

2024 Trafficking in Persons Report: Zambia

ZAMBIA (Tier 2)

The Government of the Republic of Zambia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period; therefore Zambia remained on Tier 2. These efforts included fully operationalizing the Department of Anti-Human Trafficking (DAHT) to implement the government's anti-trafficking efforts. The government increased victim identifications and prosecutions of alleged traffickers. The government trained law enforcement and other officials on implementing the NRM to refer trafficking victims to care. The government opened an additional shelter for trafficking and GBV victims. However, the government did not meet the minimum standards in several key areas. The government investigated fewer trafficking cases and referred significantly fewer trafficking victims to care. The government did not consistently screen vulnerable populations for trafficking and may have detained some unidentified trafficking victims. Due to conflation between human trafficking and migrant smuggling, officials sometimes misidentified trafficking crimes. The government did not adequately address allegations of official complicity.

PRIORITIZED RECOMMENDATIONS: ✓

Train front-line officials to proactively identify and refer trafficking victims to appropriate services according to the NRM by screening for trafficking indicators among vulnerable populations, including individuals involved in commercial sex, migrants, refugees, unaccompanied children, and workers from the People's Republic of China (PRC). * Increase efforts to investigate and prosecute human trafficking crimes, separate from migrant smuggling crimes, particularly trafficking of children in domestic servitude and sex trafficking, and seek adequate penalties for convicted traffickers, including complicit officials, which should involve significant prison terms. * Ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked, especially for immigration violations, engaging in commercial sex, or street vending. * Expand and institutionalize specialized training for police, including human trafficking focal points in police stations, immigration officials, prosecutors, and magistrates on investigating and prosecuting trafficking crimes and differentiating trafficking as distinct from migrant smuggling. * Allocate and disburse funding for victim services – including shelters, medical care, counseling, legal assistance, and other services – and increase availability of services to victims, including for male victims and victims of forced labor. * Establish a network of interpreters to ensure provision of interpretation services for foreign victims to deliver comprehensive legal and protective services. * Allocate dedicated funds for the DAHT to effectively coordinate and build capacity across the government and with district committees and implement the NAP on trafficking in persons. * Seek input from survivors of human trafficking and civil society organizations on crafting anti-trafficking policies and programs. * Consistently enforce strong regulations and oversight of labor recruitment companies, including by eliminating recruitment fees charged to migrant workers and holding fraudulent labor recruiters criminally accountable. * Enhance data collection on trafficking cases and trends, separating data regarding migrant smuggling, illegal adoption, and other crimes.

PROSECUTION ✓

The government maintained law enforcement efforts. The Anti-Trafficking Act of 2008, as amended, criminalized sex trafficking and labor trafficking and prescribed penalties of 20 years to life imprisonment for offenses involving an adult victim, and 30 years to life imprisonment for

those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other grave crimes, such as rape.

The government initiated 27 trafficking investigations (two for sex trafficking, nine for labor trafficking, and 16 for unspecified forms of trafficking) in 2023, compared with 42 investigations initiated in 2022. The government initiated 17 prosecutions involving 41 defendants compared with initiating nine prosecutions involving 17 defendants in 2022. The government convicted two traffickers, compared with convicting six traffickers in 2022. Courts sentenced one convicted trafficker to 35 years in prison; the other convicted trafficker died before sentencing. Courts acquitted one alleged trafficker. Additionally, one individual formally charged with trafficking crimes was convicted on a lesser charge under the Immigration Act because of insufficient evidence. Due to conflation between migrant smuggling and human trafficking, the government may have prosecuted human trafficking crimes as migrant smuggling crimes. The government's focus on migrant smuggling and transnational trafficking diverted resources from investigating and prosecuting endemic forms of internal trafficking, such as exploitation of children in domestic servitude, sex trafficking, forced begging, and street vending. Observers reported cultural acceptance of child domestic servitude inhibited investigations and prosecutions of such crimes. Some police officers lacked understanding of the definition of human trafficking and expressed difficulty proving the necessary elements for trafficking crimes, hindering efforts to refer potential cases for investigation and prosecution.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. The government previously reported several cases of alleged official complicity which were under investigation, including two government drivers and one police officer for allegedly transporting potential victims for the purpose of human trafficking. The government reported this case remained ongoing by the end of the reporting period. Observers reported that some law enforcement officials allegedly accepted bribes, which may have facilitated trafficking crimes.

The DAHT, established in 2022 by amendments to the anti-trafficking law, led matters relating to human trafficking. The DAHT sits within the Ministry of Home Affairs and Internal Security (MOHAIS), and MOHAIS delegates authority to law enforcement officers with specialized anti-trafficking training in the Zambia Police Service (ZPS), Anti-Corruption Commission, Drug Enforcement Commission, and Department of Immigration (DOI) to investigate human trafficking in coordination with DAHT. The DAHT, based in the Lusaka district, has national jurisdiction and maintained 157 focal points in every police station across the country to investigate trafficking crimes. Despite the DAHT's mandate, it lacked sufficient resources to carry out anti-trafficking operations. The government also appointed immigration officers as focal points across various stations in the country to respond to trafficking cases at border entry points. The government provided anti-trafficking training for all newly recruited police and immigration officers. The government, in collaboration with an international organization, revised its law enforcement and prosecutor training manuals to include human trafficking. The government did not report cooperating with any foreign governments on trafficking investigations.

PROTECTION ✓

The government increased victim protection efforts. The government identified 162 trafficking victims in 2023, compared with 79 victims identified in 2022. Of the 162 victims identified, traffickers exploited seven victims in sex trafficking, 86 victims in labor trafficking, and 69 victims for unspecified forms of trafficking. The government reported referring 10 victims to care, compared with 79 victims referred in the previous reporting period. Due to conflation of trafficking with other crimes, victim identification data may have included migrant smuggling cases.

The government had an NRM and continued to disseminate a standard victim identification form to guide front-line officials on proactive victim identification. The MOHAIS continued to mandate use of the NRM and trained front line officials and service providers on its use. However, observers

reported the NRM was not uniformly implemented outside of urban areas. When victims were identified, the Department of Social Welfare (DSW) received victim referrals, conducted assessments, and facilitated victims' access to services provided by NGOs, international organizations, and the government. The DSW reported improved coordination between NRM stakeholders and noted the NRM had improved their ability to make appropriate referrals based on victims' needs. Additionally, the government reported that, due to the NRM, officials decreased the need to re-interview trafficking victims and solely rely on victim testimony in court. The government approved minimum norms and standards for shelters, with DSW leading the implementation.

The Ministry of Community Development and Social Services opened a new shelter for trafficking victims and victims of GBV, bringing the total number of available shelters for victims to six. The six government-run shelters are in Chipata, Lundazi, Chongwe, Sesheke, Mungwi, and Mansa; shelter capacities range from 15 to 40 individuals. Most shelters only had the capacity to assist women and children; shelter and other services for male victims remained limited. Shelter staff did not permit victims, including adults, to leave unchaperoned. The six government-run shelters received at least 5,000 kwacha (\$190) per month to support operations. Observers reported this amount was not sufficient to fully staff shelters and that basic necessities for victims were scarce. Shelter and protection staff continued to lack trauma-informed training, reliable transportation, and sufficient resources. With assistance from an international organization, the government approved and began implementing SOPs and guidelines for shelters in June 2023. The government, in collaboration with an international organization, started integrating a case management system for all DSW shelters. The government partnered with NGOs to offer routine assistance to both foreign and domestic victims, including shelter, basic needs, medical care, counseling, repatriation assistance, legal assistance, reintegration assistance, education and vocational training, and other services. Foreign victims were entitled to the same benefits as Zambian victims; however, many foreign victims did not receive the same benefits in practice. The government provides legal assistance to trafficking victims cost-free through the National Prosecutions Authority.

The anti-trafficking law included a provision establishing that trafficking victims cannot be held criminally liable for unlawful acts they committed as a "direct or indirect result of being trafficked." However, in previous reporting periods, observers and government officials reported authorities penalized some trafficking victims for such acts, particularly those relating to immigration violations, due to lack of resources, knowledge gaps, and efforts to increase prosecutions. To support victim participation in criminal justice proceedings, the government provided support to victims, including access to shelter, temporary immigration relief, funding for transport and lodging, and legal representation. Fifty victims participated in criminal justice proceedings. These victims were reportedly not required to participate to access protection services. The government reported victim testimonies were mostly provided orally or in written "impact" statements, and in rare cases, video statements. Children could testify separately in Children and Family Courts, and the government assisted in protecting victims' identities. The government did not consistently conduct trafficking screenings for adult migrants who were detained in prisons and deported for immigration violations, which may have included trafficking victims. The government also did not consistently screen detained unaccompanied migrant children for trafficking, who were ostensibly separated from adults in prisons; however, observers reported lax security did not always enforce the separation requirement. Government officials expressed difficulty in obtaining interpreters to conduct trafficking screenings, especially for Ethiopian migrants detained for immigration violations. Particularly in districts with scarce resources, the government permitted NGOs and representatives from foreign governments to provide legal assistance, interpretation, and advocacy on behalf of detained migrants, which may have included potential trafficking victims. The government did not report the number of trafficking victims identified among those detained for immigration violations.

PREVENTION ✓

The government maintained efforts to prevent trafficking. The government formally operationalized its DAHT to lead the government's national anti-trafficking efforts, which included 16 permanent

interagency staff members. The government had a 2022-2024 NAP on human trafficking and migrant smuggling. The government, in collaboration with civil society organizations, conducted awareness raising activities through radio and television campaigns. The government supported NGO-operated hotlines that could receive calls related to human trafficking but did not report receiving any.

The Employment Act set forth requirements for the regulation of labor brokers and prohibited labor brokers from charging prospective employees for any services rendered; however, the act allowed recruiters to charge workers 5 percent from their first wage. The act required a security bond be paid to the government by recruiters taking Zambian workers out of the country to assist workers if needed. The government launched a Labor Migration Strategy to enhance protections for Zambian citizens traveling abroad for employment. The Ministry of Labor and Social Services continued to conduct inspections and investigations of labor brokers throughout the country to enforce recruitment regulations and prevent fraudulent job offers that may lead to exploitation. Inspectors did not receive training on human trafficking. The government did not make efforts to reduce the demand for commercial sex. The government provided pre-deployment training for its diplomatic corps to prevent human trafficking and provided training to its troops prior to their deployment as peacekeepers.

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. Traffickers exploit women and children from rural areas in cities in domestic servitude or forced labor in agriculture, textile production, mining, construction, street vending, small businesses such as bakeries, and forced begging. Because of the perceived increase in status, families are enticed to send children to work in cities without verifying working or living conditions. Due to the cultural acceptance of children engaging in domestic work, physical and sexual abuse and exploitation in forced labor is rampant and often not identified. Extended families and trusted family acquaintances facilitate trafficking, including children in domestic servitude. Traffickers exploit Zambians, including children, from rural areas in Western Province in forced labor on cattle farms and domestic servitude in Namibia. Zambian children from Central Province and Malawian children escaping domestic servitude or other forms of forced labor in Lusaka are recruited by traffickers with the promise of employment but are forced to beg or engage in street vending. Traffickers sell addictive substances to children experiencing homelessness, which increases their vulnerability to trafficking and abuse.

Near the Kasumbalesa border crossing into the Democratic Republic of the Congo (DRC), families exploit children in sex trafficking through solicitation of truck drivers waiting to cross into the DRC; the children are often rebuffed with violence. Truck drivers also exploit Zambian boys and girls in sex trafficking in towns along the Zimbabwean and Tanzanian borders, and miners exploit them in Solwezi. Orphans and children from rural areas remain vulnerable to trafficking. “Jerabo” gangs may force Zambian children to engage in illegal mining operations, such as loading stolen copper or crushing rocks. Traffickers exploit Zambian boys in sex trafficking in Zimbabwe and exploit women and girls in sex trafficking in South Africa. Undocumented minors and asylum seekers are at particular risk of sex trafficking and forced labor. Unaccompanied children fleeing violence in the DRC are recruited by traffickers in Zimbabwe and South Africa, and often transit alone through Zambia. Most cases are identified in Mpika, a transit point in the Northeast part of Zambia. The Chilumba Eastern Province and Chanida border crossing are considered major entry/exit points.

Zambian farmers recruit Malawians to work on farms in Eastern and Muchinga Provinces, sometimes transiting as far as Western Province, where they are exploited in forced labor and, reportedly, some have been killed to avoid payment at the end of the growing season. 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. An increased number of Ethiopian migrants transiting Zambia are vulnerable to trafficking. Zambian women are recruited for domestic servitude in Lebanon and Oman. Traffickers increasingly exploit victims

from Tanzania and Malawi in the Zambian timber industry. PRC nationals bring PRC, Thai, and Vietnamese women and girls to Lusaka and Ndola for sex trafficking in brothels, massage businesses, and casinos, and bring PRC nationals for forced labor in grocery stores and restaurants; traffickers use front companies posing as travel agencies to lure PRC 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.