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2021 Trafficking in Persons Report: Zambia

ZAMBIA: Tier 2 Watch List

The Government of Zambia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included increasing investigations and prosecutions of trafficking crimes; convening the national coordinating committee, in partnership with international organizations, to implement anti-trafficking prevention efforts; and conducting campaigns to raise awareness of human trafficking. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government did not convict any traffickers and protection services for trafficking victims remained inadequate. The government regularly held potential victims, including children, in jail or other detention facilities for extended periods of time, often alongside traffickers. The government did not consistently screen for trafficking indicators among vulnerable populations, including foreign nationals and individuals involved in commercial sex—an ongoing concern over the past four years. Officials continued to conflate human trafficking and migrant smuggling, hindering the effectiveness of overall anti-trafficking efforts. Therefore Zambia remained on Tier 2 Watch List for the second consecutive year.

PRIORITIZED RECOMMENDATIONS:

Fully implement the national referral mechanism and train all relevant agencies to proactively identify trafficking victims and refer them to protective services. • Systematically and proactively identify trafficking victims by screening for trafficking indicators among vulnerable populations, including individuals involved in commercial sex, refugees, and foreign nationals, such as Rwandans, Ethiopians, and Chinese workers, and refer all victims to appropriate services. • Amend the anti-trafficking law to define child sex trafficking as not requiring force, fraud, or coercion. • Adopt an updated national action plan for 2022 and beyond, with resources devoted to its implementation. • Consistently investigate and prosecute human trafficking cases and sentence convicted traffickers to adequate penalties. • Collaborate with NGOs and international organizations to increase the government's capacity to provide shelter and protective services to more trafficking victims, including adult males and foreign nationals. • Cease the penalization of trafficking victims for unlawful acts their traffickers compelled them to commit. • Expand training for police, immigration officials, prosecutors, and judges on investigating and prosecuting trafficking crimes to ensure increased investigations and prosecutions of alleged traffickers. • Increase protective services for victims participating in the criminal justice process to keep victims' identities confidential and prevent re-traumatization, including the establishment of child-friendly interviewing spaces. • Establish a network of interpreters to ensure provision of interpretation services for foreign victims to deliver comprehensive legal and protective services. • Compile and make public information on trafficking cases and trends.

PROSECUTION

The government demonstrated mixed anti-trafficking law enforcement efforts. The Anti Trafficking Act of 2008 criminalized some forms of sex trafficking and labor trafficking. Inconsistent with the definition of trafficking under international law, 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. For the second consecutive year, the government reported that draft amendments to bring the law in line with international standards were awaiting ratification by parliament.

The government investigated 17 potential trafficking cases, compared with 13 investigations in 2019. Of these 17 cases, two were sex trafficking and eight were forced labor; the government did not report the types of trafficking in the remaining seven cases. The government initiated eight new

prosecutions involving 11 defendants, compared with four prosecutions involving eight defendants reported in 2019. Seven of these cases, as well as three prosecutions initiated in 2019, remained ongoing at the end of the reporting period. The government did not convict any traffickers in 2020, compared with four convictions in 2019. Courts acquitted two alleged traffickers in 2020. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes during the reporting period. In 2019, the government investigated one government official for alleged complicity in forced labor of a child in domestic work; however, the government did not provide any updates on this case during the reporting period. In February 2019, a federal court in Maryland entered a final judgment against a former Zambian World Bank employee and her husband, a Zambian diplomat posted in the United States, in a civil lawsuit brought by their former G-5 domestic worker. The court found that the couple had violated federal and state labor law, and that the World Bank employee had breached the employment contract. The court ordered the couple to pay approximately \$114,000 in damages and attorney fees. The World Bank terminated the employment of this employee. The judgment appears to remain unpaid. For the second consecutive year, the government did not report taking any action to hold the diplomat accountable.

The government did not implement its plan to direct trafficking cases to the two fast-track human trafficking courts with trained judges established in Lusaka during the previous reporting period. The government assisted international organizations and local NGOs in facilitating various human trafficking training modules for law enforcement officers, criminal justice practitioners and magistrates, and immigration officials; training topics included recognizing cross-border trafficking crimes, victim identification and referral mechanisms, and voluntary repatriation. During the reporting period, there were limited police officers, prosecutors, and judges trained on trafficking case management, causing national statistics on law enforcement efforts to remain difficult to obtain and verify. Additionally, officials' propensity to conflate trafficking and smuggling made it likely that some reported cases involved individuals seeking to illegally cross international borders via irregular migration (migrant smuggling) and other crimes not involving exploitation through forced labor or sex trafficking.

PROTECTION

The government maintained inadequate victim protection efforts. Due to officials' continued conflation of trafficking and migrant smuggling, national statistics on trafficking victim identification and protection remained difficult to obtain and verify. The government identified 199 potential victims during the reporting period, compared with 17 victims identified in 2019; however, it was unclear if traffickers had exploited these individuals in sex trafficking or forced labor. Of the 199 potential victims identified, 166 were male and 33 were female; 73 were adults and 126 were children; 22 victims were Zambian nationals, while the other 177 were foreign nationals from Ethiopia, the Democratic Republic of the Congo (DRC), Burundi, Malawi, Rwanda, Kenya, Somalia, and Zimbabwe. The government identified the majority of potential victims—140 Ethiopians—in two instances after police received reports from the local community. The government repatriated three Zambian victims identified in Algeria, Belgium, and South Africa, compared with two repatriations from South Africa in 2019. Observers reported the Zambia Police Service and Department of Social Welfare jointly conducted raids in brothels where families forced their children to engage in commercial sex; however, the government did not report identifying any victims or initiating any investigations based on such efforts. While use of the national referral mechanism reportedly increased in 2020, some front-line officials still neglected to use these methods to identify and refer victims to care, especially in cases involving foreign nationals or individuals in commercial sex. The government, in partnership with an international organization, continued to disseminate an updated standard victim identification form to better guide front-line officials in proactively identifying trafficking victims; however, law enforcement officers did not use forms currently available.

The government partnered with international organizations to offer routine assistance to potential victims, including basic needs, medical care, and counseling; however, the government did not provide all services across Zambia. The Ministry of Community Development and Social Services operated one 40-person shelter in Luapula Province and other shelters in Central and Western Provinces. Shelters were typically designated for survivors of gender-based violence or child abuse but were made available to trafficking victims; most shelters only assisted women and children, but some accommodated adult male victims of trafficking. Shelters across the country, especially in rural areas outside Lusaka and Copperbelt Provinces, continued to lack available space, training for shelter staff, education opportunities, and integration services due to low capacity and training of victim support officers, scarce resources, and lack of funding. With assistance from an international organization, the government developed standard operating procedures and shelter guidelines; however, the guidelines were awaiting final approval by the Ministry of Home Affairs (MHA) at the end of the reporting period. The government provided 282,846 Zambian kwacha (\$13,380) to support four shelters in 2020, compared with 50,000 kwacha (\$2,370) provided to one shelter in 2019.

Authorities continued to penalize victims for crimes their traffickers compelled them to commit. While the government reportedly increased efforts to screen potential victims of trafficking, it did not do so consistently in cases that appeared to involve smuggling; the government detained, charged, or deported individuals who reportedly consented to being smuggled, including potential trafficking victims, without screening those individuals for trafficking indicators. In some cases involving foreign nationals, the government prosecuted potential victims for immigration violations after they provided evidence against their alleged trafficker; the government also reportedly charged potential sex trafficking victims—adults and children—with prostitution violations, rather than investigating their trafficker. Given the limited sheltering options and lengthy court processes, the government regularly held potential victims in detention facilities for extended periods of time, often alongside traffickers; authorities often did not separate children from the adult population. Of the 199 potential victims the government identified in 2020, the government reported 140 of them were placed in jails, correctional facilities, or detention. The government rarely provided opportunities for victim testimony via video or written statements and made no proactive efforts to keep victims' identities confidential or prevent re-traumatization. The Department of Immigration provided regularization of immigration status and temporary residency for all foreign victims in accordance with the 2008 trafficking law. Regularization of stay was not dependent on the victim's cooperation with law enforcement, and 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 applying this alternative to foreign victims during the reporting period. The lack of availability of interpreters continued to be a barrier to providing timely and comprehensive care for victims, and victims often paid a fee to obtain interpretation services, despite the government reporting interpretation services were available free of charge.

PREVENTION

The government maintained efforts to prevent trafficking. The MHA continued to oversee a national inter-ministerial committee (IMC) and its secretariat, which was charged with oversight of national anti-trafficking efforts. With support from international organizations, the IMC met three times in 2020 to discuss a review of anti-trafficking legislation, coordinate anti-trafficking responses in light of the pandemic, and develop trafficking training for law enforcement. The government continued to implement the 2018-2021 national action plan on trafficking and mixed and irregular migration. The government, in coordination with an international organization, launched various awareness campaigns via billboards, radio shows, text alerts, and pamphlets in rural and border areas to educate local communities on human trafficking. The government did not operate a hotline for potential victims of trafficking and did not track trafficking-specific call data from hotlines operated by nongovernmental organizations. NGOs reported receiving 47 calls with trafficking indicators during the reporting period. The Employment Act set forth requirements for the regulation of labor brokers and prohibited labor brokers from charging prospective employees for any services rendered. The Ministry of Labor (MOL) continued to conduct inspections and investigations of labor brokers on a regular basis throughout the country to regulate recruitment practices and prevent fraudulent job offers that may lead to exploitation. The MOL reported conducting 922 inspections in 2020; however, the government did not report identifying any trafficking victims or potential trafficking violations during these inspections. The MOL employed 154 labor inspectors in 2020, compared with 160 employed the previous year. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Zambia, and traffickers exploit victims from Zambia abroad. Most trafficking occurs within the country's borders and involves traffickers exploiting women and children from rural areas in cities in domestic servitude or forced labor in agriculture, textile production, mining, construction, small businesses, such as bakeries, and forced begging. *Jerabo* gangs may force Zambian children to engage in illegal mining operations, such as loading stolen copper or crushing rocks. Orphans and street children remain vulnerable to trafficking; however, children of village families are also at risk of trafficking because sending children to the city for work is perceived to confer status and may entice families to do so without verifying the environment. During the pandemic, a six-month school closure increased children's vulnerability to exploitation, including sex trafficking and forced labor. Truck drivers exploit Zambian boys and girls in sex trafficking in towns along the Zimbabwean and Tanzanian borders, and miners exploit them in Solwezi. Traffickers exploit Zambian boys in sex trafficking in Zimbabwe and exploit women and girls in sex trafficking in South Africa. Domestically, extended families and trusted family acquaintances facilitate trafficking. Traffickers exploit Zambians from rural areas in the Western Province in forced labor in Namibia.

Traffickers exploit women and children from neighboring countries in forced labor and sex trafficking in Zambia, including transiting migrants whose intended destination is South Africa. In recent years, traffickers lure Rwandan women to Zambia with promises of refugee status, coerce

them into registering as DRC nationals seeking refugee status in Zambia, and subsequently exploit them in sex trafficking and threaten them with physical abuse and reporting them to immigration officials for fraudulent refugee claims. Traffickers increasingly exploit victims from Tanzania and Malawi in the Zambian timber industry. Chinese nationals working in Zambia, particularly in the construction, mining, and service sectors, may have been forced to work, including by the People's Republic of China state-owned enterprises that employed them. Chinese traffickers bring Chinese women and girls to Zambia 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. Indian-Zambian nationals operating in India facilitate illegal adoption of Indian children for the purpose of exploiting them in domestic servitude in Zambia.

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