

In 2016, Zambia made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government hired additional labor inspectors and approved a new development assistance framework that aims to prevent the worst forms of child labor. The Government also supported the development of programming to empower adolescent girls and reduce child labor in rural areas. However, children in Zambia continue to engage in the worst forms of child labor, including in the production of tobacco, and in commercial sexual exploitation, sometimes as a result of human trafficking. Gaps remain in the legal framework related to children; for example, the Education Act does not include the specific age to which education is compulsory, which may leave children under the legal working age vulnerable to the worst forms of child labor. In addition, law enforcement agencies lack the necessary human and financial resources to adequately enforce laws against child labor.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Zambia engage in the worst forms of child labor, including in the production of tobacco and commercial sexual exploitation, sometimes as a result of human trafficking. (1-3) Table 1 provides key indicators on children’s work and education in Zambia.

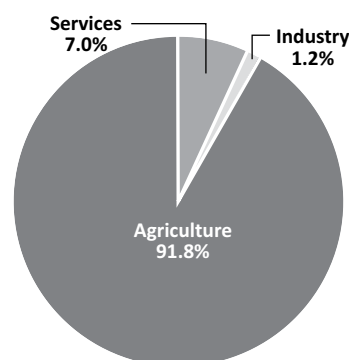
Table 1. Statistics on Children’s Work and Education

| Children | Age | Percent |
|-------------------------------|---------|----------------|
| Working (% and population) | 5 to 14 | 28.1 (992,722) |
| Attending School (%) | 5 to 14 | 65.2 |
| Combining Work and School (%) | 7 to 14 | 27.6 |
| Primary Completion Rate (%) | | 81.0 |

Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2016.(4)

Source for all other data: Understanding Children’s Work Project’s Analysis of Statistics from the Labour Force Survey, 2008.(5)

Figure 1. Working Children by Sector, Ages 5-14



Based on a review of available information, Table 2 provides an overview of children’s work by sector and activity.

Table 2. Overview of Children’s Work by Sector and Activity

| Sector/Industry | Activity |
|-----------------|---|
| Agriculture | Production of corn, coffee, tea, and sunflowers (1, 3) |
| | Production of cotton† and production of tobacco,† including transplanting, watering, weeding, ridging, grading, stringing, reaping, and applying fertilizers (1, 3, 6, 7) |
| | Raising and herding† cattle (2, 8-11) |
| | Fishing,† working on boats, cutting and smoking fish (1, 12) |
| | Producing charcoal† (1) |

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Table 2. Overview of Children’s Work by Sector and Activity (cont)

| Sector/Industry | Activity |
|---|--|
| Industry | Mining gems, including amethysts and emeralds (1) |
| | Mining lead, zinc, iron ore, and copper (1) |
| | Quarrying rock, conducting rudimentary mine drilling, [†] and scavenging mine dump sites (1-3, 11) |
| | Crushing stones [†] (2, 10, 11, 13) |
| Services | Construction, including transporting construction materials (1, 3, 14, 15) |
| | Domestic work (2, 3, 11, 16, 17) |
| Categorical Worst Forms of Child Labor [‡] | Street work, including begging and vending (1, 2, 11, 15, 16) |
| | Commercial sexual exploitation, sometimes as a result of human trafficking (1, 15) |
| | Agriculture activities, mining, and domestic work, sometimes as a result of human trafficking (1, 3, 14, 15, 18) |

[†] Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

[‡] Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.




Children trafficked inside Zambia are primarily trafficked from rural to urban areas for domestic work and agriculture.(1, 15, 18) Some children in Zambia are forced to load trucks with stolen copper ore by *Jerabo* gangs, which are illegal mining syndicates in the Copperbelt province.(3, 15, 18) Along Zambia’s borders, the commercial sexual exploitation of children is common.(15) The Government has yet to release information on child labor from its 2008, 2012, or 2014 Labour Force Surveys, although the general Labour Force Survey results, which did not include data on child labor, were released in 2011, 2014, and 2016, respectively.(2, 19, 20)

Long distances to schools create a barrier to education.(6) Families also face costs for basic education, including fees for school supplies, which prevent some children from attending school.(3, 6, 17)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Zambia has ratified most key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

| Convention | Ratification |
|--|--------------|
|  ILO C. 138, Minimum Age | ✓ |
| ILO C. 182, Worst Forms of Child Labor | ✓ |
|  UN CRC | ✓ |
| UN CRC Optional Protocol on Armed Conflict | |
| UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography | |
|  Palermo Protocol on Trafficking in Persons | ✓ |

Zambia has not ratified the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, although commercial sexual exploitation of children continues to be a problem in the country.(15)

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in Zambia’s legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

| Standard | Meets International Standards: Yes/No | Age | Legislation |
|--|---------------------------------------|-----|--|
| Minimum Age for Work | Yes | 15 | Article 24 of the Constitution; Article 12 of the Employment Act (21-23) |
| Minimum Age for Hazardous Work | Yes | 18 | Article 17 of the Employment of Young Persons and Children Act; Article 3 of the Prohibition of Employment of Young Persons and Children (Hazardous Labour) Order (24, 25) |
| Identification of Hazardous Occupations or Activities for Children | Yes | | Prohibition of Employment of Young Persons and Children (Hazardous Labour) Order (25) |
| Prohibition of Forced Labor | Yes | | Articles 14 and 24 of the Constitution; Articles 143 and 263 of the Penal Code; Article 3 of the Anti-Human Trafficking Act of 2008 (21, 23, 26, 27) |
| Prohibition of Child Trafficking | Yes | | Article 24 of the Constitution; Article 143 of the Penal Code; Article 3 of the Anti-Human Trafficking Act of 2008 (21, 23, 26, 27) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Article 144 of the Penal Code; Article 2 of the Employment of Young Persons and Children Act (24, 27) |
| Prohibition of Using Children in Illicit Activities | Yes | | Article 2 of the Employment of Young Persons and Children Act (24) |
| Minimum Age for Military Recruitment | | | |
| State Compulsory | N/A* | | |
| State Voluntary | Yes | 18 | Article 14 of the Defence Act (28) |
| Non-state Compulsory | Yes | 18 | Article 3 of the Anti-Human Trafficking Act of 2008 (26) |
| Compulsory Education Age | No | | Article 16 of the Education Act, 2011 (29) |
| Free Public Education | Yes | | Article 15 of the Education Act, 2011 (29) |

* No conscription (28)

Gaps remain in the legal framework. Penalties for child prostitution violations in the Employment of Young Persons and Children Act are different from those in the Penal Code.⁽³⁰⁾ Although the Penal Code treats child prostitution as a felony, with a minimum 20-year jail sentence, the Employment of Young Persons and Children Act treats it as a civil penalty and imposes a fine of \$35 to \$165 and possible discretionary prison time. In practice, the heavier statute of the Penal Code would be applied; however, research did not uncover any such prosecutions in recent years.^(31, 32)

The Education Act requires the Government to provide free education up to the seventh grade and stipulates that education is compulsory for children of “school-going age.”^(1, 29, 33) The Act, however, does not set a specific age or define “school-going age,” which may allow children to leave school before they are legally able to work.⁽²⁹⁾ The lack of standards in this area may increase the risk of children’s involvement in the worst forms of child labor.

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

| Organization/Agency | Role |
|---|---|
| Ministry of Labor and Social Security (MLSS) Child Labor Unit (CLU) | Implement and enforce child labor laws. ^(1, 14) Play advisory role for different Government agencies. Also responsible for the regulation of child labor laws. ⁽²⁰⁾ |

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Table 5. Agencies Responsible for Child Labor Law Enforcement (cont)

| Organization/Agency | Role |
|---|--|
| Zambia Police Service Child Protection Unit | Work with the MLSS and the Ministry of Youths, Sports, and Child Development to identify and remove vulnerable children from the streets. Work with 72 District Street Children Committees to rescue street children from child labor, including the worst forms, and place them with families, in foster care, or in children's homes.(2, 19) Work with immigration officials to combat child trafficking, with local officials, regarding crimes against children and with schools to educate and sensitize children about abuse. Collaborate with the Ministry of Justice to investigate and prosecute child labor cases.(19, 34) |
| Zambia Police Service Victim Support Unit | Handle the enforcement of laws against human trafficking, commercial sexual exploitation, and use of children in illicit activities.(1, 14, 19) |
| Ministry of Justice | Investigate and prosecute child labor cases.(19, 34) |

Labor Law Enforcement

In 2016, labor law enforcement agencies in Zambia took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

| Overview of Labor Law Enforcement | 2015 | 2016 |
|--|----------|----------------|
| Labor Inspectorate Funding | Unknown | \$350,049 (11) |
| Number of Labor Inspectors | 81 (35) | 110 (11) |
| Inspectorate Authorized to Assess Penalties | No (2) | Yes (11) |
| Training for Labor Inspectors | | |
| Initial Training for New Employees | Unknown | Yes (11) |
| Training on New Laws Related to Child Labor | Unknown | Yes (11) |
| Refresher Courses Provided | Yes (2) | Yes (2) |
| Number of Labor Inspections | Unknown | 980 (11) |
| Number Conducted at Worksite | Unknown | 980 (11) |
| Number Conducted by Desk Reviews | Unknown | Unknown |
| Number of Child Labor Violations Found | Unknown | Unknown |
| Number of Child Labor Violations for Which Penalties Were Imposed | Unknown | Unknown |
| Number of Penalties Imposed that Were Collected | Unknown | Unknown |
| Routine Inspections Conducted | No (2) | Yes (11) |
| Routine Inspections Targeted | No (2) | Yes (11) |
| Unannounced Inspections Permitted | Yes (2) | Yes (11) |
| Unannounced Inspections Conducted | Unknown | Yes (11) |
| Complaint Mechanism Exists | Yes (2) | Yes (11) |
| Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services | Yes (14) | Yes (11) |

In 2016, the Ministry of Labor and Social Security (MLSS) employed 110 labor inspectors, which is an increase from the 81 employed in 2015.(11, 35) The number of labor inspectors is insufficient for the size of Zambia's workforce, which includes more than 7 million workers. According to the ILO's recommendation of 1 inspector for every 40,000 workers in less developed economies, Zambia should employ roughly 178 inspectors.(2, 14, 36-38) In 2016, only three inspectors received refresher training.(11) The MLSS stated that an insufficient budget, inadequate training, and lack of transportation prevented it from effectively conducting inspections.(2, 11) The MLSS conducts labor inspections in registered private institutions only; it does not conduct investigations in unregistered institutions, as allowed by law and where child labor is more likely to be found.(1, 39) A referral mechanism exists through District Child Labor Committees that allows labor officers to refer cases to NGOs; however, not all districts have a committee.(14)

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Zambia took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

| Overview of Criminal Law Enforcement | 2015 | 2016 |
|---|----------|----------|
| Training for Investigators | | |
| Initial Training for New Employees | Unknown | Yes (40) |
| Training on New Laws Related to the Worst Forms of Child Labor | Unknown | Yes (11) |
| Refresher Courses Provided | Yes (41) | Yes (41) |
| Number of Investigations | Unknown | Unknown |
| Number of Violations Found | Unknown | Unknown |
| Number of Prosecutions Initiated | Unknown | Unknown |
| Number of Convictions | Unknown | Unknown |
| Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services | Yes (14) | Yes (11) |

In 2016, the Government reported that insufficient training hampered criminal law enforcement.(11)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

| Coordinating Body | Role & Description |
|--|--|
| MLSS | Coordinate Government efforts on issues of child labor, including its worst forms.(1) |
| MLSS-CLU | Coordinate with District Child Labor Committees in 26 of Zambia's 102 districts to increase local awareness and mobilize communities against child labor, including its worst forms.(1, 14) |
| Ministry of Youths, Sports, and Child Development's Child Development Department | Coordinate legislation on child labor.(2) |
| Zambia Police Service Child Protection Unit | Coordinate with the Ministry of Community Development, Mother, and Child Health to protect children from general abuse, including the worst forms of child labor.(1, 2) |
| District Child Labor Committees (DCLCs) | Respond to child labor complaints at the local level and file complaints to the MLSS. Serve as the main referral mechanism for social welfare services, a mechanism that is reported to be improving. Comprises the Zambia Police Service; the MLSS; the Ministry of Community Development, Mother, and Child Health; and civil society stakeholders.(1) The Government intends to establish Committees in all districts but lacks the resources to do so. DCLCs serve as the main referral mechanism for social welfare services, and it was reported that these mechanisms have been improving.(1, 14) |

Due to overlapping responsibilities and communication lapses, individual agency mandates may not be effective in some cases.(19)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor

| Policy | Description |
|---|---|
| National Child Labor Policy | Establishes an action plan and designates responsible agencies to address child labor issues.(1, 33, 42) |
| Revised Sixth National Development Plan (2013–2016) | Includes the eradication of the worst forms of child labor as a goal. Places emphasis on early childhood education and a child's right to education.(1, 14, 43) |
| National Employment and Labor Market Policy | Contains the elimination of child labor as a goal.(19, 44) |
| UNDAF (2016–2021)† | Identifies child labor as a pervasive problem in Zambia and seeks to prevent the worst forms of child labor and protect children.(45) |

† Policy was approved during the reporting period.

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In 2016, the National Action Plan for the Elimination of the Worst Forms of Child Labor expired and was not replaced.(11, 46) The Government has not included child labor elimination and prevention strategies in the Education Policy and the National Youth Policy.(1, 2) Efforts to implement the National Child Labor Policy have been restricted by inadequate funding.(32, 33) No new activities were undertaken to implement the National Child Labor Policy, Revised Sixth National Development Plan, and National Employment and Labor Market Policy during the reporting period, in large part due to poor funding.(32)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key Social Programs to Address Child Labor[‡]

| Program | Description |
|---|---|
| USDOL-funded projects | <u>Empower: Increasing Economic and Social Empowerment for Adolescent Girls and Vulnerable Women in Zambia</u> ,* \$5 million USDOL-funded, 4-year project implemented by Winrock International to reduce child labor in rural Zambia among adolescent girls, ages 15 to 17, by increasing access to technical, vocational, entrepreneurial, and life skills training.(47) <u>Global Action Program on Child Labor Issues Project</u> , implemented by the ILO in approximately 40 countries, supports the priorities of the <i>Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016</i> established by the Hague Global Child Labor Conference in 2010. Aims to improve the evidence base on child labor and forced labor through data collection and research in Zambia.(48) Additional information is available on the USDOL Web site . |
| Achieving Reduction of Child Labor in Support of Education II (2015–2018)* | Japan Tobacco International-funded, 3-year global training program that provides strategies to reduce the worst forms of child labor in tobacco-growing communities in Brazil, Malawi, Tanzania, and Zambia.(49) In April 2016, Phase II of the project was launched in Zambia.(11, 50) |
| Social Cash Transfer Program [†] | Government program that provides funds to families and has been shown to increase school enrollment. Scaled up by the Government over time.(2, 14, 51, 52) |
| Strengthening Social Dialogue as an Effective Tool to Address the Worst Forms of Child Labour | Irish Aid-funded, five-country project, promotes social dialogue with the aim of reducing child labor.(53) |
| Decent Work Country Programme (2013–2016) | Government program with emphasis on human development, including social protection, child labor, forced labor, and human trafficking.(54) |
| Zambia National Service Skills Training Camps [†] | Government program that provides life-skills training camps for at-risk youth, including for victims of the worst forms of child labor.(19, 33) |

* Program was launched during the reporting period.

[†] Program is funded by the Government of Zambia.

[‡] The Government had other social programs that may have included the goal of eliminating or preventing child labor, including its worst forms.(1, 55)

Although Zambia has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Zambia (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

| Area | Suggested Action | Year(s) Suggested |
|-----------------|---|-------------------|
| Legal Framework | Ratify the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. | 2013 – 2016 |
| | Harmonize legislation to ensure that penalties for child commercial sexual exploitation are consistent. | 2009 – 2016 |
| | Determine through statutory instrument the “school-going age” for compulsory education consistent with international law. | 2012 – 2016 |

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

| Area | Suggested Action | Year(s) Suggested |
|---------------------|---|-------------------|
| Enforcement | Make information publicly available on the number of child labor violations found, penalties imposed and collected, and whether desk review inspections were conducted. | 2015 – 2016 |
| | Increase the number of labor inspectors to meet the ILO recommendation. | 2015 – 2016 |
| | Ensure sufficient funding, human resources, and training for law enforcement agencies. | 2010 – 2016 |
| | Ensure that inspections cover all areas in which children work, including registered and unregistered businesses. | 2013 – 2016 |
| | Establish District Child Labor Committees in remaining districts. | 2011 – 2016 |
| | Make information publicly available on the number of criminal investigations conducted, violations found, prosecutions initiated, and convictions achieved. | 2014 – 2016 |
| Coordination | Improve lines of communication and clarify responsibilities among agencies to improve effectiveness and referrals to social services. | 2011 – 2016 |
| Government Policies | Develop a National Action Plan for the Elimination of the Worst Forms of Child Labor. | 2016 |
| | Integrate child labor elimination and prevention strategies into the Education Policy and National Youth Policy. | 2013 – 2016 |
| | Provide sufficient funding to implement the National Child Labor Policy. | 2012 – 2016 |
| Social Programs | Publish the data on child labor from the 2008, 2012, and 2014 Labour Force Surveys. | 2011 – 2016 |
| | Provide free education, as required by law, and address other barriers to education. | 2012 – 2016 |
| | Expand existing programs to address the scope of the child labor problem. | 2011 – 2016 |

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