



SIHMA

Scalabrini Institute for
Human Mobility in Africa

BORDER TOWNS AND SPACES OF (IN)VISIBILITY

STUDY OF YOUNG PEOPLE ON THE MOVE IN THE BORDER TOWNS OF CHIPATA AND KATETE, ZAMBIA

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EXECUTIVE SUMMARY

This report explores the significance of border towns and spaces for strengthening responses to young people on the move. In particular it explores the linkages of young people to local service centres with the aim of further developing service, protection, and support strategies for migrant children in border areas across the region. The report is based on a small-scale fieldwork study in the border towns of Chipata and Katete in Zambia conducted in July 2023. Border towns and spaces provide a rich source of information about issues related to the informal or irregular movement of young people across borders, including smuggling and trafficking. They can help build a picture of the nature and scope of the type of movement young migrants undertake and also the forms of protection available to them. Border towns and spaces also provide a lens through which we can better understand the vulnerabilities of young people on the move and, critically, the strategies they use to navigate challenges and access support.

The findings in this report highlight some of the key factors shaping the experiences and vulnerabilities of young people on the move – particularly their proximity to border spaces and how this affects the risks that they face. The report describes strategies that young people on the move employ to remain below the radar of visibility to state and non-state actors due to fear of arrest, detention, and deportation while also trying to keep themselves safe and access support in border towns. These strategies of (in)visibility provide a way to protect themselves yet at the same time also heighten some of the risks young people face as their vulnerabilities are not always recognised by those who could offer support.

In this report we show that the realities and challenges of life and migration in this region and in Zambia need to be better understood for support to be strengthened and tuned to meet the specific needs of young people on the move. This includes understanding the role of state and non-state stakeholders, the impact of laws and policies and, critically, the experiences of the young people themselves. We provide recommendations for immediate action, recommendations for programming to support young people on the move in the two towns that would reduce risk for young people in this area, and recommendations for longer term policy advocacy.

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ACRONYMS

ACRWC	African Charter on the Rights and Welfare of the Child
AU	African Union
BIA	Best Interest Assessment
BID	Best Interest Determination
CoM	Children on the Move
CRC	Children’s Rights Charter
CSO	Civil Society Organization
CYCC	Children and Youth Care Centres
DBE	Department of Basic Education
DHA	Department of Home Affairs
DSD	Department of Social Development
DRC	Democratic Republic of Congo
DSW	Department of Social Welfare
FGD	Focus Group Discussion
FTR	Family Tracing and Reunification
IDP	Internally Displaced Person
IOM	International Organisation for Migration
ISS	International Social Services
KI(s)	Key Informant(s)
MIDSA	Migration Dialogue for Southern Africa
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
NTT	National Task Force
SADC	Southern Africa Development Community
SOPs	Standard Operating Procedures
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
USMC	Unaccompanied and Separated Migrant Children

GLOSSARY: TERMINOLOGY AND DEFINITIONS OF KEY CONCEPTS

Adult: An adult is an individual who is over the age of 18 years.

Child: A child is defined in international law (the Convention on the Rights of the Child) as anyone under the age of 18 years.¹

Children on the move: Children on the Move are defined as ‘Children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement, while it may open up opportunities, might also place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence.’² A distinction should also be made between the various children on the move, based on the reasons motivating such movement. The four categories include: Internally displaced persons; asylum seekers and refugees; migrants (i.e., for economic reasons or due to climate change, both internally and across borders); and trafficked persons. In this report we have used the term ‘youth on the move’ as most of the young migrants living in the border area are over the age of 14 though there was reference to migrants as young as 10.

Unaccompanied migrant children (UMC): An unaccompanied migrant child is a child who ‘has either crossed a border alone or has subsequently found him or herself living in a foreign country without an adult care-giver (not being cared for by an adult who by law, or custom, has a responsibility to do so)’³

Separated children: UNCRC’s Committee on the Rights of the child’s General Comment Nr 6 (2005) defines this group of children as children who have been separated from both parents or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may therefore include children accompanied by other adult family members.⁴

Migrant/refugee children: A refugee child is a child that has a refugee claim due to having left their country of origin to escape war, conflict or persecution and therefore may be eligible for refugee status and may qualify for protection. In addition, the principle of family unity is recognised in the UN Refugee Convention and in many domestic refugee laws. As such, a refugee child can also be a child of a parent or guardian who has a refugee claim. If a child has left for other reasons, for example to attend school or to find work they are seen as a migrant and not necessarily eligible for protection under the Refugees Act.

Trafficked children: The Palermo Protocol defines trafficking in children as the recruitment, transportation, transfer, harbouring, or receipt of a child for the purpose of exploitation, even if this does not involve any fraudulent means such as violence, deception, or coercion.⁵ A child is defined as any person under 18 years of age.

Smuggled children: Child smuggling is defined as ‘the illegal transportation of children for profit’ as set out in the Protocol against the Smuggling of Migrants by Land, Sea, and Air (Migrant Smuggling Protocol), supplementing the United Nations Convention against Transnational Organised Crime.⁶

¹ UNHCR, 1990 “The United Nations Convention on the Rights of the Child.”

² UNICEF et al., 2019 “Guidance to Respect Children’s rights in Return Policies and Practices. Focus on the EU Legal Framework.”

³ Hillier, 2007 “Children on the Move.”

⁴ General Comment Number 6 (2005) Treatment of unaccompanied and separated children outside their country of origin. Par 8:

⁵ OHCHR, 2000 “Protocol to Prevent, Suppress and Punish Trafficking in Persons.”

⁶ UN, 2000 “Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organised Crime.”

1. INTRODUCTION

Southern Africa is a highly mobile region with significant historical and contemporary migration within countries and across borders.⁷ Research shows that, like adults, children migrate for many different reasons and that mobility is seen as the key to access opportunities, livelihoods, education, and security.⁸ However, increasingly restrictive migration laws and the securitisation of borders across the region has created greater risk for young people on the move who choose to remain invisible to avoid coming into conflict with the law.⁹ Attempts to stay hidden from border officials and other figures of authority pushes young people to avoid historically familiar (and safer) routes and border-crossing strategies. To remain invisible young people, use unknown routes of travel, risky ways of crossing borders and, unsafe strategies to remain hidden after arrival. Though these strategies show considerable agency they also increase young people's vulnerability to violence and exploitation.¹⁰

A growing body of research suggests that there is increasing awareness of the irregular movement of children across borders and improved support through engagement and cross-border mechanisms established by state and non-state actors.¹¹ There has been a particular focus on children who are vulnerable to human trafficking and the development of policies and practices to increase awareness and improve responses. However, at the same time there remains a lack of information regarding the challenges and complexities of irregular movement (some of which is connected to trafficking and some which is not trafficking) and the support available to or strategies employed by young people to navigate these challenges.¹²

Furthermore, despite interventions to secure borders and prevent movement it is evident that children will keep on moving and needing support to avoid risks, including trafficking.¹³ There is a need, therefore, for a more in-depth understanding of the support and protection needs of young people on the move, particularly those who either pass through or remain for some time in border towns and other border spaces as they move. Young people living in or moving through border towns and border areas are some of the most vulnerable young people on the move because of the danger inherent in crossing borders, the chaotic activity of a border town, and their proximity to officials whose mandate is to return them to their countries of origin. Research in border towns and spaces can provide rich information about issues related to the informal movement of young people across borders, including smuggling and trafficking.

Research on young people on the move has focused on urban areas in Southern Africa,¹⁴ but there is limited work on border towns and border spaces in the region. This is partly because

⁷ Blaser Mapitsa and Landau, 2019 "Measuring Municipal Capacity to Respond to Mobility"; Amit, 2015 "From Protection to Exclusion: Asylum Seekers and Immigration Detention in Democratic South Africa."

⁸ Save the Children, 2017 "Study on Unaccompanied Migrant Children in Mozambique, South Africa, Zambia and Zimbabwe"; Save the Children, 2022 "Documenting the Impact of Cross-Border Case Management for Children on the Move in Southern Africa,"

⁹ Walker and Clacherty, 2023 "Hair Salons as 'Private-Public Spaces': Exploring the Experiences of Young Migrant Women in an Urban Township in South Africa"; Save the Children, 2022 "Documenting the Impact of Cross-Border Case Management for Children on the Move in Southern Africa,"

¹⁰ Denov and Bryan, 2012 "Tactical Manoeuvring and Calculated Risks"; O'Higgins, 2012 "Vulnerability and Agency."

¹¹ Save the Children, 2022 "Documenting the Impact of Cross-Border Case Management for Children on the Move in Southern Africa"; Misago and Landau, 2018 "Free and Safe Movement in Southern Africa Research to Promote People's Safe and Unencumbered Movement across International Borders."

¹² Crepeau, 2013 "The Rights of All Children in the Context of International Migration."

¹³ Denov and Bryan, 2012 "Tactical Manoeuvring and Calculated Risks"; O'Higgins, 2012 "Vulnerability and Agency."

¹⁴ Tschudin, 2014 "Literature Review"; Walker and Clacherty, "Hair Salons as 'Private-Public Spaces': Exploring the Experiences of Young Migrant Women in an Urban Township in South Africa."

many assume that migrants use border towns as a temporary stop or transit space on their way to bigger urban areas where economic activity would provide access to employment. The limited research that has been done with young people in border areas¹⁵ suggests that many young people stay in these towns and spaces, sometimes because they do not have the means to move on, but often because the economic activity characteristic of border areas provides informal work and the ‘coming and going’ that characterises such towns makes it easier for these young people to remain invisible.

This report seeks to redress this gap in information and understanding about the experiences of young people in border towns in Southern Africa with the aim of supporting and strengthening service provision for young migrants. In particular it seeks to explore the linkages of young people to local service centres with the aim of further developing service, protection, and support strategies for migrant children in border areas across the region.

The research consisted of a small-scale fieldwork study in the border towns of Chipata and Katete, Zambia conducted in July 2023. The study is located within a larger SIHMA project to understand the lived reality of young people living in border towns in Southern Africa. It is our hope that the preliminary findings and insights from this small study can contribute to the broader discourse on irregular movement of children across borders and be used as an impetus for more in-depth and widespread research that will strengthen responses to the realities of young people living in border areas.

¹⁵ Mahati, 2012 “Children Learning Life Skills through Work: Evidence from the Lives of Unaccompanied Migrant Children in a South African Border Town”; Walker, Mahati, and Magaya, 2020 “Child Trafficking in South Africa: Exploring the Myths and Realities”; Save the Children, 2017 “Strengthening Child Protection Systems for Unaccompanied Migrant Children in Mozambique.”

2. METHODOLOGY

Based on previous research and preliminary findings about the significance of these two border towns, we decided to use a methodology that could help us uncover some of the complexities of the lived experiences of young people on the move in Chipata and Katete. We chose a research method based primarily on a 'light' or 'rapid' ethnographic approach.¹⁶ Overall, three key methods were used:

1. Desktop review of relevant literature pertaining to children on the move in Southern Africa and specifically Zambia. This also included a mapping of the legal and policy landscape in Zambia in relation to migration and children's rights.
2. Semi-structured key informant interviews (KIIs) and participatory focus group discussions (FGDs) with staff at service centres and officials working with or in contact with migrant youth.
3. Participatory FGDs with young people on the move.

2.1 DESK AND POLICY REVIEW

A review of the literature and policy was conducted to identify key trends and issues impacting child migrants in Southern Africa with a specific focus on Zambia. It soon became clear that children and youth in border towns generally and the border area we were interested in were largely invisible in the literature. Given the limited literature available the review focused on the context of children crossing borders in Zambia more widely. Overall, 20 academic articles and grey literature documents were reviewed and of these only two made specific reference to child migrants in the two towns that are major transit points for children moving through Zambia and their surroundings. The review identified the key actors involved in engaging with child migrants as well as some of the key issues faced by child migrants such as detention and deportation, child labour, and access to services. A policy review is included as part of the review. Aspects of the review are integrated into the body of this report to contextualise our empirical findings and support the analysis and recommendations. The full literature and policy review is included in Appendix A.

2.2 INTERVIEWS WITH STAKEHOLDERS

The table below outlines the number of interviews conducted and the stakeholder roles.

Location	NGO Staff	Community volunteers	Government officials
Chipata	3	3	0 ¹⁷ (see below for explanation)
Katete	1	4	5

Initial contact was made with two NGOs that are funded by an INGO global programme for children on the move. In Chipata staff and volunteers from a service and awareness-raising or-

¹⁶ Wessells, 2015 "Bottom-up approaches to strengthening child protection systems: Placing children, families, and communities at the center."

¹⁷ As explained in the paragraph below, it was difficult to get access to government officials but in Katete we worked with them as part of their work and facilitated access

organisation were interviewed. Access to officials was difficult in Chipata as the NGO we worked with had little contact with them. In Katete, however, the NGO we worked through managed an intersectoral network of officials who came into contact with children and youth on the move so worked regularly with all relevant officials. This made it easy to facilitate access, hence the number of government officials listed in the table above for Katete. The network gave us almost unique contact with officials that are often difficult to interview, for example the head of correctional services in the area, who facilitated a prison visit to interview two young men aged 22 and 18¹⁸ in custody. To protect identities all quotes are anonymous.

2.3 PARTICIPATORY FGDS WITH YOUTH ON THE MOVE

2.3.1 PARTICIPANTS

The table below outlines the details about the youth participants.

Location	Number	Gender	Ages	Proximal ¹⁹	Distal ²⁰
Chipata	16	7 F 9 M	14-17	7 F 9 M	2
Katete	10	2 F 8 M	15-18 (inc. a 22-year-old)	3	7

19 of the young people were from Malawi, 6 from Mozambique and one from Uganda. The small number of distal migrants we were able to engage with is a limitation of this research. There were two reasons for this issue: the fact that the young people were largely ‘invisible’ (see 4.1.2) and because we were careful not to expose them as ‘different’ by engaging them in public (see 2.3.3). With more time we may have found a space where they congregated and felt safe to talk as we have done in previous work.²¹ Additionally, the NGOs we worked through in the two towns, did not engage with young people on the move directly. Despite of the fact that the NGOs had ‘children on the move’ programmes – young people on the move largely remained ‘invisible’ to them too (4.5.4). This reinforces a key recommendation of this study that there is a need for a researcher who can spend an extended period of time understanding the spatial dynamics of invisibility, finding out where young people would feel safe to meet and talk and the time to build relationships and develop trust.

2.3.2 RESEARCH ACTIVITIES

We chose to use maps as the main form of participatory activity. This was because we were interested in the country of origin of the young people, how they had crossed the border and where and how they now lived in the two towns. Maps seemed to provide the best means of

¹⁸ Though older than the focus population of the research they could give information of their lives before they turned 18 and those, they had come into contact with who were under 18. Their knowledge of young people who were kept in detention because of the lack of a place of safety or safe house (described later in the report) was invaluable.

¹⁹ Term is described in 4.2.1.

²⁰ Term is described in 4.2.2.

²¹ Walker and Clacherty, 2023 “Hair Salons as ‘Private-Public Spaces’ Exploring the Experiences of Young Migrant Women in an Urban Township in South Africa”;

gathering this information. Drawing from previous work²² we were aware that movement across borders, places of work and living are chosen strategically by young people and therefore, as we go on to discuss later in this report, the choice of spaces in moving and surviving can be seen as one of the main structuring factors behind the lived experiences of young people on the move. In the focus groups with young people, we worked with small ‘books’ that could be used in group discussions as well as individually, talking in the market or on the street. The book had space for the young people to draw maps of their journeys, the places they went in the town, the people they met etc. We also used mapping with the one group of NGO workers and another group of officials. They drew maps of where young people on the move could be found in their town. With the young people we worked in a mix of English, local and home languages using an interpreter. The interviews and discussions were recorded, transcribed and then analysed using Nvivo to code the data, working on developing themes as this process took place.



Figure 1. A map of the ‘places I go to’ drawn in a small book

²² Save the Children, 2020 “Girls on the Move Research Series,”; Walker and Clacherty, 2023 “Hair Salons as ‘Private-Public Spaces’: Exploring the Experiences of Young Migrant Women in an Urban Township in South Africa”; Clacherty, 2015 “The Suitcase Project: Working with Unaccompanied Child Refugees in New Ways.”

2.3.3 ETHICS

The study protocol was submitted to the University of the Witwatersrand Human Research Ethics Committee and approved (Protocol number: H22/07/02). It was then submitted to the ERES-Converge Ethics which is an internationally certified agency in Zambia. The study was approved (2023-May-030).

The researchers also applied the widely accepted principles outlined in the UNICEF review on ethical research with children and all have completed courses in ethical research with children²³. We were particularly sensitive to the need to protect young people on the move who worked to stay ‘below the radar’ because of the risk of being identified as undocumented migrants by immigration officials. Often the local researcher/interpreter recognised young people on the move but chose not to approach them in a public space for this reason. If we did ask to talk to them, we chose to hold short discussions in public spaces such as markets and streets and only once we had ascertained their willingness and consent to engage.

3. BACKGROUND AND CONTEXT

3.1 ZAMBIA AS A TRANSIT AND DESTINATION COUNTRY

Zambia is a land land-locked country which borders Mozambique, Malawi, Zimbabwe, Democratic Republic of Congo, Angola, Tanzania, Namibia and Botswana. With all these international borders, Zambia has become a common transit, and destination country for migration. Regular and irregular migration across borders into Zambia for trade and employment purposes is frequent. There is limited data available on child migrants in Zambia. According to a report by the IOM (2019)²⁴, no routine data is collected on unaccompanied and separated migrant children in Zambia. Despite this it is evident that a significant number of children cross into Zambia. Many young people transit through from countries in the north and east on their way to South Africa such as young men from Ethiopia and Somalia making their way to South Africa. Other young people, most often from Malawi and Mozambique choose to migrate to Zambia itself for work and a few for education. Many are attracted by work on farms as it is easy to avoid detection if working on large farms. The informal economy built around trading and markets is also stronger economically than in Mozambique, Zimbabwe and Malawi. Young people often use border towns as a stopping off point to make enough money to find work in the Zambian capital, Lusaka. Some remain in ‘limbo’ in the border towns – with ambitions to move but faced with challenges that may prevent them from doing. Though many are aiming for Lusaka they know that living in large cities such as Lusaka is more difficult young migrants as they are not so easily able to avoid immigration officials so many choose to live in smaller towns. Border towns with their ‘coming and going’ and often chaotic environment are, therefore, seen as ‘safer’ spaces where it is easy to remain invisible. In spite of their presence in border spaces, as discussed in the introduction the nature of the lives of young people in border spaces is largely unknown.

This study focuses on two border towns in the Eastern Province of Zambia, Chipata and Katete because their nature as a hub for migration into Zambia make them a particularly useful space for understanding the protection needs and survival strategies of young people living on borders.

²³ CP MERG, 2012 “Ethical principles, dilemmas and risks in collecting data on violence against children.”

²⁴ IOM, 2019 “Migration Governance Overview - The Republic of Zambia.”

3.2 ZAMBIA'S MIGRATION AND CHILD PROTECTION LEGISLATIVE APPROACH

Generally, Zambia has a robust legislative framework in terms of general child protection, but not in migration, there is also no overlap between the two frameworks. The child protection legislation includes provision for children on the move but migration policies have very little focus on young people on the move.

In terms of child protection, the recently enacted Children's Code Act (2022)²⁵ significantly addresses the needs of children on the move. It affirms a child's right to a name and an identity (no matter their country of origin). It also creates an obligation on the state to offer assistance to children who have been denied this right including through the children's court. The act also requires the provision of "places of safety"²⁶ and a policy of non-detention of children under 18. Despite the framework of comprehensive legislation providing for the protection of children's rights and protection, overall, like many other countries in the region there is a lack of comprehensive legislation that meets the needs of children on the move. The Immigration and Deportation Act, 2010 for example, makes no provision for migrant children and where there is child-related legislation it focuses primarily on children who migrate as victims of trafficking. Although The Guidelines on Protection Assistance for Vulnerable Migrants²⁷ makes a distinction between victims of trafficking and other categories of children on the move in its definition of 'migrants of concern', which includes rejected asylum seekers, victims of trafficking (including 'presumed' trafficked persons and 'potential' trafficked persons), unaccompanied and separated children, stranded irregular migrants, stateless migrants, and other vulnerable migrants in need of protection assistance overall. The broader spectrum of irregular migration experiences are not catered for. More detail about protective legislation and policy is provided in the Literature Review (Appendix A).

Our discussions with stakeholders also revealed that the application of laws and policies on the ground is also limited. The provisions in the Children's Code Act for example is limited by the lack of resources to improve infrastructure and trained staff such as social workers. An example of this is that Katete town has no "place of safety" and in spite of repeated requests to government by MGOs and government officials there has been no funding set aside for this urgent requirement. This issue is discussed in more detail later in the report.

When looking at work by young people on the move labour legislation is important. Zambia has ratified both the ILO Convention (clause 138) on Minimum Age of Employment and Elimination of the Worst Forms of Child Labour (clause 182)²⁸. Nationally, the Employment Code Act No. 3 of 2019, Part V has created a strong legislative framework for stopping hazardous working conditions for children and "prohibited the employment of young persons in undertakings associated with child labour"²⁹ This legislation is silent on young people on the move, however. District child labour officers are in place to enforce the legislation but their presence is patchy and their job description does not refer to monitoring the particular vulnerability of young people on the move to exploitative labour.

²⁵ The Government of Zambia, 2022 "The Children's Code Act, 12 of 2022."

²⁶ Zambia's Children Code Act of 2022 defines a "place of safety" as a child care facility, a house or other suitable place, the occupier of which is willing to accept the temporary care of a child.

²⁷ Government of Zambia, 2014 "National Referral Mechanism (NRM) for the Protection of Vulnerable Migrants in Zambia."

²⁸ Government of Zambia, 2020 "The National Action Plan for the Elimination of Worst Forms of Child Labour 2020 - 2025."

²⁹ The Government of the Republic of Zambia, 2019 "The Employment Code Act No. 3 of 2019."

3.3 ENGAGEMENT WITH CROSS-BORDER COORDINATION AND MECHANISMS

In terms of the coordination of the protection of children on the move with other countries in the SADC region, Zambia is engaged in a number of cross-border agreements.³⁰ These are part of a larger regional approach to strengthen coordination and communication between stakeholders and ensure consistent access to care, protection, and services for children on the move. Zambia has developed bilateral agreements with Zimbabwe and with Mozambique and a tripartite agreement with Zimbabwe and Mozambique. It also has Standard Operating procedures (SOPs) in place with South Africa and Mozambique. The SOPs outline clear guidelines for family tracing, family assessment, best interest determination (including child participation), alternative care placement, follow-up, and case closure.³¹

Cross-border mechanisms have also led to increased communication and meetings between various stakeholders to address specific communication and exchange needs. In Zambia this has been seen in terms of a border-post reference group through which immigration, police, local CSOs and social workers meet regularly to discuss issues relevant to the specific border where frontline officials are working.

3.4. TWO BORDER TOWNS: CHIPATA AND KATETE

The map on the next page shows the position of the two towns as a central focus for a number of Southern African countries as well as their proximity to border posts.

³⁰ Bertrand and Castrataro, 2019 “Cross-Border Protection of Children on the Move in East and Southern Africa.”

³¹ Save the Children, 2022 “Documenting the Impact of Cross-Border Case Management for Children on the Move in Southern Africa,” “Documenting the Impact of Cross-Border Case Management for Children on the Move in Southern Africa.”

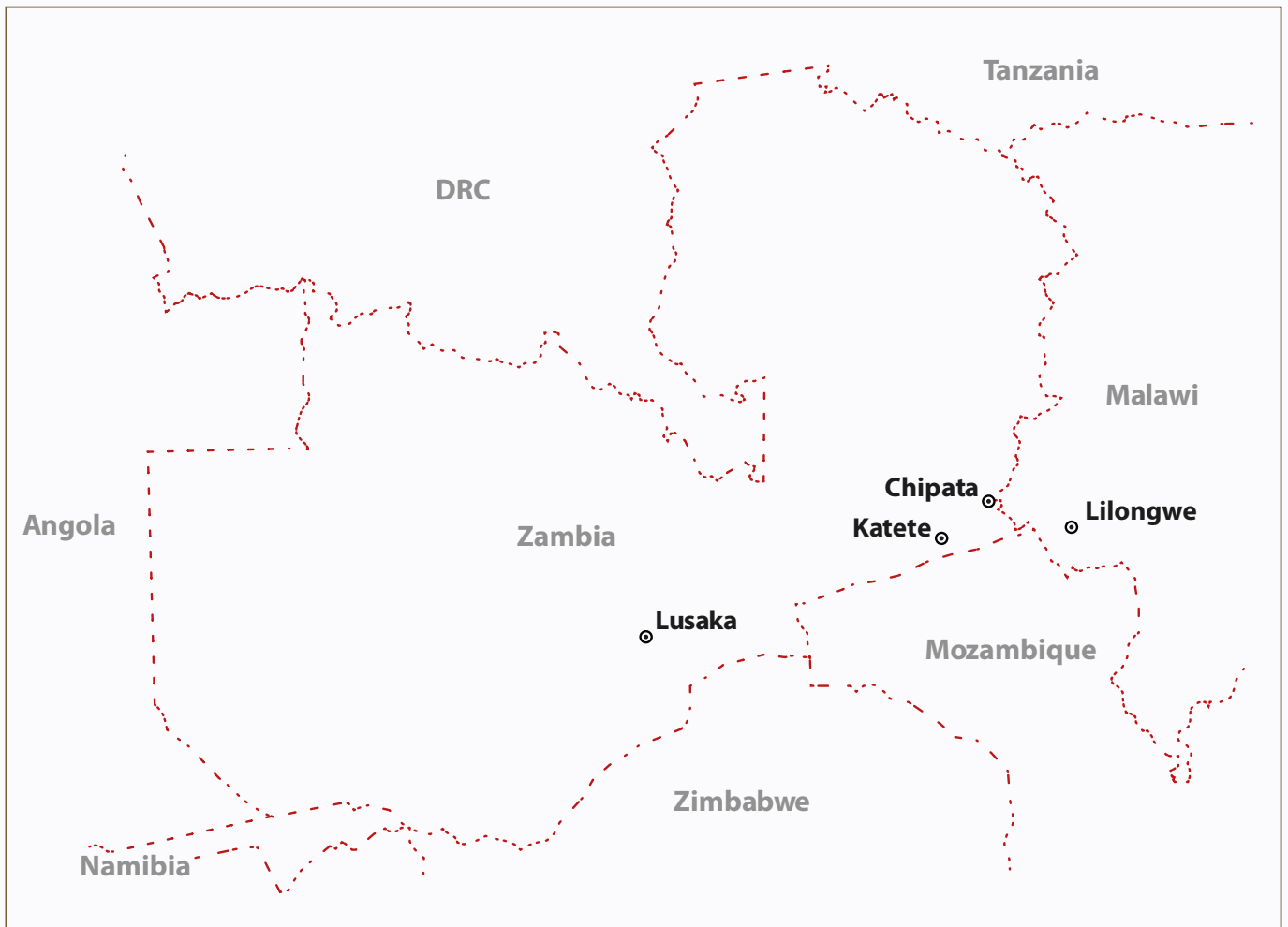


Figure 2: Map of Zambia

The city of Chipata is the administrative and business centre of the Eastern Province of Zambia and Chipata District with a population of approximately 300,000 (2022 census). It is situated 570 km east of Lusaka, the capital city of Zambia and 140km west of Lilongwe the capital of Malawi. There is a one-stop border post between Zambia and Malawi called the Mwami/Mchinji border post. This border post is 24 km from Chipata, making Chipata the closest town to the border in Zambia and because it is a business hub, an attraction for children and youth on the move. Many young people live in the town of Mchinji in Malawi (12 km from the actual border post) and travel into school across the border into Zambia every day.

Katete is a smaller town of 200,000 south of Chipata and on the border between Zambia and Mozambique with the border posts of Chanida/Chimefusa 55 km from the town. Though Katete is a smaller town than Chipata it is a popular stop for international truckers and also a business hub where youth on the move can access informal work.

4. FINDINGS

The findings are presented below within the themes that emerged from the data. Quotes from young people or stakeholders are used to illustrate or substantiate the findings. The person speaking is identified with an anonymous label after each quote. Young people are identified by their country of origin.

Given the importance of ‘space’ as an emergent theme (see below) the report uses a number of maps to contextualise the findings.

4.1 OVERARCHING THEMES AND SUB-THEMES

There are two interlinked and overarching themes that emerged from the stories we were told by young people on the move and the stakeholders that work with them. These were ‘space’ and ‘invisibility’. They are described in some detail below but also integrated into the findings throughout the report.

4.1.1 SPACE

First, the stories that the young people and other stakeholders told us were highly spatialised. Where young people live relative to the border significantly changes their experience of being on the move. The young people we spoke to explain, understand, and respond to their lived experiences in terms of space: safe spaces, unsafe spaces, spaces to inhabit, spaces to avoid, spaces to generate income, spaces to seek protection, and spaces to hide from risks. Their ability to negotiate the spaces they occupied shows the sophisticated strategies employed by young people on the move. Similarly, officials and NGO service staff (stakeholders) framed their discussions in relation to different ‘border regions’ and the ways these spaces influenced the experience of young people.

In addition, our data collection approach made use of a number of participatory mapping exercises. As a result, data is located in space (no doubt this choice of methodology shaped the data we were able to gather). We wanted to foreground this presentation of the experiences of young people on the move by presenting our findings and discussions in the same modality as the young people themselves presented them to us. Therefore, we have structured this report around a series of maps (both participant-generated and formal) that represent the towns of Chipata, Katete, and the areas that surround them.

4.1.2 INVISIBILITY

Second, a key element that structures how young people on the move make use of space is whether or not they feel comfortable being visible as foreigners – to local Zambians, to government officials, or to the staff of NGOs or other service providers. Invisibility, as we go on to show, is one of the main strategies for survival and protection used by young people on the move. This invisibility in terms of remaining under the radar and not being noticed by authorities, particularly police and immigration officials, is critical to their survival and yet simultaneously renders them more vulnerable and exposed to increased risks such as exploitation and violence.

In section 4.4.1 we show how invisibility is a key strategy for protection in accessing employment, forming relationships and living arrangements, and avoiding risks of arrest and deportation. However, these invisibility strategies also work against young people on the move

in terms of limiting their access to support services. The overarching theme of (in)visibility therefore not only frames our key findings but also directs us to the recommended actions to address the gaps and challenges young people face in accessing services.

Within the two overarching themes we identified six sub-themes which describe the challenges, opportunities and strategies of young people on the move in the border towns of Chipata and Katete. The findings section that follows is structured around the following sub-themes:

- Two border worlds
- Migration flows: navigating migration opportunities and vulnerabilities
- Employment
- Protection strategies
- Limitation of legislation and the state
- Service Provision and Rights

4.2 TWO BORDER WORLDS

This sub-theme highlights how important it is to do local research before any programme implementation in a specific border area. Borders and border towns are complex environments with little homogeneity in young people's reasons for being there and how young people use their agency to navigate the particular space and context they arrive in. An example of this is our growing understanding as we conducted the research that in both towns there are two distinct groups of young people on the move with very different lived experience.

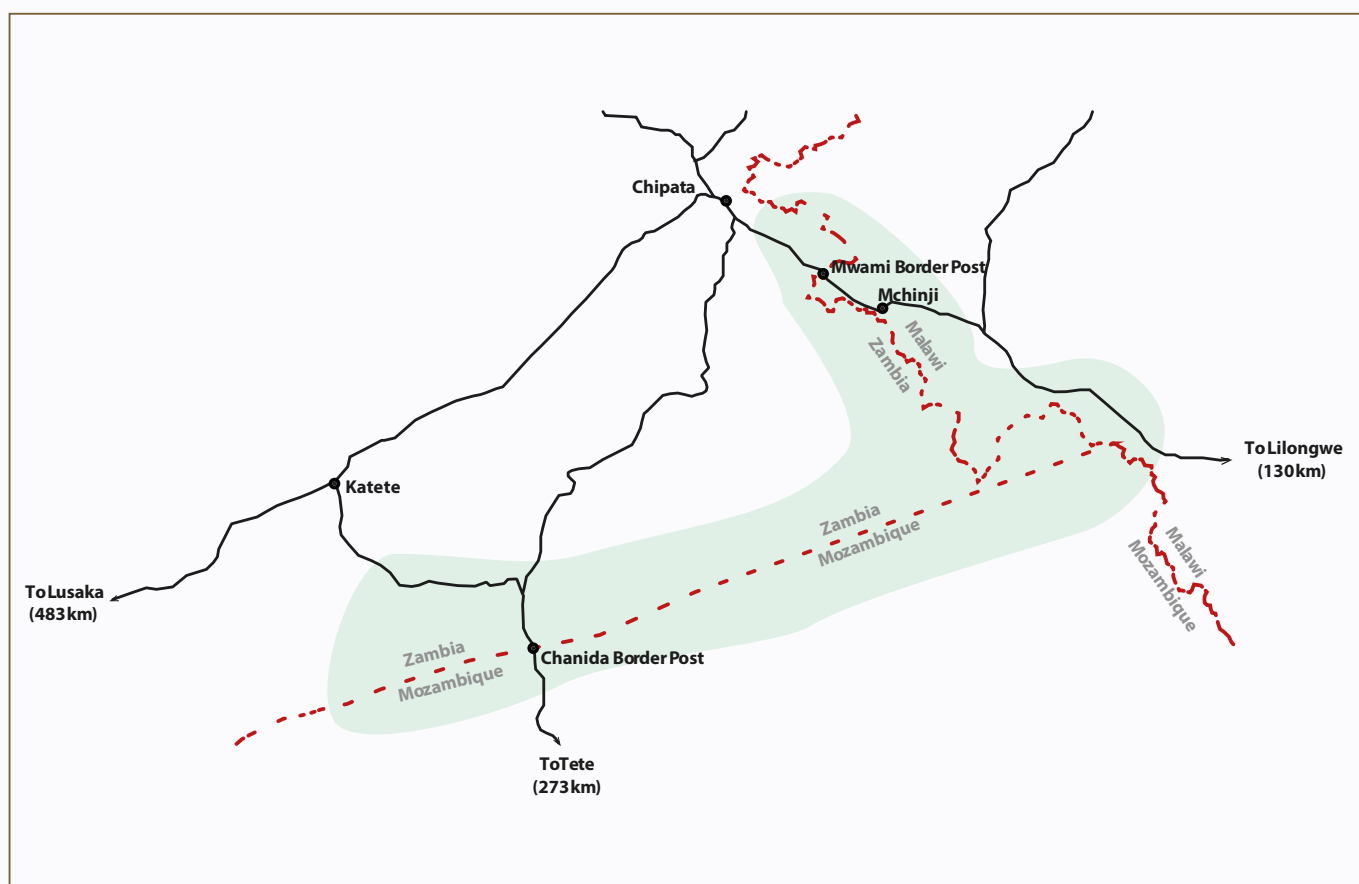


Figure 3: Two border worlds. Green shows where proximal migrants live. Routes show origins of distal migrants.

4.2.1 PROXIMAL MIGRANTS

One group mostly live near or in Mchinji town in Malawi which is 12km from the Mwami/Mchinji border. We have called these young people ‘proximal’ migrants as they live close to the border and cross it almost every day into Chipata town and the surrounding areas. We met with this group of young people at a school, set up to cater for children crossing the border, half way between Chipata and the border post in Zambia.

In the research groups these young people began by discussing their history of movement. Their maps of ‘journeys I have made’ made it clear that before coming to Mchinji most had moved many times with their families, back and forth between Zambia and Malawi and within both countries in search of employment opportunities. In this way migration is a characteristic and common experience in their lives. This is shown in the following quote:

I was born in Zambia and then went to Malawi after I was born. I went to stay in Lilongwe, then at Kasungu (in Malawi) then we came to Mchinji. (YPoM, Malawi)

The young people also described the reasons why their families had finally settled in Mchinji including for business, education and more space for houses.

The houses in Malawi are cheaper (than in Zambia). There is also space around Mchinji for farming. Where we were in Livingstone and Lusaka there was no business. My parents (moved) and provided everything (for me) to get education in Zambia. (YPoM, Malawi)

The young people and their families saw the access to what they referred to as “better education” in Zambia as another reason for living close to the border. Most lived with one or both parents in Mchinji. All of them had support from their families to attend the school and seemed to have their basic needs met. They did, though, describe other children and young people in Mchinji and its surrounds who did not attend school. It was clear that these children and young people were vulnerable. They did not attend school because their parents did not have money, they worked for their parents in the fields and in their small businesses. The young people in the school also noted that some of the young women who can’t afford to go to school or whose families struggle to meet their needs “just choose to get married”. This was a finding also supported by interviews with service providers who commented that early marriage is often a survival strategy for families living on the margins.

The children who attended the school all moved across the border frequently. When they used the border crossing to get to school, they had no problems with immigration officials, “we just cross the border as pedestrians and no one stops us”. They explained that border officials knew they were going to school “because of our uniforms”. The young people did describe that if they were taking goods across the border to sell for their parents, rather than going to school, it was less easy to cross as the immigration officials stopped them and asked for a ‘border pass’³². For this reason, if they were crossing to sell, they chose to use an informal crossing point over a small river near the family fields instead of crossing at the border. Therefore, even these proximal migrants had strategies that allowed them to stay invisible.

(It is easy to cross the border to school) but for going for business they want a border pass. We cross here, (she refers to the river on her map). (YPoM, Malawi)

³² A ‘border pass’ is valid for three days and designed to allow people to do business on either side of the border.

One of the stakeholders described the border as “*just a road*” that cuts through communities whose lives are already intertwined, for example, aunts or grandparents often lived in Zambia. Another stakeholder described the strong intersections of language and culture which facilitated movement across the border.

Also, cultural practices play a major role in the movement of people in the border area. For instance, in the Eastern Province where there has been a lot of migration, we have two major tribes ... and during the annual traditional ceremony, a lot of Ngonis from Malawi, from Mozambique, they come to Zambia because their biggest chief is in Zambia. (NGO worker, Chipata)

As the quote below illustrates immigration officials do not get involved because of the normality of this movement.

A person can walk. I mean, there is nothing that stops people from walking ... you cross the border several times, so you see people walk from Malawi, people from Zambia, so it's very porous ... the border is just a road. So, people from Malawi, they just cross into Zambia and they are not actually detained. So, they migrate here. When people are moving it is very easy because they have already interacted with others and they have established the travel routes. And no one issues a passport, they just cross without any border checking. (NGO worker, Chipata)

The young people also described going to health clinics in both Malawi and Zambia,

Researcher: Is one clinic easier than another?

Young person: Malawi because it is close to where we live.

Researcher: Could you come to the Zambian clinic, is it possible?

Young person: Yes!! At the Zambian clinic we are given service, we are taken as one. (YPoM, Malawi)

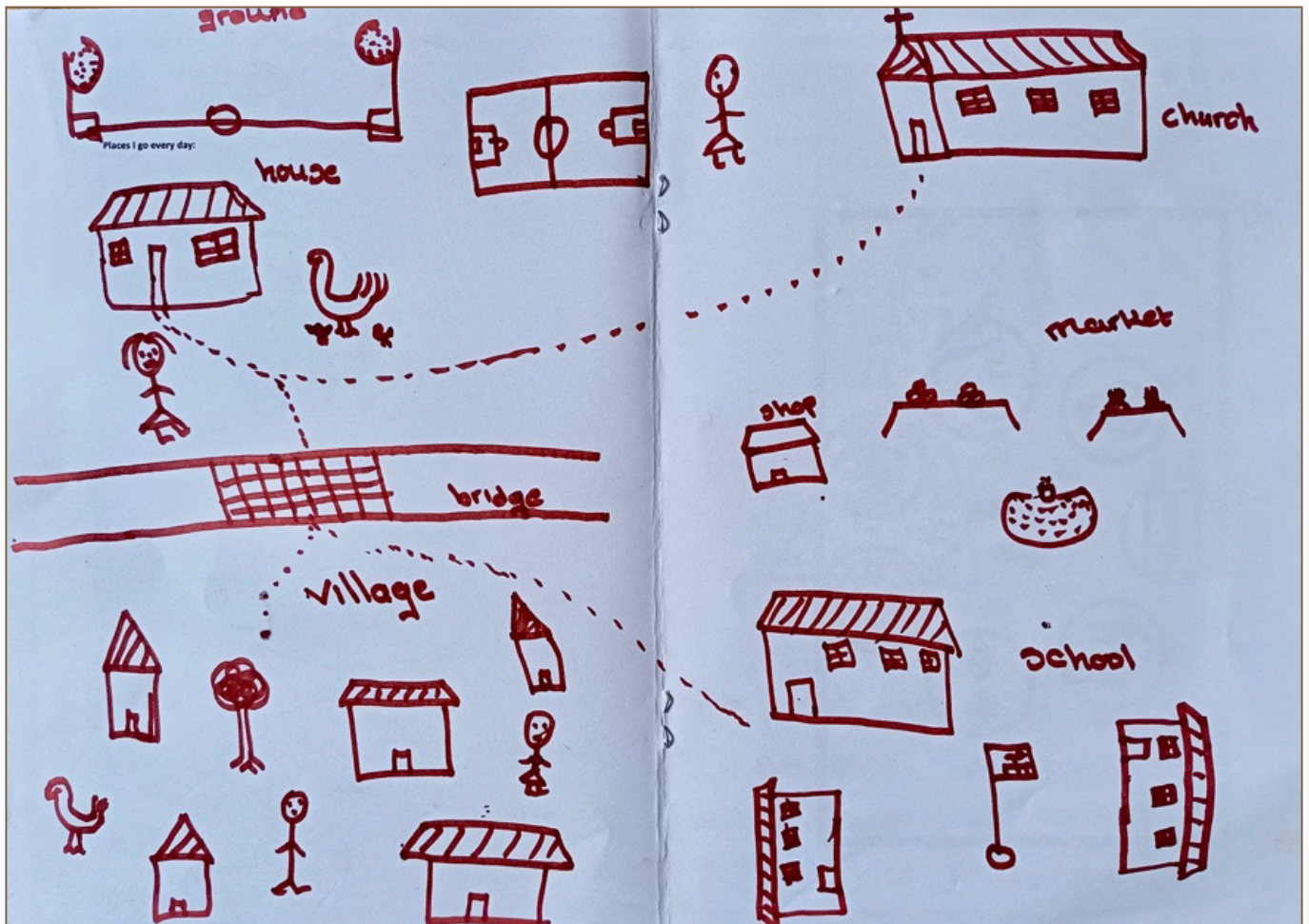


Figure 4: A map showing how the young person’s life takes place on both sides of the border. The border is shown as a bridge.

4.2.2 DISTAL MIGRANTS

The other group of young people on the move are much poorer and much more vulnerable. They are found both in Chipata and Katete towns and in the immediate surrounding areas. We have called these young people distal migrants as they have journeyed to the two towns from further away places such as inland Malawi, Mozambique and Zimbabwe and sometimes even further away such as from DRC. These young people enjoy none of the freedom of proximal migrants who cross at the formal border easily. Though they do take advantage of the “porous border” as a way to cross into Zambia (see 4.3.2 below).

Though crossing the border may be easy these distal migrants came into conflict with the law once they were in Zambia because of their migration status. In response to this they employ sophisticated strategies to negotiate the different spaces in the towns, keeping themselves invisible as they do this (4.5). This strategising shows a strong sense of agency. As one NGO worker noted,

They need to be strong – those who are heading to Katete – because living in Katete is not an easy thing. There are a lot of obstacles and things they will go through. (NGO worker, Katete)

The findings section below describes many of these challenges and the reason for young people on the move needing to be “strong” but it also shows how they use their “wits³³ to survive”.

³³ Meaning ‘keen intelligence and inventiveness’

4.3 MIGRATION FLOWS NAVIGATING MIGRATION OPPORTUNITIES AND VULNERABILITIES

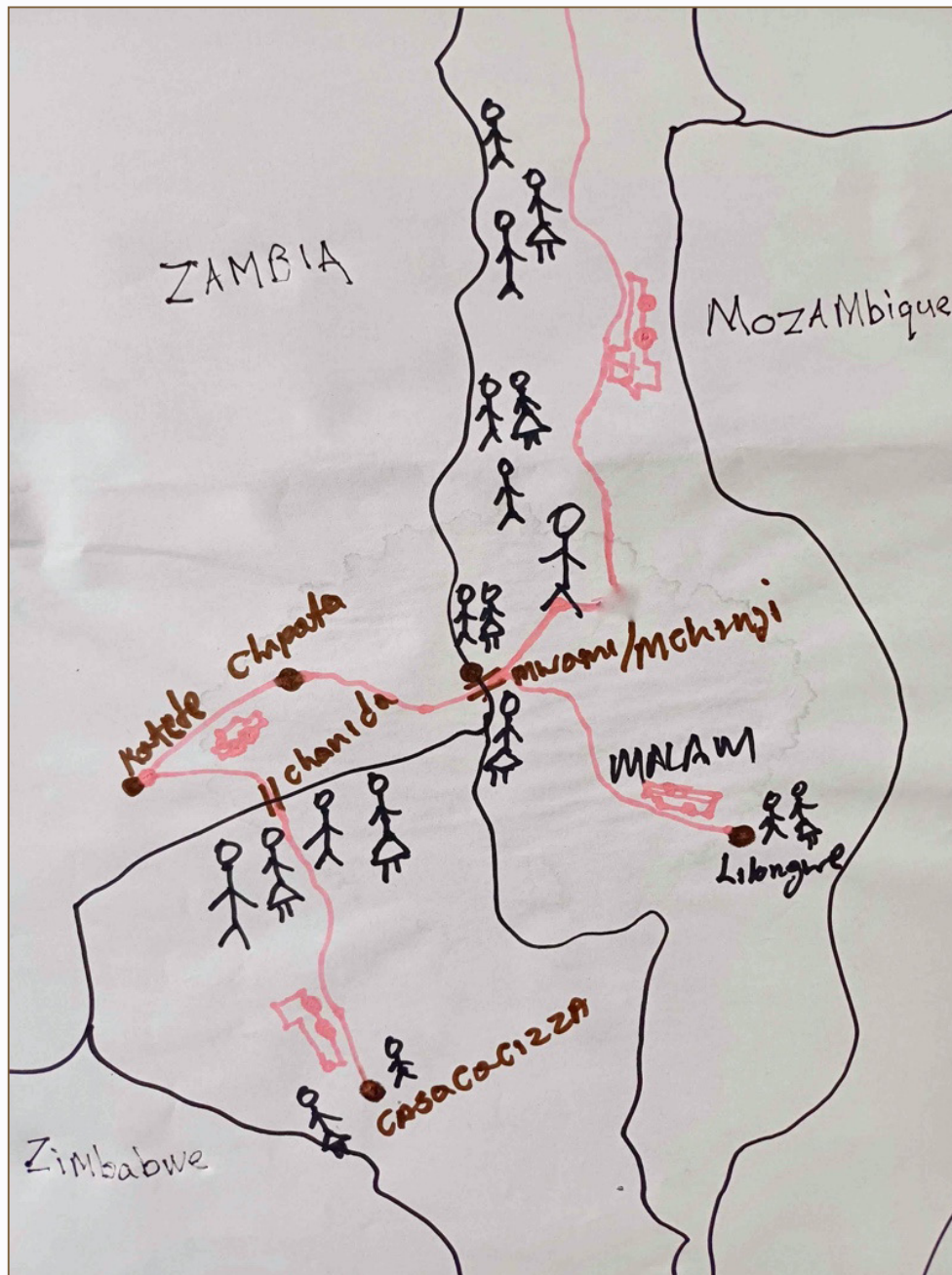


Figure 5: Map shows where distal migrants come from

The map above, drawn by one of the NGO workers in Chipata, shows the country of origin of young people on the move (those we call 'distal migrants' above). Looking at Malawi the map shows young people coming from Lilongwe and from far north of the country. Young people also cross the border from Mozambique. A few originate in Democratic Republic of Congo. Others named were migrants from Ethiopia using Zambia as a transit country to South Africa. Most stakeholders agreed that the majority of young people crossing the borders are between the ages of 14-16 although some are as young as eight or ten.

4.3.1 REASONS FOR LEAVING

Various reasons were given for why young people from distant areas migrate across Zambia's borders and into the border towns. One of the main reasons was to find employment. One young man from Mozambique (who had entered the country at 17 but was now 18) described how he had come to Zambia to get money to continue school. The second quote is from a young man who travelled from Malawi to find work.

A friend told me there was a job in Katete working on a farm and so I and my friend travelled from Mozambique. My plan was to come to Zambia to work on the farms and go back and continue school. I came with my friend (YPoM, Mozambique)

From Lilongwe we came straight to Katete because there was no work in Malawi. (YPoM from Malawi)

Some young people are sent by their parents to try and make money “because they know that there is business in the border areas” (YPoM from northern Malawi). Sometimes the parents rely on ‘syndicates’ who organise the journey and help young people to get across the border. One stakeholder explained how this is a carefully orchestrated process.

Sometimes they (the parents) even pay huge sums of money to the border police for them to migrate and also organise their stay in that country of receiving from the sending country. (Official, Katete)

The two young women we interviewed explained that they left home due to the death of parents and mistreatment by aunts or stepmothers as illustrated in the quote below from a young woman of 16.

I was staying in Malawi there and then my mother passed away. Then my father ... also passed away. Then I was staying with my aunt. She was telling me to go and sell different things like maybe fritters (small doughnuts). When I got back, I was not even finding food at home. I was beaten, mistreated. So, it's how I decided on my own. I ran away. I came here (Chipata). (YPoM, Malawi)

There were also stories of how young people had been persuaded to move by peers. The story of one young woman of 17 from inland Malawi was told by a service provider. They described how the young woman was persuaded by a Malawian friend living in Katete to come to Zambia because she could find work there. After some time, the friend disappeared and without support the young woman began to engage in sex work to survive.

When her friend left, she had no support so she resorted to prostitution. It was six months she was here. (NGO social worker, Katete)

The young woman was identified by immigration officials and, with the help of the NGO, was subsequently repatriated to her home in Malawi by the Department of Immigration.

4.3.2 CROSSING THE BORDER

Crossing the border in the Eastern District of Zambia is much easier than in other border areas of Southern Africa as there is no control along the border, no fence, no patrolling soldiers. There also seems to be no need for the smugglers or ‘guides’ (except for those from Ethiopia) used by migrants to walk across borders in other areas of Southern Africa. This is largely related to terrain, for example, crossing from Zimbabwe to South Africa requires negotiating

the Limpopo River and from Mozambique into South Africa crossing the mountains. In the Eastern District of Zambia young people from Mozambique, Malawi and Zimbabwe can just walk into Zambia at a place away from the border post such as the river the other young people described below.

No, we do not know about smugglers. We just walk and cross from Mozambique into Malawi, we know the directions. (YPoM from Mozambique)

There is no need for smugglers. The area close to the border post is easy to just cross. (Official, Katete)

Using a bicycle ‘taxi’ was another strategy described,

As you are almost nearing the border, you find people with bicycles, even the other side (Malawi). Those bicycles transport people. So, children would just get on the bicycle as if they (live nearby) and are going within (to Zambia). Meanwhile they are actually crossing the border. So even the cyclists are also facilitating the modes of the children to move from one country to another. Because in most cases, the immigration department don't care about the cyclists, they know these are the people who cross regularly from nearby (proximal migrants). (NGO worker, Chipata)

4.3.3 MOVING IN GROUPS

One characteristic of the journey and border crossing is that young people on the move (particularly boys) travel in groups as the stakeholder below explains:

They don't move with families they just move in a group. Even those from Ethiopia, those from (inland) Malawi, a lot of them just move with a group of children and any age from nine to maybe 16 or 21. (Official, Katete)

While we discuss how young people on the move use groups in a complex, strategic way to stay invisible once they arrive in the two towns in section 4.5.2 here we describe how they migrate into Zambia in a group. One group of migrants that always travel in large groups is those from Ethiopia. Stakeholders described how groups as large as 50 were often intercepted at the border. All use Zambia as a transit country to reach South Africa. Their movement is organised by ‘smugglers’ and they usually travel hidden in trucks or containers. The stakeholders displayed concern about the groups of Ethiopians who came through Zambia as the conditions they travelled in were dangerous and they were often exploited by those they had paid to transport them.

Like those that were recaptured the other time from Ethiopia, it was discovered that they were in a container. And this trafficking³⁴, the way it was happening it was arranged that when they reach at a certain point, another person picks them up to take them to another destination point. Unfortunately, or fortunately enough, there was miscommunication between the traffickers and this trafficker, who reached the point

³⁴ Based on the description here it is not clear that form of movement this would be categorised as human trafficking. Legally, child trafficking is defined by two key elements - the action (recruitment, buying and selling) and that this is for the purpose of exploitation. (OHCHR, 2000 “Protocol to Prevent, Suppress and Punish Trafficking in Persons.”) Given that these young men had chosen to migrate and were not brought to another country for the purpose of exploitation this is more likely an act of smuggling. While smuggling and trafficking often overlap and a smuggled child could become a victim of trafficking it is also important to recognise that the definition of trafficking is very often misunderstood and the word is used to describe many forms of informal movement. Walker, Mahati, and Magaya, 2020 “Child Trafficking in South Africa: Exploring the Myths and Realities.”

where the friend did not come in time decided to abandon the migrants, just to leave them there in the bush. Local people reported that they were there and they were captured by police and immigration, they were afraid – they didn't know what will happen. (Official, Katete)

But for those who are coming from Ethiopia, if you have an interaction with them, definitely they will tell you that 'when I was moving, we moved in a container, in situations which are not very pleasant'. I even found that sometimes (when we found them) I was talking to the child. They are even traumatised sometimes. They will not even want to talk to you, not until you build that relationship with them. That's when they open up. (NGO Social worker, Katete)

One immigration official reported that recently 42 young men had been arrested at the border travelling in a truck. They were aged from “13 to men”. (see 4.7.1 for more information about this group).

4.4 EMPLOYMENT

4.4.1 INFORMAL WORK

Most stakeholders interviewed emphasised the importance of employment for young people, both as a reason for migrating and also as a survival strategy while on the move and once in the border towns. Employment opportunities are the key factor that impacts how and why young people move between spaces within Zambia. Speaking about Chipata an NGO worker explained that often young people arrive with the plan to move on elsewhere, but that this onward movement depends on the opportunities available to them.

From Chipata they may then go to Katete a week before or a week after. (Their movement) depends on the opportunities that they find and their integration with others ... some stay. (in Chipata). (NGO worker, Chipata)

See Figure 7, pag. 34

The types of employment young people on the move access are almost exclusively informal. This work is easier to access than formal employment as the young people do not have documents. Informal work also allows invisibility as it is transitory and mobile allowing them to stay under the radar of immigration officials. This kind of unpredictable work means that although it may be easier to access it is also precarious. Without a formal agreement such as a contract informal workers face exploitation, cannot access sick pay or other benefits and have no form of reprimand if they are not paid – which is often the case. Informal work therefore, ultimately entrenches the poverty that young people on the move experience. As one NGO stakeholder and a young person noted,

They can work or beg today and be given something but tomorrow they may not get anything. (NGO worker, Chipata)

It's not good work but it's the only means of survival that we have. (YPoM, Mozambique)

Clear gender differences were also identified in terms of the experiences of boys and girls on the move in the border towns of Chipata and Katete and these are shaped particularly by types of employment.

4.4.2 BOYS AND EMPLOYMENT

Boys are said to work on farms and as part-time labourers on building sites. They also clean cars, sell in markets or on the street and work as porters carrying goods for shoppers to the taxi or bus rank. Girls meanwhile are said to help with selling or trading or domestic work. One NGO worker described the differences in terms of responsibilities.

If a migrant girl is 14 or 15 years and good at plaiting hair, she will be used for doing that and if the child is a boy and good at riding the bicycle or motorbike, he will be used to do that ... that is the only difference. (NGO worker, Chipata)

Boys were also spoken about in terms of frequent movement from place to place, within the towns, between them and to outlying areas where they worked on farms. Although we did not talk to young people on the move working on farms during this study, stakeholders explained that many cross the border from Mozambique, Malawi, and Zimbabwe to work on local farms and that this movement is frequent, routine and historical. This finding is supported by research in other areas³⁵ and presents an important issue for further research, particularly the need to find out how to support such young people who, as we discuss later can face high levels of exploitation.

4.4.3 GIRLS AND EMPLOYMENT

Young women on the move described how they also did mostly informal work.

Selling fritters (a fried dough cake), clothes and vegetables along the road and house maids. (YPoM, Malawi)

The practice of bringing a young woman from within the extended family (e.g., a niece) to work in the home was another practice young women described.

My aunt sent for me to look after the children. From Malawi. My parents agreed as there was no food at home. I did not finish school. (YPoM, Malawi)

These young women were not identified by NGO workers or officials as ‘on the move’ but were perceived as part of the family. They were, however, often exploited.

I was to work for my mother’s aunt as a ‘house maid’ in the house. I worked all the time, no break. I was not allowed out (of the house and yard). I wanted to go home. (YPoM, Malawi)

Other young women who arrived with friends chose to work as “house maids” because this job allowed for invisibility. One government official explained this in more detail.

[Their origin is] unknown because many have been integrated into local households and are part of the family – you can't say this child is from Mozambique or this one is Zambian – they become the same. (Official, Katete)

The discussion about boys and girls above highlights how the need to ‘stay invisible’ strongly influences the choices young people make about employment. This is only one of the strategies which young people on the move use to remain hidden while trying to earn money (see 4.4.1). These strategies are strong evidence of agency among young people and their “constructive approaches to the management of risk”.³⁶

³⁵ Walker, Mahati, and Magaya, 2020 “Child Trafficking in South Africa: Exploring the Myths and Realities.”

³⁶ Boyden, 2003 “Children under Fire: Challenging Assumptions about Children’s Resilience.”

FIGURE 6: AN INFORMAL MARKET IN CHIPATA. SOME YOUNG PEOPLE ON THE MOVE (MEN AND WOMEN) WORK FOR AN EMPLOYER TO SELL IN THESE MARKETS.



However, not all risks can be mitigated and as a number of stakeholders described young people can be tricked and exploited within informal work. For example, employers will agree to pay the young person at the end of the month and then when they reach month-end they will refuse to pay up as the employer knows the young person cannot go to the police because they are undocumented. Similarly, some young women are said to be “called to work as ‘house maids’” by relatives and yet after working for a period of time are not paid. Because they are afraid of being deported, they may never report this.

Some are brought in for cheap labour, maybe cattle herding, maybe working as a maid ... they (are) not paid, they have waited and they (employers) fail to pay them. That's when they need to come to report to us (but they do not). (Official, Katete)

4.4.4 SEX WORK AND EXPLOITATION

In interviews and FGDs with stakeholders when asked about employment for young women they immediately spoke about young women selling sex for income, only mentioning other forms of employment such as selling goods and domestic work once prompted. Many of these stakeholders also talked about ‘selling sex’, ‘trafficking’, and sexual relationships interchangeably. While it is important to be clear on the distinctions between these descriptions, the fact that they are used together is also important as it reflects how girls on the move are viewed primarily through their relationships and vulnerabilities and with a measure of ‘victim blaming’. One example is an NGO worker who described the risks of sexual abuse for young women stating that many migrate “when they reach the age of puberty and have a desire for better things” and that this can often end up in exploitative relationships for girls. Some of the NGO workers spoke about girls on the move encouraging each other to enter the sex trade in order to make money. They said this starts during migration and particularly when encountering truck drivers. An NGO worker referred to the route through the Chanida border post from Mozambique to Katete where truckers will stop and buy sex.

They always park here in Katete so then you find that the migrants will come and they (the young women) already have a target – they will find the truckers. (NGO worker, Katete)

One NGO worker said that the young women enter Zambia looking to make money through informal work and then through peer-pressure and encouragement “this is how they learn to stay in Zambia.” Another explained that the biggest reason why young women end up in engaging in sex for money was because they could not find other work. One story for example involved a young woman aged 18 from Malawi who was promised work as a domestic worker by a family member but when she arrived the work was not there. She ran away and ended up living alone. She had turned to engaging in sex for money to survive.

There was some discussion about young women who were engaging selling sex in their countries of origin “moving to Zambia for sex work” to escape stigmatisation in their own countries. Even though sex work is illegal in Zambia the young women can remain relatively anonymous in border areas and so avoid the levels of discrimination they might face otherwise.

They fear the shame of the people that know them in their country. So, they would rather go to another country where they are not known and where they will not be judged. They will just do whatever they are doing the way they understand it, freely. (NGO worker, Chipata)

It is also important to note here that although stakeholders referred to young women as involved in “sex work” – a sex worker by definition is an adult – over the age of 18 and based on a

consensual transaction for the exchange of money.³⁷ Therefore throughout this report we refer to young women under 18 as young people who ‘engage in sex for money’ rather than as ‘sex workers’. Given that the age of the young women we focus on in this study are mostly above the age of consent (16) but below age of 18 it is clear that this presents a ‘grey zone’ in which both exploitation and agency must be considered.³⁸ The term ‘engaging in sex for money’ allows recognition of this complexity. However, in the interviews it is evident that this distinction is not made although it is made clear that the girls discussed are older adolescent girls (15 years upwards) rather than younger girls. For younger girls any discussion of sex should be based on sexual exploitation and rape.³⁹

4.5 PROTECTION STRATEGIES

The third theme that emerged from the research highlights the agency of young people by looking at the strategies they use to navigate and limit the risks to themselves and others. This theme emphasises their strengths and sense of agency, “how they actively and creatively engage with their situation and adopt constructive approaches to the management of risk (and even) staying alive.”⁴⁰

4.5.1 AVOIDING DETECTION FROM AUTHORITIES – STAYING INVISIBLE

The findings show that the ways in which young people on the move cross borders and whether they stay in border spaces or move further inland is shaped significantly by the risks they face, particularly in terms of police and immigration officials. Stakeholders noted for example that in the border areas young people tend to be in early adolescence whereas the older adolescents move further inland and plan to migrate to other countries beyond Zambia. They explained this primarily in terms of the actions of immigration officials:

The immigration departments tend to ignore them (younger migrants) so they will not ask for their documents. So, it is easier for them to actually cross the border. The immigration officers will not be looking at them because they are children but they don't want the older ones, like 17/18 as they are already considered adults – so they actually have to run away to stay far from the border. (NGO worker, Chipata)

An NGO worker also noted that a number of young people chose to work on tobacco farms because they are a safe distance from the immigration department and “so they feel they are *hiding in there*”. This was confirmed by a young man from Mozambique who called a job on a farm “safe”. Often the young people would live in the farmer’s household which also made them more ‘invisible’.

A friend told me there was a safe job in Katete working on a farm. So, I travelled with him and we moved from Mozambique to the farm. We lived with the owner of the

³⁷ UNAIDS, 2012 “UNAIDS Guidance Note on HIV and Sex Work.”

³⁸ Walker and Oliveira, 2008 “Contested Spaces: Exploring the Intersections of Migration, Sex Work and Trafficking in South Africa.”; Gould, C. and Fick, N. 2008. Selling Sex in Cape Town: Human trafficking in a South African Context.

³⁹ This is part of a much larger and complex discussion around sex work, sexual exploitation, and trafficking which we will not focus on here other than to recognise that young people under the age of 18 cannot legally sell sex while at the same time an older adolescent of 17 or 18 is capable of making decisions and showing agency in ways that a younger girl cannot (Gould and Fick, 2008 “Selling Sex in Cape Town: Human trafficking in a South African Context”).

⁴⁰ Boyden, 2003 “Children under Fire: Challenging Assumptions about Children’s Resilience.” *Children, Youth and Environments* 13, no. 1 (2003): 1–29.

farm. (YPoM, Mozambique)

The search for informal work can also lead to relationships forming between local adults and migrant youth, creating invisibility as they become “*part of the family*”. In some cases, this is based purely on a business relationship i.e., a Zambian adult will have a product such as tyres or baskets to sell and they will employ a young person on the move to go out and sell for them. This is advantageous for both because the adult is able to sell their product and does not have to do the work of moving around and hustling to sell while the young person can either make money or is given a place to stay and a level of support and protection. For the adult this outsourcing of labour also allows them to increase their income as they can get away with paying less to a young person who is a migrant than a local person.

In some cases, however, this relationship goes further and is based on building familial ties and integration for the young migrants into a Zambian family. One stakeholder referred to this scenario as the creation of “second parents” for the young people on the move. The quote below explains this situation in more detail:

A migrant child may have a talent, whether he plays football or she is good at doing some hair for the ladies - and maybe she's just eight years, ten years, twelve years, just like that. So, the local (adult) would be able to take care of them because of the skill – and so their association (relationship) will grow stronger because the adult knows they can benefit from the skill ... but it goes even further to protect the child and they can even process the documentation so that she becomes a citizen and even be incorporated into their family. (Official, Katete)

This quote shows how complex this practice is, it refers to some families being committed enough to the young people to arrange documentation but at same time the stakeholder says that “*adult benefits from the skill*”. The quote below adds another dimension of indebtedness created by this relationship.

When they (young people) are given the responsibility of selling they feel that it's a payback kind of gesture. (Official, Katete)

Another example of ‘support’ from adults was what NGO workers described as “Queen Mothers”. These women provide accommodation and work for older women who are sex workers but more often to underage girls (often from Malawi) engaged in selling sex for money.

It is the Queen Mother who is going to give them a place to stay and set the rules, say what they are supposed to do and how they are going to play the game...so they (the young women) have got somebody. (NGO worker, Chipata)

In this quote the Queen Mothers are assumed to provide a level of protection for the young women although how this is experienced by the young women themselves was not discussed in the interviews or shared by any of the young people on the move themselves.⁴¹

More research on this practice and the previous one described where young people become “part of the family” is important as such adults can become important protectors and supporters for young people on the move. An example of this is the Terre des Hommes⁴² project in Burkina Faso. In West Africa there is a tradition of young women moving from a rural area to a city where parents set up a situation where they are greeted by women called *Landladies* who

⁴¹ The role of “queen mothers” appears to be similar to that of brothel owners – individuals who provide accommodation and space to work as well as a level of protection from the risks that sex work can involve such as violence from clients and exploitation. However, as with Queen Mothers this role is not clear cut and more would need to be known about the nature relationship in order to understand it better.

⁴² Terre des hommes, 2014 “The Added Value of Protective Accompaniment.”

provide accommodation and through relationships with local residents find domestic work for these young women. This can be an exploitative situation but the project builds relationship with such people, helps them understand children's rights and essentially co-opts them as protectors of and advocates for young people on the move. A similar project is run by a Scalabrini support project for young people on the move in Ressano Garcia on the border with South Africa. This project is described in the Girls on the Move study, Southern Africa,⁴³.

To return to the topic of 'invisibility' immigration officials and state social workers described this strategy as concerning. If immigration officials arrest young people for example, they refer them to a state social worker who will try and respond in the 'best interest of the child'. However, often the young person, quite understandably, does not want to go back to their countries and despite a careful process of reunification planning, will hide key information about themselves which will hinder and sometimes prevent this process. As a result, for some young people on the move the strategy to remain invisible to immigration officials and other state and non-state actors can increase the risks they face.

4.5.2 PEER SUPPORT NETWORKS

The most common protection strategy, which is applied as young people journey as well as once they arrive in either of the two towns, is to support each other. Young people and the NGOs who observe them describe how they travel from their places of origin in groups and very often stay in these groups once they are living and working in town. Those who ask or are asked to join their group are most often from the same place of origin. Young people on the move seldom move through the border town alone as they know that to move in a group reduces some of the risks they face as the following quote suggests: "*They move together as a group. They don't move alone. The group makes them to blend in.*"

'Blending in' is important as they want to avoid being noticed as non-locals by immigration officials and the police. Another group related strategy is for the young people on the move, especially young men, to make friends with local youth who are working and living in the same areas. Having locals in the group is seen as an important strategy as the locals can speak for the group when approached by police, for example in the local dialect, and provide layer of protection.

The children will mostly interact with the ordinary people because they feel they are a source of protection. So, you find that in most cases, they will mingle with the other people and interact with them ... there is a health facility, which is a public clinic where there is a youth friendly service. Normally they (the young people on the move) would actually come through their (local) friends. So, they are able to come to the facility, to the youth friendly service where the children meet. And then through that, they actually access even the health services, if possible, in case they feel sick. So that is how they actually protect themselves. So even if the health facility staff say no, these kids know they can be a part of this. (NGO worker, Chipata)

However, the young people also acknowledged that this strategy did not always work. Some of the young people pointed out that the police and immigration officials can often recognise them as migrants particularly when they speak in their home languages. Youth from Mozambique are especially vulnerable to being identified by immigration officials by language as even if they speak Chichewa instead of Portuguese they can be identified by their accent.

They knew I was from Mozambique by my accent, when they arrested me. (18-year-old YPoM in Katete prison)

⁴³ Save the Children, 2020 "Girls on the Move Research Series,"

Similarly, an NGO worker stated that young people on the move are regularly stigmatised which means that they will battle to integrate effectively and ultimately “no one will take responsibility for that child.”

4.5.3 COMPOUND LIVING AND INVISIBILITY

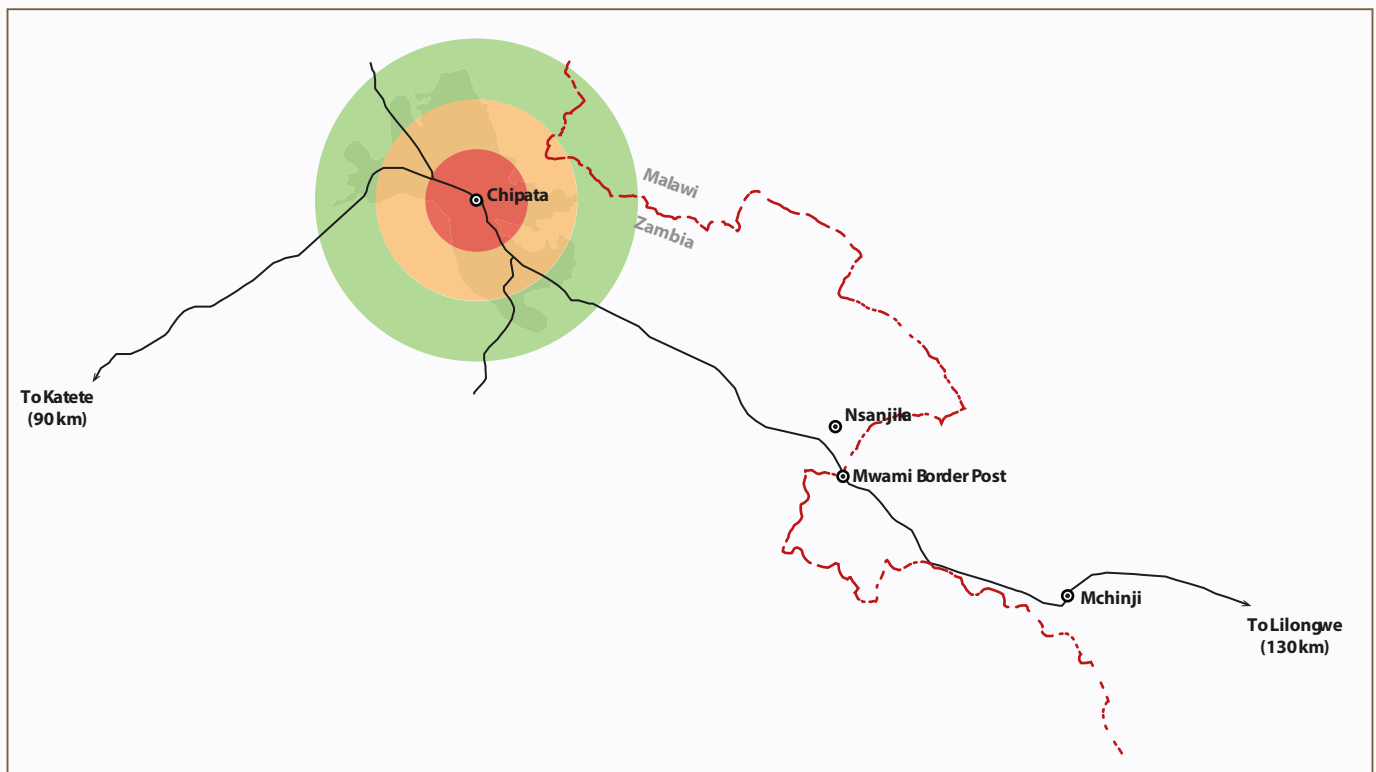


Figure 7: Chances of being detected by police or immigration officials were often described as being dependent on a young person’s proximity to the centre of Chipata. Compounds on the edge of town were described as more anonymous than the CBD, and rural areas outside of town were described as safer still.

Living in a ‘compound’ is another protective strategy described by both young people on the move and by stakeholders. As described above, ‘compounds’ are the local term for informal settlements. Young men live in these areas by renting a space as a group and sharing the costs and resources including food and fuel for cooking. Compounds are densely populated areas where young men and women can easily become invisible and also find informal work close by. A young man on the move described his time living in the compound as “good because I felt free”. As one stakeholder explained:

Compounds are places where they (young people on the move) live and places where they do business at Saturday markets. And this is where most migrants are most powerful. (NGO worker, Chipata)

The term “powerful” may refer to the level of independence and agency of young people here or could refer to the ratio of migrants in relation to locals. Stakeholders also described the compounds as “uncontrolled” and rarely policed so they present relatively safer places for youth on the move to live with less fear and threat of being identified.

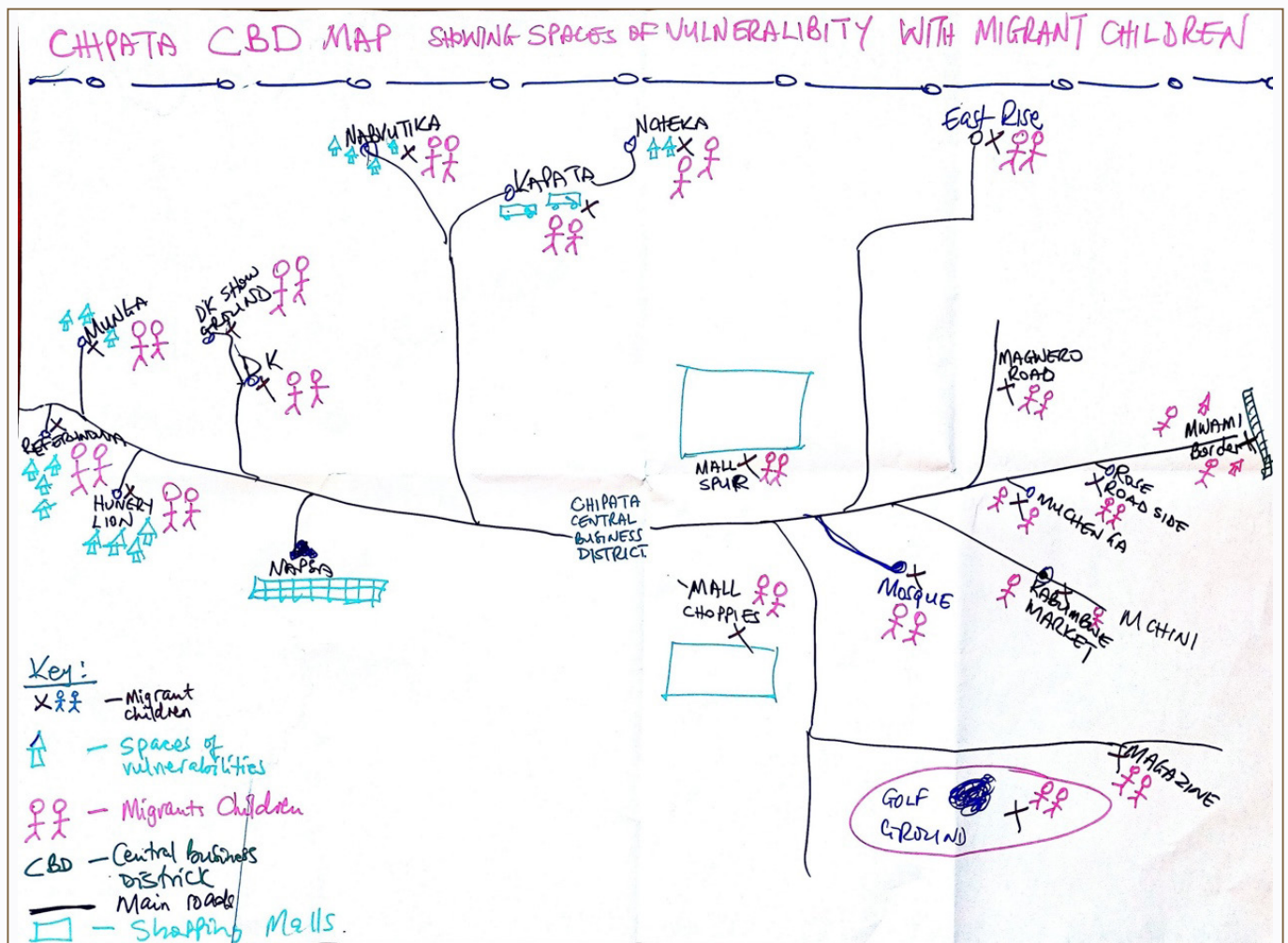


Figure 8: Map of Chipata CBD showing compounds at the top of the map, far from the centre of the town and places where youth do informal work

Of the gender differences described it is clear that girls do not live and move as often in groups. Many of the young women are said to live in compounds but usually with boyfriends and with their babies (there are many girls on the move under 18 with children⁴⁴). Boyfriends can be local or also young men on the move and in some cases a young woman leaves her place of origin to join a boyfriend who has moved previously from the same place.

It is important to note that while the young people and a number of the stakeholders saw living in groups as a positive, protective factor some adults also perceived this as more threatening. That is, they inferred that groups of young men in particular can be more aggressive when in a group and they can protect one another but possibly pose more of a threat to those outside the group. Despite this no information emerged about police or others targeting groups or attempting to ‘break them up’.

4.5.4 (IN)VISIBILITY AND ACCESSING SERVICES

In the context of access to services young people choose/felt they had to stay invisible by simply not using health services, schools, and police services. Many are afraid to go to the local clinics and often use informal pharmacies. The stakeholder below describes this fear.

⁴⁴ Save the Children, 2020 “Girls on the Move Research Series.”

Let's say the boy contracted an STI, but then he's a Malawian. So, he was actually fearing to go and access health services from the health facilities ... They are not able to access services because they fear that if they went to the facility, they'll be identified because of their language as Malawians and then the immigration will arrest them. Some others die of diseases like malaria. (NGO worker, Chipata)

Young people on the move also worry that trying to register at school in case they are identified as migrants and reported to immigration officials. This fear also means that young people on the move have little access to protection and recourse – they feel they cannot report crimes committed against them such as inter-personal violence, Gender Based Violence (GBV) and exploitation such as non-payment by employers (see 4.5.1).

Then also on GBV they are even scared to go to the police themselves. They think 'maybe when I go that side (the police station), they are going to arrest us or maybe they're going to deport us. (NGO worker, Chipata)

From the perspective of service-providers these strategies of invisibility pose challenges in terms of providing care and support. NGO service organisation staff described how this strategy of 'invisibility' made it very difficult for them to even identify and support young people on the move. Yet for the young people themselves, this invisibility is how they survive in such precarious spaces.

In Chipata one service organisation, a local NGO, had a small project with young community volunteers who were well informed about young people on the move and had made efforts to better understand their realities and the risks they face. The volunteers explained how they had made contact and won the trust of the young people, mostly through a strategy of “walking the streets”. This meant moving around in the same, less visible spaces that the young people also move and working out where they may feel safer and where they might be able to engage them.⁴⁵ An NGO in Katete meanwhile described how they worked to sensitise local communities through awareness sessions so that children and youth on the move could approach these communities for help and know that the communities and/or organisation would not pass them on to the immigration officials.

In spite of these activities described in the focus groups and interviews it was clear that young people on the move were largely 'invisible' to local NGOs. Apart from the very limited informal contact made by the local NGO in Chipata there was no programme working directly with young people on the move in either town.

4.6. LIMITATIONS OF LEGISLATION AND THE STATE

Before discussing limiting factors in legislation, it is useful to acknowledge that stakeholders, including officials, understood that the young people came to find employment in Zambia and that this was often an 'only' way of solving the problem of deep poverty and unemployment in their countries of origin. Yet, within this context the major limitation of policy was that it did not allow young people to migrate frequently and access employment and education without any enforcement of requirements for documentation.

The second limitation expressed, was that, although the legislation to protect young people on

⁴⁵ A similar approach is described by two of the researchers (G. Clacherty and Walker) in their research with young women in a township on the periphery of Johannesburg. Finding 'safe' spaces to talk to young migrant women and building a level of trust was done by identifying the spaces where young women socialise and work, which in this case was hair salons. Walker and Clacherty, 2023 “Hair Salons as ‘Private-Public Spaces’: Exploring the Experiences of Young Migrant Women in an Urban Township in South Africa.”

the move is (partly) in place the resources to implement it at local level are limited.

4.6.1 ABSENCE OF CHILD-CENTRED POLICY AND PRACTICES FOR YOUNG PEOPLE ON THE MOVE

In terms of the most commonly mentioned limitation of freedom of movement, stakeholders identified the harmful state practice of detaining young people because they do not have the correct documentation. Stakeholders spoke about young people being identified and arrested as they crossed the border, working on farms or in the town. These arrests were carried out by police and immigration officials. The quote below from one young man (who was 17 when he arrived in Zambia but was 18 at the time, we interviewed him) describes how this plays out in practice.

I was at the farm five months. Then one day we were working on the farm and the Zambian immigration officials do inspections (and they) caught me. My friend escaped. They noticed that I was foreign because of my accent. The immigration patrols the farms. I was charged for not having documents. I met about seven of the Malawian children who are in the prison. My full charge was for two years for not having documents. (YPoM, Mozambique)

In Chipata young people who were under 18 were taken to a “place of safety” or “safe house” (applying the Children’s Code Act requirement for under-age migrants) and then repatriated by immigration officials.

In Katete, though, stakeholders spoke about the lack of appropriate safe-holding facilities for young people. They discussed how this lack of “a safe house” to keep young people prior to repatriation meant that they were housed in the prison. Though the young people under 18 were housed in a separate room during the night during the day they were with adult prisoners. Officials described how they knew this practice was wrong (and violates international laws) but they were struggling to implement the Children’s Code Act which required that young people must be sent to specific safe facilities because these facilities do not yet exist. As one official explains

We think that the Children’s Code Act went beyond what we are able to provide and we are struggling to live up to the law we are talking of how a child appearing in court should be referred to a particular facility ... and we are talking about facilities we don’t even have. (Official, Katete)

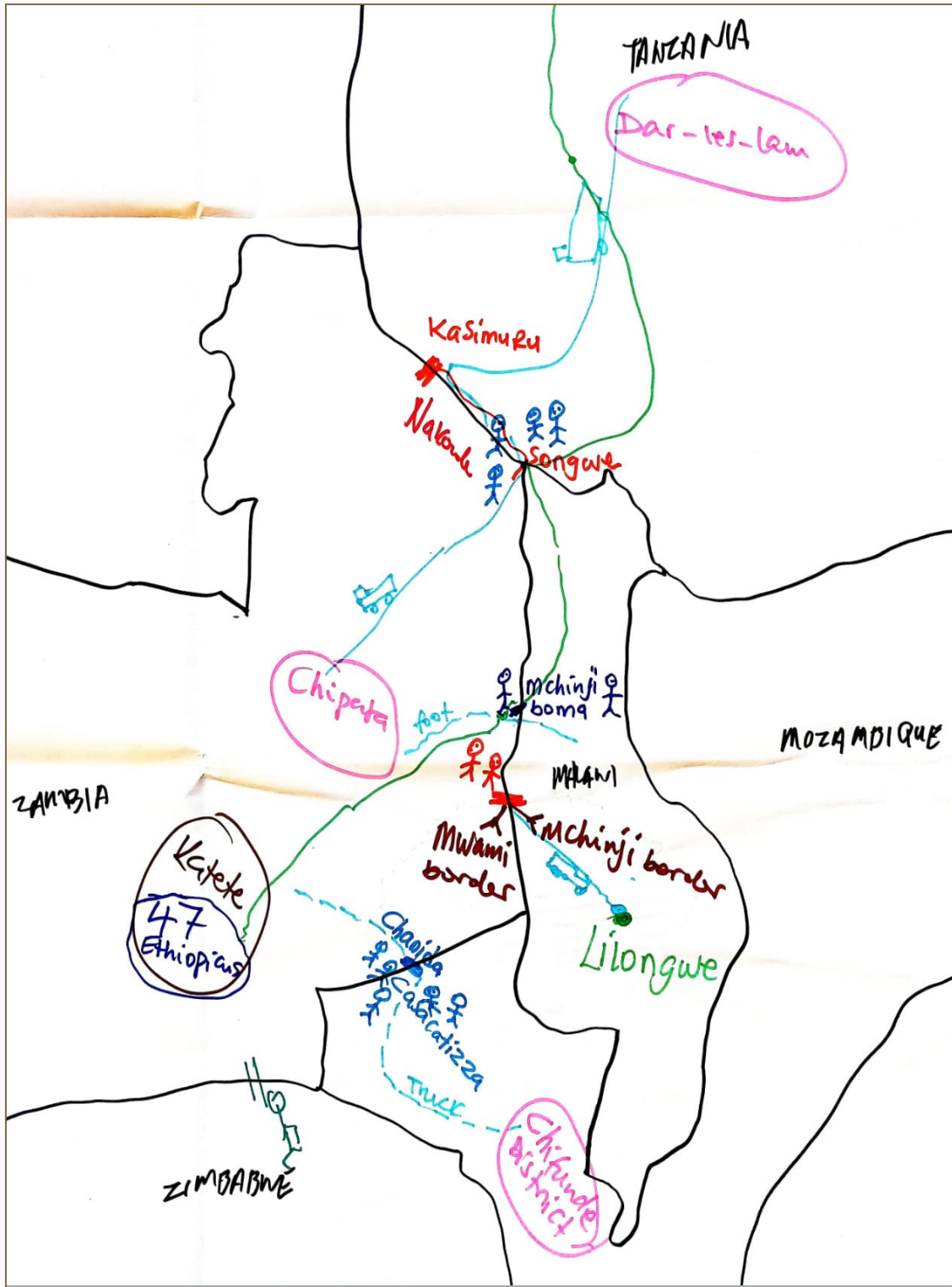


Figure 9: Map showing movement of migrants. On the bottom left of the map is reference to 47 Migrants from Ethiopia who had been in detention for some time and recently repatriated. Some of these were boys under 18.

Recently a large number of Ethiopian young men, including young people under 18 who were passing through Zambia on their way to South Africa were detained. They stayed in the detention facility for three months, because of bureaucratic delays, before they were repatriated. One official explained that he knew of juveniles who were from Malawi in the prison, (about six or seven of them) and that most had come to Zambia looking for work. He described prison life as very hard on the children. He noted that children were unable to get proper food and clothes. An interview with a young man aged 23 from Uganda in the Katete prison provided

some idea of the conditions for young people.

Prison for me is torture and yeah, I have met juveniles who were from Malawi in the prison, about six or seven of them. Most of them were here in Zambia looking for work. Prison life is very hard on the children, mental torture. They aren't able to get proper food and clothes. They sleep in a separate room, but during the day they mix with all the adults. This is torture for them. (YPoM imprisoned in Katete for being in Zambia undocumented).

NGO workers and officials in Katete were deeply concerned about the fact that young people in the town had to be kept in the prison. An immigration official and an NGO social worker made the point that they try to repatriate children as quickly as possible (within 48 hours is what they aim for) because they want to get them out of the detention facility.

So, the alternative is to repatriate them back as soon as possible because right now in our district we don't have a safe holding facility, the only thing we have is a prison which is not safe for these young migrants...so when we come across them, we try by all means to facilitate the process of repatriation - we take them back. (NGO worker, Katete)

The social worker quoted above made the point that the experience of living in the prison was traumatic for young people and creates a lack of trust between the young people and the social workers making it even less likely that they will provide information that could in the long run be in their interest and help repatriation.

Another legislative challenge is posed by the Immigration and Deportation Act⁴⁶ as it does not specify how to deal with young people on the move and therefore can be interpreted as applying to young people and adults, including detention and deportation. Stakeholders noted that the Act needs to align with the Children's Code Act in order to ensure that young people on the move are protected. The need is expressed in the quote below.

It highlights the need for interdepartmental connectivity, realistic policies aligned with infrastructure capabilities, and a regional approach to enhance child protection measures. (Official, Katete)

4.6.2 ALTERNATIVES TO DOCUMENTATION NEEDED

Stakeholders recognised the challenges that young people on the move face when coming into contact with the law and its enforcers in Zambia's border towns and spoke about the need for alternative immigration practices for young people crossing the border. Many claimed that this could work if there is better understanding of the realities of the young people on the move such as the fact that young people often do not carry passports or other documents and do not have the money to access what they need to formally cross the border. Therefore, some stakeholders suggested not requiring a passport from young people and instead just registering them to know who has entered the country as the following quotes illustrate:

When I look at the border situation and the children that are crossing, we probably need to put up a mechanism where they can say, okay they are children so they don't need a passport, but they still need to register. (Official Katete)

⁴⁶

Government of Zambia, 2010 The Immigration and Deportation Act.

Yes, we can identify them, but we should put up the mechanism of saying through the border that if they pass, they do not need documents because they cannot manage to get it. Like in Zambia where its 300 and 200 (Zambian Kwacha, about USD14) to get a passport and the children cannot manage that. (Official, Katete)

The lack of specific permit for children on the move in Zambia or across the region means that practitioners have to find alternative ways of documenting children which, can often pose a lengthy and expensive process. Facing a similar issue in South Africa practitioners have focused their advocacy on calling for a *special dispensation visa for children* that can respond to the specific realities and challenges that children on the move face.⁴⁷

4.7 SERVICE PROVISION AND RIGHTS

There were clear limitations to service provision for young people on the move and violation of their rights. Stakeholders did provide some services, but these included very minimal direct contact with young people on the move, especially in Katete.

4.7.1 EXISTING SERVICE PROVISION

There is some service provision for young people on the move in the research area. One of the NGOs was involved in the IOM-Save the Children ‘HIV Knows No Borders’ project that aims to ensure access to sexual and reproductive health rights for migrants. The NGO workers observed that the strengthening of healthcare access and provision in clinics as well as capacity building of healthcare workers and interacting with traditional leaders is an important intervention.

If somebody is from Malawi and is going back to Malawi, we will give them that referral form to continue getting medicines in Malawi especially if they are living with HIV. If medication finishes here, he shouldn't go back to Malawi to get medication, similarly from Mozambique. So, we have improved our referral mechanisms. (NGO worker, Chipata)

The project also employed ‘change agents’ who are volunteers working with young people. Interviews and FGDs suggested that the NGO was doing important work but that the project did not interact with the most vulnerable young people on the move. They did point out that the project had begun to include volunteers from neighbouring countries.

Change agents are Zambians, they are from other countries. Also, change agents are being recruited from those other countries and they all integrate. For instance, change agents in Malawi have been given best practice training by change agents from Zambia – this is helped by the border interaction. (NGO worker, Chipata)

In Katete an intersectoral network involving an NGO social worker, state social services, the immigration officials (including the local head of immigration), Ministry of Health, police and officials from correctional services was working successfully. The interaction had expedited follow up on cases of GBV, counselling, labour law infringement, family tracing and repatriation and access to health services and medication for young people on the move.

In addition, a cross-border mechanism had been set up between officials from Malawi, Mo-

⁴⁷ Save the Children, 2022 “Documenting the Impact of Cross-Border Case Management for Children on the Move in Southern Africa,”

Zimbabwe and Zambia. This expedited cross border referral in cases of family tracing, repatriation and reunification. There had also been agreements on protocols for age determination amongst the three countries.⁴⁸

4.7.2 LIMITATIONS TO SERVICE PROVISION

While service providers recognise the challenges young people on the move face and they have some understanding of how they could be supported, they described the limitations of what they can do. One of the limitations was funding. They explained that donors and international organisations have particular limits on their funding that do not include the interventions that young people on the move really need, for example the creation of a place of safety in Katete.

NGO staff describe how, if provided with funding that would allow them to work independently, they would work on their dream intervention of building a receiving bay for young people on the move at the borders. This receiving bay as described by the service providers would provide all the assistance that young migrants might need based on the experience and learning of the organisations. In particular, it would strengthen processes to ensure continuity of care and facilitate access to services including education, health, and documentation as the following quote describes:

The money that we're using now is restricted funding, particularly to what a donor wants. If we received unrestricted funding, (our project) would have already exploded. (...) We want to ensure that we establish a receiving bay, where we can be receiving them (young people on the move). And then when we receive them, before they can be integrated elsewhere, we just better understand them. What are their needs, how (do) they feel to be in that country, what do they want to explore? (NGO, Chipata)

A service provider also spoke about the importance of looking beyond the basic access to health services (which make up the majority of services provided at present) and explore options based on the skills young migrants bring when they cross into Zambia and what employment they may be able to engage in. This was described as follows:

You could also go to look at their skills ... some of them have that capacity, they're able to do some mechanical job, they're able to do the agriculture, brick work. So actually, it will be good to link them to the institutions. So, then it will actually be good for us also to have the stakeholder meetings to actually look at who takes part in what and how can we actually work with that. (NGO worker, Chipata)

Reference was also made here to working closely with the government to ensure that in focusing on skills and employment for young people that there is space for the young people to do this legally.

In the discussions and interviews it was clear that some NGO workers and officials understand that shaping responses to the complex realities of young people and they wished to respond to these.

What seems most evident is that the invisibility of young people, especially distal migrants, limit their engagement with service providers. Young people are mostly invisible to service providers and moreover, stay hidden for fear of being arrested and detained/deported. A first response, therefore, needs to find and communicate with them, through identifying the spaces they feel safe in, speaking the same language and building trust over time by 'being present' in

⁴⁸ Save the Children, 2022 "Documenting the Impact of Cross-Border Case Management for Children on the Move in Southern Africa"

the young peoples' spaces to slowly overcome their fear of exposure.

It is also clear that there is a need for NGOs to implement a "child-focused response" in every department and space. It is important that this response works within an awareness of the structure and flows of migration (including the frequency and normalisation of daily migration) in these areas. This is important because, as we have shown, there are differences between proximal and distal migrants in terms of the vulnerabilities they experience and challenges they face.

The themes discussed above paint a picture of how the vulnerability of young people on the move is affected by the spaces they occupy in the area surrounding the border and in the two towns. The most vulnerable seem to be the young people in the towns though there are clear vulnerabilities among young people living in Mchinji in Malawi too. For the young people who have come from far and now live largely invisible lives in the two towns there are some issues that need immediate action. Not least the building of a safe house in order to halt the detention of young people in an adult prison in Katete. The ideas below provide some actions for moving forward, these include potential programmatic responses as well as advocacy actions.

5. CONCLUSION AND STEPS FORWARD

In this final section, we summarise the findings of our study and identify five key recommendations from the interviews and FGD data. We suggest that these recommendations provide a starting point for new discussions and for further research rather than being taken as directions for what service providers need to do. The findings show very clearly that both young people on the move and those working to support them have an acute awareness of the risks and vulnerabilities faced when crossing borders and living in border spaces. These vulnerabilities heighten with the levels of visibility and invisibility that young people need to negotiate in order to try and protect themselves.

It is clear from the desk and policy review and the ethnographic study that the border regimes developed to manage and control migration and more specifically restrict border crossings in Zambia and across the region significantly impact migration routes and strategies for young people. They can constrain movement, encourage alternative ways of moving and sometimes raise the stakes and risk that young people on the move face.

It is evident that, though stakeholders had an understanding of the challenges faced by young people on the move, there is a space for awareness raising amongst them. An example of this is that adult respondents used the word “children” frequently without qualifying the heterogeneity of young people and the vastly different experiences shaped by age, gender, nationality, spaces of residence, support networks, resources etc. The need to move away from the very common idea that children are “innocent” and lacking in agency which is documented in a large body of research⁴⁹ needs to be challenged as it was a dominant perspective amongst stakeholders. The challenge here is that this belief limits responses to young people on the move and does not necessarily reflect their diverse and complex realities. Previous research has shown for example, that some young people do know about the need for documents, and can carefully plan and strategise to cross borders yet at the same time can also be vulnerable and need support and protection.⁵⁰ Therefore, where there is emphasis on alternative responses these must also work with these different realities and experiences of different children and, as this report shows, in border towns and spaces these are particularly important. With this in mind we suggest the following issues should be used for thinking forward in strengthening responses to young people in border spaces.

5.1 THINKING FORWARD: STRENGTHENING RESPONSES

PRACTICAL PROGRAMMING RESPONSE

5.1.1 PLACES OF SAFETY IN KATETE

Based on the urgent need for a place of safety for young people on the move in Katete we recommend that an immediate action should be for local organisations to develop a plan to address this need. The Scalabrini Centre could work with local organisations including the network of service providers in Katete and the NGO in Chipata to advocate for this with the relevant government departments. There is already a safe space in Chipata. Engagement with the organisation running this space could be a good starting point.

⁴⁹ e.g., Boyden, 2003 “Children under Fire: Challenging Assumptions about Children’s Resilience.”

⁵⁰ Save the Children, 2022 “Documenting the Impact of Cross-Border Case Management for Children on the Move in Southern Africa.”; Walker and Clacherty, 2023 “Hair Salons as ‘Private-Public Spaces’: Exploring the Experiences of Young Migrant Women in an Urban Township in South Africa.”

5.1.2 SAFE EMPLOYMENT OPTIONS IN BORDER TOWNS

Children on the move and service providers both recognise the lack of safe employment options for young people at the borders. The work that is currently available is unregulated and leads to exploitation of young people. Young people on the move are over-worked and underpaid and, in some cases, not paid at all. The suggestion therefore is to create training and employment options that are viable and safe, in line with the reality that young people will want and need to work and still need protection when doing so. We recommend that more research is conducted to better understand the spaces of work and young people's experiences and from there a plan be developed between the young people, service providers, and employers to create better and safer employment options.

This plan should also include finding out more about the vocational training run at the Ressano Garcia border in Mozambique and using this as a model to emulate and possibly partner with. A short description of the Support Centre is given below.

IRMÃS MISSIONÁRIAS DE SÃO CARLOS BORROMEO, SCALABRINIANAS SUPPORT CENTRE FOR MIGRANT CHILDREN IN RESSANO GARCIA ON THE MOZAMBIQUE- SOUTH AFRICA BORDER

The Support Centre in Ressano Garcia has been running since 2015 under the Scalabrini sisters. A careful learning phase took place before the establishment of the centre. This involved listening to young people and understanding the challenges they faced and how they identified their needs. The project has over the years developed a deep understanding of the official context of the border and built relationships with officials. The work includes the following:

A safe house for particularly vulnerable girls which is also used in cases of repatriation from South Africa

A vocational training centre for both young men and women on the move

Regular support groups for young people on the move

The setting up of groups of employers of young men and women to raise awareness of child rights and good labour practices. These groups then become supporters and protectors of young people on the move in the wider community.

Local advocacy with officials around particular cases.

5.1.3 DEVELOP RESPONSES BASED ON UNIQUE NEEDS OF DIFFERENT GROUPS OF MIGRANTS BASED ON (IN)VISIBILITY AND PROXIMITY TO THE BORDER

Recognising the differences between young people who are close to the borders and cross frequently and those who come from further afield and face greater challenges and vulnerabilities is key.

- **For proximal migrants**

There is a need for programmes that can support children who frequently cross the borders and who seem to face heightened vulnerabilities, for example those on the Malawian side of the border. Currently there is a lack of research into the nature and scope of these vulnerabilities and therefore the recommendation is to build from this study to develop more in-depth and focused research at certain borders and with certain groups.

- **For distal migrants**

For migrants who travel further and cross other borders we recommend that a resource centre is developed where youth can access services in one place and seek advice and assistance especially with issues such as documentation. This could also be a place to rest and have fun. This was a suggestion made by one of the NGOs in Chipata and it is recognised that to do so would require trusted community facilitators to find and draw youth in (based on their level of invisibility). Again, we suggest that the example of the centre at Ressano Garcia is used as a model and guide. This would also require funding from a larger, perhaps international organisation such as Save the Children.

5.2 POLICY ADVOCACY

5.2.1. ALTERNATIVE OPTIONS FOR ENSURING DOCUMENTATION

Given the challenges currently faced by young people on the move in terms of accessing documentation and based on the suggestions of various officials and service providers we recommend that alternative options for ensuring documentation are explored. These options need to be aligned with the policy approaches of other SADC member states and should be supported and strengthened by the cross-border coordination committees.

5.2.2 INITIATIVES TO ADDRESS THE GAPS BETWEEN POLICY AND PRACTICE

More attention should be placed on the evident gaps between what is provided for in policy and what is available on the ground when it comes to facilities including safe shelters and resources for young people on the move. Based on Zambia's strong legislative approach to young people it is important that more attention is placed on the extent to which this is upheld in practice and further that there is more in-depth research into the impact of policy and practice limitations on young people on the move.

APPENDIX A: LITERATURE REVIEW

UNDERSTANDING THE LIVED REALITY OF ‘CHILDREN ON THE MOVE’ IN THE EASTERN BORDER AREA OF ZAMBIA TO DEVELOP RECOMMENDATIONS FOR SUPPORT PROGRAMMES FOR VULNERABLE CHILDREN IN BORDER-ZONES

This literature review provides an overview of the migration context in Zambia with a focus on children crossing borders. Given the limited literature available on the migration situation in the Chipata-Nyimba border area shared by Zambia, Malawi and Mozambique (the specific focus of our study) the review focusses on the context of children crossing borders in Zambia more widely. It provides an overview of the relevant policies and legislation, and identifies the key actors involved in engaging with child migrants as well as some of the key issues faced by child migrants such as detention and deportation, child labour, and access to services.

Of the 20 academic articles and grey literature documents reviewed only two made specific reference to child migrants in Chipata or Katete—two major transit points for children moving through Zambia—and their surrounds.

1. CONTEXT OF CHILDREN CROSSING BORDERS IN ZAMBIA

1.1 DATA AVAILABILITY

As a land-locked country with eight international borders, Zambia is considered a source, transit and destination country for migration. There is a lot of regular and irregular migration across borders into Zambia for trade and employment purposes. Zambia also receives a high number of asylum seekers and refugees from surrounding countries facing political instability, conflict and poverty including the Democratic Republic of Congo (DRC), Rwanda, Burundi and Angola. Although Zambian law is based on restricting refugees to settlements or camps (rather than allowing free movement) the historic and frequent movement of people between Zambia and neighbouring countries also means that there is a level of ‘de facto integration’ in border towns and urban areas.

Based on UNHCR’s most recent operational update of data on ‘people of concern’ (POC) in Zambia⁵¹ the country hosts 105,868 POC of which 47% are children (those below the age of 18). Of the total number of people of concern 76,093 are refugees, 4,874 are asylum-seekers, and 24,901 are defined as ‘others of concern’. The majority of the new arrivals in February 2022 were from the DRC (79%), Burundi (11%), and Somalia (8%).

There is limited data available for child migrants in particular as, according to a report by the IOM (2019), no routine data is collected on unaccompanied and separated migrant children. What data does exist is collected as part of household surveys and censuses, which only count dependents that are members of households. The data gathered by government authorities

⁵¹ UNHCR, 2022 “Zambia Operational Update.”

and partners providing protection assistance to migrant children indicate that neighbouring countries such as the DRC as well as the Horn of Africa—especially Ethiopia—are the country of origin for the majority of unaccompanied and separated children in Zambia.⁵²

1.2 MIGRATION ROUTES

As far as migration routes are concerned data collected by the IOM in 2013 showed that the intended final destination of most vulnerable children in Zambia—especially those from the DRC—was Zambia itself (51.3%) as it is perceived as a safe haven and has porous borders with neighbouring countries. Zambia is also a country of destination and transit for children from East Africa and the Horn of Africa although a 2022 report by Save the Children reports that there is a shift away from Zambia being a transit country towards being a destination country⁵³. UNICEF reports that “traditional entry points have been through the borders with DRC in the north and Tanzania in the north-east. However, new entry points in the east, where Zambia borders Malawi and Mozambique were found in 2020”⁵⁴. The report suggests that these new entry points can be attributed to increased monitoring at traditional entry points as a result of the COVID-19 pandemic and more restrictive entry measures imposed on non-Zambians.

As this eastern route has grown in popularity, the IOM has reported a general decrease in the age of migrants: “where previously the lowest age range was about 15–17 years; last year’s [2020] reports have indicated that child migrants between ages 12–14 years move independently, without a parent or guardian, and in the company of other older migrants who are not related to them, with most of these migrants, including the child migrants, not being in possession of any legal identity documents”⁵⁵. There is also evidence that there is frequent movement by migrants looking for work, particularly seasonal work.⁵⁶

In addition to flows of migrants into Zambia from neighbouring countries, there is also significant movement of migrants between cities, refugee settlements and border areas. Officially Zambia has an encampment policy that makes it an offence for any refugee to reside outside of a refugee settlement. According to the UNHCR (2020) when Zambia repealed the Refugee Control Act of 1970 and enacted the Refugees Act of 2017 (discussed below) the new act retained restrictive provisions concerning the encampment policy, freedom of movement, the right to work, and the requirement to submit an asylum application within 7 days of entry into the country. Research into movements of refugees living in urban areas of Zambia⁵⁷ has shown that enforcing this encampment policy has, however, been a challenge for the Zambian government.

Frischkorn⁵⁸ reports that “the recycling of refugees from the settlements and border areas was common” and suggests three reasons for this. The first is that Zambia’s existing national borders were initially drawn through existing communities and cultural groups where flows between what we now know as Angola, Mozambique, Malawi and Zambia were common. This freedom of movement persists today despite attempts to strengthen border security and is often supported by Zambians who aid migrants in avoiding detection by government agencies. The second reason is that refugee settlements represent significant limitations on refugee’s freedom

⁵² IOM, 2019 “Migration Governance Overview - The Republic of Zambia.”

⁵³ Save the Children, 2022 “Documenting the Impact of Cross-Border Case Management for Children on the Move in Southern Africa,”

⁵⁴ UNICEF, 2021 “The 2021 Situation Analysis of the Status and Well-Being of Children in Zambia.”

⁵⁵ Ibid.

⁵⁶ Save the Children, 2022 “Documenting the Impact of Cross-Border Case Management for Children on the Move in Southern Africa.”

⁵⁷ Frischkorn, 2015 “Political Economy of Control: Urban Refugees and the Regulation of Space in Lusaka, Zambia”

⁵⁸ Ibid.

of movement and their access to economic and social opportunities. Despite the settlement's relatively good welfare conditions, therefore, migrants will often return to border areas, where they can usually evade detection by government agencies fairly effectively, in pursuit of economic opportunities. The third reason Frischkorn outlines is that "even if refugees were sent to refugee camps or deported to a border town, those with resources could easily make their way back to Lusaka". Despite the potential for conflict with the law that might arise from leaving refugee settlements or reception centres, the advantage that free mobility represents appears to be worth the risk for many migrants.

1.3 NATIONAL POLICIES, LAWS, AND AGREEMENTS GOVERNING MIGRATION AND CHILDREN

Zambia is a key member of the Southern African Development Community (SADC) and has a diverse and long-standing record of migration governance with a number of recent significant shifts in policy.⁵⁹ As signatory to the 1951 Refugee Convention, Zambia did not adopt a number of its refugee-rights provisions into law including elements of the refugee definition. Under Zambia's dualist system international law provisions can only be enforced when formally incorporated into national/domestic law. A shift in approach however, is evident in a number of new laws and policies including the Seventh National Development Plan (7NDP)⁶⁰ which mainstreams migration into its targets and specifically sets out the right to health care for all including migrants. Zambia's Vision 2030, also prioritises health, and is committed to the attainment of 'equitable access to quality health care by all 2030' in which a number of specific provisions for the health and wellbeing of children are included.⁶¹

Zambia was the first country in Southern Africa to voluntarily sign up to the Comprehensive Refugee Response Framework (CRRF) – a centrepiece of the UN's current reform plans for the refugee system and the operational pillar of the new UN Global Compact on Refugees. Like other member states in the SADC region Zambia has also demonstrated their commitment to the United Nations (UN) Convention against Transnational and Organised Crime and its supplementary protocols, The Protocol to Prevent, Suppress and Punish Trafficking in Persons⁶² and The Protocol Against the Smuggling of Migrants by Land, Sea and Air⁶³ through legislative and policy measures. The enactment of national legislation has been justified as a necessary response to the crime of human trafficking (including child trafficking) and associated human rights violations, which is said to be widespread and increasing across the region.

A number of key forms of legislation relating to migration and to children. In the table below we assess each of these laws and policies in terms of how mobility aware, child aware and mobility and child aware they are. This provides a broad idea of the policy landscape in Zambia as it relates to the rights, support and protection of migrant children. This is followed by a brief overview of some these policies looking at elements that are specific to child migration.

⁵⁹ IOM, 2019 "Migration Governance Overview - The Republic of Zambia."


































⁶⁰ Ministry of National Development Planning; Republic of Zambia, 2017 "7NDP Implementation Plan 2017–2021,"

⁶¹ The Republic of Zambia, 2006 "Republic of Zambia Vision 2030."

⁶² OHCHR, 2000 "Protocol to Prevent, Suppress and Punish Trafficking in Persons."

⁶³ UN, 2000 "Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organised Crime."

Table 1: Mobility and child aware policy review

Legislation/policy	Mobility aware	Child aware	Mobility and Child aware
Constitution, 1996; further draft in 2012	 No	 Yes	 No
The Anti-Human Trafficking Act No. 11 of 2008	 Limited	 Limited	 No
Act to Amend the Juvenile Act, 2011	 No	 Limited	 No
National Health Policy 2012	 No	 Limited	 No
The Immigration and Deportation Act, 2010	 Limited	 Limited	 No
Employment of Young persons and children Act, 1933 (and 2004)	 Limited	 Yes	 No
Refugee Act No. 1 of 2017	 Yes	 Yes	 Limited
Border Management and Trade Facilitation Act No. 12 of 2018	 Limited	 No	 No
National Youth Policy. 2015	 Yes	 Yes	 No
National Development Plan, 2017-2021	 Limited	 No	 No
The Children’s Code Act 12 of 2022	 YES	 YES	 YES

Immigration and Deportation Bill. No. 18 of 2010

The Immigration and Deportation Act no. 18 of 2010⁶⁴ is the principal act for regulating entry, exit and stay of foreign nationals in Zambia and is based on a human rights approach to migration governance.

There are no specific provisions made in this bill for migrant children. Issues affecting children are not specifically addressed in the sections of the bill that are concerned with ‘illegal immigrants’.

- One significant element of this bill that is relevant to the current discussion, however, is an amendment made to the bill that provides for the issuance of a border permit that allows any member of a COMESA/SADC State or a state that shares a border with Zambia free movement over the border for six months. The only issue with this permit is that it costs 1,500 kwacha (ZMK) to attain (approximately USD 125) and ZMK 2,250 to renew (approximately USD 185)—a cost that is beyond the reach of many people who might need to cross backwards and forwards across the border.⁶⁵

⁶⁴ Government of Zambia, 2010 The Immigration and Deportation Act.

⁶⁵ IOM, 2020 “Making the Case to Integrate Human Mobility into Cross-Border Trade and Trade Facilitation”, p. 66.

The National Health Policy 2012

The National Health Policy (NHP) provides to “ensure equitable access to healthcare for all the people of Zambia, regardless of their geographical location, gender, age, race, social, economic, cultural or political status.” The policy acknowledges key risks to health including HIV/AIDS and recognises key drivers⁶⁶ as “mobility and labour migration, vulnerability and marginalised groups and vertical mother to child transmission.” There is also recognition of the significant adverse impact of poverty, communicable diseases and poor environmental sanitation on the poor, “especially children”.⁶⁷ There is no specific mention of migration and migrant children however.

Refugee Act No. 1 of 2017

The Refugee Act No.1 of 2017, replaces The Refugee Control Act and provides for the recognition, protection and control of refugees alongside the need to make provisions for the rights and responsibilities of refugees in Zambia⁶⁸ The Act also domesticates the UN Convention relating to the status of Refugees 1951 and its Protocol of 1967, as well as the Organisation of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969. The Refugee Act, alongside a public commitment by the President to relax restrictions on the freedom of movement of refugees in the two main refugee settlements signals a recent shift in Zambia’s approach to migration.

- The commissioner for refugees is identified as the national body that is responsible for protecting and assisting child asylum seekers and refugees.
- Part IV, section 53 of the act protects the right of children who are refugees or asylum seekers to protection and assistance, family tracing and reunification, and “where the parents of the child or other members of the child’s family cannot be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of the child’s family”⁶⁹.

Border Management and Trade Facilitation Act No. 12 of 2018

No provisions are made in this bill for migrant children who may be crossing Zambia’s borders or recognition of the fact that children are sometimes involved in cross-border trade or labour migration.

One important consideration raised in a report by the IOM regarding the Border Management Act is that immigration legislation tends to focus on border control rather than facilitating cross-border trade and migration. The report suggests that “Zambia’s Border Management and Trade Facilitation Act represents an important milestone relating to trade facilitation. Nevertheless, the act contains no reference to mobility of persons related to trade or human rights principles”⁷⁰

The Anti-Human Trafficking Act No. 11 of 2008

Zambia was among the first countries in the SADC to adopt an extensive domestic legislation

⁶⁶ Government of Zambia, National Health Policy of 2012

⁶⁷ The Government of Zambia, 2022 “The Children’s Code Act, 12 of 2022.”

⁶⁸ The Government of Zambia, 2017 “The Refugees Act No. 1 of 2017.”

⁶⁹ The Government of Zambia, 2017 “The Refugees Act No. 1 of 2017.”

⁷⁰ IOM, 2020 “Making the Case to Integrate Human Mobility into Cross-Border Trade and Trade Facilitation.”

on human trafficking: The *Zambian Anti Human Trafficking Act*⁷¹ is closely modelled upon the Palermo Protocol. It goes beyond the Protocol's distinct focus on border controls and also includes comprehensive standards for victim protection and care that can be categorised in the domain of human rights.

This Act stipulates that the best interests of the child shall remain paramount in any assistance offered to a child victim of trafficking and makes provision for:

- The care and protection of children who are trafficked into Zambia. This includes a prohibition on the summary deportation of victims of trafficking, and assisting a child to apply for asylum if they do not have the proper documentation.
- Children who are involved in trafficking to be referred to a social worker or authorised care institution while they remain in Zambia.
- Determining the best interests of a child before repatriating them to their country of origin or any other country.
- The authorisation of any non-Zambian victim of trafficking to stay in Zambia for the duration of their court order.
- The care of child victims of trafficking at a dedicated centre. The centre is responsible for providing for the needs of the child, protecting their safety, providing counselling and rehabilitation, and providing education. This applies to unaccompanied and separated children as well as children who were trafficked with a guardian.

National Youth Policy. 2015

This policy has no substantive recommendations for supporting migrant youth aside from limited references to the need to protect the rights of migrant youth and the need to include migrant youth in civil society and youth governance actions. Young refugees are not mentioned in the policy at all.

The Children's Code Act, 12 of 2022

This act solidifies various rights and protections for children, and officially establishes procedures for the regulation of foster care, adoption, and child care facilities. It is aligned with international child rights standards and will enable the protection of vulnerable children, especially those without adequate parental care, children living in the street, refugee children and children on the move. The law will also protect children who have experienced violence, abuse and neglect and will ensure their access to justice.

- Under the Act child marriages (under 18) and practices are banned. The Act also introduces child safeguarding procedures for all services and organizations working with children. Through this, children will have avenues in place to report cases of violence, be it physical, sexual or emotional abuse. The Children's Act will also provide the legal basis for the implementation of regulated community responses to juvenile offending that is focused on child reintegration and preventing the repetition of offences.
- The Act recognises the specific protection needs of migrant children. For example, Article 16 provides, "A child on the move is entitled to appropriate protection and

⁷¹ The Government of Zambia, 2008 "The anti-human trafficking act of 2008".

humanitarian assistance in accordance with the Anti-Human Trafficking Act, 2008, the Refugees Act, 2017 and any other relevant written law. Article 167 recognises that unaccompanied children on the move or refugee children are in need of care of protection.⁷²

National Referral Mechanism (NRM) for the Protection of Vulnerable Migrants in Zambia.

This document provides a simple overview of the NRM for the Protection of Vulnerable Migrants in Zambia and specifically identifies unaccompanied and separated children as one of six groups of vulnerable migrants. It also identifies the Department of Social Welfare as the body responsible for both the status determination of these children and for referral for service provision. Children could also fall under all of the remaining five categories of vulnerable migrants identified in the NRM, but no specific provision for these children is made in this document.

Guidelines for best interest determination for vulnerable child migrants in Zambia. 2018

A full overview of these guidelines is beyond the scope of this review. This document has significant relevance for the support of migrant children in Zambia and has as its main objectives to (a) formalize the process of determining children's best interests, and (b) increase the consistency and quality of services that significantly impact the lives of migrant children in Zambia.

Guidelines: Protection Assistance for Vulnerable Migrants

Unaccompanied and separated children are identified in this document as migrants of concern whose needs the guidelines intend to address.

The guidelines identify:

- The short, medium and long-term needs of unaccompanied and separated children and child victims of trafficking. These include access to healthcare, education, family tracing and reunification, national registration, birth registration where necessary, and asylum procedures.
- The need for access to emergency healthcare for vulnerable migrants, and especially children.
- A need for information to be presented to children in a child-friendly manner.
- Procedures to follow for the assistance of unaccompanied and separated children that include requirements for specially trained authorities, conducting interviews in an age-appropriate manner, and for a social worker or child psychologist to be present whenever possible.
- The procedures to follow in the case of a child victim of trafficking. These include the need to regularise the immigration status of any non-Zambian child at the earliest possible time.

The guidelines stipulate that:

- The detention of children be used only as a last resort and only for the shortest pos-

⁷² The Government of Zambia, 2022 "The Children's Code Act, 12 of 2022."

- sible period of time.
- The child’s best interests should be the primary consideration in all actions concerning the child

Unaccompanied and separated children will be referred to the Department of Social Welfare.

Overall, it is evident that Zambia has a fairly comprehensive legislative framework and a number of policies that address migration and children. However, there is little in the earlier policies that engages with the needs of migrant children specifically. A shift can be seen in terms of migration governance and in relation to Zambia’s commitment to International Policies with the Children’s Code Act (2022) demonstrating particular awareness of the protection risks and needs of migrant children.

2. EXISTING RESPONSES

2.1 LOCAL AND INTERNATIONAL PARTNERSHIPS AND MECHANISMS

As with the data on child migrants in Zambia, there is limited information available on responses and interventions to support child migrants in the eastern border area of Zambia. Forbes⁷³ reports on a number of good practices in relation to child migrants in Zambia such as,

Child-specific screening systems including child-friendly interview spaces in border areas and accompanying training of government officials; case management systems run by civil society organisations and case resolution for unaccompanied children through assisted voluntary return and reintegration to their country of nationality and a variety of alternative care arrangements ranging from shelters and open reception centres to foster care and guardianship arrangements.

In 2021 UNICEF also reported on the launch of the EU Global Promotion of Best Practices for Children in Migration programme to strengthen child protection systems and provide alternatives to immigration detention. This programme is being implemented by the Government of Zambia, the European Union, UNICEF and UNHCR. The Minister of Home Affairs, Mr Stephen Kampyongo, was also quoted saying the Government of Zambia is responding to the challenges faced by migrant children by setting up shelters for vulnerable persons including unaccompanied and separated children in Chipata, Sesheke, Chongwe and Mansa.⁷⁴

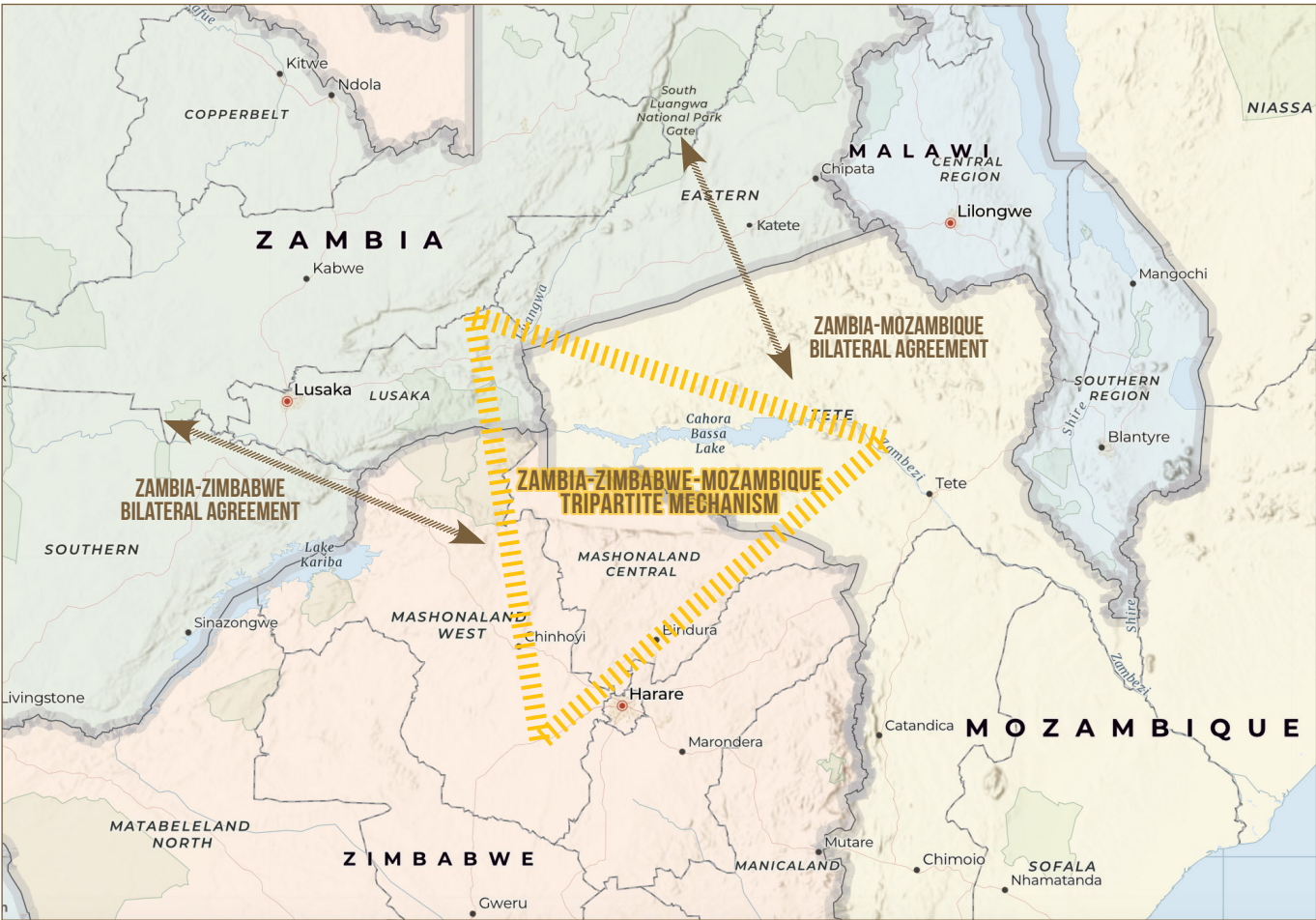
Zambia is also part of two bilateral and one tripartite cross-border coordination mechanisms for the protection of children on the move led by Save the Children’s East and Southern Africa regional programme Unit and regional Save the Children country offices. These include: A bilateral agreement with Zimbabwe and a bilateral agreement with Mozambique as well as a tripartite mechanism between Zambia, Mozambique and Zimbabwe.⁷⁵ These are shown on the map below.

⁷³ Forbes, 2022 “An Intersectional Approach to Alternative Care Models: A Case Study of Asylum-Seeking Children at the Makeni Transit Centre in Zambia.”p 201

⁷⁴ Forbes, 2022 “An Intersectional Approach to Alternative Care Models: A Case Study of Asylum-Seeking Children at the Makeni Transit Centre in Zambia.”p 201

⁷⁵ UNICEF & UNHCR, 2021 “Child Protection Blueprint A Fair Deal for Refugee Children UNHCR UNICEF 2021.”

Figure 10: Map showing bilateral and tripartite mechanisms in place to support children on the move



These mechanisms have been set up to improve cross-border coordination between key stakeholders (state and non-state) and service providers with a particular focus on the coordination of case management of unaccompanied or separated migrant children. As part of the mechanisms the countries involved have established Terms of Reference (ToRs) as well as Standard Operating Procedures (SOPs) as well as Memorandums of Understanding (MoUs) in order to improve communication and information-sharing. Examples of initiatives developed under these mechanisms include the establishment of a toll-free helpline for children (including children on the move) in Zambia, South Africa and Mozambique and Zambia’s participation in access to education programmes to share good practices on access to education for migrant and non-citizen children in South Africa.

KEY ACTORS

The key stakeholders and partners engaged in working with and protecting child migrants include:

UNHCR Implementing Partners:

- The Commissioner for Refugees
- Ministry of Home Affairs and Internal Security
- United Nations Country Team
- Action Africa Help

- Plan International
- Caritas Czech Republic
- CARE International
- World Vision Zambia
- Cavendish University

National Key Players

- The Commissioner for Refugees
- Department of Immigration
- Department of Social Welfare
- Ministry of Health
- Ministry of Education
- Ministry of Labour and Social Security
- Zambia Police Service

2.2 DETENTION AND DEPORTATION OF CHILD MIGRANTS

With regards to the detention of migrants crossing into Zambia the situation appears to be improving steadily. Zambia still practices immigration detention and has entered a reservation to Article 26 (freedom of movement) of the 1951 Convention Relating to the Status of Refugees.⁷⁶ As a result, migrants who cross into Zambia at points of entry without an official reception centre are detained until their asylum applications are processed or pending deportation. Research from 2015 suggests that immigration detention practices were so widespread that the Department of Immigration represented “the most prominent security concern for refugees” with 40% of refugees having spent time in prison and an even larger proportion with immediate family members who had been imprisoned.⁷⁷ More recently, through its detention monitoring programme, the UNHCR facilitated the release of 7 people of concern who had been imprisoned for immigration related offences.⁷⁸

Despite the legal structures in place, pressure from international organisations has led to some positive steps away from widespread detention of migrants. For example, a range of alternatives to detention are stipulated in the Immigration and Deportation act of 2010 such as asylum seekers permits and report orders. There is also a 30-day limit on immigration detention, or a 90-day limit prior to deportation stipulated in the Act.⁷⁹ The UNHCR reports that in practice, however, these alternatives to detention are seldom used and there is need for continued lobbying of the government.⁸⁰

With regards to children UNICEF reports that “the current Zambian juvenile justice system is harmful to juveniles who come into conflict with the law”. The report specifically identifies children in migration flows as being at risk of imprisonment unless they are identified and

⁷⁶ Save the Children, 2022 “Documenting the Impact of Cross-Border Case Management for Children on the Move in Southern Africa.”

⁷⁷ Frischkorn, 2015 “Political Economy of Control.”

⁷⁸ UNHCR, 2022 “Zambia Operational Update.”

⁷⁹ Forbes, 2022 “An Intersectional Approach to Alternative Care Models: A Case Study of Asylum-Seeking Children at the Makeni Transit Centre in Zambia.”

⁸⁰ UNHCR, 2020 “UNHCR Global Strategy Beyond Detention.”

assessed as needing protection. The juvenile detention system is reported as being overly punitive with “prolonged child detention, over prosecution of minor offences, lack of alternative sentencing and community-based rehabilitation services”.⁸¹ In 2018 a UNICEF-supported nationwide child detention monitoring mission was carried out that identified 1 000 children, including migrant and circumstantial children, in detention. Migrant children identified through detention monitoring programmes report that they have been held for prolonged periods of time, in conditions that are harmful to their health, and exposed to violence.⁸²

Forbes⁸³ reports that despite the harmful nature of the existing system, the Government of Zambia has been working towards ending the detention of asylum-seeking children and improving protection services. One example of this work is the adoption of a non-detention policy for children and single mothers with children. To facilitate this the Government of Zambia and its partners have established shelters for migrants, refugees, and asylum seekers, with specific arrangements for unaccompanied and separated children. Forbes reports that “between 2014 and 2017 the number of places available for UASC in alternative care arrangements increased from 2 to 13. The number of [alternatives to detention] places available for families with children increased from 2 to 13 during the same period and then decreased again to 12 by 2019”⁸⁴ Following this trend, the number of children detained for immigration offences has decreased from 49 in 2013, to 18 in 2015, to 0 in 2017, 2018, and 2019 (Forbes, 2022). These figures are drawn from the UNHCR report on the Global Strategy beyond Detention UNHCR, “UNHCR Global Strategy Beyond Detention.”

However, recent reports also suggest that with the impact of the COVID-19 pandemic an increase in irregular movement across Zambia’s borders and SADC more broadly led to an increase in the numbers of children needing shelter. A Save the Children report subsequently found that “children have been ‘kept’ or detained by correctional services” due to a lack of safe houses⁸⁵. At the time of the pandemic Family Tracing and Reunification (FTR) was also not functioning fully and so children were reported to have been left in limbo and without a sense of what would happen.⁸⁶

2.3 CHILD LABOUR

Of the limited literature available on labour practices among child migrants in Zambia the primary focus is on child trafficking. There is very little in-depth data on children participating in the informal and/or formal economy such as what work children are doing, where they work, and how they are treated in these jobs.

The literature on child trafficking reports that in 2019 the Ministry of Labour and Social Security investigated 38 potential forced child-labour cases.⁸⁷, and that 80% of the 166 child

⁸¹ UNICEF, 2021 “The 2021 Situation Analysis of the Status and Well-Being of Children in Zambia.” P 17

⁸² UNICEF, 2021 “The 2021 Situation Analysis of the Status and Well-Being of Children in Zambia.”

⁸³ Forbes, 2022 “An Intersectional Approach to Alternative Care Models: A Case Study of Asylum-Seeking Children at the Makeni Transit Centre in Zambia.”

⁸⁴ Forbes, 2022 “An Intersectional Approach to Alternative Care Models: A Case Study of Asylum-Seeking Children at the Makeni Transit Centre in Zambia.” P198

⁸⁵ UNHCR, 2020 “UNHCR Global Strategy Beyond Detention.”

⁸⁶ Save the Children, 2022 “Documenting the Impact of Cross-Border Case Management for Children on the Move in Southern Africa.” P 27

⁸⁷ Save the Children, 2022 “Documenting the Impact of Cross-Border Case Management for Children on the Move in Southern Africa”, p. 57.

victims of trafficking assisted by the Department of Social Welfare from 2013 to 2017 were children. It also shows that children were primarily trafficked for sexual exploitation or other forms of exploitative labour such as domestic servitude.⁸⁸

However, it is also important to note that data on trafficking and exploitative practices is often difficult to ascertain and therefore figures available are unlikely to represent a complete picture.⁸⁹ Furthermore, with children who are of a decision-making age and have migrated independently it is often difficult to draw lines between work they chose to do (even if the options are constrained) and work into which they have been forced. This is particularly the case where the voices of children are absent from research and so their levels of agency and freedom to make choices are not understood or recognised.⁹⁰

A report by Fox (2008) was the only piece of research that engaged directly and in-depth with migrant child labour in Zambia.⁹¹ Fox found that the working conditions of migrant labourers were often considered exploitative and that exploitation of migrant labourers was particularly apparent among young domestic workers and child cattle herders. Chipata was found to have the highest number of labour complaints in the agriculture sector with 14% of the total complaints lodged with the Ministry of Labour and Social Security and the Human Rights Commission (HRC) nationwide. Fox cites the example of children in Chipata, Katete, and Petauke working as cattle herders for four years before being paid with a single cow. Fox also quotes a labour officer from Chipata who reports that “most of the complaints were lodged by the Malawian migrant labourers against the local tobacco farmers in the district. Nearly all the cases reported related to employers who had refused to pay the agreed wages after the harvest and sale of the produce”.⁹² These tobacco farms are thought to be a large employer of child migrants, however, the exact numbers of children involved are difficult to monitor due to the nature of farm employment. Adults are formally employed on farms but then those who are parents will often bring their children to work with them to reduce the workload in this very labour-intensive industry.

2.4 ACCESS TO SERVICES

There is very little literature, either academic literature or grey literature, available on services available to migrants in Zambia. From what is available it is evident that the UNHCR has four outreach centres in Kanyama, George, Chipata and Chawama. There are three refugee settlements: Meheba, Mayukwayukwa, and Mantapala where refugees and asylum seekers awaiting status determination can receive healthcare, education, and food. There are also six shelters for unaccompanied and separated children that provide food, accommodation, counselling, and case management services.⁹³

A Save the Children impact assessment of cross-border coordination mechanisms and case management found that Zambia has effectively addressed some of the basic needs of children on the move through ensuring access to schooling and the distribution of ‘social cash transfer funds’ for ‘vulnerable families.’ It reported that in June 2019 the Social Welfare office reported supporting 2,924 individuals with the aim to promote ‘family unification and cohesion’ and reduce irregular migration. In addition, Zambia reports offering ‘direct assistance’ in terms of

⁸⁸ The Vatican, 2021 “Migration Profile: Zambia.”

⁸⁹ IOM, 2019 “Migration Governance Overview - The Republic of Zambia.”

⁹⁰ Walker, Mahati, and Magaya, 2020 “Child Trafficking in South Africa: Exploring the Myths and Realities.”

⁹¹ Bolgrien, Levison, and Vavrus, 2021 “Generational Power in Research with Children”; Clacherty, 2021 “Artbooks as Witness of Everyday Resistance”; Mahati and Palmary, 2017 “Independent Migrant Children, Humanitarian





















⁹² Fox, 2008 “Investigating Forced Labour and Trafficking: Do They Exist in Zambia?”

⁹³ Ibid.

temporary shelter, food, sanitary facilities and counselling’ at the border areas.⁹⁴

Zambia is also a part of cross-border initiatives to ensure access to health for migrants. However, beyond this general information it is unclear what services are available to child migrants, particularly in the eastern border area.

APPENDIX B: POLICY REVIEW TABLE (ZAMBIA)

Name of Document	Addresses child protection	Addresses migration (vulnerabilities and risks around migration)
The Children’s Code Act, 2022 (Act No. 12 of 2022).	 Adresses but limited	 Adresses but limited
Immigration and Deportation Act, 2010	 Does not address	 Adresses but limited
National policy on human trafficking and smuggling of migrants: implementation plan	 Does not address	 Address comprehensively
National Migration Policy	 Does not address	 Adresses but limited
Anti-Human Trafficking Act, 2008	 Adresses but limited	 Adresses but limited
Refugees Act, 2017	 Address comprehensively	 Adresses but limited
The National Action Plan for the Elimination of Worst Forms of Child Labour 2020 - 2025	 Adresses but limited	 Does not address
Guidelines for best interests’ determination for vulnerable child migrants in Zambia	 Adresses but limited	 Adresses but limited
Guidelines: Protection Assistance for Vulnerable Migrants	 Adresses but limited	 Adresses but limited
Constitution of Zambia	 Address comprehensively	 Does not address

⁹⁴ Forbes, 2022 “An Intersectional Approach to Alternative Care Models: A Case Study of Asylum-Seeking Children at the Makeni Transit Centre in Zambia.”

APPENDIX C: RESEARCH TOOL 1 (PARTICIPATORY FGD)

PARTICIPATORY FOCUS GROUP WITH YOUTH ON THE MOVE IN CHIPATA AND KATATE AREA, ZAMBIA

FOCUS OF THE RESEARCH

The focus of the participatory groups will be:

- The lived reality of young people on the move in the two border towns of Chipata and Katete and surrounding areas
- The dynamics of migration i.e.
 - where they come from originally,
 - why they chose to leave
 - how they came to be in the border towns
 - how long they have been there
 - if they plan to stay and why
 - if they will move and why and where to
- Endogenous and existing protective mechanisms as well as the strategies young people use to keep themselves safe in the two towns and on the farms
 - peer support
 - adults that help them (formally and informally)
 - individual internal strategies they apply to cope with their situation
- Protection issues they face
- Socio-economic issues they face
- Services they access and don't access and why
- What they think would help them

Other topics such as politico/legal context, services that are available etc. will be covered in interviews with stakeholders.


OUTLINE OF THE PARTICIPATORY FOCUS GROUPS

The activities will all be done in a small A5 booklet so that the research can be done informally in pairs or in a group. The activities will be written up on each page and the books printed.

Activity	Probing questions	Materials
<p>Fun game to help the young people feel relaxed and begin to get to know you.</p> <p>Or a 'chat' if working with 2 or 3.</p>		<p>A ball</p>
SECTION 1: MY JOURNEY		
<p>A pre-drawn simple map showing Zambia and the surrounding countries.</p> <p><i>"Please show us your journey (can be to another country/ returning or both) on this drawing of the countries around Zambia"</i></p>	<p><i>Tell us about your journey.</i></p> <ul style="list-style-type: none"> - where did you plan to go? - draw a picture of the way you travelled – in transport or walking – draw this on the map - did you want to come to Chipata/Katete? Why did you stay? - why did you leave home? (Question asked later as it may be difficult emotionally) - did anyone help you on your journey? Who and how? - did anyone make your journey more difficult? - do you plan to go on to somewhere else? Can you show me on the map? 	<p>Booklet for each participant – map on double page.</p> <p>Pens</p>
SECTION 2: MY LIFE NOW		
<p>Their own drawing/ map of life in the border town</p> <p><i>"Draw a map of all the places you go to in a week here in Chipata/ Katete."</i></p> <p>Use the map to explore the topics below.</p>	<p><i>Tell us about all the places you have drawn.</i></p>	<p>Booklet – blank double page</p>
<p>Work</p> <p><i>"Show us where you are working, draw the work you do on your map" (if not drawn already).</i></p>	<p><i>Tell us about work.</i></p> <ul style="list-style-type: none"> - Is it good work? Why? Why not? - How did you get this work/ decide to do this work? Did anyone help you/ advise you to get this work? - How much money do you make? - What do you do with the money? 	
<p>Sleep</p> <p><i>"Draw a picture on the map with a crayon of where you sleep at night."</i></p>	<p><i>Tell us about where you stay.</i></p> <ul style="list-style-type: none"> - Is it a good place to sleep why? - Why do you sleep here? - Does anyone else sleep here with you and if so, who? - Where would you rather be? 	

<p>Other activities <i>“Draw the things you do besides working.”</i></p>	<p><i>Tell us about any other things you do with your time</i></p> <ul style="list-style-type: none"> - where you get food - play sport - chat with friends - earn some money 	
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SECTION 3: PEOPLE IN MY LIFE HERE

<p>All the people in their lives <i>“I have some small figures here. I want you to place them on your map at the places you meet them, think of young people and older people, all the people you meet.”</i></p> <p>Use the figures on the maps to explore their relationships with the different people listed below:</p> <p>Friends/ peers Adults Service providers Officials</p>	<ul style="list-style-type: none"> - Which of these people are friends? - Why are they friends? <p>Probe with these questions:</p> <p><i>Friends your own age:</i></p> <ul style="list-style-type: none"> - What do you do together? - What support do they give you? <p><i>Adult/grown up friends: (may need to define who you mean for them)</i></p> <ul style="list-style-type: none"> - What do you do together? - What support do they give you? <p><i>People who are not friends:</i></p> <ul style="list-style-type: none"> - Why are they not friends? <p><i>Service providers</i></p> <p>How did you meet this person? Have they done anything for you? What? What would you like them to do for you?</p> <p><i>Officials</i></p> <p>What about border guards, police, people in charge/tell you what to do?</p>	<p>Many small paper cut-outs of people</p>  <p>place a small piece of press-stik on the back so they can be moved but don't fall off as you talk</p>
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SECTION 4: HOW I FEEL HERE

<p>Feelings about lives.</p> <p>Bring out the larger 'feeling drawings' and explain each one in turn using body language and voice.</p> <p><i>“I have some small figures here. I want you to place a few of them on your map to show me what feeling you have in different places.”</i></p> <p><i>“Take one of the drawings and then tell us where you feel like this, show us on your map.”</i></p>	<p><i>Tell us about where you have placed the different feelings.</i></p> <ul style="list-style-type: none"> - Why do you feel these feelings in these places? <p>Explore especially the feelings they have at the service organisations (Childline and Happy Healthy and Strong) if they put these on their map. If they didn't and you know they have contact with these organisations ask these questions:</p> <ul style="list-style-type: none"> - Tell me about (name of organisation or their staff). - what do you do with/ at (Childline and Happy Healthy and Safe)? - Are they helpful/ useful to you? How? - What would you wish they could do? 	<p>A6 laminated feeling drawings – see Appendix 2</p> <p>You need a few of each feeling.</p>
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SECTION 5: SERVICE ACCESS

<p>Access to protection (based on Save the Children indicator framework⁹⁵).</p> <p>In the book you will see a drawing. Each picture is linked to a question. Show me with a tick if you have received any of these things.</p> <p>Note: Explain each drawing as you read the questions</p>	<ul style="list-style-type: none"> - Have I been able to get the documents I need? - Have I been listened to and shared my problems/worries? - Have I been able to get help if I am sick or hungry or need support? - Am I in a place I feel safe and with the people I want to be with? - Am I able to go to school/have something to do each day? - Has someone checked in on me/followed up? - Do I have the support I need for my plans for the future? 	 <p>This drawing in booklet.</p>
<p>Individual strengths.</p> <p><i>“Draw a picture of yourself in the booklet and tell us about your strengths, the ways you are inside and out that help you to survive and live your life. You can use words or small pictures on your picture of yourself to show these things.”</i></p>	<p>Tell me about what you have drawn.</p> <p>Note: don't ask probing questions here – but 'celebrate' the answers e.g. “oh so you have dreams for your future. I can see that you are strong in your mind and you work hard too”.</p>	
<p>End with a happy game.</p>		

EXAMPLE OF BOOKLET – A4 FOLDED = A5 SIZE

<p>My story Age and gender – no name Cover</p>	
<p>My journey Pre-drawn map of countries around Zambia</p>	
<p>Places I go everyday – space to draw their own map</p>	
	<p>A drawing of me</p>

⁹⁵ The indicator framework was developed by Rebecca and Scalabrini staff as part of the Save the Child Cross border coordination mechanisms impact study – it worked well with children in border areas such as Musina and Ressano Garcia.

APPENDIX D: RESEARCH TOOL 2: KI INTERVIEW GUIDE

ZAMBIA: OFFICIALS INVOLVED WITH CHILDREN ON THE MOVE

Could you tell me a little about your role at work?

Probe the following:

- a. Background and current roles at work
- b. Other responsibilities and positions
- c. Length of time in this position, and other experiences regionally working with CotM

Can you tell me about your understanding and experiences of working with Children on the Move?

Probe the following:

- a. Experiences/understanding of CotM –reasons for moving, what challenges they face and what interventions/practices are in place
- b. Do you think it is different for officials working at borders and in border towns than for officials working in urban areas inland?
- c. What relevant laws, policies, tools and guidelines guide your work?
- d. What are the key challenges and sticking points when assisting CotM?

Any key challenges/changes in broader context that impact CotM

Probe the following:

- a. Restrictive migration policies and changes in laws/policies
- b. Laws and policies shaping practices with children.
- c. Implementation gaps between laws and policies, and application on the ground.
- d. Access to documentation and immigration status.
- e. Thinking about going forward- what changes would you like to see in cross-border coordination mechanisms and practices?
- f. How can practices be changed/strengthened?
- g. What would this look like in terms of impact on children?

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VISUAL SUMMARY: YOUNG MIGRANTS LIVING IN CHIPATA AND KATETE BORDER TOWNS IN ZAMBIA



«THEY NEED TO BE STRONG – THOSE WHO ARE HEADING TO KATETE – BECAUSE LIVING IN KATETE IS NOT AN EASY THING. THERE ARE A LOT OF OBSTACLES AND THINGS» THEY WILL GO THROUGH. (A SOCIAL WORKER IN KATETE)

1



MIGRANTS LIVING IN MALAWIAN TOWN CLOSE TO BORDER

- » Historical and cultural context to crossing
- » Cross every day for school or business
- » Family on both sides of border
- » Border officials ignore them as they are known

3

WHY YOUNG PEOPLE LEAVE HOME



- » Agricultural production poor, no food at home
- » No possibility of economic activity in their areas
- » Politico-economic collapse (Zimbabwe)
- » Mistreatment at home

4

TRAVELLING FROM HOME



- » Usually in groups or pairs
- » Often walk, some take buses or informal taxis or ride bicycles
- » Zambia border terrain easy to cross and no fences or guards
- » Seldom use 'guides'



MIGRANTS WHO COME FROM DISTANT AREAS

Countries of origin:

- » Malawi
- » Mozambique
- » Zimbabwe
- » Ethiopia (in transit to South Africa)

2



5

LIFE FOR YOUNG MIGRANTS IN BORDER TOWNS

- » Insecure – they do not have documents and can be arrested
- » Often employed to do informal work
- » Low pay and frequent exploitation by employers
- » Little money for basic needs
- » Live in 'compounds' – crowded, informal and inaccessible to officials
- » Live in groups or pairs – feel safer in groups and get support from each other
- » Do not access health services for fear of being reported



6

NGO SERVICES



- » None that reach young migrants in their places of work and living
- » One social worker in Katete who deals mostly with statutory cases
- » Multisectoral group (set up by social worker) in Katete includes state officials - some successful individual case management
- » Few CBOs, with low capacity and resources

7

GOVERNMENT RESPONSE



- » Arrest undocumented migrants
- » Detained until repatriation
- » Detention facilities separate minors and adults at night but not during the day
- » Legal obligation to place minors in 'safe house' – no 'safe house' in Katete (government has not provided) – concern expressed by government officials about this

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CSER, Rome

Centro Studi Emigrazione Roma, established in 1964 in Rome (Italy)
www.cser.it

CIEMI, Paris

Centre d'Information et d'Études sur les Migrations Internationales, established in 1971 in Paris (France)
www.ciemi.org

CEM, Sao Paulo

Centro de Estudios Migratorios, established in 1985 in Sao Paulo (Brazil)
www.missaonspaz.org

CMS, New York

Center for Migration Studies of New York, established in 1969 in New York (USA)
www.cmsny.org

SMC, Manila

Scalabrini Migration Center, established in 1987 in Manila (Philippines)
www.smc.org.ph



The Scalabrini International Migration Network (SIMN) is an umbrella organization established in 2007 by the Congregation of the Missionaries of Saint Charles, Scalabrinians. SIMN encompasses more than 250 grassroots Scalabrini entities that serve and advocate for the dignity and rights of migrants, refugees, internally displaced people, and seafarers around the world. SIMN fulfils its mission through an extensive network of think tanks, social service centres, shelters, senior centres, orphanages, medical clinics, kindergartens, schools, employment centres, and cultural centres. SIMN works closely with other entities at the local, national, and international levels, promoting comprehensive service programs and advocating for the dignity and rights of migrants and their families.



The Federation of Scalabrini Centers for Migration Studies unites seven centres across the world, each devoted to research and advocacy on migration. Located in New York, Paris, Rome, Basel, São Paulo, Buenos Aires, and Manila, these centres monitor the development of international migration. All of them are organized with similar departments, including a program dedicated to research, another dedicated to specialized publications—including periodicals, monographs and academic papers—as well as programmes dedicated to documentation, conferences, and other educational activities.

SCALABRINI INSTITUTE FOR HUMAN MOBILITY IN AFRICA (SIHMA)

The Scalabrini Institute for Human Mobility in Africa (SIHMA) was established in Cape Town, South Africa, in 2014.

Our **Vision** is an Africa where the human rights of people on the move are ensured and their dignity is promoted.

Our **Mission** is to conduct and disseminate research that contributes to the understanding of human mobility and informs policies that ensure the rights and dignity of migrants, asylum seekers and refugees in Africa.

We disseminate the findings of our research through our Journal **AHMR** (African Human Mobility Review), social media and our website www.sihma.org.za.

WHAT THEY SAY ABOUT US

In recent years the focus of the traumas around the refugee and migrant experiences has been largely seen through its impacts on and narratives emerging from Europe and North America.

*Sadly the clamor on those continents has rendered **the vast movement of people in Africa** almost invisible and silent.*

It is estimated that at least 26% of all people on the move internationally, move in and through the vast expanses of the African continent. Some set the figure much higher. Whatever the percentages, each statistic represents a person with individual hopes and dreams, in addition to their anxieties and fears, legacies of danger and vulnerability.

As with every vulnerable group, any desire to accompany such people, to give substance to their dreams and sustain their hope demands a thorough understanding of their realities.

*SIHMA stands amongst the few institutions in Africa that seeks **to understand the multiple dynamics that contribute to such accompaniment**, speaks into those diverse situations, and honour the values embedded in the noble protocols and policies which govern this universe.*

SIHMA is committed to providing a thorough intellectual grounding, through sound analysis and the development of a rights-based praxis and pointed advocacy for displaced persons.

Without such research and without developing life-giving synergies, the entire accompaniment process would be faulty and soulless.

*Thus, SIHMA provides **a vital service to understanding the realities of the vulnerable people on the move** and developing paths beyond the pathologies that often ensnare them. This is an exceptionally valuable service.*

SIHMA also brings to the table a powerful wisdom drawn from the deep wells of its faith foundation.

*In a moment of history so distorted by cheap populism and sound bites, faith provides **another way of seeing issues**, another means of enriching the mind, and of expanding the heart so that we, who are honored to be part of SIHMA's ministry, can give public significance to our private beliefs.*

*I think of SIHMA as **a laboratory** for new and creative ways of crafting life-giving environments, a platform for multidisciplinary conversations in this contested domain and an energy for doing advocacy that allows the continent, in the poignant words of the Nobel laureate Chief Albert Luthuli, 'to be a home for all.'*

*SIHMA is already a microcosm of this shared home and **a place where study is at the service of growth into a fuller humanity.***

When I think of SIHMA and the populations it serves, I often think of Shakespeares' words that 'we know what we are but we know not what we may be.'

SIHMA dreams and works strenuously to accompany people into being the best person they can be.

Peter John Pearson, CPLO Director



PEOPLE BEHIND THE FIGURES