

# ZAMBIA 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Zambia is a constitutional republic governed by a democratically elected president and a unicameral national assembly. International and local observers considered national elections held in 2011 to be generally free and fair. On October 28, President Sata died while in office. Acting President Guy Scott, formerly vice president, per the constitution assumed the functions of the presidency until a presidential by-election scheduled for January 20, 2015. Authorities maintained effective control over the security forces.

Serious human rights abuses occurred during the year, although the government took some steps to address breaches in law. The most important were abuses by police, including reports of unlawful killings, torture, and beatings; political violence; and gender-based violence.

Other serious human rights problems included life-threatening prison conditions; arbitrary arrest; prolonged pretrial detention; arbitrary interference with privacy; displacement of landowners; restrictions on freedom of the press and speech; government corruption; child abuse; trafficking in persons; discrimination against persons with disabilities and members of the lesbian, gay, bisexual, and transgender (LGBT) community; restrictions on labor rights; and child labor. Although authorities still selectively enforced laws pertaining to freedom of assembly and association, the government took actions throughout most of the year to address restrictions on these constitutionally protected rights.

The government took some steps to prosecute officials suspected of corruption or human rights abuses during the year; however, impunity remained a problem.

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

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

There were several reports that the government or its agents committed arbitrary or unlawful killings. For example, on January 1, police on patrol in Choma District shot and killed Claris Muleya and wounded his colleague Lwendo Mutukula. Authorities arrested police officer Paul Nabuzoka for the unlawful killing of Muleya and for injuring Mutukula. Nabuzoka's trial was underway at year's end.

On February 18, Matias Banda died at Lusaka's Chilenje Police Station after police allegedly beat him for being in possession of a stolen cell phone. The family complained to the police station but did not file formal charges.

Impunity remained a problem. The government, however, took more steps to prosecute or punish officials who committed abuses than in the previous year. On March 8, the Zambian Human Rights Commission (HRC) praised the government for its increased firmness against police brutality.

### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution prohibits subjecting any person to torture or to inhuman or degrading punishment, but no laws specifically prohibit torture. There were reports that police frequently used excessive force, including torture, and cruel, inhuman, or degrading treatment when apprehending, interrogating, and detaining criminal suspects. In an improvement from previous years, however, authorities took steps to apprehend and punish those found to have engaged in torture. According to the HRC, police acted when abuses became public, especially in the press or in the community.

In February police in Mazabuka District beat and injured Emily Mayoni, whom they suspected of buying stolen goods. On September 3, road traffic police in Ndola beat Don Botha after he abandoned a vehicle in which he was a passenger. Botha later entered Ndola Central Hospital, having sustained soft tissue injuries.

During the year the HRC undertook a countrywide antitorture campaign, training members of the Zambia Police Service (ZPS) and Zambia Defense Forces on torture prevention and mitigation. The HRC received support from the minister of defense, inspector general of police, and vice president in its effort to train officers and domesticate laws criminalizing torture.

Despite an increase in the government's commitment to decrease the prevalence of torture, some officers who beat or otherwise abused suspects generally were not disciplined or arrested unless the abuses led to death and became public. For example, only after media outlets reported that several women's movements and

the HRC had condemned the beating of Mayoni did the police reportedly suspend the officers involved. The HRC reported in its follow-up investigations that the officers involved continued to report for work after the incident and that authorities suspended them only after the HRC's observation and press coverage. In contrast with 2013, human rights groups did not receive reports of police demanding sex from female detainees as a condition of their release or of police officers who raped women and girls in their custody.

### **Prison and Detention Center Conditions**

Prison conditions were harsh and life threatening due to outbreaks of disease, food and potable water shortages, gross overcrowding, and poor sanitation standards and medical care. Delays in court proceedings caused by an inefficient judiciary contributed to the holding of large numbers of pretrial detainees for extended periods.

Physical Conditions: According to Prison Service Commissioner Percy Chato, prisons remained congested and held approximately 17,160 persons. The nongovernmental organization (NGO) Prisons Care and Counseling Association (PRISCCA) reported the 90 existing prisons--originally built to hold up to 6,700 inmates--received upgrades during the year to accommodate an additional 550 inmates, increasing overall capacity to 7,250. Prisons held approximately 6,000 pretrial detainees. For example, prison congestion resulted in an individual holding cell built for seven inmates instead holding 99.

Approximately 3 percent of inmates were women, and 3 percent were juveniles. The HRC observed that many juvenile detainees remained in prisons for as long as two to three years, awaiting confirmation orders for their transfer to reformatories. Many of these juveniles told the HRC that this delay made reentry into society difficult, as they were held in the same quarters as adults who had committed serious crimes. When this problem was brought to judges' attention, many took steps to expedite confirmation orders. 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 uniformly or adequately address the needs of persons with disabilities.

According to the HRC's 2013 prison inspection report, overcrowding remained a major problem, as most of the facilities were built during the colonial period to hold a smaller inmate population. The report noted the most crowded prisons were Chipata Central Prison with 758 inmates, originally built to hold 250; Mongu

Central Prison, with 570 prisoners in a facility built to hold 180; and Mpika State Prison with 232 prisoners in a facility designed to hold 90. The HRC also reported that inmates complained overcrowding exposed them to infectious diseases such as tuberculosis because sick and healthy inmates were not separated.

Although the Prisons Act requires separation of different categories of prisoners, only female prisoners were held separately; juveniles and pretrial detainees were often held together. For instance, in the 16 state prisons the HRC inspected, only three had a separate section for juveniles.

On May 18, Deputy Minister for Home Affairs Nickson Chilangwa attributed increases in prison escape cases to the poor state of detention facilities. Throughout the year Minister of Home Affairs Ngosa Simbyakula announced consecutive construction and reform actions aimed at reducing overcrowding.

By law police may detain suspects up to 24 hours in holding cells. The ZPS operated 90 incarceration facilities nationwide, of which 55 were standard prisons, 33 were open-air prisons, and two were juvenile reformatories.

Overcrowding, poor sanitation, dilapidated infrastructure, 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. Although prison authorities noted reductions in cases of tuberculosis during the year, HIV and tuberculosis remained rampant, with HIV prevalence in prison estimated at 27.4 percent, compared with 14.3 percent in the general population. On May 7, a team of health inspectors ordered the immediate closure of Mbala State Prison, citing grave violations of the Public Health Act and sanitation laws. According to the inspectors, a cell designed to hold two inmates held 88. There were no lavatories in the holding cells, forcing inmates to use buckets as toilets.

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. During prison visits during the year, however, the HRC noticed some prisons began serving three meals per day. Prison officers-in-charge often arbitrarily prohibited family members from providing additional food to prisoners. The HRC expressed concern at the lack of special isolation facilities for the sick and for persons with psychiatric problems. Psychiatric isolation facilities did not exist within prison facilities,

although the HRC in November visited and praised Chainama Hospital in Lusaka for taking on prisoners' psychiatric care. Prison deaths occurred as a result of these conditions.

No charges were filed against prison authorities at Mukobeko Maximum Security Prison, who in February 2013 shot tear gas at prisoners in locked cells and then beat them. Eight prisoners died from the beatings and suffocation.

Prison rules require prisoners receiving medical attention to be escorted by a prison officer. During the year the government declared a wage and employment freeze in all government institutions. The declaration further constrained the already understaffed prison service workforce of 2,423 in the performance of escort and other duties. Prisoners were routinely denied access to medical care.

The prison system employed two medical doctors. In addition the Ministry of Health also provided mobile hospital facilities to Mwembeshi, Kamfinsa, Kabwe, and Chipata prisons during the year. The supply of tuberculosis drugs was erratic. Failure to remove or quarantine sick inmates resulted in the spread of tuberculosis and other airborne illnesses, leading to infection and death in prison populations.

On April 29, Commissioner of Prisons Chato announced that fewer inmates needed tuberculosis treatment during the year than in 2013, but he noted cases of the disease were still 15 to 20 times higher than in the general population. According to Chato, as of April 24, there were 104 male inmates and one female inmate undergoing tuberculosis treatment in the country, compared with 184 men and two women in 2013.

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. Discriminatory attitudes towards the most at-risk populations (sex workers and men who have sex with men) continued to stifle 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 child care could choose to have their infants and children under the age of four with them in prison. On May 19, Home Affairs Minister Simbyakula acknowledged that although the law on the care of circumstantial children existed, lack of resources prevented its implementation. Prisons provided no food or medical services to children,

however, and mothers had to share their meager rations with their children in an environment lacking appropriate medical care, which often exposed children to disease.

Administration: Recordkeeping was inadequate. The penal code provides for noncustodial sentencing, but only at judges' discretion. Judges handed down noncustodial sentences mostly to juvenile offenders. For example, on June 8, in lieu of detention, the magistrate's court in Ndola placed a 17-year-old student on 12-months' probation for unlawfully wounding his friend. There were no ombudsmen to promote the interests of inmates. Prisoners and detainees had regular access to visitors and were permitted religious observance. The government investigated and monitored prison and detention center conditions, and compared with 2013, it increased efforts to improve detention center conditions. Prisoners and detainees generally could not submit complaints to judicial authorities or request investigation of credible allegations of inhuman conditions.

Independent Monitoring: During the year the government permitted prison visits by both domestic and international NGOs, including by religious institutions. Local NGOs that advocated for better prison conditions were permitted visits and often published critical reports. The HRC also continued its campaign to eradicate torture within the prison system.

Improvements: On August 31, Minister Simbyakula commissioned the newly built Luwingu State Prison in Northern Province. The HRC visited Luwingu Prison and noted that it met minimum international standards for care, sanitation, and maintenance. The government also opened a new cell for female inmates at Chipata Central Prison. In addition the government was nearing completion in transforming Monze Open Air Prison to a full-capacity prison. The Ministry of Justice in June appointed a Legal and Justice Sector Reform Commission to collect public submissions on possible reforms in the legal and justice sectors, including issues pertaining to pretrial detention and prison conditions. Overall, national prison capacity increased from 6,700 in 2013 to 7,250 during the year, according to PRISCCA. The Prison Service Commission noted that the government had shown greater commitment to financing and supporting the commission during the year. With the government's support, the commission undertook farm-expansion programs to improve food production to better address dietary needs of prisoners. The government also showed greater support towards the HRC, particularly in its antitorture campaign in places of detention. Judges also increasingly applied 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.

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

Although the constitution and law prohibit arbitrary arrest and detention, the government did not always respect these prohibitions. Police raided several churches during the year and detained suspected illegal immigrants before thorough investigation. Authorities wrongly detained persons with valid legal documentation--at times including Zambian citizens. For example, on July 27, police raided two churches in Lusaka and arrested more than 200 suspected immigrants and refugees assumed to be in the country illegally. Many later proved their legal status. Similarly, in June a joint taskforce, including the Drug Enforcement Commission, ZPS, and Immigration Department, arrested dozens of residents of Lusaka's Chibolya Compound in an attempt to rid the area of illegal drug trafficking. Many of these arrests resulted in subsequent releases without charge.

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

The 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 intelligence and internal security. The Central Police Command in Lusaka oversees 10 provincial police divisions with jurisdiction over police stations in towns countrywide. Although the government identified a need for 27,000 police officers, there were only 17,534 police on duty as of November, with 200 more undergoing training.

The defense forces, composed of the army, air force, and national service, totaled approximately 21,600 members. 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 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.

Lack of professionalism, poor investigatory skills, and corruption--attributed to inadequate salaries, training, and equipment--remained serious problems for the police. The HRC and the Law Association of Zambia expressed concern police officers were poorly trained and ill equipped and did not exercise restraint on the use of force. Other security forces were not similarly alleged to have committed abuses.

Civilian authorities maintained control over security forces.

ZPS senior leadership, from the inspector general (the highest rank within ZPS) to the level of provincial commissioner, is appointed directly by the president.

The Police Public Complaints Authority (PPCA) encouraged aggrieved members of the public to report cases of human rights abuse by police. The PPCA reviewed complaints regarding police conduct that were not resolved through internal police channels. Many cases of abuse went unreported due to lack of public awareness of the PPCA and fear of retribution. During the year, however, the PPCA completed one investigation and sent corrective recommendations to the ZPS. Government investigation of corruption cases shifted from mostly targeting leaders of the former ruling Movement for Multiparty Democracy (MMD) to including senior officials from within the ruling Patriotic Front (PF).

### **Arrest Procedures and Treatment While in Detention**

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 a detainee appear before a court within 24 hours of arrest, detainees routinely were held for much longer periods while prosecutors and officers collected additional evidence before presenting cases to a court. The HRC observed that inefficiencies in other government agencies often stifled police investigations. For example, if a case required medical postmortems, medical practitioners' speed of work slowed police investigations. Police were also poorly equipped with transport to deploy, investigate cases efficiently, and take suspects to court, leaving many arrestees in police holding cells while police sought



transportation to regional court centers. The HRC further observed interference in politically sensitive cases. The law provides for prompt judicial determination of the legality of charges against a detainee; however, authorities often did not inform detainees promptly of charges against them. Although the law obligates the government to provide an attorney to indigent persons who face serious charges, many indigent defendants received no legal counsel.

Although there was a functioning bail system, more than 6,000 prisoners remained incarcerated without trial, creating a massive administrative backlog in bail or bond cases. Prisons remained overcrowded, in part because defendants could not afford bail or were held on charges for which bail is not authorized, including murder, aggravated robbery, and violations of narcotics laws. The Law Association of Zambia expressed concern the courts made bail virtually unattainable by demanding unachievable conditions. For instance, the law requires that an arrestee provide working sureties prior to obtaining bail. In practice, however, courts often restricted this condition to sureties working for the government, making it difficult for those who allegedly committed what authorities perceived to be political offenses to obtain bail relief. Many poorer arrestees were also unable to meet bail conditions, since they had no relatives or acquaintances working in government. During the year the HRC convened all government agencies handling bail and bond matters to share experiences and challenges to enable them to recommend best practices to ease bail and bond conditions. For those arrestees who could not afford legal fees, the government's legal aid office and the Legal Resources Foundation provided some with legal services.

Arbitrary Arrest: According to human rights groups, arbitrary arrest and detention remained problems. Police arbitrarily arrested family members of criminal suspects, often for questioning. Authorities often arrested criminal suspects based on insubstantial evidence, uncorroborated accusations, or as a pretext for extortion. Police officials disciplined some officers for engaging in the extortion of prisoners by suspending them or issuing written reprimands. Dismissals of officers for extortion were rare.

Police arbitrarily arrested opposition leaders and journalists. For example, on January 8, police arrested Alliance for Better Zambia party president Frank Bwalya for criticizing President Sata, referring to him as “chumbu mushololwa” (bent sweet potato). Police later charged Bwalya with defamation of the president. After several months of adjournments, during which time Bwalya was out on bail, the court dismissed all charges.

On April 15, police detained and subsequently released a circulations officer for the daily newspaper *Daily Nation* over a story in which opposition United Party for National Development (UPND) leader Hakainde Hichilema disputed claims he was rescued by police when PF supporters attacked him at the SUN FM radio station in Ndola.

The Public Order Act (POA) requires political parties to inform police in advance of any planned rallies. The POA also requires police provide security for such events and, if unable to provide it, suggest a different date and time. In the first half of the year, police insisted on either granting or denying a permit, although the POA only requires notification. Police often used the act to deny permits to opposition groups on the grounds of inadequate staff, after which police responded in force at rallies to arrest opposition leaders and their supporters. The HRC observed police needed more training in the administration of the POA and, together with a local NGO, the Southern African Center for Constructive Resolution of Disputes, carried out a countrywide education and sensitization campaign for the police on implementing the POA. By contrast, PF supporters, who sometimes were armed, often held rallies without submitting prior notification, and police seldom interfered. Improper application of the POA decreased in the second half of the year, with parties holding rallies with greater freedom.

Pretrial Detention: Prolonged pretrial detention was a problem but improved slightly. Approximately 32 percent of prison inmates were in pretrial detention, down from 35 percent in 2013. On average detainees spent an estimated two years in pretrial detention, which often exceeded the length of the prison sentence that corresponded to their alleged crime. On May 1, five detainees at Chainama petitioned the Lusaka High Court to intervene in the matters in which they had been detained for periods between nine and 35 years without trial. Pretrial detainees often had little access to bail or bond proceedings, despite NGO efforts to make this relief available to them. The absence of state prosecutors at court and the state's failure to bring witnesses to court were perennial causes for prolonged pretrial detention, as judges would adjourn hearings for later dates. In August, in an effort to resolve two long-pending pretrial detentions, the Lusaka High Court released in separate incidents nine men repeatedly appearing in court for more than two years. In one incident Judge Isaac Chali released Patrick Matambika, Danny Zulu, and their colleagues because the arresting officer had no evidence and did not bring any exhibits to court. In another the same judge released Gift Banda and his co-accused because the state prosecutors missed the court hearing. Broad rules of procedure gave wide latitude to prosecutors and defense attorneys to delay trials.

Judicial inefficiency, lack of resources, and lack of trained personnel also contributed to prolonged pretrial detention.

Amnesty: On May 25, African Freedom Day, the president granted amnesty to 365 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, former PF secretary general Wynter Kabimba, who at the time also served as justice minister, used the solicitor general's legal opinion to advance the PF's legal challenges in several electoral disputes. A tribunal probed and exonerated Kabimba's actions, although there were allegations that the hearings were not conducted fairly. The government subsequently promoted the tribunal lead judge to Supreme Court justice amid civil society and NGO disapproval and condemnation of the move.

The judicial system was hampered by inefficiency, corruption, and lack of resources. During the launch of the Judiciary Service Charter on July 1, Acting Chief Justice Lombe Chibesakunda deplored corruption in the judiciary and alerted the public to be on the lookout in dealing with the judiciary. Unlike in 2013 there were no reports of police, the Joint Government Investigative Team, and the Immigration Department within the Ministry of Home Affairs not following court orders. The courts made some judgments and rulings against the government. For example, on July 3, the Supreme Court ruled against the state's application to prevent five former opposition members of parliament from recontesting their seats, which the same court had earlier nullified on charges of electoral malpractice. In several instances the courts awarded damages in cases of police and other security force abuse or unlawful arrest. These court rulings were honored.

### **Trial Procedures**

Defendants enjoyed the right to a presumption of innocence. They were, however, 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. Many

defendants could not afford an attorney. 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 Rights. There were no such appeals during the year.

#### **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 without a warrant when the law required one.

Domestic human rights groups reported that 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 on the basis of probable cause, and authorities generally respected this requirement. The government required that cell phone service providers register all subscribers' SIM cards. Cell phone providers shut off service to unregistered cell phones by January 31.

## **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 that the government used to restrict these freedoms.

Freedom of Speech: The government remained sensitive to criticism by opposition leaders and their supporters, and it was quick to prosecute critics using the legal pretext that they had defamed the president or had incited public disorder. Most notably, police arrested several citizens for commenting on President Sata's health. For example, on June 13, police in Lusaka arrested George Chimbel, Fresher Siwale, and Richard Hajika for publication of false news, alleging the trio claimed there would soon be a presidential by-election. In similar circumstances, on June 17, police arrested UPND Copperbelt provincial chairperson Elisha Matambo for predicting that President Sata would soon die and that there would be a presidential by-election.

On April 13, PF supporters stormed SUN FM radio in Ndola, disrupting a radio interview featuring UPND leader Hichilema. Hichilema escaped the supporters' attack through the rooftop of the radio station. There were other instances of PF supporters accosting government critics and attempting to prevent them from conducting radio interviews; police did not prevent the harassment. The government monitored opposition political meetings.

Press Freedoms: The government ran two of the country's four most widely circulated newspapers. Of the two private newspapers, one was antigovernment and the second was perceived as generally progovernment. Opposition political parties and civil society organizations complained that the two government-run and one progovernment private newspaper did not report objectively, despite the occasional story that criticized the government. In June the NGO Freedom House downgraded the country's 2013 rating on press freedom from "partly free" to "not free."

In addition to a government-controlled radio station that broadcasted nationwide, approximately 66 private radio stations broadcast, including community radio stations. Throughout the year, however, these stations experienced increased political pressure, including from nominally apolitical civil servants. The Media Institute of Southern Africa-Zambia (MISA-Zambia) and other media advocacy organizations expressed concern at what they termed the increased infiltration of ruling-party supporters on community radio station boards, frequent political interference in operations, and violence towards journalists. Although some local private stations broadcast call-in programs on which diverse and critical viewpoints were freely expressed, media bodies complained that journalists frequently received threats and intimidation from senior government officials and politicians after such programs. For example, on April 15, Copperbelt Provincial

Minister Mwenya Musenge directed radio stations in the province to notify the police before hosting any political leaders. On June 16, Mongu Central Police Officer in Charge J. B. Kasanda instructed community radio stations in Mongu to cancel already scheduled and paid-for radio programs with UPND leader Hichilema.

On October 8, Minister of Youth and Sports Chishimba Kambwili visited the University of Zambia's radio station and threatened to fire the station manager and presenter for discussing Kambwili's earlier comments on the lack of scholarships (bursaries) for several thousand students at the university.

On November 23, according to the Zambia National Broadcasting Corporation (ZNBC), Kambwili entered the broadcaster's newsroom uninvited and demanded ZNBC take off the air content that showed divisions in the PF and displayed a large-scale opposition rally. The following day ZNBC condemned the minister's actions--as well as other intimidation over their coverage since the president's death--and vowed to offer accurate news and differing viewpoints.

On December 4, High Court Judge Isaac Chali acquitted Foundation for Democratic Process Executive Director McDonald Chipenzi, *Daily Nation* owner Richard Sakala, and production editor Simon Mwanza of all charges related to their November 2013 arrest on charges of publishing information on allegedly secret police recruitment. In his ruling Judge Chali asserted that penal code section 67, which deems illegal "publishing false news with intent to cause fear and alarm," was unconstitutional. Chali asserted that the constitution protects freedom of the press and speech and that the law he called unconstitutional was not "reasonably justifiable in a democratic society."

Although the government-owned ZNBC was the principal local content television station, privately owned Muvi Television gained wider coverage and viewership through satellite broadcasting than in previous years. Other privately owned and foreign-owned television stations also broadcast. International services were not restricted.

Violence and Harassment: Although the government stated that it tolerated negative articles in newspapers and magazines, several journalists reported receiving threatening telephone calls urging them not to print critical information. On June 2, Isoka district commissioner Joe Siwila and council chairperson Moses Simwanza flanked by PF district and constituency leaders Alex Muma, Jack Sinkutwa, and Gift Nyirenda, harassed Isoka FM station technician Mathews

Mwandila, head of programs and current affairs Peter Sichali, and editor Jarine Namukoko, and took them to the police station. The PF supporters alleged the radio station allowed opposition UPND's national chairperson Mutale Nalumango to agitate against President Sata by discussing stalled constitutional reforms and the depreciation of the kwacha. Police held the station manager incommunicado for two weeks, moving him from Isoka to Nakonde, Mbala, and then Lusaka, where he was released without charge.

In February in Northwestern Province, the Kasempa district commissioner accosted the station manager for Radio Kasempa for broadcasting content that exposed misuse of constituency development funds. Media watchdogs reported the district commissioner threw stones at the journalist when he attempted to leave; no charges were filed by either side.

Police continued to arrest and harass journalists. Progovernment political activists and state agents often subjected journalists to physical attack, harassment, and intimidation.

On May 21, police in Siavonga raided Kariba FM radio for allegedly broadcasting a news item that suggested police officers who were drinking during working hours must be transferred from the district.

On June 7, several police officers beat *Post Newspaper* journalist Oliver Chisenga while he took pictures of them beating a bus driver in Lusaka. The HRC publicly condemned the act and denounced the trend of attacks by law enforcement officers, politicians, and other members of society against journalists.

On June 27, a group of suspected PF supporters injured Faines Muyumba and Chris Kakunta, both freelance journalists, on suspicion they were behind a number of antigovernment stories published in the online publication *Zambian Watchdog*. The attackers allegedly later dumped the injured victims at Leopards Hill Cemetery. Police later claimed to have arrested the assailants but refused to disclose names; no trials occurred by year's end.

Censorship or Content Restrictions: The government remained sensitive to media criticism. On May 27, the Independent Broadcasting Authority acting director, Eustace Nkandu, demanded a recording of Hot FM's *Breakfast Show*, in which callers discussed the alleged failing health of President Sata. On May 29, the Independent Broadcasting Authority demanded Hot FM issue an apology to the president to run during the *Breakfast Show*'s entire upcoming broadcasts and all

prime-time programs during the following week. MISA-Zambia termed this intervention “government intimidation” and a violation of media freedom.

On September 19, the National Assembly barred all private media from covering President Sata’s official opening of parliament inside parliament’s chambers. Parliament allowed only state-owned Zambia National Information Services, the ZNBC, and one government-aligned private newspaper inside parliament. Officials confined other private media organizations to a media center (approximately 660 feet from the parliament building) where they followed President Sata’s address on public television screens. Portions of the speech were rendered inaudible throughout ZNBC’s coverage. Minister of Information and Broadcasting Services Joseph Katema at first denied media had been barred from covering the event, but Vice President Scott later apologized. MISA-Zambia sought court intervention, but the case did not come up for hearing until after the fact.

Libel Laws/National Security: Libel laws and laws against publishing false news with intent to cause fear and alarm, presidential defamation, prohibitions on possessing, producing, conveying, distributing, or displaying of any obscene matters that tend to corrupt morals, and criminal defamation were used to suppress free speech and the press. On March 2, then minister of information and broadcasting services Mwansa Kapeya threatened Kasama’s Radio Mano with deregistration for issuing “inflammatory statements.” Kapeya stated the government would not allow the radio station to continue entertaining persons who used derogatory language towards government officials. Radio Mano previously hosted opposition leader Frank Bwalya, who was arrested and later acquitted of defamation of the president.

On June 4, the Lusaka Magistrate Court granted Michael Muzondwa Achiume bail, after police charged him with “publishing false news with intent to cause fear and alarm to the public,” when he allegedly spread rumors about President Sata’s health at Lusaka’s Kabwata market.

In February the Lusaka Magistrate Court acquitted human rights and HIV/AIDS activist Paul Kasonkomona, whom police had arrested in April 2013 after he publicly advocated for LGBT and sex workers’ rights on Muvi Television. Kasonkomona’s trial had also faced repeated delays for more than a year. In acquitting Kasonkomona of “soliciting for immoral purpose,” the presiding magistrate emphasized in his ruling that free speech was protected, “even though



this topic is repulsive to the public.” A government appeal to the High Court was pending at year’s end.

### **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 and harassed suspected contributors to online publications. The government, however, allowed intermittent access to the antigovernment online publication the *Zambian Watchdog* and the *Zambia Reports*, as well as other critical sites, which it had restricted in 2013. On May 4, however, Minister of Labor and Social Security Fackson Shamenda “declared war” on “mercenaries with political and criminal motives” who chose to “hide in cyberspace and have invaded the journalism profession.”

The trial continued of Clayson Hamasaka and Thomas Zgambo, journalists whom police arrested in 2013 on suspicion they contributed to the *Zambian Watchdog*. They faced charges of “possessing obscene material,” “possession of seditious material with intent to publish,” and “unlawful possession of a restricted military pamphlet,” respectively. On September 29, courts acquitted journalist Wilson Pondamali of all charges, which included possession of obscene material and theft of a library book.

### **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. Although the law does not require a permit to hold a rally, it requires organizers to notify police seven days in advance. The law empowers police to decide when and where rallies may be held and who may address participants. The government used this mandate frequently to block meetings and public rallies of opposition political parties. Police and progovernment groups disrupted meetings and activities of opposition political parties and civil society organizations.

In March police blocked UPND public rallies in Eastern Province despite having previously authorized the gatherings. Opposition political parties frequently complained about the selective application of the law, and on June 17, Minister of Home Affairs Simbyakula met with opposition UPND leaders to discuss police actions. The HRC praised Minister Simbyakula's willingness to deal with police enforcement of the POA as it pertained to political gatherings.

There were cases of police dispersing protesters. For example, on November 20, the HRC criticized the police for using excessive force on University of Zambia students during a mid-November protest over nonpayment of students' allowances. On March 12, police briefly detained approximately 42 members of the NGO Action Aid who had gathered to protest delays in constitutional reform. According to reports police stripped protesters of shirts that bore slogans demanding the draft constitution's release.

### **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. The government stated that, as of May 5, it would enforce the 2009 NGO Act that requires NGOs to register and allow government oversight of their operations. Although some NGOs pursued registration under this act, numerous prominent organizations refused. On May 12, the Ministry of Community Development, Mother, and Child Health (MCDMCH) threatened to deregister NGOs if they continued to fail to register under the NGO Act. The government also wrote to foreign missions to stop funding nonregistered NGOs. A group of NGOs, including the Law Association of Zambia, sued the government, arguing the NGO Act was unconstitutional and violated citizens' right to freedom of association, but they later dropped the lawsuit in favor of dialogue with the government, which withdrew its threat to deregister noncompliant NGOs.

### **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; some were at times held accountable. For example, on July 25, the High Court sentenced three senior police officers to two years' imprisonment each for extorting 10,000 kwacha (\$1,590) from a woman they accused of illegally importing beer into the country.

### **Protection of Refugees**

Access to Asylum: According to the 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. The UNHCR reported there were 53,111 refugees and others 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. Subsequent to the cessation of refugee status for Angolans in 2012 and Rwandans in mid-2013, the government agreed to the local integration of an estimated 10,000 Angolans and was working to integrate thousands of Rwandans. Approximately 4,200 eligible candidates applied for residency permits in 2013, while the UNHCR tried to support the return of the 6,000 Angolans and Rwandans who did not qualify for local integration and had opted to return home. From January to August, the government, UNHCR, and International Organization for Migration, with support from the Angolan Consulate in Solwezi, assisted 980 former Angolan refugees to return home.

Refugee Abuse: 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--continued to be 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.

Access to Basic Services: Although the government provided basic 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. The 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 teen 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 regular access to police and to mobile court services two to four times per year. 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, with the UNHCR, pursued local integration as a durable solution for thousands of Angolans and Rwandans. The government published criteria and procedures for local integration of Angolan refugees but had yet to publish criteria for Rwandan refugees. In April 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 had lived continuously in the country for 20 to 30 years. The government allocated 500 plots of land in the new settlement areas assigned for local integration. These areas lacked infrastructure, and most refugees found little incentive to resettle on the plots.

During the year 6,000 eligible Angolans applied for local integration. The government of Angola processed civil documentation (birth certificates and

identification cards) for approximately 3,000 individuals and issued 600 passports. Applications for residence permits for Angolans in the settlements continued. Immigration authorities allowed local integration screening processes to continue and did not seek to deport those who failed to qualify for local integration during the year. To meet its pledge to integrate 10,000 refugees, the government and the UNHCR embarked on reverification and reregistration of self-settled Angolans.

Temporary Protection: The government provided temporary protection to individuals who may not qualify as refugees but frequently deported illegal immigrants. 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 at the border and within the country during the year.

For example, on September 10, in Kapiri Mposhi, immigration officials arrested 48 Ethiopians concealed in a containerized truck en route to an unknown destination. On September 20, immigration officials and police in Kapiri Mposhi arrested 67 Somali and Ethiopian irregular immigrants hiding in a cargo truck passing through a weighbridge en route to South Africa. Authorities charged the arrestees with illegal entry and suspected both to be cases of human smuggling. On August 13, in one of its regular raids on suspected illegal immigrants, a team of police, the Drug Enforcement Commission, and immigration officials picked up 608 Somalis, Ugandans, and Egyptians for screening. The same security team had arrested 136 prohibited immigrants the previous week in Lusaka but later released some who were either Zambian residents or citizens. Some of those caught in the round up accused enforcement agencies of using excessive force.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and law provide citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

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

Recent Elections: On October 28, President Sata died while in office. Acting President Guy Scott, formerly vice president, per the constitution assumed the functions of the presidency until presidential by-election scheduled for January 20,

2015. In 2011 PF candidate Michael Chilufya Sata was elected president with 41.9 percent of the vote. Former president and MMD candidate Rupiah Banda received 35.4 percent, and UPND candidate Hakainde Hichilema received 18.2 percent of the vote. The seven other contenders each won less than 1 percent of the vote. Of the 150 constituency-based parliamentary seats, the PF won 60, the MMD 55, the UPND 28, and the Alliance for Democracy and Development (ADD) and Forum for Democracy and Development (FDD) one each. Three independent candidates won election, and two remaining seats were filled in November (one by the PF and one by the UPND).

Since 2011 there have been 67 petitions filed challenging parliamentary election results. The majority of the challenges alleged corruption or other electoral malpractice. Of these 67 petitions, the PF challenged 55 seats while the opposition UPND petitioned eight seats, the MMD three seats, and another opposition party candidate one seat. There were no new court nullifications. The most recent Supreme Court decisions to nullify seats in 2013 overturned previous High Court decisions to throw out the cases, and many observers believed the decisions were based on spurious grounds. Court decisions to nullify several of the seats cited as grounds for nullification modest contributions to churches and the practice common among all political parties of distributing traditional wraps (known as *chitenge*) with candidates' emblems on them. Deaths of parliamentarians and party switches also prompted by-elections. A total of 26 seats had become vacant since 2011. In addition to the 11 by-elections in 2013, seven additional by-elections took place on February 25, August 19, and September 11. Of these seven by-elections, the PF won four, UPND two, and MMD one. By year's end the PF had increased its number of seats from 60 in 2011 to 82, UPND from 28 to 32, while the MMD's seats dropped from 55 to 37. Both the ADD and FDD remained with one seat each while independent members held two seats. Three seats remained vacant pending court decisions.

Clashes between the PF and opposition supporters characterized the February 25 and August 19 by-elections; the subsequent September 11 by-elections proceeded with little incident. Independent monitors observed that while residents who campaigned in their own constituencies were peaceful, violence occurred when rival campaign teams met during the campaign period, often exacerbated by trucked-in supporters from other urban areas. Where violence occurred, monitors observed that both the PF and the opposition ferried busloads of supporters--often from Lusaka and the Copperbelt provinces--to by-election constituencies. Independent monitors also observed that PF campaign teams often used government vehicles, at times replacing government license plates with obsolete

private tags. The Electoral Commission of Zambia (ECZ) criticized district commissioners, who are civil servants, for participating in political campaigns.

NGOs and the opposition accused the government of draining public resources through the continued series of by-elections. The ECZ, for example, estimated the August 19 Mangango parliamentary and local government by-elections cost approximately 10 million kwacha (\$1.6 million). Opposition parties alleged that constant by-elections were designed to exhaust their financial resources and make it easier for the ruling party to win opposition-held seats.

Political Parties and Political Participation: Historically, political parties operated without restriction or outside interference, and individuals could independently run for office. The government, however, interfered with the operations of opposition political parties. Although on a reduced scale, some Alliance for Better Zambia, MMD, and UPND officials continued to face 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: During the 2011 general elections, female candidates for parliament won 17 of 150 constituency-based seats. During the year one woman, whose seat the courts earlier nullified, won back her parliamentary seat in a by-election. Two other women won parliamentary seats in by-elections. Four women were appointed to the 20-member cabinet, five were appointed to deputy minister positions (compared with 13 male counterparts), and five to the 11-member Supreme Court. Women headed three of the eight national security wings. 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 that women's participation in national executive committees of all political parties was very low, with the most favorable at 40 percent.

The vice president was from a minority group.

#### **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.

Corruption: The government had a national anticorruption policy and a national anticorruption implementation plan that addressed issues such as resource mobilization, coordination of anticorruption programs in the public and private sectors, program monitoring and evaluation, and legal reform. The Anti-Corruption Commission (ACC), which reported to the vice president, was responsible for combating government corruption. In 2012 the government reinstated the abuse of office clause of the Anticorruption Act, which the previous administration had removed. In addition to the 2010 Forfeiture of Proceeds of Crime Act, the abuse of office clause gave more impetus to anticorruption efforts. The government continued collaboration with the international community and with civil society organizations to improve capacity to investigate and prevent corruption. Parliamentary committees scrutinized operations of the executive branch and corrected some irregularities reported by the Office of the Auditor General. The ACC continued prosecutions and raising public awareness.

In January over objections from the Zambia Environmental Management Agency, then minister of lands, natural resources, and environmental management Harry Kalaba authorized an Australian mining company, Zambezi Resources, to develop an open-pit copper mine in the Lower Zambezi National Park. The decision raised allegations of corruption and lack of transparency in government decision-making.

Civil society groups voiced opposition to the proposed mine and used local environmental law to halt the project. The Lusaka High Court issued an injunction temporarily halting development. The High Court judge was removed from the case and reassigned outside Lusaka. The replacement judge ruled for the government, stating that then minister Kalaba did not need to testify regarding his decision and suggested he may decide the case based on written submissions and without open hearing. Civil society groups claimed the case was conducted without transparency, and the judge ignored recommendations from government environmental protection agencies. The case continued at year's end.

The ACC reported more complaints against public officials, attributing the increase to more public education and sensitization about corruption and the reporting channels. The government took positive measures to fight corruption. On September 16, the ACC signed a memorandum of understanding with the NGO Transparency International on the Zambia Bribery Payer's Survey Index. The memorandum highlighted anticorruption areas that needed new strategies and was set up to help the two organizations conduct a national survey on the nature of bribes citizens pay to access services.



The government investigated several serving and dismissed senior government officials in connection with allegations of corruption-related offenses, although only one was arrested.

On August 6, the Ministry of Local Government and Housing announced it had suspended seven of its officials for fraudulently withdrawing and diverting 3.3 million kwacha (\$525,000) in public funds. Although the ministry admitted the fraud had occurred in March, it announced the fraud in August after Transparency International had publicly exposed the case and the ACC moved to investigate.

In a report released in January covering 2012, the Office of the Auditor General (OAG) revealed financial irregularities in all ministries and foreign missions totaling 553 million kwacha (\$87.8 million), which was 22 million kwacha (\$3.5 million) more than reported in the previous year. The OAG highlighted as its main concerns politicians' misuse of constituency development funds, the mismatch in national planning and government budgeting and expenditure, and undertrained civil servants, especially controlling officers. The irregularities included unvouchered expenditure, failure to follow procurement procedures, nonsubmission of expenditure returns, unaccounted for stores, and nonrecovery of loans and advances.

Government controls over public funds and property were often inadequate. For example, on April 9, Secretary to the Cabinet Roland Msiska said his office was considering recentralizing the public service payroll after an audit report revealed that 500 "ghost workers" in Northern Province were on government payrolls. Some contracts were sole sourced, in violation of tender procedures. Investigative units often lacked expertise, personnel, and authority. Investigators frequently demanded illicit payments in dealing with the public. In addition the government had no clear policy for handling evidence in corruption cases, and the process to liquidate assets seized in these cases was not transparent.

The OAG observed some positive developments. For example, the government reviewed the paying of advances and subsistence allowances based on existing costs per district, significantly reducing unspent advances. The government also improved transport management to reduce waste. In addition the government revised civil servants' salaries to harmonize salaries and allowances. The OAG at year's end was reviewing the State Audit Act to strengthen its operations.

Petty corruption among police and other public authorities was particularly problematic. Police enjoyed a high degree of impunity and routinely extorted

money at roadblocks, demanded gas money, borrowed bicycles (ostensibly to visit crime scenes or rescue victims of robberies), and sought payment for contrived document-processing fees.

Financial Disclosure: The law requires income and asset disclosure but by only a small fraction of political officeholders and public servants. 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 OAG reported the asset disclosure law needed broader coverage to include civil servants among whom most of the corruption and abuse of public funds occurred. The OAG also noted that even for those to whom the law applied, enforcement was weak 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. The government withheld basic public information, despite initially promising to enact long-stalled access to information legislation. Despite earlier promises to do so, the government had not presented to parliament its proposed legislation protecting citizens' 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 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 eight outstanding human rights concerns: poor prison conditions; continued denial of the freedoms of assembly, especially as regards opposition political parties;

political violence during parliamentary by-elections; politically motivated land grabs and subsequent displacement of rightful owners; torture; rising cases of gender-based violence (GBV) and child defilement; child marriages; and killings related to “witch hunts.” 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. The HRC attributed delays in publishing its annual human rights report to government bureaucracy.

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

The constitution and law prohibit discrimination based on race, ethnic group (tribe), gender, place of origin, marital status, political opinion, color, disability, language, social status, and creed, but they do not address discrimination based on sexual orientation or gender identity. 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 remained problematic.

### **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 stiffer rape convictions. On April 25, the Lusaka High Court sentenced a popular local musician, Clifford Dimba, also known as General Kanene, to 18 years’ imprisonment for defiling a 14-year-old girl. Also in April the Kitwe High Court sentenced 44-year-old Joshua Lungu to 40 years’ imprisonment for defiling a 12-year-old girl. The law does not prohibit spousal rape, and penal code provisions that criminalize rape do not extend to victims of spousal rape. In addition the law limits rape to penetrative action, making it hard to prove broader violations. Traditional marriage counselors instructed young brides that sexual intercourse was a man’s right, and the notion of spousal rape was foreign. During the year the Nongovernmental Coordinating Council (NGOCC) and its membership organizations started to engage traditional counselors on GBV and women’s rights. Nevertheless, the law criminalizes domestic violence between spouses and among family members living in one home.

Some women’s organizations provided limited statistics of GBV. For example, Kasama’s One-Stop GBV Treatment Center recorded 700 cases of GBV in the first

half of the year. During the same period, the police Victim Support Unit (VSU) recorded 118 reported cases of rape countrywide, compared with 122 cases for the same period in 2013. According to the VSU, the Young Women's Christian Association (YWCA), and other women's groups, however, this figure greatly underestimated the extent of the problem, as many rape victims did not report violations to authorities or settled by accepting financial compensation.

The law provides for prosecution of most gender-based crimes, and penalties for 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. Domestic violence against women was a serious problem, and spousal abuse was widespread. The NGO Women and Law in Southern Africa (Zambian Chapter) reported women groups' advocacy and sensitization resulted in increased reporting of GBV cases. Former first lady Christine Kaseba-Sata and the wife of the former vice president, Charlotte Scott, were vocal advocates against GBV, as were several influential female ministers. The 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, and the government established a fast-track court in Lusaka for GBV cases.

Police reported a worrisome rise in the number of GBV cases withdrawn from several police stations throughout the country and encouraged women's movements to sensitize women against seeking out-of-court reconciliation. The government established a GBV-focused prosecution wing at the National Prosecutions Authority. The law requires medical reports prepared by certified practitioners for 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. The YWCA undertook a "good husband" campaign to promote respect for women and end spousal abuse.

Female Genital Mutilation/Cutting (FGM/C): The penal code prohibits FGM/C. Although no cases were reported, this practice was believed to occur in small communities of immigrants from other parts of Africa. According to the 2009 Zambia Sexual Behavior Survey, the FGM/C prevalence rate was 1 percent.

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. The growing trend of charging a high “lobola” (bride price), which made men feel they “owned women,” reinforced 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 as a practice under customary law in rural areas where it originally had been practiced. Some local leaders banned the practice. The penal code prohibits “sexual cleansing” of girls under the age of 16.

Sexual Harassment: Sexual harassment was common, but the government took increased 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 reported it had received many cases of sexual harassment in places of work but expressed concern that stringent evidence requirements in courts of law prevented victims from litigating. On August 14, police arrested and charged Game Stores manager Vincent Palan for repeatedly sexually harassing Mukamuliti Mwila. Following his arrest, two former Game Stores female employees came forward alleging Palan had also sexually harassed them. 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 enjoyed the right to decide freely and responsibly the number, spacing, and timing of their children, although the lack of access to information and services remained a problem. Although 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.

According to the 2013 Millennium Development Goals report, 38 women died each month due to complications relating to pregnancy and childbirth. The ZDHS found maternal mortality had dropped to 398 per 100,000 live births from a 2012 UN-reported estimate of 441 in 2010. The same UN report noted a woman’s lifetime risk of maternal death was one in 37. The major direct causes of maternal mortality were complications arising during pregnancy and birth, such as hemorrhage, septicemia (blood infection), 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.

The number of women who received HIV testing and treatment increased substantially in recent years, and many more women than men sought treatment. Ninety-seven percent of pregnant women were tested for HIV. The number of testing for partners increased in many areas, with some districts reporting two-thirds of male partners were tested.

Discrimination: The law generally entitles women to equality with men. 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 that 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. Gangs often targeted widow-owned property for land grabs, believing the widows had no further legal right to defend themselves. Fewer women than men owned their own homes or businesses. The Ministry of Gender and Child Development and MCDMCH are the primary agencies charged with promoting the status of women.

Local customary law generally discriminates against women. Despite constitutional and legal protections, customary law subordinates women with respect to property ownership, inheritance, and marriage. For example, former first lady Christine Kaseba received criticism for declaring her candidacy to succeed her late husband, as many claimed culture dictated that widows should not be active so close to their husband's death. Male members of the Sata family who similarly expressed a desire to succeed former president Sata did not receive cultural criticism.

Land ownership was restricted for women: when a woman is widowed, only her son can inherit the land. In these societies customary law dictates that the right to inherit property rests with a deceased man's family. In the country's matrilineal societies, property rights rest with the woman. 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.

## **Children**

Birth Registration: Citizenship is derived from one's parents or, with the exception of refugees, by birth within the country's territory. 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: The punishment for assault causing bodily harm to a child is imprisonment for five to 10 years, and the law was generally enforced. Prosecution against alleged perpetrators of child abuse increased. For example, on September 29, the magistrate court in Serenje sentenced Mirriam Musonda to five years' imprisonment for burning her eight-year-old daughter's hand on a brazier as punishment for spending Musonda's money on a schoolbook without authorization. Although the law prohibits sexual harassment of children, child abuse and violence against children were common problems.

Early and Forced Marriage: A person must be at least 16 years old to marry under statutory law. There is no minimum age under customary law. According to the UN Population Fund, approximately 42 percent of girls and young women were married by age 18. Prevalence was highest in rural areas. The government, civil society organizations, and donors worked together during the year to fight early marriages and withdraw girls and young women from marriages. On July 9-11, the Ministry of Chiefs and Traditional Affairs, in collaboration with the Ministry of Gender and Child Development and several international organizations, hosted an

international symposium to mobilize support to end child marriages. The symposium raised awareness among traditional leaders, educators, and civil society groups and culminated with commitments from several ministries--part of an interministerial committee--to adopt actions to end child marriages. During the year former first lady Christine Kaseba and the former vice president's wife, Charlotte Scott, were active in their campaign advocating criminalization of early marriage. In September the government began researching the prevalence of child marriages and planned to release a report by year's end.

In February, Senior Chief Chiwala withdrew eight girls ages 15 and 17 from early marriages and ordered their return to school. Several other chiefs withdrew children from early marriages during the year.

Female Genital Mutilation/Cutting (FGM/C): The penal code prohibits FGM/C. Although no cases were reported, this practice was believed to occur in small communities of immigrants from other parts of Africa. According to the 2009 Zambia Sexual Behavior Survey, the FGM/C prevalence rate was 1 percent.

Sexual Exploitation of Children: The law provides penalties of up to life imprisonment for statutory rape. The minimum age for consensual sex is 16. Defilement, which the law defines as the unlawful carnal knowledge of a child under the age of 16, was common. The law provides penalties of up to life imprisonment for persons convicted of defilement; the minimum penalty is 15 years in prison. The VSU recorded 1,047 defilement cases in the first two quarters of the year, compared with 1,017 for all of 2013. Human rights groups believed this increase--and the increase in last year's numbers over the previous year--owed more to better reporting than higher rates of defilement in general. There were no statistics available on convictions for defilement.

The police and magistrates' courts intervened in cases of gross child abuse. 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 who are 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 women and 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 2007 ZDHS, an estimated four in 10 children under the age of 18 were not living with both parents, one in five was not living with either parent, and 15 percent were orphaned. An estimated 200 homes for children accommodated approximately 5,000 children countrywide. According to the Ministry of Gender and Child Development, the country had approximately 1.3 million orphaned and vulnerable children, 600,000 orphaned due to HIV/AIDS, and approximately 150,000 infected with HIV.

Adult deaths related to HIV/AIDS and the breakdown of the family safety net in rural areas meant a growing number of orphans migrated to urban areas, increasing the population of street children. The UN Children's Fund estimated 13,000 children worked and/or lived on the street while another 20,000 headed households. To survive, many orphans engaged in various forms of work. Street children were especially vulnerable to commercial sexual exploitation, and the problem of child prostitution was growing.

A 2009 Boston University and University of Zambia joint study identified 292 organizations working with orphaned and vulnerable children. The most prevalent types of organizations were community-based organizations (37 percent), faith-based organizations (20 percent), and local NGOs (17 percent). The Ministry of Education, Science, Vocational Training, and Early Education; the MCDMCH; and the police's Child Protection Unit worked jointly to identify and assist street children. The ministries' District Street Children Committee authorized the protection unit to reunite street children with their families, arrange for schooling, and place others, including orphans and neglected children, in shelters operated by the government and NGOs. The MCDMCH, through the Department of Social Welfare, maintained several programs to alleviate poverty and destitution for vulnerable families who might otherwise send minors into the streets to beg or work. These programs included the public welfare assistance scheme, the social cash transfer system, and the establishment of street children committees in selected districts identified as high-risk areas. In May, MCDMCH Minister Emerine Kabanshi announced the government had scaled up allocations for social cash transfers from 19 districts in 2013 to 50 in during the year. In August the minister announced 32,000 persons from eight districts in Western Province alone benefitted from social cash transfers.

The Ministry of Gender and Child Development continued work to rehabilitate street children by providing education and vocational training at two converted

Zambia National Service camps in Kitwe and Chipata. After the children graduated from the camps, the ministry placed the children in youth resource centers throughout the country where they received training in carpentry, tailoring, farming, and other trades.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's website at [travel.state.gov/content/childabduction/english/country/Zambia.html](http://travel.state.gov/content/childabduction/english/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 MCDMCH 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.

The country's active disability rights movement was led by an umbrella organization, the Zambia Federation of Disability Organizations, whose primary role was advocacy and raising awareness. According to the Human Rights Watch report *Barriers to HIV Services and Treatment for Persons with Disabilities in Zambia*, released during the year, limited data existed on persons with disabilities, including how many adults and children were living with disabilities and their specific housing, education, and health-care needs. The 2010 census reported 251,427 persons with disabilities, including 66,043 persons in the five-19 age

range. National educational data indicated these numbers likely underestimated the total number of persons with disabilities. In comparison to census data, the Ministry of Education in 2013 reported 107,271 children with special learning needs (comprising children with hearing, physical, intellectual, visual, specific learning and other disabilities) enrolled in grades one through nine in basic schools. There were only 878 students with disabilities enrolled in grades 10 through 12. 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 so correspondingly had 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 Education, Science, Vocational Training, and Early Education and the MCDMCH have responsibility for ensuring the welfare of persons with disabilities. Public buildings, schools, and hospitals rarely had facilities to accommodate such persons. By law the government must provide reasonable accommodation for all persons with disabilities seeking education and ensure “any physical facility at any public educational institution is accessible.” 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 protected their civil and political rights, including rights under the law to share in revenue from the exploitation of natural resources on tribal lands of all ethnic groupings. 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, including the Barotse Royal Establishment as the political authority of the Lozi ethnic group.

The government does not recognize the 1964 Barotseland Agreement that granted the Lozi political autonomy and was signed by the United Kingdom, Northern Rhodesia, and the Barotse Royal Establishment immediately prior to the country's independence. Some Lozi groups continued to demand official recognition of the Barotseland Agreement or formal secession from Zambia.

On August 1, the Magistrates Court convicted and sentenced three Barotseland secessionists to three years each with hard labor for claiming that the government planned to depose the Litunga, the Lozi king.

The government was in conflict with the Bemba Royal Establishment. Despite presidential directives instructing traditional leaders not to name Henry Sosala as the Chitimukulu (paramount chief) of the Bemba-speaking people of Northern Province, the royal establishment did so, prompting the government to deploy police officers in November 2013 to prevent Sosala from ascending the throne. The royal establishment claimed the government had interfered with its longstanding traditional customs of succession. The government refused to recognize Sosala.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual activity and provides penalties of 15 years' to life imprisonment for individuals who engage in "acts against the order of nature." A lesser charge of gross indecency carries penalties of up to 14 years' imprisonment. The government also used laws against "soliciting for immoral purposes" to arrest and charge some LGBT activists. The government enforced laws against same-sex sexual activity and did not adequately address societal discrimination against LGBT individuals. The courts, however, acquitted several individuals accused of engaging in same-sex activities, citing lack of evidence.

Societal violence against persons based on gender, sex, and sexual orientation persisted throughout the year. LGBT 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.

According to LGBT advocacy groups, societal violence occurred, as did societal discrimination in employment, housing, and access to education or health care. According to the VSU report for the first half of the year, there were 23 reported

cases of “unnatural offenses,” the same as in 2013, although these often included cases of statutory rape. Several groups quietly promoted LGBT rights and provided services to LGBT 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 LGBT persons.

Total incidents of societal violence against LGBT individuals remained high. LGBT groups reported frequent attacks and discrimination in the neighborhoods in which they operated. Activists reported regular harassment, including threats via text message and e-mail, vandalism, stalking, and outright violence. On May 19, some residents of the Marapodi area of Lusaka apprehended two women suspected of being lesbians, took them to a nearby police station, and demanded police arrest them. After the mob dispersed, police released the two without charge. Between January and February, the state-owned newspaper *Times of Zambia* published a series of seven editorials based on pseudoscience that decried homosexuality. Some media watchdogs called this series “hate speech” and worried it would exacerbate societal tensions and misinform citizens about LGBT issues and rights.

Two courts, however, made landmark rulings that acquitted those suspected of engaging in same-sex activities. On July 3, the Kapiri Mposhi Magistrate Court acquitted two Kapiri Mposhi men suspected of engaging in same-sex relations, noting the prosecution had failed to prove its case against them. The men spent 14 months in remand prison before their acquittal. In the same month, the Kitwe Magistrate Court acquitted a Kitwe-based police officer of similar charges. Although other arrests occurred throughout the year, they did not result in prosecutions.

Still, police threatened LGBT rights advocates, claiming they would arrest them for speaking out against discrimination and rights abuses. Police also questioned relatives of LGBT advocates who traveled outside the country. On October 22, police arrested two transgender individuals in Lusaka’s Kabwata area, claiming they “looked gay.” Police told those who attempted to obtain their release that police would use the 24-hour detention period to “teach them a lesson” and released them with no charges only after extracting a bribe. The next day police in Lusaka’s Kaunda Square arrested a separate transgender individual for “trespassing,” releasing him only after advocates pointed out police had no grounds for arrests. In both instances police verbally assaulted arrestees before releasing them.

## **HIV and AIDS Social Stigma**

The government actively discouraged discrimination against persons with HIV/AIDS. Most employers adopted nondiscriminatory HIV/AIDS policies. Nevertheless, societal and employment discrimination against such individuals persisted. Government officials discouraged such discrimination, but they did not publicly acknowledge cases of HIV/AIDS among government officials. The government continued to make headway in changing entrenched attitudes of discrimination and denial of the problem.

According to the UN's 2013 Millennium Progress Report, HIV/AIDS treatment coverage increased from 23.5 percent in 2005 to 77.6 percent in 2011, equivalent to more than 450,000 persons accessing antiretroviral treatment in 2011. Since the introduction of voluntary medical male circumcision in 2007, medical professionals performed more than 167,000 such circumcisions, 89 percent of which took place in 2010 and 2011. The report also noted the number of persons accessing voluntary counseling and testing steadily rose over the years from 511,266 in 2008 to 1,772,043 in 2011. This increased coverage had a significant impact on mortality among adults and saved an estimated 50,000 lives in 2011. At the same time the report noted treatment mostly extended to adults, more women accessed treatment than men, and treatment coverage was higher in urban areas than in rural areas.

## **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 officers, 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 law allows workers to form and belong to trade unions of their choice. 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 can be registered if it claims to represent a class of employees already represented by an existing trade union. The law provides that an employee can only become a member of "a trade union within the sector, trade, undertaking, establishment, or branch of activity." 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,

including prison staff, judges, registrars of the court, magistrates, and local court justices from labor law provisions.

The law allows the labor commissioner to prohibit a trade union officer from holding office for a period of one year if the union is not dissolved within six months from the date on which the application for registration is denied. The law also gives the labor commissioner the power to suspend and appoint an interim executive board of a trade union as well as to dissolve the board and call for a new election. Trade union officers may be disqualified if they fail to satisfy the commissioner that they did not contribute to the revocation of their trade union registration.

The law does not limit the scope of collective bargaining, but in certain cases it allows either party to refer a labor dispute to court or arbitration. The law also allows for a maximum period of one year from the day on which the complaint is filed, within which a court must 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 prohibits essential services workers from striking and 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 government has power to add other services to the list of essential services, in consultations with the tripartite consultative labor council. 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, after which, if the dispute remains unsolved, it is referred to the court. A strike can be discontinued if the court finds it not be “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 remedies for workers dismissed for union activity, including reinstatement of 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 applicable law. The government generally protected unions’ right to conduct their activities without

interference. Resources, inspections, and remediation were inadequate. There were no reports to determine whether penalties for violations were sufficient to deter violations. Administrative judicial procedures were subject to lengthy delays and appeals. In October 2013 approximately 3,000 workers of a major retail company went on strike over pay and working conditions and were subsequently dismissed. After pressure from the government, however, the company reinstated all dismissed employees.

Freedom of association and the right to collective bargaining were not consistently respected. While all categories of workers except police and military were free to form or join unions, the law restricts their rights to strike, and there were reports of violations of collective agreements. The Zambia National Teachers Union reported the government did not implement a collective agreement whereby the government agreed to improve their working conditions by June 2013.

While the law provides for the right to strike, most unions chose to strike illegally to circumvent lengthy procedural requirements. In late November 2013, when civil service nurses went on strike for a second time demanding higher wages pursuant to their collective agreement signed with the government, the government responded by applying the provisions restricting strikes, declaring the strike illegal and dismissing over more than 400 nurses. Most of the dismissed nurses were not reinstated. While several of them returned to their jobs, some were unable to re-enter their previous employment. The Ministry of Health confirmed permanently dismissing 17 of the striking nurses.

In November 2013 the government introduced a two-year wage freeze without consultation with labor unions. Nine member unions of the Zambian Council of Trade Unions (ZCTU) declared a dispute over the wage freeze; the government agreed to engage in dialogue to resolve the dispute.

While the law provides that workers engaging in illegal strikes may be dismissed, the government at times intervened for political reasons when such dismissals occurred. On November 19, the labor minister ordered the management of the Intercontinental Hotel to withdraw immediately the letters of suspension to 115 workers the management had suspended after an industrial dispute. On June 15, management at a farm in Mazabuka dismissed five union officials for allegedly inciting fellow workers to go on an illegal strike, but the government did not intervene, since it owned a 14 percent stake in the farm.



The government started the review process to compress all 12 labor-related pieces of legislation into five modern pieces of legislation that would enhance efficiency in the management of labor and employment matters. During the year the ZCTU reported the process to review the 12 labor laws had decelerated compared with 2013 but that the government had created a technical committee to harmonize the stakeholders' submissions. The process remained incomplete at year's end.

### **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 forced labor violations range from 25 to 35 years' imprisonment. There was not sufficient data to indicate whether these penalties were sufficient to deter violations. While the government investigated cases involving a small number of victims, both of citizens and victims from neighboring countries, due to lack of resources, it was unable to criminally investigate more organized trafficking operations potentially involving foreign companies and traffickers responsible for 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 of well-off rural families sent to live in urban areas were also vulnerable to forced labor.

The country remained a transit point and destination for victims of labor violations of many nationalities. 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 and bakeries. Observers reported that Chinese traffickers brought in a growing number of Chinese women and underage girls for sexual exploitation in Lusaka brothels and massage parlors that cater to local Chinese clientele. Transnational labor trafficking through the country of Somalis, Ethiopians, Indians, and Bangladeshis 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 slavery and 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 violations include a fine or 25 years' imprisonment, or both. There was not sufficient data to indicate whether these penalties were sufficient to deter violations. The government, however, did not effectively enforce the applicable law. Due to lack of resources, inspections and remediation were inadequate. 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 the child labor law.

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.

In cooperation with NGO partners, the government continued its efforts 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 that resource constraints prevented it from providing all required training. The government participated in several projects to combat child labor.

Child labor was a problem in agriculture, domestic service, construction, farming, transportation, prostitution, quarrying, mining, and other sectors where children under the age of 15 often were employed and the law not always effectively enforced. 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 the Zambia Labor Force Survey released in 2011, more than one-third of children between the ages of seven and 14--an estimated 950,000 children in total--worked in 2008. Of those employed, approximately 92 percent worked in agriculture.

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 on the basis of race, sex, disability, HIV status, and language but did not prohibit discrimination based on sexual orientation and/or gender identity. The government, in general, effectively enforced the law. There were reports of discrimination from minority groups. Discrimination in employment and occupation occurred with respect to disability, sexual orientation, and/or gender identity. LGBT 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 minimum wage and conditions of employment were determined by the category of employment, and every employer negotiated with employees their standard minimum wage. For unionized workers, wage scales and maximum workweek hours were established through collective bargaining.

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 one and one-half 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 wage and work-hour 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. Although the government had announced it would devise specified minimum wages for every sector instead of leaving the task to individual employers, it had not done so by year's end. In November 2013 the government announced a two-year wage freeze for the civil service.

The ministry's 108 inspectors received and resolved complaints, but staffing shortages limited its effectiveness. Penalties for violations range from fines to 25 years imprisonment, but there was inadequate data to determine whether these

were sufficient to deter 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.

Mine accidents increased, often resulting in serious injuries and deaths. For example, on June 22, Anthony Chunza died in an underground accident at the Konkola Copper Mine (KCM) in Chililabombwe after being hit by a conveyor belt. On September 16, another miner died at the KCM in Chililabombwe while seven others were injured when a cage transporting 41 miners suddenly fell from its moorings. On February 25, the government had ordered the temporary closure of operations at the mine after seven miners were injured when a cage used to hoist copper ore from underground tipped on February 21. Several other workers died in various accidents at the KCM, Mopani Copper Mine, and at a Chinese construction site 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 reportedly developed serious lung disease, such as silicosis, due to poor ventilation and constant exposure to dust and chemicals. Throughout the year 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 can 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.

Workers who protested working conditions that endangered their health or safety often jeopardized their employment. In May workers with Sino Hydro, a Chinese company constructing the 120 megawatts Itezhi-tezhi hydroelectric power plant, complained of abusive language and beatings by their Chinese supervisors. The

workers complained of threats of dismissal if they reported abuses and physical beatings to government authorities.