

# ZAMBIA 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Zambia is a constitutional republic governed by a democratically elected president and a unicameral national assembly. In October 2014 then president Sata died in office. On January 20, voters elected Patriotic Front (PF) candidate Edgar Lungu president in a by-election. International and local observers considered the election to have been conducted freely and cited few irregularities. Although the results were credible, however, media coverage, police presence, and legal restrictions heavily favored the ruling party and prevented the election from being genuinely fair. Civilian authorities maintained effective control over the security forces.

The most significant human rights problems during the year were abuses by police, including reports of unlawful killings, torture, and beatings; political violence; restrictions on freedom of the press, assembly, association, and speech; and gender-based violence (GBV).

Other serious human rights problems included life-threatening prison conditions; arbitrary arrest; prolonged pretrial detention; arbitrary interference with privacy; displacement of landowners; government corruption; child abuse; trafficking in persons; discrimination against persons with disabilities and members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community; and child labor. The government took selective and halting steps to prosecute or punish officials who committed abuses, targeting mostly those who opposed the ruling party. Impunity remained a problem, as ruling party supporters were either not prosecuted for serious crimes or, if prosecuted, released after serving small fractions of prison sentences.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were several reports the government or its agents committed arbitrary or unlawful killings. For example on May 14, police in Mongu District shot and killed an unarmed man suspected of breaking into the provincial police commissioner's residence. On September 2, the Lusaka High Court handed down death sentences to Noah Mukuka, Teddy Mwansa, and Gilbert Kagoba, police officers convicted of unlawfully killing three suspects in 2010.

## **b. Disappearance**

There were no reports of politically motivated disappearances.

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

Although the constitution prohibits subjecting any person to torture or to inhuman or degrading punishment, no laws specifically address torture. There were reports police frequently used excessive force, including torture, and cruel, inhuman, or degrading treatment when apprehending, interrogating, and detaining criminal suspects.

For example on September 7, police in Lukulu in Western Province reportedly beat Boyd Nyambe unconscious. Police suspected him of leading a group of ethnic Lozis who painted slogans on government vehicles in support of an independent Barotseland. According to the Human Rights Commission (HRC), police stated that beating suspects helped in obtaining confessions. In contrast with 2014, human rights nongovernmental organizations (NGOs) reported incidents of police who raped women and girls in their custody or demanded sex as a condition of release. For example on February 12, police in Kabwe in Central Province arrested an inspector accused of the rape of a woman detained at the Kasanda Police Station. The inspector was acquitted on April 26, when the woman did not appear before court.

## **Prison and Detention Center Conditions**

Prison conditions were harsh and life threatening due to overcrowding, frequent outbreaks of disease, food and potable water shortages, and poor sanitation and medical care.

Physical Conditions: According to NGO Prisons Care and Counseling Association (PRISCCA), the country's 90 prisons--55 standard prisons, 33 open-air prisons, and two juvenile reformatories--had a capacity of 8,250 inmates but held approximately 18,500 persons. For example prisoners at Isoka State Prison took turns lying down to sleep because their cell, built for 40 persons, held 140. An inefficient judiciary and a failure to process detainees eligible for release on bond or bail contributed significantly to overcrowding. According to the HRC, more

than 80 percent of accused persons at the pretrial stage who were eligible for bail or bond were not processed.

Approximately 3 percent of inmates were women, and 3 percent were juveniles. The Prisons Act requires separation of different categories of prisoners, but only female prisoners were held separately; juveniles and pretrial detainees were often held together. For example, of 16 state prisons inspected by the HRC during the year, only three had a separate section for juveniles. Many juvenile detainees were held for as long as two to three years in the same quarters as adults who had committed serious crimes. Prisons also held an undetermined number of “circumstantial children,” who were either born in prison or living in prisons while their mothers served out sentences.

Prisons did not adequately address the needs of persons with disabilities. According to a study jointly conducted by the Ministry of Home Affairs with PRISCCA and other NGOs, persons with psychosocial and intellectual disabilities were often denied medical or psychiatric care.

Prison deaths occurred because of poor prison conditions.

Prisons generally had inadequate ventilation, temperature control, lighting, and basic and emergency medical care. Many prisoners were malnourished because they received only one serving of cornmeal and beans per day, called a combined meal because it represented breakfast, lunch, and dinner. The HRC noted, however, that some prisons began serving three meals per day. Prison officers often arbitrarily prohibited family members from providing additional food to prisoners.

Inadequate and deficient medical facilities, meager food supplies, and lack of potable water resulted in serious outbreaks of water- and food-borne diseases, including dysentery and cholera. In June prison authorities at Senanga Remand Prison told a visiting High Court judge the facility had been operating for more than a month without running water.

The incidence of tuberculosis remained very high due to congestion, the lack of compulsory testing, and transfers of prisoners to and from prisons. The estimated HIV prevalence in prison was 27 percent, compared with 13 percent in the general population. Commissioner General of Prisons Percy Chato attributed the high HIV/AIDS prevalence in prisons to “sodomy,” but the government refused to provide condoms to inmates.

The prison system had two medical doctors--one of whom also performed managerial duties--to attend to 21 prison-based clinics countrywide. In addition the Ministry of Health provided mobile hospital facilities to prisons. The supply of tuberculosis medication and other essential drugs was erratic, which NGOs attributed to inadequate funding. Failure to remove or quarantine sick inmates resulted in the spread of tuberculosis and other illnesses, leading to infection and death of prisoners. Both the HRC and PRISCCA expressed concern at the lack of special isolation facilities for the sick and for persons with psychiatric problems.

Prisoners were routinely denied access to medical care. Prison rules require that prison authorities, despite not having medical training, assess prisoners' need for medical treatment and that police escort prisoners receiving medical attention elsewhere.

In June, Chato announced authorities engaged two HIV- education organizations to sensitize prisoners on HIV/AIDS and tuberculosis. Chato announced that as of June, a team of specialists had covered 20 of 90 prisons. Chato also noted tuberculosis cases remained 15 to 20 times higher than in the general population.

Prisons Service officials and NGO partners improved and expanded HIV testing in prisons. Antiretroviral treatment was available to prisoners infected with HIV, but poor nutrition often compromised treatment effectiveness. Authorities denied prisoners access to condoms because the law criminalizes sodomy and prevailing public opinion weighed against doing so. Both the prison authorities and the Medical Association of Zambia advocated for prisoners' conjugal rights as a way to reduce prison HIV rates. Discriminatory attitudes toward the most at-risk populations (persons in prostitution and men who have sex with men) stifled the development of outreach and prevention services for these groups.

There were no prison facilities for breastfeeding and pregnant women. Incarcerated women who had no alternative for childcare could choose to have their infants and children under age four with them in prison. Although a law on the care of circumstantial children exists, inadequate infrastructure and funding prevented its implementation. Prisons provided no food or medical services to children, and mothers had to share meager rations with their children in an environment lacking appropriate medical care, which often exposed children to disease.

According to the 2013 National Audit of Prisons, female inmates had limited access to health services. Gynecological care, cervical cancer screening, prenatal services, and prevention of mother-to-child transmission programs were nonexistent. Female inmates relied on donations for the provision of underwear, sanitary pads, diapers for infants and toddlers, and soap. Only Kabwe Female Prison was built for female habitation, while other prisons were forced to improvise to accommodate female inmates.

Administration: Recordkeeping was inadequate. In April Justice Minister Ngosa Simbyakula stated that the records of more than 30 death-row inmates at Mukobeko Maximum Security Prison were missing. PRISCCA attributed delays in appeals for convicted offenders to the judiciary's poor recordkeeping and misplaced and lost files. Although provided for by the penal code, alternatives to incarceration for nonviolent offenders were applied sparingly, generally to juvenile offenders. There were no ombudsmen to promote the interests of inmates. Prisoners and detainees generally could not submit complaints to judicial authorities or request investigation of credible allegations of inhuman conditions.

Independent Monitoring: The government permitted prison visits by both domestic and international NGOs, including by religious institutions. Local NGOs visited prisons, advocated for better prison conditions, and published critical reports. The HRC campaigned to eradicate torture within the prison system.

Improvements: The government opened new prison facilities in Kalabo and Monze during the year, marginally reducing overcrowding. According to PRISCCA, prison capacity increased from 7,250 in 2014 to 8,250. Judges marginally increased the application of community service, fines, and other sentencing alternatives for minor offenses, especially for pregnant women and juvenile detainees. Expedited reformatory placement reduced pretrial detention of juveniles. The government reformed administration of the Prison Service to make it more independent and self-reliant.

#### **d. Arbitrary Arrest or Detention**

Although the constitution and law prohibit arbitrary arrest and detention, the HRC reported the authorities frequently violated these prohibitions. Immigration Department officers raided religious and other places of assembly and detained suspected undocumented migrants before thorough investigation. Authorities wrongly detained persons with valid legal documentation--at times including

Zambian citizens. For example on April 5, authorities raided a Pentecostal church in Lusaka and detained 153 foreign nationals.

### **Role of the Police and Security Apparatus**

The Zambia Police Service (ZPS) reports to the Ministry of Home Affairs. Divided into regular and paramilitary units, the ZPS has primary responsibility for maintaining law and order. The Zambia Security and Intelligence Service (ZSIS), under the Office of the President, is responsible for external and internal intelligence. The Central Police Command in Lusaka oversees 10 provincial police divisions with jurisdiction over police stations in towns countrywide.

The army, air force, and national service are responsible for external security. The commander of each service reports to the minister of defense. By law defense forces have domestic security responsibilities only in cases of national emergency. In addition to security responsibilities, the Zambia National Service performs road maintenance and other public-works projects and runs state farms for displaced children.

Paramilitary units of the ZPS, customs officers, and border patrol personnel watch over lake, river, and other border areas. The Drug Enforcement Commission is responsible for enforcing the laws on illegal drugs, fraud, counterfeiting, and money laundering. The Drug Enforcement Commission, customs, and border patrol personnel also operate under the Ministry of Home Affairs.

Impunity was a problem. Senior police officials disciplined some officers for engaging in the extortion of prisoners by suspending them or issuing written reprimands, but many abuses went unaddressed. Dismissals of officers for extortion were rare.

### **Arrest Procedures and Treatment of Detainees**

The constitution and law require authorities to obtain a warrant before arresting a person for most offenses. Police do not need a warrant when they suspect a person has committed offenses such as treason, sedition, defamation of the president, or unlawful assembly. Police rarely obtained warrants before making arrests.

Although the law requires that detainees appear before a court within 24 hours of arrest and be informed of the charges against them, authorities routinely held detainees for much longer periods while prosecutors and police collected evidence

before presenting cases to a court. The HRC noted this was particularly common in rural districts, where subordinate courts operated in circuits. Since by law magistrate courts have no jurisdiction over cases that occur outside the district, detainees could be tried only when a circuit court judge was in the district. Problems of inadequate transportation, investigatory inefficiency, and political interference also delayed being promptly be charged and judged.

Although there was a functioning bail system, more than 6,000 prisoners remained incarcerated without trial, creating a massive administrative backlog in bail and bond cases. Bail is not authorized in cases of murder, aggravated robbery, and violations of narcotics laws. Courts often required that at least one employed person, often a government employee, vouch for the detainee, a particularly onerous requirement for government opponents and the poor. Authorities frequently refused or delayed bail in politically sensitive cases. For instance on July 16, police arrested *The Post* newspaper editor Fred M'embe and journalist Mukosha Funga for alleged publication of classified material. They were held for one day before being granted bail.

Detainees were not allowed prompt access to a lawyer in many cases. Although the law obligates the government to provide an attorney to indigent persons who face serious charges, many indigent defendants received no legal counsel. The government's legal aid office and the Legal Resources Foundation provided some legal services to indigent arrestees.

Arbitrary Arrest: According to human rights groups, arbitrary or false arrest and detention remained problems. In a change from prior stated policy on police independence, the Inspector General of Police Stella Libongani on August 10 announced the president had the right to order police to investigate or arrest anyone. Police arbitrarily summoned family members of criminal suspects, often for questioning. Authorities often arrested criminal suspects based on uncorroborated accusations or as a pretext for extortion. Human rights groups reported police routinely detained citizens after midnight, a practice only legal during a state of emergency. For example in several "compound" areas--urban settlements characterized by high population density--police arrested residents after dark to clear the streets.

Police arbitrarily arrested opposition leaders and journalists. Police detained and questioned opposition United Party for National Development (UPND) leader Hakainde Hichilema several times as well as members of parliament who supported him.

Pretrial Detention: Prolonged pretrial detention continued to be a problem. Thirty-two percent of prison inmates were in pretrial detention. On average detainees spent an estimated two years in pretrial detention, which often exceeded the length of the prison sentence corresponding to their alleged crime. Contributing factors included the pretrial detainees who could not meet bail requirements, trial delays and adjournments due to absent prosecutors and their witnesses, and judicial inefficiency. For example on March 16, the Kitwe High Court discovered two cases in which persons convicted by lower courts in 2011 and 2012 had yet to be sentenced.

Amnesty: On May 25, African Freedom Day, the president granted amnesty to 177 prisoners. On December 25, Christmas Day, the president granted amnesty to 502 prisoners.

#### **e. Denial of Fair Public Trial**

While the constitution and law provide for an independent judiciary, the government did not consistently respect judicial independence. In one controversial case, PF Secretary General Chama demanded High Court Judge Mwila Chitabo retract a judgment that overturned the president's appointment of a tribunal to investigate suspended Director of Public Prosecution Mutembo Nchito. Chama alleged Judge Chitabo's action did not respect presidential prerogatives. Chitabo reversed his ruling. The Law Association of Zambia condemned Chama's intimidation as unconstitutional.

There were reports of police not following court orders. For example on August 20, police prevented bailiffs from executing a High Court order to recover Zambezi Portland Cement Limited debts.

#### **Trial Procedures**

Defendants enjoyed the right to a presumption of innocence but were not always informed promptly and in detail of the charges against them. Trials were public but usually delayed. The law does not provide for trial by jury. Defendants enjoyed the right to consult with an attorney of their choice, to have adequate time to prepare a defense, and to confront or question witnesses against them, although they had limited access to government-held evidence. Indigent defendants were rarely provided an attorney at state expense. Interpretation services in local



languages were available in most cases. There were no reports defendants were compelled to testify or confess guilt. Defendants had the right to appeal.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Complainants may seek redress for human rights abuses from the High Court. Individuals or organizations may seek civil remedies for human rights violations and appeal court decisions to the African Court of Human and Political Rights. In May a group of Barotse activists appealed to the court, seeking to compel the government to respond to a legal argument for the region's independence. The appeal was pending at year's end.

#### **f. Arbitrary 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, defamation of the president, or unlawful assembly. Police routinely entered homes when a warrant was legally required.

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 ZSIS, and police authority to monitor communications using wiretaps with a warrant issued based on probable cause, and authorities generally respected this requirement. The government required cell phone service providers to register all subscribers' SIM cards. Critics contended the government's Zambia Information and Communications Technology Agency monitored telecommunications.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

Although the constitution and law provide for freedom of speech and press, the law contains some provisions the government used to restrict these freedoms.

Freedom of Speech and Expression: The government remained sensitive to public criticism in general and criticism by the political opposition in particular. It was quick to prosecute critics on the pretext of incitement of public disorder. On June 8, police arrested musician Chama Fumba for “conduct likely to cause a breach of the peace.” The arrest came days after he released a song criticizing the PF. On June 9, the Media Institute of South Africa (MISA) called the arrest a violation of freedom of speech. Under NGO and diplomatic pressure, the director of public prosecution dropped charges against Chama Fumba and released him.

Press and Media Freedoms: The government ran two of the country’s four most widely circulated newspapers. One of the two privately owned newspapers opposed the ruling faction of the PF while the other supported the government. Opposition political parties and civil society organizations contended the two government-run and one progovernment private newspaper did not report objectively.

On December 21, the Zambia Media Liaison Committee, characterized the year as one of worst of in terms of violations of press freedom and harassment of journalists. Information Minister and chief government spokesperson Chishimba Kambwili frequently threatened *The Post* for its criticism of the president, stating the newspaper must be balanced in its reporting. On April 23, Kambwili dissolved the government *Zambia Daily Mail* and *The Times of Zambia* boards and dismissed their managing directors, ostensibly because their terms had ended. Critics, however, alleged Kambwili removed the board members and managing directors for failing to defend the president and ruling party from criticism.

In addition to a multichannel government-controlled radio station that broadcasts nationwide, approximately 73 private radio stations broadcast, including community radio stations. These stations experienced increased political pressure throughout the year, including from nominally apolitical civil servants. MISA and other advocacy organizations protested the government stacking the boards of radio stations and state-run newspapers with PF supporters.

Although some local private stations broadcast call-in programs on which diverse and critical viewpoints were expressed freely, media bodies complained journalists received threats and intimidation from senior government officials and politicians after such programs. For example on the evening of August 21, police in Kasama

entered Radio Mano without a warrant to confiscate recordings of a discussion that featured opposition UPND panelists.

Although the government-owned Zambia National Broadcasting Corporation (ZNBC) was the principal local content television station, privately owned Muvi Television also had wide coverage and viewership through satellite broadcasting. Although the ZNBC is required by law to provide equal coverage to opposition political parties, in practice this did not take place, with the broadcaster covering the ruling party and government almost exclusively.

Violence and Harassment: The government stated it tolerated negative articles in newspapers and magazines, but there were several reports government and ruling party officials harassed journalists.

On March 25, police in Chibombo District detained Muvi television journalists Bruce Mwale and Njenje Chizu for not notifying police of random interviews they were conducting in the district. MISA stated there was no police notification law for interviews and accused police of stifling journalistic freedom.

Progovernment political activists and state agents often subjected journalists to physical attack, harassment, and intimidation. On March 10, there were online media claims that presidential political advisor Kaizer Zulu had police harass and prevent the access of accredited journalists to a by-election nomination room in Chawama Constituency. On July 15, PF supporters stormed Radio Ichengelo in Kitwe and prevented a live interview of opposition UPND leader Hichilema.

Censorship or Content Restrictions: The government remained sensitive to media criticism and indirectly censored publications or penalized publishers. For example on July 16, police arrested editor of *The Post* Fred M'membe and reporter Mukosha Funga for publishing a letter from the Anti-Corruption Commission (ACC) stating it was investigating a presidential political aide for soliciting a \$200,000 bribe from a Chinese contractor. Police alleged the letter was classified under the State Security Act.

Libel/Slander Laws: Libel and slander laws were applied against government critics. On February 13, M'membe and Rainbow Party president Wynter Kabimba were charged with defamation of former president Rupiah Banda for articles written about his corruption court case. They were on trial at year's end.

National Security: The government cited national security to restrict media reporting. For example on May 9, Minister of Information Kambwili cited national security reasons for ordering the arrest of persons accused of leaking a Ministry of Finance letter to *The Post* that revealed a \$192 million loan to the government from China.

### **Internet Freedom**

Although access generally was not restricted and individuals and groups could freely express their views via the internet, the government frequently threatened online media with closure. The government restricted access to the antigovernment online publication the *Zambian Watchdog* and other sites critical of the government. Shortly after his appointment as minister of information in February, Chishimba Kambwili threatened to use the “CIA” to close down the *Watchdog*.

The government attempted to restrict and censor antigovernment website content. On August 11, the Lusaka Magistrate Court dismissed charges against former journalism lecturer Clayson Hamasaka, whom police arrested in 2013 on suspicion he contributed to the *Watchdog*. Hamasaka and fellow journalist Thomas Zgambo faced charges of “possessing obscene material,” “possession of seditious material with intent to publish,” and “unlawful possession of a restricted military pamphlet.” The case against Zgambo remained open at year’s end.

According to the International Telecommunication Union, 17 percent of the population used the internet in 2014.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The constitution and law provide for freedom of assembly; however, the government restricted this right. Police and progovernment groups disrupted meetings and activities of opposition political parties and civil society organizations.

The Public Order Act requires political parties to notify police in advance of any rallies but does not require formal approval. In practice, however, police did not allow some gatherings to take place without a permit. Opposition political parties frequently complained about the selective application of the law. Police often denied permits to opposition groups on the grounds of having inadequate staff but, when unapproved rallies were held, responded with force arresting opposition leaders and their supporters. Police also broke up peaceful demonstrations, especially by students. On June 21, police forcibly dispersed subjects of Paramount Chief Mpezeni on the grounds the chief had not informed police he would conduct a rally. Police did not prevent ruling party rallies or gatherings, however.

### **Freedom of Association**

The law provides for freedom of association, but the government placed some limits on this right. All organizations must formally apply for registration to the registrar of societies in the Ministry of Home Affairs. The registration process was long and allowed the registrar considerable discretion. In July 2014 a coalition of civil society organizations sued the government to prevent it from continuing to enforce the 2009 NGO Act--which requires NGOs to register and allow government oversight of their operations--on the grounds it was unconstitutional and violated the right of freedom of association. The government requested an out-of-court settlement, withdrew deregistration threats against NGOs, and engaged a legal consultant jointly with NGOs to identify contents of the act in conflict with the constitution and existing legislation.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

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, asylum seekers, and other persons of concern.

In-country Movement: The government intermittently limited in-country movement. Although police generally used roadblocks to control criminal activity, enforce customs and immigration, check drivers' documents, and inspect vehicles for safety compliance, there were reports police used roadblocks to limit participation in political gatherings, especially during parliamentary by-elections. Police routinely extorted money and goods from motorists at roadblocks.

### **Protection of Refugees**

Access to Asylum: According to UNHCR, although the law provides for the granting of asylum or refugee status, it also gives the minister of home affairs wide discretion to deport refugees without appeal. As of the end of 2014, UNHCR reported there were 50,216 refugees and other persons of concern (former refugees who lost their refugee status but still resided in Zambia) who mostly resided in two refugee settlements, Meheba and Mayukwayukwa. The government updated the Immigration Department's website routinely to display information on locally placed refugees.

Refugee Abuse: GBV was a problem, and authorities failed to provide adequate physical protection. According to the government's 2012 Universal Periodic Review report to the UN Office of the High Commissioner for Human Rights, violence against girls and women--including defilement, rape, marriages of girls age 18 and under, and prostitution--was a major problem affecting female asylum seekers and refugees in camps and among those residing independently, especially in urban areas. Gender inequality, economic dependence on men, and impunity of perpetrators were among the factors contributing to abuse. According to the report, girls reported sexual harassment by teachers in schools in refugee settlements. To address these problems, during the year UNHCR, in conjunction with the UN Development Program, UN Population Fund, and International Organization on Migration, implemented an interagency program aimed at reducing GBV incidence in refugee communities.

Access to Basic Services: Although the government provided basic services, including housing and limited health-care services to refugees, the law does not accord equal access to education. The government provided primary and secondary education in refugee settlements, however. In Meheba there were six government schools and nine schools run by local communities. In Mayukwayukwa there were two government and three community schools. UNHCR provided textbooks and school supplies but reported problems of

absenteeism, especially when there were lapses in the school feeding program. Dropouts were also common due to teenage pregnancy and among child-headed households. The Ministry of Home Affairs' Community Services Department attempted to help vulnerable refugees by providing skills training, supplementary feeding programs, shelter for the elderly, foster care, and back-to-school programs for unaccompanied minors. Refugees had access to law enforcement officers, mobile courts, and some legal services. Refugees were required to obtain government permission to move or live outside refugee camps, which was frequently granted. Government policy limited refugees' legal employment options to refugee camps, unless refugees obtained specific government authorization to work outside camps.

Durable Solutions: The government and UNHCR pursued the integration of Angolans and Rwandans. Subsequent to the cessation of refugee status for Angolans in 2012 and Rwandans in mid-2013, the government pledged to integrate them. During the year the government allocated new settlements while UNHCR provided support for basic services, infrastructure improvement, and establishing income-generating activities for integrated refugees. On June 7, the government announced it would offer local integration to all 18,750 remaining Angolans and an estimated 4,000 Rwandans. UNCHR assisted the government in securing donor assistance to build infrastructure on 500 plots of land allocated for resettlement. The government published criteria and procedures for local integration of former Angolan and Rwandan refugees.

In April 2014 the government launched the Local Integration Framework to assist integration and resource mobilization. Most of the categories for local integration were taken from the country's immigration law and included children of a Zambian parent, foreigners married to Zambians, and holders of investment or employment permits. The government also created a category for refugees or children of refugees who arrived in the country between 1966 and 1986 and remained continuously in the country for 20 to 30 years.

Temporary Protection: The government provided temporary protection to individuals who may not qualify as refugees, and the recognition rate of asylum claims was high. The recourse for those rejected was appeal to the minister of home affairs.

Provincial and district joint operations committees are responsible for establishing the identity of refugee-status seekers and their reasons for leaving their country of origin. According to the Department of Immigration, the government intercepted

several groups from the Horn of Africa and other parts of Africa at the border and within the country during the year. UNHCR exercised its role to intercede with the director of immigration to prevent forced deportations. The sole instance of forced removal during the year occurred in October, when five Burundians crossed into Zambia from Tanzania. The deputy regional immigration officer for Muchinga Province instructed the field office to deport the refugees because they allegedly used forged travel documents. UNHCR attempts to intervene on behalf of the Burundians were dismissed by the deputy regional immigration officer.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability. The HRC observed that voter registration for the 2016 general election might not include many young voters because a concurrent exercise to provide prerequisite national registration cards was conducted too slowly.

#### **Elections and Political Participation**

Recent Elections: In October 2014 then president Sata died in office. On January 20, PF candidate Edgar Lungu was elected president in a by-election. International and local observers considered the election freely contested. Lungu won with a narrow majority of 27,757 (1.66 percent), receiving 48.3 percent of the vote; the UPND's Hakainde Hichilema received 46.7 percent. The nine other candidates each won less than 1 percent of the vote. Electoral observers and monitors noted the elections were conducted freely and cited few irregularities. Media coverage, police presence, and legal restrictions, however, heavily favored the ruling party and prevented the election from being genuinely fair.

Clashes between the PF and opposition supporters marred the June 30 by-election in Mulobezi (Western Province). NGOs expressed concern at the increasing use of firearms during small-scale interparty clashes related to seven other by-elections. Independent observers also noted that police frequently arrested opposition supporters but not PF members, and PF campaign teams often used government vehicles, at times replacing government license plates with obsolete private tags. The Electoral Commission of Zambia criticized district commissioners, who are civil servants, for participating in political campaigns. Government officials, including ministers, increasingly used government resources to conduct campaigns.



NGOs and the opposition accused the government of misusing public resources by causing the Electoral Commission to conduct unnecessary by-elections based on politically motivated court nullifications of prior election results and other maneuvers. Opposition parties contended the by-elections were intended to exhaust their financial resources and make it easier for the ruling party to win opposition-held seats. NGOs criticized the government for committing government resources and contracts prior to elections to gain voter support for the ruling party.

Political Parties and Political Participation: Historically, political parties operated without restriction or outside interference, and individuals could independently run for office. The ruling PF, however, enjoyed the use of government resources for campaign purposes and had police harass opposition candidates and supporters. Opposition parties, particularly the UPND, faced police and legal harassment. Police arrested opposition officials, blocked public rallies, and dispersed participants in opposition political gatherings and public protests.

Participation of Women and Minorities: There were no laws or cultural or traditional practices preventing women or members of minorities from voting, running for office, serving as electoral monitors, or otherwise participating in political life on the same basis as men or nonminority citizens. The Zambia National Women's Lobby 2014 Gender Audit Report on the private and public sectors revealed low participation of women in decision-making positions within several government and quasi-government institutions and political parties. For instance the report revealed women's participation in national executive committees of all political parties was very low, with the highest level of participation being 40 percent.

#### **Section 4. Corruption and Lack of Transparency in 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.

The government had a national anticorruption policy and a national anticorruption implementation plan that addressed matters such as resource mobilization, coordination of anticorruption programs in the public and private sectors, program monitoring and evaluation, and legal reform. The ACC, which reported to the vice president, was responsible for combating government corruption. The ACC

reported receiving 413 reports of suspected cases of corruption in the first quarter of the year, attributing the high numbers to better public education and sensitization about corruption and the channels for reporting it. Some civil society organizations, however, criticized the ACC for failing to act on these complaints expeditiously.

Although the government collaborated with the international community and with civil society organizations to improve capacity to investigate and prevent corruption, anticorruption NGOs observed less commitment than in previous years to fighting corruption among senior government officials and in the civil service.

**Corruption:** The government investigated one serving and a few dismissed senior government officials in connection with allegations of corruption-related offenses. On March 19, the ACC arrested former deputy minister of agriculture Rodgers Mwewa and his wife Annie Mwitwa, a former cabinet permanent secretary, for corruption. NGOs observed that the government only targeted minor offenders and avoided prosecuting serving senior officials until they had left office or joined opposition political parties. For example on July 22, the ACC arrested former minister Sylvia Masebo after she was discharged from her ministerial position and announced support for the UPND.

**Financial Disclosure:** The law requires income and asset disclosure by a small fraction of political officeholders and public servants, but it was not enforced. Some government departments and institutions, such as the Zambia Revenue Authority, maintained integrity committees to enhance asset disclosure mechanisms within the workplace. In several institutions, asset disclosure requirements were vague or inadequately enforced. The Office of the Auditor General reported the asset disclosure law needed broader coverage to include civil servants, among whom many had wealth that far exceeded what could be reasonably be accumulated from their government salaries. It also noted even for those to whom the law applied, enforcement and follow-up mechanisms were weak or nonexistent.

**Public Access to Information:** The law does not provide for public access to government information. Nonetheless the government provided information to media and other interested parties, including foreign media, on an informal basis. Despite promises to do so, the government did not present to parliament draft legislation to provide for public access to information. The government withheld information related to defense and the security forces from the public for reasons of national security.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 often were cooperative and responsive to their views.

Government Human Rights Bodies: The HRC, an independent body established by the constitution, 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 cited inadequate government funding as a limitation to fulfilling its mandate. During the year the HRC identified 10 outstanding human rights problems: political violence, especially during parliamentary by-elections; police misapplication of the Public Order Act; violations of freedom of speech and expression; government interference with state and private media; violation of labor rights; reports of GBV, including early and forced marriages; unlawful detention; arbitrary arrest; mistreatment of detainees; and politically motivated and illegal expropriation of land. According to the October 5 Mo Ibrahim Index of African Governance, the country's performance regarding freedom of association and of the press had worsened.

The HRC and other independent human rights committees across the country enjoyed the government's cooperation without substantial political interference; however, the government often failed to act to address the problems or concerns raised by the committees.

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

The constitution and law prohibit discrimination based on race, sex, religion, political opinion, place of origin, ethnic group (tribe), gender, marital status, color, disability, language, and social status. The government did not effectively enforce the law. Violence and discrimination against women and children, discrimination based on sexual orientation or gender identity, and discrimination against persons with disabilities continued.

### **Women**

Rape and Domestic Violence: The law criminalizes rape, and courts have discretion to sentence convicted rapists to life imprisonment at hard labor. Rape was nonetheless widespread. The government increasingly enforced the law and obtained rape convictions with higher penalties.

The Anti-Gender-based Violence Act of 2010 criminalizes spousal rape, and the penal code criminalizes domestic violence between spouses and among family members living in one home. The law provides for prosecution of most GBV crimes, and penalties for conviction of assault range from a fine to 25 years in prison, depending on the severity of injury and whether a weapon was used during the assault. The law requires medical reports prepared by certified practitioners for the prosecution of cases of violence against women (and also against men), but there were few certified practitioners in rural areas. The law provides for protection orders for victims of domestic and gender violence, and such orders were issued and enforced. In 2014 the National Prosecutions Authority established a GBV-focused prosecution unit, and the government began work on GBV fast-track courts in Lusaka and Kabwe.

On July 15, the president pardoned singer Clifford Dimba who had served one year of an 18-year sentence for statutory rape of a 14-year-old girl. His pardon and subsequent appointment by the president as an ambassador in the fight against gender-based violence was denounced by Dubravka Simonovi, UN special rapporteur on violence against women, as “outrageous” decisions that traumatized “the victim all over again” and discouraged other victims from reporting similar offenses. UN officials called on the government to withdraw Dimba’s appointment and to refrain from any future pardons of persons convicted of crimes against women and girls. Women’s NGOs criticized the pardon of Dimba, claiming he was released because he wrote songs in support of the PF. Within days of his release, the press reported he had beaten his wife and that police did not arrest him. On October 29, he was accused of beating another woman but again was not arrested.

Domestic violence against women was a serious problem, and spousal abuse was widespread. According to a May 26 Afro Barometer survey on the prevalence of GBV, 90 percent of persons with no formal education approved of wife beating. The NGO Women in Law in South Africa (WLSA) observed that customary marriage values taught women sexual intercourse was a man’s right and discouraged reporting spousal rape. The WLSA also observed that women who revealed sexual violations to authorities often faced societal stigma, which in turn diminished future reporting. Customary laws in certain chiefdoms allowed for

spousal battery. In addition fear of violence, abandonment, and divorce discouraged women from seeking HIV care and treatment services, especially where women were dependent on men for their livelihoods.

The ZPS Victims Support Unit (VSU) was responsible for handling cases of domestic assault, wife beating, mistreatment of widows, and property expropriation (“grabbing”) by a deceased husband’s relatives. Police pursued reports of domestic violence more aggressively than in previous years, and the government established a fast-track court in Lusaka for GBV cases. Data on the extent of rape and domestic violence were limited. A WLSA Kasama One-Stop GBV Treatment Center recorded 6,506 cases of GBV as of September, compared with 5,188 during the first half of 2014. The VSU recorded 164 rapes countrywide during the period, compared with 118 in 2014.

During the year the Nongovernmental Organization Coordinating Council (NGOCC) and its member organizations engaged traditional marriage counselors on GBV and women’s rights. The Young Women’s Christian Association continued its “good husband” campaign and, in collaboration with other women’s movements, the “I Care about Her” campaign, to promote respect for women and end spousal abuse.

The WLSA reported women’s groups’ advocacy and sensitization resulted in increased reporting of GBV cases. Police, however, reported a marked rise in the number of withdrawn GBV complaints and encouraged women’s movements to sensitize women against seeking out-of-court reconciliation. Women often cited need for their incarcerated husband’s financial support in requesting withdrawal of complaints. Courts prevented several women from withdrawing complaints during the year. On August 17, the Choma Magistrate Court denied Miriam Moyo’s application to withdraw a GBV case against her husband, Evans Simwale.

Other Harmful Traditional Practices: The NGOCC and several of its member organizations observed that the country’s dual system of customary and statutory law made it difficult to end injustices against women. For instance polygyny is legally permitted under customary law. Women’s organizations stated that the bride price had entrenched societal patriarchal dominance. The practice of “sexual cleansing,” in which a widow is compelled to have sexual relations with her late husband’s relatives as part of a cleansing ritual, declined significantly; some local leaders banned the practice. The penal code prohibits “sexual cleansing” of girls under age 16.

Sexual Harassment: Sexual harassment was common, but the government took some steps to prosecute harassment during the year. The penal code contains provisions under which some forms of sexual harassment of women may be prosecuted. The NGOCC stated it received many reports of sexual harassment in places of work but expressed concern that stringent evidence requirements in courts of law prevented victims from litigating. For example on May 17, the Zambia National Information Service reported a Chinese employer in Serenje, identified only as Tu, threatened to fire Caren Mupeta because she refused to have sexual relations with him. Women's organizations expressed concern regarding increased incidents of unemployed youth on the street stripping women naked as a way of punishing them for wearing "uncultured dress." The NGOCC and its members also noted families of perpetrators often pressured victims to withdraw complaints, especially if they were members of the same family. This hampered prosecution of offenders.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence. A lack of access to information and services remained a problem, however. Many women lacked access to contraception and skilled attendance during childbirth, including essential prenatal, obstetric, and postpartum care. The 2013-14 Zambia Health and Demographic Survey (ZDHS) indicated significant improvements in these areas: 45 percent of women ages 15-49 accessed modern family planning methods in 2013-14, compared with 33 percent in 2007. The percentage of childbirths assisted by a skilled provider increased from 47 percent in 2007 to 64 percent in 2013-14. Teenage pregnancy, reported to be 151 per 1,000 girls and women ages 15 to 19, remained a concern, with the median age of the first sexual encounter for women at age 17 and the median age of the first child at age 19, indicating limited contraceptive use among teenagers.

According to the 2013-2014 ZDHS, maternal mortality rate declined from 591 per 100,000 live births in 2007 to 398 in 2014. The Ministry of Health attributed 30 percent of maternal mortality cases to unsafe abortions, mostly among adolescent girls. The major direct causes of maternal mortality were complications arising during pregnancy and birth, such as hemorrhage, septicemia (blood poisoning), obstructed labor, hypertensive conditions, and unsafe abortion. Barriers that continued to limit access to reproductive health services included limited information, inadequate staffing of rural clinics, lack of infrastructure and transport, cost, religious reasons, and misperceptions surrounding contraceptive use.

Discrimination: In contrast to customary law, the constitution and statutory law provide for the same legal status and rights for women as for men, including under family, labor, property, and nationality laws. Nevertheless, the government did not adequately enforce the law, and women experienced discrimination in employment (see section 7.d.), education, inheritance, and ownership of land and other property.

Women's movements noted women lacked adequate access to credit to acquire land or property. Lack of collateral meant women in most cases remained dependent on their husbands or male members of their family to cosign for loans. A lower percentage of women than men owned their own homes or businesses.

Statutory law prescribes that a man's children equally share half of an estate, the widow 20 percent, other dependents 10 percent, and the deceased's parents 20 percent. In a polygynous marriage, a widow's share must be divided proportionally with other wives, based on the length of time each has stayed in the marriage. Property grabbing from widows remained widespread, particularly in rural areas. Courts generally considered property grabbing a criminal offense and mandated up to three years' imprisonment as punishment. Nevertheless, because of high legal costs and delays in adjudication caused by an overloaded judicial system, most property-grabbing cases were settled by local customary courts, which do not have the power to impose prison sentences. With very few exceptions, most property grabbing cases revolved around family disputes. Fines imposed by customary courts were low.

Local customary law generally discriminates against women. It subordinates women with respect to property ownership, inheritance, and marriage. Land ownership was restricted for women: when a woman's husband dies, only their son or the paternal side of the family may inherit his property.

## **Children**

Birth Registration: Citizenship is derived from one's parents or, with the exception of refugees, by birth within the country's territory. Although registration was required promptly after birth, this was not possible in some rural areas. Failure to register births did not result in the denial of public services, such as education or health care, to children.

Education: Although government policy provides for tuition-free education through grade seven, education was not compulsory, and many children did not

attend school. Contrary to government policy, many teachers and school administrators required students to purchase uniforms or pay a fee before allowing them to attend classes, preventing some children from attending school. The numbers of girls and boys in primary school were approximately equal, but fewer girls attended secondary school.

Child Abuse: Although the law prohibits sexual harassment of children, child abuse and violence against children were common problems. The punishment for conviction of causing bodily harm to a child is imprisonment for five to 10 years, and the law was generally enforced. For example on May 14, police in Chilabombwe arrested Timothy Chisenga for beating his four-year-old daughter, who subsequently died from her injuries. He was charged with manslaughter and was on trial at year's end.

Early and Forced Marriage: The legal age of marriage is 16 for boys and girls with parental consent and 21 without consent. There is no minimum age under customary law. According to the ZDHS, 45 percent of married women ages 25-49 were married by age 18. Prevalence was highest in rural areas. The government, parliamentarians, civil society organizations, and donors worked together to fight early and forced marriages. The Ministries of Chiefs and Traditional Affairs and Gender and Child Development, in collaboration with traditional leaders, NGOs, diplomatic missions, and other stakeholders, increasingly spoke out against early and forced marriages. Some leaders nullified forced and early marriages and placed the girls removed in school. In June, Chief Kabamba of the Lala people in Serenje dissolved 10 child marriages and put the girls removed back in school. The chief also punished the girls' parents for arranging the marriages by assigning community work to them.

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 under age 16. The minimum penalty for conviction of defilement is 15 years in prison.

The law criminalizes child prostitution and child pornography and provides for penalties of up to life imprisonment for perpetrators. The law provides that child prostitutes age 12 and above may be charged and prosecuted. Authorities did not enforce the laws, and child prostitution was common. Boys and girls were recruited into prostitution by women who formerly engaged in prostitution. These children were subsequently exploited by truck drivers in towns along the



Zimbabwean and Tanzanian borders and by miners in Solwezi. Young boys were sometimes taken to Zimbabwe for prostitution, while girls were often exploited in forced prostitution in South Africa.

**Displaced Children:** A large number of children were displaced and institutionalized. Orphaned children faced greater risks of child abuse, sexual abuse, and child labor. According to the 2013 Zambia Orphanhood and Fosterhood Report, 13 percent of a population of more than 6.6 million children from birth through age 17 were orphans, a 2 percent decline from the figure reported in the 2007 ZDHS. It attributed the high numbers of orphans to the loss of parents from HIV-related illnesses, malaria, and tuberculosis. According to the UN Children's Fund (UNICEF), 800,000 orphans were affected by HIV and AIDS. Approximately 12 percent of children ages five through 14 worked illegally (see section 7.c.). UNICEF estimated 20,000 children worked and lived on the street. To survive, Street children were especially vulnerable to commercial sexual exploitation, and the problem of child prostitution was growing.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) and country-specific information at [travel.state.gov/content/childabduction/en/country/Zambia.html](http://travel.state.gov/content/childabduction/en/country/Zambia.html).

### **Anti-Semitism**

There were fewer than 50 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 [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination in general, but no law specifically prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other government services. The Persons with

Disabilities Act of 2012 mandates the Ministry of Gender and Child Development to oversee the government's implementation of policies that address general and specific needs of persons with disabilities in education, health care, access to physical infrastructure, electoral participation, and other areas. The Zambia Agency for Persons with Disabilities oversaw the act's implementation.

An umbrella organization, the Zambia Federation of Disability Organizations, whose primary role was advocacy and raising awareness, led the disability rights movement. According to the 2014 Human Rights Watch report *Barriers to HIV Services and Treatment for Persons with Disabilities in Zambia*, there was a lack of data on persons with disabilities--including how many adults and children were living with disabilities--and information on their specific housing, education, and health-care needs. The lack of consolidated data was a major impediment to the inclusion of persons with disabilities in government programming and policy. According to Human Rights Watch, limited understanding of how many persons in the country lived with disabilities suggested they were more vulnerable to contracting HIV/AIDS and were more likely to lack access to health care. According to the report, persons with disabilities had limited access to education and correspondingly low literacy levels. The government did not restrict persons with physical or mental disabilities from voting or otherwise participating in civic affairs. The law prohibits those with mental disabilities from holding public office. Persons with disabilities faced significant societal discrimination in employment and education (see section 7. d.).

The Ministry of General Education and the Ministry of Community Development, Mother and Child Health have responsibility for ensuring the welfare of persons with disabilities. 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, schools, and hospitals rarely had facilities to accommodate such persons, however. Five schools were designated for children with disabilities. Some children with physical disabilities attended mainstream schools.

### **National/Racial/Ethnic Minorities**

The country's seven major ethnic/language groups--Bemba, Kaonde, Lozi, Lunda, Luvale, Ngoni, and Tonga--were divided into 73 ethnic subgroups. The government generally permitted autonomy for 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.

The government grants special recognition to traditional leaders but 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 demanded official recognition of the Barotseland Agreement and others full secession from Zambia.

During the year four Barotseland activists were held for trial charged with treason for secessionist activities. Although the president pardoned another Barotse group convicted for lesser offenses, the four were held awaiting trial at year's end.

### **Acts of Violence, Discrimination, 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 enforced laws against same-sex sexual activity and did not address societal discrimination against LGBTI individuals.

Societal violence against persons based on gender, sex, and sexual orientation continued. 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 services. Some politicians, media figures, and religious leaders expressed opposition to basic protection and rights for LGBTI persons in arguing against same-sex marriage.

According to the VSU report for the first half of the year, there were 18 reported cases of "unnatural offenses," compared with 23 for the same period in 2014. Rather than submit cases for trial, police on several occasions arrested suspected LGBTI persons on bogus charges, forcing them to spend at least one night in jail. In most cases police demanded bribes before releasing the individuals. Police increasingly charged transgender persons with "impersonation" and subjected them to verbal abuse and harassment while in detention. The charges could not generally be successfully prosecuted, and detainees were released. In October, however, police in Mongu arrested a transgender woman who was convicted of sodomy-related charges in November. She awaited sentencing at year's end.

There were several other LGBTI court cases during the year. On May 15, the Lusaka High Court confirmed the acquittal of Paul Kasonkomona, whom police arrested in 2013 for promoting fair treatment of LGBTI persons. In its ruling the court stated that advocating for gay rights, although “repulsive to some,” was freedom of speech, which must be protected. In a separate ruling, the Chisamba Magistrate Court dismissed a case involving two men accused of engaging in acts against the order of nature. The court dismissed the prosecution’s evidence as inconsistent and uncorroborated.

Several groups quietly promoted LGBTI rights and provided services to LGBTI individuals, principally in the health sector. The groups held private social gatherings but did not participate in open demonstrations or marches in view of societal stigma against LGBTI persons.

According to LGBTI advocacy groups, societal violence 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 e-mail, vandalism, stalking, and outright violence. Activists also stated several LGBTI persons committed suicide.

### **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. While government officials discouraged such discrimination, they did not publicly reveal cases of HIV/AIDS among government officials. The government made some headway in changing entrenched attitudes of discrimination against persons with HIV/AIDS and denial of the problem.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers, except for police, military personnel, and certain other categories of workers, to form and join independent unions, conduct legal strikes, and bargain collectively. Statutory restrictions regulate these rights. The Zambia Congress of Trade Unions increased its union membership

from 36 in 2014 to 39 during the year. The law also requires the registration of a trade union, which may take up to six months. No organization may be registered unless it has at least 25 members, and, with some exceptions, no trade union may be registered if it claims to represent a class of employees already represented 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 has discretionary power to exclude certain categories of workers from unionizing, including prison staff, judges, registrars of the court, magistrates, and local court justices from labor law provisions. Trade union officers may be disqualified if they fail to satisfy the commissioner they did not contribute to the revocation of their trade union registration.

The law does not limit the scope of collective bargaining, but for certain complaints it allows either party to refer a labor dispute to court or arbitration. The law also allows for a maximum period of one year for a court to consider the complaint and issue its ruling.

With the exception of workers engaged in a broadly defined range of essential services, the law provides for the right to strike if recourse to all legal options is first exhausted. The law defines essential services as any activity relating to the generation, supply, or distribution of electricity; the supply and distribution of water and sewage removal; fire departments; and the mining sector. Employees in the Zambian Defense Forces and judiciary as well as police, prison, and ZSIS personnel are also considered essential. The process of exhausting the legal alternatives to a strike is lengthy. The law also limits the maximum duration of a strike to 14 days. If the dispute remains unsolved, it is referred to the court. A strike may be discontinued if the court finds it is not “in the public interest.” Workers who engage in illegal 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 the “essential services” and those in the above-mentioned categories, no other groups of workers were excluded from relevant legal protections.

The government, however, did not effectively enforce the law. The government threatened unions and their leaders when they undertook protests and strike actions. For example in July Minister of Information Kambwili threatened to dismiss striking unionized employees of the ZNBC and Copperbelt University lecturers during their separate protests. Subsequent to Kambwili’s threats, the

ZNBC management suspended union leaders Martin Maseka and Bisani Mwale for allegedly making remarks “detrimental” to the ZNBC. Union leadership was increasingly seen as politically compromised, and unions proliferated without much delineation on responsibilities.

Resources, inspections, and remediation were inadequate. There were no reports to determine whether penalties of fines or up to 10 years in prison for violations were sufficient to deter violations. Administrative judicial procedures were subject to lengthy delays and appeals.

Freedom of association and the right to collective bargaining were not always enforced. Most unions chose to strike illegally either to circumvent lengthy procedural requirements or when other avenues were exhausted. From June through August, the University of Zambia Lecturers and Researchers Union employees undertook a protracted illegal strike action demanding payment of outstanding allowances.

While the law provides that workers engaging in illegal strikes may be dismissed, there were no reports during the year of such dismissals.

NGOs advocated for worker rights throughout the year and did not face government restrictions.

### **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.

Penalties for conviction of forced labor violations range from 25 to 35 years’ imprisonment. Data were insufficient to determine whether these penalties were sufficient to deter violations.

The government did not effectively enforce the law. While the government investigated cases involving a small number of victims, it lacked the resources to investigate more organized trafficking operations potentially involving forced labor in the mining, construction, and agricultural sectors.

Gangs of illegal miners called “jerabos” at times forced children into illegal mining and loading stolen copper ore onto trucks in Copperbelt Province. Women and children from rural areas were exploited in urban domestic servitude and subjected to forced labor in the agricultural, textile, and construction sectors and in small businesses such as bakeries. While orphans and street children were the most vulnerable, children sent to live in urban areas were also vulnerable to forced labor.

Women and children from Zimbabwe, Malawi, and Mozambique were forced into labor or prostitution after arriving in the country. Chinese, Indian, and Lebanese nationals were exploited in forced labor in textile factories, road construction, and bakeries. Observers reported Chinese traffickers brought in a growing number of Chinese women and underage girls for sexual exploitation in Lusaka brothels. Transnational labor trafficking of Somalis, Ethiopians, Indians, and Bangladeshis through the country continued. The trafficking was linked to criminal groups based largely in South Africa.

There were reports of abuses in labor-intensive work, including domestic service, hospitality, and construction. Forced labor also occurred in agriculture and mining but was not common.

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the employment of children at any commercial, agricultural, or domestic worksite or engaging a child in the worst forms of child labor as defined in international conventions. According to the Employment of Young Persons and Children Act, the minimum age for employment is 15, and for hazardous work, the minimum age is 18. Restrictions on child labor prohibit work that harms a child’s health and development or that prejudices a child’s attendance at school. The law also prohibits the procurement or offering of a child for illicit activities.

The Ministry of Labor and Social Security chaired the National Steering Committee on Child Labor, which was responsible for the implementation and enforcement of child labor laws and regulations. Penalties for conviction of violations include a fine or up to 25 years’ imprisonment, or both. There was insufficient information available on whether these penalties deterred violations.

In cooperation with NGO partners, the government continued to remove children from abusive situations. There were no statistics regarding numbers of children withdrawn from abusive situations. Vulnerable children, mainly orphans, were placed in formal and transitional classes, while others were given vocational skills training. Local governments maintained district child labor committees to perform outreach, plan activities for vulnerable and working children, increase awareness of child labor laws and the harmful effects of child labor, mobilize communities to eliminate the worst forms of child labor, and monitor the implementation of child labor programs at the district and village levels. While the government continued to provide awareness and training activities for officials charged with enforcing child labor laws, the Ministry of Labor and Social Security reported resource constraints prevented it from providing all required training. The government participated in several projects to combat child labor.

The government did not effectively enforce the law. Due to lack of resources, inspections and remediation were inadequate. Child labor was a problem in agriculture, domestic service, construction, farming, transportation, prostitution, quarrying, mining, and other sectors where children under age 15 often were employed, and the law not always effectively enforced. According to UNICEF, approximately 12 percent of children ages five through 14 years worked. The government enforced child labor laws only when such illegal practices were uncovered in unrelated labor inspections. Labor inspectors may enter homes and agricultural fields to check for violations of general labor laws, noting violations of child labor laws in the process, if discovered. For example in May, Copperbelt Provincial Minister Mwenya Musenge ordered the suspension of operations at Global Plantation Limited and ordered the arrest of its management for child labor and mistreatment of workers. Musenge, during his tour of the plantation, discovered the company employed children under age 15 and that made its workers work 14 hours every day without food.

While the labor commissioner effectively 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 mining, agriculture, and domestic service. Because more than 92 percent of child labor occurred in the agricultural sector, most often with the consent of families, inspectors from the Ministry of Labor and Social Security focused on counseling and educating families that employed children. Authorities did not refer any cases of child labor for prosecution during the year. Due to the scarcity of transportation, labor inspectors frequently found it difficult to conduct inspections in rural areas.



The production of crops such as cotton, tobacco, maize, coffee, and sunflowers exposed children to dangerous pesticides, fertilizers, snake and other animal bites, and injuries from carrying heavy loads and using dangerous tools and machinery. According to UNICEF, approximately 12 percent of children ages five to 14 worked.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The labor law prohibits discrimination in employment or occupation based on race, sex, disability, political opinion, social origin, and language but did not prohibit discrimination based on sexual orientation or gender identity. Various organizations also had policies that protected individuals with HIV/AIDS. Penalties for conviction of violations included a fine or 25 years' imprisonment, or both. There was insufficient information on whether these penalties deterred violations. In general the government effectively enforced the law. There were reports, however, of discrimination from minority groups. Discrimination in employment and occupation occurred with respect to disability, sexual orientation, and gender identity. LGBTI persons were at times dismissed from employment or not hired because of their sexual orientation or gender identity. Persons with disabilities faced significant societal discrimination in employment and education.

Migrant workers, if documented, enjoy the same legal protections, wages, and working conditions as citizens.

#### **e. Acceptable Conditions of Work**

The law allows the Ministry of Labor and Social Security authority to set wages by sector. Otherwise, the category of employment determines the minimum wage and conditions of employment. Statutory Instrument of 2012 defined the minimum wage for five categories of workers in unionized positions. These range from 700 kwacha (\$79) to 1,445 kwacha (\$162) per month. Every employer negotiated with employees their standard minimum wage. For unionized workers, wage scales and maximum workweek hours were established through collective bargaining. During the year, however, the minister of labor and social security refused to allow collective bargaining demanding less than minimum wage requirements.

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 standards in industry. City and district councils were responsible for enforcement.

Parts of the workforce, including foreign and migrant workers, did not receive minimum wage and are not covered by other provisions regarding acceptable conditions of work.

The workhour law and the safety and health standards were not effectively enforced in all sectors, including in the informal sector. The Ministry of Labor and Social Security is responsible for enforcing laws related to acceptable conditions of work. The two-year wage freeze the government introduced in 2013 ended October 13, with the government announcing an extrabudgetary pay raise it negotiated with several unions. Critics noted, however, the government could have a difficult time implementing the raise, having failed to pay workers in several sectors on time during the year.

The ministry's 108 inspectors received and resolved some complaints, but staffing shortages and turnover limited its effectiveness. Penalties for conviction of violations range from fines and up to 25 years imprisonment, but available data were inadequate to determine whether these penalties deterred violations. The inspector of factories under the minister of labor handled factory safety. The Ministry of Labor and Social Security conducted labor inspections during the year and gave ultimatums to businesses to correct significant violations of labor laws.

Almost all unionized workers received salaries considerably higher than the nonunionized minimum wage. Most minimum wage earners supplemented their incomes through second jobs, subsistence farming, or reliance on extended family.

The government sets occupational safety and health standards, but enforcement was insufficient to deter violations. Mine accidents occurred frequently, often

resulting in serious injuries and deaths. For example on July 19, four miners at Mopani Copper Mine in Kitwe died after they were trapped in an underground collapse. The mine rescue operation team located and recovered remains several days later. Several other workers died in various accidents at the Konkola Copper Mine, Mopani Copper Mine, and at Barrick Lumwana Mine during the year. The government directed the Mines Safety Department to step up its supervisory mechanisms to end mine accidents.

Miners continued to face poor health and safety conditions and threats by managers if they tried to assert their rights. Miners developed serious lung disease, such as silicosis, reportedly due to poor ventilation and constant exposure to dust and chemicals. The government engaged mining companies and took some steps to improve working conditions in the mines. Through its social welfare programs, the government provided social security protection to some categories of vulnerable persons in the informal economy.

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 legal protections, workers 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. For example some female attendants at the Mount Meru filling station in Lusaka, fearing dismissal, anonymously informed *The Times of Zambia* their employer locked them up in an office for three days without food or water on allegations one of them stole money.