

ZAMBIA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Zambia is a constitutional republic governed by a democratically elected president and a unicameral national assembly. In 2016 the country held elections under an amended constitution for president, national assembly seats, and local government, as well as a referendum on an enhanced bill of rights. The incumbent, Patriotic Front President Edgar Chagwa Lungu, won re-election by a narrow margin. The losing main opposition United Party for National Development candidate, Hakainde Hichilema, challenged the election results but was unsuccessful due to a legal technicality. International and local observers deemed the election credible but cited a number of irregularities. The pre-election and postelection periods were marred by limits on press freedom and political party intolerance resulting in sporadic violence across the country. Although the results ultimately were deemed a credible reflection of votes cast, media coverage, police actions, and legal restrictions heavily favored the ruling party and prevented the election from being genuinely fair.

The Zambia Police Service has primary responsibility for internal security and reports to the Ministry of Home Affairs. The military consists of the army, the air force, and the Zambia National Service and are under the Ministry of Defense; however, the commanders of each respective service are appointed by and report directly to the president. The military is responsible for external security but also has some domestic security responsibilities in cases of national emergency. The president appoints the commanders of each military service who report directly to him. Civilian authorities generally maintained effective control over the security forces. Members of the security forces committed abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings; torture and cases of cruel, inhuman, or degrading treatment or punishment; harsh and life-threatening prison conditions; serious restrictions on free expression, the press, and the internet, including violence and threats of violence against journalists, censorship, and the application of criminal libel and slander laws; substantial interference with the right to freedom of assembly;

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official corruption; the existence and use of laws criminalizing consensual same-sex sexual conduct between adults; and widespread child labor.

The government took steps to investigate, prosecute, and punish perpetrators of human rights law violations. Nevertheless, impunity remained a problem because perpetrators affiliated with the ruling party or serving in government were either not prosecuted for serious crimes or, if prosecuted, were acquitted or released after serving small fractions of prison sentences. The government applied the law selectively to prosecute or punish individuals who committed abuses and mostly targeted those who criticized the ruling party.

Section 1. Respect for the Integrity of the Person, Including Freedom from

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports government agents committed arbitrary and unlawful killings similar to the following examples. On February 13, police in Lusaka shot and wounded two protesters and shot and killed a boy age 14 during a peaceful demonstration against police violence and use of excessive force. Police spokesperson Ester Katongo stated no police officer would be charged because the killing of the boy was “by mistake.” Minister of Home Affairs Stephen Kampyongo justified police use of live ammunition to restore order. The Human Rights Commission (HRC)--an independent constitutional body--criticized the minister’s statement as indirectly encouraging the use of lethal force against peaceful demonstrators. On September 27, a police officer shot and killed Timothy Zulu of Kamanga age 17 as he fled police enforcement of COVID-19 pandemic curfew restrictions at a Lusaka nightclub. The police officer responsible for the killing was charged with murder. His case was pending trial at year’s end.

On April 9, the Livingstone High Court convicted police officers Marstone Simweene and Muyunda Mufungulwa of the 2018 murder of Lemmy Mapeke at Macha Police Post in Choma and sentenced them to death. The conviction was under appeal at year’s end. On April 23, the Lusaka High Court awarded

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substantial compensation to the family of University of Zambia student Vespers Shimuzhila due to police negligence in her 2018 death. Shimuzhila died from “asphyxia due to smoke” from a fire in her dormitory room caused by errant teargas canisters shot by police during a student demonstration.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits cruel, inhuman, or degrading treatment or punishment; however, no law addresses torture specifically. Local media reported police used arbitrary and excessive force to enforce public health regulations implemented to prevent the spread of COVID-19. According to the nongovernmental organization (NGO) Chapter One Foundation, police routinely beat individuals found frequenting bars and other commercial locations in violation of COVID-19 restrictions.

Impunity was a significant problem within the security forces, particularly police, and was especially common during the COVID-19 pandemic. The factors that contributed to impunity were a lack of training in, understanding of, and respect for human rights. The HRC investigates allegations of abuse. According to the HRC, police frequently used disproportionate force. On June 11, the Zambia Police Service with the HRC and UN Development Program assistance instituted COVID-19 standard operating enforcement procedures that provide for the enforcement of COVID-19 measures by security and law enforcement officers in a manner that safeguards human rights.

Prison and Detention Center Conditions

Physical conditions in prisons and detention centers remained harsh and life threatening due to overcrowding, frequent outbreaks of disease, food and potable water shortages, poor sanitation, and inadequate medical care.

Physical Conditions: Overcrowding in prisons and other detention facilities

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remained a problem. According to the HRC, other than the Mwembeshi, Monze, and Kaoma prisons constructed in recent year, prisons were in a “deplorable” state and exceeded capacity by 300 per cent. The NGO Prisons Care and Counseling Association (PRISCCA), congestion due to a slow-moving judicial system, outdated laws, and increased incarceration due to higher numbers of prosecutions of petty offenses. Other factors included limitations on magistrates’ powers to impose noncustodial sentences, a retributive police culture, and poor bail and bonding conditions. Indigent inmates lacked access to costly bail and legal representation. A shortage of high court judges in the country’s six provinces delayed the execution of magistrate orders to transfer juveniles being held with adults in prisons and jails to reformatories. In response to the COVID-19 pandemic, authorities reduced overcrowding by pardoning nonviolent offenders. In May the president pardoned 2,984 inmates and in October an additional 966 inmates.

There were no reports of deaths in prison attributed to physical conditions.

The law requires separation of different categories of prisoners, but only gender separation was routinely practiced. According to the HRC, some correctional facilities did not strictly follow guidelines on separating different prisoner categories. For example, at Lusaka Correctional Facility, the HRC found that juvenile and adult prisoners were comingled during the day. Incarcerated women who had no alternative for childcare could choose to have their infants and children younger than age four with them in prison. According to PRISCCA, facilities designated for pretrial detainees included convicted juvenile and adult inmates because the three reformatories and the three designated prisons were overcrowded.

Inadequate ventilation, temperature control, lighting, and basic and emergency medical care remained problems. Many prisons had deficient medical facilities, and female inmates’ access to gynecological care was extremely limited. Many prisons had meager food supplies. Lack of potable water resulted in serious outbreaks of waterborne and foodborne diseases, including dysentery and cholera. According to PRISCCA and the HRC, prison food was nutritionally inadequate, and prisoners noted insufficient bedding (blankets and mattresses) and poor

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sanitation. The prison health-care system remained understaffed. The incidence of tuberculosis remained high due to overcrowding, poor sanitation, lack of compulsory testing, and prisoner transfers. The supply of tuberculosis medication and other essential drugs was erratic. Failure to remove or quarantine sick inmates resulted in the spread of tuberculosis and other illnesses and the deaths of several prisoners.

The HRC and PRISCCA expressed concern at the lack of isolation facilities for the sick and for persons with psychiatric problems. Although prisoners infected with HIV/AIDS were able to access antiretroviral treatment services within prison health-care facilities, their special dietary needs and those of persons under treatment for tuberculosis were inadequately met. Prisons also failed to address adequately the needs of persons with disabilities.

Administration: A formal mechanism to investigate allegations of prisoner mistreatment existed through the Police Public Complaints Commission. The commission received complaints and disciplined some erring police and prison officers, but human rights groups reported it did not effectively investigate complaints and was staffed by former officers who were often hesitant to prosecute their colleagues.

Independent Monitoring: The government permitted prison monitoring by independent local and international NGOs and religious institutions.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention. It also provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Although the government generally observed these requirements, there were frequent reports of arbitrary arrests and detentions, even in situations of civil disputes.

Arrest Procedures and Treatment of Detainees

The constitution and law require authorities to obtain a warrant before arresting a person for most offenses. Police officers do not need a warrant, however, if they suspect a person has committed offenses such as treason, sedition, defamation of

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the president, or unlawful assembly. Police rarely obtained warrants before making arrests regardless of the offense.

Although the law requires that detainees appear before a court within 24 to 48 hours of arrest and be informed of the charges against them, authorities routinely held detainees for as long as six months before trial. The HRC noted this abuse remained common, particularly in rural districts, where subordinate courts operated in circuits because detainees could be tried only when a circuit court judge was in the district.

Based on a constitutional presumption of innocence, the law provides for bail in most cases. Bail is not granted for persons charged with murder, aggravated robbery, narcotics violations, espionage, or treason. Before granting bail courts often required at least one employed person, usually a government employee, to vouch for the detainee.

Detainees generally did not have prompt access to a lawyer. Although the law obligates the government to provide an attorney to indigent persons who face serious charges, many defendants were unaware of this right. The government's legal aid office and the Legal Resources Foundation provided legal services to some indigent arrestees but could not meet demand.

Arbitrary Arrest: According to human rights groups, arbitrary or false arrest and detention continued. Police often summoned family members of criminal suspects for questioning, and authorities arrested criminal suspects based on uncorroborated accusations or as a pretext for extortion. Human rights groups reported police routinely detained citizens when enforcing COVID-19 restrictions. In August police arrested and fined persons not wearing facemasks in public. Those unable or unwilling to pay the fine faced six months' imprisonment. Inspector General of Police Kakoma Kanganja suspended the practice following a public outcry and stated the arrests constituted an abuse of power.

Pretrial Detention: Prolonged pretrial detention, including that of irregular migrants awaiting trial or removal, continued to be a problem. On average detainees spent an estimated six months in pretrial detention, which often exceeded the maximum length of the prison sentence corresponding to the detainee's alleged

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crime. Contributing factors included inability to meet bail requirements, trial delays, and trial continuances due to absent prosecutors and their witnesses.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees have the right to challenge in court the legal basis or arbitrary nature of their detention, but police often prevented detainees from filing challenges to prolonged detention.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary. While the government largely refrained from direct interference, the Ministry of Finance's control of the judiciary's budget limited judicial independence. In most cases authorities respected court orders.

Trial Procedures

The constitution provides for the right to a fair and public trial, but the judicial system was open to influence by the ruling party in cases in which it had an interest. While the law provides the right to a presumption of innocence, to be informed promptly of charges, and to be present at a fair and timely trial, these rights were not consistently protected. There were reports of lengthy detentions without trial and defendants who were not informed promptly of charges against them, and the overburdened and insufficiently resourced judicial system led to lengthy and delayed trial procedures. For example, in December 2019 Chama Fumba, the hip hop recording artist popularly known as Pilato and two other persons were arrested for holding a meeting without a permit at the Youth Community Training Centre of the Roman Catholic Diocese of Livingstone. They were charged with unlawful assembly and in September tried and acquitted.

While defendants enjoy the right to consult with an attorney of their choice, to have adequate time to prepare a defense, to present their own witnesses, and to confront or question witnesses against them, courts rarely provide indigent defendants with an attorney at state expense despite a legal requirement to do so. Interpretation services in local languages were available in most cases. There were no reports of defendants being compelled to testify or confess guilt. Defendants

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have the right to appeal.

Political Prisoners and Detainees

Although there were politically motivated arrests, there were no reports of lengthy detention or imprisonment of individuals for political reasons.

Civil Judicial Procedures and Remedies

Although individuals or organizations may seek redress for human rights violations from the High Court, lack of access to affordable or pro bono legal services prevented many persons from exercising this right.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, but the government frequently did not respect these prohibitions. The law requires a search or arrest warrant before police may enter a home, except during a state of emergency or when police suspect a person has committed an offense such as treason, sedition, defaming the president, or unlawful assembly. Unlike in prior years, there were no reports that government authorities entered homes without judicial or other appropriate authorization.

Domestic human rights groups reported authorities routinely detained, interrogated, and physically abused family members or associates of criminal suspects to obtain their cooperation in identifying or locating the suspects.

The law grants the Drug Enforcement Commission, the Zambia Security and Intelligence Service, and police authority to monitor communications using wiretaps with a warrant based on probable cause, and authorities generally respected this requirement. The government required cell phone service providers

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to register all subscriber identity module (SIM) cards.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

Although the constitution and law provide for freedom of expression, including for the press, it has provisions that permit restrictions of these fundamental rights and freedoms in certain circumstances. In particular Article 22(3) allows the restriction of freedom of expression in the interests of national defense, public safety, public order, and public health, or for the purpose of protecting the reputations, rights, and freedoms of others and maintaining the authority and independence of the courts. Based on these provisions, the government may restrict these freedoms using subsidiary laws such as the Penal Code, Public Order Act, Preservation of Public Security Act, and Emergency Powers Act.

Freedom of Speech: The government remained sensitive to criticism--particularly from the political opposition and civil society--and restricted the ability of individuals to criticize it freely or discuss matters of general public interest. For example, on March 13, the acting chief registrar of the High Court banned prominent Lusaka lawyer John Sangwa from appearing before court because he stated that Constitutional Court judges were “unqualified and incompetent.” Local and international organizations condemned the ban, including the UN Special Rapporteur on the Independence of Judges and Lawyers and the International Bar Association. On June 2, the chief registrar rescinded the ban.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views but not without some restrictions. The government published two of the country’s four most widely circulated newspapers. One of the two privately owned newspapers opposed the ruling Patriotic Front (PF) party, while the other supported the party and the government. Opposition political parties and civil society organizations contended government-run media failed to report objectively.

In addition to a multichannel government-controlled radio station that broadcasts nationwide, 73 private and community radio stations broadcast locally. Some

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radio stations experienced political pressure. Although some local private stations broadcast call-in and other talk programs on which diverse and critical viewpoints were expressed freely, media bodies claimed journalists who appeared on such programs received threats from senior government officials and politicians if seen as too critical. Independent private media outlets also often received threats from the government for providing broadcast time to the opposition. For example, on August 13, Petauke district commissioner Velenasi Banda ordered the brief closure of the Petauke Association of Small and Medium Entrepreneurs FM radio station in Eastern Province for broadcasting a program featuring United Party for National Development (UPND) leader Hakainde Hichilema. The Independent Broadcasting Authority and the NGO Media Institute for Southern Africa condemned the action.

Violence and Harassment: According to media watchdog organizations, independent media did not operate freely due to restrictions imposed by government authorities. While the government broadly tolerated negative articles in newspapers and magazines, there were numerous reports of government officials and ruling party supporters harassing and physically disrupting the work of journalists.

Police reportedly did not sufficiently investigate cases of assaults against journalists, and some media houses were impeded from broadcasting or threatened with closure for unfavorable reporting or insufficient coverage of the president. For example, on May 13, Mpika district commissioner Moses Katebe prevented broadcast journalists from hosting UPND leader Hakainde Hichilema on radio. Also in May, PF activists disrupted an Isoka Community Radio Station live broadcast featuring Hichilema. In June, PF militants again disrupted a live radio broadcast featuring Hichilema in Chama by cutting off the station's electric power.

Censorship or Content Restrictions: The government remained sensitive to media criticism and indirectly censored publications or penalized publishers. Numerous media watchdog organizations reported harassment and arrests related to information disseminated on social media, threats by the government to introduce punitive legislation against media personnel, restriction of their access to public places, and undue influence compromised media freedom and resulted in

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self-censorship.

Authorities penalized media that criticized the government by withholding licenses and government advertising funds. For example, on April 9, the government--through the Independent Broadcasting Authority--closed Prime TV, a leading independent media company that broadcast objective and balanced criticism of the government and PF party, ostensibly for failing to apply for renewal of its operating license on time. The closure followed the television station's refusal to broadcast government COVID-19 announcements at no charge because station management stated the government was in arrears in payments to the station.

Libel/Slander Laws: The government and individual public figures used laws against libel and slander against critics to restrict public discussion or retaliate against political opponents. The government also often used sedition laws against government critics. For example, in January, Minister of Justice Given Lubinda, Minister of Lands and Natural Resources Jean Kapata, and President Lungu's daughter, Tasila Lungu, sued the newspaper *News Diggers*, its editor Mukosha Funga, and the NGO Environmental Investigation Agency (EIA) for libel. The suit was filed in response to the publication of an EIA report alleging their involvement in the illegal harvesting and export of timber from protected Mukula rosewood trees. Mukula timber is highly valued on the international market, and the tree is a listed among endangered species by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Minister of Energy Matthews Nkhuwa and PF Member of Parliament Sebastian Kopulande also sued opposition UPND Central Member of Parliament Cornelius Mweetwa and journalists Speedwell Mapuchi and Larry Monze of the newspaper *The Mast* for libel because they wrote that the minister and Kopulande illicitly procured 264,172 gallons of fuel.

Internet Freedom

Although the government generally did not restrict access, and individuals and groups could freely express their views via the internet, the government threatened individuals using online fora with arrest and online media with closure. According to the Zambia Information Communications Technology Authority, it has the

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capacity to monitor *WhatsApp* conversations and disable any communication device. In August 2019 the newspaper *Wall Street Journal* alleged that a government cybercrime squad intercepted encrypted communications and tracked data from the mobile phones of some opposition bloggers who had repeatedly criticized the president. Senior ruling party officials dismissed the allegation as “fake news.” On March 9, police arrested a boy age 15 and charged him with libel. He was accused of using a Facebook account under the name “Zoom” to defame and insult the president. The NGO Governance, Elections, Advocacy, Research Services Initiative reported that the boy’s arrest engendered fear among internet users who practiced increased self-censorship as a result.

Academic Freedom and Cultural Events

During the year authorities attempted to restrict academic freedom and cultural events. On April 29, local media reported that the University of Zambia had prepared a staff code of conduct that targeted whistleblowers and provided university administrators the authority to dismiss lecturers who criticized the government or the university. Academics expressed concern that the code would stifle academic freedom if implemented. The code had yet to be implemented by year’s end.

Restrictions existed on artistic presentations or other cultural activities, including music lyrics and theatrical performances. For example, authorities continued to ban the music of hip-hop artist Pilato from being broadcast on Zambia National Broadcasting Corporation outlets and other state media. Private radio stations continued to play his music, except for two of his songs that criticized the president (see section 1.e.).

b. Freedoms of Peaceful Assembly and Association

The government at times restricted peaceful assembly, while generally respecting freedom of association.

Freedom of Peaceful Assembly

The constitution provides for the right of freedom of peaceful assembly; however, the government at times restricted this right, and police and progovernment groups

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disrupted opposition political meetings, rallies, and other activities.

While authorities generally allowed protests and rallies, police frequently required opposition party or civil society organizations critical of the government to hold events at unfavorable locations and times. The Public Order Act requires political parties and other groups to notify police in advance of any rallies but does not require a formal approval or permit. In 1995 the Supreme Court declared provisions in the act that previously gave police the power to regulate assemblies, public meetings, or processions unconstitutional. Police, however, continued to disregard this landmark ruling and stopped opposition and civil society groups from holding public gatherings. For example, on June 23, police prevented a planned demonstration protesting lacking government transparency and accountability regarding the use of public resources. In January police prevented opposition parties from holding by-election campaign events on Chilubi Island during a presidential visit. On January 21, the Electoral Commission of Zambia described this action and ruling party measures to prevent opposition members' access to the island by ferry as "electoral malpractice."

Freedom of Association

The constitution provides for freedom of association. While the government generally respected the right to freedom of association, it placed some limits on this right through various mechanisms. For example, although it generally went unenforced, the NGO Act requires all organizations to apply for registration from the registrar of societies. The registration process is stringent and lengthy and gives the registrar considerable discretion. The law also places restrictions on funding from foreign sources. For this reason donors, including some UN agencies, required all organizations to register under the NGO Act before receiving funding. According to the Southern African Center for the Constructive Resolution of Disputes, government implementation of the NGO Act and NGO policy negatively affected the operations of civil society organizations because it gave authorities the power to monitor and restrict their legitimate activities.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at

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<https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. In April, however, immigration authorities blocked international travel by Mopani Copper Mines Chief Executive Officer Nathan Bullock after Mopani's parent company, the Anglo-Swiss multinational Glencore Plc, announced plans to close the Mopani mine temporarily. Government authorities stated Bullock had been advised not to leave the country while negotiations on the mine's status were ongoing.

In-country Movement: The government intermittently restricted freedom of internal movement for internally displaced persons, refugees, and stateless persons. Although police generally used roadblocks to control criminal activity, enforce customs and immigration controls, check drivers' documents, and inspect vehicles for safety compliance, there were reports police used such interventions to limit participation in political gatherings, especially during parliamentary and local government by-elections.

e. Status and Treatment of Internally Displaced Persons

There were not large numbers of internally displaced persons. The government promoted the safe resettlement of the few groups displaced for construction or other government-sanctioned activities.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: UNHCR reported no cases of abuse of migrants, refugees or stateless persons. Unlike prior years, there were

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no reports of sexual or gender-based violence against refugees during the year.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees. The law gives the minister of home affairs wide discretion to deport refugees without appeal or to deny asylum to applicants having asylum status in other countries; however, there were no reported cases of asylum denial to applicants having asylum status in other countries or of refugee deportation.

Freedom of Movement: The government has made a number of reservations to the 1951 Convention relating to the Status of Refugees, including the freedom of movement. For example, the established encampment policy requires recognized refugees to reside in one of three designated refugee settlements. As a result nearly 63,000 of the nearly 69,000 refugees and asylum seekers live in settlements. Only refugees who have received a permit for work, study, health, or protection reasons may stay legally in urban areas. Refugees in the settlements may obtain passes to leave the settlements for up to 60 days, but police officers' unfamiliarity with different permits and passes put them at risk of administrative detention. In May, Minister of Home Affairs Kampyongo ordered entry and exit restrictions at refugee settlements as a COVID-19 mitigation measure. UNHCR reported that following the minister's announcement, authorities restricted the movement of refugees by limiting the issuance of mobility passes. Refugees who were prevented from leaving suffered loss of work and other opportunities to earn their livelihoods. From May 12-14, refugees at Mayukwayukwa refugee settlement protested restrictions on internal movement.

Employment: The law requires refugees to obtain work permits before they may engage in employment, including self-employment activities. Issuance of employment permits is subject to normal immigration procedures, including the application of a government policy that requires the immigration department to ascertain that there is no qualified and available citizen to perform the job.

Access to Basic Services: The government provided basic social services, including education, housing, and health care to refugees without discrimination. The government provided primary and secondary education in refugee settlements, and secondary school for refugees living in urban areas, but it required a student

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permit and the payment of school fees.

Durable Solutions: The government promoted safe, voluntary return, resettlement, and local integration of refugees and stateless persons. UNHCR reported that the government issued residence permits to refugees with Angolan and Rwandan passports and offered them land as part of a local integration program. Some were provided with residency.

In a joint effort by the government, UNHCR, and international and local NGOs, settlement areas in Mantapala, Mayukwayukwa, and Meheba provided refugees from the Democratic Republic of the Congo an opportunity to settle permanently in these three locations. Refugees were provided land for agricultural use as well as space for housing near social services. The areas include established villages as a way to promote local integration of refugees.

Temporary Protection: The government continued to provide temporary protection to stateless persons. In 2019 the government provided protection to 4,179 asylum seekers. According to the Office of the Commissioner for Refugees, as of October approximately 5,000 asylum seekers awaited status determination.

g. Stateless Persons

According to UNHCR, the country has no provision for maintaining statistical information regarding stateless persons. In 2019 the Ministry of Home Affairs reported a relatively small number of undocumented habitual residents--mainly hunters and gatherers--were integrated into local rural communities following the destruction of their natural habitat due to development activities. The government continued to issue national identity documents to them. The Department of Disaster Management and Mitigation Unit, under the Office of the Vice President, assists stateless persons.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal

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suffrage.

Elections and Political Participation

Recent Elections: The most recent national elections were held in 2016. They consisted of five separate ballots for president, members of parliament, mayors, and local councilors, as well as a referendum on a revised bill of rights. The incumbent president and PF candidate, Edgar Lungu, won a close victory, garnering 50.4 percent of the vote. His closest opponent, UPND leader Hichilema, received 47.6 percent, and seven other candidates combined received 2 percent of the vote. The presidential election was conducted under a revised electoral system that required a candidate to receive more than 50 percent of votes to avoid a second-round runoff. Election observers and monitors noted that, while voting was peaceful, there were concerns relating to the electoral environment. Public media coverage, police actions, and legal restrictions heavily favored the ruling PF party, preventing the elections from being genuinely free or fair.

Political Parties and Political Participation: Since the advent of multiparty democracy in 1991, political parties largely operated without restriction or outside interference, and individuals could independently run for office. In recent years, however, the government has pursued activities that undermined opposition parties, to include targeted arrests of opposition party leaders and members, denial of party registration, and general harassment. The ruling party continued to enjoy the use of government resources for campaign purposes and at times utilized police to harass opposition parties. Police arrested opposition officials, blocked public rallies, and dispersed participants in opposition political gatherings and public protests. For example, on May 24, police in Ndola stopped opposition UPND members from holding district elections in preparation for the party's national convention (see section 2.a.). On August 28, the Kabwe High Court nullified the 2019 deregistration of the opposition National Democratic Congress party.

In August, Minister of Home Affairs Kampyongo denied requests from organizations seeking to monitor the mobile issuance of national registration cards, a critical first step to register as a voter. The decision curtailed transparency in a key early stage of the electoral process. Additionally, provisions of the Public Order Act and penal code, as well as public health regulations aimed at preventing

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the spread of COVID-19, restricted freedoms of assembly and association and limited the ability of NGOs and private citizens to monitor political processes.

On January 31, the Electoral Commission of Zambia announced that prisoners would be allowed to vote in the 2021 general elections based on the Constitutional Court's 2017 ruling that the electoral law preventing convicted prisoners from voting was unconstitutional. According to the commissioner general of the Zambia Correctional Service, as a result more than 20,000 prisoners may be eligible to vote.

Participation of Women and Members of Minority Groups: There are no laws preventing women or members of minority groups from voting, running for office, and serving as electoral monitors, or otherwise participating in political life on the same basis as men or nonminority citizens, and women and minorities did so. Nevertheless, observers reported that traditional and cultural factors prevented women from participating in political life on the same basis as men. For example, the constitutional requirement of a high school education to qualify as a candidate for election to public office has the effect of disqualifying many female candidates, because they often are unable to complete secondary school due to traditional or cultural factors such as early marriage and the prevailing patriarchal system.

As of September only 28 of 166 members of parliament were women. Few women occupied public decision-making positions; however, constitutional amendments and adoption of policies and programs to promote the participation of women and other minorities resulted in the appointment of more women to leadership positions, particularly in the judiciary and parastatal bodies. According to the NGO Women and Law in Southern Africa, selective implementation of policies and law undermined the full participation of women in political life.

On September 10, three NGOs--the Non-Governmental Coordinating Council, the Chapter One Foundation, and the Young Women for Action--petitioned the Constitutional Court to redress discrimination against women, youth, and persons with disabilities in participating in the democratic process.

Section 4. Corruption and Lack of Transparency in

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Government

The law provides criminal penalties for officials convicted of corruption, and the government attempted to enforce the law but did not do so consistently. Officials often engaged in corrupt practices with impunity. Although the government collaborated with the international community and civil society organizations to improve capacity to investigate and prevent corruption, anticorruption NGOs observed the enforcement rate among senior government officials and in the civil service was low.

According to Transparency International (TI) Zambia, the average conviction rate for those prosecuted for corruption was 10 to 20 percent. The government did not effectively or consistently apply laws against corrupt officials; it selectively applied anticorruption law to target opposition leaders or officials who ran afoul of it. TI Zambia further reported that officials frequently engaged in corrupt practices with impunity.

Corruption: Media reported numerous allegations of government corruption similar to the following example. On June 24, the Anti-Corruption Commission (ACC) arrested Minister of Health Chitalu Chilufya and charged him with four counts of possession of criminally obtained property. On August 25, ACC prosecutor Clifford Moonga informed the Lusaka Magistrate Court that he had been instructed to “offer no further evidence” against Chilufya and the case was dismissed. TI Zambia stated the ACC’s failure to prosecute Chilufya successfully could erode public confidence in the integrity of the government.

Financial Disclosure: The law only provides for income and asset disclosure by a small fraction of political officeholders and public servants. Although the Anti-Corruption Act requires certain ACC officers to disclose their assets and liabilities prior to taking office, it does not apply to other public officials. Under the Electoral Process Act, only presidential and vice presidential candidates are required to declare their assets and liabilities. Conviction of making a false declaration is punishable by seven years’ imprisonment without the option of a fine. Some government institutions, such as the Zambia Revenue Authority, maintained integrity committees to enhance asset disclosure mechanisms within

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the workplace. In several other institutions, asset disclosure requirements were vague or inadequately enforced.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were not always cooperative or responsive to views critical of the government. In 2019 officials at the Ministry of Mines and Minerals Development sought to impede release of a Human Rights Watch (HRW) report that criticized some elements of the government's response to lead pollution in the area surrounding a former lead mine in Kabwe. After numerous attempts to work with the government on a joint launch of the findings, HRW eventually decided to release the report outside the country.

Government Human Rights Bodies: The HRC is an independent body established by the constitution to contribute to the promotion and protection of human rights. The HRC monitored human rights conditions, interceded on behalf of persons whose rights it believed the government denied, and spoke on behalf of detainees and prisoners. The HRC and independent human rights committees across the country enjoyed the government's cooperation without substantial political interference.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape and other sexual offenses, and courts have discretion to sentence convicted rapists to life imprisonment with hard labor.

The law does not include provisions for spousal rape. The penal code criminalizes

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domestic violence between spouses and among family members living in the same home. The law provides for prosecution of most crimes of gender-based violence, and penalties for conviction range from a fine to 25 years' imprisonment, depending on the severity of injury and whether a weapon was used. The law provides for protection orders for victims of domestic violence and gender-based violence, and such orders were issued and enforced. Despite this legal framework, rape remained widespread. Although the law criminalizes rape and domestic violence, the government did not always consistently enforce the law.

To address the problem of gender-based violence, the government engaged traditional marriage counselors on gender-based violence and women's rights in collaboration with NGOs. The government and Young Women's Christian Association worked to address these problems through community sensitizations, shelters, toll-free lines, and one-stop centers where victims accessed counseling and legal support services. The Victim Support Unit under the Zambia Police Service, staffed with trained personnel, supplemented these efforts. Other efforts to combat and reduce gender-based violence included curriculum development for training police officers, roadshows to sensitize the public about gender-based violence, and instruction on how to file complaints and present evidence against perpetrators.

A gender-based violence information management system in the government Central Statistics Office strengthened monitoring and reporting of cases of gender-based violence. The system, which allows for effective and comprehensive reporting of gender-based violence and improved support, including legal services, social, economic, and overall national planning, has increased the number of reported cases.

Human rights-focused NGOs observed that the country's dual system of customary and statutory law made it difficult to combat and deter injustices against women.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C for women and girls. The NGO Women and Law in Southern Africa and other human rights-focused NGOs reported that labia elongation--the practice of pulling of the labia, a type of FGM/C intended to elongate the labia--was widely practiced. There were, however, indications the incidence rate was declining, especially in

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urban areas.

Sexual Harassment: Sexual harassment was common, and the government took few steps to prosecute harassment during the year. Although the penal code contains provisions under which some forms of sexual harassment of women may be prosecuted, the provisions are inadequate to protect women effectively from sexual harassment. The Non-governmental Gender Organizations' Coordinating Council received many reports of sexual harassment in the workplace but noted stringent evidence requirements often prevented victims from filing charges against their harassers. Family pressure on victims to withdraw complaints--especially when perpetrators were also family members--also hampered prosecution.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children and to manage their reproductive health free from discrimination, coercion, or violence. Lack of access to information and services, however, remained a problem. Many women lacked access to contraception and skilled attendance during childbirth, including essential prenatal, intrapartum, and postpartum care.

Barriers to access to reproductive health services included myths and misconceptions regarding contraceptive use and inadequate reproductive health infrastructure, including insufficient skilled health-care providers, communication, and referral systems. These barriers were greatest in remote, hard-to-reach rural areas, contributing to significant inequalities in access to and availability of maternal and reproductive services.

Through the Zambia-UN Joint Program on Gender Based Violence, the government provided access for survivors of sexual violence to sexual and reproductive health services.

The maternal mortality ratio was 278 deaths per 100,000 live births in 2018. The three major causes of maternal mortality were postpartum hemorrhage, hypertensive disorders, and septicemia. According to the *Zambia 2018 Demographic and Health Survey*, 80 percent of child births were assisted by a skilled provider, the pregnancy rate for girls and women between ages 15 and 19

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was 29 percent, and the median age of having the first child was 19, indicating limited contraceptive use among teenagers.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: In contrast to customary law, the constitution and other laws provide for the same legal status and rights for women as for men, including under family, labor, property, and nationality laws. The government did not adequately enforce the law, and women experienced discrimination. For example, customary land tenure and patriarchal systems discriminate against women seeking to own land. This situation restricts women's access to credit as they lack the collateral that land ownership provides.

Children

Birth Registration: Citizenship is derived from one's parents or, with the exception of refugees, by birth within the country's territory. Birth registration was neither denied nor provided on a discriminatory basis. Failure to register births did not result in the denial of public services, such as education or health care, to children, and there were no differences in birth registration policies and procedures between girls and boys. Both state and nonstate institutions accepted alternative documents to access other basic services.

Education: Although the Education Act provides for free and compulsory education for children of "school-going age," the act neither sets a specific age nor defines what is meant by "school-going age." These omissions may leave children particularly vulnerable to child labor (see section 7.b.). The numbers of girls and boys in primary school were approximately equal, but only 37 percent of children who completed secondary school were girls.

Child Abuse: The punishment for conviction of causing bodily harm to a child is five to 10 years' imprisonment, and the law was generally enforced. Beyond efforts to eliminate child marriage, there were no specific initiatives to combat child abuse.

Child, Early, and Forced Marriage: The legal age of marriage is 16 for boys

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and girls with parental consent and 21 without consent. There is no minimum age under customary law. UNICEF reported that in 2018 29 percent of women between ages 20 and 24 had been married before age 18, and 5 percent before age 15. UNICEF reported child marriage was largely between peers, rather than forced. According to the Young Women's Christian Association and UNICEF, early and forced marriages were prevalent, particularly in rural areas. The government adopted a multisectoral approach to stop child marriage, including keeping children in school, creating re-entry policies for girls who become pregnant, and strengthening the role of health centers for sexual reproductive health. These efforts were articulated by the *National Strategy on Ending Child Marriage (2016-2021)* launched in 2017. Other efforts by the government and other nonstate actors included community sensitization and withdrawing children from child marriages, supported by several traditional leaders.

The government, parliamentarians, civil society organizations, and donors worked together to fight early and forced marriages. The Ministries of Chiefs and Traditional Affairs; Gender; and Youth, Sport, and Child Development, in collaboration with traditional leaders, NGOs, diplomatic missions, and other concerned persons, increasingly spoke out against early and forced marriages. Some local leaders nullified forced and early marriages and placed the girls removed from such marriages in school.

Sexual Exploitation of Children: The minimum age for consensual sexual relations is 16. The law provides penalties of up to life imprisonment for conviction of statutory rape or defilement, which the law defines as the unlawful carnal knowledge of a child younger than age 16. The minimum penalty for a conviction of defilement is 15 years' imprisonment.

The law criminalizes child prostitution and child pornography and provides for penalties of up to life imprisonment for convicted perpetrators. The law provides for prosecution and referral to counseling or community service of children age 12 and older engaged in commercial sex, but authorities did not enforce the law, and commercial sexual exploitation of children was common. According to UNICEF, transactional sexual exploitation of young girls--that is, sex in exchange for food,

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clothes, or money among extremely vulnerable girls--was prevalent.

Displaced Children: According to UNICEF and UNHCR, there were 6,250 child refugees registered in 2019 at Mantapala refugee resettlement in Luapula Province, of whom 1,001 were unaccompanied and separated children. The government provided them with appropriate services.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There were fewer than 500 persons in the Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, transportation, access to health care, and the provision of other government services. The enactment of the Mental Health Act in April 2019 updated the legal framework by repealing the antiquated Mental Disorders Act, establishing the Mental Health Council, and giving effect to certain provisions of the UN Convention on the Rights of Persons with Disabilities and other regional and international instruments.

Despite this progressive step, the Zambia Agency for Persons with Disabilities (ZAPD) reported the government did not consistently enforce its law. ZAPD reported police and other government institutions did help prevent violence against

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persons with disabilities by investigating allegations of violence.

The Ministry of Community Development and Social Services oversees the government's implementation of policies that address general and specific needs of persons with disabilities in education, health care, buildings access, and electoral participation.

A lack of consolidated data was a major impediment to the inclusion of persons with disabilities in government programming and policy. Persons with disabilities had limited access to education and correspondingly low literacy levels. While the government did not restrict persons with physical or mental disabilities from voting or otherwise participating in most civic affairs, progress in providing for their participation remained slow. Persons with disabilities also faced significant societal discrimination in employment and education.

By law the government must provide reasonable accommodation for all persons with disabilities seeking education and provide that "any physical facility at any public educational institution is accessible." Public buildings, including schools, prisons, and hospitals, rarely had facilities to accommodate persons with disabilities. Five schools were designated for children with disabilities. Some children with physical disabilities attended mainstream schools, but long distances to school restricted others from accessing education. According to ZAPD, three types of education systems were accessible to children with disabilities: segregated education (special schools), integrated education (special units), and inclusive education. The majority of children with disabilities attended special schools, while the rest attended special units. There were 150 schools practicing inclusive education in selected provinces during the year. The government also developed and promoted employment recruitment strategies for persons with disabilities seeking to enter the civil service and had a university student loan program for students with disabilities.

Members of National/Racial/Ethnic Minority Groups

There are seven major ethnic and language groups--Bemba, Kaonde, Lozi, Lunda, Luvale, Ngoni, and Tonga--and 66 smaller ethnic groups, many of which are related to the larger tribes. The government generally permitted autonomy for

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ethnic minorities and encouraged the practice of local customary law. Some political parties maintained political and historical connections to tribal groups and promoted their interests. Trends towards regionalism and tribalism that marred the 2016 general election contributed to divisions among tribal groups.

The government grants special recognition to traditional leaders nationwide. It does not recognize the 1964 Barotseland Agreement that granted the Lozi political autonomy and was signed by the United Kingdom, Northern Rhodesia, and the Barotse Royal Establishment immediately prior to the country's independence. Some Lozi groups continued to demand official recognition of the Barotseland Agreement, while others pushed for independence.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual activity, and penalties for conviction of engaging in “acts against the order of nature” are 15 years’ to life imprisonment. Conviction of the lesser charge of gross indecency carries penalties of up to 14 years’ imprisonment. The government continued to reject calls to recognize and protect lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights. In September 2019 while attending the 74th Session of the UN General Assembly, the president reiterated that LGBTI rights “cannot be replicated in Zambia because they are a taboo” in local culture. The government enforced laws against same-sex sexual activity and did not address societal discrimination against LGBTI persons. In November 2019 the Lusaka High Court upheld the convictions of two Kapiri Mposhi gay men for consensual same-sex sexual conduct and sentenced them to the mandatory minimum sentence of 15 years’ imprisonment. In May the president pardoned the two men along with other inmates released as a COVID-19-induced health measure reducing prison overcrowding.

Societal violence against persons based on gender identity and sexual orientation occurred. LGBTI persons in particular were at risk of societal violence due to prevailing prejudices, misperceptions of the law, lack of legal protections, and inability to access health-care services. Most politicians, media figures, and religious leaders expressed opposition to basic protections and human rights for

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LGBTI persons and same-sex marriage.

According to LGBTI advocacy groups, societal violence against LGBTI persons occurred, as did discrimination in employment, housing, and access to education and health care. LGBTI groups reported frequent harassment of LGBTI persons and their families, including threats via text message and email, vandalism, stalking, and outright violence. Freedom of expression or peaceful assembly on LGBTI issues remained nonexistent.

HIV and AIDS Social Stigma

The government actively discouraged discrimination against persons with HIV/AIDS. Most employers adopted nondiscriminatory HIV/AIDS workplace policies. Training of the public sector, including the judiciary, on the rights of persons with HIV/AIDS increased public awareness and acceptance, but societal and employment discrimination against such individuals persisted. The government continued to make progress in changing entrenched attitudes of discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of most workers to form and join independent unions, conduct legal strikes, and bargain collectively. Statutory restrictions regulate these rights; the government has discretionary power to exclude certain categories of workers from unionizing, including prison staff, judges, court registrars, magistrates, and local court justices. The law also requires the registration of a trade union with the Ministry of Labor and Social Security, which may take up to six months. The ministry has the power to refuse official registration on arbitrary or ambiguous grounds.

No organization may be registered as a trade union unless its application is signed by at least 50 employees or such lesser number as may be prescribed by the Minister of Labor and Social Security. With some exceptions, a trade union may not be registered if it claims to represent a class of employees already represented

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by an existing trade union. Unions may be deregistered under certain circumstances, but the law provides for notice, reconsideration, and right of appeal to an industrial relations court.

The government, through the Ministry of Labor and Social Security, brokers labor disputes between employers and employees. Casualization and unjustifiable termination of employment contracts is illegal. The law defines a casual employee as an employee engaged for less than a day.

In cases involving the unjustified dismissal of employees, the Ministry of Labor and Social Security settles disputes through social dialogue, and any unresolved cases are sent to the Industrial Relations Division of the High Court. Penalties were not commensurate with those for other similar violations. The law also provides a platform for employers, workers, and government to discuss matters of mutual interest through the Tripartite Consultative Labor Council.

The law provides for collective bargaining. In certain cases, however, either party may refer a labor dispute to a court or for arbitration. The International Labor Organization raised concerns the law did not require the consent of both parties involved in the dispute for arbitration. The law also allows for a maximum period of one year for a court to consider the complaint and issue a ruling. Collective bargaining agreements must be filed with the commissioner and approved by the minister before becoming binding on the signatory parties.

With the exception of workers engaged in a broadly defined range of essential services, the law provides for the right to strike if all legal options are first exhausted. The law defines essential services as fire departments, the mining sector, sewage removal, and any activity relating to the generation, supply, or distribution of electricity and water. Employees in the defense force and judiciary as well as police, prison, and intelligence service personnel are also considered essential. The process of exhausting the legal alternatives to a strike is lengthy. The law also requires a union to notify employers 10 days in advance of strike action and limits the maximum duration of a strike to 14 days. If the dispute remains unresolved, it is referred to the court. The government may stop a strike if the court finds it is not “in the public interest.” Workers who engage in illegal

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strikes may be dismissed by employers.

The law prohibits antiunion discrimination and employer interference in union functions, and it provides for reinstatement and other remedies for workers fired for union activity. Except for workers in “essential services,” no other groups of workers are excluded from relevant legal protections. The law covers workers in the informal sector but is seldom applied. Administrative judicial procedures were subject to lengthy delays and appeals.

The government did not effectively enforce the law. Penalties for employers were not commensurate with those for similar violations and were not effectively enforced. During the year the government interfered with the administrative affairs of trade unions. In February the Ministry of Labor and Social Security terminated the recognition agreement between the University of Zambia and the University of Zambia Lecturers and Researchers Union after the union protested against erratic payment of lecturers’ salaries and criticized poor government funding to the university. In August, however, the Lusaka High Court nullified the termination and restored the agreement. Other challenges that constrained effective enforcement included unaligned pieces of legislation, lack of financial capacity to implement programs, and lack of trained officers to enforce legislation.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The law authorizes the government to call upon citizens to perform labor in specific instances, such as during national emergencies or disasters. The government also may require citizens to perform labor associated with traditional, civil, or communal obligations.

An employment code passed in 2019 criminalizes all forms of forced or compulsory labor. Penalties for conviction of violations range from a fine, up to two years’ imprisonment, or both. Penalties were commensurate with those for similar violations.

The government did not effectively enforce the law. While the government investigated cases involving a small number of victims, it did not investigate more

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organized trafficking operations potentially involving forced labor in the mining, construction, and agricultural sectors. According to the Zambia Congress of Trade Unions (ZCTU), there is no standard system for collecting data on forced labor.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all of the worst forms of child labor, but gaps hamper adequate protection of children. The law prohibits the employment of children younger than age 15 at any commercial, agricultural, or domestic worksite or engaging a child in the worst forms of child labor. The employment code consolidates all child-related labor laws into a single law to provide regulations on the employment and education of children. Restrictions on child labor prohibit work that harms a child's health and development or that prevents a child's attendance at school.

The government did not effectively enforce the law in the informal sector, where child labor was prevalent. Resources, inspections, and remediation were inadequate. The law does not stipulate an age for compulsory education, and children who were not enrolled were vulnerable to child labor.

While the labor commissioner enforced minimum age requirements in the industrial sector, where there was little demand for child labor, the government seldom enforced minimum age standards in the informal sector, particularly in artisanal mining, agriculture, and domestic service. Although the government reported a National Child Labor Steering Committee composed of government ministries oversaw child labor activities, the Zambian Federation for Employers, the ZCTU, civil society, and other stakeholders stated the committee was not active during the year. The government collaborated with local and international organizations to implement programs combatting child labor. Because most child labor occurred in the agricultural sector, often on family farms or with the consent of families, inspectors from the Ministry of Labor and Social Security focused on counseling and educating families that employed children. In some cases such work also exposed children to hazardous conditions. Scarcity of financial and human resources, including lack of transportation, hampered the ability of labor

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inspectors and law enforcement agencies to investigate alleged violations and successfully prosecute cases.

Child labor was prevalent in agriculture, fisheries, domestic service, construction, farming, commercial sexual exploitation (see section 6, Children), quarrying, begging and mining. UNICEF noted discrepancies between the right to education and child labor laws in the country; the employment code allows children ages 13 to 15 legally to be engaged in work, which conflicts with the child's right to education.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>, and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The employment code prohibits employment discrimination on the basis of race, religion, national origin, color, sex, ethnicity, disability, age, or refugee status but does not specifically prohibit such discrimination based on HIV/AIDS status, sexual orientation, or gender identity. Various organizations had policies that protected individuals with HIV/AIDS. Although the employment code provides for maternity leave, it requires a worker be continuously employed for two years before being eligible for such leave. Some NGOs warned the code was likely to have a negative impact on women because potential employers would see hiring them as a financial risk, since the increased maternity leave allowance provides for up to 14 weeks with full pay. The law prohibits termination or imposition of any penalty or disadvantage to an employee due to pregnancy.

The government did not consistently enforce the law. There were reports of discrimination against minority groups. Undocumented migrant workers are not protected by the law and faced discrimination in wages and working conditions.

Discrimination in employment and occupation occurred with respect to gender, disability, sexual orientation, and gender identity. LGBTI persons were at times dismissed from employment or not hired because of their sexual orientation or

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gender identity. Women's wages lagged behind men's, and training opportunities were less available for women. Women were much less likely to occupy managerial positions. Persons with disabilities faced significant societal discrimination in employment, education, and access to the workplace.

e. Acceptable Conditions of Work

The law allows the Ministry of Labor and Social Security to set wages by sector; the category of employment determines the minimum wage and conditions of employment. The minimum wage categories, last revised in 2019, at the low end were slightly above World Bank poverty estimates for a lower-middle income country but lower than the Basic Needs Basket. Before an employee commences employment or when the nature of employment changes, an employer is required to explain employee conditions of employment, including with regard to wages. For unionized workers, wage scales and maximum workweek hours were established through collective bargaining. Almost all unionized workers received salaries considerably higher than the nonunionized minimum wage. Penalties for violations of wage and hour laws were commensurate with those for similar violations.

According to the law, the normal workweek should not exceed 48 hours. The standard workweek is 40 hours for office workers and 45 hours for factory workers. There are limits on excessive compulsory overtime, depending on the category of work. The law provides for overtime pay. Employers must pay employees who work more than 48 hours in one week (45 hours in some categories) for overtime hours at a rate of 1.5 times the hourly rate. Workers receive double the rate of their hourly pay for work done on a Sunday or public holiday. The law requires that workers earn two days of annual leave per month without limit.

The law regulates minimum occupational safety and health (OSH) standards in industry. According to Workers Compensation Fund Control Board and the Ministry of Labor and Social Security, government OSH standards are appropriate for the main industries. The law places on both workers and experts the duty to

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identify unsafe situations in a work environment.

The government did not consistently enforce the law. Inspection was inadequate and did not extend to the informal sector. Safety and health standards were only applied in certain sectors of the formal economy. According to the ZCTU, compliance levels to standardized overtime pay were low due to insufficient enforcement.

During the year media reported incidents of Chinese-owned firms forcing workers into quarantine to prevent the spread COVID-19 among them. For example, the state-run newspaper *Zambia Daily Mail* reported that in May, five workers at the Chinese Dafa Construction Company in Chongwe were quarantined at their worksite for two months. One of the five workers stated, “We have not been to our homes, and it is against our wish. We eat well, but our employers don’t allow us to go to our homes saying we will contract COVID 19” if we leave. Additionally, the Chinese-owned truck assembly factory Delta, allegedly quarantined six Zambian workers by force in a container as a measure to prevent the spread of COVID-19.

The Ministry of Labor and Social Security shut down two other Chinese companies for violating labor laws by quarantining their workers in unventilated rooms for two months. According to labor reports, Chueng Zhu Hardware detained 15 workers for more than two months without pay, Louise Investment Limited had 13 employees locked up in a single room, and another Chinese store, Kaikai Hardware, locked up 12 workers. According to the ZCTU, the effected employees received no overtime pay or additional compensation, the ZCTU reported.

The government engaged with mining companies and took some steps to improve working conditions in the mines. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities did not effectively protect employees in these situations. Despite these legal protections, workers generally did not exercise the right to remove themselves from work situations that endangered their safety or health, and workers who protested working conditions often jeopardized their employment.

Violations of wage, overtime, or OSH standards were most common in the

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construction and mining sectors--particularly in Chinese-owned companies--and among domestic workers.