

ZAMBIA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Zambia is a constitutional republic governed by a democratically elected president and a unicameral national assembly. On August 12, the country held elections for president, national assembly seats, and local government. The United Party for National Development candidate, Hakainde Hichilema, won the election by a wide margin. Incumbent president and Patriotic Front candidate, Edgar Chagwa Lungu, conceded and facilitated a peaceful transition of presidential power. International and local observers deemed the election technically well-managed but cited several irregularities. The pre-election period was marred by abuse of incumbency, restrictions on freedoms of expression, assembly, and movement, and political party intolerance resulting in sporadic violence across the country. Although the results 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 free and fair.

The Zambia Police Service has primary responsibility for internal security and reports to the Ministry of Home Affairs and Internal Security. The military consists of the Zambia Army, the Zambia Air Force, and the Zambia National Service, under the Ministry of Defense. The commanders of each respective service, however, 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. Civilian authorities generally maintained effective control over the security forces. Members of the internal security forces committed numerous abuses.

President Hichilema's victory in the August 12 election represented a significant break from years of authoritarian drift. Hichilema's election occurred despite ruling party efforts to tilt the electoral playing field in its favor. Hichilema has announced plans to combat corruption, enshrine protections for human rights, and strengthen independent media. His administration has also voiced strong support for human rights and democratic governance at international fora.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by government agents; torture and cases of cruel, inhuman, or degrading treatment or punishment by police; harsh and life-threatening prison conditions; serious restrictions on free expression online and in the media and the press, including violence and threats of violence against journalists, censorship, and the application of criminal libel and slander laws; serious restrictions on internet freedom; substantial interference with the right to freedom of assembly; 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 and prosecute perpetrators of human rights abuses. Nevertheless, impunity before the August 12 elections 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. During the Lungu administration, the government applied the law selectively to prosecute or punish individuals who committed abuses and mostly targeted those who criticized the ruling party. The government also took steps to identify, investigate, prosecute, and punish officials for corruption, although impunity remained widespread.

Section 1. Respect for the Integrity of the Person

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

There were numerous reports that government agents under the Lungu administration committed arbitrary and unlawful killings. For example, in December 2020 police shot and killed National Prosecution Authority prosecutor Nsama Chipiyoka and United Party for National Development (UPND) member Joseph Kaunda during a peaceful protest. The killings occurred when President Hichilema, then opposition UPND leader, appeared at police headquarters for interrogations in response to a police summons. On February 24, police arrested and charged Constable Fanwell Nyundu with two counts of murder in connection

with the killings. In its March 4 statement released after independent investigations into the killings, the Human Rights Commission (HRC) noted that the shooting was an excessive use of force and a blatant violation of the rights to life, freedom of assembly, and movement and alleged that former Lusaka Province police commissioner Nelson Phiri was responsible for the killings. The case relating to the killing remained pending trial at year's end.

Police in Petauke shot and killed a suspect in full view of onlookers. According to the HRC, the suspect was trying to run away after being found with a gun in his car at a roadblock. Despite capturing him, police shot the man "at close range", the HRC reported. Media also reported that prison wardens beat an inmate to death at Luwingu correctional facility for allegedly trying to escape from custody.

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. In 2020 local media reported police used arbitrary and excessive force to enforce public health regulations implemented to prevent the spread of COVID-19. Impunity remained a significant problem within the security forces, particularly police, under the guise of enforcing public health regulations to prevent the spread of the COVID-19 pandemic in the lead up to the August 12 general elections. The factors that contributed to impunity were the deliberate and unbalanced application of the Public Order Act and public health regulations, as well as lack of training in, understanding of, and respect for human rights. According to the HRC, police frequently used disproportionate force during the Lungu administration. In June 2020 the Zambia Police Service with the HRC and UN Development Program assistance instituted COVID-19 standard operating enforcement procedures that provided 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 remained a problem. For example, Lusaka Central Correctional Facility as of August had 1,088 male inmates in a facility with a holding capacity of 500 male inmates, the nongovernmental organization (NGO) Undikumbukire Project Zambia reported. As of December 21, there were 23,157 inmates across the country's correctional facilities with a holding capacity of 9,000, the Zambia Correctional Service reported. According to the Prisons Care and Counseling Association (PRISCCA), congestion was mainly due to a slow-moving, highly centralized 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 May then president Lungu pardoned 579 inmates and 60 additional inmates in August, and President Hichilema pardoned 1,018 inmates on December 24.

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. There was no total separation of juveniles from adult prisoners at police or remand level. Although most correctional facilities have isolation cells for juveniles, total separation holding cells were nonexistent, PRISCCA reported. Incarcerated women who had no alternative for childcare could choose to have their infants and children younger than age four with them in prison. 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 sanitation. The prison healthcare 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. In February then Zambia correctional service commissioner general Dr. Chileshe Chisela announced the service had recorded 100 cases of COVID-19. The announcement followed the death of an inmate from COVID-19 at Namuseche Prison in Chipata.

The HRC and PRISCCA expressed concern at the lack of isolation facilities for the sick and for persons with a psychiatric condition. Although prisoners infected with HIV or AIDS were able to access antiretroviral treatment services within prison healthcare 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 often hesitated 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, including 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 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 through the duration of the Lungu administration. 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. For example, on April 13, police in Lusaka arrested UPND members Ackson Sejani (a former cabinet minister), Vincent Lilanda, Javen Simoloka, and

Fines Malambo, and detained them in police custody for a month without charges. The suspects appeared in court on April 22, jointly charged with Veronica Mukuni, wife of prominent traditional leader Chief Mukuni, for allegedly abducting Pheluna and Milton Hatembo, two family members who in January unsuccessfully sued President Hichilema, then opposition UPND leader, claiming he had illegally obtained their land. Police also arrested civil society activist Partner Siabatuba on March 10 in connection with the alleged abduction and detained him for more than five days without charge, before releasing him. The HRC reported that the detentions were baseless and politically motivated.

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 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 and National Planning's control of the judiciary's budget continued to limit 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 influenced 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.

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 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. There were no reports that government authorities entered homes without judicial or other appropriate authorization. The law grants authority to the Drug Enforcement Commission, the Zambia Security and Intelligence Service, and police to monitor communications using wiretaps with a warrant based on probable cause; authorities generally respected this requirement. The government required cell phone service providers to register all subscriber identity module (SIM) cards. In March the government enacted a new cyber security law that expanded its capacity to restrict online expression and

violate citizens' privacy. The new law gave the government the power to intercept private communications and curtail civil liberties, an activity the government was reportedly doing already.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

Although the constitution and law provide for freedom of expression, including for members of the press and other media, it has provisions that permit restrictions of these fundamental rights and freedoms in certain circumstances. In particular, the law allows restrictions on 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.

Freedom of Expression: During the Lungu administration the ruling Patriotic Front government was 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 public interest. For example, in May police arrested opposition Economic and Equity Party leader Chilufya Tayali and charged him with defaming then president Lungu. Tayali had criticized Lungu of allegedly "funding" Patriotic Front partisans (known colloquially as "cadres") to incite political violence. In December police dropped the charge against Tayali.

Freedom of Expression for Members of the Press and Other 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 then ruling party, while the other supported the party and the government. During the Lungu administration, 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 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 while Lungu was in office received threats from senior government officials and politicians if seen as too critical. Independent private media outlets also often received threats from the government during the Lungu administration for providing broadcast time to the opposition. Then ruling Patriotic Front party “cadres” attacked several private media houses and disrupted live programs featuring opposition political leaders. For example, on February 11, cadres armed with iron bars and slingshots attacked Liberty Community Radio Station in Mporokoso district in Northern Province and disrupted a live radio program featuring opposition Democratic Party leader and presidential candidate Harry Kalaba. On March 10, Patriotic Front cadres again allegedly attacked and teargassed Chete Radio Station in Nakonde district in Muchinga Province. This was after the station featured then opposition UPND provincial chairman for Muchinga Province Reverend Matthew Chilekwa and other officials. The Media Institute for Southern Africa Zambia Chapter described the attack as “a threat to freedom of expression and a hindrance to freedom of the press.”

Violence and Harassment: According to media watchdog organizations, independent media did not operate freely due to restrictions imposed by government authorities during the Lungu administration. While the government broadly tolerated negative articles in newspapers and magazines, reports of government officials and supporters of Lungu’s then ruling party harassing and physically disrupting the work of journalists continued during Lungu’s time in office. For example, on May 1, Patriotic Front cadres attacked and assaulted two journalists at the Patriotic Front secretariat when rival Patriotic Front cadres violently clashed during a meeting to welcome opposition National Democratic Congress leader Chishimba Kambwili back to the Patriotic Front party. The cadres attacked Francis Mwiinga Maingaila, a reporter at *Zambia 24*, a privately owned news website, and Nancy Malwele, a reporter at the independent *New Vision* newspaper. On June 24, the cadres set ablaze the Kalungwishi FM radio station in Chiengi district in Luapula Province. Although the Independent Broadcasting Authority (IBA) condemned these attacks, police reportedly did not sufficiently

investigate cases of assaults against journalists and radio stations, and some media houses were impeded from broadcasting or threatened with closure for unfavorable reporting or insufficient coverage of then president Lungu.

Censorship or Content Restrictions: The Lungu administration was 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 self-censorship.

During the Lungu administration authorities penalized media that criticized the government by withholding licenses and government advertising funds. In April 2020 the government, through the IBA, closed Prime TV, a leading independent media company that broadcast criticism of the government and the then ruling 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. On August 17, following the Patriotic Front's loss of the August 12 elections, the IBA restored Prime TV's license, allowing it to resume operations.

Libel/Slander Laws: The Lungu administration and individual public figures used laws against libel and slander against critics to restrict public discussion or retaliate against political opponents. During the Lungu administration, the government also often used sedition laws against its critics. For example, on April 26, Zambia's then ambassador to Ethiopia and permanent representative to the African Union, Emmanuel Mwamba, accused University of Zambia (UNZA) modern history professor Sishuwa of sedition. This was in response to Sishuwa's article, "This is Why Zambia May Burn After the August Election," in which he discussed factors that could lead to potential unrest in the country after the August 12 elections. In a Facebook post, Mwamba called Sishuwa's article an attempt to "scandalize Zambia, harm its reputation, and impose a false and alarming international narrative" and accused him of "being a hired gun." In response, Sishuwa sued Mwamba for defamation. Subsequently, Mwamba wrote a letter to

then inspector general of police Kakoma Kanganja, which appeared to instruct him to charge Sishuwa for inciting violence. Other senior government officials reiterated threats against Sishuwa.

On April 19, the Lusaka Magistrates Court sentenced Fred Manyo to three years in prison for allegedly defaming president Lungu during a phone-in program. Another person was sentenced to one year in prison for a similar offense.

Internet Freedom

During the Lungu administration internet freedom declined following the enactment in March of a cyber security law that expanded the government's capacity to restrict online expression and violate the privacy of citizens, Freedom House reported. The new law gave the government the power to intercept private communications and curtail civil liberties, a practice the government during the Lungu administration used. A report by the University of Toronto Citizen Lab entitled *Running in Circles: Uncovering the Clients of Cyberespionage Firm Circles*, released in December 2020, listed the country as using an international surveillance tool to snoop on private communications of citizens and cracking down on protestors and opposition leaders. The report stated that using the "Circles" surveillance platforms, the government was able to access telephone calls, text messages, and location services.

Chapter One Foundation reported that the new cyber security law threatened online assembly and further restricted civic space and forced journalists and other members of the public to engage in self-censorship for fear of being arrested for related cybercrimes, including criminal defamation and sedition. For example, on election day the government under the Lungu administration restricted access to certain Internet platforms, including WhatsApp, Facebook, Twitter, and Messenger, which were main sources of information and means of communication for most citizens, especially youth. Access to all platforms was restored on August 14 after the High Court issued an injunction to stay the blocking order by the Zambia Information and Communications Technology Authority following a lawsuit by Chapter One Foundation. According to the HRC, there was no legitimate existing circumstance to justify the restriction of internet freedoms.

Academic Freedom and Cultural Events

During the Lungu administration authorities attempted to restrict academic freedom and cultural events, and sanctioned academic personnel for their writing and research. For example, in February Ministry of Health authorities, through the National Health Research Authority, censured Dr. Lawrence Mwananyanda, then an adjunct research professor based at Boston University School of Public Health, for the article he and other researchers published in *The BMJ* on the fatal impact of COVID-19 in an urban African population. In their findings, Mwananyanda and others concluded that COVID-19 deaths were common in Lusaka and most deaths occurred in communities without testing capacity and involved individuals who had not been tested. Contrary to the Lungu administration's assertion that COVID-19 was rare, the authors argued that cases of COVID-19 were underreported causing the impact of the pandemic to be "vastly underestimated."

Similarly, on April 27, UNZA management disassociated itself from its modern history professor, Sishuwa Sishuwa, for his article published in the *Mail & Guardian* (a South African newspaper) on March 22, in which he underlined factors that could lead to post-election violence in Zambia. In a press statement, UNZA management suggested that Sishuwa, who was a postdoctoral fellow at the University of Cape Town in South Africa, was not a university employee. More than 100 prominent academics from leading universities condemned the action and called on UNZA management to guarantee Sishuwa's rights of academic freedom and freedom of expression.

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 and association; however, during the Lungu administration the government restricted this right, and police and progovernment groups disrupted opposition and civil society political meetings, rallies, and other activities.

There were reports of police partiality in the application of the law, impunity for violent actions, and excessive use of force by the police. During the Lungu administration police frequently required opposition party or civil society organizations critical of the government to hold meetings at unfavorable locations and times. The law 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, disregarded this ruling during the Lungu administration. Police stopped opposition and civil society groups from holding public gatherings, and imposed overly broad and unjustifiably long restrictions on such meetings, citing COVID-19 regulations issued by the Ministry of Health. According to the Christian Churches Monitoring Group (CCMG), there were 28 instances of campaign space limitation, targeting mostly then UPND supporters.

In May police arrested and detained members of the Resident Doctors Association of Zambia for staging a peaceful assembly to air grievances about the government's nonpayment of their salary arrears and allowances, among other claims. Police Inspector General Kakoma Kanganja warned the doctors they would be arrested if they continued with their assembly or participated in any virtual meetings organized by Resident Doctors Association president Dr. Brian Sampa. On June 7, the government terminated Sampa's employment contract and suspended his medical license. Police later arrested and charged him with "inciting persons employed to provide essential services." On September 7, the Lusaka High Court ordered the Health Professional Council of Zambia to restore Sampa's license and awarded him damages amounting to 101,000 kwacha (\$5,560) for loss of income and legal costs, following successful litigation by Chapter One Foundation, which represented Sampa.

Prior to the August 12 elections, the Patriotic Front government regularly prevented opposition presidential candidates from campaigning, while allowing the then ruling party's presidential candidate and incumbent president and other Patriotic Front officials to campaign freely.

Freedom of Association

The constitution provides for freedom of association. While the government generally respected the right to freedom of association, it retained some limits on this right through various mechanisms. For example, although it generally went unenforced, the law 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 before receiving funding. According to the Southern African Center for the Constructive Resolution of Disputes, government implementation of the law 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 <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

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

In-country Movement: The former Patriotic Front 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. For example, on July 30, police detained then opposition leader Hakainde Hichilema at a Chipata airport runway for two hours to prevent him from meeting his supporters to canvass for votes. On August 3, police further blocked him from entering the Mpika, Isoka, Nakonde, and Mbala districts where he was scheduled to meet his supporters.

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.

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 established encampment policy requires recognized refugees to reside in one of three designated refugee settlements. According to the Office of the Commissioner for Refugees, there were 71,728 refugees and 4,932 asylum seekers living in settlements as of August 31. There were also 24,696 former Angolan and Rwandan refugees. 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 unfamiliar with different permits and passes put them at risk of administrative detention. In May 2020 the government ordered entry and exit restrictions at refugee settlements as a COVID-19 mitigation measure.

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 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 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 permit and the payment of school fees.

Durable Solutions: The government promoted safe, voluntary return, resettlement, and local integration of refugees. In February the government issued 60 residence permits to former Rwandan refugees, the state-run *Times of Zambia* reported. UNHCR reported that in recent years the government issued residence permits to refugees with Angolan and Rwandan passports and offered them land as part of a local integration program. The inability to secure passports and the increase in the cost of residency permits during the year limited former refugees' ability to participate in local integration efforts.

Temporary Protection: The government continued to provide temporary protection to stateless persons found in the territory. The Office of the Commissioner for Refugees reported that as of August 31, 4,932 asylum seekers awaited status determination.

g. Stateless Persons

According to UNHCR, the country does not maintain statistical information regarding stateless persons. In 2019 authorities reported a relatively small number of undocumented habitual residents were integrated into local rural communities.

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 suffrage.

Elections and Political Participation

Recent Elections: The most recent national elections were held on August 12.

The election, which marked the country's third peaceful transition of power since the reintroduction of multiparty politics, consisted of four separate ballots for president, members of parliament, mayors, and local councilors. The opposition United Party for National Development candidate, Hakainde Hichilema, won a landslide victory with 59 percent of the vote. His closest opponent, incumbent president and Patriotic Front candidate, Edgar Lungu, received 38.7 percent, and 14 other candidates received a combined 2.3 percent of the vote. The presidential election was conducted under a majoritarian electoral system that requires a candidate to receive more than 50 percent of votes to avoid a second-round runoff.

There were reports the electoral process was characterized by abuses and irregularities. These included burdensome national voter registration time limitations and lack of transparency in procedures (including access by observers), opaque and inconsistent application of the Electoral Code of Conduct, and late changes to accreditation procedures (including new requirements and without prior consultation), which election experts and civil society observers assessed as undue burdens that did not meet international standards of electoral process management. On May 10, the Electoral Commission of Zambia (ECZ) announced a new voter roll of 7,023,499 voters, replacing the existing one. Chapter One Foundation alleged that ECZ's decision to replace the existing register disenfranchised many voters and led to a decline in the number of registered voters in the opposition stronghold Southern, North-Western, and Western Provinces. Despite calls by the public for an independent audit of the new register, ECZ insisted on conducting a physical inspection.

Election observers and monitors reported that the election results management process complied with transparency requirements at the polling stations and the election was relatively peaceful. They also cited, however, widespread reports of pre-election violence, political interference, abuse of incumbency, unbalanced public media coverage, police actions, and legal restrictions heavily favored the ruling Patriotic Front party, which raised questions about the fairness and credibility of the electoral process. For example, on August 1, then president Lungu deployed army troops on the streets across the country in reaction to increased political violence. The president reinforced the troops on election day in UPND stronghold areas of Western, North-Western, and Southern Provinces,

following the killing of Patriotic Front's North-Western Province chairman Jackson Kungo and another person, allegedly by UPND cadres. Opposition leaders described these actions as an "intimidation tactic." In an August 14 press statement, then president Lungu raised more concerns when he declared the elections "not free and fair." Lungu later conceded and congratulated the winning candidate on August 16 and committed to a peaceful transfer of power, which culminated in Hakainde Hichilema's inauguration on August 24.

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 under the Lungu administration pursued activities that undermined opposition parties, including targeted arrests of opposition party leaders and members, denial of party registration, and general harassment. Prior to the August 12 elections, media reported that the then ruling party continued to enjoy the use of government resources for campaign purposes and at times used police to harass opposition parties. During campaigns the former ruling government distributed money as a "church empowerment fund" to religious organizations. Members of the then ruling party also openly distributed money to members of the public. Critics described such actions as tantamount to "corruption" and "vote buying."

The CCMG reported campaign statistics showed a limitation of campaign space for opposition parties, which created an uneven playing field. On May 26, then president Lungu directed the police to prevent members of political parties from holding public rallies to prevent the spread of COVID-19. Police prevented or interrupted opposition party meetings and blocked opposition leaders from meeting supporters without citing any reasons. For example, on July 25, authorities at Kenneth Kaunda International Airport prevented then opposition leader Hakainde Hichilema from departing Lusaka after boarding a private aircraft despite having been previously granted flight clearance. Similarly, on July 29, police officers detained Hichilema at Chipata Airport and denied him entry into the district on the grounds that he would be conducting political campaigns, according to media reports. Police blocked the road leading to the airport and fired teargas at his supporters. On January 31, ECZ announced that prisoners would be allowed to

vote in the upcoming general elections based on the Constitutional Court's 2017 ruling that the electoral law preventing convicted prisoners from voting was unconstitutional. The government complied with the ruling and eligible prisoners voted in the August 12 election.

Participation of Women and Members of Minority Groups: There are no laws preventing women or members of minority groups from voting, running for office, 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 had the effect of disqualifying many female candidates, because they often were unable to complete secondary school due to traditional or cultural factors such as early marriage.

As of September, 25 of 166 members of parliament were women. On September 3, members of parliament elected Nelly Mutti as the first female speaker of the National Assembly. The country's new vice president was also a woman. Overall, however, few women occupied public decision-making positions. 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.

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 so inconsistently. 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 that, the enforcement rate was low among senior government officials and in the civil service.

According to Transparency International Zambia, the conviction rate for those prosecuted for corruption was 10 to 20 percent. The Patriotic Front 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. Transparency International Zambia further reported that, during the Patriotic Front administration, officials frequently engaged in corrupt practices with impunity.

Corruption: Media reported numerous allegations of government corruption, particularly in public procurement. For example, the Ministry of Health's procurement of 17 million dollars' worth of defective and unsafe medical supplies in 2020 and its alleged misapplication of COVID-19 donations made corruption a key electoral issue during the national elections. Subsequently, former Minister of Health Dr. Chitalu Chilufya, former Ministry of Health permanent secretary Kakulubelwa Mulalelo, and others were arrested in connection with the scandal. In July the Lusaka Magistrates Court acquitted Chilufya, Mulalelo, and others of all charges relating to these allegations.

In June 2020 the Anti-Corruption Commission (ACC) arrested Chilufya, while serving as minister of health, and charged him with four counts of possession of criminally obtained property. The ACC offered no further evidence against him and dropped the charges.

On June 24, the Lusaka Magistrates Court convicted former minister of community development and social services, Emerine Kabanshi, of corruption-related charges and sentenced her to two years of imprisonment. Kabanshi appealed to the High Court and her appeal case remained pending at the year's end. Kabanshi was also arrested for abuse of authority of office by the ACC in 2019.

On December 7, former international minister Joseph Malanji was arrested by the government for possessing property suspected to be proceeds of crime; he remained in police detention at year's end.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups generally operated without

government restriction, investigating and publishing their findings on human rights cases.

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.

Section 6. Discrimination and Societal Abuses

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 law criminalizes 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 survivors 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 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 survivors accessed counseling and legal support services. The Survivor 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 which is intended to elongate the labia, was widely practiced. There were, however, indications the incidence rate was declining, especially in urban areas.

Sexual Harassment: Sexual harassment was common, and the government took few steps to prosecute harassment during the year. Although the law 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 NGO Gender Organizations' Coordinating Council received many reports of sexual harassment in the workplace but noted stringent evidence requirements often prevented survivors from filing charges against their harassers. Family pressure on survivors to withdraw complaints, especially when perpetrators were also family members, also hampered prosecution.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. 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. Access to menstrual health and hygiene remained limited due to inadequate knowledge and poverty resulting in inadequate funds to buy menstrual hygiene products. Teen pregnancy also remained a barrier to education, but under the reentry policy girls who drop out of school due to pregnancy are readmitted into school after delivery. Barriers to accessing post-abortion care (PAC) included lack of information and inadequate sensitization on the existence of PAC services, limited resources to provide PAC services, and inadequate skilled staff, infrastructure, equipment, and commodities.

Through the Zambia-UN Joint Program on Gender Based Violence, the government provided survivors of sexual violence access to sexual and reproductive health services. Although emergency contraception was available, service delivery points did not stock it due to funding gaps in the procurement process and the stigma associated with getting the commodity in public health centers. There was, however, an increased uptake of emergency contraception in private health centers.

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 childbirths were assisted by a skilled provider, the pregnancy rate for girls and women between ages 15 and 19 was 29 percent, and the median age of having the first child was 19, indicating limited contraceptive use among teenagers.

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 restricted women's access to credit as they lacked the

collateral that land ownership provides.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits any form of discrimination including on ethnicity, and there were no reports of violence or discrimination based on ethnicity. 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. 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 granted special recognition to traditional leaders nationwide. It did 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.

Children

Birth Registration: Citizenship is derived from one's parents or, except for 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. Birth registration rates remained low, at 11 percent of children under the age of five years old, UNICEF reported. Both state and nonstate institutions accepted alternative documents to access other basic services.

Education: Although the law provides for free and compulsory education for children of "school-going age," it neither sets a specific age nor defines what is meant by "school-going age." These omissions left 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.

Medical Care: Boys and girls had equal access to state-provided medical care. In July the UN Office of the High Commissioner for Human Rights issued a press statement calling on the government to provide medical treatment to thousands of children suffering from lead poisoning in Kabwe. It urged the government to “take swift steps to clean up areas” in Kabwe “contaminated by residue from what was once the country’s largest lead mine.” According to the World Health Organization, more than 95 percent of children in the area had excessive blood lead levels, meaning they were exposed to serious risks and harm. In 2020 approximately 2,500 Kabwe children who were tested under a World Bank project were found to have extremely high blood lead levels and required immediate chelation therapy, the most common treatment for lead poisoning.

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 and girls with parental consent and 21 without consent. There is no minimum age under customary law. According to UNICEF, 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. Early and forced marriages were prevalent, especially in rural areas. The government, parliamentarians, civil society organizations, and donors worked together to fight early and forced marriages. The government adopted a multisectoral approach to stop child marriage, including keeping children in school, creating reentry 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)* started 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. Some local traditional 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 sex trafficking of children and child pornography and provides for penalties of up to life imprisonment for convicted perpetrators. Demonstration of threats, force, intimidation, or other forms of coercion, however, is required to constitute a child sex trafficking offense, which is inconsistent with the definition under international law, and therefore, does not criminalize all forms of child sex trafficking. The law requires prosecution of perpetrators and referral to care for survivors of sex trafficking but authorities did not enforce the law, and commercial sexual exploitation of children was common. According to UNICEF transactional sexual exploitation, which refers to engaging in sexual activity in exchange for basic needs, such food, clothes, or shelter, remained prevalent among extremely vulnerable girls.

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 Zambia Agency for Persons with Disabilities (ZAPD) reported the government did not enforce the law; lack of accessibility in public transportation and infrastructure and information access remained a problem. ZAPD reported police and other government institutions did help prevent violence against 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 and disaggregated 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 accommodations 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. Most 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.

Government inaction limited participation of persons with disabilities in the electoral process, including voting. According to CCMG, most polling stations were not accessible to persons with disabilities. For example, of the 965 polling stations observed, 354 were not accessible to persons with disabilities, CCMG reported. During the August 12 elections, information on voter registration and elections was accessible and the government provided ballots in braille or digitally accessible formats.

HIV and AIDS Social Stigma

The government actively discouraged discrimination against persons with HIV or AIDS. Most employers adopted nondiscriminatory HIV and AIDS workplace policies. Training of the public sector, including the judiciary, on the rights of persons with HIV or 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 or AIDS.

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

The law criminalizes consensual same-sex sexual conduct, 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 a penalty of up to 14 years’ imprisonment. Under the Lungu administration the government continued to reject calls to recognize and protect lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) rights.

Police perpetrated violence and verbal and physical harassment against persons based on gender identity and sexual orientation. LGBTQI+ persons were at risk of societal violence due to prevailing prejudices, misperceptions of the law, lack of legal protections, and inability to access healthcare services, and were subjected to prolonged detentions. Many politicians, media figures, and religious leaders expressed opposition to basic protections and human rights for LGBTQI+ persons and same-sex marriage.

According to LGBTQI+ advocacy groups, police routinely requested bribes from LGBTQI+ individuals after arresting them. Bribes ranged from 500 to 15,000 kwacha (\$30 to \$900). Societal violence against LGBTQI+ persons continued, as did discrimination in employment, housing, and access to education and health care. LGBTQI+ groups reported frequent harassment of LGBTQI+ persons and their families, including threats via text message and email, vandalism, stalking, and outright violence. For example, an LGBTQI+ group reported that in March a 17-year-old intersex individual who applied for a job that required a female was made to undress in front of a hiring official to confirm their gender. The group alleged that the individual was not offered the job as a result of discrimination.

Freedom of expression or peaceful assembly on LGBTQI+ matters remained nonexistent.

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. The labor commissioner has authority to monitor the accounts of trade unions and recommend dissolution of trade union boards if the union has violated the law or is dormant.

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 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 one 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. The parties to the collective agreement must conclude negotiations within three months or face fines. Collective bargaining agreements must be filed with the commissioner and approved by the minister before becoming binding on the signatory parties.

Except for 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. Essential employees do not have the right to strike; disputes must be referred directly to the Industrial Relations Court. 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 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. The government did not effectively enforce the law. Penalties for employers were not commensurate with those for similar violations and were not effectively enforced.

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 war, national emergencies, or disasters. The government also may require citizens to perform labor associated with traditional, civil, or communal obligations. Disobeying a lawful order or command to perform labor in such instances is an offense punishable by up to two years of imprisonment.

The law 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 not commensurate with those for similar violations, such as kidnapping.

The government did not effectively enforce the law. While the government investigated cases involving a small number of victims, it did not investigate more organized trafficking operations involving forced labor in the mining, construction, and agricultural sectors. According to the Zambia Congress of Trade Unions, there was 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 hampered 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 all sectors, particularly in the informal sector where child labor was prevalent. Resources, inspections, and remediation were inadequate. Penalties were not commensurate with those for similar violations such as kidnapping. The law does not stipulate an age for compulsory education, and children who were not enrolled were vulnerable to child labor.

The labor commissioner enforced minimum age requirements in the industrial sector, where there was little demand for child labor, and prosecuted some cases of child labor. The government seldom enforced minimum age standards in the informal sector, particularly in artisanal mining, agriculture, and domestic service. The government reported that the National Steering Committee on Child Labor was reconstituted during the year, consisting of government representatives, employers, trade unions, and civil society members, and remained active in overseeing child labor activities. 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 inspectors and law enforcement agencies to investigate alleged violations and successfully prosecute cases.

Child labor remained prevalent, particularly in agriculture, including the production of tobacco, herding, fisheries, domestic service, construction, farming, commercial sexual exploitation (see section 6, Children), quarrying, begging, and mining. According to the Ministry of Labor and Social Security estimates, there are 38.3 percent and 44.4 percent of unpaid and paid incidences of child labor in the country. 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 light work that is not harmful to the child's health or development and 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 based on race, religion, national origin, color, sex, ethnicity, disability, age, or refugee status but does not specifically prohibit such discrimination based on HIV and AIDS status, sexual orientation, or gender identity. Various organizations had policies that protected individuals with HIV or 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. LGBTQI+ persons were at times dismissed from employment or not hired because of their sexual orientation or gender identity. Women's wages lagged 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

Wage and Hour Laws: 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 about 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.

Occupational Safety and Health: The law regulates minimum occupational safety and health (OSH) standards in industry. According to the 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 identify unsafe situations in a work environment.

The government did not consistently enforce wage, hour, and safety laws. 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 Zambia Congress of Trade Unions, compliance levels to standardized overtime pay were low due to insufficient enforcement.

Reported incidents of Chinese-owned firms forcing workers into quarantine to prevent the spread COVID-19 among them continued. For example, SinoHydro, a Chinese company working at the Kafue Gorge Lower Hydro Power project in

Kafue, forcibly held its workers under lockdown from March 2020 until October 2021 during the COVID-19 pandemic, the Human Rights Commission 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 construction and mining sectors, particularly in Chinese-owned companies, and among domestic workers.

Informal Sector: The informal sector employs approximately 90 percent of the labor force. Labor laws apply to the informal sector, but they are rarely enforced. Agriculture was the biggest sector in the informal economy, but much of the artisanal mining and construction sectors were also informal.