

Zambia 2024 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; torture and cruel, inhuman, or degrading treatment or punishment; and serious restrictions on freedom of expression and media freedom, including violence and threats of violence against journalists.

The government took credible steps to identify and punish officials who committed human rights abuses, but impunity remained a problem.

Section 1. Life

a. Extrajudicial Killings

There were numerous reports the government or its agents committed arbitrary or unlawful killings during the year. In the first quarter, the Human Rights Commission (HRC), an independent body established by the constitution, reported a male suspect taken into custody at a Mongu police post was tortured and died in transit to the hospital. In April and May, two suspects died while in custody at Matero and Kanyama police stations. After

investigation, authorities arrested the police officers involved and charged them with manslaughter. Their cases were pending at year's end.

The Police Public Complaints Commission recorded a significant rise in public complaints regarding police conduct, with 20 allegations of extrajudicial killings recorded during the year.

Despite these incidents, the number of extrajudicial killings during the year dropped compared with 2023, according to the HRC.

b. Coercion in Population Control

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

Section 2. Liberty

a. Freedom of the Press

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. Use of the law to restrict freedom of expression was disproportionately directed at political opposition figures.

The government showed sensitivity to criticism, particularly from political opposition figures, and restricted the ability of individuals to criticize government officials or policies freely or discuss matters of public interest. On August 20, Home Affairs Permanent Secretary Joseph Akafumba issued a warning against what he termed social media abuse, emphasizing that his warning was not a threat but a promise to act. Akafumba likened a proposed cybercrime bill to an AK-47, stating the government would use the bill's power to leave social media abusers "permanently blinded or disabled." He highlighted that social media abuse, including cyberbullying and falsehoods, had harmed many innocent persons, including President Hakainde Hichilema, who he claimed continued to face online insults despite being the head of state. Akafumba reiterated that authorities intended to use the law to take decisive action against those who misused such platforms.

Physical Attacks, Imprisonment, and Pressure

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.

On April 13, police arrested journalists Rodgers Mwiimba and Innocent Phiri

for filming an altercation between police officers and two opposition party leaders. Authorities issued a statement claiming the journalists were arrested for filming and conducting interviews at the site of an unauthorized political rally. The nongovernmental organization Committee to Protect Journalists condemned the action and urged police to stop censoring and harassing media members and to investigate thoroughly the assault on the two journalists.

Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups

The government took various actions to encourage self-censorship among journalists but did not directly practice censorship.

b. Worker Rights

Freedom of Association and 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 official in trade unions. 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 application, which observers assessed had sometimes been done on arbitrary or ambiguous grounds. For example, 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.

The law specifically prohibited antiunion discrimination and employer interference in union functions. Trade union membership was limited to individuals within the sector in which the union was registered. The labor commissioner, who reported to the permanent secretary of the minister of labor, 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 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 mediation, 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 officials to discuss matters of mutual interest through the Tripartite Consultative Labor Council.

The law provided for collective bargaining. 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. Collective bargaining agreements had to be filed with the labor commissioner and approved by the minister before becoming binding on the signatory parties.

The law provided for the right to strike once all legal options were exhausted. 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, according to the ZCTU.

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 by workers. Penalties were rarely applied against employers. According to the ZCTU, there were noticeable abuses targeting union leaders and members.

Forced or Compulsory Labor

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

Acceptable Work Conditions

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 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.

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, OSH standards were appropriate for the main industries in the country. The law placed a duty on both workers and labor inspectors to identify unsafe situations in a work environment, and workers could remove themselves from situations that endangered their health and safety without jeopardy to their employment. Alleged violations of OSH were mostly reported in the mining and manufacturing sectors.

Wage, Hour, and OSH Enforcement

Penalties for violations of wage and hour laws were defined in legislation. 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. An insufficient number of labor inspectors, alleged corruption, and inadequate training 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.

c. Disappearance and Abduction

Disappearance

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

Prolonged Detention without Charges

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

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 a court appearance.

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.

According to human rights groups, arbitrary arrests and detention continued. Police arrested and detained suspects for questioning without promptly charging them. For example, on August 28, Lusaka police arrested and detained Jason Mwanza, Chanda Chikwanka, and Thomas Zulu for more than six days after their participation in a peaceful protest regarding economic hardship. They applied for and were granted a writ of habeas corpus to secure their release.

According to the HRC, lengthy pretrial detention, including that of irregular migrants awaiting trial or removal, continued to be a problem. On average, detainees spent an estimated six months in pretrial detention, which often exceeded the maximum length of the prison sentence 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. On November 15, the Zambia Conference of Catholic Bishops issued a statement noting concern regarding a "disturbing trend by police of keeping suspects in detention for a period longer than prescribed by the law."

d. Violations in Religious Freedom

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

e. Trafficking in Persons

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

Section 3. Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibited cruel, inhuman, or degrading treatment or punishment, but there were credible reports government officials employed them. According to the HRC, in multiple instances police reportedly tortured suspects in detention facilities, sometimes resulting in deaths (see section 1.a.). There were reports police at Mansa, Nyimba, Chilenje, Matero, Kanyama, and Munali police stations tortured detainees. For example, in Mansa District the HRC received a complaint from Bunda Chama, who alleged he was tortured on March 19 by four police officers. The HRC intervened and facilitated for Chama to receive medical treatment and obtain a medical report as evidence of the alleged acts of torture.

Chama was further referred to the National Legal Aid Board to consider legal action against the state for damages. At year's end, Chama was serving a sentence of 24 months in prison with hard labor. There was no information regarding investigations into the March 19 torture allegation.

Police and other government officials perpetrated acts of gender-based violence, including sexual violence. For example, in May a police officer in Lusaka District allegedly raped a girl, age 12. The officer was arrested, charged, and awaited trial at year's end.

According to the HRC, there were reports of impunity among government officials. The entities most associated with impunity included police and the Zambia National Service. The government investigated some instances of alleged torture, mistreatment, and extrajudicial killings, and some officials were charged or prosecuted for their involvement in such abuses.

The law prohibited female genital mutilation/cutting (FGM/C) for women and girls, but the law was not enforced. The NGO Women and Law in Southern Africa and other human rights-focused NGOs reported labia elongation and other forms of FGM/C were widely practiced, particularly in rural areas. Observers noted many communities regarded FGM/C as a cultural practice and did not report it to authorities. There were indications the incidence rate was declining in urban areas.

b. Protection of Children

Child Labor

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/>.

Child Marriage

In December 2023, parliament enacted a marriage law that set the marriage age at 18 without exception for all marriages, including customary marriages. The government generally enforced the law. It further introduced child protection procedures for all services and organizations working with children so that children had channels to report cases of abuses, such as child, early, or forced marriage.

c. Protection to 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, or asylum seekers, as well as other persons of concern.

Provision of First Asylum

The law provided for the granting of asylum or refugee status, and the

government had a system to provide protection to refugees. The law gave the home affairs minister wide discretion to deport refugees without appeal or to deny asylum to applicants who had asylum status in other countries.

On September 16, antiterrorism police raided the office of the commissioner for refugees, halting all operations, with Minister of Home Affairs and Internal Security Jack Mwiimbu citing national security concerns.

Commissioner for Refugees Prosper Ng'andu was detained after the raid and held for 25 days without being formally charged.

Resettlement

The government promoted safe voluntary return, third-country resettlement, and local integration of refugees. During the year, UNHCR submitted 165 individuals to Canada, Sweden, and the United States for resettlement consideration, and 768 individuals departed for resettlement in Australia, Canada, Finland, France, New Zealand, and the United States. As of September, no refugees were assisted to return to their countries of origin under the voluntary repatriation program.

d. Acts of Antisemitism and Antisemitic Incitement

There were fewer than 100 persons in the Jewish community, and there were no known reports of antisemitic incidents.