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## CHILD LABOUR IN ARTISANAL AND SMALL-SCALE MINING IN ZAMBIA

By Mwami Kabwabwa<sup>1</sup> and Chanda Mwape<sup>2</sup>

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<sup>1</sup> LLB (University of Cape Town), LLM (University of Zambia) and Research Associate at the Southern African Institute for Policy and Research (SAIPAR).

<sup>2</sup> LLB (University of London) and Legal Intern at the Southern African Institute for Policy and Research (SAIPAR).

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## I. INTRODUCTION

Child labour in economic activities is a global phenomenon influenced by the demand for cheap labour,<sup>3</sup> with children's involvement in mining regarded as one of the worst forms of child labour due to its adverse effects on their physical and mental health and well-being.<sup>4</sup> This global context necessitates critical discussion of child labour in artisanal and small-scale mining in Zambia.

Artisanal and small-scale mining (ASM) encompasses mining activities conducted by individuals, groups or cooperatives that heavily rely on manual labour and often operate informally.<sup>5</sup> Recent research has shown that mining operations across the world, and particularly in Africa, are responsible for various adverse social impacts, such as 'forced displacement, human rights abuses like modern slavery and child labour and sexual or gender-based violence, and the erosion of cultural heritage, conflicts and public health issues.'<sup>6</sup> An evaluation of these adverse social impacts shows that children are particularly vulnerable, especially in mining communities where economic pressures and weak regulatory environments contribute to the prevalence of hazardous child labour.<sup>7</sup> When children are engaged in child labour, they are deprived not only of their childhood, but also of their potential and dignity.<sup>8</sup>

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<sup>3</sup> International Labour Organization, 'ILO Global Report on Child Labour Cites Alarming Extent of Its Worst Forms' (ILO, 2002) <https://www.ilo.org/resource/news/ilo-global-report-child-labour-cites-alarming-extent-its-worst-forms>

<sup>4</sup> K J Bansah and O Adoteng-Kissi, 'Child Labor in Artisanal and Small-Scale Mining: Implications for Health, Development and Poverty' (2025) 21 *The Extractive Industries and Society*. <https://www.sciencedirect.com/science/article/abs/pii/S2214790X24001734?via%3Dihub>

<sup>5</sup> Thomas Hentschel, Felix Hruschka and Michael Priester, *Artisanal and Small-Scale Mining: Challenges and Opportunities* (International Institute for Environment and Development 2004) <https://www.iied.org/sites/default/files/pdfs/migrate/9268IIED.pdf>

<sup>6</sup> P Mangani *et al*, 'Sustainable Governance, Conflict and Environmental Justice in Critical Mineral Extraction in Latin America and Africa' (2025) *Peace and Sustainability* 1(3) <https://www.sciencedirect.com/science/article/pii/S2950642525000176>

<sup>7</sup> UNICEF, Children's Rights and the Mining Sector (UNICEF 2015) [https://media.business-humanrights.org/media/documents/files/documents/UNICEF\\_REPORT\\_ON\\_CHILD\\_RIGHTS\\_AND\\_THE\\_MINING\\_SECTOR\\_APRIL\\_27\\_0.pdf](https://media.business-humanrights.org/media/documents/files/documents/UNICEF_REPORT_ON_CHILD_RIGHTS_AND_THE_MINING_SECTOR_APRIL_27_0.pdf)

<sup>8</sup> International Labour Organization (ILO), 'What is child labour' (ILO, online) <https://www.ilo.org/topics/child-labour/what-child-labour>

In Zambia, two-thirds of the population is made up of children and youth,<sup>9</sup> yet, in 2023, the country ranked 30th out of 52 African countries in terms of child friendliness, placing it among the lowest ranked on the continent.<sup>10</sup> The exact extent of child labour in ASM in Zambia remains uncertain.<sup>11</sup> The majority of ASM operations are unregistered and scarcely recorded in official government documents as they fall outside of regular environmental and labour inspections. Further, despite having a mandate to inspect the informal sector, which makes up over 70% of economic activity in the country and is the sphere within which child labour is most prevalent, labour inspectors have been noted to rarely conduct such inspections.<sup>12</sup> Consequently, there is no systematic reporting and documentation of the precise composition of children in ASM operations. This makes it difficult to generate reliable, comprehensive, or nationally representative data on child labour in ASM.

However, according to a 2025 report by Human Rights Watch, the percentage of children in Zambia involved in child labour generally is estimated at approximately 23%,<sup>13</sup> with further evidence showing that children are increasingly involved in digging, washing minerals, stone crushing, rudimentary drilling and other hazardous mining tasks.<sup>14</sup> These activities expose them to negative harms, such as toxic substances, heavy loads, dust inhalation and physical injury.

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<sup>9</sup> Republic of Zambia, Ministry of Labour and Social Security, *National Action Plan for the Elimination of the Worst Forms of Child Labour 2020–2025* (International Labour Organization, 2021) 9  
[https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@africa/@ro-abidjan/@ilo-lusaka/documents/publication/wcms\\_818216.pdf](https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@africa/@ro-abidjan/@ilo-lusaka/documents/publication/wcms_818216.pdf)

<sup>10</sup> African Child Policy Forum, *The African Report on Child Wellbeing 2023: Country Brief – Zambia* (African Child Policy Forum 2023) [https://www.africanchildforum.org/Resources/ARCW2023-Country%20Briefs/ARCW2023-Country%20briefing\\_Zambia\\_21Jun%2023.pdf](https://www.africanchildforum.org/Resources/ARCW2023-Country%20Briefs/ARCW2023-Country%20briefing_Zambia_21Jun%2023.pdf)

<sup>11</sup> J Tychsen and others, *ASM Handbook for Zambia* (Geological Survey of Denmark and Greenland (GEUS) 2018) <https://panafgeo.eurogeosurveys.org/wp-content/uploads/2021/10/ASM-Handbook-for-Zambia.pdf>

<sup>12</sup> U.S. Department of Labor, Bureau of International Labor Affairs, *2024 Findings on the Worst Forms of Child Labor: Zambia* (Report, 2024)  
[https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2024/Zambia.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2024/Zambia.pdf)

<sup>13</sup> J Naples-Mitchell and others, *Poisonous Profit: Lead Waste Mining and Children’s Right to a Healthy Environment in Kabwe, Zambia* (Human Rights Watch, 5 March 2025)  
<https://www.hrw.org/report/2025/03/05/poisonous-profit/lead-waste-mining-and-childrens-right-healthy-environment-kabwe>

<sup>14</sup> U.S. Department of Labor, Bureau of International Labor Affairs, *2022 Findings on the Worst Forms of Child Labor: Zambia* (Report, 2022)  
[https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2022/Zambia.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2022/Zambia.pdf)

Child labour in ASM must be eliminated, particularly as the sector has been recognised as a potential contributor to poverty reduction and economic diversification. According to the Presidential Delivery Unit, the year 2025 saw a 57% increase from the previous year in the granting of artisanal mining rights.<sup>15</sup> These statistics demonstrate that the sector is growing rapidly and is establishing itself as a key area of economic diversification. Programmes on the development of the ASM sector are contained in the country's Seventh and Eighth National Development Plans, with the latter being the current.<sup>16</sup> Additionally, the global critical minerals demand is also poised to lead to heightened mining activity in the country.<sup>17</sup>

This paper argues that these national aspirations should not be pursued at the expense of children's rights and the environment in which they live. The government and other stakeholders must work towards eliminating child labour in the ASM sector and advocate for safe practices.

## II. KEY DRIVERS

The high occurrence of child labour in ASM is closely linked to broad, interconnected global challenges including poverty, social norms and climate change.

### a) Poverty

Poverty drives children into mining as a strategy for survival. According to the Zambia Statistics Agency, 65% of Zambian children experience monetary poverty and 70.6% of children are deprived in two or more dimensions of wellbeing simultaneously. These dimensions include nutrition, health, education, information, housing, water and sanitation.<sup>18</sup> The high poverty rate is among the primary reasons for child labour in ASM

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<sup>15</sup> Presidential Delivery Unit, 'Zambia's Mining Sector Charts Its Course to 2031' (18 February 2026) <https://www.pdu.gov.zm/blog/zambias-mining-sector-charts-its-course-to-2031>

<sup>16</sup> Zambia Extractive Industries Transparency Initiative, *ZEITI Annual Report 2019* (ZEITI, Lusaka 2019) [https://eiti.org/sites/default/files/attachments/zeiti\\_report\\_2019.pdf](https://eiti.org/sites/default/files/attachments/zeiti_report_2019.pdf)

<sup>17</sup> Republic of Zambia, Ministry of Mines and Minerals Development, *National Critical Minerals Strategy 2024–2028* (Ministry of Mines and Minerals Development, August 2024) <https://www.mmmd.gov.zm/wp-content/uploads/2024/09/1-National-Critical-Minerals-Strategy-2024---2028-Booklet-August-27-2024.pdf>

<sup>18</sup> Zambia Statistics Agency and United Nations Children's Fund, *Child Poverty Report 2023* (based on the 2022 Living Conditions Monitoring Survey, UNICEF Zambia 2024) <https://www.zamstats.gov.zm/wp-content/uploads/2024/07/Child-Poverty-Report-2023.pdf>

and is linked to the inability of parents or guardians to provide for their children's basic needs.<sup>19</sup> For instance, although Zambia currently has a free education policy, educational facilities are scarce in rural areas, which is where ASM usually takes place.<sup>20</sup> Research data also indicates that other indirect barriers, such as the cost of uniforms and books, keep children from vulnerable households out of school.<sup>21</sup> Further, several children working in ASM are either orphaned due to HIV/AIDS (among other causes) or are the oldest in child-headed households.<sup>22</sup> This ultimately compels children to engage in child labour to contribute towards meeting the basic needs of their families.

## **b) Social norms**

Certain social norms hinder the protection of children from child labour. In many rural settings in Zambia, children's participation in economic activities is considered a rite of passage or a responsible contribution to household welfare, rather than exploitation.<sup>23</sup> This normalisation of exploitative and harmful child labour reflects a lack of awareness of the distinction between such practices and educational and acceptable child work, the latter of which includes light household tasks such as cleaning, gardening and cooking.<sup>24</sup> This undermines enforcement of child protection laws which are then perceived by communities as externally imposed norms that do not conform with local practices.

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<sup>19</sup> Extractive Industries Transparency Initiative (EITI), *An Overview of Artisanal and Small-Scale Mining in Zambia* (Zambia EITI, February 2025) <https://zambiaeiti.org/wp-content/uploads/2025/02/An-Overview-of-ASM-in-Zambia.pdf>

<sup>20</sup> Humanium, *'The Current State of Child Labour in Cobalt Mines in the Democratic Republic of the Congo'* (27 May 2025) <https://www.humanium.org/en/the-current-state-of-child-labour-in-cobalt-mines-in-the-democratic-republic-of-the-congo/>

<sup>21</sup> Zambia Institute for Policy Analysis and Research, *An Assessment of the Implementation of Free Education* (2023) <https://zipar.org.zm/wp-content/uploads/2025/09/An-Assessment-of-the-implementation-of-Free-Education-02.02.23.pdf>

<sup>22</sup> ZamStats & UNICEF, *Child Poverty Report 2023* (n 16)

<sup>23</sup> Godelive Kusimwa Batano, Martin Doevenspeck and Nene Morisho Mwana Biningo, *'Small-scale mining and child labour in Kolwezi, Democratic Republic of Congo'* (2023) 15 *Journal of African Studies and Development* 69–83, 71, citing Loretta Elizabeth Bass, *Child Labor in Sub-Saharan Africa* (Lynne Rienner Publishers 2004). <https://academicjournals.org/journal/JASD/article-full-text-pdf/D34190A71369.pdf>

<sup>24</sup> Justice Centres Uganda, *'What Types of Work Is a Child Allowed to Undertake?'* (16 September 2021) <https://justicecentres.go.ug/what-types-of-work-is-a-child-allowed-to-undertake/>

### **c) Climate Change and the Green Energy Transition**

Climate change has become an indirect driver of child labour in the context of ASM in Zambia. Erratic rainfall patterns, drought and extreme temperatures have caused disruptions in the agricultural sector, resulting in food insecurity and loss of income.<sup>25</sup> This pushes households towards ASM during agricultural failures, often drawing children into work to supplement household income.<sup>26</sup> Further, the green energy transition, driven by the need to reduce carbon emissions, has increased the demand for Zambia's critical minerals, which are key for renewable technologies.<sup>27</sup> This has resulted in the pursuit of global sustainability further fuelling exploitative and unsafe mining practices in developing countries, including child labour.<sup>28</sup>

## **III. LEGAL FRAMEWORK**

### **a) International Laws**

Article 1 of the United Nations Convention on the Rights of the Child, 1989 defines a child as any person below the age of 18 years.<sup>29</sup> This is also reflected in Article 2 of the African Charter on the Rights and Welfare of the Child, 1990.<sup>30</sup> According to the International Labour Organisation (ILO), child labour is work that deprives a child of their childhood,

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<sup>25</sup> Ministry of Green Economy and Environment, *Ministerial Statement on the Rainfall Pattern and Prolonged Dry Spells during the 2023/2024 Rainy Season* (Eng Nzovu, MP, delivered to the Parliament of Zambia, February 2024)

[https://www.parliament.gov.zm/sites/default/files/images/publication\\_docs/MINISTERIAL%20STATEMENT%20BY%20ENG.%20NZOVU.pdf](https://www.parliament.gov.zm/sites/default/files/images/publication_docs/MINISTERIAL%20STATEMENT%20BY%20ENG.%20NZOVU.pdf)

<sup>26</sup> International Labour Organization, *Pre-Knowledge, Attitude and Practice (KAP) Survey on Child Labour and Working Conditions in Artisanal and Small-Scale Gold Mining (ASGM): Ghana* (ILO, December 2017)

<https://www.dol.gov/sites/dolgov/files/ILO%20CARING%20Gold%20KAP%20Survey%20Ghana%20-Final%20%20Approved.pdf>

<sup>27</sup> International Energy Agency, *Critical Minerals Market Review 2023* (IEA 2023)

<https://www.iea.org/reports/critical-minerals-market-review-2023>

<sup>28</sup> United States Department of Labor, 'Lithium-Ion Batteries: Supply Chain' (Bureau of International Labor Affairs) <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods/supply-chains/lithium-ion-batteries>

<sup>29</sup> *Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, art 1 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

<sup>30</sup> *African Charter on the Rights and Welfare of the Child* (adopted 1 July 1990, entered into force 29 November 1999) OAU Doc CAB/LEG/24.9/49 (1990) art 2 [https://au.int/sites/default/files/treaties/36804-treaty-african\\_charter\\_on\\_rights\\_welfare\\_of\\_the\\_child.pdf](https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf)

their potential and their dignity, and that is harmful to physical and mental development.<sup>31</sup>

Zambia has ratified and domesticated key international law provisions addressing child labour, making them actionable in domestic courts.<sup>32</sup> ILO Convention 138 on Minimum Age of Employment and Convention 182 on the Elimination of the Worst Forms of Child Labour are domesticated through the Employment Code Act, No. 3 of 2019.<sup>33</sup> Convention 138 establishes the minimum age for general employment as 15 years.<sup>34</sup> It also sets the minimum age as 18 years for employment in hazardous work, which is work that is likely to jeopardise the health, safety or morals of a child.<sup>35</sup> Further, Convention 182 mandates the state to take effective measures to eliminate the worst forms of child labour, including in hazardous work.<sup>36</sup>

Additionally, the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child both prohibit children's employment in harmful work, and mandate national laws on minimum ages and regulations in Articles 32 and 15 respectively. The Children's Code Act, No. 12 of 2022 domesticates these provisions.

## **b) National Laws and Policies**

The national legal and policy framework relating to child labour in Zambia is multi-layered. The Constitution of Zambia (Amendment Act No. 2 of 2016) is the supreme law guaranteeing fundamental rights and protections. Article 24 of the Constitution protects

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<sup>31</sup> International Labour Organization and United Nations Children's Fund, *Child Labour: Global Estimates 2024, Trends and the Road Forward* (ILO and UNICEF, Geneva and New York 2025).

<https://www.ilo.org/publications/major-publications/child-labour-global-estimates-2024-trends-and-road-forward>

<sup>32</sup> Zambia Statistics Agency, *2018 Child Labour Report* (Zambia Statistics Agency, August 2019) 1

[https://www.zamstats.gov.zm/wp-content/uploads/2023/12/2018-ZM\\_Child-Labour-Report-1.pdf](https://www.zamstats.gov.zm/wp-content/uploads/2023/12/2018-ZM_Child-Labour-Report-1.pdf)

<sup>33</sup> International Labour Organization (ILO), *NORMLEX: Information System on International Labour Standards – Zambia Profile* (ILO NORMLEX, online)

[https://normlex.ilo.org/dyn/nrmlx\\_en/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:103264](https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103264)

<sup>34</sup> International Labour Organization, *Minimum Age Convention (No 138)* (Adopted 26 June 1973, entered into force 19 June 1976) <https://www.ohchr.org/sites/default/files/ageconvention.pdf>

<sup>35</sup> *Ibid.*

<sup>36</sup> International Labour Organization, *Worst Forms of Child Labour Convention, 1999 (No 182)* (Adopted 17 June 1999, entered into force 19 November 2000) <https://www.ilo.org/media/322486/download>

children from exploitation, prohibiting their engagement in any work which would cause adverse effects on their health, education, or physical, mental or moral development. Article 28 allows citizens to challenge violations of constitutional rights in court.

Second in the hierarchy, below the Constitution, is other legislation, including the Employment Code Act No. 3 of 2019 and the Children's Code Act No. 12 of 2019, which are then operationalised by national policies. The Employment Code Act regulates employment relationships in Zambia, including the employment of children. As noted earlier, it domesticates ILO Conventions 138 and 182. The Children's Code Act consolidates all laws relating to the rights and welfare of children, providing a strong regime for strengthening safeguards against exploitation of children.<sup>37</sup> It provides that the key principle in promoting and protecting children's rights is that the best interests of the child should be the primary consideration in any matter or action concerning them.<sup>38</sup> The two most important sections to consider in the context of child labour are sections 13 and 12, discussed below.

### **1. Children's Code Act No. 12 of 2022**

Section 13 of the Children's Code Act provides that children shall not be subjected to economic exploitation or hazardous work. The provision prohibits three categories of harmful labour, namely, economic exploitation; work that is hazardous or harmful to a child's health, safety or morals; and work that interferes with their education. The hazardous nature of ASM operations places it within the scope of hazardous work prohibited under section 13 of the Children's Code Act, thereby creating a legal obligation to ensure that children do not work in such environments.

Section 12 of the Children's Code Act provides that children have the right to social protection and social services. It creates a positive obligation on the state to actively identify and support children who are vulnerable to exploitation due to poverty, family vulnerabilities or lack of access to education. In the context of ASM operations, section 12 creates the legal foundation for interventions such as child labour

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<sup>37</sup> *Children's Code Act 2022*, No. 12 of 2022, s 2.

<sup>38</sup> *Ibid*, s 4.

inspections, social welfare assessments, psychosocial support and school re-enrolment. The section implies that withdrawing children from hazardous work must be accompanied by a broader benefit of support to address the underlying social drivers that push children into mining activities.

Read together, sections 12 and 13 of the Children's Code Act create a two-tier basis for proactive state accountability, strengthening the legal basis for systematic inspections, coordinated response mechanisms, and collaboration among key line ministries.

## **2. National Action Plan for the Elimination of the Worst Forms of Child Labour (2020-2025)**

National Action Plans are essential policy documents for setting out national priorities. The National Action Plan for 2020-2025 (NAP 2020-2025) was designed to guide the Ministry of Labour and Social Security, the key driver and coordinator of child labour matters, in its efforts to address and prevent the worst forms of child labour.<sup>39</sup> It contained strategies for addressing socioeconomic issues and practical steps for multi-stakeholder coordination to battle the worst forms of child labour and align Zambia with its international obligations.

The salient features of the NAP 2020-2025 included guiding principles drawn from the National Child Labour Policy, such as the requirement for all child labour interventions to align with the best interests of the child. Communities were also expected to participate at all stages of the programme cycle to ensure contextual relevance and ownership. At the time of writing this paper, the NAP for 2026-2031 had not yet been publicised.

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<sup>39</sup> Republic of Zambia, Ministry of Labour and Social Security, *National Action Plan* (n 7).

## IV. IMPLEMENTATION AND ENFORCEMENT

### a) Mechanisms

The government, through the Ministry of Labour and Social Security, requires labour inspectors to inspect homes where children may be engaged in child labour.<sup>40</sup> The Ministry also oversees the National Steering Committee on Child Labour, which is the primary body for coordinating efforts to combat child labour in Zambia.<sup>41</sup> With the support of the ILO, it developed a Child Labour Monitoring System for the routine collection of data on child labourers.<sup>42</sup>

However, according to the United States Department of Labour, although the Zambian government conducted more than 3,318 labour inspections in 2023, these primarily targeted formal sectors and urban workplaces, not the unregulated ASM sites where child labour is most prevalent.<sup>43</sup> Efforts towards the aggregation of data on child labour violations are also undermined by the lack of a tracked complaint category dedicated to child labour on the Ministry's hotline for labour complaints.<sup>44</sup> Further, the National Steering Committee on Child Labour does not have clearly set guidelines for its operation and for coordination with district-level child labour committees.<sup>45</sup>

The Ministry of Mines and Minerals Development has six Regional Mining Bureaux which are required to cover vast areas of land to monitor mining activities.<sup>46</sup> However, it is not adequately capacitated and funded to effectively monitor ASM.<sup>47</sup>

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<sup>40</sup> Tandy Kuda Lungu, 'Ministry of Labour and Social Security Devoted to End Child Labour' (Ministry of Labour and Social Security, 9 January 2025) <https://www.mlss.gov.zm/?p=4853>

<sup>41</sup> US Department of Labor, Bureau of International Labor Affairs, *2023 Findings on the Worst Forms of Child Labor: Zambia* (2023) [https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2023/Zambia.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2023/Zambia.pdf)

<sup>42</sup> Tandy Kuda Lungu, 'Ministry of Labour and Social Security Devoted to End Child Labour' (Ministry of Labour and Social Security, 9 January 2025) <https://www.mlss.gov.zm/?p=4853>

<sup>43</sup> US Department of Labor, *2023 Findings on the Worst Forms of Child Labor: Zambia* (Bureau of International Labor Affairs 2024) [https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2023/Zambia.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2023/Zambia.pdf)

<sup>44</sup> US Department of Labor, *2024 Findings on the Worst Forms of Child Labor: Zambia* (n 10).

<sup>45</sup> Ibid.

<sup>46</sup> Ministry of Mines and Mineral Development, *Strategic Plan 2022–2026* (Government of the Republic of Zambia, October 2024) 2–3, stating that the Ministry has six regional mining bureaux in Mansa, Mkushi, Kitwe, Solwezi, Choma and Chipata.

<sup>47</sup> *ACP-EU Development Minerals Programme, Artisanal and Small-Scale Mining in Zambia: Blueprint for a National Formalization and Business Acceleration Strategy* (implemented in partnership with United Nations

The Zambia Police Service, operating under the Ministry of Home Affairs and in collaboration with the Ministry of Justice, investigates and prosecutes cases of child labour.<sup>48</sup> At the time of writing this paper, statistics on the exact number of prosecuted cases were not publicly available.

While these and several other mandates exist to address child labour in mining, government actions have not been proactive, are under resourced and ultimately ineffective.<sup>49</sup> Civil society actors in the space offer programmes that provide social or financial support to children and families in need to prevent economic hardship and children's participation in hazardous work.<sup>50</sup> The lack of a coherent national strategy to target the problem, however, hinders progress.<sup>51</sup>

## **b) Regulatory Framework**

ASM is mainly covered in the recently passed Geological and Minerals Development Act, No. 2 of 2025.<sup>52</sup> This Act, however, does not provide remedies for the social and environmental impacts of ASM operations and mainly focuses on aspects of formalisation that do not explicitly address safety or child labour.<sup>53</sup> Further, weak mining regulations and the informal nature of ASM have made it difficult for authorities to monitor the sector effectively,<sup>54</sup> thereby hindering the enforcement of child labour laws.

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Development Programme and Ministry of Mines and Minerals Development, 2021)  
<https://developmentminerals.org/wp-content/uploads/2025/05/Zambia-Blueprint-for-a-National-Formalization-and-Business.pdf>

<sup>48</sup> US Department of Labor, Bureau of International Labor Affairs, *2020 Findings on the Worst Forms of Child Labor: Zambia* (2020)

[https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2020/Zambia.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2020/Zambia.pdf)

<sup>49</sup> International Labour Organization and Levin Sources, *Mapping Interventions Addressing Child Labour and Working Conditions in Artisanal Mineral Supply Chains* (2020)

<https://www.levinsources.com/assets/listings/ILO-child-labour-levin-sources.pdf>

<sup>50</sup> Pact, 'Pact Successfully Concludes Project in Zambia, Helping Children Leave Mines and Return to School' (20 March 2024) <https://www.pactworld.org/news/pact-successfully-concludes-project-zambia-helping-children-leave-mines-and-return-school>

<sup>51</sup> International Labour Organization and Levin Sources, *Mapping Interventions* (n 47).

<sup>52</sup> *Geological and Minerals Development Act 2025*, No 2 of 2025.

<sup>53</sup> Ibid.

<sup>54</sup> Zambia Extractive Industries Transparency Initiative (ZEITI), *An Overview of ASM in Zambia* (2025)  
<https://zambiaeiti.org/wp-content/uploads/2025/02/An-Overview-of-ASM-in-Zambia.pdf>

For instance, in January 2019, three boys aged 11, 13 and 15 years old were buried alive while mining manganese. The government's response was that the prospecting license of the company involved, issued under the repealed Mines and Minerals Development Act of 2015, could not be revoked or suspended, as a prospecting licence did not 'oblige the investors to implement any safety standards'.<sup>55</sup> This justification reflects a troubling regulatory gap which imposes minimal obligations on prospecting licence holders, largely confined to reporting, expenditure, and adherence to work programmes, and does not establish a comprehensive safety regime.<sup>56</sup>

Although the Mines and Minerals Development Act of 2015 has since been repealed and replaced by the Minerals Regulation Commission Act of 2024, the current law still does not provide adequate or enforceable safety standards for exploration compared to those applicable to mining operations.<sup>57</sup> The Minerals Regulation Commission Act also focuses mainly on large-scale mining and has some gaps on oversight for other operations, including ASM.

The application of protections afforded by the Constitution and legislation such as the Children's Code Act is not specified in the context of mining, and therefore their enforcement depends on proactive litigation, which is seldom initiated. As a result of these legal gaps, children remain exposed to harmful labour, particularly in rural areas and informal sectors.

## V. POLICY IMPLICATIONS

The short-term effects on children in ASM include exposure to toxic substances, physical injuries, exhaustion and psychological trauma. In mining areas such as Kabwe, children who live near contaminated mining sites have been found with high blood lead levels, causing damning neurological and developmental disorders.<sup>58</sup> Similar risks exist in ASM hotspots

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<sup>55</sup> Humphrey Nkonde, 'Dangerous Child Labour Still Rampant in Zambia' (D+C, 18 March 2019) <https://www.dandc.eu/en/article/dangerous-child-labour-still-rampant-zambia>

<sup>56</sup> *Minerals Regulation Commission Act 2024*, Act No 14 of 2024.

<sup>57</sup> *Ibid.*

<sup>58</sup> Human Rights Watch, *Poisonous Profit: Lead Waste Mining and Children's Right to a Healthy Environment in Kabwe, Zambia* (5 March 2025) <https://www.hrw.org/report/2025/03/05/poisonous-profit/lead-waste-mining-and-childrens-right-healthy-environment-kabwe>

where children handle ore or inhale dust without protective gear. These conditions contravene provisions of the Employment Code Act and Children’s Code Act, which outlaw hazardous child labour.

Long-term effects caused by prolonged exposure to toxic substances associated with ASM include illness and premature death.<sup>59</sup> Disrupted or discontinued school attendance results in the loss of future educational opportunities, thereby impacting future employability and earnings and perpetuating intergenerational poverty. Socially, child miners, particularly girls, face heightened exposure to sexual exploitation and early pregnancy.<sup>60</sup>

In mining hotspots, girls are especially vulnerable to sexual exploitation. For instance, in a recent public hearing engagement held by the Human Rights Commission of Zambia in Mumbwa, illegal miners were reported to use money to lure girls into sexual relationships, increasing their risk of early pregnancies and sexually transmitted infections, and further deepening inequality in mining communities.<sup>61</sup> These multidimensional harms underscore the urgency of moving beyond legal recognition towards targeted reforms that address both the drivers and consequences of child labour in Zambia’s ASM sector.

## **VI. RECOMMENDATIONS**

### **a) Government**

#### **1. ASM-Specific Policy**

Despite the recognition that the ASM sector has received over the years, little has been done to consider the unique needs of its participants. There has been an overemphasis on narrowly-defined formalisation, with ASM continuing to largely be

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<sup>59</sup> Philip J Landrigan and others, ‘Reducing Disease and Death from Artisanal and Small-Scale Mining (ASM): The Urgent Need for Responsible Mining in the Context of Growing Global Demand for Minerals and Metals for Climate Change Mitigation’ (2022) *Environmental Health*  
<https://pmc.ncbi.nlm.nih.gov/articles/PMC9412790/>

<sup>60</sup> KIT Royal Tropical Institute, *Sexual and Gender-Based Violence in Mining in Africa* (2020)  
<https://www.kit.nl/institute/publication/sexual-gender-based-violence-in-mining-in-africa/>

<sup>61</sup> Miriam Chabala, ‘Illegal Miners are Major Drivers of Child Pregnancies and Marriages in Mumbwa, Nangoma Resident Submits’ (Human Rights Commission of Zambia, 19 November 2025)  
<https://hrc.org.zm/illegal-miners-are-major-drivers-of-child-pregnancies-and-marriages-in-mumbwa-nangoma-resident-submits/>

subjected to the same strategies and policies as large-scale mining. For instance, licensing procedures are costly, bureaucratic and otherwise impractical for ASM miners, who are usually located in rural or remote areas.

A policy that specifically caters for ASM and its unique attendant requirements in Zambia could provide more context-specific strategies to be employed in the sector. Such a policy should address and provide targeted guidelines and interventions for tackling child labour and clarify the roles of different stakeholders, including at the local, national, governmental and non-governmental levels. It should also provide specific guidelines for multi-stakeholder coordination, which would strengthen implementation and enforcement of the existing legislation.

## **2. Inclusivity in the ASM Sector**

Communities in ASM hotspots should be consulted early in the policymaking process to make it more inclusive and relevant for the people on the ground. To support formalisation, which is necessary for regulation and monitoring of the sector, the government should implement a more accessible process that also provides incentives for licensed miners, such as credit facilities and technical support. Licensing conditions could also be tied to a requirement for child labour risk assessments, the implementation of mitigation measures, and mandatory periodic reporting on child labour risks and compliance, with penalties or sanctions for non-compliance.

## **3. Social Support in ASM Areas**

Given that ASM is primarily a poverty-driven activity, the provision of social support in areas where it is practised, particularly educational and capacity-building services, would benefit both children and communities. Increased educational opportunities in rural areas where ASM is practiced would deter children's participation in such activities and result in greater awareness of their rights, empowering them to attain their full potential. Education and capacity building for miners, including proper and

safe methods to conduct their work, is likely to result in improved environmental conditions that are ideal for child safety and development.

Women in ASM require gender-sensitive support to tackle the challenges that they encounter operating in the sector, including gender-based violence, discriminatory cultural norms and limited access to finance.<sup>62</sup> Empowering women and mothers socially and economically is likely to empower communities, combatting the poverty cycle that drives child labour.

## **b) Civil Society Organisations (CSOs) and Communities**

### **1. Community-Centred Sensitisation and Social Norm Change**

CSOs should undertake community-based sensitisation initiatives in high-risk ASM areas aimed at differentiating acceptable child work from hazardous child labour that is prohibited by law. The programmes implemented should be context-sensitive and engage parents and guardians, traditional leaders, mine operators, and particularly children. The inclusion of these actors is key, as it recognises their respective roles in shaping social norms and behavioural change. Priority should be given to challenging the normalisation of children's participation in hazardous ASM activities, and reframing such activities as violations of children's rights under the Children's Code Act and the Employment Code Act, and not cultural or economic necessities. By targeting the root drivers of social norms, community-based sensitisation can complement legal enforcement and contribute to ending child labour in Zambia's ASM sector.<sup>63</sup>

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<sup>62</sup> M Kaczmarek, RK M Clube, FC Mubanga and J Tomei, 'A Policy and Practice Divide? Zambia's Artisanal and Small-Scale Mining Sector and the Sustainable Development Goals' (2025) *Journal of Rural Studies* 120 103774, 11 <https://www.sciencedirect.com/science/article/pii/S0743016725002153>

<sup>63</sup> Gavin Hilson, 'Child Labour in African Artisanal Mining Communities: Experiences from Northern Ghana' (2010) *Development and Change* 41(3) 445–473 <https://onlinelibrary.wiley.com/doi/10.1111/j.1467-7660.2010.01646.x>

## **2. Community-Centred Child Labour Monitoring**

CSOs should undertake community programmes aimed at supporting and implementing community child labour monitoring structures in high-risk ASM areas. Such structures could aid with early identification and retrieval of children engaged in hazardous ASM activities, systematic documentation of cases and referral of affected children to social protection services. Community-based monitoring structures can further help address the current data gaps and provide inspection and early warning systems in areas that are difficult for labour inspectors to reach.

## **3. Strategic Litigation**

CSOs should use strategic litigation, administrative complaints and public interest actions to operationalise protective provisions in the Children's Code Act (sections 12 and 13),<sup>64</sup> specifically in relation to the prohibition of child labour and the provision of child protection services. Specific remedies may include constitutional relief as per Article 28 of the Constitution, and criminal liability for offenders. The Children's Code Act provides for penalties including fines and imprisonment of up to ten years for non-compliance.<sup>65</sup> Employing this will enable CSOs to better pursue accountability in relation to child labour in ASM.

## **4. Advocating for Stricter National Regulations**

The global demand for critical minerals has resulted in the rapid growth of ASM, and this calls for strict national regulations that address the negative aspects of the sector. The Geological and Mineral Development Act introduced the office of the Director of Artisanal and Small-Scale Mining, which is tasked with the sustainability and overall development of the ASM sector. However, the scope of the mandate of this office is primarily technical, covering areas such as conservation of mineral resources, value addition and promotion of formalisation. Civil society actors must advocate for socially-oriented regulations that address pressing issues in the ASM sector, including

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<sup>64</sup> *Children's Code Act 2022* (n 35)

<sup>65</sup> *Ibid* s 293

child labour, beginning with the fundamental step of demanding the categorisation of child involvement in ASM as hazardous work. Further, as stated earlier, there needs to be advocacy for adequate safety standards at exploratory stage as it presents a possibility for harm that is just as great as during mining operations.

## **VII. CONCLUSION**

The prevalence of child labour in Zambia's ASM sector reflects the interplay of poverty, social norms, increasing demand for critical minerals and weak institutional enforcement. Although the sector has become a critical source of livelihood and potential economic growth, this must not be actualised at the expense of children's rights.

The challenges of child labour in Zambia's ASM sector require a multisectoral approach involving the adoption and implementation of the recommendations in this discussion paper. Notably, the introduction of a policy that specifically caters for ASM would contribute towards the eradication of child labour in the sector. Such reforms would ensure a safer, more child-friendly environment and improved future prospects for children in Zambia.

Ultimately, a comprehensive national approach would not only promote the welfare of children and the country's development, but also fulfil the state's commitments under international labour and children's rights standards, advancing its overall standing on the international stage.