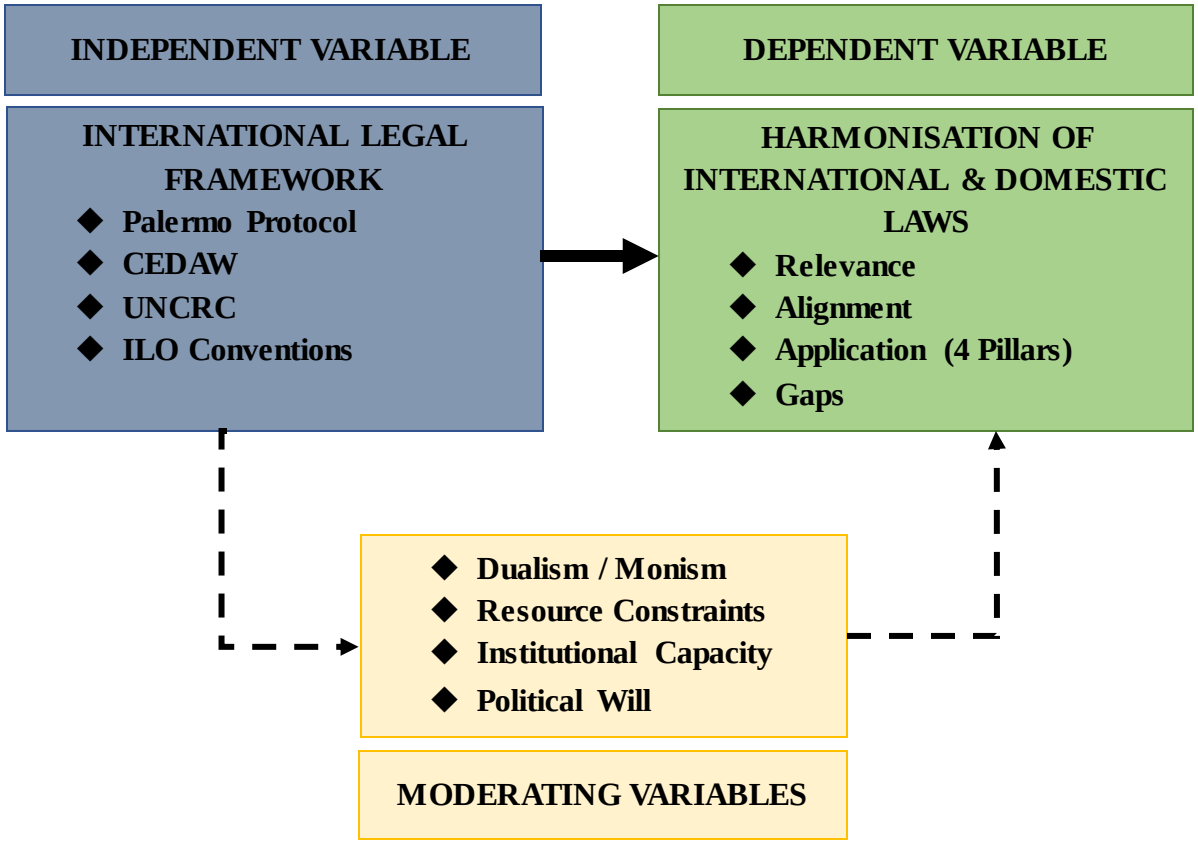


Figure 2.1: Conceptual Framework

2.3.1 Trafficking in Persons

Trafficking in Persons is defined by UNDOC (2022) as the movement or transport of people through the use of "recruitment", "transfer", "transportation", "harbouring" or "receipt" of individuals using "coercion", "deception", "abuse of power", or "vulnerability", for the purposes of exploitation. The above definition was developed under the Palermo Protocol of 2000, which defines two primary components of human trafficking: an "act", and a "means". In respect to these definitions, the "act" refers to the physical act of recruitment, transportation, harbouring, transfer, or receipt of individuals (Gallagher, 2010); while the "means" refer to how the act is committed i.e., with coercion, force, fraud, abduction, deception, abuse of power/vulnerability, etc., to obtain consent (Weatherburn, 2021).

As noted by Weatherburn (2021), although there are many ways trafficking occurs, it must also contain a third element of a "purpose", which is exploitation. Exploitation takes many forms including forced labour, slavery, sex trade/servitude and organ removal. All three

elements of human trafficking (i.e. an "act", "means", and "purpose") must coexist to establish human trafficking.

The laws regulating human trafficking involve both criminal law (Piotrowicz, 2009) and human rights law (Harnoncourt, 2023). In addition to criminal law and human rights law, the regulation of human trafficking involves aspects of migration law and employment/contractual law. As a result of the fact that human trafficking does not fall exclusively within one area of law, it is necessary to make a distinction between human trafficking, migrant smuggling, slavery and forced labour.

2.3.2 International Trafficking in Persons

The fundamental components of human trafficking are preserved even when they cross national borders, and therefore are international (Harnoncourt, 2023). The United States Department of State (2023), identified Zimbabwe as a source, transit and destination country for international trafficking. Most victims of human trafficking in South Africa are from Zimbabwe and most victims trafficked into the Middle East are from Zimbabwe. While the U.S. Department of State in 2023 did identify South Africa as a primary destination for those being trafficked through Zimbabwe, Zimbabwe is also identified as an important transit point for individuals originating from Somalia and Ethiopia. Mandisodza (2025), indicated that such a position for Zimbabwe creates a trafficking corridor that spans from Zimbabwe to South Africa where the majority of individuals from Somalia and Ethiopia are destined.

As such, there exist several complications related to Zimbabwe's positioning on the global map of human trafficking that require international cooperation. Global Initiative Against Transnational Organized Crime (2023) identified the same corridor of human trafficking through Zimbabwe as one of the busiest in the Sub-region and stated that it is

primarily run by organized groups known as the Malaichas and Magumaguma using tactics including violence, extortion and torture.

2.3.3 Domestic Trafficking in Persons

Domestic trafficking in persons happens within the borders of a country for exploitative purposes (Shelley, 2010). In Zimbabwe, it is a common challenge highlighted by Mandisodza, 2025) indicating its prevalence as a domestic phenomenon. According to the US Department of State (2023), domestic trafficking is often underreported due to its common misidentification as generally a labour dispute.

2.4 Drivers of Trafficking in Persons

Understanding the factors that precipitate and perpetuate trafficking in persons has attracted extensive scholarly examination. This empirical review assesses the drivers of trafficking in persons across three geographical levels covering the continent of Africa, the Southern African Region and in Zimbabwe to identify patterns and shared vulnerabilities that inform interventions.

2.4.1 Drivers of Trafficking in Persons in Africa

At a continental level in Africa, research has consistently pointed to structural socioeconomic inequalities, governance weaknesses and migration pressures as the overarching drivers of trafficking in persons (UNODC, 2022). At the center of these drivers is poverty that creates increased vulnerability to exploitation (Okorie & Okeja, 2023).

Ogunniyi & Idowu (2022) conducted a study in West Africa focusing on trafficking in persons and noted that governance structural weaknesses manifesting through weak enforcement and under resources systems have created conducive environments for trafficking in persons across the West African sub region. This exacerbates the challenge given the rapid

population growth, youth unemployment and economic disparities between different regions on the continent which necessitates high population mobility (Karabatis & Jeneja, 2024). This was also noted by Okoye, Okolie & Abanyi (2025) who highlighted the presence of poor law enforcement in Nigeria as creating an opportunity for traffickers to take advantage of people who are usually in desperate situations.

An assessment by OECD / SWAC (2022) in North and West Africa shows that conflict and political instability in Libya, Sudan and the Central African Republic have created porous borders and state fragility. These conditions have allowed trafficking networks to operate with impunity. It has also allowed the growth of refugee populations and displacements that have a multiplier effect to trafficking (UNODC, 2022). In such settings, it has been easy for the vulnerable populations such as women and children to be abducted, forced into marriages or get recruited by militias. A study by UN (2023) further underscores the high levels of vulnerability in this regard across West and North Africa.

Umutoniwase (2026) noted that traditional practices, especially those that marginalize women and girls do entrench inequalities that drive trafficking in persons on the continent. The study noted forms of exploitation that include sexual violence, forced marriages and child labour which are often tolerated and socially sanctioned in most African cultures as being some form of trafficking. As noted by Msuya (2017), these practices have facilitated trafficking of mostly women and children. This is also supported by UNODC (2023) who indicated that women and girls constitute 60% of the trafficking victims globally with Africa having the bulk of these victims. Yet another study by Harris (2025) identified informal economic systems as a driver of trafficking in persons on the continent and specifically in West Africa. Under such a situation, traffickers easily move their financial proceeds with minimal risk of being detected.

2.4.2 Drivers of Trafficking in Southern Africa Region

In the Southern African Region, the drivers of trafficking in persons reflects both shared continental drivers and region-specific dynamics (Niyonkuru, 2025) these are captured in regional economic disparities, organised criminal networks, porous borders and cultural practices. A study by Mginindo, Obioha & Mugari (2025) noted that these patterns are very prominent in Zimbabwe, Mozambique and Malawi where people are often attracted to South Africa given its economic status in the region.

A study by Junior (2025) across Southern Africa noted youth unemployment and lack of opportunities as a driver of trafficking. This has made young people more prone to manipulation and out of desperation, they are easily exploited through trafficking. Junior (2025) indicated that trafficking syndicates take advantage of this to entrench their networks covering countries such as Mozambique, South Africa and Rwanda.

A Policy Brief by SADC (2016) further noted the destruction of social structures such as families that were and continue to be decimated by the HIV/ AIDS pandemic have left young or child headed families that often become desperate and vulnerable to manipulation or are pushed into desperation and end up being trafficked and exploited. This is further aided by seemingly easy source of income in form of sex work which attracts them (SADC, 2016). This coupled with porous border creates an interplay of factors that makes it conducive for traffickers to run their enterprise with ease.

Frankel (2023) also studied the trends of trafficking in Southern Africa and identified cultural practices in form of fostering arrangements, illegal adoptions, rituals and forced marriages as some of the drivers of trafficking in the region. Their study noted that this challenge was compounded by often weak counter trafficking mechanisms that allow s the practice to thrive. Frankel (2023) aligns their conclusions with those of Bharat (2022) who noted the proliferation of targeted trafficking of women as driven by cultural practices in Nepal.

This demonstrates that the challenge is not unique to Southern Africa, but likely to be a global phenomenon.

2.4.3 Drivers of Trafficking in Zimbabwe

In the Zimbabwean context, economic challenges, high labour migration and the high levels of informalization have been noted to be major drivers of trafficking in persons (US Department of State, 2023). A study by Mabvurira, Zengeni & Chigevenga (2025) identified porous borders as being a permissive condition for trafficking especially in border lying communities. Their study used examples of places such as Plumtree and Beitbridge where the challenge is very prevalent. This driver is not unique to Zimbabwe. Harris (2025) indicated that the Zimbabwe context exhibits all the structural vulnerabilities that are prevalent in the region and across Africa.

Joshua (2025) conducted a study in Africa and singled out countries such as Zimbabwe noting that economic hardships often drive people into seeking opportunities elsewhere, be it internally or outside the country. This increases their vulnerability and people are often trafficked in the process. Their study also brought to the fore another dimension whereby children are often forced to migrate through deception and end up being forced to work in the agriculture and artisanal mining sectors.

Verite (2025) underlined Zimbabwe's economic instability, longstanding inequality as providing the macroeconomic context within which trafficking operates. Under such a context, Mandisodza (2025) also indicated that, there is a gendered effect that positions economic vulnerability as a precursor and fuel for the entire trafficking enterprise across Southern Africa where Zimbabwe is the epicenter of the crisis. Tsvakwi (2025) provides a nuanced dimension to this this vulnerability by highlighting the plight of children who are trafficked for forced labour and forced criminality. Masokovere-Magoko (2024) buttressed this indicating the in

Zimbabwe, the trafficking in persons challenge is fundamentally shaped by the economic circumstances that women and children find themselves in.

2.5 African Legal Responses to Trafficking in Persons

The legal architecture dedicated to addressing the trafficking in persons challenge across Africa has undergone significant transformation since the promulgation of the Palermo Protocol in 2000 (Okorie & Okeja, 2023 & Nkomo, 2024). Even before then, the continent had formulated steps aimed at mitigating the challenge. According to Chasaka, Makombe & Mvere (2025), the African Charter on the Rights and Welfare of the Child (ACRWC) which endorsed and recognizes the United Nations Convention on the Rights of the Child (UNCRC) was one such step. A majority of countries on the continent have enacted dedicated legislation that is aligned to the international legal instruments. In order to effectively assess the adequacy of international anti-trafficking law and its harmonization with Zimbabwe's municipal law with a focus on legal coherence, legal gaps and implementation challenges, a review of empirical literature was done.

2.5.1 Legal Coherence of Anti-Trafficking Legal Frameworks in Africa

Many African states have adopted legislation aligned with international legal instruments such as the Palermo protocol (Gallagher & Ezelio, 2022) which has helped in the criminalization of trafficking activities and victim protection. These processes have shaped Africa's legal response to the challenge of trafficking in persons. A study by Okorie & Okeja (2023) noted that at the continental level, the African Union has promoted legal harmonization among member states by encouraging the strengthening of national legislation and cooperation across borders.

An assessment by Nkomo (2024) indicates that, the trafficking in persons legislation in a number of countries across Africa whilst it is in place, there is unevenness in terms of these

legislations speaking to the international instruments due to different legal systems. This is despite the need for cross border harmony given the nature of the challenge they seek to address. Under such a situation, acts deemed illegal in one country may be viewed differently in another yet the international instruments may be viewing them as wrong.

Chipofya (2025) assessed the anti-trafficking statutes in Central and Southern Africa to determine their coherence as informed by provisions that impose positive duties and create omission offences. The study noted that there was compliance with the general principles imposed by international laws as the legislation in these countries did impose obligations and criminalized their breach. However, the study noted inconsistencies of certain provisions in Uganda and South Africa that fail to consider the duty bearer's capacity to comply with positive duties.

Another study by Joshua (2025) points to a huge coherence challenge in West Africa for anti-trafficking legislation. The study noted that due to the fact that trafficking in persons transcends international boundaries, there was need to have an ECOWAS wide legal mechanism to facilitate enforcement of the legislation. The fact that a transnational crime is left exclusively to the jurisdiction of municipal institutions has created a challenge on issues such as extradition since local institutions are often ill equipped to handle transnational crime. Joshua (2025) contends that, this aptly demonstrate lack of no coherence in this context.

In Sierra Leone, Dennis (2025) assessed the anti-trafficking in persons laws and noted that they generally comply with global norms. However, the study also noted that the municipal laws had a mismatch between western deterrence models and the local contexts. This is supported by Kolade-Faseyi, Akingboye, Bamisaye & Allen (2025) who conducted an Africa wide assessment of anti-trafficking laws against international standards. Their study notes that there is lack of coherence between the international instruments and local laws in relation to the human rights standards. They indicated that, while the international instruments express

clear human rights standards on the issue, most African municipal laws do not meet these standards. The challenge on this is that, the desired standards by the international anti-trafficking framework is not met, let alone implemented to the letter and spirit.

2.5.2 Legal Gaps

Despite many African states having legislation that deals with trafficking in persons, studies have consistently noted gaps in these laws. Ogunniyi & Idowu (2022) through their study argue that, although a good number of Africa states with examples of Nigeria, Ghana, Tanzania and South Africa have enacted laws that are aligned with international norms, this has mostly been done for compliance purposes with a lot of gaps in the implementation of these legislations.

A study by Gallagher & Ezelio (2021) noted that there are several jurisdictions across Africa where trafficking offences are addressed through provisions that are fragmented across immigration, labour and child protection laws instead of a harmonized comprehensive anti-trafficking legislation. Such a situation has been noted to be self-limiting for some countries as law enforcement agencies often find it difficult to effectively enforce such laws.

A study by Chipofya (2025) noted that anti-trafficking legislation in Malawi and South Africa did contain vague terms which makes it highly difficult to enforce such laws due to interpretation difficulties. Such lack of precision creates a legal gap that has led to some actions being left unpunished thereby defeating the purpose of such legislation in the first place.

In West Africa, Joshua (2025) indicated that there is an ECOWAS Community Court that is mandated to deal with regional issues. However, there is no legislation to specifically mandate this community court to handle trafficking in persons matters. This has been noted to have serious shortcomings in the West African Regional legal provisions to fight the scourge of trafficking in persons.

In Zimbabwe, Bvirindi & Landa (2017) assessed policy issues on the trafficking of persons with a special focus on women. Their study notes that although there is a Trafficking in Persons Act, it is not all-encompassing enough to address all issues related to the problem. This is viewed as creating legal gaps that are affecting enforcement of the law and mostly, meeting the requirements of the main international instrument, the Palermo Protocol. In their argument, not all requirements imposed by the protocol are properly covered in the act hence the need for it to be either regularly amended or supported through policy measures such as responsive national action plans.

2.5.3 Implementation Challenges

Implementation challenges for anti-trafficking laws do affect the realization of goals set out in the response to trafficking across Africa. UNODC (2022) noted that despite the existence of relatively comprehensive legislation, limited institutional capacity, resource constraints and limited human capital capacity for enforcement agencies to track, investigate and prosecute offenders often lack in most countries. A study by Okoye, Okolie & Abanyi (2025) in Nigeria illuminates some of these challenges despite a lot of progress having been made in that country. Persistent structural challenges have affected this implementation with a generally weak law enforcement culture, lack of coordination between government agencies that should be implementing the frameworks and persistent inadequate support for the trafficking victims.

A study by Ogunniyi & Idowu (2022) in West Africa noted the challenge of limited judicial capacity, corruption and lack of specialized training that is required in the enforcement efforts. The challenge of corruption in particular, is also noted by Kolade-Faseyi et al (2025) who indicated its prevalence and its effect on rendering the anti-trafficking laws useless due to the impunity with which traffickers operate. Harris (2025) indicated that trafficking perpetrators easily conduct their activities with minimal fear of being detected by corrupting

the enforcement officials. The challenge is even made more complex in cash economies such as Zimbabwe where it is very difficult to trace the movement of funds. Junior (2025) confirms this indication that corruption has weakened law enforcement in a number of African countries despite the presence of legal prohibitions of trafficking in persons.

A study by Joshua (2025) in West and North Africa identified cross border structural challenges as a serious impediment to the implementation of anti-trafficking laws in Africa. Their study noted the existence of differences in national legal systems, extradition complexities and limited mutual legal assistance as affecting transnational enforcement. According to Joshua (2025), traffickers in Africa are exploiting these coordination failures that are affecting law enforcement agencies. The fragmented legal frameworks were also noted by Kolade-Faseyi et al (2025) as being prevalent across Africa and presenting serious challenges. These differences at continental level have made cross border investigations, extraditions and prosecutions very difficult.

Kolade-Faseyi et al (2025) also noted the implementation challenge around public awareness of the anti-trafficking in persons laws across the African continent. Their study notes that this creates a challenge in that there is underreporting of trafficking cases as victims often view their situation as a journey that would have taken a down turn rather than viewing themselves as victims of criminal acts. Whilst the legislation might be there and complying with international instruments, if people are not aware, is increasingly difficult.

In South Africa where there are an otherwise comprehensive Prevention and Combatting of Trafficking in Persons Act (PACOTIP), implementation is often undermined by limited political will, resource constraints and the prioritization of economic interests over victim protection (Frankel, 2023). The study by Frankel (2023) further emphasizes the depth of some of these challenges. They indicated that, post the Covid-19 period, the South Africa government has failed or hesitated to address sex tourism despite exploitation because they

prioritise the economic benefit. This is despite the sub sector was facilitating trafficking in persons.

In the Zimbabwean context, Nkomo (2024) identified more or less the same implementation challenges as the ones prevailing across Africa. Some of these included; lack of victim supports due to resource limitations and the inconsistent application of the non-punishment principle for victims. This is despite the Trafficking in Persons Act [Chapter 9:25] providing robust legislative foundations. For instance, Nkomo (2024) and Veritas (2014) noted that upon the enactment of this law, the victim support centres and the Anti-Trafficking Ministerial Committee were all not immediately operational. Mabvurira et al (2025) also noted these challenges and further indicated that inadequate training of law enforcement agencies was impeding an otherwise good municipal law. This demonstrates that the existence of a comprehensive legislation alone was not enough if there is no implementation capacity.

2.6 Research Gap Analysis

Africa's responses including those of Zimbabwe to the trafficking in persons challenge demonstrate efforts to align with the international legal instruments particularly the Palermo protocol (Okorie & Okeja, 2023; Nkomo, 2024; Chasaka, Makombe & Mvere, 2025). Little evidence critically examines this with a focus to other international instruments besides the Palermo Protocol and its relevance to Zimbabwe. Evidence indicates a general alignment to the Palermo Protocol (Gallagher & Ezelio, 2021; Okorie & Okeja, 2023) but gaps in terms of standards have also been noted (Kolade-Fasiye et al, 2025) which requires further interrogation in a Zimbabwe specific context. Evidence further suggests the presence of implementation gaps across Africa across the four pillars of prevention (Okoye, Okolie & Abanyi, 2025; UNODC, 2022; Ogunniyi & Idowu, 2025), protection (Nkomo, 2024; Mbvurira et al, 2025), prosecution (Kolade-Fasiye et al, 2025) as well as partnership (Kolade-Fasiye et al, 2025) In view of these

gaps, this study sought to enhance Zimbabwe specific literature through providing empirical evidence on these facets of anti-trafficking in persons' laws.

2.7 Summary

The chapter outlined the concepts of trafficking in persons which was further expounded to highlight international and domestic trafficking. The chapter explained the monism and dualism theories which present a seemingly dichotomous explanation of the nexus between international and domestic law were also explained as underpinning this study. An empirical review focusing on drivers of trafficking in persons across Africa, Southern Africa and in Zimbabwe; legal response to the challenge highlighting coherence, gaps and implementation challenges was conducted. The review highlighted Zimbabwe specific gaps in relation to relevance of international instruments, their alignment, implementation and meeting of international standards. The next chapter gives the methodology used to conduct the study.

CHAPTER THREE

3.0 RESEARCH METHODOLOGY AND DESIGN

3.1 Introduction

This chapter provides an overview of the methodology that will be utilized for analyzing the adequacy of international laws against trafficking in persons, their harmonization with Zimbabwe's municipal laws particularly focusing on coherence, gaps and challenges in implementing these laws. In this regard, the chapter outlines and justifies several key aspects of the methodology and design, through discussion of the philosophical base of the research; research approach; research design; target population; the sample regime to be used; method(s) of collecting data; mechanism(s) to be employed to assure both validity and reliability of data collected; data presentation and analysis approaches to be taken; and finally, the ethical concerns.

3.2 Research Philosophy

Research philosophy combines sets of beliefs about how we understand reality (ontology), how we know anything at all (epistemology) and the research methodologies employed by researchers to identify aspects of a particular phenomenon (Creswell & Creswell, 2018). There are many different philosophies of research. These may be classified into four broad categories; Positivism, Interpretivism, Realism and Pragmatism (Kivunja & Kuyini, 2017). The philosophical paradigm that underpinned this qualitative study was therefore an interpretivist one which assumes that reality is socially constructed and subjectively interpreted (Dean & Hogg, 2022).

In employing the interpretivist philosophical lens, the researcher felt that, the examination of legal harmonization and coherence are matters of interpretation rather than

factual measurement. This is supported by Roth (2024, who argues that the examination of legal provisions is best executed through the understanding, interpretation and application of those who work with it. In addition, the fact that the study also sought to understand the implementation challenges was best answered through a human process that is shaped by understandings, values and practices of those involved on a regular basis. This is supported by George, McNaughton & Tsourtos (2017) who used the same philosophical underpinning for a study that focused on human trafficking in Australia. By so doing, they were able to reveal things that are usually left poorly problematized and not discussed in official responses. Understanding gaps between international standards and local application was deemed to be best achieved through lived experiences. Van der Watt & Kruger (2020) noted this in their study of human trafficking in South Africa. Furthermore, the interpretivist approach has punctuated recent scholarship on trafficking especially in the Zimbabwean context (Nkomo, 2024; Chasaka, Makombe & Mvere, 2025).

3.3 Research Approach

Research methodology encompasses the overall approach that is used for data collection and analysis as informed by the underpinning philosophy (Saunders et al, 2019). This study employed the qualitative research methodology which aligned with the interpretivist philosophy. This methodology was deemed best suited given the need to gain in depth contextual understanding towards appreciating the alignment of laws, a position that is also amplified by Van der Watt (2020). Additionally, textual data in form of legal instruments, policies and implementation reports which all require a qualitative analysis to extract meaning were also used. Nkomo (2024) demonstrated this notion in a study of similar orientation. Furthermore, the study also sought to understand practitioner perspectives and experiences

which are best captured through story telling. George, McNaughton & Tsourtos (2017) demonstrated this reasoning in research focusing on the same subject.

3.4 Research Design

A research design is a blueprint used to give guidance when conducting research (Saunders et al, 2016). This study employed a country case study research design. Yin (2018) conceptualizes such a design as being an empirical in-depth inquiry investigating contemporary phenomenon within a real-world context. This design best suited the current study since it focused on a well bounded system (Zimbabwe) where specific phenomenon (legal harmonization and implementation) was assessed. This allowed immersion within the research setting which is necessary for interpretive understanding (dean & Hogg, 2022). The use of a case study research design for a study of this nature is not isolated. Nkomo (2024) and George, McNaughton & Tsourtos (2017) employed a similar research design for Zimbabwe and Australia respectively before.

3.5 Population and Sample

3.5.1 Study Population

In this research, an infinite population was created as a tri-partition of individuals, representatives from all the relevant organisation(s) and documentary source(s). There was a total of six types of human participants. They include, but are not limited to; survivors of trafficking in persons; police officers; members of the Anti-Trafficking Inter-Ministerial Committee; judicial officers; social workers; and other stakeholders who have a role in anti-trafficking initiatives in Zimbabwe. The organisational population consisted of the Zimbabwean chapters of the IOM; the ILO; and any other local or international organisation involved in anti-trafficking initiatives in Zimbabwe. Documentary sources consisted of all

international instruments; domestic legislation and national policy pertaining to trafficking in persons that had been implemented after Zimbabwe adopted the Palermo Protocol. The use of these three types of populations allowed for a comprehensive analysis of the phenomenon being researched.

3.5.2 Sample and Sampling Techniques

The study used a sample of 13 key informants which was determined during data collection since the sampling strategy driven by the principle of saturation. This is the point at which data collection yields little to no new information and recurring themes no longer contribute novel insights to the phenomenon under investigation (Hennink & Kaiser, 2022). Bouncken, Czakan, and Schmitt (2025) affirm that, saturation is achieved when additional data ceases to generate new insights. Given the infinite nature of the target population, sampling to saturation was deemed appropriate as it ensured that all relevant categories of participants and documents were adequately represented without imposing artificial numerical constraints. Bouncken et al. (2025) further assert that, saturation serves as the primary criterion for assessing sample size adequacy in qualitative research. The researcher employed this approach to enhance content validity by ensuring that data collection continued until saturation was achieved across all stakeholder categories. In this study, saturation was achieved at 13 participants which eventually became the sample for the study. Table 1 gives a summary of the sample used.

Table 3.1: Sample Summary

Sample Category	**Sampling Technique**	**Sub Sample Extracted**	**Data Collection Tool(s)**
Centre for Combatting Human Trafficking	Purposive	1	Semi Structured Interviews
ATIMC	Snowball	6	Semi Structured Interviews
INTERPOL	Snowball	1	Semi Structured Interviews
IOM	Snowball	1	Semi Structured Interviews
Legal fraternity	Snowball	1	Semi Structured Interviews
NGO	Snowball	1	Semi Structured Interviews
SURVIVORS	Purposive	2	Semi Structured Interviews
TOTAL		**13**	

Data in Table 3.1 shows that the majority of interviewees (46%) where from Ministries, Departments and Agencies (MDAs) that are within the ATIMC. This underlines the role of the committee in the management of TIP in Zimbabwe.

Snowball sampling was used in the participant recruitment as the primary strategy. This technique involved purposively selecting initial participants who subsequently referred the researcher to additional participants through their professional and social networks (Ting, Memon, Thurasamy, & Cheah, 2025). This approach ensured that there was a high degree of trust to obtain reliable data from key informants, particularly victims and law enforcement personnel considering the sensitive nature of trafficking in persons. Tornava et al. (2025)

contend that snowball sampling enables researchers to leverage the networks of initial participants to access sensitive information and hard-to-reach populations. This approach proved particularly valuable for accessing participants who might otherwise remained inaccessible yet possessed critical insights into the trafficking problem in Zimbabwe.

Snowball sampling also offered practical advantages on cost-effectiveness and time efficiency which enabled the researcher to conduct the study within constrained temporal parameters. However, the method presents inherent limitations, including reduced researcher control over sample composition and the potential for non-representativeness (Ting et al., 2025). To mitigate these weaknesses, the researcher systematically ensured that participant referrals covered all relevant stakeholder categories and thematic areas of the study. This deliberate approach safeguarded sample adequacy and supported the generation of reliable and valid outcomes by ensuring that the final sample reflected the diversity of perspectives within the target population.

3.6 Data Collection

3.6.1 Data Sources

The study made use of both primary and secondary data. The use of primary and secondary data ensured there was a good balance between cost-effectiveness in conducting the study, and using sufficient resources to be robust in addressing the research question. Primary data is first-time collected data (Ajayi, 2023), which are as yet unpublished first-hand data that has been obtained for the purpose of the present study (Taherdoost, 2021). Semi-structured interview was conducted with key informants to gather primary data, and the primary data was used to address the research objectives. Secondary data on the other hand refers to published data, that have been collected for another purpose rather than the present study, but may

nevertheless be suitable for the present study (Taherdoost, 2021). For secondary data to be reliable and credible sources must be used (Ajayi, 2023) and therefore, government reports, reports from credible organizations, etc., can be included.

3.6.1.1 Semi Structured Interviews

A total of thirteen (13) interviews were conducted using a guide that was based on questing themes derived from the research objectives. On average, these interviews took twenty-five (25) minutes.

3.6.2 Data Collection Instruments

Since the study collected data through in-depth interviews and document analysis, a semi structured interview guide and a document analysis guide were used for the purposes of data collection. The interview guide was designed based on themes derived from the research objectives in a way that ensured that during interviews, the researcher was able to take note of areas that were not yet explored but at the same time allowing flexibility. A sample of the interview guide is attached as part of appendices.

3.6.2.1 Document Analysis

The document analysis guide used in this study was informed by research objectives thereby guiding the selection of documents and areas of focus. This ensured that there was structure in data collection which made presentation and analysis much easier. The analysis focused on international, regional and local documents outlined in Table 3.2 below.

Table 3.2 : Analysed Documents

Title	**Year**	**Type**	**Jurisdiction**
"Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children"	2000	International Treaty	International
"AU Policy on the Prevention of Trafficking in Persons (TIP) in Africa"	2021	Continental Policy	Africa
"Trafficking in Persons in the SADC Region Policy Brief"	2016	Regional Policy	Southern Africa
"Trafficking in Persons Act [Chapter 9:25]"	2014	Domestic Legislation	Zimbabwe
"Zimbabwe Trafficking in Persons National Plan of Action 2016-2018"	2016	National Policy	Zimbabwe
"Zimbabwe Trafficking in Persons National Plan of Action 2019-2021"	2019	National Policy	Zimbabwe
"Zimbabwe Trafficking in Persons National Plan of Action 2022-2025"	2022	National Policy	Zimbabwe

Data in Table 3.2 shows that the documents used in this study where official making the data collected credible and reliable.

3.7 Data Presentation and Analysis

Summaries based on research objectives were used to present qualitative data. Data collected focusing on a specific objective was summarised highlighting key issues raised. Based on these summaries, a thematic analysis approach was used for analysis.

The Braun & Clarke (2022) six step coding model for thematic analysis involving familiarization, generating initial codes, theme searching, theme review, definition and naming of themes as well as the final analysis which involved narration and direct quotes from data was used. Familiarization involved repeated reading of transcripts to not initial patterns that were noted on separate sheets. During the generation of initial codes, quotes were linked to research questions using codes based on the research question number. Codes representing items with related meaning were then grouped for the purposes of theme searching which were hen reviewed for distinctiveness. During definition and naming of themes, labels were assigned to the themes to give them a clear identity based on meaning. Finally, an analysis was done through narration of each theme supported by direct quotes from transcripts. This procedure was applied to both interview transcripts and document analysis report which was also structured along the research objectives themes.

Throughout this process, a reflexive hybrid thematic analysis approach was employed to analyse the data. Deductive thematic analysis was employed as means of presenting the data based on pre-existing themes derived from the research objectives whilst inductive thematic analysis was employed to identify naturally emerging themes from the summaries.

3.8 Trustworthiness

Trustworthiness relates to the dependability and credibility of the research outcomes (Tariq, 2025). It is a key facet towards safeguarding validity and reliability in qualitative research (Coleman, 2021). It is measured by credibility, transferability, dependability and confirmability (Ahmed, 2024).

Credibility refers to the authenticity of the research outcomes (Tariq, 2025) and in this study it was assured through prolonged participant engagement. In doing so, the researcher was better placed to gain nuanced appreciation of insights on the research problem as articulated by the various participants. Data collected from interviews was also triangulated with data collected through document analysis as mans to enhance credibility.

Dependability relates to the consistency and reliability of outcomes over time (Tariq, 2025) and in this study it was safeguarded through maintenance of an audit trail and extensive documentation of the research methodology used. Maintenance of an audit trail facilitated transparency and traceability of research activities. This was augmented by documentation of the methodology used in the study which allows easy replication.

Confirmability refers to the neutrality of research outcomes (Tariq, 2025) and in this study it was ensured through debriefing and member checking. Peer debriefing helped in the validation of interpretations thereby minimizing personal bases. Member checking was useful in enhancing confirmability by ensuring that participant views were appropriately represented. Ahmed (2024) posits that doing so strengthens confirmability of research findings.

Furthermore, trustworthiness was buttressed through ensuring that there is transferability. This was ensured through extensive description and clear articulation of the sampling process. Extensive descriptions provided detailed context that allowed readers to determine transferability of findings (Ahmed, 2024). The sampling process used in the study was also clearly articulated to safeguard transferability.

3.9 Ethical Considerations

Ethics are concerned with what is right and wrong and what a researcher should do during the process of conducting their inquiry (Bos, 2020). Mirza, Bellalem & Mirza (2023) posit that they focus on the responsibilities of the researcher towards the rights and interests of research participants, the audience, academic community and the society.

3.9.1 Informed Consent

Informed consent was safeguarded by ensuring ha all research participants were given enough information about the study before consent was asked for. Having been informed about the purpose of the research, participants were asked to sign a consent form (sample is attached as part of Appendices). In his regard, none of the participants were incentive to be part of the study.

3.9.2 Voluntary Participation

This was achieved by informing research participants of the freedom of withdrawal from the study at any stage of the interviews. In addition, voluntary participation was ensured by making sure that none of the participants was paid or forced to participate in the study. Informing them of these rights also ensured that they chose to be part of the study on their own volition.

3.9.3 Anonymity and Confidentiality

Participant anonymity was ensured by no recording personally identifying data for all of them. Where necessary to attribute findings to specific participants, pseudo names were used. In order to ensure confidentiality, the researcher made sure that all he collected data was

safely kept and only used for academic purposes which all participants agreed to. None of the collected data was shared with third parties.

3.9.4 No Harm

During the study, the researcher ensured that no participant was harmed due to their involvement in the study. This was achieved by taking into consideration the possible emotional effect that may be caused on participants. As part of safeguarding this, no data was collected from organization without authorization as this could have resulted in institutional harm.

3.10 Summary

The chapter outlined he methodology that was used in conducting the study. The chapter outlined the interpretivist philosophy that underpinned the study, the qualitative approach and the country case study design that guided the research. The target population and sampling approach used were also highlighted. Measures to safeguard trustworthiness were explained and data presentation and analysis methods used in the study were also explained. The chapter also outlined the mechanisms employed to ensure that there was informed consent, voluntary participation, anonymity, confidentiality and that there was no harm in the study. The next chapter presents and analyzed the collected data.

CHAPTER FOUR

4.0 DATA PRESENTATION, ANALYSIS AND DISCUSSION

4.1 Introduction

The chapter presents and analyzes the collected data and ties this analysis to prior literature based upon the study's findings. Because the study utilized qualitative data gathered from semi-structured interviews and a form of document analysis, data presentation is provided as an analytical summary that utilizes a hybrid thematic approach (both deductive and inductive) for analyzing the collected data. Prior to providing the data analysis, participants' and documents' profiles are first described. Data and the method of its collection are subsequently explained. Finally, the study's research findings are discussed.

4.2 Participants' and Documents' Profile

When conducing mixed methods qualitative research, the transparent profiling of participants is essential in order to establish rigor and facilitating transferability. Flick (2022) argues that doing so allows readers to situate accounts with their varying realities. In addition, transparent profiling of participants also facilitates assessing of findings credibility. In the same manner, document profiling ensures trustworthiness of data and findings.

4.2.1 Demographic Summary for Key Informants

The study collected data from a total of thirteen diverse key informants through semi structured interviews. The pseudonym-based profiles of these key informants are given in Table 3 that follows.

Table 4.1 : Demographic profile of key informants

Pseudonym	**Professional background**	**Years of experience in TiP**	**Institutional affiliation**
Dr Centre	- PhD Holder - University lecturer in Social Sciences & Humanities - Human development and demographer specialist - 20 years' involvement - Director for Centre for Combating Human Trafficking	15 Years	Academic institution, NGO (Centre for Combating Human Trafficking)
Director Foreign	- Master's Degree - Consular services - 18 years' involvement - Repatriation of citizens	7 Years	Government (Ministry of Foreign Affairs & International Trade)

Director Home Affairs	- Master's degree - Coordinating TiP issues - AT-IMC participant - Reporting TiP compliance	11 Years	Government (Ministry of Home Affairs & Cultural Heritage)
Director Social Welfare	- Master's degree - Social welfare - Trained Social worker with 22 years' involvement - Victim protection and repatriation coordination	9 Years	Government (Ministry of Public Service Labour & Social Welfare)
Immigration Officer	- Master's Degree - Regional Immigration officer - Senior Manager Border Management - 15 years' involvement - International stakeholder liaison	8 Years	Government (Department of Immigration)
Prosecutor	- Law degree - 16 years as prosecutor - TiP prosecution	8 years	Government (Justice-Prosecution)

Interpol Zw	- Bachelor's Degree - Law enforcement - 22 years' involvement - International liaison on criminal matters	12 Years	Government (Law enforcement- Police)
Detective One	- Trained police officer - Specialist investigator with 18 years' experience in serious crime - TiP investigation	8 Years	Government (Law enforcement- Police)
IOM Coordinator	- Master's in International Relations - BSc Political Science - Humanitarian sector for 16 years - Field officer, M&E livelihood development, child protection and human rights - Coordination activities	8 Years	International NGO
Vukarhani	- Law degree - Community development	3 years	NGO

	- 3 years involvement		
Advocate Law	- Law Degree up to Master's level - 14 years' legal practice - Representing victims and accused of TiP	10 Years	Private citizen and practicing lawyer
Rudo	- private citizen and survivor of TiP - Female Chef	4 Years	Private citizen who is a survivor of TiP (Oman)
Tariro	- private citizen and survivor of TiP - Female	6 Years	Private citizen who is a survivor of TiP (Kuwait)
TOTAL YEARS OF INVOLVEMEN IN TIP		**109 Years**	

The data in Table 3 shows that the interviewees had been involved in different facets of the management of trafficking in persons from various sectors involved in TIP in various capacities with a collective of 109 years of such involvement. In addition, the professional backgrounds of the key informants were equally diverse but relevant to TIP making them valuable sources of information on issues investigated in this study.

4.2.2 Description of Documents

The study analysed a total of five key documents relating to trafficking in persons which are the Palermo Protocol, the Trafficking in Persons Act, and three National Plans of Action (2016-2025). For each document, the analysis established the issuing authority, year, type, and jurisdiction. Table 4 gives a description of the documents used.

Table 3.2: Documents description

Title	**Author & Year**	**Type**	**Source**	**Jurisdiction**
"Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children"	United Nations (2000)	International Treaty	UNODC	International
"AU Policy on the Prevention of Trafficking in Persons (TIP) in Africa"	African Union (2021)	Continental Policy	AU	Continental
"Trafficking in Persons in the SADC Region"	SADC (2016)	Regional Policy	SADC	Regional

"Trafficking in Persons Act [Chapter 9:25]"	Zimbabwe (2014)	Domestic Legislation	Government of Zimbabwe	Zimbabwe
"Zimbabwe Trafficking in Persons National Plan of Action 2016-2018"	Zimbabwe (2016)	National Policy	Government of Zimbabwe	Zimbabwe
"Zimbabwe Trafficking in Persons National Plan of Action 2019-2021"	Zimbabwe (2019)	National Policy	Government of Zimbabwe	Zimbabwe
"Zimbabwe Trafficking in Persons National Plan of Action 2022-2025"	Zimbabwe (2022)	National Policy	Government of Zimbabwe	Zimbabwe

Source: Author Analysis (2026)

Data in Table 4 shows that all documents used in this study were from credible sources and can be viewed as official government or recognized institutional reports or policies making them reliable sources of data for the purposes of this study.

4.3 Data Analysis Framework

Data from interviews which was all in form of audio files was transcribed using TurboScribe which is a free online platform for transcribing audio to text. The interview transcripts and document analysis data were then presented in summaries based on themes derived from the research objectives. This was followed by an inductive thematic analysis which was based on emerging themes from the summaries derived from a six-step coding model by Braun & Clarke (2006). Inductive themes were supported by direct quotations from the key informants and documents to safeguard trustworthiness and rigor. Themes were also

cross checked against transcripts and document analysis reports to ensure that contradictory evidence was not ignored. However, the analytical framework had few limitations. Although there was institutional diversity, the claim to saturation could have been affected by the absence of traffickers. This was mitigated by the fact that the primary focus of the study could have been easily addressed without the inclusion of the traffickers. The other limitation of the framework was that, the hybrid deductive-inductive approach had the risk of research bias in theme naming. This was mitigated by verification of the themes with raw data.

4.4 Findings

4.4.1 Relevance of International Laws to Zimbabwe Laws and Policies

The primary objective of the research project was to assess the nature and extent of Zimbabwe's legislation regarding the prevention of trafficking in persons internationally (particularly through the Palermo Protocol, UNCRC, CEDAW, and ILO Conventions) as well as its relevance to Zimbabwe. Interviews and documentation collection methods were employed to collect data to fulfil this purpose.

Consistent support for the relevance of international instruments relative to Zimbabwe's legal framework related to anti-trafficking were expressed across all interviews. Specifically, interview respondents stated that the Palermo Protocol, UNCRC and CEDAW were relevant to Zimbabwe's anti-trafficking legal structure. Respondents further indicated that the African Union Policy on the Prevention of Trafficking in Persons (TIP) in Africa and the Trafficking in Persons in SADC Region Policy are relevant to Zimbabwe's anti-trafficking policy. Furthermore, respondents suggested that the relevance of these instruments are evident due to the foundation they have established for Zimbabwean anti-trafficking laws and policies. Although respondents generally expressed support for the relevance of these international instruments to Zimbabwe's anti-trafficking policy, many expressed concerns that despite

ratifying these international instruments; there exists a significant gap between ratified policy and actual practice in Zimbabwe.

Interview statements were supported by findings derived from document analysis data indicating that the Palermo Protocol served as a foundational basis for developing local anti-trafficking in persons laws and policies. As evidenced by several elements of the Trafficking in Persons Act [Chapter 9:25], including but limited to definitions of "trafficking" that are directly borrowed from the Protocol. Document analysis further revealed a slight variance between the Protocol and local laws, specifically as local law distinguished between forced and voluntary trafficking. According to Section 3 of the Trafficking in Persons Act [Chapter 9:25], subsections (Section 3(1)(a) and Section 3(1)(b)) define the crime of trafficking in persons with an unnecessary distinction being made between voluntary and involuntary trafficking. Such a distinction is contrary to Article 3 of the Palermo Protocol which did not distinguish between voluntary and involuntary trafficking. While it appears that this distinction may appear to be minor, it creates an interpretative ambiguity which could potentially be utilized by perpetrators to avoid accountability.

Furthermore, an analysis of the African Union (AU) TIP Policy also confirmed its relevance to Zimbabwe's laws and policies on TIP. The Strategic Framework for Preventing and Combatting TIP in Africa which is outlined in Chapter Four of the document outlines a number of measures that are replicated in successive NAPLACs in Zimbabwe. At the same time The SADC Policy on TIP demonstrates relevance as it also provides similar definitional standards from the Palermo Protocol. This is enough evidence of their relevance.

4.4.1.1 Theme One: International law as the benchmark and not operational reality

Both interviews and document analysis converged on the fact that international instruments such as the Palermo Protocol set the benchmark for local laws and policies on TIP.

This makes them relevant despite a well acknowledged gap in putting the benchmarks into practice.

Dr Centre had this to say;

'While the (international) instruments offer essential guidelines to country response to trafficking in persons, a lot of issues boil down to individual country initiatives where there are gaps due to resource constraints.'

Tariro (Survivor, Kuwait) said;

'It (international instruments) is relevant because it created rules. But rules mean nothing if they are not enforced. Zimbabwe signed it but at the airport, nobody asked me questions. Nobody stopped me.'

NAPLAC 2019-2021 states;

'…Zimbabwe acceded to one of the protocols to the TOC, the Protocol to Prevent, Punish and Suppress Trafficking in Persons especially Women and Children popularly known as he Palermo Protocol.'

Presented evidence suggests that the local TIP laws and policies are based on foundations laid down by the Palermo Protocol, the AU and SADC Policies although there are evident implementation gaps. This means that the local TIP laws are direct outcome of the international instruments. These findings are buttressed by Chipofya (2025) who concluded that the international instruments on TIP provide relevant benchmarks upon which various African countries have developed their policies. Specific focus and mentions were that of Uganda, Malawi and South Africa where just like Zimbabwe, the instruments have guided policy albeit with vague terms or phrases. Such a situation has resulted in implementation gaps.

ILO (2022) also noted that, while international instruments provide the foundational benchmarks for Zimbabwe's domestic response, persistent gaps exist between ratification and operational implementation. This disconnect between international legal commitment through ratification and domestic application is not unique to Zimbabwe. Mutubwa (2019) posits that, it reflects a broader challenge that is faced by many countries that apply a dualist legal system where international treaties require legislative incorporation before they have domestic legal force. Such findings align with observations from the ILO Committee of Experts (ILO, 2024) who noted that despite the enactment of the Trafficking in Persons Act in 2014, significant implementation gaps remain, including limited policies and programmes to assist and protect victims of trafficking

The convergence between interview data and document analysis reflects Zimbabwe's deliberate efforts to align its TIP domestic framework with international standards, although these efforts remain incomplete. The Palermo Protocol's definitional framework is explicitly referenced in the Trafficking in Persons Act, and the successive National Plans of Action demonstrate policy commitment to the four-pillar approach (UNODC, 2018). However, the TIP Act contains critical divergences, including its treatment of trafficking as a movement-based crime and the absence of a definition that fully captures contemporary forms of exploitation (Moyo, 2025). Such a discord laden domestication creates legal uncertainty and weakens the preventive, protective and prosecutorial efforts. This finding is consistent with the ILO's observation that while awareness campaigns have increased, little progress has been made in the implementation of the Trafficking in Persons Act since its adoption (ILO, 2024).

The study further reveals that the relevance of international instruments is well acknowledged by state and non-state actors alike, yet this acknowledgment does not translate

into consistent operational reality. This finding resonates with the ILO's direct request to Zimbabwe, which noted that inter-ministerial coordination mechanisms exist but that the technical steering committee for victim protection did not meet consistently (ILO, 2022). The gap between policy frameworks and practice is perhaps most starkly illustrated by survivor accounts, which reveal that despite the existence of the Palermo Protocol and its domestic enactment, victims at ports of departure receive no systematic screening or protection (Chikwanha, 2021). This implementation deficit is exacerbated by resource constraints, limited specialised training for front-line officers, and the absence of victim service centres in all ten provinces as required by Section 8 of the TIP Act (Zimbabwe Human Rights Commission, 2023).

The findings also highlight a significant thematic convergence between interview data and international monitoring reports where international law serves as the benchmark, but resource and capacity limitations prevent full realisation. The ILO Committee of Experts has repeatedly noted that while Zimbabwe has established an Inter-Ministerial Committee subdivided into thematic pillars, the actual operationalisation remains incomplete (ILO, 2024). Similarly, it has been documented that only six provincial anti-trafficking task force teams operate nationally, and the implementation of previous NAPLAC periods could not be fully assessed due to absence of consolidated data (Moyo, 2025). This pattern of incomplete implementation underscores the central challenge where international instruments provide the necessary legal architecture yet domestic political will, institutional capacity, and fiscal constraints determine the extent to which victims receive protection and perpetrators face accountability (Zimbabwe Human Rights Commission, 2023; Chikwanha, 2021).

4.4.2 Harmonisation of International Laws in Zimbabwe Laws

The second objective of the study sought to assess the extent to which Zimbabwe's domestic anti-trafficking legal framework is harmonised with international legal standards and obligations. Data for this purpose was collected through both interviews and document analysis.

Interviews conducted showed that the Trafficking in Persons Act [Chapter 9:25] is Zimbabwe's principal legislation and incorporates some of the international standards. Interviewees indicated that the act criminalizes trafficking, sets tough penalties, provides for extraterritorial jurisdiction and establishes a high-level government steered committee to oversee the implementation processes. They also highlighted that the 2023 amendment of the act further enhanced the incorporation of international standards by broadening he definition of trafficking, increasing penalties for child trafficking and including the non-criminalization principle. However, interviewees also lamented the existence of incorporation gaps such as making trafficking a movement-based crime that requires border crossing and not adequately defining exploitation.

Document analysis data also showed that the incorporation of international standards is evident in Zimbabwe's municipal TIP laws on a number of aspects. These include; criminalization of trafficking, severe penalties that include life imprisonment for child trafficking, extraterritorial jurisdiction (Section 7), asset forfeiture (Section 6), non-punishment principle (Section 3(4)), victim compensation (Section 17) and the inclusion of clear unlawful purpose in Section 2. NAPLAC 2016-2018 and 2019-2021 is unequivocal in their adoption of best interest of h child and victim centered approach. However, similar to assertions made during interviews, document analysis also identified incorporation gaps. These were noted on

the definition of trafficking as a movement-based crime contrary to international law standards. They were also noted on treating child trafficking as an aggravating circumstance rather than making it a distinct crime as well as lack of provisions to grant residence to foreign victims.

4.4.2.1 Theme Two: Partial imperfect harmonisation

The TIP Act and policies do incorporate provisions of international instruments but certain critical divergences especially on the definition which makes it movement based and creating a distinction between voluntary and involuntary.

Advocate Law had this to say;

'... our TIP Act has been interpreted by our courts as requiring movement across borders yet the Palermo Protocol does not require that as trafficking can occur within a country's borders. Importantly, the TIP Act incorporates a number of international standards which is positive.'

Prosecutor said;

'The TIP Act has elements of inconsistency with international standards as it defines trafficking as movement based and does not adequately include elements of exploitation that are sated in international laws.'

4.4.2.2 Theme Three: Strong alignment on non-criminalization and child protection

The 2023 amendment of the TIP Act strengthened the incorporation of international laws by enhancing alignment on non-criminalization and child protection. This demonstrates national commitment to incorporating international standards.

Section 3(4) of the TIP Act states;

'If a victim was trafficked for the purposes of adult or child pornography or prostitution, that victim shall not be charged with any crime…or breach of immigration or labour laws.'

Director Social Welfare had this to say;

'... Child victims require special protection, including the principle of non-refoulment which are present in our local laws.'

Although the findings regarding the harmonisation of international law into the national anti-trafficking legal regime indicate the existence of a pattern of limited incorporation; i.e., Zimbabwe's Trafficking in Persons Act [Chapter 9:25] embraces many of the key provisions of the Palermo Protocol but deviates from those same international provisions on definitional issues which are central to the definition of trafficking. The Committee of Experts of the International Labour Organization reports that Zimbabwe's inter-ministerial committee for combating trafficking, with the purpose of implementing the 2014 TIP Act at the national level in accordance with the Protocol's framework, reflects an institutional commitment to its thematic pillars of prevention, prosecution, protection and partnerships. Nonetheless, Nkomo (2024) identifies that there is a considerable discrepancy in how the TIP Act defines human trafficking as a movement-based crime that requires border crossings; whereas it is clearly defined in the Protocol that such criminal activity can take place without the necessity for cross-border movement.

The study also found significant similarity between TIP Act and International standards on two counts which are, non-criminalization of victims, and on protection of child victims; s 3(4) of the Act prohibits the prosecution of trafficking victims for crimes committed as a direct victim of their trafficking such as immigration offences and prostitution. ILO indicated that

from 2016 to 2018, Zim 107 victims trafficked to Middle Eastern countries (104 women and 3 men) who received repatriation and reintegration services such as psychosocial support and reintegration packages then they visited them to supervise them, 142. IOM indicates that to promote the protection of child victims, the TIP Act defines a child to be any person below eighteen years and also treats child trafficking as an aggravating circumstance. This attracts life imprisonment. ILO's 2024 Direct Request observes that, to combat child trafficking and repatriate child victims, Zimbabwe has bilateral agreements with neighbouring countries at Chirundu, Forbes, Plumtree and Beitbridge to reels child victims.123 However, the same observation by ILO notes that Zim has six provincial anti-trafficking task force teams, but the implementation and impact of the previous NAPLAC (2019-2021) could not be assessed due to absence of data. This suggests that policy commitment has not yet led to consistent, measurable outcomes.

The persistent harmonisation gaps identified in this study centre on three specific areas where Zimbabwe’s domestic law diverges from international standards. First, the definition of trafficking as requiring movement across a border contradicts the Palermo Protocol's explicit provision that trafficking can occur internally without any border crossing. Second, the Act treats child trafficking as an aggravating circumstance (warranting life imprisonment) rather than as a distinct crime where the means element need not be proven. This is a distinction the Protocol explicitly makes for child victims. Third, the TIP Act lacks provisions for granting temporary or permanent residence to foreign victims of trafficking, despite this being encouraged under Article 7 of the Palermo Protocol. The ILO has noted that while Part III of the TIP Act mandates the Minister responsible for social services to ensure at least one centre for victims of trafficking is established in each province, these centres must offer counselling, rehabilitation, reintegration and care, yet progress in establishing these centres remains incomplete. The ITUC has further observed that there is still a lack of awareness on trafficking,

as well as ‘limited policies and programmes in place to assist and protect victims of trafficking’. These gaps suggest that while Zimbabwe has made commendable strides in criminalizing trafficking and protecting child victims, the incomplete incorporation of the Protocol's definitional framework and victim protection provisions continues to limit the effectiveness of the domestic response.

4.4.3 Application of International Obligations across Four Pillars

The study also sought to examine the application of international anti-trafficking laws in Zimbabwe across the four pillars of prevention, protection, prosecution, and partnership.

On the prevention pillar, interview data indicated that the application of the prevention pillar was weak and reactive. Interviewee pointed to the absence of awareness desks at airports with only one at Robert Gabriel Mugabe International Airport, porous borders and inadequate labour recruitment monitoring. On the other hand, document analysis showed that a number of preventive activities were planned. NAPLAC 2016-2018 states; publicity campaigns, toll free lines and integration of TIP in raining curricula. NAPLAC 2019-2021 states, exhibitions, trade fairs, commemorations of World Day Against TIP, country engagements and campaigns in schools. What could not be established from the documents is the level of implementation of these plans.

On protection, interview data indicated that the Department of Social Development has measures in place to meet victims at the airport, provide medical checks and initial counselling. The data indicated that, long term support was inconsistent and that there was lack of standard reintegration package. The other shortcoming on protection was lack of shelters for victims. Document analysis confirmed the existence of protection measures. This includes the

development of Standard Operating Procedures (SOPs) for referral systems, establishment of common identification tools and revamping shelters. NAPLAC 2019-2021 reported receipt of reintegration assistance by 122 victims out of the identified 178 victims. This represents 31% of victims receiving such assistance.

On prosecution, interview data indicated that there were very low conviction rates with six convictions having been secured as of 2023. Similarly, only seven (07) accused persons were arrested out of 69 cases involving 139 victims in 2022. The data also indicated that there were challenges such as victim fear of testing, lack of specialised training and cross border evidence difficulties affecting prosecution. Document analysis also pointed to slow and unsuccessful prosecution though it was being instituted. NAPLAC 2019-2021 reported that between 2016 and 2018, 74 cases were reported with six convictions and witnesses not being located in 29 cases.

On partnerships, interview data indicated that various arms of government cooperate and collaborate under the ambit of the AT-IMC with a memorandum of understanding being in place with the Centre for Combating Human Trafficking. In addition, government arms also work with IOM and INTERPOL through the I-24/7 system. Interviewees bemoaned the lack of consistency in meetings by the AT-IMC which is a key driver of national response to TIP. Document analysis indicated that partnerships were in place through research on international best practices, advocacy, harmonisation of legislation regionally and establishment of national TIP coordination bringing together state and state actors.

4.4.3.1 Theme Four: Paper actions with implementation frailties

There was consistent evidence of the existence of laws, policies and action plans covering all he four pillars but not fully implemented. Document analysis also suggested recorded progress that is punctuated by implementation gaps.

Dr Centre had his to say;

'... in terms of rescue, repatriation and reintegration the system is very much harmed to the extent that we don't spend our time to ensure that we see individuals through the reintegration process, we don't have a standard package for returning victims.'

Detective One said;

'The system is reactive.....not proactive. In most cases, we only learn about a trafficking situation after the victim has already been exploited and returned or when a family member reports a missing relative.'

NAPLAC 2016-2018 states that;

'Provincial task forces established only 5 out of 10 provinces. Lack of male shelters persists.'

4.4.3.2 Theme Five: Resource constraints as a central barrier

Both interview and document analysis data suggests that there is a serious lack of resources to support the implementation activities across the four pillars.

NAPLAC 2019-2021 stated;

'...170 victims were identified and a total of 122 of them received reintegration assistance.'

Rudo (Oman Survivor) said;

'…there is no money. Shelters, counselling and jobs raining are all underfunded... Without money, nothing changes. You can have the best laws in the world but if you have no money to operationalise them they become useless.'

Director Home Affairs had this to say;

'We do not have a dedicated budget line for anti-trafficking in the national budget. As a result, the government relies on allocations to individual ministries and on donor funding. This is not sustainable.'

Prosecutor said;

'The National Prosecuting Authority does not have a dedicated budget for trafficking prosecutions. This means we cannot dedicate as many prosecutors to trafficking cases as we would like.'

Findings on the Prevention Pillar showed a large disconnect between what government policies say and how those policies were implemented. Interviews found that prevention is weak and reactive. There are few resources to prevent the problem. For example, Zimbabwe has only one awareness desk at its major airport, and the borders are not secure. Monitoring of labor recruitment is also lacking. According to the United States Department of State (2024) in its 2024 Trafficking in Persons Report, resources to protect victims of trafficking were insufficient, and the majority of the services provided to trafficking victims were funded and supplied by international organizations. The report also recommends consistent enforcement of laws that regulate fraudulently recruiting workers, and enhancing oversight of labor recruitment.

Documentation of Zimbabwe's National Action Plan Against Labor Exploitation (NAPLAC) 2016-2018 and 2019-2021 contained extensive lists of intended actions to combat trafficking including awareness campaigns, curricula, trade shows and school based programs. While documentation exists for many planned activities, it cannot be determined if the implementation occurred. Masokovere-Magoko (2024) states that the gap between what is contained in NAPLAC and the practical re-integration needs of victims is a serious omission. Masokovere-Magoko stated that while NAPLAC contains numerous references to support services required to re-integrate victims, these references do not translate into comprehensive services. These include housing, health care, psychological support, education, vocational training and economic sustainability. Therefore, while policy makers may aspire to create supportive systems to assist re-integrated victims of trafficking, the structural inability to implement these aspirations demonstrates a consistent pattern of creating policy ambitions far beyond the capability to finance them or implement them (ILO, 2024).

The Protection Pillar findings indicate that Zimbabwe has made necessary early interventions for victims of trafficking but lacks continued support after those early interventions. Data collected during interviews show that the Department of Social Development assists victims upon arrival at the airport by providing medical screenings and initial counselling. Documentation reviewed confirms that among 178 identified victims (170 from Kuwait), only 122 were assisted with post-trafficking reintegration assistance – a coverage gap of 31%.

These findings confirm U.S. Department of State (2024) which reports that in 2023, the government identified and referred four victims compared to fifty-four in the previous year. Furthermore, U.S. Department of State (2024) notes that "the government relies almost entirely on NGOs and foreign governments to fund trafficking victim services." Thus, because of the limited and unreliable financial support provided to NGOs, most can only provide temporary

care to victims. Moreover, U.S. Department of State (2024) points out that the law requires the government to provide "service centers" in all provinces and provide counselling and reintegration services to survivors – however the government continues to fall behind schedule in implementing this requirement.

Masokovere-Magoko (2024) further indicates that NAPLAC's reintegration plan lacks depth and does not meet the reintegration needs of victims. Specifically, Masokovere-Magoko states that NAPLAC failed to consider the reintegration needs for victims for housing, healthcare, psychological rehabilitation, education, vocational skills development and sustainable employment opportunities. A missing standard reintegration program, lack of ongoing follow up mechanisms for tracking reintegration progress and lack of access to shelters throughout all provinces collectively render ineffective the protective elements of the Protection Pillars (Government of Zimbabwe, 2019; IOM, 2023).

Prosecution Pillar findings show a continuing trend of extremely low conviction rates coupled with systemic barriers to obtaining evidence and capacity to prosecute. Interviews indicated that as of 2023 only six convictions had been achieved, and only seven accused individuals had been arrested out of 69 cases involving 139 victims in 2022. Document review through NAPLAC 2019-2021 reported that during the time frame of 2016 through 2018 twenty-nine witness locations could not be located regarding seventy-four reported cases. This is consistent with U.S. Department of State (2024) which states that five traffickers were convicted and sentenced to prison terms ranging from three to thirty years in contrast to one conviction in the previous reporting year. U.S. Department of State (2024) noted that despite having some success in prosecuting traffickers, there continue to be problems in systematically investigating cases due to inadequate training on identifying victims for frontline personnel and consequently many instances of trafficking go undetected. Cases involving trafficking in persons are frequently prosecuted as less serious crimes such as immigration offenses or sexual

assault leading to reduced deterrents and penalties that do not accurately represent the severity of the offense.

Further U.S. Department of State (2024) noted that judicial capacity constraints prevented them from addressing existing court backlogs including trafficking cases (Government of Zimbabwe, 2024). Collectively, these findings indicate that while prosecution frameworks exist on paper, their effective use is significantly restricted by inadequate training, obstacles in obtaining cross border evidence, victim unwillingness to testify, and an overburdened judiciary (Government of Zimbabwe, 2014; UNODC, 2020).

Partnership Pillar Findings demonstrate that formal cooperative arrangements have been developed among various levels of government and entities within civil society and international organizations although their successful implementation is inhibited by inconsistent implementation and failure to coordinate properly. Interviews supported that government agencies collaborate through the Anti-Trafficking Inter-Ministerial Committee (AT-IMC), have memoranda of understanding with the Center for Combating Human Trafficking at Bindura University and have collaborative agreements with IOM and INTERPOL via the I-24/7 system.

Documentation examined included cooperation in researching international best practices on combating trafficking, promoting legislation for regional harmonization on anti-human trafficking laws, and establishing national TIP coordination forums for both state and non-state stakeholders. The Herald (2024) reported that Zimbabwe and IOM have enhanced cooperation to combat human trafficking. Public Service Minister July Moyo was quoted saying “we have cooperated against human trafficking… we will work with IOM so as to decrease this”. The Herald (2024) also reported that migrant resource centers were opened in Harare and Bulawayo and cooperation existed at Beitbridge and Plumtree border posts.

Although U.S. Department of State (2024) reported that some progress had been made in combating human trafficking, significant shortcomings were identified. One area of concern was lack of activity from the technical steering committee for trafficking victim protection. The technical steering committee was designed to coordinate repatriation efforts for returning Zimbabweans. Additionally, since 2005 when the caseworker model was put in place whereby a single caseworker would work collaboratively with an NGO on each reported potential trafficking case, no NGO has utilized this system. Together, these findings illustrate that while formal partnerships exist at multiple levels of government and civil society with international organizations they have not operated successfully – specifically due to a lack of regularity in meetings by the AT-IMC Steering Committee and poor coordination protocols (Government of Zimbabwe, 2014; IOM, 2024).

4.4.4 Gaps and challenges

The fourth objective of the research sought to analyse gaps between international legal standards and their application in Zimbabwe's anti-trafficking response. Data for this purpose was collected through both interviews and document analysis.

Interview data indicated the existence of legal, institutional and operational gaps in the implementation of TIP law against international standards. Legal gaps highlighted include; movement based definition of trafficking, an inadequate definition of exploitation as well as the absence of explicit provisions for domestic servitude and organ harvesting. Operational gaps noted include; insufficient training for frontline officers, inconsistent victim identification, low prosecution rates, corruption and lack of data. Institutional gaps include; lack of service centres, lack of a functional AT-IMC operational unit and he absence of victim compensation fund. Furthermore, employment systems in destination countries created challenges with the Kafala migrant worker sponsorship system in Kuwait being noted as posing a serious

implementation challenge. In this regard, differing legal systems between Zimbabwe and destination countries were a challenge.

Document analysis indicated gaps such as absence of designated shelters for male victims, lack of referral system for victims (NAPLAC 2016-2018). It also indicated lack of training for victim assistance, lack of data, limited stakeholder coordination. In addition, documents such as NAPLAC (2019-2021) indicated the challenge of increased vulnerability to trafficking due to a high 44% youth NEET (Not in Employment, Education or Training), 86 informal employment and a 61.7% skills deficit.

4.4.4.1 Theme Six: Definitional gaps weakening legal protection

Evidence from the presented data suggests that a movement based definition of trafficking and the inadequate definition of exploitation presents gaps that make prosecutions complicated.

NAPLAC 2019-2021 states;

'…low conviction rate with 6 convictions in 74 reported cases…'

Advocate Law said;

'… act needs to be amended to explicitly state that trafficking does not require movement across a border…. Definition of exploitation should include organ harvesting, forced marriage and online scamming in explicit terms.'

Vukarhani had this to say;

'Our laws don't catch domestic servitude…Our TIP talks exploitation but I focus more on issues of sexual labour…. but domestic servitude is not explicitly covered.'

4.4.4.2 Theme Seven: Structural and resource based barriers to implementation

The presented data also pointed to absence of standard reintegration package, insufficient shelters and lack of long term support that increases vulnerability to re-trafficking.

NAPLAC 2016-2018 states;

'Implementation of these provisions has been delayed due to lack of designated shelters for victims…. There is no system for referrals. There is an absence of formal training and tools required to assist victims of trafficking.'

Director Social Welfare had this to say;

'There is no standard reintegration package. Victims who returned from Kuwait received different levels of supports.'

Tariro (Kuwait Survivor) said;

'The biggest gap is that; rescue is seen as the end. Survivors need long term counselling and even job training. They need help to rebuild their lives. Without this, they are at risk of being re-trafficked.'

4.4.4.3 Theme Eight: Differing legal systems

Presented data indicates that the differing legal systems between Zimbabwe and destination countries such as Kuwait was presenting serious challenges in combating and investigating TIP. The Kafala migrant worker sponsorship arrangement was prominently cited

in this regard. This is a system that attaches a migrant worker to the same employer for a specific period of time even against their will as a condition imposed by their sponsor.

Tariro (Kuwait Survivor) had this to say;

'...me and my peers had a serious challenge even when our cases were identified in Kuwait as the agreements we had with our sponsors tied us to specific employers who were abusing us. They call it the Kafala in Kuwait where you tie yourself to a specific employer unknowingly and in some instances knowingly but due to circumstances of desperation you still do so. We were surprised to realise that this was the case in that country despite such practices being illegal here in Zimbabwe. Some of the migrant workers I was with who are from West Africa were also surprised by this.'

Director Home Affairs had this to say;

'...We have also noted that migrant worker sponsorship arrangements that trafficking victims enter into often creates challenges. In countries such as Kuwait arrangements such as the Kafala are recognised yet here in Zimbabwe it is illegal. Our efforts to rescue Zimbabwean victims from that country was a challenge due to this.'

The evidence from the gaps and challenges indicates that the legal infrastructure in Zimbabwe has key definitional gaps that will undermine the protection of victims of TIP and hinder prosecutions against traffickers. A major gap is in the way trafficking is legally defined under a movement based definition which requires evidence of cross-border movement, while the Palermo Protocol does not. This is reinforced by Nkomo (2025), who asserts that the 2014 Act created a legal void by defining trafficking as solely a movement-based criminal activity. Furthermore, the U.S. Department of State (2024) confirmed these findings stating that; "the

Act defined trafficking as a movement-based criminal act, and did not provide sufficient definitions of exploitation, so Zimbabwe remains without full prohibition of all forms of trafficking-related crimes." In addition to this inadequacy of definition of exploitation there is no direct reference in law regarding the acts of domestic servitude, organ removal for transplant purposes, forced marriages or online scams, therefore creating loopholes in the law for traffickers to take advantage of and making it difficult to prosecute those involved in such activities and contribute to the very low number of convictions seen in the evidence.

The findings show that there are substantial structural and resource-based obstacles hindering the execution of victim protective measures. The U.S. Department of State (2024) supports this finding by pointing out that according to the Trafficking in Persons Act the Government would need to develop service centers in each one of Zimbabwe's ten provinces, which have been established. Additionally, the lack of specialized shelters for male victims and the failure to develop a functioning referral process demonstrates a failure in structure that leaves victims without adequate protection. Masokovere-Magoko (2024) outlines a significant difference between the requirements of trafficking victims and the reintegration plan set forth within NAPLAC, and that additional support services will be necessary to meet these requirements such as shelter, health care, psychological support, education, vocational training, and sustainable income opportunities. The U.S. Department of State (2024) also noted that there was no record of meetings of the Technical Steering Committee for Victim Protection having occurred, and that an existing system for joint case management had never been implemented in practice. Together, the institutional deficits in combination with the lack of formal training and a standardized reintegration package result in a situation in which victims are unable to obtain long term support and as such remain vulnerable to re-trafficking.

Additionally, the findings indicate that Zimbabwe's structural weaknesses have created a highly favourable climate for trafficking in which current frameworks have failed to adequately address. Nkomo (2025) indicated that young people are currently being exploited in mining and agricultural sectors, while the UN Global Report found a 25% increase in global child exploitation. The U.S. Department of State (2024) further stated that there were only four victims of trafficking identified during this reporting year when compared with 54 victims previously reported. This would suggest that victim identification systems are failing to identify over ninety-five percent of all cases.

The differences in legal systems in relation to labour laws was also noted as a challenge. Trafficking in persons is committed across national boundaries, hence to effective combatting or investigations often requires collaboration among and between source and destination countries. This study found out that in countries such as Kuwait which is a huge destination country for Zimbabwean victims, the labour laws provides for the Kafala system which creates vulnerabilities to exploitation especially of migrant workers. The International Trade Union Confederation (ITUC) (2017) also confirmed this position highlighting that exploitation of migrant workers was a common challenge within the Gulf Countries due to legal gaps especially the Kafala system. It is as a direct result of this system that migrant workers are exposed to vulnerabilities that facilitate trafficking. The International Organisation for Migration (IOM) (2018) buttressed this challenge underscoring that the Kafala system leaves a lot of gaps for exploitative practices that have been noted to contribute to TIP. Despite the Kuwait government passing laws protect domestic workers who have been the most affected by the Kafala system in 2015, IOM (2018) indicated that there has been little to no progress on addressing the vulnerabilities to exploitation that are caused by Kafala system. In addition, Akmalia and Letmiros (2025) also noted the continued existence of the Kafala system across

most Middle East countries indicating that its existence has been supported heavily by a combination of cultural practices and legal systems within the region.

4.4.5 Cross Thematic Synthesis

The cross-thematic synthesis of findings reveals a fundamental disjuncture that permeates Zimbabwe's anti-trafficking response with the persistent gap between policy aspirations and operational implementation reality. This gap manifests across all six emergent themes thereby creating a coherent narrative of incomplete domestication demonstrated through paper plans that do not have action and resource constraints as the central barrier.

Theme One (international law as benchmark but not operational reality) and Theme Two (partial imperfect incorporation) establish that while Zimbabwe has formally adopted the Palermo Protocol's framework, the movement-based definition of trafficking and inadequate definition of exploitation have created legal loopholes. This definitional fragility directly feeds into Theme Six (definitional gaps weakening legal protection), where the same movement-based requirement complicates prosecutions and contributes to the low conviction rates documented in Theme Four (paper actions with implementation frailties). The convergence of Themes One, Two, and Six demonstrates a vertical cascade of flawed incorporation at the legislative level which produces operational failures at the implementation level.

The synthesis further reveals a horizontal pattern where limitations in one pillar systematically undermine others. Theme Four and Theme Five (resource constraints as a central barrier) operate synergistically across all pillars. The prevention pillar remains weak and reactive, with planned NAPLAC activities being consistently unimplemented. This is not in sync with the provisions of the Palermo Protocol which among other things, require State

Parties to the protocol to engage in research, mass media campaigns and socioeconomic activities in an effort to prevent TIP. Furthermore, the protocol require collaboration with NGOs and civil society in this respect. Despite putting all these activities on paper, lack of implementation is all too evident (Theme Four).

The protection pillar demonstrates initial response capacity through airport reception, medical checks, initial counselling, but collapses into inconsistent support without standard reintegration packages or long-term follow-up, as captured in Theme Seven (structural and resource barriers). This protection gap leaves survivors vulnerable to re-trafficking. Articles 6, 7 and 8 clearly give State Parties obligations to provide medical, psychological and housing assistance as well as ensuring victim privacy, grant residency permits and facilitate safe repatriation. Despite being well captured through actin plans, activities around these measures are also being hampered by resource constraints (Theme Five). As a result, the implementation of the protection pillar may be viewed as being not up to the expected international standards.

The prosecution pillar hampered by definitional gaps (Theme Six) and resource constraints (Theme Five) yields persistently low conviction rates (six convictions as of 2023) and high rates of witnesses not located (29 of 74 cases). This prosecutorial weakness diminishes deterrence and emboldens traffickers. Articles 5, 10 and 11 of the Protocol expects criminalization of all forms of trafficking, establishment of severe sanctions and holding of persons liable for involvement as minimum standards. A combination of partial imperfect incorporation (Theme Two) and resource constraints (Theme Five) has led to poor outcomes on prosecution. This is despite the fact that the TIP Act criminalizes different forms of trafficking (Section 3(1)) and provides severe punishment (Section 3(2)), it is not being satisfactory in holding persons liable for involvement due to low conviction rates.

The partnerships pillar, while formally established through AT-IMC, MOUs, and IOM collaboration, suffers from inconsistent coordination with the technical steering committee not reporting a meeting and an existing case management system not being used in practice. Articles 10, 13 and 18 of the Protocol requires the signing of Mutual Legal Assistance, sharing of intelligence across borders, confiscation of trafficking proceeds and coordination of repatriation logistics. These activities whilst being well documented in action plans, they are affected by structural and resource-based barriers (Theme Seven) as well as differing legal systems between Zimbabwe and destination countries (Theme Eight). As a result, the partnership pillar implementation is also not satisfactory. The intent is there but it is no matched by practice.

Theme Five (resource constraints) emerges as the most frequently cited barrier across all stakeholder groups. This resource deficit explains why service centres required by Section 8 of the TIP Act remain unestablished in all ten provinces. It also explains why only six provincial task forces operate nationally, why the NPA cannot dedicate specialised prosecutors, and why reintegration assistance reached only 122 of 178 identified victims (a 31 percent coverage gap). The resource constraint is compounded by socio-economic vulnerabilities whereby 44 percent youth NEET, 86 percent informal employment, and a 61.7 percent skills deficit create a large population of vulnerable individuals for whom traffickers' false promises become attractive. This twin dynamic of supply-side resource deficits and demand-side economic desperation creates systemic vulnerability that individual legal provisions cannot address. The vulnerabilities are further compounded by the challenge of differing legal systems (Theme Eight) between Zimbabwe as a source country and destination countries such as those within the Middle East where the Kafala system is used. The synthesis thus demonstrates that

Zimbabwe's anti-trafficking response requires coordinated, adequately resourced, multi-sectoral action addressing definitional gaps (Themes One, Two, Six), institutional weaknesses (Themes Four, Seven), operational failures (Themes Four, Five), and structural poverty that drives trafficking vulnerability (Theme Seven and Eight).

4.5 Summary

The chapter presented the collected data using summaries and analysed it through an inductive thematic approach where seven themes emerged from the presented data. There was convergence between interview and document analysis data. The research findings were also buttressed by literature which was highlighted during discussion. The next chapter gives a summary, draws conclusions and proffer recommendations.

CHAPTER FIVE

5.0 SUMMARY, CONCLUSIONS, RECOMMENDATIONS AND AREAS FOR FURTHER RESEARCH

5.1 Introduction

This chapter gives a summary of the study, draws conclusions from the research findings and also proffers recommendations including areas for further studies based on the research findings.

5.2 Summary

5.2.1 Summary of the study

This study was undertaken to assess whether international anti-trafficking legislation has been harmonised with local (Zimbabwean) municipality laws by examining legal coherence, areas for improvement and barriers to implementing such laws.

Chapter one of the study gave a background, objectives of the study, its significance, delimitation, assumptions as well as the limitations faced in conducting it. The objectives of the study were; to assessing the nature and scope of international anti-trafficking in persons laws specifically The Palermo Protocol, UNCRC, CEDAW and ILO Conventions and their applicability to Zimbabwe; identifying the extent to which Zimbabwe's domestic anti-human trafficking legislative framework has adopted or incorporated international legal standards and obligations; identifying how international anti-trafficking laws are implemented in Zimbabwe in relation to all four pillars of the global strategy: prevention, protection, prosecution and partnerships; and identifying gaps that exist internationally in regards to the application of legal

standards and their application locally through Zimbabwe's anti-trafficking response. The chapter also defined key terms as used in the study and also gave an outline of the study.

Chapter two reviewed literature that is related to the study. The monism and dualism theories which were applied in this study were explained. Concepts of trafficking in persons, international and domestic trafficking were explained in the chapter. Empirical literature relating to drivers of trafficking in persons and African legal responses was reviewed and a research gap analysis conducted.

Chapter three explained the interpretivist paradigm which was the guiding philosophy for the study which was linked to the qualitative methodology which was used on a country Case Study of Zimbabwe. Methods of data collection utilized in this study including interviews and documents analysis were also highlighted including the summary based data presentation and a thematic analysis approaches that were applied.

Chapter four presented and analysed the collected data. The chapter also discussed the research findings based on each objective.

5.2.2 Summary of findings

From the collected data, the study found out that, the international anti-trafficking in persons laws are very relevant to Zimbabwe as they provide foundational basis and a benchmark for the country's trafficking in person policies. The study also found out that domestic laws for anti-trafficking in persons in Zimbabwe partially but imperfectly incorporate international standards as there are strong alignments on areas such as non-criminalization and child protection principles. It was also found out that, the application of local laws across the four pillars were there but paper based actions with implementation gaps which are as a result of resource constraints. Furthermore, the study found out that, there were some definitional gaps as well as structural and resource-based barriers to the full implementation of TIP laws in

Zimbabwe based on international standards. The differing legal systems between Zimbabwe as a source country and other countries in relation to labour laws was also noted as another challenge.

5.3 Conclusions

5.3.1 To examine the relevance of the content of international anti-trafficking in persons laws to Zimbabwe

The study found out that, international anti-trafficking in persons laws provided a relevant benchmark to Zimbabwe's domestic laws which makes it relevant although this was not the operational reality. The study concludes that international standards as provided by international instruments provide a strong foundation and basis for national actions in a given area. In doing so, international instruments safeguard collaboration and cooperation which is key especially in areas that are of international significance or require collective efforts from different nation states. In this instance of trafficking in persons, it is a crime that is transnational in nature whose response require cooperation and collaboration by different countries, international instruments are therefore of huge relevance as they guide nations in policy formulation for ease of international enforcement. As such, combatting of TIP as a transnational crime can only be effective when there is international collaboration that can only be effectively facilitated by seamless standards across nations.

5.3.2 To assess the extent to which Zimbabwe's domestic anti-trafficking in persons laws reflect and incorporates international legal standards and obligations

The study found out that there were definitional differences between international anti-trafficking in persons laws and Zimbabwe's domestic laws although there was a strong alignment on non-criminalisation and child protection. The study concludes that in countries

that adopt a dualist approach to international law, there is often the risk of having provisions or standards not being fully incorporated into municipal laws. Or to a certain extent, international standards are lost not only during ratification but in legislating international instruments. This is the case on anti-trafficking in persons laws in Zimbabwe where the incorporation of international standards is partial thereby effecting effective implementation.

5.3.3 To examine the application of international anti-trafficking in persons laws across he four pillars

The study found out that there were paper based action plans with a lot of implementation frailties due to lack of resources. The study concludes that it is not enough to have plans for implementation of international obligations. Direct budgetary provisions are required to support any plans that may be put in place as mere plans, no matter how good they may be, are not enough given that citizens may still suffer if there are no enough resources and systems to support the plans. As is the case in the Zimbabwean anti-trafficking in persons policies, despite being aligned to international standards to a certain extent, the absence of resources has seen citizens suffering yet there is a policy in place to avert or mitigate such suffering.

5.3.4 To analyse gaps between international anti-trafficking in persons legal standards and their application in Zimbabwe's anti-trafficking in persons response

The study found out that there were definitional gaps, structural barriers, resource constrains and differing legal systems between Zimbabwe and trafficking survivor destination countries which are affecting the country's response. The study concludes that gaps between international legal standards and a country's implementation of the standards have the capacity to negatively impact such efforts. As is the case in Zimbabwe's anti-trafficking in persons response whose prosecution is being hampered by definitional gaps whilst institutional and

structural gaps due to financial and material resource gaps is also hampering national ability to be effective in its response. In addition, the differing legal systems in source and destination countries presents a serious challenge in combatting and investigating TIP.

5.4 Recommendations

In view of the research findings and conclusions drawn, the following recommendations are made:-

The study found out that there were definitional differences on key terms relating to trafficking in persons. As such, Zimbabwe's legislature should ensure that the TIP Act is amended to remove the movement-based definition of trafficking and align fully with the Palermo Protocol's three-element framework (act, means, purpose). This would address the definitional gaps currently complicating prosecutions and creating legal loopholes that benefit traffickers.

In view of the study's finding that there were resource challenges for anti-trafficking in persons response, the Government should establish by statute an independent anti-trafficking agency with its own budget line in the national budget, rather than relying on fragmented allocations across ministries and donor funding. This body would be responsible for coordinating all four pillars.

Government should develop a mandatory, standardized reintegration package for all trafficking victims. A dedicated fund should be established to finance this package, moving beyond the current inconsistent, donor-dependent approach that leaves 31 percent of identified victims without reintegration assistance.

The Government should mandate and resource regular compulsory specialised training on victim identification, trauma-informed interviewing, and TIP Act prosecution for all relevant frontline authorities encompassing immigration officers, police officers, prosecutors, magistrates, and social workers. This addresses the current situation where cases are routinely prosecuted as lesser offences (kidnapping, immigration violations) due to lack of training.

The Government should integrate anti-trafficking prevention into broader economic and social protection policies targeting the 44 percent youth NEET rate, 86 percent informal employment, and 61.7 percent skills deficit. This includes expanding the Migration Resource Centres beyond Harare and Bulawayo to all provinces, implementing ethical recruitment regulations with penalties for fraudulent agencies, and creating youth employment programmes specifically in trafficking-vulnerable sectors (mining, agriculture, domestic work).

The Government of Zimbabwe should identify major migrant labour destination countries for its citizens and consider having bilateral agreements with these countries as means of reducing migrant worker vulnerabilities to exploitation which drives TIP.

5.5 Areas for further research

The following areas are recommended for further study: -

5.5.1 The Impact of Definitional Divergence on Trafficking Prosecution Outcomes

This study identified that the movement-based definition in the TIP Act complicates prosecutions, but the precise extent to which definitional divergence has contributed to case dismissals or convictions for lesser offences remains underexplored. A quantitative study analysing court records and prosecution dockets over a ten-year period would establish

empirical evidence linking specific definitional gaps to prosecution failures, providing data-driven justification for legislative amendment.

5.5.2 Effectiveness of Reintegration Support in Preventing Re-Trafficking

A mixed-method longitudinal study tracking survivor cohorts over three to five years would establish which reintegration components (counselling duration, vocational training type, housing support) are most effective in preventing re-trafficking. This evidence would inform the design of a cost-effective, evidence-based standard reintegration package.

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Appendices

Appendix 1: FIELD ACCESS LETTER

BINDURA UNIVERSITY OF SCIENCE EDUCATION

FACULTY OF SOCIAL SCIENCES AND HUMANITIES

Bindura University of Science Education
P.Bag 1020
Bindura
Zimbabwe
Tel+263-66216229
DR J. KUREBWA
+263772121563
jkurebwa@buse.ac.zw

DEPARTMENT OF PEACE AND GOVERNANCE

17 March 2026

TO WHOM IT MAY CONCERN

RE: REQUEST TO UNDERTAKE RESEARCH IN YOUR ORGANISATION

This serves to introduce GADZIKWA MEMORY RUDO (B251466A), who is a student studying for a Master of Science in International Relations Degree in the Department of Peace and Governance, Bindura University of Science Education. To ensure the successful completion of this programme, the student is seeking for permission to carry out research in your organisation and also engage with relevant stakeholders within your network.

For any further details pertaining to the student, do not hesitate to contact the undersigned.

Your usual co-operation and assistance will be greatly appreciated.

Yours respectfully

BINDURA UNIVERSITY OF SCIENCE EDUCATION
DEPARTMENT OF PEACE AND GOVERNANCE
CHAIRPERSON
17 MAR 2026
FACULTY OF SOCIAL SCIENCES & HUMANITIES
PRIVATE BAG 1020, BINDURA, ZIMBABWE

J.KUREBWA (DR)
Chairperson (Peace and Governance)

4

Appendix 2: REQUESTS FOR INTERVIEW

Number 1 General Booth Road
Braeside
Harare,

20 March 2026

Director Centre for Combating Human Trafficking
Bindura University of Science Education
DR NYONI,

REQUEST FOR AN INTERVIEW FOR ACADEMIC RESEARCH: Ms. M.R GADZIKWA (BINDURA UNIVERSITY OF SCIENCE EDUCATION MASTERS' DEGREE STUDENT)

Reference is made to the above subject

I am a Masters' Degree in International Relations student with Bindura University of Science Education (BUSE). I am conducting a research titled, "**Assessing harmonisation of International Anti-Trafficking laws with Zimbabwean municipal law: legal coherence, gaps, and implementation challenges".**

I am kindly asking for your involvement in my research as a key informant. I wish to conduct an interview with you at your convenient place, time and through your preferred means.

Please, kindly find attached approval letter from BUSE and my interview guide highlighting areas that will be covered by the interview.

Referred for your consideration.



RUDO MEMORY GADZIKWA
+263 77 501 5113

Number 1 General Booth Road
Braeside
Harare,

23 March 2026

The Permanent Secretary
Ministry of Home Affairs and Cultural Heritage

Sir,

REQUEST FOR AN INTERVIEW FOR ACADEMIC RESEARCH: Ms. M.R GADZIKWA (BINDURA UNIVERSITY OF SCIENCE EDUCATION MASTERS' DEGREE STUDENT)

Reference is made to the above subject

I am a Masters' Degree in International Relations student with Bindura University of Science Education (BUSE). I am conducting a research titled, "**Assessing harmonisation of International Anti-Trafficking laws with Zimbabwean municipal law: legal coherence, gaps, and implementation challenges".**

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Referred for your consideration.



RUDO MEMORY GADZIKWA
+263 77 501 5113

Number 1 General Booth Road
Braeside
Harare,

20 March 2026

Chief of Mission
International Organisation of Migration
Harare

Sir / Madam

REQUEST FOR AN INTERVIEW FOR ACADEMIC RESEARCH: Ms. M.R GADZIKWA (BINDURA UNIVERSITY OF SCIENCE EDUCATION MASTERS' DEGREE STUDENT)

Reference is made to the above subject

I am a Masters' Degree in International Relations student with Bindura University of Science Education (BUSE). I am conducting a research titled, "**Assessing harmonisation of International Anti-Trafficking laws with Zimbabwean municipal law: legal coherence, gaps, and implementation challenges".**

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Please, kindly find attached approval letter from BUSE and my interview guide highlighting areas that will be covered by the interview.

Referred for your consideration.



RUDO MEMORY GADZIKWA
+263 77 501 5113

Number 1 General Booth Road
Braeside
Harare,

20 March 2026

Officer Commanding Police
Criminal Investigations Department (Law & Order)
Harare

Sir

REQUEST FOR AN INTERVIEW FOR ACADEMIC RESEARCH: Ms. M.R GADZIKWA (BINDURA UNIVERSITY OF SCIENCE EDUCATION MASTERS' DEGREE STUDENT)

Reference is made to the above subject

I am a Masters' Degree in International Relations student with Bindura University of Science Education (BUSE). I am conducting a research titled, "**Assessing harmonisation of International Anti-Trafficking laws with Zimbabwean municipal law: legal coherence, gaps, and implementation challenges".**

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Please, kindly find attached approval letter from BUSE and my interview guide highlighting areas that will be covered by the interview.

Referred for your consideration.



RUDO MEMORY GADZIKWA
+263 77 501 5113

Number 1 General Booth Road
Braeside
Harare,

23 March 2026

Legal and Advocacy Director
The Vukarhani Trust,

Sir/Madam,

REQUEST FOR AN INTERVIEW FOR ACADEMIC RESEARCH: Ms. M.R GADZIKWA (BINDURA UNIVERSITY OF SCIENCE EDUCATION MASTERS' DEGREE STUDENT)

Reference is made to the above subject

I am a Masters' Degree in International Relations student with Bindura University of Science Education (BUSE). I am conducting a research titled, "**Assessing harmonisation of International Anti-Trafficking laws with Zimbabwean municipal law: legal coherence, gaps, and implementation challenges".**

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Please, kindly find attached approval letter from BUSE and my interview guide highlighting areas that will be covered by the interview.

Referred for your consideration.



RUDO MEMORY GADZIKWA
+263 77 501 5113

Appendix 3: INTERVIEW GUIDE

Study Title: **ASSESSING HARMONISATION OF INTERNATIONAL ANTI-TRAFFICKING LAWS WITH ZIMBABWEAN MUNICIPAL LAW: LEGAL COHERENCE, GAPS, AND IMPLEMENTATION CHALLENGES**

Self-Introduction

My name is Memory Rudo Gadzikwa a Master's Degree in International Relations student with Bindura University of Science Education. As part of my academic research, I am conducting a study titled; "**ASSESSING HARMONISATION OF INTERNATIONAL ANTI-TRAFFICKING LAWS WITH ZIMBABWEAN MUNICIPAL LAW: LEGAL COHERENCE, GAPS, AND IMPLEMENTATION CHALLENGES".** You have been selected to participate in this study for your knowledge and experience in relation to trafficking in persons. I kindly request your assistance is responding to series of questions based on your professional experience and perspectives. Your responses will solely be used for academic purposes and you will remain anonymous and confidential in my reports. With your permission, I would like to take notes and record our conversation for accuracy of data collected. The interview is expected to take between 45 and 60 minutes.

Do you consent to participating in the interview?

Section A: Interviewee Background

a. Interviewee identifier (pseudo name)

b. Interview method used

c. Professional background (areas of experience, current area of responsibility)

d. Years of experience in trafficking of persons relates areas

e. Institutional affiliation (government, NGO etc)

Section B: International Anti-Trafficking in Persons (TIP) Legal Framework Relevance to Zimbabwe

Aim: To examine content and scope of international trafficking in persons laws and their relevance to Zimbabwe

1. What provisions of international instruments are relevant to Zimbabwe's response to TIP
   - The Palermo Protocol
   - The UN Convention on Rights of the Child (UNCRC)
   - The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Section C: Harmonisation and alignment of international instruments to domestic law and policies

Aim: To assess the extent to which domestic law reflects international standards

2. How much do domestic laws capture TIP elements from international instruments into local laws and policies
   - TIP Act
   - The Criminal Law (Codification & Reform) Act
   - Labour Act
   - Children's Act
   - Immigration Act
   - Government Action Plans
3. What shortcomings are evident in domestic laws and policies on TIP
   - Comprehensiveness
   - Coherence
   - Contradictions

Section D: Implementation of Anti-Trafficking laws in Zimbabwe

Aim: To examine the application of international law across the four pillars

4. How much is TIP prevention and TIP victim protection implemented in Zimbabwe
   - local strategies meeting international prevention standards
   - adequacy of prevention strategies to problem magnitude
   - border control effectiveness
   - labour recruitment monitoring

- availability of mechanisms for identifying victims
- availability of mechanisms for victim support including referral
- treatment of victims as either criminals or people in need of protection
- challenges

5. What is the level of TIP prosecution and TIP activity partnerships in Zimbabwe
   - effectiveness of Zimbabwe justice system in handling TIP cases including investigating capacity
   - regularity of use of TIP legal frameworks
   - availability of collaboration mechanisms between government and local civil society
   - availability of collaboration mechanisms between government agencies
   - availability of collaboration mechanisms between government and international stakeholders (including regional stakeholders)
   - challenges

Section E: Gaps and challenges

Aim: To analyse gaps between international standards and local application

6. Implementation gaps between the international standards and local legal framework and policies (legal, institutional and operational)
   - Specific group of victims not well catered for in local legal frameworks
   - Resource constraints

Conclusion

7. Recommended change or improvement to align Zimbabwe policy framework to international standards

Thank you for your valuable insights

Appendix 4: DOCUMENT ANALYSIS GUIDE

Study Title: **ASSESSING HARMONISATION OF INTERNATIONAL ANTI-TRAFFICKING LAWS WITH ZIMBABWEAN MUNICIPAL LAW: LEGAL COHERENCE, GAPS, AND IMPLEMENTATION CHALLENGES**

Preliminaries

Researcher: Memory Rudo Gadzikwa

Purpose: To systematically extract and analyse data from relevant documents in order to gain insights on the alignment between international standards and Zimbabwe's legal and policy framework.

Targeted Documents:

a. International instruments
b. Domestic legal instruments
c. Domestic policies
d. Institutional reports (local and international)

Document Inclusion Criteria

- Legally relevant to trafficking in persons
- Applicable to Zimbabwe
- Published post 2000 after the promulgation of Palermo Protocol
- Published by credible institutions (government, registered NGOs, international organisations)

Analysis Framework

1. Document Identification

- Title
- Author and year
- Type
- Source
- Jurisdictional focus

2. Analysis

Theme	**Indicators**	**Relevant text**	**Analyst's Comments**
Relevance and scope **(objective 1)**	- Definition of TIP including all 3 elements in Palermo protocol (act, means and purpose) - Coverage of forms of exploitation (prostitution, forced labour, slavery and organ removal) and all persons (men, women, children)		
Incorporation of key international provisions **(objective 2)**	- Specific addressing of particular vulnerabilities and rights (women & children) - Reference to key principles (best interest of the child principle, non-punishment principle for victims) - Clear prohibition of forced labour, worst forms of child labour		
Four pillar-based	**Prevention**		

application of local policies **(objective 3)**	- Mandatory preventive measures (awareness, research, education) **Protection** - Mechanisms for identification of victims - Mandatory assistance provided including recovery **Prosecution** - Creation of clear offences and penalties - Provision for jurisdiction (extra territoriality) **Partnership** - Coordination and cooperation mechanisms		
Gaps and challenges **(objective 4)**	- Recurring criticisms and gaps - Recurring recommendations - Concerns about Zimbabwe compliance - Availability of progress reports and challenges noted		

3. Analytical Summary of document

Key findings and contribution of document in answering the research questions.

Appendix 5: TURNITIN REPORT

Memory Rudo Gadzikwa

MEMORY RUDO GADZIKWA B251466A BUSE DISSERTATION DRAFT 4

Individual Assignments

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