

Document #1437408

USDOS – US Department of State

Trafficking in Persons Report 2018 - Country Narratives - Zambia

ZAMBIA: Tier 2

The Government of Zambia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Zambia was upgraded to Tier 2. The government demonstrated increasing efforts by initiating more prosecutions and securing more convictions than in the previous year. The government integrated modules on human trafficking into the training curricula for law enforcement and immigration officials and trained such officials. The government identified more victims and referred all identified victims to protective services; it refurbished a shelter for women and girls and increased its anti-trafficking budget for the second consecutive year. The government revived the national secretariat as well as its inter-ministerial committee, which met on December 1, 2017, and cooperated with neighboring governments to share expertise as part of a Southern African Development Community (SADC) regional cooperation initiative. However, the government did not meet the minimum standards in several key areas. Officials continued to conflate cases of migrant smuggling and trafficking, particularly with an influx of refugees fleeing conflict in the Democratic Republic of the Congo (DRC), and did not adequately screen potential Zambian victims of forced labor who returned from Namibia. The government reviewed and updated the 2012-2015 national action plan to combat trafficking, but it remained pending at the close of the reporting period.

RECOMMENDATIONS FOR ZAMBIA

Proactively identify trafficking victims by accurately distinguishing between migrant smuggling and trafficking victims and refer them to protective services; amend the trafficking law to define child sex trafficking as not requiring that force, fraud, or coercion be used and to define trafficking as a crime that does not require movement of the victim; vigorously investigate and prosecute sex and labor trafficking cases within Zambia involving both children and adults; formalize and implement victim identification and referral procedures, and train law enforcement and social welfare officials on their use, including among vulnerable populations; expand the availability of shelters; train police, immigration officials, prosecutors, and judges on investigating and prosecuting trafficking crimes; increase the number of labor inspectors and ensure they are trained on trafficking indicators; strengthen coordination and collaboration efforts

between relevant ministries; finalize an updated multi-year national anti trafficking strategy and action plan and continue to conduct public awareness campaigns; and compile and make public information on trafficking cases and trends.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. The Anti Trafficking Act of 2008 criminalized some forms of labor and sex trafficking. Inconsistent with the definition of trafficking under international law, the law only defined an offense as trafficking if it involved transnationality. Additionally, the law required a demonstration of threats, force, intimidation, or other forms of coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. The act prescribed penalties ranging from 20 years to life imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

The government investigated 22 potential trafficking cases involving Ethiopian, Congolese, Rwandan, Zambian, and Somali perpetrators or victims, both adults and children, compared to 23 in 2016. The government prosecuted four traffickers, convicted all four traffickers, and sentenced them to 25 years imprisonment, compared with zero prosecutions and zero convictions during the previous reporting period. All four prosecutions and convictions were the result of a single case involving three Congolese and one Zambian trafficker who exploited 14 Congolese victims in Zambia. The Ministry of Labor and Social Security (MLSS) Child Labor Unit used mediation with parents as the usual process for handling child labor cases and did not criminally investigate such cases for potential trafficking violations. The government did not investigate or prosecute companies for labor trafficking in the mining and agricultural sectors and had limited capacity to monitor these sectors; during the previous reporting period there were allegations that large or foreign companies and foreign governments exerted influence over officials, preventing investigations. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government integrated modules on human trafficking into the training curricula for Zambia Correctional Service, the Zambian Police Service, and the Department of Immigration and during the year trained such officials using these modules. The national police academy trained an unknown number of new recruits on trafficking. The paramilitary police training school trained over 1,000 recruits on trafficking. The government maintained a database to track trafficking case data with other countries in the region.

PROTECTION

The government increased efforts to assist victims. The government identified 41 victims during the reporting period, compared to one potential victim identified during the previous reporting period. Of the victims identified, 33 were children and eight were adults; 18 were female and 23 were male. The government referred all victims it identified to protective services. Of the victims identified, one was a sex trafficking victim and the government did not report the type of exploitation for the other 40

victims. Officials continued to conflate cases of migrant smuggling and trafficking, particularly with an influx of refugees fleeing conflict in the DRC during the reporting period.

The government partnered with international organizations to offer routine assistance to victims, including medical care and counseling, but it continued to rely on international organizations and local NGOs to provide the majority of care. Shelters across the country, especially outside Lusaka and Copperbelt Provinces, were heavily constrained by a lack of funding. The Ministry of Community Development, Mother and Child Health operated a 40 person shelter for victims of trafficking and victims of sexual abuse in Luapula province, and another in Central Province, both eligible to receive male victims of trafficking. In addition, it refurbished a shelter for vulnerable migrants and victims of trafficking in an area known to have a high prevalence of trafficking and opened a gender-based violence shelter in Chongwe for women and girls; the government did not report if any trafficking victims received care through these facilities during the year. The government increased its anti-trafficking budget for the second consecutive year to 143,000 new kwacha (\$14,340), an increase of \$4,000 over last reporting period.

Officials and service providers used standard procedures to screen and identify trafficking victims among vulnerable populations, such as migrants and unaccompanied minors. However, the government did not adequately screen a significant number of potential Zambian victims of forced labor who returned from Namibia. Government officials, in partnership with international organizations, offered court preparation, and repatriation or regularization of immigration status. The government offered legal alternatives to the removal of victims to countries where they may face hardship or retribution; however, the government did not report granting such assistance in 2017. Foreign victims of trafficking were provided with the same protective services as Zambian nationals; however, availability of translators remained a barrier to providing timely, comprehensive care. As a result of the lack of shelter availability and resources, it was not uncommon for the government to house victims, including children, in jail for short periods.

PREVENTION

The government increased efforts to prevent trafficking. The government revived the national secretariat and its inter-ministerial committee, which resumed their duties in the oversight of national anti-trafficking efforts. The anti-trafficking inter-ministerial committee held its inaugural meeting on December 1, 2017. The government reviewed and updated the 2012-2015 national action plan to combat trafficking, although its finalization remained pending at the close of the reporting period. The government launched its seventh national development plan, which included guidelines on the prosecution, protection, and prevention of trafficking—the first time it has specifically included goals to combat trafficking. The government conducted a baseline survey in Nakonde and Sesheke, two border areas known to have a high prevalence of trafficking, to assess gaps in understanding of the crime. In coordination with an international organization, the Ministry of Community Development and Social Welfare updated and

began implementation of the Communication Strategy on Mixed Migration and Human Trafficking, which aimed to educate the public on trafficking through community outreach and interviews on local radio stations.

The government continued its partnerships in the region through routine coordination of anti-trafficking efforts with Zimbabwe and South Africa. The government held three bilateral relationship cooperating meetings at border posts in Chirundu, Chanida, and Nakonde with Zimbabwean, Mozambican, and Tanzanian counterparts, respectively, to discuss cross-border initiatives and efforts to combat trafficking. The government hosted Malawi’s anti-trafficking inter ministerial committee to facilitate a knowledge-sharing discussion as part of a SADC regional cooperation initiative. During 2016, MLSS employed 134 labor inspectors, compared to 110 labor officers employed the previous year. The government did not make efforts to reduce the demand for commercial sex or forced labor. An estimated 225 Zambian peacekeepers received anti-trafficking training on how to identify and protect potential trafficking victims.

TRAFFICKING PROFILE

As reported over the past five years, Zambia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Most trafficking occurs within the country’s borders and involves women and children from rural areas exploited in cities in domestic servitude or forced labor in agriculture, textile production, mining, construction, small businesses such as bakeries, and forced begging. Zambian children may be forced by *jerabo* gangs engaged in illegal mining to load stolen copper ore onto trucks in Copperbelt Province. While orphans and street children are most vulnerable, children of affluent village families are also at risk of trafficking because sending children to the city for work is perceived to confer status. Zambian boys and girls are exploited in sex trafficking by truck drivers in towns along the Zimbabwean and Tanzanian borders and by miners in Solwezi. Zambian boys are subjected to sex trafficking in Zimbabwe and women and girls are subjected to sex trafficking in South Africa. Domestically, extended families and trusted family acquaintances facilitate trafficking. Zambians from the depressed rural areas in the Western Province are coerced into forced labor in Namibia.

Women and children from neighboring countries are exploited in forced labor and sex trafficking in Zambia. Nationals from South and East Asia are exploited in forced labor in domestic servitude, textile factories, bakeries, and Chinese-owned mines. Chinese traffickers bring in Chinese women and girls for sexual exploitation in brothels and massage parlors in Lusaka; traffickers use front companies posing as travel agencies to lure Chinese victims and coordinate with Zambian facilitators and middlemen. Chinese nationals are increasingly exploited in forced labor in Chinese-owned companies in the construction and mining sectors. South African criminal groups subjected Southeast Asians transiting Zambia to forced labor in construction in South Africa. Potential trafficking victims from Ethiopia, DRC, and Syria were identified in Zambia.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2017 to March 2018)



Country:

Zambia

Source:USDOS – US Department of State (</en/source/11558.html>)**Original link:**<https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282782.htm> (<https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282782.htm>)**Document type:**

Periodical Report

Language:

English

Published:

28 June 2018

Document ID:1437408 (former ID [362090](/en/document/362090) (</en/document/362090>))**Austrian Red Cross**Austrian Centre for Country of Origin and Asylum Research
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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

