

Zambia

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

The Government of Zambia became a member of ILO-IPEC in 2000 and is establishing a national plan of action to address child labor.²⁷¹⁵ In 2000, Zambia also joined an ILO-IPEC regional project funded by USDOL to address child labor in commercial agriculture by withdrawing children from exploitative work and providing them with education and health care services.²⁷¹⁶ The USDOL also funded the national child labor survey conducted in 1999 by Zambia's Central Statistical Office with technical assistance from ILO-IPEC's SIMPOC.²⁷¹⁷

The government is also seeking to improve education alternatives. The "Educating Our Future" policy and the Basic Education Sub-Sector Investment Program aim to improve the quality of schooling, assist disadvantaged children and families who are unable to afford the costs of education, and achieve universal primary education by the year 2005.²⁷¹⁸ In addition, the Government of Zambia and UNICEF are cooperating to implement an education advocacy program, with prime focus on young girls and gender sensitivity in schools.²⁷¹⁹

Incidence and Nature of Child Labor

In 1999, a child labor survey conducted by the Zambia Central Statistical Office, in cooperation with ILO-IPEC, estimated that 58 percent of children under age 15 were working in Zambia.²⁷²⁰ About 96 percent of working children are engaged in agriculture-related activities in

Withdrawal and Rehabilitation of Children], 64.

²⁷¹⁷ ILO-IPEC, *Statistical Information and Monitoring Programme on Child Labour in Zambia*, project document, (Geneva, 1999).

²⁷¹⁸ 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. 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.

²⁷¹⁹ Government of the Republic of Zambia and UNICEF, "Master Plan of Operations and Programme Plans of Operation for a Programme of Cooperation between the Government of the Republic of Zambia and UNICEF for the Children and Women of Zambia, 1997-2001" (Lusaka, March 1997), 16, 17.

²⁷²⁰ This survey was carried out with technical support from the ILO's SIMPOC. For the same year, the World Bank estimated that 15.7 percent of children between the ages of 10 and 14 were working. See "1999 Child Labor Survey: Country Report" (Draft) (Lusaka: Republic of Zambia, Central Statistical Office, 2001) [hereinafter "1999 Child Labor Survey"], Section 4.1.1, and *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

²⁷²¹ "1999 Child Labor Survey" at Sections 4.1.1, 4.1.2.

²⁷²² Ibid. at Table 4.1. See also A. J. Cheraw, Permanent Secretary, Ministry of Labour and Social Security, letter to ICLP, June 6, 2001, *Orphans and Vulnerable Children (A Situation Analysis, Zambia*, a joint USAID, UNICEF, and Swedish International Development Agency (SIDA) Study Fund Project (Lusaka:

rural areas.²⁷²¹ Child labor is found in a variety of economic activities, including quarrying and mining, carpentry, street vending, food production, and trading.²⁷²² Children also work as domestic servants, and an increasing number of younger children are forced into exploitative work, such as prostitution, as a means of survival.²⁷²³ In addition, the spread of HIV/AIDS has led to a dramatic increase in the number of orphans and street children, many of who engage in various forms of child labor, such as carrying parcels or guarding cars.²⁷²⁴ According to UNICEF, more than 600,000 children have been orphaned because of HIV/AIDS in Zambia—the highest number in Africa.²⁷²⁵

Education is not free or compulsory in Zambia.²⁷²⁶ In 1998, the gross primary enrollment rate was 101 percent, and the net primary enrollment rate was 85.4 percent.²⁷²⁷ In 1996, primary school net attendance was 67.4 percent.²⁷²⁸ According to USAID, of those who enter grade one, one-third fail to complete their education through grade seven.²⁷²⁹ Girls' attendance tends to be lower than that of boys, especially in rural areas.²⁷³⁰

NHPP) [hereinafter *Orphans and Vulnerable Children*], Section 2, and “Elimination of Child Labour in Zambia” at 2.

²⁷²³ Deputy Permanent Secretary P. E. Mutant and Labor Commissioner E. J. Miranda, Ministry of Labor and Social Security, interview with USDOL official, August 4, 2000. See also “1999 Child labor Survey” at Section 4.1.1.

²⁷²⁴ Children are the heads of about 7 percent of all households in Zambia as a result of the death of both parents due to HIV/AIDS. See *Prevention, Withdrawal and Rehabilitation of Children* at 64. See also Line Eldring, Sabata Nakanyane, and Malehoko Tshoedi, *Child Labour in the Tobacco-Growing Sector in Africa*, report prepared for the IUF/ITGA/BAT conference on the Elimination of Child Labour, Nairobi, October 8-9, 2000 [hereinafter *Child Labour in the Tobacco-Growing Sector in Africa*], 79, and *Orphans and Vulnerable Children*.

²⁷²⁵ Peter McDermott, UNICEF, interview with USDOL official, Lusaka, August 4, 2000. See also *Child Labour in the Tobacco-Growing Sector in Africa* at 79.

²⁷²⁶ *Child Labour in the Tobacco-Growing Sector in Africa* at 79.

²⁷²⁷ UNESCO, *Education for All: Year 2000 Assessment*, (Paris, 2000) [CD-ROM].

²⁷²⁸ USAID, Global Education Database, Washington, D.C., 2000 [CD-ROM].http://www.usaid.gov/educ_training/ged.html

²⁷²⁹ 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 [hereinafter “USAID Basic Education Programs in Sub-Saharan Africa III”], 95

²⁷³⁰ Enrollment of girls is also lower than that of boys (approximately 10 percent lower in 1999), and this gender disparity appears to be growing. Dropout rates are also higher for girls. See “USAID Basic Education Programs in Sub-Saharan Africa III” at 95. See also UNICEF, “Children in Jeopardy: The Challenge of Freeing Poor Nations from the Shackles of Debt” (New York, 1999) [hereinafter “Children in Jeopardy”], 5.

²⁷³¹ Constitution of the Republic of Zambia, Article 14, August 1991 [hereinafter Constitution of the Republic of Zambia], on 11/6/01. The Constitution 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.”

Child Labor Laws and Enforcement

The Constitution (1991) prohibits forced labor and establishes legal protection from exploitative work for Ayoung persons,@ defined as under the age of 15.²⁷³¹ The Employment of Young Persons and Children Act (1933), Chapter 274, establishes 14 as the minimum age for employment.²⁷³² The Constitution also prohibits trafficking of children under 15 years old.²⁷³³ There have been no prosecutions for violations of child labor regulations since 1997.²⁷³⁴ The Ministry of Labor and Social Security (MLSS) is responsible for enforcing labor laws. Zambia ratified ILO Convention 138 on February 9, 1976, and ratified ILO Convention 182 on December 10, 2001.²⁷³⁵

²⁷³² The Employment of Young Persons and Children Act (1933), Chapter 274, as cited in *Prevention, Withdrawal and Rehabilitation of Children* at 65. 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 jeopardise the health, safety or morals of that young person.”

²⁷³³ Constitution of the Republic of Zambia.

²⁷³⁴ U.S. Embassy—Lusaka, unclassified telegram no. 3288, September 2001. See also *Prevention, Withdrawal and Rehabilitation of Children* at 65 and *Country Reports on Human Rights Practices for 2000—Zambia* (Washington, D.C.: U.S. Department of State, 2001), Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=849>.

²⁷³⁵ ILO, ILOLEX database: Zambia, at <http://www.iloex.ilo.ch:1567/english/newratframeE.htm> <http://iloex.ilo.ch:1567/cgi-lex> on 11/6/01.

NOTE: Hard copies of all Web citations are on file.