



Global Monitoring



Report on the

**status of action against commercial
sexual exploitation of children**

ZAMBIA



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Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

AVR: Assisted voluntary return

CBO: Community-based organization

CHIN: Children in Need

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CPU: Child Protection Unit

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

Grooming: Preparing a child for sexual abuse and exploitation

HIV: Human immunodeficiency virus

ILO: International Labour Organization

ILO/IPEC: International Labour Organization/International Programme on the Elimination of Child Labour

INGO: International non-governmental organization

IOM: International Organization for Migration

ISPs: Internet service providers

MAPODE: Movement of Community Action for the Prevention and Protection of Young People against Poverty, Destitution, Diseases and Exploitation

MoU: Memorandum of Understanding

NGO: Non-governmental organization

NPA: National Plan of Action

SACTAP: Southern African Counter-Trafficking Assistance Programme

SADC: Southern African Development Community

SANTAC: Southern African Regional Network against Trafficking and Abuse of Children

UN: United Nations

UNICEF: United Nations Children's Fund

VSU: Victim Support Unit

YWCA: Young Women's Christian Association

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

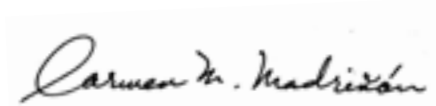
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



ZAMBIA

A number of studies and reports have highlighted several incidences of child prostitution and trafficking in children for sexual purposes occurring in Zambia, while less information is available about children being exposed to or forced to participate in the production of pornography.

Several studies describe more girls in prostitution than boys, the majority of prostituted girls are aged between 14 and 18.¹ According to the International Labour Organization (ILO), “prostitution has become rife in all major towns and peri-urban areas”.² In some cases, children trade sex for beer or second-hand clothing, while boys may be paid in dollars to sleep with rich widows in hotels.³ A number of reports indicating that boys are also being exploited in commercial sex demand further investigation and research. In a research study recently conducted by Children in Need (CHIN) – the ECPAT group in Zambia – and ECPAT International, a 15-year-old male respondent reported that boys on the street were being picked up by local men and given money for sex.

An increase in child prostitution was noted in rural towns such as Solwezi, located on Zambia’s border with the Democratic Republic of Congo, due to the opening of new mines and a growth in the expatriate population.⁴

Several authorities have also noted an increase in sex tourism in the city of Livingstone.⁵ However, it remains unclear to what extent children are being affected and whether tourists are travelling to Zambia specifically to sexually exploit children.

In addition to being sexually exploited in bars and guest houses, children are forced into sexual acts with teachers and school authorities in exchange for better grades or for lenient corporal punishment (although outlawed, corporal punishment is still practiced in most government schools).⁶

Traditional beliefs and practices also contribute to child prostitution. For instance, some perpetrators seek younger children based on the belief that sex with virgins or a young child can cure them of HIV/AIDS.⁷ Furthermore, sexual abuse of children by adult males is often justified or condoned, and the girl and her parents are often blamed if she is raped or prostituted.⁸ Prostituted girls are stigmatised, but not the men who exploit them.⁹ Children are also exploited through early marriages, whereby parents offer their daughters for marriage in return for a bride price, or ‘lobola’, in order to reduce the burden of an extra child to feed and educate.¹⁰

Sale of child brides

Elvin Mudyakuvinda sold her two young daughters, aged 8 and 13, for marriage to help feed the other eight children in her care. She says it was a last resort after being forced to sell everything she owned - livestock, household items and clothes - to raise money for food. The two children had stopped attending school as hunger deprived them of the energy to walk three miles to get there. They used to help their mother collect wood to make charcoal, which they tried to sell to motorists on the main highway from Lusaka to Livingstone, but there were very few buyers. “This is why I have to marry off my children. If anybody comes and wants them and can pay the money I need, they will take them away. It pains me that I have to do this but I have no option,” said Elvin. Her daughters were sold for 600,000 Kwacha (approx. US\$ 145) to interested suitors.¹¹

Children are trafficked within, into and outside Zambia for sexual purposes. Poverty, conflicts in neighbouring countries and a weak birth registration system exacerbate the problem.¹² The trafficking in children is further facilitated by Zambia’s central location, bordering eight nations. Zambian children are mainly trafficked for purposes of prostitution to neighbouring countries and further abroad,¹³ such as South Africa, Namibia, Malawi, Botswana, and Zimbabwe; and to the United States, Israel, Australia, Russia as well as other European countries.¹⁴ Research conducted by the NGO Movement of Community Action for the Prevention and Protection of Young People against Poverty, Destitution, Diseases and Exploitation (MAPODE) also found girls and young women were trafficked into Zambia from Burundi, Democratic Republic of Congo, Egypt, Malawi, Mali, Namibia, Nigeria, Somalia, Tanzania, Zimbabwe, and even Thailand.¹⁵ Teenagers constitute the vast majority of trafficked girls, with 50 per cent of those interviewed being under 18.¹⁶ MAPODE researchers learned that child and human traffickers include prostituted persons as well as businessmen and women, truckers, tour and travel operators, entertainment business operators, border personnel and development workers. They also heard reports of traffickers who use Internet cafés to recruit children.¹⁷

A typical case of internal child trafficking

Human traffickers in Zambia coerce, entice and make convincing promises of a better life for their victims. By the time the victim is persuaded to come along, it would be with their cooperation, or in case of a child, with the consent of their parents or guardians. An invitation to work in Lusaka was made to Tomaida's mother by a relative whose daughter lived in Lusaka and needed a young girl to accompany her children to school. He pointed out that 11-year-old Tomaida would be able to attend school in Lusaka, and her mother trusted that a better life would follow for both of them. The cousin from Lusaka then sent money to cover Tomaida's travelling expenses and to help the mother after her daughter's departure.¹⁸ Deceived by the prospect of a better education and a safe place to live in the city, Tomaida left her village to become a maid with no wages in her cousin's home. Apart from working without pay, she was sexually abused regularly by her cousin's husband. When the family decided to migrate to another country, Tomaida was left behind with no place or known relative to go to: "I got you out of the village and introduced you to city life at my expense; you are a big girl now and you can look after yourself," her cousin told her before departing. Tomaida then sought refuge at the house of the old maid who lived on the compound. There she met other young girls who peddled sex to men that visited the house every evening. She was soon forced to do the same.

There are reports that Zambian children are forced to create pornographic images and are also trafficked for purposes of pornography. MAPODE discovered cases of prostituted girls in Zambia who were able to identify, from child pornographic images, friends who had been trafficked to other countries. Through newspaper reports, MAPODE also became aware of cases in which foreigners had been found with large numbers of child pornographic images created in Zambia.¹⁹

Children exploited in prostitution earn more money if a condom is not used,²⁰ a practice which places them at high risk of contracting HIV.²¹ Despite their awareness of sexually transmitted diseases and HIV/AIDS, they seem to be unable to negotiate safer sexual practices. This is further exacerbated due to shortages of money and coercion on the part of perpetrators.²² It is estimated that over 90,000 children are living with HIV/AIDS in the country.²³

After Uganda, Zambia has the highest number of AIDS orphans in the world, according to a 2003 ILO study.²⁴ This has resulted in a large number of children becoming their families' primary breadwinners. These children often have to resort to commercial sex to provide for their basic needs.²⁵ An ILO study on Zambia estimated that 71 per cent of

children engaged in commercial sexual exploitation have lost one or both parents to HIV/AIDS. Evidence gathered through recent ECPAT research suggested that orphanhood due to AIDS is likely to lead a child into commercial sex within two to three years of his/her parents' death.²⁶ The epidemic has also contributed to an exponential growth in street children,²⁷ who are traditionally extremely vulnerable to commercial sexual exploitation.

Zambia adopted the *Stockholm Declaration and Agenda for Action* in 1996 and reaffirmed its commitment in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

Zambia does not have a national plan of action against CSEC, despite its commitment to develop one by 2000, as agreed at the First World Congress against CSEC. In 2004, ECPAT International brought together members of relevant government departments, local and international non-governmental organizations (NGOs) with a view to forming a steering committee and building skills for the development of an NPA against CSEC. The Steering Committee is chaired by CHIN.²⁸ However, in 2006 CHIN reported that progress had been hindered due to insufficient allocation of resources and a concern expressed by the Government that the lack of precise data on the scope and extent of commercial sexual exploitation of children would impede the development of adequate policies to tackle the problem. This gap was recently addressed through a survey focused specifically on CSEC, which was conducted by the Central Statistical Office on CSEC with support from UNICEF. The Zambian Government is currently being lobbied by NGOs to begin preparations for the drafting of an NPA against CSEC.

Zambia has a *National Plan of Action for Children*²⁹ which was prepared over ten years ago. It is presently being redrafted in collaboration with civil society organisations. It is expected that the Plan's new version will include some provisions addressing commercial sexual exploitation of children. Nevertheless, child rights organisations, including Children in Need, continue to advocate for a specific national plan of action against CSEC given the extent and complexity of the issue in the country.

COORDINATION AND COOPERATION

Local and National Level

The Committee on the Rights of the Child reports that there is a general lack of effective coordination on child rights in Zambia.³⁰ The Ministry of Sport, Youth and Child Development established a National Reference Group on Child Abuse, which also addresses CSEC issues; this group has however become inactive.³¹ There is also a National Orphans and Vulnerable Children Steering Committee, whose work has been hindered by the absence of clear institutional frameworks and definition of roles and responsibilities. Coordination at the grassroots level is being undertaken by CHIN,³² twenty of its members are actively working in the area of CSEC. CHIN has worked in partnership with various government agencies such as the Ministry of Sports, Youth and Child Development; the Ministry of Community Development; the Ministry of Labour; the Zambia National AIDS Network; and the Ministry of Education.³³

CHIN coordinates training, information sharing, lobbying, advocacy and research on child rights issues, and provides its members with technical assistance on programme and project development.³⁴ To enhance grassroots networking, CHIN members have introduced meetings at the provincial level and formed five provincial networks in the southern, eastern, Copperbelt, northwestern and Lusaka provinces. While funds exist to host the coordination meetings, the more limited resources available for capacity building have constrained these efforts, hindering the scope of the network's activities.³⁵

ILO/IPEC collaborated with CHIN to develop a National Child Labour Advocacy Strategy³⁶ that also targets commercial sexual exploitation of children. Implementation of various activities is planned where CHIN will take a role on CSEC initiatives. Save the Children Sweden has also undertaken a national children's initiative in collaboration with CHIN.³⁸

Regional and International Level

With the exception of some cooperation regarding human trafficking, very little regional and international cooperation on CSEC issues appears to have been undertaken by Zambia. According to the Zambian Government, joint commissions have been formed with various

countries to address issues such as child sexual abuse. Extraterritoriality related to sexual abuse crimes is enforced by a joint permanent commission through the Southern African Development Community (SADC).³⁹ There is however no information available on the exact work of the joint commission.

At the completion of a two-year pilot project, the International Organization for Migration (IOM) established the Southern African Counter-Trafficking Assistance Programme (SACTAP). SACTAP conducts research, disseminates information, supports institutional capacity building and provides victim assistance and rehabilitation in six southern African countries. SACTAP also assists trafficked persons and “has established a regional network of service providers that offer shelter, medical assistance, counselling, and skills training to beneficiaries. It is also able to provide the majority of its beneficiaries with an assisted voluntary return (AVR) to their home countries, and reception and/or reintegration assistance. SACTAP is establishing secure reception centres to provide support to trafficked persons in DRC, Mozambique, South Africa, Zambia, and Zimbabwe.”⁴⁰

The Southern African Regional Network against Trafficking and Abuse of Children (SANTAC) is a regional organisation that lobbies for the development of bi- and multilateral protocols to guide initiatives taken to protect trafficking victims; enhanced border controls to curtail trafficking movements; expatriation and punishment of perpetrators; ratification and implementation of international, regional and sub-regional agreements; and regional policies and programmes to prevent trafficking and exploitation of children.⁴¹

PREVENTION

Very little prevention work specifically related to commercial sexual exploitation of children has been undertaken in Zambia. The Government states that a joint permanent commission is involved in preventing the sale and trafficking of children, but few details are available regarding the activities of this commission.⁴² Most CSEC prevention work has thus been carried out by civil society – primarily by CHIN network members. Such interventions have nevertheless focused on child trafficking, and there is a need to build the capacity of local organisations on how to confront child prostitution, child pornography and other forms of sexual exploitation of children.

CHIN members have carried out awareness raising activities in Kapiri Mposhi, which is a transit point for trafficked children that registers a high number of children involved in commercial sex; Chirundu, a border town where large numbers of truck drivers stay for a few days and visit prostitutes; Lusaka, the capital city; and Livingstone, also a border town. Awareness raising activities included community meetings, group discussions, drama performances and film screenings. Ten thousand people were reached during the campaign, which indicated the need for continued sensitisation, care and support for children involved in commercial sex and their families. It also revealed that there are more children involved in CSE than previously thought.

ILO/IPEC has also conducted an education campaign to educate and inform citizens, civil society organisations, families and governmental stakeholders on issues related to human trafficking and child labour.

SACTAP has also been involved in a variety of information and awareness raising activities directed at persons vulnerable to trafficking, as well as to law enforcement, government officials and the general public.⁴³

Similarly, SANTAC members implement awareness-raising activities targeting children, communities, journalists and the private sector. SANTAC members also work to reform legislation and law enforcement practices, and provide vocational training and educational opportunities for children vulnerable to trafficking and exploitation.⁴⁴

A code of conduct for the tourism industry has not been adopted in Zambia. According to the Zambia National Tourist Board, pre-set standards for the issuance and renewal of licenses are available, but they do not address aspects of child protection from sexual exploitation. There are currently no initiatives to protect children from being exploited in tourism. While the tourism sector is regulated by provisions under the Liquor Licensing Act and laws on minimum age of employment from serving alcohol to children and from employing children, there are no state- or industry-led efforts against child sex tourism.

CHIN is currently facilitating the formation of a child helpline under the auspices of the Sexual and Gender-Based Violence partnership.

A comprehensive survey on commercial sexual exploitation of children in Zambia, conducted by the Central Statistical Office on CSEC, was launched in March 2007 (the research report has not yet been available for dissemination).

PROTECTION

The Government of Zambia ratified the *Convention on the Rights of the Child (CRC)* in 1991 but has not signed or ratified its *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)*. In April 2005, Zambia acceded to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*.⁴⁵ *ILO Convention No. 182* was ratified in 2001. Zambia signed the *African Charter on the Rights and Welfare of the Child* in 1992, but has not yet ratified it.

Legislation

In addition to its statutory legal system, Zambia has a system of customary law.⁴⁶ Today, the two systems are integrated, but some elements and practices under customary law conflict or interfere with the statutory legal system. For example, under customary law, a person reaches maturity at puberty, but this definition can result in child marriages, since children can then legally marry at 14 years of age.⁴⁷ Such inconsistencies compromise the protection of children's rights, as many customary laws are in opposition with the provisions of the *Convention on the Rights of the Child*. Zambia must therefore fully harmonise its customary and statutory laws and ensure their conformity with the *CRC*.⁴⁸

Prostitution of Children

Zambian law requires significant strengthening to conform to international standards of child protection against commercial sexual exploitation. Zambian law does not define and prohibit all acts related to child prostitution, nor do current laws criminalise the act of having sex with a child for remuneration. Additionally, existing laws that could be used to punish those involved in prostituting children are limited as they apply only to children below 16 years of age, rather than all children under 18 years of age as mandated in international law. Moreover, the laws are vague, leading to the criminalisation of child victims of prostitution and the failure to provide them with adequate protection and assistance. Some provisions, as they stand, could allow for the prosecution of children involved in some sexual activity.

The legal age of consent in Zambia is 16.

The recently revised *Zambian Penal Code* addresses some activities related to the prostitution of children. Under *Zambian law*, it is illegal to procure or attempt to procure any child (a person under 16 years of age) or other person to: have sexual relations, in Zambia or elsewhere, with any person or persons for pornography, bestiality, or any other purpose; become a prostitute in Zambia or elsewhere; leave Zambia with the intent that he/she become an inmate of or frequent a brothel elsewhere; or, leave his/her usual place of abode in Zambia with the intent that he/she becomes an inmate of or frequents a brothel in Zambia or elsewhere. Violators of these provisions may be punished with at least 20 years' to life imprisonment.⁴⁹

Zambia's Penal Code further prohibits detaining a child or other person against their will in a brothel, or in any premises with the intent that he/she engage in sexual activity with a third person. Offenders may be punished with at least 20 years' to life imprisonment.⁵⁰ A person is considered to be detained under this provision if, with intent to compel or induce a person to remain on the premises, his/her clothing or property is withheld, or he/she is threatened with legal proceedings for taking away any clothing or property supposedly lent to him/her.⁵¹ Legal proceedings may not be brought against a person who is found to have taken clothing or property with them in order to leave the premises or brothel.⁵²

The *Penal Code* punishes acts of gross indecency between a male adult and a male child, or between a female adult and a female child. This includes procuring or attempting to procure an act of gross indecency. Offenders may be punished with 7 to 14 years' imprisonment. Furthermore, this law criminalises children by making it illegal for a child to commit an act of gross indecency with another child of the same sex, or to attempt to procure another child for such an act. Any child who violates this law may be subject to community service or counselling.⁵³

Zambian law also contains provisions that allow a magistrate to issue a search warrant where there is reason to believe that a person is being unlawfully detained for immoral purposes within the magistrate's jurisdiction.⁵⁴ A child is considered unlawfully detained for immoral purposes if he/she is detained for sexual purposes by a particular third person, regardless of the child's consent.⁵⁵ By issuing a search warrant, a magistrate may have the offender brought before him/her for punishment, and may take necessary measures to assist the detained child.⁵⁶

Trafficking in Children for Sexual Purposes

Recently enacted Zambian law criminalises the sale and trafficking of “a child or other person”, but still requires significant modification in order to conform to international standards. It is unclear whether the law’s prohibition on selling and trafficking includes all of the activities covered by the *Trafficking Protocol*: recruiting, transporting, transferring, harbouring or receiving a person under 18 years of age for the purpose of exploitation, such as, but not limited to, prostitution, forced labour, or slavery.⁵⁷ As previously mentioned, regarding the laws against child prostitution, the term “child or other person” is unclear, given that Zambian law defines a child as a person under 16 years of age. The protection offered to children under 16 years of age should extend to all children under 18 years of age, as required under the *Trafficking Protocol*. Similarly, the Constitution limits its prohibition on trafficking to children under 15 years of age, and should be urgently revised to offer protection to all children under 18 years of age. Zambia must clarify its legislation and protect all children under 18 years of age from trafficking for sexual purposes as outlined in the *Trafficking Protocol*.

The Zambian Constitution prohibits the trafficking of young people (defined as persons under 15 years of age), as well as slavery and servitude.⁵⁸ In recently enacted legislation, it is illegal to sell or traffic a child or other person for any purpose, and provides for a punishment of at least 20 years’ imprisonment. An offender may be punished with life imprisonment where s/he sells or trafficks a person for sexual purposes by a particular third person.⁵⁹

Zambian law also contains other offences related to trafficking. For example, it is a crime to import, export, remove, buy, sell, dispose of, accept, receive or detain any person as a slave. Offenders may be punished with up to 7 years’ imprisonment.⁶⁰ Habitually importing, exporting, removing, buying, selling, trafficking or dealing in slaves is also a crime for which offenders may be punished with up to 10 years’ imprisonment.⁶¹ Zambian law contains a series of provisions related to kidnapping, abduction and wrongful confinement or concealment.⁶²

Child Pornography

Zambia’s legislation regarding child pornography requires greater strengthening in order to meet international standards. As a preliminary matter, the law’s language about any “child or other person” must be clarified to ensure that its protection fully extends to all

children under 18 years of age. Moreover, the law does not define pornography, so it is unclear whether its scope extends to all of the acts that are considered “child pornography” under international law: any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.⁶³ It is further unclear as to whether the definition of “pornographic material” and “pornographic film” extends to digital, audio, and other types of child abuse images banned by international law, and the law does not criminalise the possession or distribution of child pornographic images. Finally, and perhaps most importantly, Zambian law punishes children who are involved in selling child pornographic images or compelling other children to view pornographic material or films. These children should not be treated as offenders, even if the law only provides that they receive counselling or perform community service.

Zambia’s revised *Penal Code* addresses some activities related to child pornography. It is illegal to engage a child or other person in: a pornographic performance; producing a pornographic film or other material; or in any pornographic activity. Violators may be punished with between 15 years’ and life imprisonment.⁶⁴ The law further criminalises selling pornographic material to a child or forcing a child to view pornography or a pornographic film in order to corrupt a child’s morals; offenders may be punished with at least 15 years’ imprisonment, and a child who violates this law may be subject to community service or counselling.⁶⁵

Extraterritorial Legislation

There was no available information regarding extraterritorial legislation at the time of writing this report. In a report submitted to the Committee on the Rights of the Child, the Zambian Government stated that “the principle of extraterritoriality with regard to sexual abuse is enforced by the Joint Permanent Commissions through SADC arrangements.”⁶⁶ It remains unclear, however, what provisions have been set up in this regard. As such, it seems that Zambia lacks legislation related to extraterritoriality, which is a matter of concern in terms of the protection granted to children against sexual exploitation.

Child Protection Units

While the law establishes that Victim Support Units (VSUs) are to be set up within the police department,⁶⁷ the Government admits that these units are “ill-equipped to deal with cases involving sexual abuse of children.”⁶⁸ Most police stations in Zambia have VSUs, but these units lack equipment, trained staff and resources. Each unit is supposed to have one female officer, but it has been difficult to recruit women for VSUs in remote areas. Additionally, the VSU’s effectiveness is limited by the public’s mistrust of the police, which results in an under-reporting of crimes.⁶⁹ Another problem has been the frequent relocation of trained VSU staff to other units within the police.

Zambia police have established a desk to investigate cases of human trafficking. However, inadequacies in the legislation have proved to be a major obstacle in effecting the prosecution of offenders.⁷⁰

Child-friendly courts are being established with support from the Child Justice Forum, a forum of NGOs, government and other stakeholders. In such courts, children are not subjected to the formal court setting and can give their evidence on-camera. The initiative is still at the piloting stage and thus such courts are present in only a few districts.

Support Services for Children

Care and rehabilitation support for CSEC victims is extremely limited in Zambia, as there are no services tailored for the special needs of children rescued from commercial sexual exploitation. Such children are usually integrated into the general services offered to sexually abused children or children in difficult circumstances. Rescued children may be referred to the Young Women’s Christian Association (YWCA), a widely known group that provides direct care or makes referrals to other shelters. As such, no proper state referral system is in place. With regards to trafficked children, very limited repatriation of victims has occurred.

While there are a number of organisations assisting vulnerable and abused children, children rarely seek their assistance: research conducted by MAPODE found that, when faced with a problem, 66 per cent of the children interviewed did not seek assistance,

while 9 per cent went to a church, and 6 per cent to an NGO.⁷¹ Many children did however demonstrate awareness of NGOs and churches they could resort to. Some of the children who did go to these establishments for assistance, however, did

not return. Some reasons stated were: fear of beatings, fights, inadequacy of food, dislike of the centre, and lack of money-making opportunities. Girls also cited fear of sexual abuse as a factor.⁷²

NGOs and churches that provide support to vulnerable and abused children include the

YWCA;⁷³ St. Lawrence Home for Street Kids; City of Hope for Girls in Makeni township; Fountain of Hope in Kamwala township; Bauleni Street Kids Training Centre; SOS Children's Village near Mandevu township; and Livingstone Street Kids Association in Linda township.⁷⁴

Training Law Enforcement Personnel

The Zambian police have received support and training from several organisations. For instance, UNICEF supports child protection training at Victim Support Units,⁷⁵ while SACTAP has provided training for law enforcement and NGOs on counter-trafficking issues and on victim identification and assistance.⁷⁶ Nevertheless, the trainings provided do not focus on commercial sexual exploitation of children.

CPA has conducted CSEC-related training for police, such as the one-week training on combating child sexual abuse and exploitation in travel and tourism in 2004. Similar follow-up police trainings were organised in 2005. In 2006, CPA conducted training for 50 law enforcers on the *Children's Act* and general CSEC issues, with support from UNICEF.



PRIORITY ACTIONS REQUIRED

- ✦ Development of a *National Plan of Action against Commercial Sexual Exploitation of Children* is urgently required. Resources for its implementation and coordination must be designated as a priority.
- ✦ The Government of Zambia must take a greater role in coordinating activities related to ending child prostitution, child pornography and trafficking in children at national level. In particular, it should provide more support and resources to revive the National Reference Group on Child Abuse (established by the Ministry of Sport, Youth and Child Development).
- ✦ Capacity building of local organisations on counteraction measures against child prostitution and child pornography is required. Technical and financial support from international and governmental organisations is needed for this purpose. The Government of Zambia should more actively engage in and support programmes aimed at CSEC prevention.
- ✦ Interventions to halt trafficking in children for sexual purposes, such as public awareness campaigns, must target all those involved in this criminal activity: families, communities, recruiters, document providers, transporters, corrupt officials, sex workers, cross-border traders and trackers, truckers, tour and travel operators, entertainment business operators, and clients.
- ✦ There is an urgent need to conduct awareness raising campaigns targeting perpetrators at mine locations in rural towns such as Solwezi, near the border with the Democratic Republic of Congo, given the rise in child prostitution in such locations. The perpetrators to be targeted are chiefly expatriates, who have the financial means to sexually exploit children.
- ✦ Investigation is needed to assess the scope and extent of boys prostitution in Zambia. As well, more information must be gathered regarding the creation, distribution and possession of child pornography in the country.
- ✦ Zambia must sign and ratify the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* as well as the *African Charter on the Rights and Welfare of the Child*.
- ✦ Zambia's customary laws must be harmonised with the *Convention on the Rights of the Child* and integrated into the country's statutory legal system. This should be accompanied by an awareness raising campaign on the legal framework and law enforcement, with a view to informing the public that practices such as child marriage and child sexual abuse constitute criminal offences.
- ✦ Zambian law must be urgently revised to define and prohibit all acts related to child prostitution, according to the Optional Protocol requirements. Related offences should not be treated as a misdemeanour, which does not reflect the gravity of such crimes. Provisions

related to the commercial sexual exploitation of children must apply to all children, boys and girls, under 18 years of age. Moreover, the law should clearly state that any prostituted child is to be treated as a victim and never as an offender. Zambian law should also be revised to ensure that children involved in sexual activity with peers are not penalised, irrespective of the sex of the children involved.

- ✎ Zambian law must be amended to define and prohibit trafficking in children for sexual purposes, and should be expanded to include all of the acts contained in the *Trafficking Protocol*. Furthermore, trafficking provisions both in the Zambian law and in the Constitution must be urgently revised to grant protection to all children under 18 years of age.
- ✎ Legislation on child pornography must be strengthened by: clearly defining child pornography according to the *Optional Protocol* standards. Similarly, it should make clear that “pornographic material” includes digital, audio and other types of images banned by international law. Also, the possession and distribution of child pornographic materials must be criminalised. The law’s language about any “child or other person” must be clarified to ensure that its protection fully extends to all children under 18 years of age. Finally, children who are involved in selling child pornographic images or compelling other children to view pornographic material or films should not be penalised as offenders but rather be provided educational and therapeutic support.
- ✎ There is an urgent need to establish care centres that are able to provide tailored support to children exploited in commercial sex. These centres should be staffed by professionals trained on how to address their particular psychological and medical needs, and to offer alternative employment and reintegration into their families and communities. A referral system also needs to be developed and disseminated. In addition, outreach interventions to assist such children are required.
- ✎ Zambia’s law enforcement has lacked training on how to combat the various manifestations of commercial sexual exploitation of children and for improving cooperation with law enforcers from other countries. Technical capacity building is urgently required if CSEC-related crimes are to be adequately tackled and prevented. In order for the Victim Support Units to effectively assist CSEC victims, resources must be allocated for staff training on child protection and issues of commercial sexual exploitation of children. Moreover, whenever the trained staff has to be relocated, they should be maintained within the VSUs, so that victims can benefit from their expertise. Resources for the purchase of adequate equipment are also required.
- ✎ To improve local and national coordination against CSEC, the Government must conduct a comprehensive mapping of relevant organisations, departments, ministries and other relevant entities, harmonise duplicated structures and then produce a coordination framework with statutory provisions for participation from identified institutions/structures.
- ✎ School Councils of Children should be mandatory in all schools, whether public or private, in order to address the sexual exploitation of children taking place in schools. Scaling up child rights clubs and fostering greater involvement of parents through parent–teacher associations would also be highly recommended.
- ✎ Outreach programmes and mobile services targeting children affected by HIV/AIDS and hence vulnerable to commercial sexual exploitation – particularly orphans and street children – must be intensified and enhanced. Livelihood and vocational centres must be made more widely available to such children, both in rural and urban areas.

Endnotes

- ¹ MAPODE. *Children and Young Women in Prostitution, Pornography and Trafficking for Commercial Sexual Exploitation, Labour and Crime in Zambia*. Lusaka. 2004. See also CHIN and ECPAT International. Report on Developing National Plans of Action against CSEC. October 2004.
- ² ILO. *HIV/AIDS and Child Labour in Zambia: A rapid assessment on the case of the Lusaka, Copperbelt and Eastern Provinces*. 2003.
- ³ Ibid.
- ⁴ ECPAT International. *Linkages between HIV/AIDS and the Commercial Sexual Exploitation of Children in Africa (Draft Interim Report)*. Bangkok. March 2007.
- ⁵ Alcantara, Nelson. 'Zambia Sex Tourism on the Rise'. *eTurbo News*. 2004.
- ⁶ ECPAT International. *Linkages between HIV/AIDS and the Commercial Sexual Exploitation of Children in Africa (Draft Interim Report)*. Bangkok. March 2007. See also Human Rights Watch. *Suffering in Silence, The Links between Human Rights Abuses and HIV Transmission to Girls in Zambia*. 2002.
- ⁷ CHIN and ECPAT International. Workshop Report on Developing National Plans of Action against CSEC. October 2004.
- ⁸ Rau, Bill. *Combating Child Labour and HIV/AIDS in Sub-Saharan Africa: A Review of Policies, Programmes, and Projects in South Africa, the United Republic of Tanzania and Zambia to Identify Good Practices (draft report)*. ILO-IPEC. July 2002.
- ⁹ Human Rights Watch. *Suffering in Silence, The Links between Human Rights Abuses and HIV Transmission to Girls in Zambia*. 2002.
- ¹⁰ ECPAT International. *Linkages between HIV/AIDS and the Commercial Sexual Exploitation of Children in Africa (Draft Interim Report)*. Bangkok. March 2007.
- ¹¹ Peta, Basildon. 'Sale of Child Brides Dooms Zambia to AIDS Disaster.' *Independent*. 26 November 2002.
- ¹² The Protection Project. *Zambia*. Accessed on 18 February 2007 from: www.protectionproject.org
- ¹³ Ibid.
- ¹⁴ MAPODE. *Children and Young Women in Prostitution, Pornography and Trafficking for Commercial Sexual Exploitation, Labour and Crime in Zambia*. Lusaka. 2004.
- ¹⁵ Ibid. See also The Protection Project. *Zambia*. Accessed on 18 February 2007 from: www.protectionproject.org
- ¹⁶ MAPODE. *Children and Young Women in Prostitution, Pornography and Trafficking for Commercial Sexual Exploitation, Labour and Crime in Zambia*. Lusaka. 2004.
- ¹⁷ Ibid.
- ¹⁸ Banda, Japhet. 'Zambia should save its own children'. Accessed on 18 July 2006 from: <http://www.times.co.zm/news/viewnews.cgi?category=8&id=1057959243>
- ¹⁹ MAPODE. *Children and Young Women in Prostitution, Pornography and Trafficking for Commercial Sexual Exploitation, Labour and Crime in Zambia*. Lusaka. 2004.
- ²⁰ Human Rights Watch. *Suffering in Silence, The Links between Human Rights Abuses and HIV Transmission to Girls in Zambia*. 2002.
- ²¹ Project Concern International Zambia and Dr. Musonda Lemba. *Rapid Assessment of Street Children in Lusaka*. 2002.

- 22 ILO. *HIV/AIDS and Child Labour in Zambia: A rapid assessment on the case of the Lusaka, Copperbelt and Eastern Provinces*. 2003.
- 23 Zambia Central Board of Health. 2005.
- 24 ILO. *HIV/AIDS and Child Labour in Zambia: A rapid assessment on the case of the Lusaka, Copperbelt and Eastern Provinces*. 2003.
- 25 Committee on the Rights of the Child. *Concluding Observations, Zambia, CRC/C/132 (2003)*.
- 26 ECPAT International. *Linkages between HIV/AIDS and the Commercial Sexual Exploitation of Children in Africa (Draft Interim Report)*. Bangkok. March 2007.
- 27 Government of Zambia. *Initial Report of the State Party to the Committee on the Rights of the Child (2001)*.
- 28 CHIN and ECPAT International. Report on Developing National Plans of Action against CSEC. October 2004.
- 29 Government of Zambia. *Initial Report of the State Party to the Committee on the Rights of the Child (2001)*.
- 30 Committee on the Rights of the Child. *Concluding Observations, Zambia, CRC/C/132 (2003)*.
- 31 UNICEF. *Analysis of the Situation of Sexual Exploitation of Children in the Eastern and Southern Africa Region*. Accessed on 17 February 2006 from: http://www.unicef.org/events/yokohama/csec-east-southern-africa-draft.html#_Toc527979974
- 32 Government of Zambia. *Initial Report of the State Party to the Committee on the Rights of the Child (2001)*.
- 33 CHIN. *Annual Report submitted to ECPAT International*. July 2005.
- 34 Children in Need Network. Accessed from: www.chin.org.zm
- 35 CHIN. *Annual Report submitted to ECPAT International*. July 2005.
- 36 Ibid.
- 37 It should be noted that ECPAT International does not support the notion that commercial sexual exploitation of children is a form of labour, but rather that it consists of a criminal activity that seriously violates children's rights.
- 38 It should be noted that ECPAT International does not support the notion that commercial sexual exploitation of children is a form of labour, but rather that it consists of a criminal activity that seriously violates children's rights.
- 39 Government of Zambia. *Initial Report of the State Party to the Committee on the Rights of the Child (2001)*.
- 40 IOM. *Southern Africa fact sheet*. Information accessed on 19 February 2007 from: <http://iom.org.za>
- 41 Against Child Abuse. *Human Trafficking in Southern Africa: Research Findings*. Accessed on 18 February 2007 from: www.againstchildabuse.org/en/human_trafficking
- 42 Government of Zambia. *Initial Report of the State Party to the Committee on the Rights of the Child (2001)*.⁴³ IOM. *Information campaign fact sheet*. Accessed on 18 February 2007 from: <http://iom.org.za/InformationCampaign.html>
- 44 Against Child Abuse. *Human Trafficking in Southern Africa: Research Findings*. Accessed on 18 February 2007 from: www.againstchildabuse.org/en/human_trafficking
- 45 G.A. res. 55/25, annex II, 55 U.N. GAOR Supp. (No. 49) at 60, U.N. Doc. A/45/49 (Vol. I) (2001).
- 46 Human Rights Watch. *Suffering in Silence, The Links between Human Rights Abuses and HIV Transmission to Girls in Zambia*. 2002.
- 47 Government of Zambia. *Initial Report of the State Party to the Committee on the Rights of the Child (2001)*.
- 48 Committee on the Rights of the Child. *Concluding Observations, Zambia, CRC/C/132 (2003)*.
- 49 *Zambia Penal Code Amendment Act*, Articles 140(a) – (d).
- 50 *Zambia Penal Code Amendment Act*. Article 144(1)(a), (b).
- 51 Ibid. Article 144(2).
- 52 Ibid. Article 144(3).
- 53 Ibid. Article 158.

- ⁵⁴ Ibid. Article 145(1).
- ⁵⁵ Ibid. Article 144(4).
- ⁵⁶ Ibid. Articles 144(2), (3).
- ⁵⁷ *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*. Art. 3.
- ⁵⁸ *Constitution of Zambia*. Articles 24(3), 14(1).
- ⁵⁹ *Zambia Penal Code Amendment Act*. Article 143.
- ⁶⁰ *Zambia Criminal Code*. Article 261.
- ⁶¹ Ibid. Article 262.
- ⁶² Ibid. Articles 251–258, 260.
- ⁶³ *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, Art. 2(c).
- ⁶⁴ *Penal Code Amendment Act*, Article 177A(1).
- ⁶⁵ Ibid. Articles 177A(2), (3).
- ⁶⁶ *Government of Zambia. Initial Report of the State Party to the Committee on the Rights of the Child (2001)*.
- ⁶⁷ *Zambia Police Act (Amendment) Act No 14 of 1999*, cited in: *Government of Zambia. Initial Report of the State Party to the Committee on the Rights of the Child (2001)*. p. 16, paragraph 33.
- ⁶⁸ *Government of Zambia. Initial Report of the State Party to the Committee on the Rights of the Child (2001)*.
- ⁶⁹ Human Rights Watch. *Suffering in Silence, The Links between Human Rights Abuses and HIV Transmission to Girls in Zambia*. 2002.
- ⁷⁰ Banda, Japhet. 'Zambia should save its own children'. Accessed on 18 July 2006 from: <http://www.times.co.zm/news/viewnews.cgi?category=8&cid=1057959243>
- ⁷¹ MAPODE. *Children and Young Women in Prostitution, Pornography and Trafficking for Commercial Sexual Exploitation, Labour and Crime in Zambia*. Lusaka. 2004.
- ⁷² ILO. *HIV/AIDS and Child Labour in Zambia: A rapid assessment on the case of the Lusaka, Copperbelt and Eastern Provinces*. 2003.
- ⁷³ *Government of Zambia. Initial Report of the State Party to the Committee on the Rights of the Child (2001)*.
- ⁷⁴ Ibid.
- ⁷⁵ UNICEF. *Analysis of the Situation of Sexual Exploitation of Children in the Eastern and Southern Africa Region*. Accessed 17 February 2006 from: http://www.unicef.org/events/yokohama/csec-east-southern-africa-draft.html#_Toc527979974
- ⁷⁶ IOM. *Counter-trafficking fact sheet*. Accessed on 18 February 2007 from: <http://iom.org.za>



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