

Zambia

Incidence and Nature of Child Labor

The Zambian Central Statistics Office estimated that 11.6 percent of children ages 5 to 14 years in Zambia were working in 1999.⁴²⁸³ The highest rates of child work are found in the agricultural sector.⁴²⁸⁴ Children can also be found working in commerce, various business and personal service occupations, fisheries, and manufacturing.⁴²⁸⁵ Children also reportedly work in the informal sector in domestic service, the hospitality industry, and transportation. It is not uncommon to find children working in hazardous industries and occupations, including stone crushing and construction.⁴²⁸⁶

Because HIV/AIDS claims the lives of many adults in the country, a growing number of orphans have been forced to migrate to urban areas, increasing the population of street children. In order to survive, many orphans engage in various forms of work.⁴²⁸⁷ Street children are especially vulnerable to commercial sexual exploitation, and the problem of child prostitution is widespread in Zambia.⁴²⁸⁸ Zambia is a source and transit country for women and children trafficked for the purpose of sexual exploitation.⁴²⁸⁹

Although the government has a policy of free education for the first 9 years of elementary school, there are no legal guarantees of access to education in Zambia.⁴²⁹⁰ The government continues to prohibit uniform requirements and the collection of school fees for grades one through seven.⁴²⁹¹ Nevertheless, inadequate educational facilities and a scarcity of educational materials are problems, and education remains inaccessible for many families.⁴²⁹² In 2001, the gross primary enrollment rate was 78.7 percent, and the net

⁴²⁸³ Another 31.0 percent of children 15 to 17 years were also found working. See 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. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

⁴²⁸⁴ *Ibid.*, 27. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Zambia*, Washington, D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27759.htm>.

⁴²⁸⁵ U.S. Department of State, *Country Reports- 2003: Zambia*, Section 6d.

⁴²⁸⁶ ILO-IPEC and Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey*, Tables 4.7 and 4.15. See also A.J. Chirwa, *Efforts to Eliminate the Worst Forms of Child Labour in Zambia*, Ministry of Labour and Social Security, Lusaka, June 6, 2001. See also U.S. Embassy- Lusaka, *unclassified telegram no.1318*, August 2003.

⁴²⁸⁷ During 2003, government figures estimate that there are as many as 800,000 orphans under age 15 in Zambia. See U.S. Department of State, *Country Reports- 2003: Zambia*, Section 5.

⁴²⁸⁸ In the city of Lusaka alone, there are an estimated 30,000 children living on the streets. See *Ibid.*

⁴²⁸⁹ Information on the origin of children trafficked through Zambia is unavailable. See U.S. Department of State, *Trafficking in Persons Report- 2004: Zambia*, Washington, DC, June 13; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm>.

⁴²⁹⁰ U.S. Department of State, *Country Reports- 2003: Zambia*, Section 5.

⁴²⁹¹ Statistics from the Ministry of Education indicate that the number of children selected for grade 8 has increased by 20 percent as a result of abolishing examination fees for grade 7. See U.S. Embassy- Lusaka, *unclassified telegram no.1318*.

⁴²⁹² U.S. Department of State, *Country Reports- 2003: Zambia*. See also Line Eldring, Sabata Nakanyane, and Malehoko Tshoedi, *Child Labour in the Tobacco Growing Sector in Africa*, 21, Fafo Institute for Applied Social Science, 2000; available from <http://www.fafo.no/pub/rapp/654/654.pdf>.

primary enrollment rate was 66.0 percent.⁴²⁹³ As of 2000, 76.8 percent of children who started primary school were likely to reach grade 5.⁴²⁹⁴ Enrollment rates for boys and girls are approximately equal in primary school, but fewer girls attend secondary school.⁴²⁹⁵ 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, it was estimated that approximately 24 percent of working children combined work with school.⁴²⁹⁶

Child Labor Laws and Enforcement

The Constitution establishes 15 as the minimum age for employment.⁴²⁹⁷ The Employment of Young Persons and Children Act of 1933 prohibits children up to the age of 18 from engaging in hazardous work.⁴²⁹⁸ In August 2004, the Zambian Parliament passed the Employment of Young Persons and Children Bill, which recognizes the ILO Convention on Minimum Age and the ILO Convention on Worst Forms of Child Labor.⁴²⁹⁹ Although Zambia does not have a comprehensive trafficking law, the Constitution prohibits forced labor and trafficking of children under 15 years and the new 2004 Bill specifically prohibits trafficking of children and young persons under eighteen.⁴³⁰⁰ The government has also banned street vending to reduce child labor in the activity.⁴³⁰¹

The Ministry of Labor and Social Security (MLSS) is responsible for enforcing labor laws and has established a Child Labor Unit to specifically address issues relating to child labor.⁴³⁰² To carry out this

⁴²⁹³ One-third of all children enrolled fail to complete their education through grade 7. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. Enrollment rates have only marginally increased since 1990. There are a number of causes for this, including inadequate number of schools, distance between homes and schools, inadequate infrastructure and poor or no learning materials. See 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.

⁴²⁹⁴ World Bank, *World Development Indicators 2004*.

⁴²⁹⁵ *Ibid.* See also U.S. Department of State, *Country Reports- 2003: Zambia*, Section 5.

⁴²⁹⁶ ILO-IPEC and Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey*, Table 4.30, 41.

⁴²⁹⁷ The Constitution, Article 24 states that “no young person shall be employed and shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development.” A young person is identified in the Constitution as anyone below the age of 15 years. See *Constitution of the Republic of Zambia, 1991*, (August 1991), Article 14; available from http://www.uni-wuerzburg.de/law/za00000_.html. The Employment of Young Persons and Children (Amendment) Bill of 2004 redefined the terms child and young person so that 15 year-olds are now children, rather than young persons.

⁴²⁹⁸ The Employment of Young Persons and Children Act states that “a young person shall not be employed on any type of employment or work, which by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of that young person.” The law, however, does not apply to commercial farms. See *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. Under the act, violators of the law can be fined and/or imprisoned for up to 3 months.

⁴²⁹⁹ U.S. Embassy- Lusaka, *unclassified telegram no. 1097*, August 24 2004. As of December 3, 2004, the bill had been signed into law by President Mwanawasa but had not yet been published in the Official Gazette. See U.S. Embassy- Lusaka, electronic communication to USDOL official, December 3, 2004.

⁴³⁰⁰ *Constitution of the Republic of Zambia, 1991*, Article 24.

⁴³⁰¹ U.S. Embassy- Lusaka, *unclassified telegram no.1318*.

⁴³⁰² U.S. Embassy- Lusaka, *unclassified telegram no. 1097*. See also Chirwa, *letter, June 6, 2001*.

function, the MLSS conducts monthly inspections of workplaces.⁴³⁰³ Although resources for investigations have generally not been considered adequate, the government increased the MLSS budget for child labor activities from USD 12,000 to USD 115,000 in 2004.⁴³⁰⁴

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

The government is implementing a number of initiatives to combat child labor, including programs to rehabilitate street children and to provide vocational training for older youth.⁴³⁰⁵ The government also continues to undertake awareness raising activities to sensitize law makers, teachers, and trade union officials.⁴³⁰⁶ In addition, the government has sponsored efforts to raise awareness about child domestic labor, such as radio programs and drama group presentations in local communities.⁴³⁰⁷

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		

USDOL and the Zambian Ministry of Education are collaborating on an education project in areas with a high incidence of child labor. The project is being implemented in Zambia by American Institutes for Research and Jesus Cares Ministries.⁴³⁰⁸ The government also participates in several USDOL-funded ILO-IPEC initiatives, including a regional capacity building program and a regional commercial agriculture sector program.⁴³⁰⁹ In addition, Zambia is included in a regional ILO-IPEC program that addresses child labor in the industrial and service sectors of urban areas.⁴³¹⁰

The Government of Zambia’s national policy on education, “Educating Our Future,” focuses primarily on making curricula for basic education more relevant, promoting partnerships and cost sharing, and

⁴³⁰³ U.S. Embassy- Lusaka, *unclassified telegram no.1318*.

⁴³⁰⁴ U.S. Embassy- Lusaka, *unclassified telegram no. 1097*.

⁴³⁰⁵ *Ibid.* See also U.S. Embassy- Lusaka, *unclassified telegram no.1318*.

⁴³⁰⁶ U.S. Embassy- Lusaka, *unclassified telegram no. 1097*.

⁴³⁰⁷ *Ibid.*

⁴³⁰⁸ *Letter of Agreement between the U.S. Department of Labor and the Zambian Ministry of Education, September 12, 2003.* The USD 2 million project was funded by USDOL’s Child Labor Education Initiative. See USDOL, *Labor Department Funds Education Program in Zambia to Combat Child Labor*, press release, Washington, D.C., September 12, 2003.

⁴³⁰⁹ The projects targets children working in the following sectors: commercial agriculture, commercial sexual exploitation, domestic workers, the informal sector and street workers. See 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*. See also ILO-IPEC, *National Program on the Elimination of Child Labour in Zambia*, project document, ZAM/99/05/060, Geneva, September 1999.

⁴³¹⁰ The USD 532,000 program is funded by the Canadian government and is also being implemented in Kenya, Ghana, Tanzania, and Uganda. See ILO-IPEC, *Active IPEC Projects as at 1 May 2004*, Geneva, August 2004.

improving school management.⁴³¹¹ With support from various donor groups, the government began implementing a national plan for universal primary education called the Basic Education Sub-Sector Investment Program (BESSIP).⁴³¹² 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.⁴³¹³

⁴³¹¹ The 1996 “Educating Our Future” policy calls for, among other educational system improvements, increasing the provision of basic schooling from 7 to 9 years for all children. See ILO-IPEC and Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey*, 3. See also UN, *Common Country Assessment - Zambia 2000*, 49. The policy calls for universal primary education by 2005 and universal access to nine years of basic education for all children by 2015. See Geoffrey Lungwangwa, *Education for All 2000 Assessment: Descriptive Section*, Ministry of Education, Republic of Zambia, Lusaka, September 1999; available from http://www2.unesco.org/wef/countryreports/zambia/rapport_1.html.

⁴³¹² BESSIP began in 1999 and will continue through 2005 with a total of USD 340 million in funding (USD 167 million coming from the government of Zambia). See Government of the Republic of Zambia Ministry of Finance and Economic Development, *Interim Poverty Reduction Strategy Paper*, Lusaka, July 7, 2000, Section 24. Child laborers are mentioned as a specific target group in both the national education policy and BESSIP. See U.S. Embassy- Lusaka, electronic communication to USDOL official, October 29, 2003.

⁴³¹³ U.S. Embassy- Lusaka, *unclassified telegram no. 1097*.