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## U.S. Department of State

### Zambia Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

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#### ZAMBIA

Zambia is a republic governed by a president, a unicameral national assembly, and a constitutionally independent judiciary. After two decades of one-party rule, free and fair multiparty elections in 1991 resulted in the victory of the Movement for Multiparty Democracy (MMD) and the election of President Frederick J. T. Chiluba, a former trade unionist. In the November 18 elections, President Chiluba was reelected and his party gained 131 of 150 seats in the National Assembly. There were 5 presidential and over 600 parliamentary candidates from 11 parties. Elections took place peacefully. Following the ballot, several opposition parties and nongovernmental organizations (NGO's) declared the electoral process neither free nor fair, in part due to constitutional amendments enacted in May that disqualified former President Kenneth Kaunda, the main opposition leader, from seeking the Presidency. Kaunda's United National Independence Party (UNIP) had boycotted the parliamentary polls, alleging that the results were fixed beforehand. Although reputable reports indicated some voting irregularities, no evidence of substantial or widespread vote rigging or vote-counting fraud has been presented.

The police, divided into regular and paramilitary units operating under the Ministry of Home Affairs, have primary responsibility for maintaining law and order. The Zambia Intelligence Security Service, under the Office of the President, is responsible for intelligence and internal security. Despite reform efforts begun in 1994, including human rights training and punishment of some offenders, the police force lacks sufficient professionalism and discipline. Police continued to commit numerous, and at times serious, human rights abuses.

Throughout the year the Chiluba Government continued its free market economic reform program. New

taxes slowed economic growth and allegations of high-level government corruption continued. Rains during the 1995-96 growing season produced a good harvest of maize, the staple food, improving the food security of most Zambians. The key copper industry, scheduled for privatization in 1997, suffered from a gradual weakening of world prices and a fall in production. The resulting lost income contributed to a fall in the value of the kwacha. Successful privatization in other industries and the development of nontraditional agricultural exports created some new jobs.

The Government took steps to address some human rights problems, but serious abuses continued in several areas. The police were responsible for extrajudicial killings as well as beatings of criminal suspects and detainees. Prison conditions are harsh and deteriorated further, posing an increased threat to the health and lives of inmates. Arbitrary arrests, prolonged detention, and long trial delays remain problems. Police authorities continued efforts to address police brutality, adopting community based policing methods, introducing human rights training into the curriculum of the police training college, and instituting a program of human rights seminars for midlevel and senior officers.

The Government unsuccessfully sought to reduce the independence of the judiciary, persisted in attempts to limit freedom of the press, and restricted citizens' right of peaceful assembly. The Government announced its intention not to privatize government-owned mass media, contrary to its 1991 promises. The Government rejected most elements of a draft constitution prepared in 1995 by a presidentially appointed review commission, choosing instead to pass amendments to the 1991 Constitution. The principal purpose of the amendments was to disqualify Kaunda, the main opposition leader (and many other citizens), from contesting the Presidency by making only second-generation Zambians eligible. These amendments restricted the right of citizens to change their government. Women continued to experience discrimination in both law and fact. Wife beating, rape, and denial of widows' inheritance rights remained widespread.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political killings during the year, but police continued to use excessive force that resulted in extrajudicial killings. Press accounts reported that police killed 12 people during the year. Most were killed while reportedly trying to escape capture. One of the 12 was an innocent woman killed by police gunfire during a gun battle with suspects in September. Police acknowledged their mistake and promised to compensate the victim's family. According to the police spokesmen, one suspect died in jail when officers failed to provide necessary medical attention.

On December 28, a woman died in police custody in Kasempa. Townspeople, alleging that police officers had beaten her to death, attacked government offices in Kasempa in an attempt to avenge her death.

Throughout the year, government officials, nongovernmental organizations, and the press closely scrutinized police involvement in human rights abuses, criminal activity, and corruption. Francis Ndhlovu, Inspector General of Police, continued to exercise his mandate to reform the force. Ndhlovu has instituted a variety of measures designed to restore discipline, professionalism, and respect for human rights, including police training in respect for human rights. Ndhlovu's efforts suffered a setback in May when a State House official ordered police to attack a peaceful march by students, overruling the police commander on the scene. In September Ndhlovu testified that he had placed illegal wiretaps on a

telephone at The Post newspaper office. By year's end, the Government had not taken disciplinary action against him.

The police undertook investigations of instances of police use of excessive force, disciplining officers who committed human rights abuses. The police adopted community based policing methods. Middle-ranking and senior police officers were enrolled in human rights training seminars at the Police Academy. According to statistics made available by the police command, at least eight police officers were the subjects of internal investigations or prosecutions. Further, according to official statistics, the authorities arrested at least 12 police officers on such criminal charges as robbery and possession of illegal narcotics.

The government-appointed Human Rights Commission, chaired by prominent attorney Bruce aggressively examined police human rights abuses in public hearings held throughout 1995. In September 1995, the Commission submitted its final report to the President, including recommendations to improve the human rights performance of the police. The report was released by the Government in October when the Parliament also passed legislation creating an autonomous human rights commission.

Many prisoners died as a result of harsh prison conditions (see Section 1.c.).

In June a bomb exploded at the Lusaka airport, killing one police officer who reportedly arrived at the scene to investigate reports of the bomb's presence. In December 1995, army recruits near Kapiri Mposhi went on a rampage in retaliation for the death of a comrade at the hands of local villagers. They destroyed 10 small villages and killed two villagers. Neither the police nor the Ministry of Defense had brought charges against the recruits by year's end.

#### b. Disappearance

On December 30, The Post newspaper reported the disappearance and detention of Chronicle reporter George Jambwe who had entered the Army Headquarters (Arakan Barracks) in an effort to interview the army commander. He was released to police custody after 3 days and charged with criminal trespass.

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

Although the 1991 Constitution prohibits torture, police regularly used excessive force when apprehending, interrogating, and detaining criminal suspects or illegal aliens. In most such instances, detaining officers beat suspects. In March police at the Chawama station severely beat a suspect, denied him necessary medical attention, and then released him without filing charges. In May police crushed the testicle of a detainee. No officers have been disciplined or arrested for these acts. By year's end, the Government had not disciplined or prosecuted any of the individuals allegedly involved in the torture of persons detained in connection with the 1993 state of emergency.

On October 18, police clashed with supporters of a local politician in Kabwe. Television coverage that evening showed police kicking and beating many of those who had been detained and handcuffed. Police action followed President Chiluba's instructions to MMD Secretary General Michael Sata, heard on the public address system at the MMD rally in Kabwe, to "sort them, Michael, sort them out."

Prison conditions are harsh. Deteriorating prison conditions posed an increased threat to prisoners' lives. According to official statistics, prisons designed to hold 6,000 prisoners held over 12,000. This severe overcrowding, combined with poor sanitation, inadequate medical facilities, meager food supplies, and lack of potable water resulted in serious outbreaks of dysentery, tuberculosis, and other diseases at

various prisons throughout the year. In a report submitted to Parliament, the Director of Prisons said 975 prisoners had died in prison between January 1991 and December 1995. Of these 203 died of AIDS-related illnesses, the rest from harsh conditions or other illnesses. Prisoners continued to die at about the same rate in 1996.

The Government permits prison visits by both domestic and international human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

Criminal suspects are often arrested on the basis of flimsy evidence or an uncorroborated accusation. In these and other criminal cases, the law requires that a detainee be charged and brought before a magistrate within 24 hours. Attorneys and family members are allowed pretrial access to detainees. In practice the authorities hold most detainees for more than

1 month from the time of arrest to first appearance before a magistrate. In many cases an additional period of 6 months elapses before the magistrate commits the defendant to a high court for trial. Following committal, preparation of the magistrate court record for transmittal to a high court takes months--in some cases as long as a year. Once a case reaches a high court for trial, court proceedings last an average of 6 months.

Approximately 2,000 of the 12,000 jailed prisoners are awaiting trial on criminal charges. In some cases defendants have been awaiting trial for 10 years. These long delays are the result of inadequate resources, inefficiency, lack of trained personnel, and broad rules of procedure that give wide latitude to prosecutors and defense attorneys to request adjournments. In 1996 the High Court Commissioner began releasing detainees if the police failed to bring the case to trial.

Although there is a functioning bail system, overcrowded prisons reflect the large number of detainees accused of serious offenses for which bail is not granted. These include treason, murder, aggravated robbery, and violations of the narcotics laws. Also, poor or indigent detainees rarely have the financial means to post bail. The government legal aid office is responsible for providing legal representation to poor or indigent detainees and defendants in criminal or civil cases. In practice few receive assistance. In 1996 the office had 14 attorneys to cover the entire country and a budget of \$110,000.

Police stations frequently become "debt collection centers," where police officers, acting upon an unofficial complaint, will detain a debtor without charge indefinitely until he or she pays the complainant. The police receive a percentage of the payment in return. This situation is commonplace. The authorities held approximately 500 foreigners, principally from neighboring countries, as illegal aliens until they could deport them. At times these detentions last months or years (see Sections 1.f. and 2.d.).

The Speaker of the National Assembly ordered the indefinite incarceration of Post newspaper writers Fred Mmembe, Bright Mwape, and Lucy Sichone for contempt of the House. A high court later quashed the sentences, ruling that the Speaker had no authority over private citizens, but only after Mmembe and Mwape had spent several weeks in prison.

The Government arrested eight United National Independence Party (UNIP) leaders on charges of treason (a nonbailable offense). The prosecution delayed arraignment and sought to delay the opening of the trial. After several weeks, however, the High Court insisted that the government prosecutor pursue the case. Two suspects were later released due to failure to prosecute. The other six were acquitted after a 6 week trial. The health of all eight suffered while they were imprisoned. Many attorneys considered

the charges purely political. Although technically the Government arrested them for their alleged involvement in bombings, their status in the opposition and the Government's failure to produce any convincing evidence raised the suspicion that they were really political detainees.

In an effort to intimidate students and discourage them from publicly criticizing the Government, the police arrested Emmanuel Tembo, president of the University of Zambia's students' union in July, questioned him about campus demonstrations against the Government's constitutional amendments, and released him on the following day.

The Government has not used exile for political purposes, but it has used deportation or the threat of deportation for such purposes. The case of John Chinula, a member of the Central Committee of UNIP (the former ruling party), whom the Government had deported in 1994, continued to attract the attention of human rights advocates. They protested his deportation, asserting that Chinula had been born in Zambia and that the deportation was a denial of due process. However, those advocating his case were quieted by a Lusaka High Court decision denying habeas corpus to Chinula in September 1995, in which the Court stated that he was, in fact, a citizen of Malawi. In December Malawi's Supreme Court ordered Chinula returned to Zambia. Zambian immigration officials and the Minister of Home Affairs announced that Chinula would be arrested and deported if he entered Zambia. His whereabouts were unknown at year's end. Chinula's longstanding ties to Zambia and his prominence as a politician continue to raise questions about the Government's motives in deporting him.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary. Although the Government has generally respected the independence of the judiciary, it tried unsuccessfully to limit its independence during the year. The President nominates and the National Assembly confirms the Chief Justice and the other eight members of the Supreme Court. The Court has appellate jurisdiction for all legal and constitutional disputes. Several high courts have authority to hear criminal and civil cases and appeals from lower courts. Magistrate courts have original jurisdiction in some criminal and civil cases, while local, or customary, courts handle most civil cases at the local level.

In April the Government introduced constitutional amendments that would have virtually eliminated the independence of the high courts and the Supreme Court. The amendments would have granted the President the power to dismiss judges, subject only to concurrence by the National Assembly. The President alone would have been able to decide what constituted grounds for dismissal. Following strong public protest, the Government withdrew the amendments in May.

Local courts employ the principles of customary law, which vary widely throughout the country. Lawyers are barred from participating, and there are few formal rules of procedure. Presiding judges, who are usually prominent local citizens, have great power to invoke customary law in rendering judgments regarding marriages, divorces, inheritances, other civil proceedings, and minor criminal matters. Judgments are often not in accordance with the Penal Code; for example, they tend to discriminate against women in matters of inheritance (see Section 5).

Trials in magistrate courts are public, and defendants have the opportunity to confront accusers and present witnesses. Many defendants, however, are too poor to retain a lawyer, and the poor state of the Government's Legal Aid Department means that many citizens entitled to legal aid find that it is unavailable.

There were no reports of political prisoners.

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

The Constitution provides for respect for privacy and the inviolability of the home, and the authorities generally respected these rights in practice.

Except during a state of emergency, the law requires a warrant before police may enter a home; however, police routinely ignored this requirement. The Constitution grants the Drug Enforcement Commission and the Zambian Intelligence Security Service authority to wiretap telephones. In September the Inspector General of Police admitted in open court that he had ordered illegal wiretaps on a telephone at the offices of The Post, an independent daily newspaper.

Roundups of suspected illegal aliens in the home or workplace continued. According to the government Commissioner for Refugees, immigration officials are empowered under the law to conduct these roundups without a warrant (see Section 2.d.).

### **Section 2 Respect for Civil Liberties, Including:**

#### a. Freedom of Speech and Press

While the Constitution provides for freedom of expression and of the press, the Penal Code lists various prohibited activities that may be interpreted to restrict these freedoms. In February the Government banned issue 401 of The Post for allegedly revealing "state secrets" (these were transcripts of cabinet discussions of MMD election campaign strategy). It later ordered ZAMNET, the Zambian Internet provider, to delete the issue from The Post's home page. The Government invoked restrictive laws--for example, prohibiting defamation of the President--in other selected cases. A magistrate in the copperbelt town of Kitwe sentenced William Banda to 3 years' imprisonment for publicly insulting President Chiluba during his visit to a housing project. Banda was immediately taken into custody by a local official of the ruling MMD party. The Government or its appointed officials filed numerous libel and defamation suits against The Post in response to a series of headlines and stories focusing on issues of corruption and controversial government policies. At year's end over 90 of these cases remained to be adjudicated.

The law includes provisions for investigative tribunals to call as witnesses journalists and media managers who print allegations of parliamentary misconduct. Failure to cooperate with the tribunal may result in charges of contempt punishable by up to 6 months in jail. This is seen by the media as a clear infringement on press freedom and a means for parliamentarians to bypass the clogged court system in dealing with libel suits against the media. The Press Association of Zambia has its own media ethics code and voluntary industry ethics board. The indefinite incarceration of three Post writers (see Section 1.e.) on orders of the Speaker of the House infringed upon freedom of expression.

A number of independent newspapers actively question government actions and policies. They circulate without government interference. Throughout the year the leading independent daily, The Post, had a home page on the World Wide Web that attracted over 15,000 readers per month. The State House and the government-controlled Times of Zambia established home pages in April.

The Government owns the two most widely circulated newspapers, as well as the sole television station, ZNBC. In addition to the government-controlled radio station, two church-related stations and one private commercial station operate in Zambia. MNET, a South African company, provides a subscriber television service. It carries British Broadcasting Corporation (BBC) world news but provides no local news coverage. The Government exercises considerable influence over the government-owned media,

which have followed the government line on important issues to an increasing degree. The government-sponsored radio stations carry some BBC and German World Service news programs. In August the Government announced its intention not to privatize government-owned mass media, contrary to its 1991 promises.

Although the Government attempted to influence the politics of university students (see Section 1.d.), it took no action restraining academic freedom during the year. Following a rock-throwing incident involving university students, the Faculty Senate at the University of Zambia closed the campus 1 week before the November 18 general election. Although the Senate insisted that it acted independently, university and police actions before the incident indicate the Senate succumbed to government influence.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly and association, but the Government restricted these rights in practice. On January 10, the Supreme Court ruled unconstitutional key provisions of the 1955 Public Order Act, which had been used to restrict the right of peaceful assembly. Subsequently, the National Assembly passed legislation requiring 14 days prior notification to the police in order to hold a public meeting. President Chiluba reduced this to 7 days in September. In practice the police did not interfere with peaceful rallies whose leaders had followed the prior notification rule.

All organizations must apply formally for registration to the Registrar of Societies. In most cases the authorities routinely approved these applications. During the year there were 36 political parties in operation and dozens of NGO's.

Following the November elections, several NGO's declared that the elections were neither free nor fair. The Government accused them of colluding with foreign powers and of engaging in unpatriotic activity. Subsequently police briefly detained the directors of two of these groups, Alfred Zulu of the Zambian Independent Monitoring Team and Ngande Mwanajiti of the Clean Campaign Committee. Police also searched the offices, confiscated materials, and froze the bank accounts of the two organizations. At year's end, police charged Alfred Zulu with illegal reception of foreign funds. The assets of both organizations remained under court control.

#### c. Freedom of Religion

A 1996 amendment to the Constitution declares Zambia a Christian nation while providing for freedom of religion. The Government respects the rights of all faiths to worship freely in practice.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides citizens with the right to move freely throughout Zambia, to reside in any part of the country, and to depart and return to the country without restriction. The authorities generally respected these rights, but police roadblocks to control criminal activity continued, and police sometimes extorted money and goods from motorists.

The United Nations High Commissioner for Refugees (UNHCR) estimated that there were approximately 120,000 refugees, mainly Angolans, in Zambia in 1996. Approximately 500 refugees from Africa's great lakes region were present in Zambia at year's end. The Government cooperates fully with UNHCR. As in the past, the Government continues to provide first asylum to refugees from several countries and allows refugees to resettle in Zambia. There were no reports of forced return of persons to

a country where they feared persecution or a pattern of abuse.

A steady trickle of Zairians continued to cross into Zambia during the year. In response to alleged criminal activities of many Zairians in the border region, the Government rounded up, arrested, and deported many Zairians and other illegal aliens throughout the year. The authorities held approximately 500 foreigners, principally from neighboring countries, as illegal aliens pending their deportation. On occasion such detentions last for months or years (see Sections 1.d. and 1.f.). The deportation of illegal aliens is lawful, but Zairians and others who had been accorded refugee status by the UNHCR were sometimes picked up and held for varying lengths of time before being released. In several cases the Government deported refugees who were registered with the UNHCR. The Government detained 12 Rwandans accused of war crimes. The Government cooperated fully with U.N. and International Criminal Tribunal for Rwanda (ICTR) officials. The courts ordered four of the suspects transported to Arusha, Tanzania for trial by the ICTR and released eight others for lack of evidence.

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

Citizens exercised the right to change their Government in multiparty elections in November. Constitutional amendments barring first-generation Zambians from contesting the Presidency and preventing traditional chiefs from running for political office restricted the right of citizens to change their Government. The former provision barred the most popular opposition candidate, former President and UNIP leader Kenneth Kaunda, from running for President; the latter provision barred UNIP's number two, Senior Chief Inyambo Yeta.

Under the 1991 Constitution, as amended, the President wields broad authority. Although the National Assembly ratifies major appointments and has other powers, in practice it continued to provide only a limited check on executive authority.

Although the principal opposition party, UNIP, boycotted the parliamentary balloting, a total of 11 parties contested 150 parliamentary seats. Five candidates contested the Presidency. Just under 50 percent of eligible voters registered. Of these, approximately 60 percent cast ballots. While the MMD's use of government resources (civil servants as campaign workers, use of government vehicles, and the state-owned media) apparently did not change the overall outcome, it called into question the fairness of the process. The Government's failure to implement a transparent registration project raised doubts about the Government's willingness to have an open electoral process.

The number of women in politics and government is increasing, but their numbers remain small. There are 13 women in the 158-member National Assembly. Women serve as cabinet ministers, deputy ministers, and ministerial permanent secretaries. Chiluba's post-election Cabinet has two female ministers and one minister of Asian (Indian) descent.

### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of human rights and civic organizations generally operated without government hindrance. These include the Law Association of Zambia, the Foundation for Democratic Process, and the Zambia Civic Education Association. Other groups were active in promoting women's civil and political rights. The Government announced that it would establish an autonomous human rights commission before year's end and continued to be receptive to criticism from human rights and civic organizations. On occasion, however, government officials accused human rights monitors of abetting crime and thwarting the work of the police through their focus on the victims of police brutality, which the Government

apparently interpreted as an effort to discredit the authorities. The Government was receptive to inquiries and visits by international human rights organizations.

## **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The Constitution prohibits discrimination based on race, tribe, sex, place of origin, marital status, political opinion, color, or creed. Constitutional amendments barring native born Zambians of partial or full foreign ancestry from the Presidency were unsuccessfully challenged in court.

### **Women**

Violence against women remained a serious problem. Wife beating and rape were commonplace. According to official statistics, over 3,000 rape cases were reported to the police between 1991 and 1996. Of these, approximately 30 percent resulted in conviction and 5 percent acquittal. The remainder were either dismissed or remain unresolved. Defendants convicted of rape normally were sentenced to prison at hard labor. Since many rapes are not reported to the police, the actual number is considered much higher. Domestic assault is a criminal offense, but in practice police are often reluctant to pursue reports of wife beating, preferring to broker a reconciliation. The Government and NGO's expressed increasing concern about violence against women, and the media devoted considerable publicity to it during the year.

The Constitution and other laws entitle women to full equality with men in most areas. In practice, however, women are severely disadvantaged compared to men in formal employment and education. Married women who are employed often suffer from discriminatory conditions of service. For example, allowances for housing and children and tax rebates to which they as employees are entitled often accrue to their husbands. Similarly, women have little independent access to credit facilities; in most cases, remain dependent on husbands, who are required to sign for loans. As a result, few women own their own homes.

Customary law and practice also place women in subordinate status with respect to property, inheritance, and marriage, despite various constitutional and legislative provisions. Under traditional customs prevalent in most ethnic groups, all rights to inherit property rest with the deceased man's family. The 1989 Intestate Succession Act is designed to guarantee women a share of the joint estate. Under the act, the children of a deceased man share 50 percent equally among themselves; the widow receives 20 percent; the parents 20 percent; and relatives 10 percent. A 1996 "reform" of the act places the widow's share as 20 percent to be divided equally among the women who have a claim. Formerly one was considered a widow only if there was a registered church wedding or weddings. (Polygamy was and is permitted if the first wife agrees to it at the time of the first wedding.) Now the widow or widows must share the inheritance with any other women who can prove a marital relation (not a registered or recorded marriage) with the deceased man, thus granting inheritance rights to mistresses or concubines.

In practice "property grabbing" by the relatives of the deceased man continues to be rampant, particularly when local customary courts have jurisdiction. These courts often use a different law, the Local Courts Act, to distribute inheritances without reference to the percentages mandated in the Succession Act. As a result, many widows receive little or nothing from the estate. Fines mandated by the Succession Act for property grabbing are extraordinarily low.

### **Children**

The Government seeks to improve the welfare of children, but scarce resources and ineffective

implementation of social programs adversely affected the welfare of children and adults alike. Due to harsh economic conditions, both rural and urban children often must work in the informal sector to help families make ends meet (see Section 6.d.). There was no societal pattern of discrimination or abuse against children.

### People with Disabilities

Persons with disabilities face significant societal discrimination in employment and education. The Government continued to take steps to ameliorate their hardships, including establishing a national trust fund to provide loans to the disabled to help them start businesses, but its efforts are limited by scarce resources. The Government has not legislated or otherwise mandated accessibility to public buildings and services for the disabled.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides for the right of citizens to form trade unions, and approximately 60 percent of the 300,000 formal sector workers are unionized. Fourteen of the country's 19 large national unions, organized by industry or profession, are affiliated with the Zambia Congress of Trade Unions (ZCTU). The ZCTU is democratically operated and, like its constituent unions, is independent of any political party and the Government. By a majority vote of its members, a union may decide on affiliation with the ZCTU or with trade unions or organizations outside Zambia. The Mine Workers Union of Zambia and four other ZCTU constituent unions broke away from ZCTU and have established a rival umbrella organization.

The ZCTU is a member of the International Confederation of Free Trade Unions. Labor leaders travel without restriction to international conferences and to visit counterparts abroad.

The 1993 Industrial and Labor Relations Act (ILRA) reestablished the "one industry, one union" principle. In December the Government ratified articles 97 and 98 of the International Labor Organization Convention allowing the establishment of more than one labor confederation. The Bankers Union of Zambia, a new union, was duly registered with the Government in 1993 but has been unable to operate because the employers recognize the existing Zambia Union of Financial and Allied Workers. In November 1993 the Ndola High Court ordered the Government to register the Secondary School Teachers Union of Zambia. The Government continues to argue that the Zambia National Union of Teachers represents secondary school teachers and has administratively delayed recognition of the new secondary teachers union.

All workers have the right to strike, except those engaged in essential services, the Zambia Defense Force, the judiciary, the police, the prison service, and the Intelligence Security Service. The ILRA defines essential services as power, medical, water, sewage treatment, firefighting, and certain mining occupations as essential to safety. It permits strikes only after all other legal recourse has been exhausted, and in practice virtually all work stoppages during the year were illegal. The ILRA prohibits employers from retribution against employees engaged in legal trade union activities. Workers engaged in illegal strikes do not enjoy this protection.

### b. The Right to Organize and Bargain Collectively

The ILRA provides for the right to organize and bargain collectively. Employers and unions in each

industry negotiate collective bargaining agreements through joint councils in which there is no government involvement. In practice the industry joint councils function effectively as collective bargaining units. Civil servants and teachers, as public officials, negotiate directly with the Government. Collective bargaining disputes are first referred to a conciliator or a board of conciliation. If conciliation fails to resolve the dispute, the parties may refer the case to the Industrial Relations Court or, in the case of employees, vote to strike. In practice legal strikes under the ILRA are rare, totalling two during the year. The ILRA prohibits antiunion discrimination by employers against union members and organizers. An employee who believes he or she has been penalized for union activities may, after exhausting any existing administrative channels for relief, file a complaint with the Industrial Relations Court. This Court has the power to order appropriate redress for the aggrieved worker. The complainant may appeal a judgment of the Industrial Relations Court to the Supreme Court. In practice the Court often orders employers to reinstate workers found to have been the victims of discrimination.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits slavery and involuntary servitude, but it authorizes citizens to be called upon to perform labor in specific instances, for example, during national emergencies or disasters. Moreover, a citizen can be required to perform labor that is associated with traditional civic or communal obligations, as when all members of a village are called upon to assist in preparing for a visit by a traditional leader or other dignitary.

#### d. Minimum Age for Employment of Children

The minimum legal age for employment of children is 16 years. The Labor Commissioner effectively enforces this law in the industrial sector in which, because of the high demand for employment by adults, there are no jobs available for children. The law is not enforced, however, for those who work in the subsistence agricultural, domestic service, and informal sectors, where persons under age 16 are often employed. In urban areas children commonly engage in street vending.

#### e. Acceptable Conditions of Work

The minimum wage for nonunionized workers is set at \$0.06 (70.30 kwacha) per hour. Assuming a 48 hour workweek--the legal maximum for nonunionized workers--a worker earning the minimum wage would receive about \$11.30 (14,600 kwacha) per month. The minimum wage covers nonunionized workers in categories such as general workers, cleaners, office orderlies, and watchmen. The minimum wage is insufficient to provide an adequate standard of living for a worker and family, and most minimum wage earners must supplement their incomes through second jobs, subsistence farming, or reliance on the extended family.

With respect to unionized workers, each industry sets its own wage scales and maximum workweek limits through collective bargaining. In practice almost all unionized workers receive salaries considerably higher than the nonunion minimum wage. The minimum workweek for full-time employment is 40 hours and is, in practice, the normal workweek. The law requires 2 days of annual leave per month of service.

The law also regulates minimum health and safety standards in industry. The Department of Mines is responsible for enforcement. Factory safety is handled by the Inspector of Factories under the Minister of Labor, but staffing problems chronically limit enforcement effectiveness. There are no legislative

provisions to protect a worker who refuses to work on safety grounds.

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