ZAMBIA | PROFILE 2019

MIGRATION GOVERNANCE INDICATORS

IOM
UN MIGRATION

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With research and analysis by

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OBJECTIVE

The MGI aims to support well-managed migration policy by helping countries assess the comprehensiveness of their migration governance structures and identify priorities on the way forward.
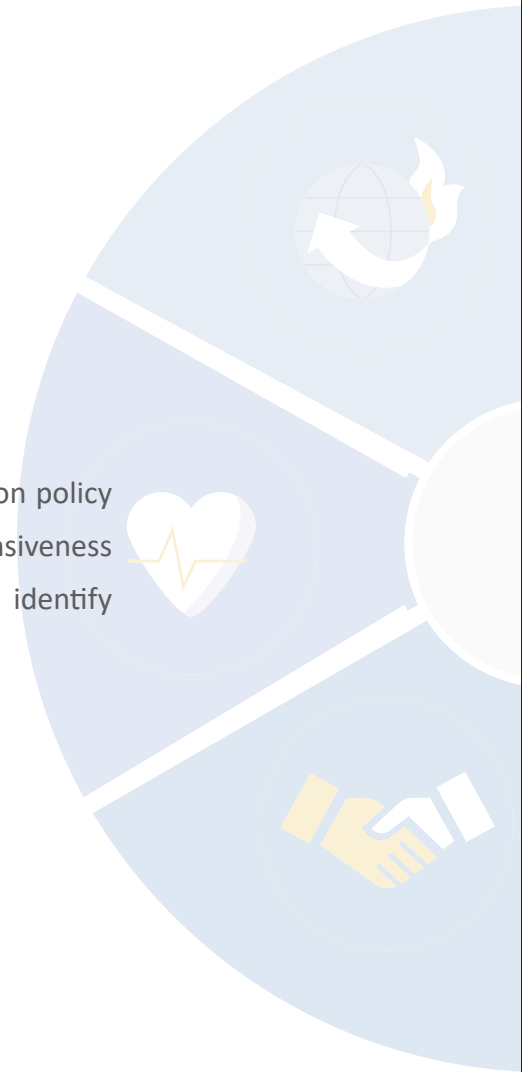
The MGI can be used to spark a discussion within governments, with other relevant stakeholders in the country, on their migration policy structures. It can help assess whether these structures, which have often been in place for several years, still address the main challenges and opportunities of today's reality.

INTRODUCTION

This is an era of unprecedented mobility, and the need to facilitate orderly, safe, regular and responsible migration and mobility is becoming increasingly relevant.[1] The need to face the challenges and to maximize the opportunities that this mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, which highlights the positive contribution of migrants to inclusive growth and development. Migration is integrated in a number of Sustainable Development Goal (SDG) targets, such as ending modern slavery and addressing the vulnerability of migrant workers. However, the central reference to migration in the SDGs is Target 10.7 on facilitating "orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies".[2]

The incorporation of Target 10.7 into the 2030 Agenda created the need to define "planned and well-managed migration policies". This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance Framework (MiGOF). This Framework offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances.[3] The Framework was welcomed by IOM member States in the same year.

In an effort to operationalize the MiGOF, IOM worked with The Economist Intelligence Unit to develop the Migration Governance Indicators (MGI), a standard set of approximately 90 indicators to assist countries in assessing their migration policies and advance the conversation on what well-governed migration might look like in practice.

The MGI helps countries identify good practices as well as areas with potential for further development and can offer insights on the policy levers that countries can use to develop their migration governance structures. However, the MGI recognizes that all countries have different realities, challenges and opportunities that relate to migration. Therefore, the MGI does not rank countries on the design or implementation of their migration policies. Finally, the MGI does not measure migration policy outcomes or institutional effectiveness. Instead, it takes stock of the migration-related policies in place and operates as a benchmarking framework that offers insights on policy measures that countries might want to consider as they progress towards good migration governance.

This country profile presents a summary of the well-developed areas of the migration governance structures of the Republic of Zambia (hereinafter referred to as Zambia), as well as the areas with potential for further development, as assessed by the MGI.[4]

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[1] IOM Standing Committee on Programmes and Finance, seventeenth session (S/17/4 of 29 September 2015), article 2.
[2] IOM Council, 106th session, Migration Governance Framework (C/106/40 of 4 November 2015), page 1, footnote 1. Available at: https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf.
[3] Ibid.
[4] The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of The Economist Intelligence Unit. Funding is provided by IOM's Member States.

CONCEPTUAL FRAMEWORK

MiGOF

The IOM MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, orderly, and benefits migrants and society.

PRINCIPLES

1. **Adherence** to international standards and fulfillment of migrants' rights.

2. **Formulates** policy using evidence and "whole-of-government" approach.

3. **Engages** with partners to address migration and related issues.

OBJECTIVES

1. **Advance** the socioeconomic well-being of migrants and society.

2. **Effectively** address the mobility dimensions of crises.

3. **Ensure** that migration takes place in a safe, orderly and dignified manner.

At the basis of

MGI

WHAT IT IS

A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures

A tool that identifies good practices and areas that could be further developed

A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG Target 10.7

WHAT IT IS NOT

Not a ranking of countries

Not assessing impacts of policies

Not prescriptive

Which supports the measurement of

SUSTAINABLE DEVELOPMENT GOALS

10 REDUCE INEQUALITIES

TARGET 10.7

"Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and **well-managed migration policies.**"

KEY FINDINGS

The MGI is composed of around 90 indicators grouped under the 6 different dimensions of migration governance that draw upon the MiGOF categories:

MIGRANTS' RIGHTS PAGE 12

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. It also looks at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.

WHOLE-OF-GOVERNMENT APPROACH PAGE 14

Indicators in this area assess countries' institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.

PARTNERSHIPS PAGE 16

This category focuses on countries' efforts to cooperate on migration-related issues with other States and with relevant non-governmental actors, including civil society organizations and the private sector.

WELL-BEING OF MIGRANTS PAGE 18

Indicators in this area assess countries' policies regarding the recognition of migrants' educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.

MOBILITY DIMENSION OF CRISES PAGE 19

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals both during and after disasters, including if humanitarian assistance is equally available to migrants as it is to citizens.

SAFE, ORDERLY AND REGULAR MIGRATION PAGE 20

This area looks at countries' approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.

1 ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS' RIGHTS

1.1. International conventions ratified

Table 1. Signature and ratification of international conventions

Convention name	Ratified
International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)	**Yes (1964)**
Convention relating to the Status of Refugees, 1951	**Yes (1969)**
Convention relating to the Status of Stateless Persons, 1954	**Yes (1974)**
Convention on the Reduction of Statelessness, 1961	**No**
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	**No**
United Nations Convention on the Rights of the Child (CRC), 1989	**Yes (1991)**
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	**No**
United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000, supplementing the United Nations Convention against Transnational Organized Crime	**Yes (2005)**
United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, 2000, Supplementing the United Nations Convention against Transnational Organized Crime	**Yes (2005)**
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 2009	**Yes (2009)**
International Health Regulations, 2005	**Yes (2007)**

1.2. Migration governance: Examples of well-developed areas

There are no limitations on migrant access to government-funded health care. Both the *Constitution for the Republic of Zambia* and the *National Health Policy*: *"A Nation of Healthy and Productive People"* promote the equitable provision of health-care services among the population. The *National Health Policy* highlights the Government's commitment to providing equitable access to cost effective and quality health services as close to the family as possible in a caring, competent and clean environment. The Government strives for universal health coverage for all.

Foreigners entering Zambia are required by section (14) (1) (2) of the National Health Insurance Act (2018c) to possess health insurance. Any foreigner who enters without health insurance shall register and pay for insurance on arrival. Additionally, section (16) allows exemptions from payment under the National Health Insurance Scheme for elderly and vulnerable citizens and residents, or as may be prescribed by the Minister of Health.

The situation is similar in the case of education services. The Education Act (2011) provides for the right to education for all persons, including early childhood, basic, secondary, vocational and literacy education. Some documentation may be required for immigrants to access education, such as a study permit issued by the Department of Immigration.

The legal basis for family reunification is provided by the Immigration and Deportation Act (2010b), which allows for a spouse permit to be issued to the spouse of a citizen or an established resident (one who has resided in the country for at least four years, among other conditions).

Immigrants can apply to obtain Zambian citizenship after residency of at least ten years. The Zambian Constitution has also been reviewed to include provision for dual citizenship, allowing those Zambians who previously had to renounce their citizenship to claim it back as needed.

1.3. Areas with potential for further development

Immigrants in formal employment have equal access to contributory social protection, including the National Pension Scheme Authority and Workers' Compensation Fund. Other forms of social protection such as access to the Social Cash Transfer and the Public Welfare Assistance Scheme programmes are only available to nationals.

Zambia does not have agreements with other countries on portability of social security entitlements and earned benefits, including old-age pensions. One of the objectives of the Zambian Diaspora Policy (launched in April 2019) focuses on facilitating portability of social security benefits through bilateral agreements, multilateral agreements and multinational providers.

There are currently no mechanisms for Zambian citizens living abroad to vote in national elections. The Zambian Diaspora Policy includes provisions for the government to work towards establishing platforms for the Zambian diaspora to vote in general elections. Legally residing non-nationals are not able to vote in local elections in Zambia, according to the *Electoral Process Act* (2016c).

No specific laws to combat hate crimes, violence and discrimination against migrants exist in the country. However, the penal code can be used if cases of hate crimes are reported or observed.

2

FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

The Ministry of Home Affairs, through its Department of Immigration, is taking the lead on the development of a comprehensive national migration policy. Other line ministries and departments lead the implementation of sector-specific programmatic interventions in the field of migration. For instance, the Ministry of Community Development and Social Services has developed the Communication Strategy on Mixed Migration and Human Trafficking in Zambia "Know Before You Go" 2017–2018; the Office of the Commissioner for Refugees focuses on asylum seekers, refugees and stateless persons; the Zambia Correctional Service and the Zambia Police Service focus on inmate migrants. Other relevant agencies include the Ministry of Labour and Social Security along with the Ministry of Foreign Affairs, focusing on labour migration, while the Department of Social Welfare focuses on vulnerable migrants including children. The Department of National Registration, Passport and Citizenship has a role in restoring citizenship for Zambians living abroad who had renounced their citizenship. The Anti-Human Trafficking Act (2008) specifies the roles of various government ministries in responding to human trafficking.

The Ministry of Foreign Affairs is the government entity responsible for coordinating efforts on diaspora engagement; it has developed the Zambian Diaspora Policy, including an action plan.

The official website of the Department of Immigration clearly presents the laws and regulations pertaining to migration in an easy-to-understand format. This includes links to relevant laws, applications for permits, visas and contacts for missions abroad. The website also links to an online visa e-service through which applications can be made for visas, residence permits, permit renewals, extensions and variations.

The Government of Zambia has noted a lack of a comprehensive data on migration, particularly during years in which the census has not been conducted. In December 2017, the IOM in partnership with the Government undertook and launched the National Migration Data Assessment which aimed at identifying migration data gaps, eventually leading to the development of a Migration Profile for Zambia. Data on migration is collected through the census, periodic surveys and through administrative records, all with varying degree of detail and use. The Department of Immigration produces and publishes an annual report on immigration and international migration.

Efforts are underway to enhance data collection on migration. For example, the 2010 census included questions relating to migration (both internal and external), and responses were aggregated in the 2010 Census of Population and Housing: Migration and Urbanisation Analytical Report.[5] A module on labour migration and remittances has been added to the national labour force survey instruments with data on this module collected since 2018. On the other hand, the Zambia Demographic and Health Survey has indicators on having spent time away from home and length of time spent away from home, which are used in computing risk. The data collected in the living conditions monitoring survey help to determine whether an individual remained in the same district in which they were born (non-migration) or moved from a different district or province (internal migration) or from a different country (international migration) in the past twelve months prior to the survey. The data is disaggregated by age, sex, residence (rural/urban), reason for migrating and the direction of movement between rural and urban areas.[6]

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[5] The report can be accessed under the link "2010 Census Migration and Urbanization Report" at www.zamstats.gov.zm/index.php/publications/category/11-2010-census.

[6] The Government of the Republic of Zambia, with support from the IOM, is developing the Migration Profile which draws data from the various sources discussed above. The Migration Profile will be regularly updated as a tool to inform evidence-based decision-making, policy development and a capacity-building framework to enhance the collection and analysis of migration data in Zambia.

2.2. Areas with potential for further development

There is currently no single overall interministerial coordination mechanism for migration. However, certain aspects of migration policy are coordinated at the national level through the Inter-Ministerial Committee and National Secretariat on Human Trafficking and Mixed Migration, the Technical Working Group on Migration Data, and a Steering Committee for the National Action Plan for Addressing Mixed and Irregular Migration. Moreover, there is a National Monitoring Committee on the Free Movement Agenda of the Common Market for Eastern and Southern Africa (COMESA), which focuses on the signature, ratification and implementation of the COMESA Protocol on the Free Movement of Persons, Labour, Services, the Right of Establishment and Residence, and the Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements within COMESA. A Technical Working Group on Labour Migration was also formed in 2016 to support the implementation of the Southern African Development Community (SADC) Labour Migration Action Plan. However, while this working group continues to exist in theory, it does not meet regularly. The Immigration Permits Committee further acts as a coordination mechanism on migration governance at the national level. The Ministry of Labour and Social Security, together with the Ministry of Home Affairs, is part of the Immigration Permits Committee.

While efforts are under way to develop a full migration policy, migration policy in Zambia is not defined in a single programmatic document or manifesto. A number of strategies address migration issues separately within specific thematic areas.[7] While the *Seventh National Development Plan 2017–2021* does not address migration or diaspora policy in detail, migration issues have been incorporated, including targets relating to the development of migration policy and the implementation of diaspora policy.[8]

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[7] These strategies include the Communication Strategy on Mixed Migration and Human Trafficking In Zambia "Know Before You Go" 2017–2018; the National Strategic Communication Strategy for the Prevention of Human Trafficking (2009–2011); the Communication Strategy on Safe Migration, Asylum Processes and Trafficking (2015); the National Social Protection Policy and Guidelines: Protection Assistance for Vulnerable Migrants in Zambia (2014); the National Action Plan for the Office of the United Nations High Commissioner for Refugees (UNHCR) Global Strategy – Beyond Detention 2014–2019; the National Resettlement Policy (October 2015); and Guidelines for The Compensation and Resettlement of Internally Displaced Persons (IDPs) (October 2013). The Ministry of Home Affairs has officially requested technical assistance for the development of a national migration policy.

[8] Pillar 5, strategy 5 of the Seventh National Development Plan mentions the comprehensive review of migration legislation and putting in place a robust policy framework as well as the operationalization of the Zambian Diaspora Policy. See: http://extwprlegs1.fao.org/docs/pdf/zam170109.pdf.

3 ENGAGES WITH PARTNERS TO ADDRESS MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

Zambia is currently a member of several regional consultative processes on migration, including the Migration Dialogue for Southern Africa (MIDSA) – a forum for regular migration dialogue among the member States of the Southern African Development Community (SADC); the Migration Dialogue from the Common Market for Eastern and Southern Africa Member States (MIDCOM) a dialogue between members of the Common Market for Eastern and Southern Africa (COMESA); the Zambia Department of Immigration chairs this group for 2019),[9] and the Pan-African Forum on Migration (PAFoM), which covers the member States of the African Union.

In July 2016, Zambia signed a memorandum of understanding with the Republic of South Africa on labour and employment, which aims to protect the rights of migrant workers in both countries and serves as a basis for increased institutional cooperation.

In May 2018 Zambia concluded bilateral migration negotiations with the Republic of Angola resulting in visa free travel across the border. Zambia also has routine coordination of anti-human trafficking efforts with the Republics of Zimbabwe and Mozambique, as well as three bilateral relationships involving cross-border coordination forums at subnational levels with Zimbabwean, Mozambican, and Tanzanian authorities to discuss cross-border initiatives and efforts to combat trafficking.

The Government of Zambia engages civil society organizations in agenda setting and the implementation of migration-related programmes through various processes. For example, the Technical Working Group on Mixed Migration, convened for the formulation of the *Communication Strategy on Mixed Migration and Human Trafficking in Zambia "Know Before You Go" 2017–2018*, included representatives from NGOs and civil society. Furthermore, civil society organizations have participated in other working groups for migration-related issues including the Technical Working Group on Migration Data in Zambia. Civil society was additionally engaged to develop the 2019 *Best Interests Guidelines for Vulnerable Migrant Children*.

Zambia has signed bilateral agreements for the establishment of one-stop border posts with a number of its neighbours, notably Zimbabwe and Malawi, whose aim is to enhance trade flows and population mobility.

3.2. Areas with potential for further development

The adoption and operationalization of the Zambia Diaspora Policy presents an opportunity to promote a comprehensive and multisectoral approach to diaspora engagement. This will facilitate the participation of the Zambian diaspora in national development processes including through skills transfer, philanthropy, remittances, trade and investment, and tourism, among others.

Zambia, as a member State of the African Union as well as the SADC and COMESA regional blocks, is well positioned to fully harness the development potential of labour migration given the conducive continental and regional policy frameworks. The African Union adopted a migration policy framework in 2018 which provides an enabling and conducive environment for migration management. As part of its efforts towards promoting safe, regular and orderly intraregional labour migration and upholding the rights of migrant workers, SADC adopted a regional labour migration policy framework including a SADC Labour Migration Action Plan. As a member of the Migration Dialogue for Southern Africa, Zambia

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9 The position of chair is held for a two-year period. See: www.iom.int/sites/default/files/our_work/ICP/RCP/2015/2015-Global-RCP-COMESA-Presentation.pdf.

actively promotes well-managed intraregional labour migration and policy dialogue. In addition, Zambia is a signatory to the SADC *Protocol on Employment and Labour* which, among other issues, encourages member States to promote the free movement of labour.[10] Furthermore, Zambia signed and ratified the COMESA *Visa Protocol*. Zambia has not yet ratified the COMESA *Free Movement Protocol*. In practice, it is already gradually implementing some of the provisions of the protocol bilaterally.

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[10] However, the protocol has not been fully implemented. The promotion of free movement is subject to the specific labour market needs of member States.

4 ADVANCES THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

The *Zambia Qualifications Authority Act* (2011c; ZAQA) established the legal basis for the development of a Zambia Qualifications Framework for the classification, accreditation, publication and articulation of quality-assured national qualifications. The ZAQA verifies and evaluates Zambian and foreign qualifications against their equivalent on the Zambia Qualifications Framework.

As a member of SADC, Zambia follows the SADC Qualifications Framework. This aims to promote labour and study across the regions as well portability of qualifications in the region. The ZAQA also has collaborative arrangements with several qualifications authorities such as the South African Qualifications Authority and Mauritius Qualifications Authority, as well as other international organizations including the United Nations Educational, Scientific and Cultural Organization (UNESCO).

Zambia has bilateral labour engagements with the Republic of Seychelles and the Republic of Madagascar for the employment of skilled migrant workers in the education sector. Through these engagements, Zambia has facilitated the recruitment of over 40 teachers from Zambia to the Seychelles. The Malagasy Government is considering recruitment of a number of English teachers from Zambia under this agreement. Zambia is also receiving requests for recruitment of labour from the Gulf States. The Government wants to put in place mechanisms to promote the protection of the concerned labour migrants including through negotiation of bilateral labour agreements.

Zambia has a well-developed system of registration of refugees and ensuring their protection, as provided for in the *Refugee Act* (2017).

4.2. Areas with potential for further development

There are no specific studies on the demand for foreign labour or the effects of emigration on the domestic economy. However, there is progress in overall monitoring of the labour market. The Ministry of Labour and Social Security is in the process of setting up a comprehensive labour market information system which will provide labour statistics from administrative data and serve as a monitoring system for domestic labour supply. The labour market information system prototype has been developed and is awaiting operationalization.

There are no specific programmes or consular support initiatives to protect the rights of Zambian nationals working abroad, but the Diaspora Policy makes provision for the Government of Zambia to address this in future. The Communication Strategy on Mixed Migration and Human Trafficking in Zambia called "Know Before You Go" seeks to establish programmes to educate people in Zambia on migration issues and emigration before they cross international borders, including for employment.[11]

According to the World Bank, the cost of sending remittances to the country is relatively high; it costs 19 per cent or USD38 to send USD200 from South Africa to Zambia. Formal remittance schemes are still to be developed by the Government of Zambia, including through the frameworks outlined in the recently launched Diaspora Policy. Neither the National Financial Inclusion Strategy 2017–2022 nor the Bank of Zambia's National Payment Systems Vision and Strategy 2018–2022 include schemes to facilitate inward remittance flows.

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[11] In August 2018, Zambia Police Service highlighted to the public the potential for trafficking and fake jobs abroad.

5 EFFECTIVELY ADDRESSES THE MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

The migratory effects of climate change and environmental degradation are recognized in national policies. The 2015 Zambia National Resettlement Policy acknowledges that the number of internally displaced persons (IDPs) is likely to increase due to the effects of climate change. Furthermore, through the framework of Disaster Risk Management, the government (through the office of the Vice President–Disaster Management and Mitigation Unit) works with local leaders to identify populations residing in hazard prone areas (mainly flood prone) with a view of relocating them to high grounds.

The country has a contingency plan in place to manage large-scale population movements in times of crisis. The Government of Zambia outlined contingency plans to respond to flooding in the 2018–2019 Zambia National Contingency Plan for Floods. Responses include the planned identification of potential relocation sites in the event of floods as well as the distribution of necessary shelter and non-food items to displaced populations.

Key emergency recovery strategies, namely the National Resettlement Policy (2015) and Guidelines for the Compensation and Resettlement of Internally Displaced Persons (2013b), provide for the protection of IDPs during displacement, return, resettlement or reintegration. The emergency needs provided include temporary shelter, water, health-care services and others, as well as supporting attainment of durable solutions.

The Seventh National Development Plan mentions refugees and IDPs in the context of the need to mainstream national disaster-management policies into all key sectors of the economy. Furthermore, the 2019–2024 Strategic Plan of the Zambia Meteorological Department, Ministry of Transport and Communication emphasizes the importance of moving towards high quality, relevant and accessible weather climate services and early warnings to save lives and property.

A number of media institutions are collaborating with the Zambia Meteorological Department in disseminating weather forecasts. Notable ones include the Zambia National Broadcasting Corporation (ZNBC), Muvi TV, Radio Phoenix and many community radio stations.

5.2. Areas with potential for further development

The 2015 Zambia National Disaster Management Policy and the Disaster Management Operations Manual do not contain specific measures regarding migrants during a crisis or the displacement impacts of disasters.

Zambia does not address the reintegration of returning migrants in its Seventh National Development Plan. The Diaspora Policy does, however, promote mechanisms for the reintegration of returning Zambians.

Natural and human-induced disasters have the potential to significantly disrupt the functioning of border cross points, when accompanied by a mass influx of persons crossing borders. Such disruptions may create blockages to cross-border trade, as borders may be closed, or routine checks, patrols and surveillance suspended to facilitate the mass movement of persons. There is a need for appropriate border management responses in times of humanitarian crisis that can ensure that border management practices can adapt to the needs of specific groups including cross-border traders.

6 ENSURES THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

6.1. Migration governance: Examples of well-developed areas

The Government embraces a multisectoral approach to migration management and border control including integrated border management which seeks to promote intra-agency, inter-agency and inter-State coordination. At the border level, joint border management coordination mechanisms bring together different border management agencies, including immigration, customs, health, agriculture and the bureau of standards, among others. The Government also enacted the Zambia Border Management and Trade Facilitation Act (2018a).[12] The Act provides for coordinated border management and control for the efficient movement and clearance of goods; it gives effect to the provisions of agreements on one-stop border posts; it provides for simplified arrangements with adjoining States relating to the movement and clearance of goods; and it provides for the development, management and maintenance of border infrastructure.

Border control is the responsibility of the Department of Immigration in Zambia. The Department is headquartered in Lusaka, with regional offices in the ten provinces of Zambia.

The Zambia Police Service is also involved in ensuring border security. Zambia Police, through its Interpol National Central Bureau in collaboration with the Victims Support and Child Protection Unit, plays a central role in preventing and protecting the country and the surrounding region from international organized crime. By providing and receiving both locally and globally sourced intelligence about regional crime, the National Central Bureau helps police officers across Zambia detect and investigate the flow of illicit goods and human beings along trafficking routes in and around the country.[13]

The Southern African Regional Police Cooperation Organization (SARPCCO),[14] headquartered in Harare, is the primary force in Southern Africa for the prevention of cross-border crime and has since its formation in 1995 firmly established itself as a benchmark for international police cooperation. All SADC Member States are members of SARPCCO. It is supported by the subregional INTERPOL Bureau in Harare, which coordinates its programmes and activities. SARPCCO prioritizes trafficking in human beings, irregular migration and stolen and lost travel documents.

The Ministry of Health provides port health services, the functions of which include the furtherance of the provisions of the International Health Regulations (2005).

The district joint operating committees, the provincial joint operating committees and the Joint Permanent Commission generally maintain security at district, provincial and national levels, respectively.

There are policies focused on attracting nationals who have emigrated. For instance, the Zambia Revenue Authority has implemented a tax concession for persons who are returning to take up residence after being abroad for a period of four years or more (referred to as new residents). The tax relief applies to their personal and household effects, including one motor vehicle per household. The Government of Zambia has also taken steps to attract nationals who have migrated through a 2016 constitutional amendment which allows for dual citizenship. The new provision in the constitution provides for a person who ceased to be a citizen as a result of acquiring the citizenship of another country to apply for restoration of the Zambian citizenship.

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[12] For more details please see: www.parliament.gov.zm/node/7857.
[13] INTERPOL National Central Bureau in Zambia: www.interpol.int/en/Who-we-are/Member-countries/Africa/ZAMBIA.
[14] The Southern African Regional Police Cooperation Organization: www.sadc.int/themes/politics-defence-security/police-sarpcco/.

Zambia's strategy for combating human trafficking is outlined in the Anti-Human Trafficking Act (2008). The Inter-Ministerial Committee and National Secretariat on Human Trafficking, chaired by the Ministry of Home Affairs, are responsible for overseeing all human trafficking-related matters at district, provincial and national levels. Anti-trafficking strategies are further developed in the National Communication Strategy for Mixed Migration and Human Trafficking (2017–2018)[15] and the Communication Strategy on Safe Migration, Asylum Processes and Trafficking (2015), which raise awareness of human trafficking and promote safe migration. The Refugees Act (2017) provides for the establishment of the Office of the Commissioner for Refugees and establishes its functions; provides for the recognition, protection and control of refugees; and as well establishes the rights and responsibilities of refugees. The Office of the Commissioner for Refugees keeps records of all registered asylum seekers and refugees in the country and has a comprehensive database of all such persons in the country at any given time.

The 2014 Guidelines: Protection Assistance for Vulnerable Migrants in Zambia state that detention and treatment during detention should conform to the norms of international human rights laws and that detention should be used as a last resort. Procedures for detention of irregular migrants in Zambia are also addressed in the Guidelines. The Immigration Standard Operating Procedures aim at building the capacity of immigration first-line officials and further detail procedures and alternatives to the detention of irregular migrants.[16]

The National Referral Mechanism for the Protection of Vulnerable Migrants in Zambia provides guidance on the different stages of assistance to vulnerable migrants requiring protection assistance. It promotes coordination of national stakeholders for the provision of effective and comprehensive protection assistance to selected categories of vulnerable migrants in line with national legal frameworks and international best practices.

Zambia has several formal cooperation agreements with neighbouring countries to combat trafficking, including the United Republic of Tanzania and Namibia. Informal agreements include the routine coordination of anti-trafficking efforts with Zimbabwe and South Africa, as well as bilateral cooperation meetings at border posts with Zimbabwean, Mozambican, and Tanzanian authorities with the objective of discussing cross-border initiatives and efforts to combat trafficking.

Zambia has developed a National Action Plan to address mixed and irregular migration, human trafficking and smuggling in line with the SADC Regional Action Plan.

6.2. Areas with potential for further development

The National Secretariat on Human Trafficking shares and discusses information and statistics on trafficking activities during quarterly meetings, while the Inter-Ministerial Committee on human trafficking meets biannually to review progress made in addressing issues of human trafficking in the country and provide policy guidance. Furthermore, annual reports by the Department of Immigration for the years 2014, 2015 and 2016 included statistics on suspected cases of human trafficking and smuggling. These reports are not public but are available upon request.

As referenced above, the Government of Zambia has developed mechanisms, namely national referral mechanisms, to identify, protect and assist migrant victims of human trafficking. There are no specific mechanisms aimed at tracing and identifying missing migrants within the national territory.

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[15] There was no new strategy put in place after the above mentioned one for implementation between 2017 and 2018.

[16] Strategies against detention are further elaborated in the National Action Plan for the UNHCR Global Strategy – Beyond Detention 2014–2019. For example, alternatives to detention are currently provided in the Immigration and Deportation Act 2010 through an asylum-seeker permit issued on gratis or via a report order.

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ANNEX

MiGOF: Migration Governance Framework[17]

In an attempt to define the concept of "well-managed migration policies", the International Organization for Migration (IOM) devised a Migration Governance Framework (MiGOF), which was welcomed by the IOM Council in November 2015. For the purposes of the Migration Governance Framework, IOM defines governance as "the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas".

The Framework sets out the essential elements of "good migration governance" – 3 principles and 3 objectives which, if respected and fulfilled, would ensure that migration is humane, safe and orderly, and that it provides benefits for migrants and societies.[18] IOM's view is that a migration system promotes migration and human mobility that is humane and orderly and benefits migrants and society:

When it:
    (i) Adheres to international standards and fulfils migrants' rights;
    (ii) Formulates policy using evidence and a "whole-of government" approach;
    (iii) Engages with partners to address migration and related issues;

As it seeks to:
    (i) Advance the socioeconomic well-being of migrants and society;
    (ii) Effectively address the mobility dimensions of crises;
    (iii) Ensure that migration takes place in a safe, orderly and dignified manner.

The MiGOF does NOT create new standards or norms. In drafting the Framework, IOM relied on its expertise and analytical work, as well as on existing commitments, non-binding declarations and statements. It does NOT address global migration governance that is the international architecture for dealing with issues related to migration and human mobility. Instead, the focus is on the governance and management of migration from the point of view of the State as the primary actor. It does NOT propose one model for all States. The Framework presents a "high road" or ideal version of migration governance, to which States can aspire.

The MiGOF is based on the understanding that, as the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory and under what conditions, within the framework of international law. Other actors – citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious organizations and academia – contribute to migration governance through their interaction with States and each other.

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[17] IOM Council, Migration Governance Framework, 106th session, C/106/40 (4 November 2015). Available at https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf.
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The MGI process

1

Launch of the MGI process

The first step of the process is to explain what the MGI entails to key government officials, in order to ensure full understanding of the project and complete buy-in.

2

Data collection

The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the 6 dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.

3

Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.

4

Publication of the report in the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the Global Migration Data Portal[19] and uploaded on IOM's Online Bookstore.[20]

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[19] You can find the profiles at: https://migrationdataportal.org/overviews/mgi#0.

[20] Please see: https://publications.iom.int/.

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