



U.S. DEPARTMENT of STATE

Zambia

Country Reports on Human Rights Practices - [2006](#)

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Zambia is a republic governed by a president and a unicameral national assembly with a population of 11.5 million. On September 28, President Levy Mwanawasa, candidate of the ruling Movement for Multi Party Democracy (MMD), was re-elected; the MMD won 72 out of 150 elected seats in the National Assembly. On October 26, MMD candidates won two more seats in the National Assembly in elections that were delayed due to the deaths of candidates during the campaign period for the general elections. Domestic and international observer groups characterized the election as generally peaceful and transparent; however, they cited several irregularities. The civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor; although there were improvements in a few areas. Human rights problems included: election irregularities; unlawful killings; torture, beatings, and abuse of criminal suspects and detainees by security forces; poor and life threatening prison conditions; arbitrary arrests and prolonged detention; long delays in trials; arbitrary interference with privacy; restrictions on freedom of speech and press, and intimidation of journalists; restrictions on assembly and association; government corruption and impunity; violence and discrimination against women; child abuse; trafficking in persons; discrimination against persons with disabilities; and limited enforcement of labor rights and child labor laws.

Respect for Human Rights

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any political killings; however, security forces committed numerous unlawful killings during the year. The Legal Resources Foundation (LRF), an independent human rights organization that counseled victims' families and represented them in actions against the government, consistently investigated and publicized such incidents; however, the government rarely punished perpetrators. Police and government officials encouraged police officers to use their weapons when apprehending suspects. On August 24, the permanent secretary of the Ministry of Home Affairs stated that officers should not "keep their guns like a bunch of roses." In December 2005 the Police Inspector General was quoted in the media as saying that the police had a "shoot-to-kill" policy. On October 26, following a series of highly publicized police shootings, government officials moderated their stance on the use of police force with the release of a directive that restricted the use of firearms by police officers, required officers on general patrol be unarmed, and recalled police firearms into armories under strict control. On October 30, the minister of home affairs stated the government would retrain police on the use of force.

On February 3, police in Lusaka shot and killed three men who attempted to rob a shopkeeper; police stated that the men fired on them first. On March 19, police shot and killed Joseph Phiri as he ran from officers seeking to question him in connection with a theft.

On August 28, Lucas Msuya, a Tanzanian national, died in police custody at the Northern Province Nakonde border crossing with Tanzania. Two police officers were arrested and charged with murder in connection with the death. The officers claimed that the suspect died as a result of injuries he received when he was beaten by a mob that suspected him of theft. A trial court acquitted the officers after witnesses testified that the suspect had severe injuries when police took him into custody. Although the officers were acquitted, police reported that they were subjected to administrative disciplinary measures for not having taken the suspect for medical attention.

On September 9, a police officer in Lusaka shot and killed two teenagers and wounded another after they refused his command to leave a funeral home where they had been sitting by a fire; the police officer was subsequently arrested and charged with murder. The killings sparked riots (see section 2.b.).

On October 13, police in Kitwe were accused of causing a panic in a crowded nightclub that killed two high school students. Witnesses stated that the police locked the doors of the nightclub and whipped the students, who had been attending a party.

On October 25, police shot and killed a man in Lusaka's Matero township. The man had been among a group of people protesting the detention of a minibus driver. The killing sparked riots that damaged vehicles and buildings.

On November 11, police in Lufwanyama shot and wounded three juveniles at the Katembula Youth Training Center. Police said that they had fired their weapons to disperse a group of youths who were trying to prevent the arrest of two juveniles on assault charges. The shooting was under investigation at year's end.

The case of the six Drug Enforcement Commission (DEC) officers charged with the March 2005 torture and killing of a detainee for selling drugs in Kafue was ongoing at year's end.

There were no developments in the investigation into the April 2005 death in police custody of Danny Phiri.

In the July 2005 case of Joseph Nyirenda, who suspiciously died in police custody, a coroner's report released during the year concluded that Nyirenda had died of strangulation, but offered no other conclusions.

Unlike in the previous year, there were no deaths as a result of police forcibly dispersing demonstrations during the year.

Mob violence which targeted suspected criminals, witches, persons suspected of sexual impropriety, or persons with mental illness resulted in killings during the year. For example on February 4, gunmen shot to death 60-year-old Benson Sikazwe in Northern Province, reportedly because he was suspected of being a witch. On February 6, a mob in Luapula Province beat to death 76-year-old Albert Jere and his wife, 72-year-old Tipoti Chisense, after the couple had been summoned to a local chief's place to answer charges that they had engaged in witchcraft. On April 19, a mob in North Western Province beat to death 72-year-old Mary Lukboto because they suspected her of being a witch. On August 12, a mob in Eastern Province killed a man believed to be mentally ill after the man killed three people with an axe.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices; however there was no implementing legislation, thus police frequently used excessive force including torture when apprehending, interrogating, and detaining criminal suspects or illegal immigrants.

During the year the Human Rights Commission (HRC), formerly the Permanent Human Rights Commission, reported that torture was prevalent in police stations, noting that "police officers continue to rely on torture as an interrogation technique." The HRC urged the government to draft and enact legislation that would criminalize torture and provide for compensation to victims. Authorities also detained, interrogated, and physically abused family members or associates of criminal suspects in attempts to identify or locate suspects (see section 1.f.). Officers who tortured, beat, or otherwise abused suspects generally were not disciplined or arrested for such acts.

On March 27 and 28, police officers in Kapiri Mposhi beat Joshua Nyangwali while he was in custody waiting to be transported to prison to serve a sentence on theft and burglary charges. As a result of the beating Nyangwali sustained a broken arm, for which he was denied medical treatment. Nyangwali's sister sought assistance from the LRF in filing a civil suit against the officers.

On March 17, a court dismissed theft charges against Mike Simakusa, who claimed that for three days in July 2005 police put him in kampelwa to force a confession of theft. The kampelwa involves using ropes or handcuffs to bind a suspect by the hands and feet, or sometimes just the feet, and hanging the suspect upside down from a rod and beating him. Simakusa continued to seek assistance from the LRF in filing a civil suit against the officers.

On May 20, two police officers in Kafue shot and wounded three men who refused the officers' demand to close the bar they were operating. The two officers were arrested and the case was ongoing at year's end.

On June 15, Lemmy Mungochi and Allan Phiri filed a lawsuit claiming damages for torture and false imprisonment. The plaintiffs claimed that in June 2004 police in Chipata arrested them on false robbery charges. Police did not release Mungochi and Phiri from custody until they paid \$1,200 (4.8 million kwacha) to the alleged victim of the robbery, who was later discovered to be living at the Chipata police camp. The case remained pending at year's end.

The civil suit filed by Langton Sakala remained pending at year's end. Sakala charged that the police beat and tortured him from December 2004 to January 2005 following his detention on theft charges.

There were no developments in numerous other cases of police abuse in 2005 and 2004.

On April 19, a court awarded \$80,000 (322 million kwacha) to David Lungu for injuries sustained from police brutality in June 2001. Lungu had been among a group of students who protested a teachers' strike when police detained and beat him until he was unconscious, leaving him paralyzed from the waist down.

According to human rights groups, police occasionally demanded sex from female detainees as a condition for their release. There also were reports that police officers raped women. In the April 2005 case where a police officer was charged with raping a woman in Kalomo, police reported that the case was dropped after their investigation revealed that the woman's parents pressured her to file charges after they discovered she was having a consensual affair with the officer.

Victims of state sponsored torture following the 1997 coup attempt were still awaiting compensation recommended in 2000 by a special commission appointed to investigate allegations of torture. The civil case against former DEC Deputy Commissioner Teddy Nondo, former Commissioner of Police Emmanuel Lukonde, and Minister of Justice George Kunda was still pending at year's end; Commissioner Lukonde

died in 2005.

There were reports that traditional rulers employed corporal punishment. For example, on September 10, Chief Kazembe in Luapula Province whipped five women and a man who disrespected his throne. After whipping the subjects, Kazembe brought them to a police station where they were detained for one day. The subjects had upset Kazembe by singing campaign songs in support of the MMD party.

The 2004 case against Chief Mushili for assaulting and extorting from his subjects was referred for mediation in 2005, which subsequently failed. The case was back in court and ongoing at year's end.

Mob violence resulted in killings and injuries (see section 1.a. and 2.b.).

Prison and Detention Center Conditions

Prison conditions were poor and life threatening. An inefficient judiciary and two-month strike by government prosecutors during the year delayed court proceedings and exacerbated overcrowding. The country's prisons, which were built to hold 5,500 inmates, held nearly 15,000 prisoners. Lusaka Central Prison which was designed to accommodate 200 prisoners held more than 1,200 inmates, forcing some inmates to sleep sitting upright. Poor sanitation, inadequate medical facilities, meager food supplies, and lack of potable water resulted in serious outbreaks of dysentery, cholera, and tuberculosis, which were compounded by overcrowding.

Prisoners routinely complained that authorities denied them access to medical care, as provided for by law. Failure to remove or quarantine sick prisoners and the lack of infirmaries at many prisons resulted in the spread of airborne illnesses such as tuberculosis, leading to prisoner re-infection and death. For example, in January it was reported that a suspected cholera outbreak killed five prisoners in Lusaka Central Prison. Drugs to combat tuberculosis were available but the supply was erratic. Many prisoners were malnourished because they received only one serving of corn meal and beans per day, called a "combined meal" because it represented breakfast, lunch and dinner.

In August the Ministry of Home Affairs ordered the closure of Luwingu Prison, noting that conditions at the prison posed a risk to prisoners. The Zambian Prison Service was ordered to use other facilities to accommodate displaced prisoners pending the reopening of Luwingu.

The HIV/AIDS prevalence rate in prisons was estimated at 17 percent. Antiretroviral treatment (ART) was available to some prisoners with HIV/AIDS; however, poor nutrition often rendered ART ineffective.

Juveniles often were not held separately from adults. Infants and young children of incarcerated women were held along with their mothers. Pretrial detainees were not held separately from convicted prisoners. Prisoners with mental disabilities were not held separately from the general prison population.

The government permitted prison visits by both domestic and international nongovernmental organizations (NGOs) and by resident foreign diplomats during the year. In May the HRC issued two highly critical reports on prisons in Lusaka and Central Provinces based on inspections conducted in 2004 and 2005, respectively. The HRC noted a number of problems including: accommodations that were "filthy, congested and unfit for human habitation"; insufficient facilities to house juvenile detainees; poor food and nutrition; and inmates' lack of access to the courts. The International Committee of the Red Cross, provincial human rights committees, and the LRF periodically inspected prison conditions during the year.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the government did not respect these prohibitions.

Role of the Police and Security Apparatus

The police, divided into regular and paramilitary units under the Ministry of Home Affairs, have primary responsibility for maintaining law and order. The Zambia Security Intelligence Service (ZSIS), under the office of the president, is responsible for intelligence and internal security. Police posts in towns throughout the country reported to one of nine provincial police stations, which in turn reported to the central police command in Lusaka. Although the government has identified a need for 27,000 police officers, only 14,689 were employed.

Lack of professionalism, investigatory skills, and discipline in the police force remained serious problems. The NGO Institute of Human Rights Property and Development Trust conducted human rights training for senior police officers in 2005. From November 27-30, the government hosted a four-day human rights workshop for police in southern Africa that was sponsored by the British government and the Commonwealth Secretariat; however, the use of excessive force continued, and corruption was widespread. Low salaries and substandard government housing exacerbated police corruption, as did poor working conditions. Police released prisoners for bribes, extorted money from victims, and required "document processing fees" or "gas money" to commence investigations.

In an effort to address these issues, the Police Public Complaints Authority (PPCA) met eight times during the year to review complaints regarding police conduct that were not resolved through internal police channels. By year's end, the PPCA had received 269 complaints of police misconduct and reviewed 210 cases; it concluded on 54 cases. The PPCA did not recommend that any police officer be dismissed during the year but officers were fined and punished for offenses, including unlawful detention. In one case, the PPCA recommended that the director of public prosecutions exhume the body of a person who died several months after his release from police custody. The person's family alleged that he had died as a result of injuries sustained in police beatings. The investigation was ongoing at year's end. The PPCA dismissed several complaints against police officers, finding that the cases were already being tried in the courts.

In May the Lusaka High Court ruled that the inspector general of police did not have the authority to terminate the employment of police officers, as recommended by the PPCA in 2003, and nullified the inspector general's decisions of termination. The court ruled the power to terminate employment, rests exclusively with the chairperson of the prison and police service commission. In addition, the court clarified that the PPCA did not have the statutory authority to punish police officers, but could only recommend disciplinary measures to the inspector general. The PPCA appealed the high court ruling, but was reviewing its procedures to comply with the court's decision.

Arrest and Detention

The constitution and law provide that authorities obtain a warrant before arresting a person for some offenses, but other offenses have no such requirement. For example, police are not required to obtain a warrant when they suspect that a person has committed offenses including treason, sedition, defamation of the president, unlawful assembly, or abuse of office. In practice, police rarely obtained warrants before making arrests (see section 1. f.).

According to the law, suspects being arrested are informed of their rights, including the immediate right to an attorney. The law provides that persons arrested must appear before a magistrate within 24 hours of their arrest; however, detainees were frequently held for longer periods because prosecutors routinely required that officers collect additional evidence before presenting cases to a magistrate. There was a functioning bail system; however, prisons were overcrowded in part because of the numerous offenses for which bail is not granted, including treason, murder, aggravated robbery, and violations of narcotics laws.

In practice police generally did not respect the prisoners' right to apply for bail. Indigent detainees and defendants rarely had the means to post bail. The government's legal aid office, responsible for providing representation for indigent detainees and defendants in criminal or civil cases, assisted very few arrestees.

The government's appeal of the July 2005 Lusaka High Court decision to grant bail to opposition leader Michael Sata on charges that he incited riots was still pending at year's end.

Arbitrary arrest and detention remained a problem, although there were fewer reported instances than in previous years. Criminal suspects were arrested on the basis of insubstantial evidence, uncorroborated accusations, or as a pretext for extortion. For example on March 19, the Mumbwa police arrested Regina Lungu after an acquaintance accused her of theft. Police released Lungu after her husband paid \$125 (500,000 kwacha) for which he did not receive a receipt. Similarly, on April 12, police arrested Emmanuel Chilando at the request of his former employer and held him without charge for three days. Chilando stated that his former employer had asked the police to arrest him due to concerns that he was losing customers to Chilando's new employer.

On September 10, police detained five persons, on the request of a traditional leader, for their support of the ruling MMD party (see section 1.c.).

Police stations frequently acted as "debt collection centers", where police officers acting on unofficial complaints detained debtors without charge until they paid the complainants; in return, the police received a percentage of the payments. Officers found engaging in this practice reportedly were disciplined.

Police arbitrarily arrested family members of criminal suspects (see section 1.f.).

Authorities detained at least two journalists during the year (see section 2.a.).

Prolonged pretrial detention was a problem. In criminal cases detainees must be charged and brought before a magistrate within 24 hours; in practice, prisoners often waited more than one month from incarceration to the initial appearance before the magistrate. In some cases defendants were awaiting trial for as long as two to three years.

Approximately one third of the nearly 15,000 people incarcerated in prisons had not been convicted of a crime or received a trial date. Broad rules of procedure give wide latitude to prosecutors and defense attorneys to request delays or adjournments. Other factors contributing to long delays were inadequate resources, inefficiency, lack of trained personnel, and labor unrest (see section 1.e.). Attorneys and family members were permitted access to pretrial detainees.

On March 27, the Lusaka High Court ordered that Cosmas Tembo be released from custody, finding that he had been held without trial for more than three years after being wrongly arrested on charges of robbery.

In May the LRF filed a petition for bail on behalf of John Chishimba Mutale, who had been held in custody without trial since he was arrested and charged with murder in 1994. On June 8, the Kasama High Court granted Mutale bail on the condition that he report to the police twice a month and appear in court as required.

There were no developments in the government's appeal of the 2004 Lusaka High Court ruling that the government was liable for holding Crispin Samulula in custody from 1996 to 2001 without trial.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the judicial system was hampered by inefficiency, corruption, and

lack of resources. Government officials used their offices to circumvent standard police and judicial procedures.

During the year the courts continued to act independently and at times made judgments and rulings critical of the government. For instance, the courts issued an order compelling the government to submit a list of nominees for a media governing board to parliament in accordance with its obligations under the Independent Broadcast Authority (IBA) Act (see section 2.a.). The courts also prohibited the ruling MMD party from running negative campaign ads against opposition leader Michael Sata on the state controlled television station.

Poor working conditions caused many magistrates to leave their jobs. There were 134 magistrates employed at the end of the year; fully qualified attorneys filled approximately 24 magistrate positions during the year, up from 19 in 2005; lay magistrates filled the rest. During the year government prosecutors went on strike for two months, delaying court proceedings and exacerbating prison overcrowding (see sections 1.c. and 1.d.). Judicial support staff went on strike in October leading to additional delays.

The Supreme Court has appellate jurisdiction for all legal and constitutional disputes. The High Court, which held regular sessions in all nine provincial capitals, has authority to hear criminal and civil cases and appeals from lower courts. Magistrate courts have original jurisdiction in some criminal and civil cases; customary courts heard most civil and petty criminal cases in rural areas.

Trial Procedures

Trials in magistrate courts are public, and local courts employ the principles of customary law, which vary widely throughout the country. Defendants have the right to be present and to consult with an attorney; however, many defendants lacked the resources to retain a lawyer, and government legal aid was limited. Defendants have the right to be present at their trial, confront witnesses, access government held evidence related to their cases, and to appeal. Defendants are considered innocent until proven guilty.

Courts were congested, and there were significant delays in trials while the accused remained in custody (see section 1.d.). In cases where the magistrate's court did not have jurisdiction, at least six months elapsed before a magistrate committed the defendant to the High Court for trial. Following committal, preparation of the magistrate court record for transmittal to the High Court took months, or in some cases, as long as a year. Once a case reached the High Court for trial, court proceedings lasted an average of six months.

Lawyers are barred from participating in proceedings in courts that apply customary law, and there are few formal rules of procedure.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. For matters concerning police abuse, the PPCA acted as an independent and impartial disciplinary body (see section 1.d.).

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

The constitution and law prohibit such actions; however, the government frequently did not respect these prohibitions in practice. The law requires a search or arrest warrant before police may enter a home, except during a state of emergency. Police routinely ignored this requirement and arrested suspected criminals at their homes without an arrest warrant.

The law grants the DEC and the ZSIS authority to wiretap telephones for probable cause.

Authorities sometimes detained, interrogated, and physically abused family members of criminal suspects to obtain their cooperation in identifying or locating suspects. For example, on June 8, 66-year-old Margaret Lukonto was detained by police, bound in a kampelwa and beaten as officers demanded that she reveal the location of her son, whom they wanted to question on theft charges. Lukonto was seeking the LRF's assistance in filing a civil suit.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government at times restricted these rights. The law includes provisions that may be interpreted broadly to restrict these freedoms. Journalists in the government owned media generally practiced self censorship.

The private print media routinely criticized the government. A number of privately owned newspapers questioned government actions and policies, and these generally circulated without government interference.

The government controlled Times of Zambia and Zambia Daily Mail were two of the most widely circulated newspapers.

In addition to the government controlled radio station, there were numerous private radio stations.

In 2004 the Ministry of Information and Broadcasting Services (MIBS) ordered that Breeze FM, a commercial radio station in Chipata, stop relaying BBC broadcasts. MIBS claimed that Breeze FM's license permitted local and regional broadcasts only. Though the order was still in effect at year's end, the station remained a partner station of the BBC and continued to rebroadcast a selection of BBC programs.

The government owned Zambia National Broadcasting Corporation (ZNBC) was the principal local content television station. Opposition political parties and civil society groups complained that government control of the station and of two major newspapers limited their access to mass communication. In the lead-up to the September 28 presidential and parliamentary elections, ZNBC offered substantially less coverage to opposition candidates than it did to candidates from the ruling MMD party (see section 3).

On October 11, the Supreme Court reserved ruling on the government's appeal of a High Court decision compelling the minister of information to implement the ZNBC amendment and Independent Broadcasting Authority (IBA) Act of 2002. The ZNBC Amendment Act of 2002 was intended to transform the state-owned ZNBC into a public broadcaster, with an independent board of directors. The IBA Act provides for the establishment of an independent regulatory authority to govern all forms of broadcasting under the guidance of a transparently recruited board of directors. Under both the IBA and ZNBC Acts, independent media bodies recommend members to sit on the boards of the IBA and ZNBC, respectively. The minister of information is to submit the names of the recommended board members to parliament for ratification. To date, the minister of information has refused to submit the names to parliament, arguing that the names are only "recommendations," which he is free to reject.

Several private television stations, including foreign media, broadcast locally. MUVI TV began broadcasting local news three times a day in 2005. Multichoice, a telecommunications company based in South Africa, and CASAT provided satellite and analog wireless subscribers with television services. Broadcasts of foreign news sources were available in the country.

A new private TV station, MOBI TV, was by year's end conducting test transmissions. MOBI TV had licenses to air free and pay television broadcasts. CB TV also began test broadcasts in Ndola. New radio stations that began broadcasting during the year included Hot FM in Lusaka, and Zambezi FM in Southern Province. Macha Radio in Choma was conducting test transmissions at year's end. Two private newspapers, The Nation and Health Journal, also began publishing during the year.

The police harassed and arrested journalists during the year; however, unlike previous years, there were no reports that the MMD ordered attacks on independent newspapers.

The government continued to pursue its appeal from a 2004 High Court ruling that blocked the deportation of journalist Roy Clarke. In a column published in the independent Post newspaper, Clarke had allegedly defamed the president. At a November 21 hearing, the Supreme Court continued the case after the government asked for more time to prepare its appeal.

On March 9, the journalists hosted a radio call in show asking for comments on the ritual murder of a five year old boy (see section 5). On March 10, police arrested two radio journalists in Monze and charged them with libel and intent to cause public alarm and fear. A day after the broadcast, a mob attacked the suspects in the killing. Police attributed the attack to statements allegedly made by the journalists; a charge the journalists denied. On March 11, the journalists were released from custody, and the charges were subsequently dropped.

On September 28, police attempted to close Radio Q FM in Lusaka, which was broadcasting live coverage of the presidential, parliamentary, and local elections. Police officers visited the radio station and accused it of inciting the public to riot. They directed the station to cease live broadcasts; however, the station did not comply.

Supporters of opposition leader Michael Sata attacked the offices of the independent Post newspaper, alleging that it had reported inaccurate news about their leader during the September 28 polls.

The government exercised considerable influence over the government owned media, including reviewing articles prior to publication and censoring individuals responsible for published articles or programs deemed offensive by the government. For example, on November 30, the board of the Zambia Daily Mail fired Godfrey Malama from his job as Managing Director of the newspaper. In a dismissal letter, the board said that Malama had acted unprofessionally when, on September 29 and 30, he published articles which reported that opposition leader Michael Sata was leading in the vote count following the September 28 presidential elections. As a result of such pressure, journalists in the government owned media generally practiced self censorship, and the government owned media continued to be supportive of the government.

In response to headlines and stories alleging official corruption, those accused and others brought libel suits against the media. For example, Deputy Secretary to the Cabinet Robert Mataka sued the Zambian Watchdog newspaper and its editor for libel. He alleged that in its August 21 26 edition, the newspaper published a false and malicious story claiming that Mataka bought a house belonging to the Zambia Law Development Commission using questionable means. The case was pending at year's end.

During the year there were defamation suits filed by political leaders. Michael Sata, opposition leader and president of the Patriotic Front (PF) party, sued state owned Zambia Daily Mail for libel, claiming damages from articles that questioned his suitability as a candidate for the country's presidency. The articles focused on some of Sata's statements made at public rallies, which the newspaper characterized as threats to Chinese investors. The case was pending at year's end.

On February 14, the government dropped charges against the Managing Director of the independent Post newspaper, Fred M'membe, who was arrested in November 2005 and charged with defaming the president in connection with an editorial that questioned the president's

honesty and integrity.

The law provides that investigative tribunals can call journalists and media managers, who print allegations of parliamentary misconduct, as witnesses. Failure to cooperate with a tribunal can result in charges of contempt punishable by up to six months in jail. The media criticized these provisions as clear infringements of freedom of the press and as a means for parliamentarians to bypass the court system.

There were no government restrictions on the Internet or academic freedom and cultural events. Although the law gives the University Council a mandate to address faculty concerns, the minister of education was empowered to appoint the members of the council; some academics criticized this provision as an infringement of academic freedom.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the government restricted this right.

During the year government officials, opposition leaders, and NGOs continued to criticize the Public Order Act (POA), which requires rally organizers to notify police seven days in advance of a rally; however, civil society organizations noted that the POA was administered more fairly than in past years, particularly in the run up to the September 28 general elections. Civil society organizations credited the more even handed administration of the POA to better training of police officers and the decentralization of the decision making process with regard to approving requests to demonstrate, although the POA does not technically require rally organizers to obtain a permit.

In March police in Kasama refused to grant opposition leader Michael Sata permission to hold a political rally planned for March 17. Sata charged that the police offered no justification for the refusal given and that he had adhered to the prescribed administrative procedures. The rally did not occur.

On November 20, police denied opposition leader Michael Sata permission to hold four political rallies in Lusaka. On November 27, Solicitor General Sunday Nkonde overturned the police decision and granted Sata permission to hold the rallies. On December 5, President Mwanawasa said in a public speech that he had asked the solicitor general to resign for interfering with the decision to deny the rally. The solicitor general did not resign, and Sata went forward with the rallies.

Police forcibly dispersed demonstrations during the year; however, unlike previous years, no deaths resulted.

On September 9, residents in Lusaka rioted for more than 10 hours following the police shooting of three teenagers (see section 1.a.). The rioters attacked a police substation and burned government and private vehicles; 20 suspects held in police cells escaped, and the police dispersed the crowd with teargas and arrested 48 persons.

On September 13, police used teargas to disperse Lusaka residents demanding the release of the 48 persons arrested on September 9. The 48 persons did not post bail and were still in custody at year's end.

There were no developments in the lawsuits and appeal arising from the December 2004 arrest of four journalist and 11 members of parliament on charges that they violated the POA.

The results of the investigation into the September 2004 shooting death of a high school student during a demonstration were not released by year's end.

Freedom of Association

The law provides for freedom of association, but the government placed some limits on this right. All organizations must formally apply for registration to the Registrar of Societies. In most cases, authorities routinely approved these applications; however, the registration process is long and involves the exercise of considerable discretion on the part of the Registrar. During the year, there were no cases in which the Registrar refused to register an organization, although it did threaten to deregister organizations that had not paid fees or were otherwise not in compliance with the law.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. Although the constitution declared the country a Christian nation, in practice the government generally respected the right of all faiths to worship freely.

The government required the registration of religious groups and approved all applications for registration from religious groups without discrimination; however, in March then Foreign Minister Ronnie Shikapwasha stated publicly that the government would begin consulting with the Council of Churches before it registered church groups.

In January the High Court overturned the government's 2005 decision to deregister the Universal Church of the Kingdom of God, thereby allowing it to continue operations pending judicial review. The church continued to operate and petitioned the court to find the government in

contempt for violating the order staying proceedings against the church. The court had not ruled on the church's petition by year's end.

Societal Abuses and Discrimination

There were approximately 80 persons in the Jewish community. There were no reports of anti Semitic acts.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution and law provide for these rights; however, the government intermittently limited them. Police continued to man numerous roadblocks around the country to control criminal activity, enforce customs and immigration regulations, check drivers' licenses, and inspect vehicles for safety compliance. Police at times extorted money and goods from motorists at these roadblocks.

The law prohibits forced exile, and the government did not use it.

Protection of Refugees

The law does not provide for the granting of refugee status or asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the government has established a system for providing protection to refugees. In practice the government provided some protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 UN convention and the 1967 protocol.

The country hosts an estimated 144,500 refugees, mainly from Angola and the Democratic Republic of Congo (DRC). As of June 30, according to the UNHCR, 8,000 Angolans were repatriated. In addition eight Rwandans were repatriated and five were resettled in third countries. The government assisted in the resettlement of 192 DR Congolese refugees to third countries.

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

The constitution and law provide citizens with the right to change their government, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation

On September 28, president and MMD candidate Levy Mwanawasa was re-elected with 43 percent of the vote; Patriotic Front (PF) candidate Michael Sata received 29 percent of the vote; United Democratic Party Alliance candidate Hakainde Hichilema received 25 percent of the vote; and 150 members of parliament (MPs) also were elected. On October 9, eight other MPs were appointed by the president.

Five political parties contested the presidential elections. There were instances of unfair campaign and electoral practices; however, domestic and international observers characterized the electoral process as transparent and peaceful. Observers gave the Electoral Commission of Zambia (ECZ) high marks for its role in organizing the elections, particularly with regard to voter registration and education; however, some members of the public were not able to register to vote because the government did not efficiently issue National Registration Cards, which were required for registration. Civil society groups also criticized the ECZ's failure to establish a special vote for domestic monitors and others unable to vote at designated polling stations and charged that parties and candidates had uneven access to electronic and print media. In addition, the lack of regulations governing campaign finance resulted in an uneven playing field for contestants.

Following the vote, there were reported problems with the counting, tabulation, and reconciliation of ballot that undermined confidence in the results of the elections. The problems were attributed to inadequate training for election officials, compounded by poorly designed and unnecessarily complicated return forms. There were also problems with the system for the electronic transmission of results, which the ECZ was forced to abandon in favor of faxing or physically delivering results to Lusaka. The difficulties with the management of election results supported suspicions that the elections were rigged, fueling riots by supporters of opposition candidate Michael Sata in Lusaka and in cities in Copperbelt Province.

In the four by elections held during the year, there were numerous reports of vote buying and misappropriation of government resources for unfair electoral advantage. For example, in Mporokoso, the vice-president reportedly threatened to discipline public service workers who voted for the opposition. In Milanzi suspected MMD members threw a Molotov cocktail at the vehicle of an opposition MP.

The constitution requires that both parents of a candidate for the office of president be citizens by birth or descent, effectively discriminating against potential candidates based on their parentage. The constitution also prohibits traditional chiefs from running for political office unless they resign from their chieftainships.

There were 22 women elected to parliament in the September 28 elections. On October 9, the president appointed two more women to parliament.

In December 2005 the Constitution Review Commission released its final draft constitution. The government had taken no steps to change the constitution by year's end; however, in May the president signed into law a new electoral act that many civil society groups characterized as a disappointment. The new act disregarded many of the recommendations contained in the 2005 report of the Electoral Reform Technical Committee, including a recommendation that the president be elected by more than 50 percent of the vote and a recommendation that the ECZ be given the authority to set the date for presidential elections to prevent unfair advantage for the president and ruling party.

Government Corruption and Transparency

The anticorruption campaign the government launched in 2002 continued during the year. Trials of former government officials charged with abuse of office and theft proceeded, resulting in the conviction on October 10 of Samuel Musonda, former managing director of the government-owned Zambia National Commercial Bank. The government continued its collaboration with the international community to improve its capacity to investigate and prevent corruption. Parliamentary committees sustained their scrutiny of executive branch operations. The Anti-Corruption Committee increased its prosecution and public educational activities.

Despite these efforts there remained a widespread public perception that corruption was pervasive in almost all government institutions. Controls over government funds and property were often weak, investigative units often lacked authority and personnel, and officials dealing with the public frequently demanded illicit payments with impunity. Additionally, the government had no clear policy for the disposal of confiscated assets, and there was lack of transparency surrounding the liquidation of assets seized in the campaign against corruption.

During the year the government continued to investigate and prosecute senior officials allegedly involved in corruption during the administration of former president Chiluba. In 2004 the government began its prosecution of Chiluba himself in magistrate court. The prosecution was ongoing at year's end, although the court was frequently in recess due to Chiluba's poor health.

On October 16, the government arrested and filed corruption charges against former State House press aide Richard Sakala. On October 23, the government filed charges against former President Chiluba's wife, Regina Chiluba, for unlawfully obtaining property and other assets.

In 2004 the government also filed corruption charges against several officials of the current administration and former military commanders including, Lieutenant Generals Wilford Funjika, Sande Kayumba, and Geojago Musengule, who were charged in separate cases of procurement fraud. Their trials were ongoing in civilian courts in the country and in the United Kingdom at year's end.

The corruption trial of Kashiwa Bulaya, a former official of the ministry of health, was ongoing at year's end.

The law does not provide for public access to government information; however, the government provided information to media and interested parties on an ad hoc basis. Information related to defense and security forces was withheld from public access.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with such groups.

Domestic human rights organizations continued to press for a more transparent democratic electoral system. Human rights and election NGOs monitored by elections during the year and organized civic education activities to improve voter participation and information.

The HRC oversaw human rights committees in all provincial capitals, interceded on behalf of persons whose rights it believed were denied by the government, and spoke on behalf of detainees and prisoners. During the year the HRC opened a new office in Livingstone; however, independent human rights groups complained that the HRC was understaffed, underfinanced, and lacked sufficient authority to enforce its recommendations.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, tribe, gender, place of origin, marital status, political opinion, color, or creed; however, violence and discrimination against women and persons with disabilities remained a problem.

Women

Domestic violence against women was a serious problem, and wife beating and rape were widespread. There is no specific law for domestic violence, and cases of domestic violence were prosecuted under the general assault statutes. Penalties imposed for assault vary, depending on the severity of injury and whether a weapon is used. The Victim Support Unit (VSU) was responsible for handling problems of domestic assault, wife beating, mistreatment of widows by the deceased husband's relatives, and property grabbing; however, in practice, the police often were reluctant to pursue reports of domestic violence and preferred to encourage reconciliation.

The law prohibits rape, and courts generally sentenced rapists to hard labor. In 2005 the VSU recorded 216 case of rape and 1,511 cases of defilement, which includes forced or unforced sex with a person under the age of 16. The penal code does not specifically prohibit marital rape and statutes that criminalize rape cannot be practically used to prosecute cases of rape in marriage. To date courts have not tried a case involving marital rape, although the crime was known to be common.

Due to traditional and cultural inhibitions, many cases of violence against women and children remained unreported. The VSU reported that it was difficult to prosecute cases of abuse against women because victims often refused to cooperate, and there was a lack of forensic equipment needed to develop evidence. The government and NGOs expressed continued concern about violence against women.

Prostitution is illegal, and police routinely arrested street prostitutes for loitering. There were no reliable statistics on the number of prostitutes in the country.

Trafficking in women and children was a problem (see below).

An amendment to the penal code enacted in September 2005 prohibits the sexual harassment of children but there are no laws that specifically prohibit sexual harassment of adults, and sexual harassment in the workplace was common. During the year the minister of education warned that teachers found to have sexually harassed students would be dismissed immediately.

The law entitles women to equality with men in most areas; however, women were severely disadvantaged in formal employment and education. Married women who were employed often suffered from discriminatory conditions of service. Women had little independent access to credit facilities; in most cases, they remained dependent on their husbands, who were required to cosign for loans. As a result few women owned their own homes. Some small financial institutions allowed women to sign independently for loans.

Customary law and practice also place women in a subordinate status with respect to property, inheritance, and marriage, despite constitutional and legal protections. Polygyny is permitted if the first wife agrees to it at the time of her wedding. Under the law a deceased man's children equally share 50 percent of an estate; the widow receives 20 percent; the man's parents receive 20 percent; and other relatives receive 10 percent. The widow's share must be divided equally with any other women who can prove a marital relationship with the deceased man, thus granting inheritance rights to other wives, mistresses, and concubines. However, under the traditional customs prevalent in most ethnic groups, all rights to inherit property rest with the deceased man's family. Property grabbing by relatives of the deceased man remained widespread, although increased training of local court officials may have resulted in a slight decrease in the practice. Many widows were ignorant of the law, and as a result received little or nothing from the estate. The fines that the law mandates for property grabbing were extremely low. The police, through its VSU, treated instances of property grabbing as criminal offenses.

The common traditional practice of "sexual cleansing", in which a widow had sex with her late husband's relatives as part of a cleansing ritual, continued to occur; however, some traditional leaders have banned it. A September 2005 amendment to the penal code makes it illegal for any person to engage in a harmful cultural practice such as sexual cleansing or to encourage another person to engage in the practice.

NGOs that predominantly represented women's interests were particularly active as lobbying organizations. The NGO Coordinating Committee, an umbrella organization for women's NGOs, was influential in the Oasis Forum, which continued to conduct civic education programs on the issue of constitutional reform.

Children

Although the government sought to improve the welfare of children through the Ministries of Labor and Social Security, Sport Youth and Child Development, as well as Education, scarce resources and ineffective implementation of social programs continued to adversely affect children.

Government policy provided for free basic education for the first nine years of elementary school; however, education was not compulsory, and many children did not attend school. The government eliminated school fees and mandatory uniforms for primary education students in order to increase school attendance, but many teachers and school administrators still required students purchase uniforms or pay a fee before they would allow them to attend classes. The net enrollment ratio for children of primary school age increased from 66 percent in 1999 to 97 percent by 2005. The large rise in the net enrollment ratio was due in part to a revision in the formula used to calculate the figure, which included 500,000 students enrolled in nongovernmental community schools. Inadequate educational facilities and a scarcity of educational materials were problems. Some areas have established community schools; however, these schools had fewer resources than public schools and required contributions from parents.

The number of girls and boys in primary school was approximately equal; however, fewer girls attended secondary school. There were reports that teachers sexually abused female students. The UN Children's Fund (UNICEF) officials noted that sexual abuse in schools discouraged or prevented many girls from attending classes. The government continued its collaboration with UNICEF on the Program for the Advancement of Girls' Education to work with families and community leaders to keep girls in school and to bring back those who had left.

There were approximately one million children under the age of 15 in the country who were orphaned, approximately 750,000 of these as a result of HIV/AIDS. These children faced greater risks of child abuse, sexual abuse, and child labor. Approximately 75 percent of all households were caring for at least one orphan, and children headed approximately 7 percent of households due to the death of both parents. The government instituted programs to increase public awareness of HIV/AIDS.

Child abuse was a problem. Approximately 1,511 cases of child sexual abuse were reported in 2005, according to police statistics.

Early marriage was a problem. Although a person must be at least 16 years old to marry under statutory law, there is no minimum age for marriage under customary law. A few traditional leaders spoke against early marriage and took steps to discourage it, but the majority of traditional leaders condoned the practice. Courts intervened in cases of gross abuse.

There are laws that criminalize child prostitution; however, the law was not enforced effectively, and child prostitution was widespread. Although the government removed and rehabilitated some street children during the year, the presence of an estimated 20-30,000 street child throughout the country contributed to the proliferation of street begging and prostitution. The laws against pornography and the sexual exploitation of children under the age of 21 were sporadically enforced.

Trafficking of children for sexual exploitation occurred (see below).

Child labor was a problem (see section 6.d.).

During the year the government continued implementation of a strategy to provide shelter and protection to street children, including prostitutes. During the year 204 street children graduated from two government-operated rehabilitation camps located in Chipata and Kitwe. After graduating from the rehabilitation camps, the children were placed in Youth Resource Centers located throughout the country, where they received specialized training in trades such as carpentry, tailoring, and farming.

Trafficking in Persons

There were reports that persons were trafficked to, from, and within the country. The law prohibits the trafficking of any person for any purpose, but it does not define trafficking. Persons convicted of trafficking were subject to a term of imprisonment from 20 years to life. The law had not been used to prosecute a case of trafficking at year's end. Convictions of the crimes of abduction, assault, or seeking to have sex with a minor could be punished with sentences up to life imprisonment with hard labor.

The government did not collect or maintain data on the extent or nature of trafficking in the country; however, trafficking, particularly in the form of child prostitution was believed to be significant. Female citizens were trafficked within the country and to other parts of Africa and to Europe, and the country was used as a transit point for regional trafficking of women for prostitution. Traffickers fraudulently obtained Zambian travel documents for their victims before proceeding to other destinations. During the year there were reliable reports that women were trafficked to the country for commercial sex work.

A 2004 survey of service providers, community members, and children located in four cities indicated that traffickers came from a variety of backgrounds and included family members, truck drivers, prostitutes, and business persons. Foreign traffickers were said to have come from Asia, Europe, North America, and countries in the region. During the year the International Labor Organization (ILO) launched a study, in cooperation with the Ministry of Home Affairs, to determine the nature and extent of trafficking in children in the country.

In April immigration officials detained two Chinese women at Lusaka International Airport as they attempted to board a flight for London using false Hong Kong travel documents. The women were repatriated after officials determined that they were likely victims of human trafficking. No arrests were made in the case.

In the 2004 cases against Bangu Kasenge and Delphine Bakuna Chibwabwa related to trafficking in persons, the government during the year dropped the charges against one defendant and deported him to the DRC. The other defendant fled the country after he was released on bail.

Traffickers often use promises of employment to entice young girls and women to leave their homes and families and then force them into prostitution.

Through its social welfare agencies, the government provided counseling, shelter, and protection to victims of child prostitution or referred victims to NGOs that provided such services. There was no formal screening or referral process. In some cases victims have been placed in protective custody at rehabilitation centers or victim support shelters operated by NGOs.

When government officials understand that individuals are victims of trafficking, they do not treat victims as criminals. In identified cases, victims have not been detained, jailed, deported, or prosecuted for violations of other laws. When trafficking investigations have substantiated allegations, the government has encouraged victims to assist with investigation and prosecution. The government did not have its own means of protecting victims and witnesses; however, it arranged for protective custody and security protection through facilities operated by NGOs.

The government did not have programs that specifically targeted trafficking, although law enforcement officers attended training courses that raised awareness of the problem. A government interagency committee on human trafficking, chaired by the Ministry of Home Affairs, also met during the year to promote coordination and information sharing among agencies. Government agencies responsible for combating trafficking include the police, immigration authorities, and the ministries of justice, labor, and education.

Persons with Disabilities

The law prohibits discrimination in general, but there is no law that specifically prohibits discrimination against persons with physical and mental health disabilities in employment, education, or access to health care. Persons with disabilities faced significant societal discrimination in employment and education. Public buildings, schools, and hospitals did not have facilities to accommodate persons with disabilities. The government did not legislate or otherwise mandate accessibility to public buildings and services for persons with disabilities.

A person with mental disabilities was attacked and killed during the year (see section 1.a).

Other Societal Abuses and Discrimination

The law prohibits "carnal knowledge of any person against the order of nature," but it does not specifically outlaw homosexuality. There was societal discrimination against homosexuals.

The government actively discouraged societal discrimination against those living with HIV/AIDS; however, there was strong societal discrimination against such individuals, and much of the population believed that persons infected with HIV/AIDS should not be allowed to work.

Section 6 Worker Rights

a. The Right of Association

The law recognizes the right of workers to form and belong to trade unions, and workers exercised these rights in practice. Police officers were not permitted to form unions and remained nonunionized at year's end. In 2005 only 11 percent of the eligible workforce was employed in the formal sector, and approximately 60 percent of the formal sector was unionized.

The Industrial and Labor Relations (IRA) Act establishes burdensome registration procedures. For example, no organization can be registered unless it has at least 100 members, and with some exceptions, no trade union can be registered if it claims to represent a class of employees already represented by an existing trade union. Unions may be deregistered under certain circumstances; however, the IRA provides for notice, reconsideration, and right of appeal to an industrial relations court.

The law prohibits discrimination by employers against union members and organizers; however, the law was not always enforced.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The right to collective bargaining, without government interference, is protected in law and freely practiced.

There are no export processing zones.

The law provides for the right to strike, except for those engaged in "essential services"; however, there has not been a legal strike since 1993. In addition to the Zambia Defense Force, the judiciary, the police, the prison service, and the ZSIS, the law also defines essential services as any activity relating to the generation, supply, or distribution of electricity; the supply and distribution of water; sewerage; fire departments; and the maintenance of safe and sound conditions in underground working environments such as shafts and machinery in the mining sector. The law permits strikes only after all other legal recourse has been exhausted, which can be a cumbersome process. The law prohibits employers from retribution against employees engaged in legal union activities; however, workers engaged in illegal strikes did not enjoy this protection. Employers decide whether to retain such workers or dismiss them given there is no legal obligation; the government at times intervened for political reasons when such dismissals occur.

Unlike in the previous year, the government did not respond to striking civil servants with threats of mass firing, arrests, and revocation of rally permits.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred (see section 5). The law authorizes the government to call upon citizens to perform labor in specific instances, such as during national emergencies or disasters. The government also may require citizens to perform labor that was associated with traditional civil or communal obligations, as when a traditional leader or other dignitary called upon all members of a village to assist in preparing for a visit; however, there were no reports of such activities during the year.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employment of children in any commercial, agricultural, or domestic worksite and the engaging of a child in the worst forms of child labor as defined in international conventions. The law also prohibits slavery and the procurement or offering of a child for illicit activities.

The minimum age for employment is 18, or, with the consent of a parent or guardian, a child may be employed at the age of 16. Nevertheless, child labor was a problem in subsistence agriculture, domestic service, and informal sectors, where children under the age of 16 often were employed, and the law was not enforced. The Labor Commissioner effectively enforced minimum age requirements in the industrial sector, where there was little demand for child labor.

Approximately 600,000 children were in the work force, of which approximately 87 percent worked in the agricultural sector. During the year

children, often orphans who had lost both parents to HIV/AIDS, continued to migrate to urban areas where they lived as street children. In urban areas children commonly engaged in street vending.

Child labor was most concentrated in the areas of construction, farming, transportation, prostitution, household work, quarries, and mines.

The Ministry of Labor and Social Security (MLSS) is responsible for the implementation and enforcement of child labor laws and regulations. The MLSS can bring charges that provide for penalties ranging from a fine to imprisonment for violations. Labor inspectors may also enter family homesteads and agricultural fields to check for child labor violations.

During the year the government allocated \$142,500 (570 million kwacha) for MLSS to investigate child labor problems, almost twice the amount allocated in 2005. Because more than 80 percent of child labor in the country occurred in the agricultural sector, most often with the consent of families, the MLSS labor inspectors focused on counseling and educating families that engaged children in child labor and did not refer any cases for prosecution during the year. The MLSS employed 50 child labor inspectors in 22 field stations located throughout the country; however, it reported that inadequate resources hampered its enforcement efforts. For instance, labor inspectors frequently found it difficult to access transportation, making it difficult to conduct inspections in vast rural areas. Labor inspectors also found it difficult to carry out inspections because the majority of child labor occurred in informal sectors of the economy that were difficult to regulate. As a result, child labor inspectors conducted fewer than 50 formal inspections during the year, choosing instead to focus their efforts on raising awareness and educating the public about child labor issues. In cooperation with NGO partners, the government continued its efforts to remove children from child labor. The children, mainly urban orphans, were placed in formal and transitional classes, while others were given vocational skills training (see section 5).

The government continued to provide awareness and training activities for officials charged with enforcing child labor laws and also began to train five labor inspectors as prosecutors; however, the MLSS reported that resource constraints prevented it from providing all required training. During the year the ILO's International Program on the Elimination of Child Labor launched a 42-month, \$3,900,000 (16 billion kwacha) project, aimed at building the government's capacity to design, implement and monitor initiatives to address the worst forms of child labor as defined in international conventions.

e. Acceptable Conditions of Work

The minimum wage for nonunionized workers, whose wages and conditions of employment were not regulated through collective bargaining, was determined by category of employment. On June 2, the government published a statutory instrument that raised the minimum wage to \$67 per month (268,000 kwacha) based on a 48 hour workweek, the legal maximum for nonunionized workers. The minimum wage did not provide a worker and family with a decent standard of living; most minimum wage earners supplemented their incomes through second jobs, subsistence farming, or reliance on the extended family. The minimum wage act was criticized because it did not apply to domestic servants.

For unionized workers, wage scales and maximum workweek limits were established through collective bargaining. In practice almost all unionized workers received salaries considerably higher than the nonunionized minimum wage. The minimum workweek for full time employment was 40 hours, which was the normal workweek. The law requires two days of annual leave per month of service. The law provides for overtime pay. Employers must pay employees who work more than 48 hours (45 hours in some categories) in one week at a rate of one and a half times their hourly rate. Workers receive double the rate of their hourly pay for work done on a Sunday or public holiday. The government effectively enforced these standards.

The law also regulates minimum health standards in industry, and city and district councils were responsible for enforcement. The inspector of factories under the minister of labor handled factory safety; staffing shortages limited enforcement effectiveness. The MLSS continued to conduct labor inspections during the year and ordered businesses to close when it found significant violations of labor laws. The law protects the right of workers to remove themselves from work situations that endangered health or safety without jeopardy to their continued employment, but workers did not exercise this right in practice. The government acted when well known occupational health problems existed, such as requiring that underground mine workers receive annual medical examinations. For example, in November, the Environmental Council of Zambia ordered Chisteel Zambia Limited, a Chinese-owned steel company, to close its factory in Lusaka, citing the company's failure to install pollution abatement equipment or to provide workers with protective equipment.