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USDOS – US Department of State

2019 Trafficking in Persons Report: Zambia

ZAMBIA: Tier 2

The Government 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 to the previous reporting period; therefore Zambia remained on Tier 2. These efforts included investigating more potential trafficking cases; expanding the availability and quality of shelters in multiple locations throughout the country; and providing regularization of immigration status and temporary residency for all foreign victims. The government referred all identified victims to care and coordinated with five governments to repatriate foreign national victims. The government also finalized an updated national action plan, launched a nationwide awareness-raising campaign, and hosted cross-border bilateral meetings with a neighboring country to discuss challenges and successes in responding to trafficking. However, the government did not meet the minimum standards in several key areas. The government slightly decreased the number of trafficking prosecutions and convictions, and identified fewer trafficking victims. It did not consistently screen potential victims of trafficking in cases that appeared to be smuggling.

PRIORITIZED RECOMMENDATIONS

Improve efforts to implement the National Referral Mechanism (NRM) to proactively identify trafficking victims and refer them to protective services. • Amend the trafficking law to define child sex trafficking as not requiring force, fraud, or coercion and to define trafficking as a crime that does not require movement. • Expand training for police, immigration officials, prosecutors, and judges on investigating and prosecuting trafficking crimes. • Screen vulnerable migrant populations, such as refugees and asylum-seekers, for trafficking indicators. • Establish a network of translators to ensure provision of translation services for foreign victims in order 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 sex trafficking and some forms of labor 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, in coordination with an international organization, convened two workshops to review Zambia’s existing anti-trafficking act and began drafting amendments to bring the law in line with international standards.

The Zambia Police Service investigated 13 potential trafficking cases, the Department of Immigration initiated 28 investigations, and the Ministry of Labor and Social Security (MLSS) investigated 38 potential forced child labor cases for a total of 79 investigations, compared to 22 in 2017. In particular, the investigations by MLSS represented an improvement from past government efforts to carry out mediation in suspected forced child labor cases. The government prosecuted and convicted two traffickers in two cases under the Anti-Trafficking Act of 2008, who were awaiting sentencing at the close of the reporting period, compared with four prosecutions and four convictions during the previous reporting period. Three prosecutions involving three defendants from 2017 remained ongoing at the close of the reporting period. 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 at least 1,021 officials using these modules. The national police academy trained an unknown number of new recruits on trafficking. The government continued to participate in the Southern African Development Community regional data collection tool by uploading information on trafficking cases, victim and trafficker profiles, and sharing information with countries in the region. A trafficking case from 2016, in which two Zambian children were exploited in Botswana, remained ongoing in Botswana during the reporting period.

PROTECTION

The government demonstrated increased victim protection efforts. The government identified 17 victims during the reporting period, compared to 41 potential victims identified during the previous reporting period when data included trafficking-related crimes. Of the victims identified, 14 were children and three were adults; 13 were female and four were male. Traffickers exploited one woman in sex trafficking and 16 victims in domestic servitude. For the second consecutive year, the government referred all victims it identified to protective services using the NRM to guide the referral process and employ a victim-centered approach. The Department of Social Welfare conducted home studies and counseling with each child’s family prior to reunifying child victims with their families. The government reunified 10 Zambian victims with their families and provided all victims with reintegration assistance, including one foreign national resettled in Zambia. The Department of Social Welfare, in partnership with an international organization, coordinated with Nigeria, Ethiopia,

Uganda, Zimbabwe, and Mozambique to repatriate six victims and ensured victims received protective services upon arrival in their home countries. The government is updating its current standard victim identification form to better guide front-line officials in proactively identifying trafficking victims.

The government partnered with international organizations to offer routine assistance to victims, including medical care and counseling. The Ministry of Community Development and Social Services operated one 40-person shelter for victims of trafficking and victims of sexual abuse in Luapula province and another in Central Province, both of which accommodated male victims of trafficking. The government coordinated with an international organization to refurbish a government-run shelter in Sesheke, a border area known to have a high prevalence of trafficking, which expanded its ability to provide protective services for women and children. In addition, it opened a gender-based violence shelter in Chongwe for women and girls, which could also provide protective services for trafficking victims. Shelters across the country, especially outside Lusaka and Copperbelt Provinces, were heavily constrained by a lack of funding. The government significantly increased funding to respond to trafficking cases; the Department of Immigration reported spending 50,000 Zambian kwacha (\$4,200) for victim assistance in 2018, which was used for transportation and temporary sheltering. The Department of Social Welfare provided 1.04 million Zambian kwacha (\$87,110) to its designated shelters, homes, and schools to support victims of various forms of violence, including human trafficking. Government officials, in partnership with international organizations, offered court preparation assistance and repatriation or regularization of immigration status. Foreign victims of trafficking were provided with the same protective services as Zambian nationals. The Department of Immigration provided regularization of immigration status and temporary residency for all foreign victims in accordance with the anti-human trafficking act. 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. Availability of translators was a barrier to providing timely and comprehensive care for victims. Despite progress since the previous reporting period, the government did not consistently screen potential victims of trafficking in cases that appeared to be smuggling; individuals who reportedly consented to being smuggled, including potential trafficking victims, were sometimes detained, charged, or deported without being screened for trafficking indicators. The government worked with an international organization to increase the capacity of front-line responders to screen for trafficking indicators in such situations.

PREVENTION

The government increased efforts to prevent trafficking. The government launched an updated national action plan covering 2018-2021 on trafficking and mixed and irregular migration. The national inter-ministerial committee and its secretariat, which was charged with oversight of national anti-trafficking efforts, met regularly with non-governmental stakeholders to assess trafficking trends and report on anti-trafficking efforts. The anti-trafficking inter-ministerial committee met quarterly and the secretariat met once a month to coordinate with government and non-government

stakeholders on anti-trafficking efforts. The inter-ministerial committee, in coordination with an international organization, jointly funded and launched an awareness campaign in the seven districts most vulnerable to trafficking. The campaign educated the public on the methods and means traffickers used to fraudulently recruit victims, how to report potential trafficking cases, protective services available to victims, and the economic and social consequences of trafficking in their communities. The committee also presented the campaign during an agriculture and commercial expo in Lusaka to engage companies and individuals involved in agriculture and other related industries.

The government continued its partnerships in the region through routine coordination of anti-trafficking efforts with Zimbabwe and South Africa. It participated in four and hosted two cross-border bilateral meetings with Zimbabwean government officials to discuss challenges and successes in responding to trafficking and mixed migration issues. The Employment Act set forth requirements for the regulation of labor brokers, and the Ministry of Labor validated such brokers upon production of adequate legal documentation. The Ministry of Labor conducted 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 Employment Act prohibited labor brokers from charging prospective employees for any services rendered. The government effectively enforced these policies during the reporting period. During 2018, MLSS employed 160 labor inspectors, compared to 134 employed the previous year. The government did not make efforts to reduce the demand for commercial sex or forced labor. The government provided anti-trafficking training to its diplomatic personnel. The government trained peacekeepers on anti-trafficking prior to deployment.

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. 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 village families are also at risk of trafficking because sending children to the city for work is perceived to confer status. 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. Zambians from the depressed rural areas in the Western Province are coerced into forced labor in Namibia.

Traffickers exploit women and children from neighboring countries in forced labor and sex trafficking in Zambia. Traffickers lure Rwandan women to Zambia with promises of refugee status, coerce them into registering as Democratic Republic of the Congo

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. 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, mining, and service sectors.

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