

Zambia

Incidence and Nature of Child Labor

An estimated 11.2 percent of children ages 5 to 14 were counted as working in Zambia in 1999. Approximately 11.5 percent of all boys 5 to 14 were working compared to 10.8 percent of girls in the same age group. The majority of working children were found in the agricultural sector (90.1 percent), followed by services (9.1 percent), manufacturing (0.5 percent) and other sectors (0.3 percent).⁵⁰³² Children work in the hotel and catering industries, as well as in domestic service, and transportation.⁵⁰³³ In urban areas, children work in street vending.⁵⁰³⁴ According to ILO-IPEC, it is not uncommon to find children working in hazardous industries and occupations, including stone crushing and construction.⁵⁰³⁵ Children also work in mining.⁵⁰³⁶ Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, 63.7 percent of the population in Zambia were living on less than USD 1 a day.⁵⁰³⁷

It is estimated that there are as many as 1 million orphans under age 15 in Zambia, primarily due to the HIV/AIDS epidemic.⁵⁰³⁸ These orphans often migrate to urban areas and live on the streets.⁵⁰³⁹ The problem of child prostitution is widespread in Zambia and, in Lusaka, it can be partly attributed to the growing numbers of street children.⁵⁰⁴⁰ Zambia is a source and transit country for women and children who are trafficked for commercial sexual exploitation.⁵⁰⁴¹ Zambian police in 2004 intercepted a group of 14 Congolese girls between the ages of 5 to 17 years being trafficked to South Africa.⁵⁰⁴²

According to government policy, education is free for the first 9 years of primary school, but not compulsory.⁵⁰⁴³ The government continues to prohibit mandatory uniforms and school fees for primary

⁵⁰³² UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

⁵⁰³³ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Zambia*, Washington, D.C., February 28, 2005; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41633.htm>.

⁵⁰³⁴ Ibid.

⁵⁰³⁵ ILO-IPEC and Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey: Country Report*, ILO-IPEC, Lusaka, 2001, Tables 4.7 and 4.15. See also *Ministry of Labour and Social Security of Zambia official, Efforts to Eliminate the Worst Forms of Child Labour in Zambia, letter to USDOL official, June 6, 2001*. See also U.S. Embassy- Lusaka, *reporting*, August 19, 2003.

⁵⁰³⁶ ILO, *Committee of Experts on the Application of Conventions and Recommendations: Individual Observation concerning Convention No. 138, Minimum Age, 1973 Zambia (ratification: 1976) Published: 2004*, Geneva, 2004; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=7594&chapter=6&query=Zambia%40ref&highlight=>.

⁵⁰³⁷ World Bank, *World Development Indicators 2005 [CD-ROM]*, Washington, D.C., 2005.

⁵⁰³⁸ U.S. Department of State, *Country Reports- 2004: Zambia*, Section 5.

⁵⁰³⁹ In the city of Lusaka alone, an estimated 30,000 children live on the streets. Ibid., Sections 5 and 6d.

⁵⁰⁴⁰ See Ibid., Section 5.

⁵⁰⁴¹ See U.S. Department of State, *Trafficking in Persons Report- 2005: Zambia*, Washington, D.C., June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46616.htm>. Children who have been orphaned by HIV/AIDS are at especially high risk of being trafficked. See The Protection Project, *The Annual Human Rights Report on the Trafficking of Persons, Especially Women and Children: Zambia*, Washington, D.C., 2005; available from www.protectionproject.org/report/zambia.doc [hard copy on file].

⁵⁰⁴² U.S. Department of State, *Trafficking in Persons Report- 2005: Zambia*.

⁵⁰⁴³ U.S. Department of State, *Country Reports- 2004: Zambia*, Section 5.

school students.⁵⁰⁴⁴ However, the lack of educational materials and inadequate educational facilities in Zambia remains a problem⁵⁰⁴⁵ and education is inaccessible for many families.⁵⁰⁴⁶ In 2002, the gross primary enrollment rate was 82 percent and the net primary enrollment rate was 68 percent.⁵⁰⁴⁷ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1999, 52.8 percent of children ages 5 to 14 years were attending school.⁵⁰⁴⁸ As of 2001, 98 percent of children who started primary school were likely to reach grade 5.⁵⁰⁴⁹ Since 1990, enrollment rates have increased only marginally, due to the lack of schools, distances from children's homes to schools, inadequate infrastructure, and lack of textbooks and learning materials.⁵⁰⁵⁰ In primary school, the number of boys and girls are approximately equal, but in secondary school, fewer girls attend.⁵⁰⁵¹

Child Labor Laws and Enforcement

The Constitution establishes 15 years as the minimum age for employment and states that under no circumstance can children under 15 be forced or allowed to engage in any work that would harm their health or education or interfere with their physical, mental, or moral development.⁵⁰⁵² The Employment of Young Persons and Children Act of 1933 prohibits children up to the age of 18 from engaging in hazardous work, but commercial farms are exempt from this law.⁵⁰⁵³ The government's ban on street vending has had the effect of moving street vendors to designated marketplaces where they are regulated by child labor laws.⁵⁰⁵⁴

The worst forms of child labor may be prosecuted under different statutes in Zambia. Although Zambia does not have a comprehensive trafficking law, the Constitution prohibits forced labor and trafficking of children.⁵⁰⁵⁵ The Employment of Young Persons and Children's (Amendment) Act 2004 made the worst forms of child labor illegal in Zambia, including child prostitution, slavery in all of its forms, military conscription, and work that is harmful to the safety, health, or morals of children and young people.⁵⁰⁵⁶ The law also prohibits the trafficking of children under 18 years.⁵⁰⁵⁷ Children between the ages of 13 and 15 years are permitted to perform light work under certain conditions.⁵⁰⁵⁸ The Defense Act prohibits children who are "under the apparent age of 18" from being recruited into the military without the

⁵⁰⁴⁴ Ibid.

⁵⁰⁴⁵ Ibid.

⁵⁰⁴⁶ Line Eldring, Sabata Nakanyane, and Malehoko Tshoaedi, *Child Labour in the Tobacco Growing Sector in Africa*, 21, Fafo Institute for Applied Social Science, 2000; available from <http://www.faf.no/pub/rapp/654/654.pdf>.

⁵⁰⁴⁷ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

⁵⁰⁴⁸ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

⁵⁰⁴⁹ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

⁵⁰⁵⁰ USAID, *Overview of USAID Basic Education Programs in Sub-Saharan Africa III*, technical paper, No. 106, SD Publication Series, Office of Sustainable Development, Bureau for Africa, Washington, D.C., February 2001, 95.

⁵⁰⁵¹ U.S. Department of State, *Country Reports- 2004: Zambia*, Section 5.

⁵⁰⁵² Government of Zambia, *Constitution of Zambia*; available from http://www.oefre.unibe.ch/law/icl/za00000_.html.

⁵⁰⁵³ The Employment of Young Persons and Children Act (1933), Chapter 274, as cited in ILO-IPEC, *Prevention, Withdrawal and Rehabilitation of Children in Hazardous Work in the Commercial Agricultural Sector in Africa: Country Annex for Zambia*, project document, RAF/00/P51/USA, Geneva, 2000, 65.

⁵⁰⁵⁴ U.S. Embassy- Lusaka, *reporting*, August 19, 2003.

⁵⁰⁵⁵ *Constitution of Zambia, 1991*.

⁵⁰⁵⁶ The Employment of Young Persons and Children's Act was amended in September 2004. U.S. Embassy- Lusaka, *reporting*, August 28, 2005. A "young person" is defined as a person between the ages of 15 and 18 years. Government of Zambia, *Employment of Young Persons and Children (Amendment) Act*.

⁵⁰⁵⁷ U.S. Department of State, *Country Reports- 2004: Zambia*, Section 5.

⁵⁰⁵⁸ *Employment of Young Persons and Children (Amendment) Act, 2004*.

consent of a parent, guardian, or local District Secretary.⁵⁰⁵⁹ Since 1999, the Government of Zambia has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.⁵⁰⁶⁰

The Ministry of Labor and Social Security (MLSS) is responsible for enforcing labor laws⁵⁰⁶¹ and has established a child labor unit to specifically address issues relating to child labor.⁵⁰⁶² The MLSS conducts inspections of workplaces and investigates child labor complaints.⁵⁰⁶³ The Employment of Young Persons and Children’s Act gives labor inspectors the authority to enter households and farms in order to investigate potential child labor violations. The Act also allows the MLSS to bring child labor charges which can result in a fine or imprisonment. The U.S. Department of State reports that the MLSS Child Labor Unit is currently underfunded, as its budget was substantially reduced in 2005.⁵⁰⁶⁴ The Zambian Police’s Victim Support Unit is responsible for monitoring trafficking reports and reporting on its anti-trafficking efforts.⁵⁰⁶⁵

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Ministry of Youth, Sport, and Child Development received funding in 2005 for a program that provides education and skills training for children who have been removed from the streets, including prostitutes and older youth.⁵⁰⁶⁶ The government also continues to work with NGOs to relocate street children and place them in educational settings.⁵⁰⁶⁷ The government also continues to undertake awareness-raising activities to sensitize lawmakers, teachers, and trade union officials about child labor.⁵⁰⁶⁸ In addition, the government has sponsored efforts to raise awareness about child domestic labor in local communities.⁵⁰⁶⁹ The government, with the support of ILO-IPEC, is developing child labor training manuals for its labor officers, and data and monitoring systems for its inspectors and investigators.⁵⁰⁷⁰ Despite its budget reduction, the MLSS

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	02/09/1976	✓
Ratified Convention 182	12/10/2001	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

⁵⁰⁵⁹ The UN Committee on the Rights of the Child is concerned that the law is stated in terms of “apparent age,” and noted that births were registered in Zambia at a rate of less than 10 percent in 1999. Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Zambia*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=966.

⁵⁰⁶⁰ ILO-IPEC official, email communication to USDOL official, November 14, 2005.

⁵⁰⁶¹ U.S. Embassy- Lusaka, *reporting*, August 19, 2003.

⁵⁰⁶² Ibid. See also Ministry of Labour and Social Security of Zambia official, *Efforts to Eliminate the Worst Forms of Child Labour in Zambia*, June 6, 2001.

⁵⁰⁶³ U.S. Embassy- Lusaka, *reporting*, August 19, 2003.

⁵⁰⁶⁴ The government’s child labor budget decreased by nearly 50 percent in 2005 to USD 60,000 (from USD 115,380 in 2004). U.S. Embassy- Lusaka, *reporting*, August 28, 2005.

⁵⁰⁶⁵ U.S. Department of State, *Trafficking in Persons Report- 2004: Zambia*, Washington, DC, June 13 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm>.

⁵⁰⁶⁶ The Government of Zambia allocated USD 333,333 for this program, which converts Zambia National Service camps into education centers. The program has benefited 200 street children to date and expects to reach 1,000 children once renovations to the camps have been completed. U.S. Embassy- Lusaka, *reporting*, August 28, 2005. See also U.S. Embassy- Lusaka, *reporting*, August 24, 2004. See also U.S. Embassy- Lusaka, *reporting*, August 19, 2003.

⁵⁰⁶⁷ U.S. Embassy- Lusaka, *reporting*, August 28, 2005.

⁵⁰⁶⁸ U.S. Embassy- Lusaka, *reporting*, August 24, 2004.

⁵⁰⁶⁹ Ibid.

⁵⁰⁷⁰ U.S. Embassy- Lusaka, *reporting*, August 28, 2005.

Child Labor Unit hired 49 new labor inspectors, officers, and prosecutors in 2005 to aid enforcement of child labor laws.⁵⁰⁷¹

The Government of Zambia participates in a USDOL-funded ILO-IPEC regional capacity-building project. It also participated in an ILO-IPEC regional project through May of 2005, which targeted children working in commercial agriculture, particularly in the cotton industry, commercial sexual exploitation, and domestic work.⁵⁰⁷² In addition, Zambia is part of a regional ILO-IPEC project that provides skills training to children in the worst forms of child labor in the urban informal sector. This project is funded by the Canadian government, and is also being implemented in Kenya, Ghana, Tanzania, and Uganda.⁵⁰⁷³ The Zambian government is also collaborating with Jesus Cares Ministries on the second phase of a USDOL-funded Child Labor Education Initiative project that aims to withdraw and prevent children from engaging in exploitive work through the provision of educational services. The project targets children who are working in prostitution, stone-crushing, and agriculture.⁵⁰⁷⁴ The government is also working with IOM in border areas to train police and immigration officers to identify and investigate human trafficking.⁵⁰⁷⁵

In 2005, the Government of Zambia continued to implement its universal primary education program, called the Basic Education Sub-Sector Investment Program (BESSIP), with the support of the World Bank and other donors.⁵⁰⁷⁶ BESSIP specifically targets working children.⁵⁰⁷⁷ The government also works with UNICEF to help girls stay in or return to school as part of the Program for the Advancement of Girls' Education.⁵⁰⁷⁸ In addition to these activities, the Ministry of Education is implementing a program to combat child labor that includes policy coordination, curriculum review, and awareness-raising activities.⁵⁰⁷⁹

⁵⁰⁷¹ Ibid.

⁵⁰⁷² ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Child Labor in Anglophone Africa*, project document, RAF/02/P51/USA, Geneva, September 2002. See ILO-IPEC, *East Africa Commercial Agriculture*, project document.

⁵⁰⁷³ ILO-IPEC official, email communication to USDOL official, November 8.

⁵⁰⁷⁴ U.S. Department of Labor, *ICLP Projects Funded in FY 2005*, [online] November 18, 2005 [cited February 8, 2006]; available from <http://www.dol.gov/ilab/programs/iclp/projectchart05.htm>.

⁵⁰⁷⁵ U.S. Department of State, *Trafficking in Persons Report- 2005: Zambia*.

⁵⁰⁷⁶ The Government of Zambia is the largest contributor to the USD 340 million BESSIP program, with its allocation of USD 167 million; other donors have contributed USD 133 million, and the World Bank has contributed USD 40 million for the program. See Ministry of Finance and Economic Development, *Interim Poverty Reduction Strategy Paper*, Government of the Republic of Zambia, Lusaka, July 7, 2000, Section 24.

⁵⁰⁷⁷ See U.S. Embassy- Lusaka, electronic communication to USDOL official, October 29, 2003.

⁵⁰⁷⁸ U.S. Department of State, *Country Reports- 2004: Zambia*, Section 5.

⁵⁰⁷⁹ U.S. Embassy- Lusaka, *reporting*, August 24, 2004.