

2 Crime in Zambia

INCIDENCE, NATURE AND EXTENT OF CRIME

As was indicated in the methodology section in chapter 1, it was very difficult to gain access to police statistics on crime as this information is not released to the public. For example, table 1 contains the overall statistics on offences that were reported and dealt with by the police in 2005, but while the statistics are broken down by province, the nature of the crime is not given. This information is essential for devising measures to combat the crime.

But even from these figures the skewed nature of the justice system is clear. Citizens in the three provinces where there are more economic activity and better infrastructure are more likely to report crime than those in other provinces. Copperbelt Province, where mining activities are concentrated, has the highest number of reported cases, but only 47,44 per cent were taken to court and there were even fewer convictions (38,01 per cent). In the remote province of Luapula, the number of reported crimes is very low and just under 10 per cent of the cases taken to court resulted in convictions. The deduction can be made that there are either few facilities where victims obtain police assistance or that trust in the formal criminal justice system is low and hence the public resort

Table 1 Offences reported and dealt with by the police

Division	Reported	Taken to court		Offences resulting in convictions	
		Number	Percentage	Number	Percentage
Lusaka	22 683	8 811	38,84	7 170	31,61
Copperbelt	41 553	19 714	47,44	15 794	38,01
Southern	12 032	2 729	22,6	1 566	13,01
Eastern	4 299	2 232	51,9	1 497	34,82
Central	6 786	1 922	28,32	1 395	20,56
Western	4 513	2 487	55,10	1 085	24,04
North-Western	3 406	1 258	36,93	1 109	32,56
Luapula	1 751	?	?	171	9,77
Northern	3 595	652	18,14	532	14,80

Source Republic of Zambia, Zambia Police Service, *Annual report on crime statistics*, 2005

to customary justice structures where proceedings are not documented. Only in two provinces - Eastern and Western - more than 50 per cent of reported cases were taken to court, but then just over a third (34,82 per cent) resulted in convictions in Eastern Province and only about one in four (24,04 per cent) resulted in convictions in Western Province.

Likewise, information on drug-related crimes is difficult to access. However, the Drug Enforcement Commission (DEC) reported that it had dealt with a total of 1 677 drug-related offences from January 2006 to May 2007. Of these 1 627 resulted in successful convictions while the remaining 50 led to acquittals.

VICTIM SURVEYS

An indicator of crimes in the country could be gleaned from a national survey conducted by Afrobarometer in 2005. Almost six in ten (59 per cent) of the respondents reported that they feared that a crime would be committed against them. Forty-six per cent of the respondents reported that something had been stolen from their or their family's home at least once. Although scanty, these data point to high levels of victimisation and the possibility of significant

Table 2 Description of the level of crime in Zambia by location*

Area	Very high	High	Low/very low
Lusaka	57,5	37,5	5
Mansa	30	45	25
Chibuluma	20	40	40
Solwezi	35	40	25
Total	40	40	20

*N = 100. Data cannot be extrapolated to the rest of the country.

under-reporting of crime. According to the Ninth United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems (2003–2004) the murder rate in Zambia was 7,1 per 100 000 in 2003/04 and it was ranked 17th in the world. This placed it below its neighbours, with Zimbabwe experiencing 8,1 murders per 100 000 and South Africa 49,6 per 100 000. The murder rate is usually used to assess crime, although it is dependent on the reliability of the reported data. About 100 000 offences were recorded in Zambia in 2005.

In an attempt to solicit perceptions on crime rates, a survey of 100 participants was conducted on the level of crime in Zambia by means of a structured questionnaire.¹⁵ According to this survey, which was conducted in four towns, 40 per cent of those interviewed described the level of crime in Zambia as ‘very high’ while another 40 per cent described it as ‘high’. In total 95 per cent of the Lusaka participants perceived crime levels in Zambia to be very high or high, followed by respondents in Mansa and Solwezi, with 75 per cent (see table 2). It would thus seem that an overwhelming majority of these participants consider crime in Zambia to be a serious problem that government should address.

Discussions with focus groups and other participants confirmed these perceptions and experiences. In Mansa there were widespread perceptions that house break-ins were more prevalent during the rainy season and that the perpetrators were mainly outsiders from towns in the Copperbelt who would arrive in the afternoon, steal in the night and go back the following morning before the crimes were detected. Respondents in Solwezi felt crime is on the increase as a result of the recent ‘economic boom’ following the opening of the Kasanshi Mine. In Chibuluma, a relatively small community in Kalulush district in the

Copperbelt, perceptions were that crime is low, but residents are not unaware of what is happening elsewhere, whether within their province or the whole country. As one of the residents in the focus group discussions pointed out:

Chibuluma is a small and old settlement. Most people know each other and many of us are not rich. We do not have property that would attract many criminals to the area. As a community I can say we are safe compared to our friends living in big towns within the province. There is no doubt that crime in our country is on the increase. From newspaper reports and news on the radio, it is clear that many people in the country are living in fear of criminals. Once in a while we have house break-ins and some property, mainly electrical goods, are stolen. We also have people assaulting each other for various reasons but generally we are better off than most places in the province or even maybe in the country.

During the focus group discussions residents of the Ng'ombe and Kalingalinga compounds in Lusaka expressed the opinion that development is likely to be adversely affected by the rate of criminal activities in the country, especially in towns and cities.

CORRUPTION

Levels of corruption

The Anti-Corruption Commission Act, 1996 (Act 46 of 1996) of Zambia defines corruption in section 3 as 'the soliciting, accepting, obtaining, giving, promising or offering of a gratification by way of a bribe or other personal temptation or inducement, or the misuse or abuse of a public office for private advantage or benefit'.

According to the 2001 Corruption Perception Index (CPI), Zambia was ranked the ninth most corrupt country out of the 90 countries surveyed, 11th out of the 102 countries surveyed in 2002 and again 11th out of the 133 countries surveyed in 2003. It dropped to ninth position, along with ten other countries, out of the 163 countries surveyed in 2006. The CPI is a poll of polls reflecting the perceptions of business people and country analysts, both those that are resident and non-resident in a country. It measures the degree to which

corruption is perceived to exist among public officials and politicians. It is a composite index, drawing on corruption-related data in expert surveys carried out by a variety of reputable institutions. It reflects the views of business people and analysts around the world, including experts who are resident in the countries evaluated.¹⁶

The Transparency International National Integrity Systems Country Study Report of 2003 analysed the strengths and weaknesses in Zambia's governance system, including the executive, the legislature and the judiciary. It provided a devastating analysis of how a government can loot its treasury, corrupt key agencies, distort privatisation and banking processes, and use the resources of the state to fund its dominance in an election process and pay for its retention of power. The report stated that the Anti-Corruption Commission (ACC) is both under-resourced and under-skilled, that MPs lack the capacity to discharge their functions effectively, and that the offices of Auditor General and Ombudsman are effectively moribund. This is attributed to a policy of deliberate under-funding and failure to punish those exposed as being corrupt. In particular, the report called for improvements to the legal infrastructure, including protection of whistleblowers, monitoring mechanisms for gifts to ministers and public officials, strengthening of conflict of interest rules, and an enforceable code of conduct for public officials.

Eight in ten households and public officials interviewed for the National Governance Baseline Survey (2004) rated corruption in the public sector as a very serious challenge to the country with almost seven in ten managers (67 per cent) rating it as the most burdensome obstacle to business development. The survey noted that almost 40 per cent of the respondents reported that they have been asked for a bribe to obtain a public service, licences or permits. According to the survey, the police, the National Registration Office, the courts and the Lands Department are agencies where unofficial payments are solicited most frequently. Generally, public institutions are considered to be only moderately honest. The organisations rated the most honest are the Ministries of Health and Education, the Postal Services, and church and religious organisations.¹⁷

A Transparency International-Zambia (TI-Z) 2005 Bribe Payers Index carried out in February 2006 in nine districts of the Copperbelt, Lusaka and Southern provinces found that as many as 20 per cent of the respondents confessed to having paid bribes – an increase on the 16 per cent reported in the 2004 Local Corruption Perception Index Report. The 2006 report noted that

the level of bribery in the country is much more widespread than this figure would indicate, because a good proportion of respondents who did not pay bribes refused only because they did not have the money to do so. Most of them also knew of someone who had paid a bribe.¹⁸

The sentiments and perceptions of the participants of the AHSI2 review confirmed these findings. On average, almost seven in ten respondents (68 per cent) who participated in the structured interviews rated corruption in Zambia as 'very high' with more Lusaka participants (77,5 per cent) describing it in this manner, followed by those from Mansa (70 per cent), Solwezi (65 per cent) and Chibuluma (50 per cent).

Corruption is viewed by 98 of the 100 participants as a serious problem that should be addressed by government. All the respondents in Lusaka, Mansa and Solwezi agreed with this, as did 90 per cent from Chibuluma. It was also reported by seven in ten respondents that the Anti-Corruption Commission is not doing enough to curb corruption in the country. Lusaka respondents (75 per cent) were more emphatic on this observation followed by those from Mansa and Solwezi, both at 70 per cent, with their Chibuluma counterparts at 60 per cent.

Focus group discussions as well as the views and perceptions of key participants revealed that a culture of tolerance of corruption permeates Zambian society. It was noted that corruption was rife in the electoral process and in public service delivery, as well as in the private sector. Corruption in the electoral process and public service delivery seems to be one of the citizens' greatest concerns. The general view was that democracy and good governance should be anchored upon a legitimate representative government that has been duly elected to office through a free, fair and transparent electoral process. Such a government has the potential to ensure a public service characterised by integrity and one that can be relied upon to deliver quality services in a transparent and accountable manner. The sentiments quoted below are typical of the views of most participants in the review on corruption.

The views of a Lusaka focus group participant were as follows:

Corruption is everywhere. It is very sad that this problem is being treated as a way of life in our country. Most public officials behave as if they are doing you a favour when you want a public service. They seem so aloof and disinterested. For most of them it seems as if being bribed is what rejuvenates their willingness to perform. It is a shame but that's

the situation on the ground. How can one expect good governance if the public service delivery system and other transactions are characterised by corrupt activities? The Anti-Corruption Commission seems to be ineffective. I am not sure why this is so but I do know that it is the institution which has been given the responsibility to fight corruption. Whatever the reason, government should ensure that this institution is well funded and assisted in whatever way to live up to the challenge, otherwise this fight against corruption we hear about every day will mean nothing at all. Most importantly the Commission should have adequate freedom to deal with individuals involved in corrupt activities regardless of their station in life. There should be no interference from anyone or any office.

The views of a government official in Mansa on corruption were no different:

There is no doubt that corruption is a serious problem in our country. The President declared 'zero tolerance' on corruption, and a task force was set up to investigate the plunder of national resources during the previous government. This is evidence enough that corruption in Zambia is real and needs to be vigorously fought before it completely eats away the social, economic and political fabric of our society. As a public official I feel ashamed that the public service has been associated with corruption whenever a study of some kind has been conducted. There is a need to change this state of affairs. The general public has a critical role to play in any efforts aimed at curbing corruption. The public should desist from giving bribes to public officials. We need to change this bad mindset where the temptation to give a bribe, whenever requesting a public service, seems to be so high. The Anti-Corruption Commission should be more visible and claim its right place in this fight against corruption. We need a law to protect whistleblowers so that people feel free to report cases of corruption. As the situation stands right now, transparency and accountability in the administration of public affairs is at stake.

Corruption and abuse of public office is also manifested in the unauthorised issuing of Zambian travel documents such as passports. Generally, public officials have both the knowledge and the authority to process such documents. A recent case in point is that of an immigration official who revealed that a

national registration official had been arrested in connection with the issuing of Zambian passports to Zimbabwean nationals.¹⁹

It therefore stands to reason that the misappropriation and/or mismanagement of public finances is a major problem. Generally, procedures requiring the expenditure of public finances - be it in a ministry, department or agency - entail the preparation of papers by some relatively junior official, and these need to be scrutinised by a senior official before payment is finally approved by an even more senior person. Such a procedure has been instituted so that any anomalies can be detected and fraudulent payments prevented, but from anecdotes recorded in the report - particularly in the section on corruption - it seems that individuals involved in the preparation of documents and the approval of fraudulent payments are precisely the people who organise and agree to steal from the public purse.

The observations of a Lusaka resident summarise the perception with regard to crime cartels who perpetrate corruption in public office:

President Mwanawasa is trying hard to change the attitude of public officials towards public funds. Unfortunately there are still many officials who were used to stealing in the past and they simply cannot stop. Stealing public money should not be as easy as it seems. There are procedures relating to how such money is spent and there is no way an individual can raise a payment, approve it, and even get the petty cash or go to the bank to cash a cheque. Surely, many people are involved in these things. It seems in some public offices groups of people simply agree to steal from their institution, using the approved procedures. Such people even have connections outside the public institution to generate fake requests for payment.

Regardless of the source of information and/or how the information was obtained, the study has noted serious concerns about the high levels of corruption in the country. Participants all expressed fears that corruption has permeated Zambian society and is becoming a feature of Zambian life.

Institutions judged most corrupt

In 2003, 456 cases of corruption were reported, with the Zambia Police Service topping the list with 112 (24,6 per cent) of reported cases. It was followed by

local authorities with 54 cases (11,8 per cent), the Ministry of Education with 40 cases (8,8 per cent), the Ministry of Lands with 30 cases (6,6 per cent) and the judiciary with 25 cases (5,5 per cent). These five institutions accounted for 57,3 per cent of all the cases reported to the Anti-Corruption Commission in 2003.²⁰

In 2004, a total of 384 suspected cases of corruption were reported to the commission, which was 15,8 per cent lower than the number of cases reported in the previous year. The Police Service held the top slot with 96 cases (25 per cent). The judiciary took second position with 50 cases (13 per cent), up from its fifth position in 2003. Local authorities were third with 41 cases (10,7 per cent) followed by the ministries of Education with 37 cases (9,6 per cent) and Lands with 24 cases (6,3 per cent).²¹

It is important to note that corruption was not necessarily proved in some of the cases reported. Some cases were referred for administrative action while others were dealt with by courts of law.

The Police Service is not the only law enforcement agency whose members have been involved in corrupt activities, as an editorial comment in a local newspaper noted:

While we agree with the observation that some officers in the Zambia Police Service are corrupt, we don't think they are the most corrupt of our security agencies. Our police operates on a very low budget and when one looks at the amounts of money that are being stolen through the Zambia Army, Zambia Air Force, Zambia National Service and Zambia Security Intelligence Services, officers from the Zambia Police Service can easily qualify to go straight to heaven without having to do time in purgatory.²²

People's perceptions on corruption, as captured by the Afrobarometer survey conducted in Zambia in 2005, clearly demonstrate that they perceive corruption to be rife in Zambian society. In answer to the question: 'How many of the following people do you think are involved in corruption, or have you not yet heard enough about them to say', the combined response that 'most of them' and 'all of them' were involved ranged from 31 per cent (judges and magistrates) to 70 per cent (police) for all categories of officials other than health workers (14 per cent) and teachers and school administrators (21 per cent), who elicited

the lowest responses. However, when the response category ‘some of them’ is included, the comparative status of health workers and teachers and school administrators be described as only ‘somewhat better’ with regard to their perceived likelihood to engage in corruption.²³

Corruption in Zambia, like most other crimes, is a scourge that is practised by people from all walks of life and top public officials are not an exception, as illustrated in box 1.

The Transparency International National Integrity Systems Country Study Report of 2003 also observed that during the past decade, there has been an absence of political will to fight corruption. A culture of impunity has developed and corruption has permeated government structures from the presidency down to the lowest-ranking public service workers. For instance, the Chief Justice was forced to step down after the Zambian Intelligence Service showed that he had taken bribes from President Frederick Chiluba from 1998 to 2001.

Table 3 Officials’ susceptibility to corruption, 2005

Category of officials	None (%)	Some of them (%)	Most of them (%)	All of them (%)	Do not know/ have enough data (%)
President/officials in his office	8	47	24	7	14
Members of Parliament	6	47	32	6	9
Local councillors	8	48	28	7	9
National government officials	6	45	31	6	13
Local government officials	6	43	34	6	11
Police	4	24	48	22	3
Tax officials	7	29	41	9	14
Judges and magistrates	11	51	25	6	7
Health workers	29	52	12	2	6
Teachers and school administrators	21	53	18	3	5

Source Afrobarometer, Survey – Zambia, 2005: summary of results

Box 1 Selected cases and allegations of corruption

- 2007: President Mwanawasa fires the Minister of Lands for alleged corrupt practices involving the allocation of plots – *Times of Zambia*, 2 March 2007
- 2007: The Anti-Corruption Commission is investigating the DEC Commissioner and Deputy Commissioner for abuse of authority of office involving about K1 billion – *The Post*, 25 July 2007 / *Sunday Post*, 26 August 2007
- 2003: The Zambian Army incurred a wasteful expenditure amounting to K95 500 000, which was paid to a local firm, Russel Mweene Engineering Company, for repairs to a front-end loader that only worked for two weeks
- 2003: In the Ministry of Finance and National Planning, payments amounting to K143 582 422, involving 20 transactions, were unvouched for because they were not supported by the relevant documentation
- 2001: A total of K73 billion meant for the Basic Education Sub-Sector Investment Programme disappeared. Many of the schools that were supposed to be built with this money were never built
- 2000: Amounts totalling K18 250 000 were supposedly repaid by eight clubs to the Provincial Community Development Officer in the Department of Community Development of the Ministry of Community Development and Social Services. However, there was no evidence that the money had been banked, the cash was not on hand, and there were no records to show how the money was used
- 1997: In May 1997, the Ministry of Education released an amount of K60 797 667 to the Provincial Education Officer for salaries for new teachers. It was noted, however, that out of the amount received, a sum of K35 650 668 was acquired by third parties without letters of attorney

DRUG TRAFFICKING AND MONEY LAUNDERING

In her 1998 article entitled ‘Illicit drugs: Zambia emerges as a gateway’, Mildred Mulenga observed that:

A decade ago Zambia was a mere transit point for illicit drugs destined for nearby South Africa. Today, it is a gateway and distribution centre for drugs going to Europe and North America. Fuelled by rapid urbanization and economic hardships, drug trafficking has increased substantially, luring some Zambians in search of quick money. The country’s DEC says trafficking has multiplied more than a thousand times over the past seven

years. The country's drug problems first came into the public limelight in 1985 when some 25 prominent Zambians were detained on charges of trafficking and a tribunal was set up to investigate the charges. 'It was from this tribunal that the country noticed that something had gone wrong with the economy and the people were using drugs ... to buy motor vehicles and other luxury goods,' notes the DEC Senior Assistant Commissioner Mukutulu Sinyani. An increasing number of Zambians are arrested for trafficking, of whom the majority of couriers are women. For example, 80 percent of the Zambians arrested abroad in 1996 and 75 percent of those arrested in 1997 were women ... Another problem associated with drug trafficking is money laundering ... In 1998 alone, the DEC seized about US\$3 million from one bank for involvement in money laundering.²⁴

After Mulenga's article appeared the country has continued to witness an increase in the incidence of drug trafficking and money laundering. Information on the problem is scant, however, and this is an issue that needs to be researched.

The reports mentioned in box 2 highlight that drug trafficking and money laundering have reached alarming proportions.

People living in conditions of poverty, with low incomes and high unemployment (75 per cent according to the 2005 Afrobarometer survey), may be tempted to become involved in various forms of crime, including drug trafficking. In an interview with a local newspaper, the president of the Zambia Congress of Trade Unions noted, for example, that:

Job creation has not been significant in the past year, even with the coming in of investors. There has been a lot of talk by the government on job creation but we still find qualified people without jobs. High levels of unemployment could also lead to insecurity due to crime as people would resort to illegal activities to earn a living.²⁵

According to many participants, the inability of employers, especially the public service, to pay termination benefits to those who have retired or have been retrenched is another factor that tempts people to engage in criminal activities. The general perception is that the rich are getting richer while the poor are getting poorer. These views were also captured in the Afrobarometer survey

Box 2 Selected reports and allegations of drug trafficking and money laundering

- The Drug Enforcement Commission destroyed 23 tonnes of cannabis worth more than K17 billion. The drugs, which were burnt in Lusaka's Shatumbu area, were confiscated from farmers in the Luano and Luangwa valleys – *Sunday Times of Zambia*, 5 October 2003
- The Drug Enforcement Commission arrested an employee of the Road Traffic Commission (RTC) on charges of forgery, uttering of false documents, fraudulent accounting, theft by a public servant and money laundering involving K700 million – DEC nabs RTC official for money laundering, *Times of Zambia*, 28 July 2005, <http://www.times.co.zm/news/viewnews.cgi?category=4&id=1115282218> (accessed 15 July 2007)
- Six foreigners and a Zambian national were nabbed in separate incidences for illicit drug trafficking and smuggling of government trophies – *People's Daily Online*, 12 August 2006, english.people.com.cn/200508/20/archive.html
- On 28 October 2006 the Drug Enforcement Commission arrested the Director of Planning at the Ministry of Community Development and Social Services for money laundering, and four other people for illicit drug trafficking – <http://deczambia.gov.zm> (accessed October 2007)
- The Drug Enforcement Commission arrested 14 people for money laundering and drug trafficking offences. One of the money-laundering cases involving K522 092 440 concerned an assistant treasurer at the Konkola Copper Mine. During the same period the commission also arrested an accounts clerk at the Judiciary Department as well as a female resident of Chilenje South for theft and money laundering involving K11,5 million, and fraudulent false accounting, theft and money laundering involving K42 million (August 2007) – <http://www.zana.gov.zm> (accessed March 2008)
- The President suspended the Commissioner of Lands in view of investigations by the Drug Enforcement Commission into alleged corrupt practices bordering on money laundering – <http://www.state.gov/p/inl/rls/nrcrpt/2006/vol2/> (accessed 18 August 2007)
- The Drug Enforcement Commission arrested a 28-year-old man at the Arcades Shopping Centre for being in possession of materials for making counterfeit notes – Zambia National Broadcasting Television News, 13 July 2007
- The Drug Enforcement Commission arrested a data processor at Premium Coatings Ltd for alleged money laundering amounting to K10 million – *Zambia Daily Mail*, 1 August 2007

conducted in 2005. According to this survey, almost seven out of every ten respondents (68 per cent) thought government was managing the economy either 'very badly' or 'fairly badly'; nine in ten felt the government was handling the issue of job creation either 'very badly' or 'fairly badly'; 62 per cent thought the government was handling the issue of keeping prices stable either 'very badly'

or ‘fairly badly’; and almost nine in ten (89 per cent) felt that as far as narrowing the gap between the rich and the poor was concerned, the government was doing either ‘very badly’ or ‘fairly badly’.²⁶

The remarks of one focus group discussion participant in Lusaka are typical of sentiments on this matter:

A household can do without a motor vehicle or a television set but cannot do without shelter, food, clothing, or health services. Heads of households have the responsibility to feed their families, take the children to school, and ensure that health problems are well attended to. Discharging this responsibility is very, very difficult for most people in our country today. It is in this respect that some people are willing to take a risk and get involved in all sorts of crimes if doing so can ensure the provision of some of their basic needs. Unfortunately, however, even some of those that are well remunerated and sometimes even holding high public office are the worst culprits. These people are simply greedy. Why would a minister, or service chief in the military or the police get involved in drug trafficking and corruption or money laundering? Are these people not the cream of our society? Are they not supposed to lead by example? When you see such people getting involved in all sorts of crime, what do you expect from the lesser mortals?

HUMAN TRAFFICKING

Human trafficking activities are taking place in Zambia, but no empirical research has been conducted to determine the extent of the problem. Because of its relatively weak economy, Zambia is a source and transit country rather than a destination for human trafficking.

Human trafficking in Zambia can be examined at both the external and internal levels. At the external level Zambia acts as a transit country for the trafficking of persons, mainly children and young women, from neighbouring countries such as the Democratic Republic of Congo (DRC). It would seem that friends, relatives and acquaintances living within and outside Zambia lure victims to countries such as South Africa with false promises of particularly job opportunities. The victims, particularly boys and young children, usually enter the country illegally and are then either sold (often to a brothel) or forced to

perform cheap labour. These victims find it very difficult - if not impossible - to return to their countries of origin. The fact that they are in the country illegally is used to keep them in line.

According to an official from the IOM, there is evidence that human trafficking syndicates are operating in the country. The matter is receiving serious attention by the government's investigative branches. In May 2007 the Immigration Department unearthed a scam in which human trafficking syndicates were using Zambia's tourism sector to camouflage its use of the country as a transit point. Five Bangladeshi nationals were arrested at Lusaka International Airport on charges relating to human trafficking:

The five Bangladesh nationals who came aboard Kenya Airways were arrested after they failed to give convincing reasons on why they were visiting the country although they had relevant travel documents and enough money. After investigations we found that they were being trafficked. What is happening is that these people come into the country as tourists. They use Zambia as a transit centre and they leave the country through South Africa and from there we do not know where they go.²⁷

Such syndicates seem to have been operating in the country for some time. In 2004 a group of 12 Asians suspected to be involved in human trafficking were arrested at a guest house in Lusaka's Helen Kaunda township in an operation conducted by a combined team of security forces. The Immigration Department suspected that the group was engaged in human trafficking in collaboration with an international syndicate in which Zambians were also involved. Suspects allegedly enticed Zambians by promising them lucrative employment and business opportunities in various parts of the world. The syndicate was believed to be involved in a number of other criminal activities, too. Investigations revealed that the ring had set up several command posts where agents were being paid to facilitate the exit of people from Zambia who were then used as cheap labour and for other questionable activities. These suspects paid an admission of guilt fee amounting to K1 million and were later deported from the country.²⁸

In a study conducted by the Central Statistical Office in 2006 (see the section on human rights), 22 per cent of girls and 20 per cent of boys reported knowledge of human trafficking. Six per cent of the children surveyed reported being trafficked, with 51 per cent of boys and 77 per cent of girls reporting sexual

abuse or being forced into prostitution at the time they were trafficked. Fifteen per cent reported knowing someone who had been trafficked while 52 per cent believed that the trafficked child had been sexually abused and 15 per cent believed the trafficked child had been kidnapped.²⁹

Most of the participants knew what human trafficking is and acknowledged the need for government to take concerted steps to fight the scourge before it reaches such a level that it is difficult to contain. Many participants reported having either heard about it on the radio, seen it on television, read about it in the newspapers, or heard rumours about human-trafficking activities. However, only nine of the 100 questionnaire respondents indicated that trafficking is a problem in the area where they live. This was the response of 6 of the 40 Lusaka participants (15 per cent) compared to only 1 of the 20 in Mansa (5 per cent), 2 of the 20 in Solwezi (10 per cent) and not a single participant in Chibuluma.

Only 16 of the 100 participants reported knowing someone whose friend or relative had been trafficked. Again, more Lusaka participants (30 per cent) reported on this, compared to 15 per cent in Solwezi and 5 per cent in Mansa. Although some Chibuluma participants knew what human trafficking was, not a single respondent of the structured interview reported knowing someone whose friend or relative had been trafficked.

From focus group discussions and key respondents a reasonable assessment could be made of the extent and perceptions of human trafficking in Zambia. Apart from four participants in Chibuluma, three each in Mansa and Solwezi and one in Lusaka, all the other participants in the face-to-face semi-structured interviews and focus groups discussions were clearly concerned about human trafficking and/or smuggling. Although most of these participants were not aware of specific cases of human trafficking, they strongly believe in its existence in Zambia, based mostly on media reports, official government statements and sensitisation radio programmes sponsored by the IOM. Reports of people that have gone missing or travelled abroad with the knowledge of their kinsmen but could no longer be contacted seem to underscore the reality of human trafficking activities in Zambia. In his contribution to a focus group discussion, with concurrence from some of the participants, a Solwezi participant noted:

The existence of human trafficking should not be discounted. Government is concerned about this problem and once in a while we have heard a government official talking about it. We read reports in the media, though

not frequently, and some of you could have listened to some adverts on radio warning people about false job opportunities in foreign countries and so on. Remember the saying that there is no smoke without fire. Here in Solwezi a child went missing from the Kandundu compound in 2000 and two more from the Chawama compound in 2004. There was a very strong belief that these incidents were cases of human trafficking. I think that given the various reports, government concern and some of the disappearances, it is necessary to play safe and take all the precautions to prevent people, especially children and young girls, from being victims of this problem.

The observations made by a key participant in Lusaka were not very different from those made by the Solwezi participant:

These are hard times. There are no jobs even for people completing university degree programmes, most people are living in poverty, and many children have lost their parents, especially through the HIV pandemic. In their quest to earn a decent living, some people are lured by adverts for employment in foreign countries, not knowing the potential dangers that lie ahead. We now have street children that are obviously vulnerable to all sorts of inhuman activities including human trafficking. In these circumstances it would be folly to imagine that the concerns of government on and/or the reports we hear about human trafficking activities in Zambia are mere fabrications. Just the other day a permanent secretary in the Southern Province expressed his concern about child trafficking in the tourist town of Livingstone and not too long ago an official from the Immigration Department alluded to the same problem. Surely one cannot dismiss these concerns or reports. The problem here perhaps is not yet serious enough to warrant a public outcry but it is here and we need to fight it before it gets out of hand.

Combating human trafficking

In combating human trafficking, Zambian authorities and the IOM are faced with the problem of ascertaining whether or not the ‘victims’ fall into the

Box 3 Selected media reports on human trafficking

- The Southern Province Permanent Secretary noted that child trafficking is mushrooming in Livingstone because the city is an exit and entry point to three different countries, namely Zimbabwe, Botswana and Namibia – *The Post*, 18 June 2007
- The Zambian government has smashed a scam in which children under the age of ten are adopted and flown out of Zambia without following proper procedures. The Minister of Community Development and Social Welfare noted that there were unconfirmed reports that over 17 had already been adopted and taken out of the country without government consent – *Times of Zambia*, 11 August 2007

category of human trafficking or are being smuggled. A person being smuggled chooses to move to another country, pays for the trip, is in control of travel and other documents, and is free to walk away upon arrival in the country of destination. A person being trafficked, however, does not pay or in certain circumstances pays very little for the trip, is not in control of his or her documents, if any, and is a captive upon arrival in the country of destination. Such a person is then used for the purposes for which he or she was trafficked. This distinction is critical in helping to ascertain the magnitude of the problem and in devising ways and means of dealing with human trafficking. However, it is important to emphasise that human trafficking in Zambia is real and incidents relating to this phenomenon have been reported in the media over the years and especially recently. However, this review acknowledges that anecdotal evidence and media reports are inadequate and need to be verified through empirical research.

According to an IOM official at its Lusaka office, human trafficking in Zambia is real and the Zambian government, through the Ministry of Home Affairs, is working with the IOM to combat this crime. The existence of human trafficking in Zambia is evidenced, for example, by the shelters operated by the IOM to assist victims that have been caught while in transit to other countries before being repatriated to their countries of origin. The IOM, in collaboration with the Zambian government, is also involved in the development of a curriculum aimed at facilitating various training activities to put the problem of human trafficking in Zambia in perspective.

For example, the IOM official observed that:

There is some evidence of human trafficking syndicates working in Zambia. It is, however, not easy to provide statistics on the extent of human trafficking in the country because of the unwillingness of victims to reveal their experiences and also because there is the stigma attached to human trafficking. The absence of research work on this phenomenon is also a contributing factor to the difficulties associated with providing statistical evidence. However, there is no doubt that human trafficking activities are taking place in Zambia.

In recognition of the problem, the Zambian government, through the Ministry of Home Affairs, is developing a national policy to combat human trafficking. Generally, the fight against humans trafficking in Zambia is anchored upon the cooperation between the IOM, the Immigration Department, and the Victim Support Unit of the Zambia Police Service.

ILLEGAL MIGRATION

The Immigration Department, which falls under the Ministry of Home Affairs, is responsible for all matters related to migration and works in close collaboration with the IOM. Like in many other countries in sub-Saharan Africa, illegal migration is a problem in Zambia. The unstable political climate, coupled with poor economic conditions in some of Zambia's neighbouring states, has aggravated the situation.

Lack of capacity to monitor the country's porous borders - particularly with Angola and the DRC and to a lesser extent with Zimbabwe - is exacerbating the problem. Luapula Province in Zambia, for example, is separated from the DRC by the Luapula River, which is long and difficult to monitor. Effective monitoring of this border requires powerful and serviceable speed boats, adequate manpower, and sufficient financial resources to cover the cost of fuel, lubricants and spares. Similarly, effective patrols of the borders with Angola and Malawi require adequate and serviceable four-wheel-drive vehicles. From the research it is clear, however, that the available resources are not sufficient to ensure an effective check on illegal migration.

Illegal migration in Zambia is also informed by its historical perspective. Arbitrary colonial borders in many instances divided people belonging to the same clan, tribe and/or chiefdom. These ties still exist and in some cases contribute to illegal migration. As one focus group participant in Mansa noted:

It is sometimes difficult for people living in the border areas to grasp the concept of illegal migration. Take the example of Chief Matanda. He has two sub-chiefs in Zambia and five sub-chiefs in the Congo. Congo is simply across the Luapula River ... People from the Congo do not find it difficult to move freely in and out of Mansa. They have relatives here and some of them are even trading with their Zambian counterparts in various goods. There is a similar situation with Chief Puta, whose chiefdom extends into the Congo as well. Besides these factors, I do not think that the Immigration Department has the capacity to patrol the Zambia borders effectively. It is not easy, for example, to effectively patrol the Luapula River. People can cross into and out of the country at many points and at different times of the day and night. How do you deal with such a situation?

These historical and cultural factors apply to many of Zambia's other border areas, for example in North-Western and Eastern provinces. In Eastern Province, for example, Paramount Chief Kalonga Gawa Undi of the Chewa people has sub-chiefs in Mozambique. Officiating at the Kulamba traditional ceremony of the Chewa people, President Mwanawasa 'saluted Paramount Chief Kalonga Gaw Undi for his personal devotion in promoting culture among his subjects in Zambia, Malawi and Mozambique'.³⁰ The traditional ceremony was attended by Presidents Levy Mwanawasa (Zambia), Bingu Wa Mutharika (Malawi) and Armando Guebuza of Mozambique.

A further issue is that because of family relationships - and in some cases business connections - illegal immigrants have allegedly, with the support of locals, been able to obtain Zambian national registration cards and settle in local communities. While locals benefit from business transactions with illegal migrants, the government obviously does not receive its share of the revenue from such business activities. Participants in Solwezi and Mansa have for example acknowledged that a barter system popularly known as Makabu exists between the locals and illegal migrants. This system involves the exchange of Zambian agricultural produce for bicycles from the DRC.

Against this background it is not surprising that no deep-seated hatred towards illegal migrants was found among the participants. Although 60 per cent of the participants noted that illegal migration is a problem in the areas where they live, only 29 of the 100 respondents admitted to disliking illegal migrants. The reasons for their dislike are mainly that illegal migrants cause an

increase in crime and congestion and competition in trading activities, especially in local informal markets.

An interesting humane and accommodating attitude towards illegal migrants was also noticeable among the locals. This is summed up in the following observation by a focus group participant in Solwezi:

A person does not leave their own country to settle in a foreign country unless they are facing some difficulties or simply want to live among their kinsmen on the other side of the border. People facing problems of whatever kind need to be helped. Some of the so-called illegal migrants have relatives here in Zambia and some of them are doing business from which local people are benefiting. It is a pity though that most of them come in illegally. Maybe obtaining travel documents in their countries is very difficult. As long as these people go about their business without causing any problems I have nothing against them. Tomorrow it could be me. As Zambians we just need to be extra vigilant to ensure that those who get involved in criminal activities are reported to the police.

With regard to interpersonal trust, Bratton and Katundu found that Malawians were regularly considered more trustworthy than fellow Zambians outside their own families.³¹ This finding was constant even in areas outside Eastern Province, where there are fewer common ties with the Nyanja language and culture. The researchers also found that people who lived in rural centres trusted other ethnic groups more than their own tribesmen. Various statements were put forward to explain their attitudes, for example that ‘people from other tribes are helpful; people from the same tribe are proud’ and ‘if anyone wishes you ill, it is likely to be a person from your own group’, whereas ‘visitors from outside areas have to be on their best behaviour’. This is not to say that respondents trusted all foreigners more than their countrymen. Very low scores were given to white South Africans and people from the DRC.

The findings generally suggest relatively high levels of receptiveness to and accommodation of foreigners among Zambian citizens, particularly of foreigners who are enterprising or who do not seem to pose any immediate threat to the local community. These sentiments are particularly prevalent in the country’s rural centres, especially those areas that are close to the borders. Not surprisingly, these areas are also the main entry points for foreigners.

It is not surprising that the Immigration Department finds it almost impossible to deal with illegal migration - not only because of insufficient capacity, but also because locals readily tolerate illegal migrants. Although this observation is limited by the nature of the review, which dealt with a small sample of the population, many of the focus group discussion participants - as well as Zambians who did not take part in the structured questionnaire - have the same accommodating attitude towards illegal migrants.

Nonetheless, the Zambian government is concerned about illegal migration and is doing everything possible to control it, given its limited resources. In 2005, for example, the Immigration Department detained 2 768 illegal migrants of whom 310 were prosecuted and 648 paid an admission of guilt fine. When illegal migrants carried over from 2004 are included, the department physically escorted a total of 2 870 to their countries of origin and deported 96. In 2006, the department detained 3 056 illegal migrants of whom 225 were prosecuted, 2 590 removed, and 83 deported, while 552 paid an admission of guilt fine.

Obviously, immigration officers do still arrest illegal migrants. For example, between 11 and 13 May 2007 they arrested four DRC nationals who had been staying in the country illegally since November 2006, as well as 39 illegal migrants of other nationalities - including two Zimbabwean nationals who were in possession of Zambian passports and were trying to return to their country when they were arrested. The immigration official revealed that a national registration official had been arrested on a count of issuing Zambian passports to Zimbabwean nationals. The official noted that while it took locals over a month to obtain a passport, it was worrying that foreigners were able to obtain a passport within four days.³²

CRIMINAL GANGS AND ORGANISED CRIME

Organised crime in Zambia is not well documented, nor has it been the subject of an empirical study analysing the nature and/or trends of the phenomenon. Organised crime may be defined as 'a group or network of people which is primarily focused on illegally obtained profits, and in a systematic way commit serious crimes with great societal consequences. These groups or networks are capable of effectively covering up their crimes, in particular by using violence or means of corruption.'³³ According to Jansen and Bruinsma organised crime thus falls into two distinct categories: the supply of illicit consumer goods

(such as drugs) and services and the infiltration of legitimate business such as banking and the toxic waste, transportation construction industries.³⁴ Others argue that all criminal group activities that require some form of cooperation should be defined as organised crime. However, what seems to separate organised criminal activity from ordinary crime is the high level of entrepreneurial skill that is applied to its operations. This leads to the conclusion that many organised criminals are highly intelligent, and often possibly highly educated, and are extremely adaptable and adept at utilising and exploiting political and economic changes and technological advances.

Criminologists have battled to define organised crime³⁵ in a way that embraces all its complexities. Much of the evidence on organised crime is based on simplistic definitions that have given rise to the idea of organised criminals as a homogenous entity. Such reductionism tends to lose sight of criminal gangs that show a high level of sophistication in their organisation and activities. In Zambia criminal gangs are engaged in a variety of criminal activities including the theft of motor vehicles, assault and aggravated robbery, drug trafficking, human trafficking, money laundering, illegal poaching, and trafficking in military weapons.

Incidences of organised gangs terrorising communities have been reported. In parts of the country gangs of up to ten criminals attack during the night and make off with property worth millions. Residents of Kalikiliki compound in Lusaka, for example, suffered such criminal attacks in the early part of 2007.

CONCLUSION

Zambia, like many other countries, is grappling with increased levels of crime. The study has noted in particular the following concerns and challenges.

There is a lack of data on crime, which makes the need to improve crime information management systems a prerequisite for effective action. The prevalence of criminal activities is much higher in cities and towns, especially those located along railway lines and other main transport routes. High unemployment levels, the influx of people to the urban centres, and an inadequate police presence are some contributing factors.

The conduct of most officials in the public service and the lack of effective internal controls in the ministries and government departments have been singled out as contributing to the prevalence of corruption in the country.

Drug trafficking, money laundering and human trafficking are sources of concern to both citizens and the government. These criminal activities are exacerbated by the country's poor economic conditions, high unemployment levels, low salaries and poor conditions of service, especially in the public sector.

Illegal migration is a problem in communities living close to the borders with neighbouring countries. Inadequate staff and equipment, as well as the attitude of the locals, make it very difficult for the Immigration Department to effectively deal with the problem.

The national and provincial offices of the Anti-Corruption Commission need to be better staffed and equipped in order to ensure, among others, that research is undertaken into corruption and that countrywide sensitisation programmes are formulated and implemented. This calls for renewed political will and commitment to increase budget allocations to the commission if corruption is to be dealt with effectively. The Anti-Corruption Commission Act should also be reviewed to provide for the protection of whistleblowers.

Current initiatives by government in collaboration with the IOM to curb human trafficking need to be reinforced. Again, the sensitisation programmes being undertaken by the Drug Enforcement Commission need to be stepped up and instituted countrywide instead of being confined mainly to cities and towns.³⁶

The Immigration Department should receive adequate funding to ensure the availability of the necessary staff and equipment from the Ministry of Home Affairs if borders are to be effectively policed and illegal migration brought under control. The government should design programmes aimed at sensitising the citizenry on the dangers of harbouring illegal migrants. The links between illegal migrants and national development should be clearly articulated. This may require collaboration between government institutions and civil society organisations working in the area of human security, such as the Southern African Centre for the Constructive Resolution of Disputes.