

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

The Government of Zambia has been a member of ILO-IPEC since 2000.<sup>4710</sup> In September 2002, USDOL and the Zambian Ministry of Education signed a Letter of Agreement to collaborate on an education project in areas with a high incidence of child labor.<sup>4711</sup> The government's National Policy on Children and Labor Market policy include chapters on child labor.<sup>4712</sup> A National Plan of Action on Child Labor was developed in 2000 and approved by the government in December 2001.<sup>4713</sup> The Government of Zambia receives policy and program guidance on child labor issues through an Inter-Ministerial Committee, established in May 2000 and comprised of key ministries.<sup>4714</sup>

The government participates in several USDOL-funded ILO-IPEC initiatives, including a regional capacity building program, a regional commercial agriculture sector program and a national program.<sup>4715</sup> As part of the national program, several ministries in Zambia have implemented activities focused on child labor policy, legislative and curriculum review, and awareness raising. In addition, the national program withdrew targeted children from hazardous work and provided them with educational and training opportunities.<sup>4716</sup> With technical assistance from ILO-IPEC's SIMPOC, Zambia's Central Statistical Office conducted a national child labor survey in 1999.<sup>4717</sup>

The government has implemented several initiatives in conjunction with international organizations and NGOs for street children and increased opportunities for older youth to obtain vocational training.<sup>4718</sup> The government has banned street vending and the Ministry of Community Development and Social Services is working in part-

<sup>4710</sup> ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 13, 2003]; available from [http://www.ilo.org/public/english/standards/ipecc/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm).

<sup>4711</sup> *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 and is being implemented by American Institutes for Research and Jesus Cares Ministries. See USDOL, *Labor Department Funds Education Program in Zambia to Combat Child Labor*, press release, Washington, D.C., September 12, 2003.

<sup>4712</sup> A.J. Cheraw, Permanent Secretary, Ministry of Labour and Social Security, letter to USDOL official, June 6, 2001. See also U.S. Embassy-Lusaka, *unclassified telegram no. 1318*, August 2003.

<sup>4713</sup> ILO-IPEC, *National Program on the Elimination of Child Labour in Zambia*, technical progress report, Geneva, March 2003. See also U.S. Embassy-Lusaka, *unclassified telegram no. 1318*. See also U.S. Embassy-Lusaka, electronic communication to USDOL official, February 26, 2004.

<sup>4714</sup> The ministries on the committee include: Labor; Sport, Youth and Child Development; Information and Broadcasting; and Legal Affairs. See U.S. Embassy-Lusaka, *unclassified telegram no. 1761*, October 2002. See also U.S. Embassy-Lusaka, *unclassified telegram no. 3288*, September 2001.

<sup>4715</sup> 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, *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. See also ILO-IPEC, *National Program on the Elimination of Child Labour in Zambia*, project document, ZAM/99/05/060, Geneva, September 1999.

<sup>4716</sup> The national program focused on two key objectives: building the capacity of government to address child labor issues and removing child laborers from hazardous and exploitative work. The program targeted children working on the street, in domestic work, prostitution, and the quarry mining sector. The project is nearing completion. Some notable achievements of the project include establishing a national action plan, withdrawing children from work and providing them with educational and training opportunities and training law enforcers such as the police to identify children engaged in the worst forms of child labor. Ministries that implemented activities under the national program include the Ministry of Labor and Social Security, Ministry of Education and Ministry of Sport Youth and Child Development. See ILO-IPEC, *Zambia national program, technical progress report*. See also ILO-IPEC, *Anglophone Africa Capacity Building, project document*, 12.

<sup>4717</sup> ILO-IPEC, *Statistical Information and Monitoring Programme on Child Labour (SIMPOC) in Zambia*, Project Document, ZAM/99/05/050, Geneva, September 1999.

<sup>4718</sup> The government has implemented programs including DANIDA's Development Aid from People to People project for street children and the Society for Family Health project for orphans and street children. See U.S. Embassy-Lusaka, *unclassified telegram no. 1318*.

nership with an NGO to return street children to their homes and communities.<sup>4719</sup> The government has undertaken a number of awareness raising activities to sensitize law makers, media, trade unions and employer organizations about child labor issues.<sup>4720</sup>

The Government of Zambia's national policy on education, "Educating Our Future," was published in 1996 and focuses primarily on making curricula for basic education more relevant, promoting partnerships and cost sharing, and improving school management.<sup>4721</sup> 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.<sup>4722</sup> Child laborers are mentioned as a specific target group in both the national education policy and the national plan.<sup>4723</sup> In June 2002, the Government of Zambia became eligible to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.<sup>4724</sup>

## Incidence and Nature of Child Labor

In 1999, the Zambian Central Statistical Office estimated that 11.5 percent of children ages 5 to 14 years in Zambia were working.<sup>4725</sup> Over 90 percent of these children in the same age group were engaged in agricultural activities.<sup>4726</sup> Approximately 24 percent of working children combined work with school.<sup>4727</sup> Children are found working in a variety of industries and occupations, including stone crushing, fisheries, manufacturing, construction, trading, business and personal services, domestic service, carpentry, food production and vending.<sup>4728</sup> An increasing number of younger children are forced into prostitution.<sup>4729</sup> In addition, the spread of HIV/AIDS and the grow-

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<sup>4719</sup> Ibid.

<sup>4720</sup> Ibid.

<sup>4721</sup> 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 Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey: Country Report*, ILO-IPEC, Lusaka, 2001, 3. See also UN, *Common Country Assessment - Zambia 2000*, 49.

<sup>4722</sup> The program 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. See also World Bank, *Zambia Improves Basic Education: World Bank supports efforts with US\$40 million credit*, [press release] April 8, 1999 [cited June 17, 2003]; available from <http://www.worldbank.org/html/extdr/extme/2140.htm>. See also UN, *Common Country Assessment - Zambia 2000*, 24. See also U.S. Embassy- Lusaka, electronic communication to USDOL official, October 29, 2003.

<sup>4723</sup> U.S. Embassy- Lusaka, *electronic communication*, October 29, 2003.

<sup>4724</sup> World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

<sup>4725</sup> This survey, which estimated that 347,357 children ages 5 to 14 were working, was carried out with technical support from the ILO/IPEC's SIMPOC. See Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey*, xvi.

<sup>4726</sup> Ibid., Table 4.7, 27. The survey also found that 1.7 million children were involved in housekeeping activities, such as cooking, preparing food, washing dishes, house cleaning, washing and ironing clothes and taking care of younger siblings. See Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey*, Table 4.26, 39.

<sup>4727</sup> Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey*, Table 4.30, 41.

<sup>4728</sup> Ibid., Tables 4.7 and 4.15. See also A.J. Chiraw, letter to USDOL official, October 13, 2001. See also U.S. Embassy- Lusaka, *unclassified telegram no. 1318*.

<sup>4729</sup> ILO-IPEC, *National Program, project document*, 2. See USAID, UNICEF, and Swedish International Development Agency (SIDA), *Orphans and Vulnerable Children: A Situation Analysis*, Study Fund Project, Lusaka, Section 2. See also ILO-IPEC, *HIV/AIDS and Child Labour in Zambia: A Rapid Assessment*, Geneva-Lusaka, August 2002.

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ing number of orphans, has contributed to an increase in the number of street children, many of who engage in various forms of work, such as carrying parcels or guarding cars.<sup>4730</sup>

To increase school access, a number of reforms have been instituted. In 2002, the government issued a proclamation abolishing school fees for grades 1 to 7 and waived compulsory uniforms in rural areas. In addition, the government waived examination fees for grade seven.<sup>4731</sup> However, education in Zambia is not compulsory.<sup>4732</sup> In 2000, the gross primary enrollment rate was 78.2 percent, and the net primary enrollment rate was 65.5 percent.<sup>4733</sup> In 1996/7, the gross primary school attendance rate was 91.7 percent, and the net attendance rate was 67.4 percent.<sup>4734</sup> According to USAID, there are 560,000 children not attending school in Zambia, and of those children who enter grade 1, one-third fail to complete their education through grade 7.<sup>4735</sup> Girls' attendance tends to be lower than that of boys, especially in rural areas.<sup>4736</sup>

## Child Labor Laws and Enforcement

The Employment of Young Persons and Children Act of 1933, establishes 15 as the minimum age for employment, and prohibits children up to the age of 18 from engaging in work that is hazardous; however, the law does not apply to commercial farms.<sup>4737</sup> Under the Act, violators of the law can be fined and/or imprisoned for up to 3 months.<sup>4738</sup> The Constitution of 1991 prohibits forced labor and establishes legal protection from exploitative work for young persons, defined as under the age of 15.<sup>4739</sup> The Constitution prohibits trafficking of children under 15 years old and the penal code prohibits the trafficking of girls and women for sexual purposes.<sup>4740</sup>

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<sup>4730</sup> USAID, UNICEF, and (SIDA), *Orphans and Vulnerable Children: A Situation Analysis*, 8. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Zambia*, Washington, D.C., March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/>.

<sup>4731</sup> 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*. To replace school fees, the government increased its budgetary allocation for education and provided USD 7.6 million in 2003 to more than 5,000 schools throughout the country. U.S. Embassy- Lusaka, electronic communication, October 29, 2003.

<sup>4732</sup> U.S. Embassy- Lusaka, electronic communication, February 26, 2004.

<sup>4733</sup> World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

<sup>4734</sup> USAID, *Global Education Database* [CD-ROM], Washington, D.C., 2003.

<sup>4735</sup> 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.

<sup>4736</sup> *Ibid.* Enrollment of girls is also lower than that of boys (approximately 10 percent lower in 1999), and this gender disparity appears to be growing. See also UNICEF, *Children in Jeopardy: The Challenge of Freeing Poor Nations from the Shackles of Debt*, New York, 1999, 5.

<sup>4737</sup> The Employment of Young Persons and Children Act (1933), Chapter 274, as cited in ILO-IPEC, *East Africa Commercial Agriculture, project document*, 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 jeopardize the health, safety or morals of that young person." It is reported that while the minimum age is 15 in the Act, in practice most employers observe 18 as the minimum age. See U.S. Embassy- Lusaka, *electronic communication, October 29, 2003*.

<sup>4738</sup> U.S. Embassy- Lusaka, *unclassified telegram no. 1318*.

<sup>4739</sup> 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); available from [http://www.uni-wuerzburg.de/law/za00000\\_.html](http://www.uni-wuerzburg.de/law/za00000_.html).

<sup>4740</sup> *Ibid.* See also *Penal Code of Zambia*, Sections 135, 140-141 as cited in U.S. Embassy- Lusaka, electronic communication, February 26, 2004.

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The Ministry of Labor and Social Security, which is responsible for enforcing labor laws, established a Child Labor Unit to specifically address issues relating to child labor.<sup>4741</sup> The Ministry conducts monthly inspections to workplaces, and recently hired 56 new labor inspectors to conduct inspections throughout the country.<sup>4742</sup> However, resources for investigations are not considered adequate and the Ministry was only able carry out about 60 percent of the child labor inspection and investigations it had set as a target.<sup>4743</sup>

The Government of Zambia ratified ILO Convention 138 on February 9, 1976, and ratified ILO Convention 182 on December 10, 2001.<sup>4744</sup> As per the terms of Convention 182, the government has identified a list of occupations considered as the worst forms of child labor.<sup>4745</sup>

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<sup>4741</sup> U.S. Embassy- Lusaka, *unclassified telegram no. 3288*. See also Chiraw, letter, October 23, 2001.

<sup>4742</sup> U.S. Embassy- Lusaka, *unclassified telegram no. 1318*.

<sup>4743</sup> USD 12,000 was allocated in the 2003 budget for carrying out child labor investigations. This amount was considered insufficient to cover the basic administrative costs. Ibid.

<sup>4744</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 17, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

<sup>4745</sup> The following occupations are identified in the list of worst forms of child labor: mining, quarrying, manufacturing industries, construction, transportation, cord woodcutting, prostitution and agriculture. U.S. Embassy- Lusaka, *unclassified telegram no. 1318*. See also U.S. Embassy- Lusaka, *electronic communication, October 29, 2003*.