

Zambia 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Zambia during the year.

Significant human rights issues included credible reports of arbitrary or unlawful killings, including extrajudicial killings; torture and cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; serious restrictions on freedom of expression and media freedom, including violence and threats of violence against journalists, censorship, and enforcement of or threat to enforce criminal libel laws to limit expression; substantial interference with the freedom of peaceful assembly and freedom of association; and laws criminalizing consensual same-sex sexual conduct between adults, which were enforced.

The government took credible steps to identify, investigate, prosecute, and punish officials who may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or

Politically Motivated Killings

There were several reports that police committed arbitrary or unlawful killings, including extrajudicial killings, during the year. The country's Human Rights Commission (HRC) reported police committed "acts of torture" that resulted in the death of detained suspects. For example, in April police reportedly tortured Captain Phiri while he was in detention at Chilenje police station. Phiri later died of injuries caused by this alleged police abuse. Following a statement by the Law Association of Zambia expressing concern regarding Phiri's death, along with the earlier death in custody of Justin Kolo at Kansenshi police station, Police Deputy Public Relations Officer Danny Mwale told news media that no suspects had died in police custody. In June, police at Lusaka central police station reportedly tortured Maxwell Mwila, a suspect accused of stealing a mobile phone. Mwila subsequently died on July 1 in custody at Matero police station due to injuries arising from the alleged torture. Court hearings on both cases were still pending as of mid-December.

The nongovernmental organization (NGO) Zambian Civil Liberties Union (ZCLU) called upon police to clearly explain the circumstances that led to the death of Mwila and other inmates in custody. ZCLU Deputy Executive Director Maurice Makalu urged the government to prosecute police officers involved in the torture and warned that his organization would compile a list of officers involved, gather evidence against them, and submit torture

dockets to the International Criminal Court for possible prosecution.

Despite these deaths, the number of extrajudicial killings during the year dropped compared to 2022, the HRC reported. In 2021, the HRC received and dealt with nine cases of extrajudicial killings and in 2022 received and dealt with 26 cases of extrajudicial killings. As of November 1, for the year the Commission received and recorded three cases of extrajudicial killings, all of which the HRC was investigating.

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, and Other Related Abuses

The constitution prohibited cruel, inhuman, or degrading treatment or punishment, but there were credible reports that government officials employed them. According to the HRC, torture remained prevalent, and police reportedly tortured suspects in detention facilities, sometimes resulting in death (see section 1.a.). There were also reports that police at Lusaka Central Police Station and Lilayi Police Station tortured detainees.

Police and other law enforcement officers perpetrated acts of gender-based violence. For example, in June, a police officer in Kaputa District allegedly

pointed a gun at and “defiled” (raped) a girl, age 14, who was stopped while on her way home. The police officer involved was arrested, charged, and was awaiting trial by year’s end.

While there were no specific reports of impunity, police and other law enforcement agencies were quick to reject claims of torture, inhuman or degrading treatment, and extrajudicial killings (see section 1.a.). The forces most identified with the existence of impunity included police and the Zambia National Service. The government launched investigations into alleged torture, inhuman treatment, or extrajudicial killings, but as of mid-December no officers were charged or prosecuted for their involvement in such violations, except for the case of defilement referenced above. While the law specifically prohibited corporal punishment (including torture) of a child, corporal punishment was still widely practiced in the country’s prisons, and law enforcement officers usually did so with impunity, including on child prisoners.

Prison and Detention Center Conditions

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

Abusive Physical Conditions: Gross overcrowding in prisons and other

detention facilities remained a problem. The prison population in the country's correctional facilities stood at 26,066 as of October 23, against a holding capacity of 10,650. The HRC reported a lack of adequate detention infrastructure including limited bed space and mattresses, inadequate nutrition, and unsanitary facilities contributed to the degrading treatment of detainees.

Administration: The HRC and the Office of the Public Protector (ombudsperson) investigated allegations of prisoner mistreatment, while the Correctional Service dealt with the discipline of correctional officers.

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

Improvements: During the year, the government increased funding to improve conditions in prisons and enhance the welfare of inmates, the HRC reported.

d. Arbitrary Arrest or Detention

The law prohibited arbitrary arrest and detention. It also provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The constitution and law required authorities to obtain a warrant before arresting a person for most offenses. Police officers did not need a warrant, however, if they suspected a person had committed offenses such as treason, sedition, or unlawful assembly.

Although the law required detainees to appear before a court within 24 to 48 hours of arrest and be informed of the charges against them, the HRC reported authorities routinely held detainees for as long as six months before trial. The HRC noted this abuse remained particularly common in rural districts where subordinate courts operated in circuits and detainees could be tried only when a circuit court judge was in the district. In August, Attorney General Mulilo Kabesha claimed that the law allowed authorities to detain a suspect for as long as investigations remained inconclusive and stated that detained individuals only had to be presented before court 48 hours after conclusion of the investigation, rather than after arrest.

Based on a constitutional presumption of innocence, the law provided for bail in most cases. Bail was not granted for persons charged with murder, aggravated robbery, narcotics violations, espionage, or treason. Before granting bail, courts often required at least one employed person, usually a government employee, to vouch for the detainee. There were also reports of police denying or delaying the granting of bail in cases related to opposition political party members or perceived members of the lesbian,

gay, bisexual, transgender, queer, or intersex (LGBTQI+) community.

Detainees generally did not have prompt access to a lawyer. Although the law obligated the government to provide an attorney to indigent persons who faced serious charges, many defendants were unaware of this right.

The government's Legal Aid Board provided legal services to some indigent arrestees but did not have the resources to meet demand fully.

Arbitrary Arrest: The HRC noted that there were fewer reports during the year of arbitrary arrests and unlawful detentions and excessive use of force by police, including in civil disputes, than in previous years, but human rights groups and media reports indicated that arbitrary arrest and prolonged detention remained a problem. Police arrested and detained some suspects for questioning without promptly charging them. For example, on June 17, police detained Patriotic Front member Emmanuel Mwamba for more than two days before charging him with forgery and releasing him. In other cases, however, police arrested, promptly charged, and released individuals within the period required by law.

Pretrial Detention: According to the NGO Alliance for Community Action, lengthy pretrial detention continued to be a problem. On average, detainees spent an estimated six months in pretrial detention, which often exceeded the maximum length of the prison sentence for the detainee's alleged crime. Contributing factors included inability to meet bail requirements, nonbailable offenses, trial delays, judges working on a circuit-

court basis, and trial continuances due to absent prosecutors and witnesses.

e. Denial of Fair Public Trial

The constitution provided for an independent judiciary. While the government largely refrained from direct interference, the Ministry of Finance and National Planning's control of the judiciary's budget continued to limit judicial independence. In most cases authorities respected court orders.

Trial Procedures

The constitution provided for the right to a fair and public trial, and the judiciary generally enforced this right. While the law provided the right to a presumption of innocence, to be informed promptly of charges, and to be present at a fair and timely trial, these rights were not consistently protected. There were reports of lengthy detentions without trial and defendants who were not informed promptly of charges against them, and the overburdened and insufficiently resourced judicial system led to lengthy and delayed trial procedures. Courts rarely provided indigent defendants with an attorney at state expense despite a legal requirement to do so. Interpretation services in local languages were available in most cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

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

The constitution and law prohibited such actions and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

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

Although the constitution and law provided for freedom of expression, including for members of the press and other media, they permitted restrictions of these fundamental rights and freedoms in certain circumstances. In particular, the law allowed restrictions on freedom of expression in the interests of national defense, public safety, public order, and public health, or for the purpose of protecting the reputations, rights, and freedoms of others and maintaining the authority and independence of

the courts.

Freedom of Expression: The government showed sensitivity to criticism, particularly from political opposition figures, and restricted the ability of individuals to criticize it freely or discuss matters of public interest.

Following a Hot FM radio program on October 11, when Sishuwa Sishuwa, a Zambian history professor based at the University of Stellenbosch in South Africa, criticized President Hichilema, the Independent Broadcasting Association sent Hot FM radio's Chief Executive Officer Oscar Chavula a letter expressing its concerns and instructing the station to improve its moderation of speakers.

Violence and Harassment: While the government broadly tolerated critical articles in newspapers and magazines, there were reports that ruling party supporters and government officials harassed journalists and used threats to intimidate them. For example, on December 12, United Party for National Development (UPND) cadres reportedly stormed Kokoliko FM Radio station in Chingola and disrupted a live radio program featuring opposition Economic and Equity Party leader Chilufya Tayali, and in the process assaulted Eunice Phiri, the station manager. The following day, the cadres lined up around Mafukeni Radio station in Mufulira to block Tayali from entering the station for another radio program. In January, police warned and cautioned two of the UPND supporters involved, Billy Mwape and Mutuna Chifunda, for the offense of "conduct likely to cause the breach of

peace.”

On December 12, armed police officers in Kitwe reportedly harassed journalists covering a press briefing by opposition Economic Freedom Fighters leader Kasonde Mwenda and confiscated their cameras and other equipment on the basis that the briefing was illegal, as Mwenda had not notified police. Media Institute for Southern Africa Zambia Chapter Chairperson Lorraine Mwanza Chisanga condemned the act and urged police to stop censoring and harassing the media. Police Spokesperson Rae Hamoonga explained that police gave all the confiscated equipment back to the journalists “after the screening.”

Censorship or Content Restrictions for Members of the Press and Other

Media, Including Online Media: In June, the *Zambian Daily Mail* fired a photojournalist purportedly due to government pressure for photographing individuals standing in line for food in Ndola. On September 21, UPND Deputy Chairman Trevor Mwinde stormed the 5FM radio station that had featured opposition Patriotic Front Deputy Mobilization Chairperson Bowman Lusambo. Mwinde, accompanied by UPND cadres, intimidated radio staff and threatened to instruct the government to close the radio station. The Independent Broadcasting Association was accused of partisan and biased treatment of licensing, undermining freedom of expression.

Libel/Slander Laws: In late 2022, the government repealed a colonial-era law on the defamation of the president, which had previously been used to

arrest numerous individuals who criticized the government in a manner deemed derogatory. Authorities, however, continued to use existing libel and criminal defamation laws. For example, in March police arrested independent parliamentarian Munir Zulu and charged him with three counts of criminal libel for alleging two government ministers illegally received approximately five million kwacha (\$250,000) from an undisclosed company and engaged in other corrupt practices. His case remained pending at year's end.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. Amendment of the Cyber Security and Cyber Crimes Act, however, intended to improve privacy and strengthen key democratic safeguards for the public, continued to be delayed. Civil society organizations contended that while the Cyber Security and Cyber Crimes Act, which was originally passed by the Lungu administration, contained some useful provisions, such as those that strengthened the protection of children in cyberspace, other provisions violated the right to privacy of members of the public through communication interception.

In 2022 the government indicated it would amend the law to strengthen provisions against the abuse of cyberspace. Nevertheless, following a lawsuit brought against the government by the NGO Chapter One Foundation challenging the constitutionality of some of the provisions in the

existing law, the government in January announced that it could not proceed with amendments until the case was concluded.

b. Freedoms of Peaceful Assembly and Association

Numerous civil society organizations (CSOs) reported that the government regularly restricted the rights of peaceful assembly and association, particularly by political opposition members. Speaking on behalf of other CSOs on October 26, Chapter One Foundation Executive Director Linda Kasonde urged the government to quickly enact the Access to Information and Public Gathering Bills into law to protect the right to freedom of expression and assembly.

Freedom of Peaceful Assembly

The constitution provided for the right of peaceful assembly; however, the government restricted this right. The law did not require protesters to have a permit, but it obliged them to notify police of any planned protest or assembly, and police could stop a peaceful protest when they were not notified. On March 8, the women's rights organization Sistah Sistah Foundation held a march to protest gender-based violence. While the march was allowed to proceed without interruption, following the march police arrested the organizers, alleging they had held an illegal pro-LGBTQI+ rights protest. Civil society representatives suggested this arrest could have a chilling effect on future peaceful assembly. On March 10, 23 persons –

including members of the opposition Economic Freedom Fighters party – were detained for unlawful assembly while protesting the Ndola-Lusaka dual carriageway tender. Police stated the organizations had not informed police of the route they were to take for the protest.

Freedom of Association

The constitution provided for freedom of association. While the government generally respected the right to freedom of association, it retained some limits on this right through various mechanisms. The law required all organizations to apply for registration with the Ministry of Community Development and Social Services and comply with other requirements, such as the filing of annual returns and disclosure of funding sources, but the law was loosely enforced. The registration process was stringent and lengthy and gave the ministry considerable discretion. The law placed restrictions on funding from foreign sources. For this reason, donors, including some UN agencies, required all organizations to register before receiving funding.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the

Country

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. One notable exception was the government's prohibition in September of former President Edgar Lungu leaving the country without prior notification, including his removal by immigration officials from an airplane he had already boarded en route to the Republic of Korea, allegedly because he had not first sought permission to travel internationally.

e. Protection of Refugees

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

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

Freedom of Movement: The country maintained a formal encampment policy but allowed asylum seekers, refugees, and other persons of concern to move freely within the country. The government continued to issue conventional travel documents to refugees for purposes of traveling outside the country or to enable them to return to their country of residence. The Angolan and Zambian governments agreed, according to the UNHCR, that Angola would provide national identity documents and passports to former Angolan refugees living in Zambia, a prerequisite for obtaining residency permit. The government requirement for all applicants to get official national identification documents from their countries of origin, however, made it difficult for Rwandan applicants to obtain residency. According to UNHCR officials, Rwandan refugees or former refugees were afraid of applying for passports from their embassy because they were fearful of engaging their government, which insisted all Rwandan refugees could return home safely and urged governments in the region to help them return to Rwanda.

Employment: There were credible reports the government imposed restrictions on refugees' ability to work after their status as refugees was official. The law required refugees to obtain work permits before they could engage in employment, including self-employment activities. Issuance of employment permits was subject to normal immigration procedures, including a government policy that required the immigration department to ascertain that there was no qualified and available citizen to perform the

job.

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

Durable Solutions: The government promoted safe voluntary return, third-country resettlement, and local integration of refugees. In conjunction with UNHCR and authorities from the Democratic Republic of the Congo (DRC), the government assisted in the voluntary return of approximately 4,500 Congolese refugees from Mantapala Refugee Settlement in Nchelenge District to Pweto District in the DRC. As of year's end, the government assisted 10,851 refugees to return home voluntarily. The government further facilitated the repatriation of Angolan and Somali nationals to their countries of origin under a voluntary repatriation program. There was no substantial progress in efforts to integrate former refugee populations locally.

Temporary Protection: The government provided temporary protection to individuals and asylum seekers who did not qualify as refugees. For example, as of year's end, the government had granted protection to 42 asylees from Angola, the Office of the Commissioner for Refugees reported.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National elections, held most recently in 2021 to mark the country's third peaceful transition of power since the 1991 reintroduction of multiparty politics, were widely reported to be marred by abuses and irregularities.

Observers noted pre-election abuse of incumbency; restrictions on freedoms of expression, assembly, and movement; and partisan intolerance resulting in sporadic violence across the country. Although the results were deemed a credible reflection of votes cast, media coverage, police actions, and legal restrictions heavily favored the Patriotic Front (the ruling party at the time of the 2021 elections) and prevented the election from being genuinely free and fair. Notable problems included burdensome national voter registration time limitations and lack of transparency in procedures, including poor access for observers; opaque and inconsistent application of the electoral law; and late changes to accreditation procedures, including

new requirements imposed without prior consultation, which election experts and civil society observers assessed did not meet international standards for electoral process management.

Participation of Women and Members of Marginalized or Vulnerable

Groups: Observers reported traditional and cultural factors prevented women from participating in political life on the same basis as men. The constitutional requirement of a high school education to qualify as a candidate for election to public office had the effect of disqualifying many women candidates because they often were unable to complete secondary school due to traditional or cultural factors such as early marriage.

Additional factors noted by observers and researchers included online and offline hate and harassment of women political candidates as well as perceptions of “electability” of women candidates, which affected primary nomination processes.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government expressed some political will to follow the law, although implementation often fell short. There were numerous reports of government corruption.

Corruption: The most serious allegations were related to ownership of properties reasonably suspected to be proceeds of crime, embezzlement,

and abuse of authority, and public procurement fraud among former senior government officials. There were also reports of corruption in the sitting administration. For example, in March the Anti-Corruption Commission arrested Auditor General Dick Sichembe for corrupt practices involving more than 1 million kwacha (\$50,000) following a whistleblower disclosure. The charges related to Sichembe's alleged theft of public funds while he served as accountant general at the Ministry of Finance. In July, the commission arrested Ministry of Finance and National Planning Permanent Secretary Mukuli Chikuba for theft of public funds, and police arrested Luapula Province Minister Derricky Chilundika and 18 others, including senior police officers and ruling provincial party officials, for the illegal mining of mineral ore. President Hichilema fired both Chilundika and Chikuba.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

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

Several domestic and international human rights groups generally operated

without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were somewhat cooperative and responsive to the views of these groups.

Government Human Rights Bodies: The HRC was an independent body established by the constitution to promote and protect human rights in the country, investigate human rights violations and abuses, and provide recommendations for remedial interventions. Human rights groups, however, stated that the HRC lacked autonomy and was understaffed. Nevertheless, most human rights groups assessed that despite these limitations, it was considered effective. The HRC monitored human rights conditions, interceded on behalf of persons whose rights it believed the government denied, and spoke on behalf of detainees and prisoners.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape of women and men, and courts had discretion to sentence convicted rapists to life imprisonment with hard labor. The law did not include provisions for spousal rape. The law criminalized domestic violence between spouses and among family members living in the same home. The law provided for prosecution of most crimes of gender-based violence (GBV), and penalties for conviction ranged from a fine to 25 years' imprisonment, depending on

the severity of injury and whether a weapon was used. The law provided for protection orders for survivors of domestic violence and gender-based violence, and such orders were issued and enforced. Despite this legal framework, rape and domestic violence remained widespread. Although the law criminalized rape and domestic violence, the government did not consistently enforce the law. To ensure medical evidence was correctly obtained within the provisions of the law, the United Nations Population Fund (UNFPA) supported the government in revising and implementing medical report procedures used by medical personnel when a survivor visited or was taken to a medical facility. These procedures were being implemented during the year at post-violence health facilities in the country.

To address gender-based violence, the government engaged traditional marriage counselors on gender-based violence and women's rights in collaboration with NGOs. The government and local and international organizations worked to address these problems through community sensitization campaigns, shelters, toll-free lines, and one-stop centers where survivors accessed counseling and legal support services. Trained police officers in the Zambia Police Victim Support Unit (VSU) supplemented these efforts. Other efforts to combat and reduce gender-based violence included curriculum development for police training, roadshows to sensitize the public concerning gender-based violence, and instruction on how to file complaints and present evidence against perpetrators.

A gender-based violence information management system in the police VSU strengthened monitoring and reporting of cases of gender-based violence. The system, which allowed for effective and comprehensive reporting of gender-based violence and improved support, including legal services, social, economic, and overall national planning, increased the number of reported cases. In the first three quarters of the year, the Zambia Police Service reported a total of 31,219 cases of GBV, which represented a 31.61 percent increase in the second quarter compared to 2022 and a 15.9 percent increase in the third quarter. Additionally, health facilities across the country reported 50,483 girls and women reporting and receiving care for GBV from October 2022, through September 30. An estimated one-third of the women in the country experienced physical or sexual violence in their lifetime, and among girls under the age of 18 who reported having had sexual intercourse, one in four reported their first sexual intercourse as forced.

Police and other law enforcement officers perpetrated acts of gender-based violence (see section 1.c.).

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

Other Forms of Gender-based Violence or Harassment: According to the Young Women’s Christian Association (YWCA), gender-based violence, including sexual violence against children, remained a problem due to lack of effective law enforcement. Although the law contained provisions under which some forms of sexual harassment of women could be prosecuted, the provisions were inadequate to protect women effectively from sexual harassment. According to the YWCA, enforcement of the law against rape, sexual harassment, sexual violence, and other forms of gender-based violence by mandated institutions remained a problem.

Discrimination: In contrast to customary law, the constitution and other laws provided for the same legal status and rights for women as for men, including under family, labor, property, and nationality laws. Customary land tenure and patriarchal systems continued to discriminate against women seeking to own land, thus restricting women’s access to credit, as they lacked the collateral that land ownership provided. Local human rights-focused NGOs, such as the YWCA, observed that the country’s dual system of customary and statutory law made it difficult to combat and deter injustices against women.

The employment code prohibited employment discrimination based on race, religion, national origin, color, sex, ethnicity, disability, age, or refugee status. Although the code provided for maternity leave, it required a worker to be continuously employed for two years before being eligible for such

leave. Some NGOs warned the code was likely to have a negative impact on women because potential employers would see hiring them as a financial risk, since the increased maternity leave allowance provided for up to 14 weeks with full pay. The law prohibited termination or imposition of any penalty or disadvantage to an employee due to pregnancy, and the government enforced the law.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Many women lacked access to contraception and skilled attendance during childbirth, including essential prenatal, intrapartum, and postpartum care, due to several barriers to accessing reproductive health services. These included misinformation and misconceptions regarding contraceptive use as well as inadequate reproductive health infrastructure, including insufficient skilled health-care providers, communication, transport to service delivery points, and referral systems. According to the UNFPA, some survivors of rape became pregnant and contracted HIV because they could not reach health facilities in time. The UNFPA further reported that although there was no discrimination in terms of service provision, government policy restricted access to reproductive rights to persons above the age of 16 without parental consent. Most parents were hesitant to provide consent, but in cases of rape and GBV, they usually provided it to prevent pregnancy.

The government continued to provide survivors of sexual violence access to

sexual and reproductive health services and permitted the use of emergency contraception and postexposure prophylaxis under the clinical management of rape. As part of the World Health Organization's minimum package of clinical post GBV care, emergency contraception was available at certain health facilities. Nevertheless, while emergency contraception was permitted at some clinics, government service delivery points often did not stock it due to funding gaps in the procurement process and the stigma associated with getting the product in public health centers. Emergency contraception was only available after incidents of sexual violence, the UNFPA reported.

The maternal mortality ratio was 278 deaths per 100,000 live births in 2018. The three major causes of maternal mortality were postpartum hemorrhage, hypertensive disorders, and septicemia. According to the *Zambia 2018 Demographic and Health Survey*, the latest information available, 80 percent of childbirths were assisted by a skilled provider, the pregnancy rate for girls and women between ages 15 and 19 was 29 percent, and the median age of having the first child was 19, indicating limited contraceptive use among teenagers, which was mainly due to government policy that did not allow adolescents aged 16 and below to access family planning services without parental consent. Additionally, the law was silent regarding those adolescents who were married.

Access to menstrual health and hygiene remained limited due to inadequate

knowledge and poverty resulting in inadequate funds to purchase menstrual hygiene products. Teen pregnancy also remained a barrier to education, but, under the government's re-entry policy, girls who dropped out of school due to pregnancy were readmitted into school after delivery (see section 6, Children, Education).

Systemic Racial or Ethnic Violence and Discrimination

The law prohibited any form of discrimination including based on ethnicity, and there were no reports of violence or discrimination based on ethnicity. The government generally permitted local traditional communities and ethnic minority groups to practice their traditional way of life.

Children

Education: Although the law provided for free and compulsory education for children of "school-going age," it neither set a specific age nor defined what was meant by "school-going age." These omissions left children particularly vulnerable to child labor (see section 7.b.). The numbers of girls and boys in primary school were approximately equal, but only 32 percent of children who completed secondary school were girls (see also section 6, Women, Reproductive Rights).

Child Abuse: The punishment for conviction of causing bodily harm to a child was five to 10 years' imprisonment, and the law was generally

enforced. A 2022 law introduced measures to prevent and enable early responses to any form of violence against children. The law mandated all organizations directly interacting with children without parental presence to implement policies safeguarding children.

Child, Early, and Forced Marriage: The law prohibited child marriages (those contracted by children under age 18) and practices that undermined a child's development, such as female genital mutilation. The government generally enforced various provisions of the law to prevent child marriage. It further introduced child protection procedures for all services and organizations working with children to ensure that children had channels to report cases of abuses, such as child, early, or forced marriage.

Sexual Exploitation of Children: The minimum age for consensual sexual relations was 16. The law provided penalties of up to life imprisonment for conviction of statutory rape or defilement, which the law defined as the unlawful carnal knowledge of a child younger than age 16. The minimum penalty for a conviction of defilement was 15 years' imprisonment. The law criminalized sexual abuse or sexual exploitation of children, child sex trafficking, and exposing children to obscene or pornographic material.

The law criminalized child sex trafficking and child pornography and provided for penalties of up to life imprisonment for convicted perpetrators. The government enforced the law effectively. In November 2022, the government enacted amendments to the antitrafficking law that removed

the requirement of a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, thereby bringing the definition of trafficking in line with the international law definition. The law required prosecution of perpetrators, and referral to care for survivors of sex trafficking.

According to UNICEF, transactional sexual exploitation, defined as engaging in sexual activity in exchange for basic needs such as food, clothes, or shelter, remained prevalent among extremely vulnerable girls. According to Zambia Police statistics released in November, the country recorded a total of 735 cases of defilement of children. Media reports and data from credible sources suggested that the actual number could be significantly higher.

Antisemitism

There were fewer than 500 persons in the Jewish community, and there were no known reports of antisemitic incidents.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based

on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law criminalized consensual same-sex sexual conduct, and penalties for engaging in “acts against the order of nature” were 15 years’ to life imprisonment. Conviction of the lesser charge of “gross indecency” carried a penalty of up to 14 years’ imprisonment. According to human rights groups, the government did not proactively enforce the law criminalizing consensual same-sex conduct between adults during the year, but the existence of the law deterred most LGBTQI+ persons from being open regarding their orientation in public. There were no credible efforts to rescind discriminatory laws that targeted LGBTQI+ persons.

Violence and Harassment: There were reports that police and members of the public incited, perpetrated, condoned, or tolerated violence against LGBTQI+ persons, those reporting such abuses, or those accused of or perceived to be LGBTQI+ persons. According to the NGO Panos Institute Southern Africa, members of the LGBTQI+ community and their families experienced cyber bullying and violence. Politicians, media figures, and religious leaders also used inflammatory public rhetoric to express opposition to basic protections and human rights for LGBTQI+ persons and to marriage equality, resulting in hate speech, threats, and assaults by members of the public.

Discrimination: The law did not prohibit discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. There were reports that health-care providers in public health institutions discriminated against LGBTQI+ persons. External support for the rollout of sexual diversity awareness training of health-care workers in some facilities helped the LGBTQI+ community access nondiscriminatory health services. On September 28, the Ministry of Health issued a directive to all provincial health directors and cooperating partners prohibiting use of the term “sexual and reproductive health and rights” in public discourse on the basis that the inclusion of the words “sexual” and “rights” in the same phrase connoted the inclusion or support for LGBTQI+ rights. Instead, the ministry mandated that the phrase “reproductive health and rights” be used instead. In September, Chief Justice Mumba Malila came under intense criticism for his remarks clarifying that while the law prohibited same-sex sexual conduct, it also provided equal freedoms and rights to all persons, including those who were LGBTQI+. While Evangelical Fellowship of Zambia Executive Director Andrew Mwenda described Malila’s remarks as “unconstitutional,” 18 human rights lawyers, all reportedly experts in the field, defended Malila’s remarks.

Availability of Legal Gender Recognition: Legal gender recognition was not available, and there were no reports that the government allowed individuals to change their gender identity marker on legal and identifying documents to bring them into alignment with their gender identity.

Involuntary or Coercive Medical or Psychological Practices: While there were no reports that medically unnecessary and irreversible “normalization” surgeries were performed on children or on nonconsenting adult intersex persons, the United Nations Development Program issued a legal and policy report on intersex issues in June, providing anecdotal evidence that medical professionals performed cosmetic normalization surgeries on intersex children.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: Although there was no specific law restricting freedom of expression, association, or peaceful assembly for members of the LGBTQI+ community, police disrupted attempts by LGBTQI+ persons (or those perceived to be LGBTQI+) to hold public meetings (see section 2.b).

Persons with Disabilities

The Zambia Agency for Persons with Disabilities (ZAPD) reported that persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others and that the government did not provide information and communication on disability concerns in accessible formats. Lack of accessibility in public transportation and infrastructure and information access remained a problem. According to the ZAPD, public buildings, including schools, prisons, and hospitals, rarely had facilities to accommodate persons with disabilities and therefore

remained largely inaccessible. By law, the government was required to provide reasonable accommodations for all persons with disabilities seeking education, and to ensure that “any physical facility at any public educational institution be accessible.” Persons with disabilities, however, had limited access to education and correspondingly low literacy levels. Only five schools were designated for children with disabilities nationwide. Since 2022, the number of children with physical disabilities attending mainstream schools steadily increased. This increase was mainly at the elementary school level, the ZAPD reported.

The law prohibited 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. According to the ZAPD, the government did not effectively enforce the law. Persons with disabilities also faced significant societal discrimination in employment. The government developed and promoted employment recruitment strategies for persons with disabilities seeking to enter the civil service and offered a university student loan program to students with disabilities.

The Ministry of Community Development and Social Services oversaw the government’s implementation of policies that addressed the needs of persons with disabilities in education, health care, building access, and electoral participation. A lack of consolidated and disaggregated data

remained a major impediment to the inclusion of persons with disabilities in government programming and policy.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the right of most workers to form and join independent unions, conduct legal strikes, bargain collectively, and seek election for any leadership position or appointment as an officer in trade unions. Statutory restrictions regulated these rights. The government had discretionary power to exclude certain categories of workers from unionizing, including prison staff, judges, court registrars, magistrates, and

local court justices. The law also required the registration of a trade union with the Ministry of Labor and Social Security, which could take up to six months. The law afforded the ministry the power to deny official registration and applications on arbitrary or ambiguous grounds. The law provided the labor commissioner with authority to deny registration of a trade union if it was determined to be prejudicial to national security interests, or if the trade union's objectives contradicted the purpose for which it was formed. The law prescribed stringent fines for trade union officers who engaged in union activities before a trade union was fully registered.

Trade union membership was limited to individuals within the sector in which the union was registered. The labor commissioner, who was part of the Ministry of Labor and reported to the permanent secretary, had authority to monitor the accounts of trade unions and recommend dissolution of trade union boards if the union violated the law or was dormant. The law provided the labor commissioner with authority to appoint an interim committee to oversee the operations of a trade union. If trade union registration was canceled or denied, the law limited officers of that union from holding a union position, unless cleared by the labor commissioner. The law set requirements for collecting union membership fees and obligated trade unions to notify the labor commissioner in case they received any material, technical, or financial assistance from outside sources. Managerial and supervisory staff were prohibited from joining

trade unions.

No organization could be registered as a trade union unless its application was signed by at least 50 employees, or a lesser number as could be prescribed by the minister of labor and social security. With some exceptions, a trade union could not be registered if it claimed to represent a class of employees already represented by an existing trade union. Unions could be deregistered under certain circumstances, but the law provided for notice, reconsideration, and right of appeal to an industrial relations court.

The government, through the Ministry of Labor, brokered labor disputes between employers and employees. Both casualization and unjustified termination of employment contracts were illegal. The law defined casualization as work that was not permanent in nature and was capable of being performed in less than six months. A casual employee was defined as a person employed to perform “casual work” whose terms of employment provided for payment at an hourly rate, payable at the end of each day, and was not engaged for a period exceeding 24 hours at a time.

In cases involving the unjustified dismissal of employees, the Ministry of Labor settled disputes through social dialogue, and any unresolved cases were sent to the Industrial Relations Division of the High Court. The law also provided a platform for employers, workers, and government to discuss matters of mutual interest through the Tripartite Consultative Labor Council.

The law provided for collective bargaining. In certain cases, however, either party could refer a labor dispute to a court or for arbitration. The law also imposed a three-month time frame for concluding a collective bargaining agreement, which was counted from the start of negotiations, failure of which resulted in fines against the trade union officers involved in the negotiations. The law obligated employers to bargain in good faith, but also provided employers with the option of referring disputes to court for binding determination. The law provided the labor minister with authority to approve collective bargaining agreements before they became binding. The law excluded managerial and supervisory personnel from being represented in collective bargaining agreements. The International Labor Organization raised concerns the law did not require the consent of both parties involved in the dispute for arbitration. The law also allowed for a maximum period of one year for a court to consider the complaint and issue a ruling. The parties to the collective agreement were required to conclude negotiations within three months or face fines. Collective bargaining agreements had to be filed with the commissioner and approved by the minister before becoming binding on the signatory parties.

Except for workers engaged in a broadly defined range of essential services, the law provided for the right to strike once all legal options were exhausted. The law defined essential services as fire departments, the mining sector, sewage removal, and any activity relating to the generation, supply, or distribution of electricity and water. Employees in the defense

force and judiciary as well as police, prison, and intelligence service personnel were considered essential. Essential employees did not have the right to strike; disputes involving workers engaged in essential services were referred directly to the Industrial Relations Division of the High Court. The process of exhausting the legal alternatives to a strike was lengthy. The law also required a union to notify employers 10 days in advance of strike action and limited the maximum duration of a strike to 14 days. According to the Zambia Congress of Trade Unions (ZCTU), this process was “too lengthy, required declaration of a dispute, mediation, litigation, and finally, members needed to take a vote on whether or not to strike.” This made it “almost impossible” to have a legal strike in the country, the ZCTU reported.

If a dispute remained unresolved, it was referred to the court. The government could stop a strike if the court found it was not “in the public interest.” Workers who engaged in illegal strikes could be dismissed by employers. The law prohibited antiunion discrimination and employer interference in union functions, and it provided for reinstatement and other remedies for workers fired for union activity. Except for workers in “essential services,” no other groups of workers were excluded from relevant legal protections.

According to labor experts, the government did not effectively enforce laws protecting freedom of association, collective bargaining, and the right to strike for workers, partly because trade unions were no longer providing

effective checks and balances to the government and holding it accountable to improve workers' rights. Penalties for employers were not commensurate with those for similar violations. Penalties were rarely applied against violators. According to the ZCTU, there were noticeable abuses targeting union leaders and members.

b. Prohibition of Forced or Compulsory Labor

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

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>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law allowed the Ministry of Labor to set minimum wages by sector; the category of employment determined the minimum wage and conditions of employment. Except for an updated minimum wage order for truck and bus drivers, minimum wages were last revised in 2019 and were at the official poverty income level. Before an

employee started working, or when the nature of employment changed, an employer was required to explain employee conditions of employment, including wages. For unionized workers, wage scales and maximum workweek hours were established through collective bargaining and regulation. Almost all unionized workers received salaries considerably higher than the minimum wage.

The law provided for a workweek of no more than 48 hours. The standard workweek was 40 hours for office workers and 45 hours for factory workers. There were limits on excessive compulsory overtime, depending on the category of work. The law required that workers earn two days of annual leave per month with no balance accrual.

Occupational Safety and Health: The law regulated minimum occupational safety and health (OSH) standards in industry but the government did not effectively enforce these regulations. The Ministry of Labor's Department of Occupational Safety and Health had the mandate to enforce OSH laws. According to the Workers Compensation Fund Control Board and the Ministry of Labor, government OSH standards were appropriate for the main industries in the country. The law placed the duty on both workers and experts to identify unsafe situations in a work environment, and workers could remove themselves from situations that endangered health and safety without jeopardy to their employment.

Wage, Hour, and OSH Enforcement: Penalties for violations of wage and

hour laws were commensurate with those for similar violations. The government sometimes applied penalties against violators. Labor inspectors had the authority to make unannounced inspections and initiate sanctions. The government effectively enforced minimum wage and overtime laws through contracts attestation and labor dispute resolutions. Penalties for OSH violations were commensurate with crimes such as negligence. The government, however, rarely applied penalties against violators. The insufficient number of labor inspectors and alleged corruption, coupled with inadequate resources, an insufficient budget, limited office space, inadequate training, and a lack of transportation and fuel prevented inspectors from adequately conducting inspections and enforcing compliance nationwide.

According to the government, most informal-sector workers, who accounted for 70 percent of the total workforce of three million persons, worked in agriculture, forestry, mining, wholesale and retail trade, and motor vehicle repair. Labor laws applied to the informal sector but were seldom enforced. Informal-sector workers were excluded from the social insurance system unless they previously held mandatory coverage for at least 60 months. For example, in 2022 according to the National Pension Scheme Authority only 40,000 of an estimated two million informal-sector workers were covered under the scheme.