

ZAMBIA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

The national police have primary responsibility for internal security and report to the Ministry of Home Affairs. The military is responsible for external security but also has some domestic security responsibilities in cases of national emergency. The president appoints the commanders of each military service and they report directly to him. Civilian authorities generally maintained effective control over the security forces.

Significant human rights issues included: arbitrary and extrajudicial killings, torture, and arbitrary detentions by police; harsh and life-threatening prison conditions; arbitrary interference with privacy; restrictions on freedom of expression and press freedom, and censorship including arbitrary application of criminal libel laws against critics of the government, and unjustified arrests or prosecutions against journalists; substantial interference with the right of assembly; official corruption; and the criminalization, arrest, and prosecution of persons engaged in consensual same-sex sexual relationships.

The government took steps to investigate, prosecute, and punish perpetrators of human rights violations. Impunity remained problematic nevertheless, as alleged violators affiliated with the ruling party or serving in the government were either not prosecuted for serious crimes or, if prosecuted, were acquitted or released after serving small fractions of prison sentences. The government also continued to

apply the law selectively to prosecute or punish individuals who committed abuses and mostly targeted those who opposed the ruling party.

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

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

There were numerous reports that government agents committed arbitrary and unlawful killings. For example, police officers at the Kalabo Police Station allegedly killed Mundia Samulele while in police custody. According to the Human Rights Commission (HRC), police arrested, detained, and tortured Samulele and another suspect on June 13 for the alleged offense of aggravated robbery. The HRC investigation detailed allegations that police used a metal pipe, wooden stick, and an electric cable in a physical assault on the two men. Samulele died shortly after the incident, and the HRC found the medical evidence to be consistent with the allegations. An official cause of death remained pending a final postmortem report.

On October 11, a coroner concluded Vespers Shimuzhila, a University of Zambia (UNZA) student, died of “asphyxia due to smoke” in October 2018 after police-fired teargas canisters caused a fire in her room during student protests. The coroner stated police collectively caused Shimuzhila’s death, but he could not name specific officers to charge for her death.

Prosecution of two police officers and two others accused of killing an air force officer, Mark Choongwa, in custody in 2017 continued at year’s end. In November the High Court awarded Choongwa’s family 3.3 million kwacha (\$255,000) in damages in a civil suit against the state for loss of life and funeral expenses.

b. Disappearance

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

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

Although the constitution prohibits subjecting any person to torture or to inhuman or degrading punishment, no laws address torture specifically. According to the

HRC, police continued to use excessive force, including torture and cruel, inhuman, or degrading treatment, to obtain information and confessions when apprehending, interrogating, and detaining criminal suspects. For example, according to the HRC, Sebastian Shimuko reportedly died on April 12 while in police custody after a police officer tortured him at the Namwala Police Station.

Prosecution of two police officers accused of killing Lemmy Mapeke at the Macha Police Post in Choma in March 2018 continued at year's end. The HRC had reported the officers had subjected him to "torture, cruel, inhuman, and degrading treatment."

The HRC reported allegations of such abuse in every detention facility it monitored but noted that it was difficult to prosecute perpetrators because no law exists that explicitly prohibits torture or the use of excessive force. Confessions obtained through torture are admissible in court.

Prison and Detention Center Conditions

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

Physical Conditions: According to the Ministry of Home Affairs, the prison population as of October 23 stood at 22,678 inmates (4,000 of whom were awaiting trial) in 90 prison facilities with a capacity of 9,150 inmates. A slow-moving judicial system, outdated laws, and increased incarceration due to higher numbers of petty offenses contributed to prison congestion, according to the nongovernmental organization (NGO) Prison Care and Counseling Association (PRISCCA). Other factors included limitations on magistrates' powers to impose noncustodial sentences, a retributive police culture, and poor bail and bonding conditions. Indigent inmates lacked access to costly bail and legal representation. Other organizations, such as the Legal Aid Board and the National Prosecutions Authority, were also difficult for inmates to access due to inadequate staffing outside of Lusaka. Vacant seats of High Court judges in six provinces caused delays in the confirmation of reformatory orders made by magistrates in these areas.

The law requires separation of different categories of prisoners, but only female prisoners were held separately. According to the HRC, some correctional facilities did not strictly follow guidelines on separating different prisoner categories. For

example, at Lusaka Correctional Facility, the HRC found that juvenile and adult prisoners were comingled during the day. According to Zambia Correctional Service (ZCS) Commissioner General Chisela Chileshe, the prisons held 49 children (30 boys and 19 girls), who were either born in prison or living in prisons while their mothers served sentences. Incarcerated women who had no alternative for childcare could choose to have their infants and children younger than age four with them in prison. According to PRISCCA, correctional facilities designated for pretrial detainees included convicted inmates because there were only three reformatory schools for juveniles and three designated remand prisons for adult detainees.

Many prisons had deficient medical facilities and meager food supplies. Lack of potable water resulted in serious outbreaks of water- and food-borne diseases, including dysentery and cholera. According to PRISCCA and the HRC, prison food was nutritionally inadequate, and prisoners noted insufficient bedding (blankets and mattresses) and poor sanitation. The prison health care system remained understaffed, with only one full-time medical doctor, who also served as ZCS commissioner general, and 84 qualified health-care providers. The incidence of tuberculosis remained high due to overcrowding, lack of compulsory testing, and prisoner transfers. The supply of tuberculosis medication and other essential drugs was erratic. A failure to remove or quarantine sick inmates resulted in the spread of tuberculosis and other illnesses and the deaths of several prisoners. The HRC and PRISCCA expressed concern at the lack of isolation facilities for the sick and for persons with psychiatric problems. Although prisoners infected with HIV were able to access antiretroviral treatment services within prison health-care facilities, their special dietary needs and those of persons under treatment for tuberculosis were inadequately met. Prisons also failed to address adequately the needs of persons with disabilities. Inadequate ventilation, temperature control, lighting, and basic and emergency medical care remained problems.

Female inmates' access to sexual and reproductive health services was limited, according to organizations providing services to the population. Gynecological care, cervical cancer screening, prenatal services, and prevention of mother-to-child transmission programs were nonexistent. Female inmates relied on donations of underwear, sanitary pads, diapers for infants and toddlers, and soap. Authorities denied prisoners access to condoms because the law criminalizes sodomy and prevailing public opinion weighed against providing condoms. Prison authorities, PRISCCA, and the Medical Association of Zambia advocated for prisoners' conjugal rights as a way to reduce prison HIV rates. Discriminatory attitudes toward the most at-risk populations (persons in prostitution and men who have sex

with men) stifled the development of outreach and prevention services for these groups.

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

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

Improvements: PRISCCA noted that there was a reduction in the complaints of physical abuse by prison authorities due to the establishment of legal desks for complaints in prisons. There were notable improvements in recreation options for inmates. The addition of 941 new prison officers modestly improved prison staffing. Other improvements included provision of food for children incarcerated with their mothers and arrangements for detainees in some correctional facilities to exercise their right to vote.

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

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

Although the law requires that detainees appear before a court within 24 to 48 hours of arrest and be informed of the charges against them, authorities routinely held detainees for as long as six months before trial. The HRC noted this abuse

remained common, particularly in rural districts, where subordinate courts operated in circuits because detainees could be tried only when a circuit court judge was in the district.

Based on a presumption of innocence provided for in the constitution, the criminal procedure code provides for bail in case of any detention. Before granting bail, however, courts often required at least one employed person, usually a government employee, to vouch for the detainee. Bail is not granted in cases of murder, aggravated robbery, narcotics violations, espionage, or treason.

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

Arbitrary Arrest: According to human rights groups, arbitrary or false arrest and detention remained problematic. Police often summoned family members of criminal suspects for questioning, and authorities arrested criminal suspects based on uncorroborated accusations or as a pretext for extortion. Human rights groups reported police routinely detained citizens after midnight, a practice legal only during a state of emergency.

Pretrial Detention: Prolonged pretrial detention, including that of prohibited immigrants awaiting trial or removal, continued to be a problem. In 2017, 32 percent of prison inmates were in pretrial detention. On average detainees spent an estimated six months in pretrial detention, which often exceeded the maximum length of the prison sentence corresponding to the detainee's alleged crime. Contributing factors included inability to meet bail requirements, trial delays, and adjournments due to absent prosecutors and their witnesses.

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

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

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary. While the government largely refrained from direct interference, judicial independence was limited by

control of its budget through the Ministry of Justice. In most cases, authorities respected court orders.

Trial Procedures

The constitution provides for the right to a fair and public trial, but the judicial system was open to influence by the ruling party in cases in which it has an interest. While the law provides the right to a presumption of innocence, to be informed promptly of charges, and to be present at a fair and timely trial, these rights were not consistently protected in practice. There were reports of lengthy detentions without trial and defendants who were not informed promptly of charges against them, and the overburdened and insufficiently resourced judicial system led to lengthy and delayed trial procedures.

For example, on January 26, a local newspaper reported a case of two detainees-- Brian Zulu and Martin Mbilinchi--who had been charged with arson and aggravated robbery in 2008 and remained in police custody for 10 years without trial. The two sued and demanded, among other relief, bail and a fair trial.

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

Political Prisoners and Detainees

There were cases of politically motivated arrests and detentions during the year.

Civil Judicial Procedures and Remedies

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

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

The constitution and law prohibit such actions, but the government frequently did not respect these prohibitions. The law requires a search or arrest warrant before police may enter a home, except during a state of emergency or when police suspect a person has committed an offense such as treason, sedition, defaming the president, or unlawful assembly. Police routinely entered homes without a warrant even when one was legally required. For example, on June 22, police reportedly raided and occupied a house in Muchinga Province belonging to the opposition Socialist Party's declared 2021 presidential candidate, Fred M'membe, without a warrant on allegations he purchased the house with criminal proceeds. Domestic human rights groups reported authorities routinely detained, interrogated, and physically abused family members or associates of criminal suspects to obtain their cooperation in identifying or locating the suspects.

The law grants the Drug Enforcement Commission, the Zambia Security and Intelligence Service (ZSIS), and police authority to monitor communications using wiretaps with a warrant based on probable cause, and authorities generally respected this requirement. The government required cell phone service providers to register all subscriber identity module (SIM) cards.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Freedom of Expression: The government remained sensitive to criticism in general, particularly by the political opposition and civil society, and restricted the ability of individuals to criticize it freely or discuss matters of general public interest. In December 2018 the Supreme Court convicted and sentenced *New Vision* newspaper editor Derrick Sinjela to 18 months' imprisonment for contempt of court for his public criticism of senior judges' handling of the *Savenda v.*

Stanbic case. President Lungu pardoned Sinjela in November. Gregory Chifire, director of the Southern Africa Network against Corruption, whom the court had convicted and sentenced to six years' imprisonment in November 2018 for similar charges, remained in exile at year's end.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views, but not without some restrictions. The government published two of the country's four most widely circulated newspapers. One of the two privately owned newspapers opposed the ruling PF party, while the other supported the party and the government. Opposition political parties and civil society organizations contended government-run media failed to report objectively. Although state media covered government-sponsored and nongovernmental events, coverage was not fair; state media did not educate and inform citizens in an objective, balanced, and clear way, civil society organizations reported.

In addition to a multichannel government-controlled radio station that broadcasts nationwide, 73 private and community radio stations broadcast locally. Some radio stations experienced political pressure. Although some local private stations broadcast call-in and other talk programs on which diverse and critical viewpoints were expressed freely, media bodies claimed journalists who appeared on such programs received threats from senior government officials and politicians if seen as too critical. Independent, private media outlets also often received threats from the government for providing airtime to the opposition. For example, on April 30, a group of PF supporters, locally known as "cadres," attacked opposition National Democratic Congress (NDC) leader Chishimba Kambwili in Kabwe during a live radio broadcast on Power FM radio station, disrupting the program and damaging property as they forcibly entered the station.

According to media watchdog organizations, independent media did not operate freely due to restrictions imposed by government authorities. Police reportedly did not sufficiently investigate journalists' assault cases, and some media houses were threatened with closure for unfavorable or insufficient coverage of the president. On several occasions, police used force to interrupt broadcasts.

Violence and Harassment: While the government broadly tolerated negative articles in newspapers and magazines, there were numerous reports of government, ruling party, and some opposition officials and supporters physically and verbally attacking or threatening journalists. For example, on May 1, a group of PF "cadres" forcibly entered Radio Maria, a Roman Catholic-run station in Chipata,

Eastern Province. They harassed journalists and threatened to burn down the station for featuring a rival candidate for provincial leadership. President Lungu condemned the attack and ordered police to arrest perpetrators; authorities later arrested two PF members. Involved parties later resolved the matter outside of court, and authorities released the arrested individuals.

Censorship or Content Restrictions: The government remained sensitive to media criticism and indirectly censored publications or penalized publishers. Numerous media watchdog organizations reported that harassment and arrest of journalists, threats by the government to introduce punitive legislation against media personnel, restriction of their access to public places, and undue influence, among other restrictions, compromised media freedom and resulted in self-censorship. For example, on March 4, the government Independent Broadcasting Authority (IBA) suspended private media Prime TV's broadcasting license for almost a month, for alleging the station had failed to comply with IBA regulations. The IBA investigated the station after ruling PF Party Secretary General Davies Mwila accused Prime TV of "biased coverage and unethical reporting" and insufficient coverage of ruling party events during a parliamentary by-election. The IBA concluded that Prime TV, which at times showed programming critical of the government, had "exhibited unprofessional elements in its broadcasting through unbalanced coverage, opinionated news, material likely to incite violence, and use of derogatory language." The IBA recommended that Prime TV should conduct in-house journalism ethics training and news writing for its journalists during the period of suspension.

Libel/Slander Laws: The government and individual public figures used laws against libel, slander, or defamation against critics to restrict public discussion or retaliate against political opponents. The government also often used sedition laws against those critical of the government. For example, on March 23, police arrested and charged opposition Patriots for Economic Progress leader Sean Tembo with defamation of the president after Tembo alleged on social media that President Lungu was possibly suffering from a mental illness that led him to make "irrational national decisions," such as purchasing a new presidential jet. The charges remained pending at year's end.

Internet Freedom

Although government generally did not restrict access, and individuals and groups could freely express their views via the internet, the government threatened individuals using online fora with arrest and online media with closure. On August

14, the *Wall Street Journal* alleged that a government cybercrime “crack” squad intercepted encrypted communications and used mobile phone data to track some opposition bloggers who had repeatedly criticized President Lungu. Senior ruling party officials dismissed the allegation as “fake news.”

Academic Freedom and Cultural Events

Government restrictions on academic freedom and cultural events continued. For example, on August 13, police blocked PF presidential contender Kelvin Bwalya Fube from addressing students at “an entrepreneurship and academic motivational talk” organized by the Student Impact and UNZA Sociology Association.

Although there were no reports of censorship of academic teaching, writing, or research, university staff working in management had little autonomy to manage their institutions without government interference. In a letter dated September 4, the UNZA Lecturers and Researchers Union advised Higher Education Minister Brian Mushimba against interfering in the affairs of public universities and urged him to leave the running of the institutions to university managements and councils.

There were restrictions on artistic presentations or other cultural activities, including music lyrics and theatrical performances. For example, authorities banned the music of hip-hop artist Fumba Chama, professionally known as “Pilato,” on the Zambia National Broadcasting Corporation and other state media. Private radio stations continued to play his music, except for two of his songs that criticized the president.

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

The constitution provides for freedom of peaceful assembly; however, the government at times restricted this right, and police and progovernment groups disrupted meetings, rallies, and other activities of opposition political parties and civil society organizations. While authorities allowed protests and rallies, police at times delayed authorization or forced organizers to hold events at less favorable locations and times, especially for opposition party events or events seen as critical

of the government. On November 3, police rescinded authorization for a Democratic Party rally in Samfya after initially granting it. Police later used tear gas to disperse a crowd that had gathered despite the revocation.

The Public Order Act requires political parties and other groups to notify police in advance of any rallies but does not require a formal approval or permit. In 1995 the Supreme Court declared provisions in the act that previously gave police the power to regulate assemblies, public meetings, or processions unconstitutional. Police, however, continued to disregard this landmark ruling and stopped opposition and civil society groups from holding public gatherings. For example, on August 6, police arrested and charged 27 UPND members in Kitwe for unlawful assembly. According to the newspaper *Zambia Daily Mail*, the members had gathered for a political meeting without notifying police as required by law. UPND officials claimed the meeting took place in a private residence; authorities released all the arrestees after they paid an “admission of guilt” fine. On September 24, police blocked opposition UPND leader Hakainde Hichilema’s visit to the town of Kafue, where he intended to visit local residents experiencing food insecurity, despite Hichilema having notified authorities under the Public Order Act.

Freedom of Association

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

Despite these restrictions, the government liberally allowed civil society organizations to hold meetings in which they criticized it.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

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

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

e. Internally Displaced Persons

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

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: According to the Office of the UN High Commissioner for Refugees (UNHCR) in October, sexual and gender-based violence (SGBV) remained the greatest protection risk in refugee locations, both urban and camp settings. Authorities provided some physical protection, including by the provision of temporary police posts, but efforts were insufficient. UNHCR supported government efforts with counselling services, access to medical facilities, and access to justice for survivors of SGBV. The most commonly reported forms of SGBV included sex in exchange for basic needs, rape, sexual harassment, and underage marriage. Gender inequality, lack of livelihood opportunities, substance abuse, and impunity of perpetrators were among the key structural causes.

The government cooperated with UNHCR, the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees. According to UNHCR, although the law provides for the granting of asylum, it also gives the minister of home affairs wide discretion to deport refugees without appeal or to deny asylum to applicants holding asylum from other countries or those coming from stable democratic states. The government was responsible for conducting refugee status determinations.

Freedom of Movement: Zambia has made a number of reservations to the 1951 Convention relating to the Status of Refugees, including the freedom of movement. For example, the established encampment policy requires recognized refugees to reside in one of three designated refugee settlements. Only refugees who have received a permit for work, study, health, or protection reasons can legally stay in urban areas. Refugees in the settlements can obtain passes to leave the settlements for up to 60 days, but police officers' unfamiliarity with different permits and passes put them at risk of administrative detention.

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

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

Durable Solutions: The government promoted safe, voluntary return, resettlement, and local integration of refugees and stateless persons. According to the government's Office of the Commissioner for Refugees, 210,000 refugees--mainly from Angola, Mozambique, and Democratic Republic of Congo (DRC)--over time voluntarily returned to their countries of origin as conflicts there waned. The Ministry of Home Affairs and the Office of the Commissioner for Refugees reported that of 20,000 Angolan and 4,000 Rwandan refugees accepted for naturalization, the government issued residence permits to more than 3,000 and offered them land in a local resettlement and integration program. Delayed passport issuance for both Angolans and Rwandans by their respective nations' diplomatic and consular representatives kept several thousand in legal limbo.

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

Temporary Protection: The government provided protection to 4,179 individuals who may not qualify as refugees from January 1 to September 30, and the recognition rate of asylum claims was high. Those rejected could appeal via the Ministry of Home Affairs. The government continued to provide temporary protection to stateless persons.

g. Stateless Persons

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

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. In 2017 the Constitutional Court declared as unconstitutional provisions of the Electoral Process Act that prevented convicted prisoners from voting and affirmed prisoners' right to vote. The electoral commission accepted the ruling and stated it would provide for voting stations in prisons. During the year the Electoral Commission began reviewing electoral laws in line with the ruling.

Elections and Political Participation

Recent Elections: The most recent national elections were held in 2016. They included five separate ballots for president, members of parliament, mayors, and local councilors, as well as a referendum on a revised bill of rights. The incumbent

president and PF candidate, Edgar Lungu, won a close victory, garnering 50.4 percent of the vote. His closest opponent, UPND leader Hichilema, received 47.6 percent, and seven other candidates combined received 2 percent of the vote. The presidential election was conducted under a revised electoral system that required a candidate to receive more than 50 percent of votes to avoid a second-round runoff. Election observers and monitors noted that, while voting was peaceful, there were concerns relating to the electoral environment. Public media coverage, police actions, and legal restrictions heavily favored the ruling party, preventing the elections from being genuinely free or fair.

Political Parties and Political Participation: Since the advent of multiparty democracy in 1991, political parties largely operated without restriction or outside interference, and individuals could independently run for office. In recent years, however, the government has pursued activities that undermined opposition parties, to include targeted arrests of opposition party leaders and members, denied registrations for new parties, and general harassment. For example, the ruling party enjoyed the use of government resources for campaign purposes and at times utilized police to harass opposition parties. Police arrested opposition officials, blocked public rallies, and dispersed participants in opposition political gatherings and public protests. The lack of continuous voter registration disenfranchised young persons who reached voting age but were unable to participate in interim local government and parliamentary by-elections. Restrictions on political parties continued with the deregistration on August 26 of the opposition NDC by the registrar of societies, based on a High Court ruling that the party had not adopted a party constitution and was therefore legally nonexistent and in breach of the country's constitution. The party petitioned for judicial review of the decision, and on September 26, the court temporarily set aside the deregistration during the appeal process, thus allowing it to continue operating legally.

Additionally, uncertainties surrounding the implementation of the NGO Act and NGO policy affected the operations of civil society organizations and limited their ability to monitor electoral and political processes. Reports of forced retirement of civil servants based on their political affiliation and ethnicity continued. Authorities also disciplined government security forces when they confronted ruling party cadres. On February 16, the government retired four senior police officers, citing "national interest" after accusing the officers of using excessive force when arresting ruling party PF cadres attempting to disrupt the February 12 parliamentary by-election in Sesheke. The officers' action sparked a complaint of police brutality from PF Secretary General Davies Mwila, and Inspector General of Police Kakoma Kanganja promised to dismiss any officers involved. The affected

officers challenged their dismissals in the Lusaka High Court, and the case continued at year's end.

Participation of Women and Minorities: There are no laws preventing women or members of minorities from voting, running for office, and serving as electoral monitors, or otherwise participating in political life on the same basis as men or nonminority citizens, and women and minorities did so. Nevertheless, observers reported that traditional and cultural factors prevented women from participating in political life on the same basis as men. For example, the constitution requires a high school education for all elected officials, which had the effect of disqualifying many female candidates, who often could not complete studies due to traditional or cultural factors such as early marriages and the prevailing patriarchal system, from running for office.

Less than 20 percent of the members of parliament were women, and few women occupied public decision-making positions. The 2016 constitutional amendments and adoption of policies and programs to promote the participation of women and other minorities resulted in the appointment of more women to leadership positions. Since then, a number of women were appointed to leadership positions, particularly in the judiciary and parastatal bodies. The number of women in parliament increased during the year to 31 from 30, of a total 167 members of parliament.

According to the NGO Women and Law in Southern Africa (WLSA), selective implementation of the Public Order Act by police not only affected political parties but also undermined women's ability to participate fully in elections and political life. Intimidation and political and electoral violence, as well as a lack of resources, also prevented women from participating in political life more broadly, WLSA reported. The patriarchal system further undermined women's participation in decision making due to societal expectations and norms for the traditional role of women.

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. Although the government collaborated with the international community and civil society organizations to improve capacity to investigate and prevent corruption, anticorruption NGOs

observed the enforcement rate among senior government officials and in the civil service was low.

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

Corruption: There were numerous cases of serious corruption involving government officials. For example, on May 31, the Financial Intelligence Centre reported that money laundering and suspicious transactions in 2018 increased to 6.1 billion Zambian kwacha (\$520 million), up from 4.5 billion Zambian kwacha (\$382 million) in 2017.

The case against former minister of community development and social services Emerine Kabanshi, dismissed for alleged misuse of donor funds meant for social cash transfer programs, continued at year's end.

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

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were not always cooperative or responsive to views critical of the government. For example, officials at the Ministry of Mines and Minerals Development sought to impede release of a

Human Rights Watch (HRW) report that criticized some elements of the government's response to lead pollution in a densely populated area surrounding a former lead mine. After numerous attempts to work with the government on a joint launch of the findings, HRW eventually decided to release the report outside the country.

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

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

Women

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

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

To address the problem of gender-based violence, the government engaged traditional marriage counselors on gender-based violence and women's rights in collaboration with NGOs. The Young Women's Christian Association (YWCA) also continued its "good husband" campaign and, in collaboration with other women's movements, the "I Care about Her" campaign to promote respect for women and to end spousal abuse. The government and YWCA worked to address these problems through community sensitizations, shelters, toll-free lines, and one-

stop centers where victims accessed counseling and legal support services. The Victim Support Unit under the police, staffed with trained personnel, supplemented these efforts. Other efforts to combat and reduce gender-based violence included curriculum development for training of police officers, roadshows to sensitize the public to gender-based violence, and instruction on how to file complaints and present evidence against perpetrators.

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

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

Female Genital Mutilation/Cutting (FGM/C): Although the law prohibits FGM/C for women and girls, FGM/C was common. Human rights-focused NGOs reported that the practice of pulling of the labia, a type of FGM/C intended to elongate the labia, is widely practiced. There were, however, indications the incidence rate was declining, especially in urban areas.

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: In contrast to customary law, the constitution and other laws provide for the same legal status and rights for women as for men, including under family, labor, property, and nationality laws. The government did not adequately enforce the law, and women experienced discrimination. For example, customary

land tenure and patriarchal systems discriminate against women seeking to own land. This situation restricts women's access to credit as they lack collateral, which land ownership provides.

Children

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

Education: Although the Education Act and education policy provides for free and compulsory education for children of "school-going age," the act neither sets a specific age nor defines what is meant by "school-going age." This may leave children particularly vulnerable to child labor (see section 7.b.). The numbers of girls and boys in primary school were approximately equal, but fewer girls attended secondary school. According to UNICEF, girls tended to leave school at younger ages than did boys because of early marriage or unplanned pregnancies.

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

Early and Forced Marriage: The legal age of marriage is 16 for boys and girls with parental consent and 21 without consent. There is no minimum age under customary law. In 2017 according to UNICEF, 31 percent of girls were married by age 18 and 6 percent by age 15. UNICEF reported child marriage was largely between peers, rather than forced. According to the YWCA and other NGOs, however, early and forced marriages were prevalent, particularly in rural areas. The government adopted a multisectoral approach to stop child marriage, which included keeping children in school, creating re-entry policies for girls who become pregnant, and strengthening the role of health centers for sexual reproductive health. These efforts were articulated by the national strategy to end child marriages launched in 2017. Other efforts by the government and other nonstate actors included community sensitization and withdrawing children from child marriages, supported by several traditional leaders.

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

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

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

Displaced Children: UNICEF reported that of the 10,592 refugees registered at the Mantapala resettlement in Luapula Province, 6,250 were younger than age 18. According to UNHCR and UNICEF, as of April there were 1,001 unaccompanied and separated children among registered Congolese refugees, and the government provided them with appropriate services.

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

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

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

Despite this progressive step, the Zambia Agency for Persons with Disabilities (ZAPD) reported the government did not consistently enforce its law due to insufficient funding for disability programs. ZAPD reported the police and other government institutions did help prevent violence against persons with disabilities by investigating allegations of violence. For example, in late 2018 authorities arrested, convicted, and imprisoned a man reportedly for raping a disabled girl in Kawambwa.

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

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

By law the government must provide reasonable accommodation for all persons with disabilities seeking education and provide that "any physical facility at any public educational institution is accessible." Public buildings, including schools, prisons, and hospitals, rarely had facilities to accommodate disabled persons. Five

schools were designated for children with disabilities. Some children with physical disabilities attended mainstream schools, but long distances to school restricted others from accessing education. According to ZAPD, there were three types of education systems accessible to children with disabilities: segregated education (special schools), integrated education (special units), and inclusive education. The majority of children with disabilities attended special schools, while the rest attended special units. There were 150 schools practicing inclusive education in selected provinces during the year. The government also developed and promoted employment recruitment strategies for disabled persons seeking to enter the civil service and provided university study grants to disabled students.

National/Racial/Ethnic Minorities

There are seven major ethnic and language groups--Bemba, Kaonde, Lozi, Lunda, Luvale, Ngoni, and Tonga--and 66 smaller ethnic groups, many of which are related to the larger tribes. The government generally permitted autonomy for ethnic minorities and encouraged the practice of local customary law. Some political parties maintained political and historical connections to tribal groups and promoted their interests. Trends towards regionalism and tribalism that marred the 2016 general election contributed to divisions among tribal groups.

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

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

The law criminalizes consensual same-sex sexual activity, and penalties for conviction of engaging in "acts against the order of nature" are 15 years' to life imprisonment. Conviction of the lesser charge of gross indecency carries penalties of up to 14 years' imprisonment. During the Universal Periodic Review held in 2017 in Geneva, the government rejected calls to recognize and protect lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights. On September 26, while attending the 74th Session of the UN General Assembly in New York, President Lungu reiterated that LGBTI rights "cannot be replicated in Zambia because they are a taboo" to local culture. The government enforced laws against same-sex

sexual activity and did not address societal discrimination against LGBTI persons. By year's end, four individuals were serving time in prison for reasons related to their sexual orientation, up from three at the end of 2018. This included two individuals convicted of same-sex sexual conduct by the Kapiri Mposhi Magistrates Court in August 2018. On November 27, the Lusaka High Court upheld their conviction and imposed the 15-year minimum sentence.

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

According to LGBTI advocacy groups, societal violence against LGBTI persons occurred, as did discrimination in employment, housing, and access to education and health care. LGBTI groups reported frequent harassment of LGBTI persons and their families, including threats via text message and email, vandalism, stalking, and outright violence. Freedom of expression or peaceful assembly on LGBTI issues remained nonexistent. For example, on February 4, the national broadcasting regulator IBA ordered Multi-Choice Zambia to suspend transmission of a reality show entitled *Lusaka Hustle*. Earlier, Minister of National Guidance and Religious Affairs Godfridah Sumaili advised Multi-Choice Zambia to discontinue the show on the premise that "it promotes homosexuality," as one of the show's primary hosts in the minister's view displayed characteristics typically associated with the LGBTI community. After a one-week hiatus, the IBA board determined that subsequent episodes did not violate any law and reinstated the show.

HIV and AIDS Social Stigma

The government actively discouraged discrimination against persons with HIV/AIDS. Most employers adopted nondiscriminatory HIV/AIDS workplace policies. Training of the public sector, including the judiciary, on the rights of persons with HIV/AIDS increased public awareness and acceptance, but societal and employment discrimination against such individuals persisted. The government made some headway in changing entrenched attitudes of discrimination against persons with HIV/AIDS. In 2016 the country's first openly HIV-positive person was elected to parliament.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

No organization may be registered as a trade union unless its application to register is signed by not fewer than 50 supporters or such lesser number as may be prescribed by the minister of labor and social security, and, with some exceptions, no trade union may be registered if it claims to represent a class of employees already represented by an existing trade union. Unions may be deregistered under certain circumstances, but the law provides for notice, reconsideration, and right of appeal to an industrial relations court. During the year no trade union was deregistered or faced excessive restriction on registration.

The government, through the Ministry of Labor and Social Security, brokers labor disputes between employers and employees. The law provides the right of employees not to be prevented, dismissed, penalized, victimized, or discriminated against or deterred from exercising their rights conferred on them under the law, and it provides remedies for dismissals for union activities. Casualization and unjustifiable termination of employment contracts is illegal; the law defines a casual employee as an employee whose terms of employment contract provide for his or her payment at the end of each day and is engaged for a period of not more than six months. The law was not enforced effectively.

In cases involving the unjustified dismissal of employees, the ministry settles disputes through social dialogue, and any unresolved cases are sent to the Industrial Relations Court. Penalties are not sufficient to deter violations. The law also provides a platform for employers, workers, and government to dialogue on matters of mutual interest through the Tripartite Consultative Labor Council.

The law provides for collective bargaining. In certain cases, however, either party may refer a labor dispute to a court or for arbitration; the International Labor

Organization (ILO) raised concerns the law did not require the consent of both parties involved in the dispute for arbitration. The law also allows for a maximum period of one year for a court to consider the complaint and issue its ruling. Collective agreements must be filed with the commissioner and approved by the minister before becoming binding on the signatory parties.

With the exception of workers engaged in a broadly defined range of essential services, the law provides for the right to strike if recourse to all legal options is first exhausted. The law defines essential services as any activity relating to the generation, supply, or distribution of electricity; the supply and distribution of water and sewage removal; fire departments; and the mining sector. Employees in the defense force and judiciary as well as police, prison, and ZSIS personnel are also considered essential. The process of exhausting the legal alternatives to a strike is lengthy. The law also requires a union to notify employers 10 days in advance of strike action and limits the maximum duration of a strike to 14 days. If the dispute remains unresolved, it is referred to the court. The government may stop a strike if the court finds it is not “in the public interest.” Workers who engage in illegal strikes may be dismissed by employers. An employee or trade union that takes part in a strike not authorized by a valid strike ballot is liable to a fine of up to 50,000 kwacha (\$4,250) for a trade union or 20,000 kwacha (\$1,700) for an employee.

The law prohibits antiunion discrimination and employer interference in union functions, and it provides for reinstatement and other remedies for workers fired for union activity. Except for workers in “essential services” and those in the above-mentioned categories, no other groups of workers are excluded from relevant legal protections. Administrative judicial procedures were subject to lengthy delays and appeals.

Government enforcement of laws providing for freedom of association and collective bargaining was not effective. Penalties for employers were not sufficient and could not be effectively enforced to deter violations. Other challenges that constrained effective enforcement included unaligned pieces of legislation, lack of financial capacity to implement programs, and lack of trained officers to enforce legislation.

Freedom of association and the right to collective bargaining were not always respected. Unions suffered from political interference and fracturing and were no longer seen as influential. Most unions chose to strike illegally, either to circumvent lengthy procedural requirements for approval or when other legal

avenues were exhausted. Antiunion discrimination and retirements in national interest persisted during the year. For example, antiunion tendencies were prevalent among multinational companies and local employers, particularly in the agricultural, mining, and transport sectors. Disputes arising from such actions were often settled by workers' representatives and employers, with the government acting as an arbiter. NGOs advocated for worker rights throughout the year without government restriction.

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.

A new employment code passed in April criminalizes all forms of forced or compulsory labor. Penalties for violations range from a fine to a term of imprisonment not exceeding two years or both. Although penalties are sufficient to deter violations, the government did not effectively enforce the law.

While the government investigated cases involving a small number of victims, it did not investigate more-organized trafficking operations potentially involving forced labor in the mining, construction, and agricultural sectors. There were no reported prosecutions during the year.

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 continued to be exploited in urban domestic servitude and subjected to forced labor in the agricultural, textile, mining, and construction sectors, and other small businesses. While orphans and street children were the most vulnerable, children sent to live in urban areas were also vulnerable to forced labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all of the worst forms of child labor, but gaps hamper adequate protection of children. The law prohibits the employment of children younger than age 15 at any commercial, agricultural, or domestic worksite or engaging a child in the worst forms of child labor. The new employment code consolidates all child-related labor laws into a single legislation to provide clear regulations on the employment and education of children. Restrictions on child labor prohibit work that harms a child's health and development or that prevents a child's attendance at school; government regulations list 31 types of hazardous work prohibited to children and young persons. The law also prohibits the procurement or offering of a child for illicit activities. Although penalties are sufficient to deter violations, the government did not effectively enforce the law.

According to the ILO, child labor was prevalent, and the government did not effectively enforce the law outside of the industrial sector. Resources, inspections, and remediation were inadequate. Secondary education is not compulsory, and children who are not enrolled are vulnerable to child labor.

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 artisanal mining, agriculture, and domestic service. Although the government reported it had a National Child Labor Steering Committee, which oversaw child labor activities and was composed of government ministries, the Zambian Federation for Employers, the Zambia Congress for Trade Unions, civil society, and other stakeholders, the committee was not active during the year. The government collaborated with local and international organizations to implement programs combatting child labor. Because most child labor occurred in the agricultural sector, often on family farms or with the consent of families, inspectors from the Ministry of Labor and Social Security focused on counseling and educating families that employed children. In some cases such work also exposed children to hazardous conditions. 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.

Child labor was a problem in agriculture, fisheries, domestic service, construction, farming, commercial sexual exploitation (see section 6, Children), quarrying, mining, and other sectors where children younger than age 15 often were employed. According to UNICEF, there was a high prevalence of child labor, mostly in domestic and agricultural sectors and mainly in rural areas. UNICEF

noted discrepancies between the right to education and child labor laws in the country.

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

d. Discrimination with Respect to Employment and Occupation

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

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

Discrimination in employment and occupation occurred with respect to disability, sexual orientation, and gender identity. LGBTI persons were at times dismissed from employment or not hired because of their sexual orientation or gender identity. Women's wages lagged behind men's, and training opportunities were less available for women. Women were much less likely to occupy managerial positions. Persons with disabilities faced significant societal discrimination in employment and education.

e. Acceptable Conditions of Work

The law allows the Ministry of Labor and Social Security authority to set wages by sector; the category of employment determines the minimum wage and conditions of employment. The minimum wage categories, last revised in 2018, at the low end were slightly above World Bank poverty estimates for a lower-middle income country but lower than the Basic Needs Basket. The new employment code also

provides sufficient penalties to deter violations, and the government made strides to improve enforcement. Nevertheless, compliance with the law remained a problem, the ILO reported.

Wage laws were not always effectively enforced, but the law prescribes penalties for violations of labor laws that are sufficient to deter violations. Every employer negotiates with employees their standard minimum wage. For unionized workers, wage scales and maximum workweek hours were established through collective bargaining. Almost all unionized workers received salaries considerably higher than the nonunionized minimum wage.

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

The law regulates minimum occupational safety and health standards in industry. Both the Workers Compensation Fund Control Board (WCFCB) and the Ministry of Labor and Social Security stated that government occupational safety and health (OSH) standards were appropriate for the main industries. The law places on both workers and experts the duty to identify unsafe situations in a work environment. During the year the WCFCB conducted safety inspections in more than 102 employer sites and recorded 100 violations in OSH standards, mostly in the mining, construction, and agriculture sectors. These inspections generally showed a lack of compliance with procedures, nonprovision of personal protective equipment, and lack of pre- and postemployment medical examinations. According to the WCFCB, a risk assessment on dangerous work activities and pre-employment medical examinations of new employees--especially in Chinese-run mining operations--was nonexistent. The number of labor inspectors, moreover, was likely insufficient to enforce labor laws, including those covering children.

The work hour law and the safety and health standards were not effectively enforced in all sectors, including in the informal sector. Workers at some mines faced poor health and safety conditions and threats by managers if they tried to

assert their rights. Miners developed serious lung disease, such as silicosis, due to poor ventilation and constant exposure to dust and chemicals.

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

Violations of wage, overtime, or OSH standards were most common in the construction and mining sectors--particularly in Chinese-owned companies--and among domestic workers. Major industrial accidents during the year occurred in the mining, transport, agriculture, and commercial sectors. According to Zambia Central Statistical Office data published in June, approximately 31.6 percent of the labor force was employed in the formal sector, and approximately 68.4 percent was informally employed. The National Pension Scheme Authority implemented a program that extended social security to workers in the informal sector in five priority sectors: domestic workers, bus and taxi drivers, saw millers, marketers and traders, and small-scale farmers in the first phase of the project.

According to the WCFCB, the highest number of accidents occurred in the construction, agriculture, and mining sectors. The WCFCB reported that 36 of 392 accidents recorded during the year were fatal. Fatal industrial accidents included three workers who died on February 7 in an underground mine accident at Mopani Copper Mine (MCM) in Mufulira. The miners reportedly died of suffocation after inhaling smoke from a mine loader that caught fire after refueling. Preliminary investigations revealed the mine lacked safety features for miners operating underground. Two workers also died in another MCM accident on March 19, prompting the company to temporarily suspend production and investigate.