



2008 Human Rights Report: Zambia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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Zambia is a republic of 11.9 million citizens governed by a president and a unicameral national assembly. The ruling Movement for Multiparty Democracy (MMD) exerts considerable influence through its patronage and allotment of government resources. In an October 30 by-election, former vice president Rupiah Banda was elected president; Banda replaced former president Levy Patrick Mwanawasa, who died on August 19. 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 unlawful killings; torture, beatings, and abuse of suspects and detainees by security forces; official impunity; poor and life threatening prison conditions; arbitrary arrests and prolonged detention; long trial delays; arbitrary interference with privacy; restrictions on freedom of speech, press, assembly, and association; government corruption; violence and discrimination against women; child abuse; trafficking in persons; discrimination against persons with disabilities; restrictions on labor rights; forced labor and child labor.

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 politically motivated killings; however, security forces committed 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, despite a 2006 government directive that restricted the use of firearms by police officers and a 2006 government pledge to restrain police on the use of force. The government also did not enforce a November 2007 statement by Minister of Home Affairs Ronnie Shikapwasha that off-duty police officers would no longer have access to firearms; the statement followed a series of civilian shootings by off-duty officers.

In April two police officers in Mumbwa allegedly handcuffed and beat suspect Alfred Nyanga to death while he was in custody. Two police officers were arrested over the incident, and investigations were ongoing at year's end.

On May 29, two police officers in Mwinilunga allegedly beat to death suspect Robert Chimwang'a while he was in police custody. A police investigation was being conducted at year's end.

There were no developments, and none were expected, in the following 2007 police killings: the January shooting death of a man caught siphoning fuel; the February alleged rape and killing of a female suspect in custody; and the October shooting death of a suspect who refused to relinquish a fuel container to police.

No further information was available about the 2006 police killings of two teenagers in Lusaka and two high school students in a Kitwe nightclub.

Mob violence that targeted suspected criminals, persons accused of witchcraft, persons suspected of sexual impropriety, or persons with mental illness resulted in killings; no action was taken against perpetrators. In February a mob stoned a minibus driver to death following a dispute between the driver and a passenger over payment.

In March residents of Misisi Township in Lusaka attacked two men suspected of being involved in the robbery and death of a Lusaka businessman. The residents stoned the suspected robbers, one of whom died. Police spokesperson Bonny Kapeso subsequently pled with the public to turn over suspects to law enforcement and avoid taking the law into their own hands.

In April a mob in Luanshya attacked an office where a suspected thief was being held and eventually forced the suspect into the open. The mob then stoned the suspected thief before pouring kerosene on him and setting him ablaze. Police intervened to save the man from the crowds, but the suspect subsequently died of his injuries.

No action was taken in 2007 cases of mob killings.

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, police frequently used excessive force including torture when apprehending, interrogating, and detaining criminal suspects or illegal immigrants. In 2006 the government's Human Rights Commission (HRC) 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; however, no legislation had been drafted by year's end. Authorities also detained, interrogated, and physically abused family members or associates of criminal suspects in attempts to identify or locate the suspects. Officers who tortured, beat, or otherwise abused suspects generally were not disciplined or arrested for such acts.

In June Mongu resident Monde Naluli reported to the LRF that when she went to the police station for help in finding her missing child, a police woman slapped her and placed her in custody for three days. Naluli, who was seven months pregnant at the time, also reported that the police shaved her head and forced her to run around the prison yard with one of her other children, a two-year-old, on her back. The LRF was assisting Naluli in pursuing a case against the police for abuse of office and wrongful detention at year's end.

In July 2007 Deputy Minister for Home Affairs Grace Njapau told parliament that the government had put in place measures to reduce brutality and abuse of inmates by police, including additional training for police officers; however, no known action was taken on these initiatives during the year.

No action was taken against guards at Mufulira State Prison who in 2007 stripped and beat prisoners.

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 and young girls while they were in custody.

In December 2007 a 14 year old girl filed a civil suit against the attorney general and police officer Sitali Ikowa, alleging that Ikowa impregnated her and infected her with HIV during her May through August 2007 detention at Prospect Police Station. According to the claim filed before the Kabwe High Court and obtained by the LRF, Ikowa threatened and raped the girl on numerous occasions.

No information was available on the police officer arrested in December 2007 for raping a suspect at Nkana East Police Station.

There were several instances of mob violence reported during the year; however, unlike in the previous year, there were no reports of societal violence against accused witches.

Prison and Detention Center Conditions

Prison conditions were poor and life threatening. An inefficient judiciary delayed court proceedings and exacerbated overcrowding. The country's prisons, which were built to hold 5,500 inmates, held nearly 15,000 prisoners and detainees. Lusaka Central Prison, which was designed to accommodate 200 prisoners, held more than 1,500, 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 exacerbated by overcrowding.

Prisoners routinely complained that authorities denied them access to medical care as provided for by law. Failure to remove or quarantine sick inmates and the lack of infirmaries at many prisons resulted in the spread of airborne illnesses such as tuberculosis, leading to prisoner reinfection and death. 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.

The HIV/AIDS prevalence rate in prisons was estimated at 27 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. Incarcerated women who had no alternatives for child care could choose to have their infants and young children with them in prison until the children reached the age of four. Pretrial detainees were not held separately from convicted prisoners.

The government permitted prison visits by both domestic and international nongovernmental organizations (NGOs) and by resident foreign diplomats during the year. The International Committee of the Red Cross (ICRC), provincial human rights committees, and the LRF periodically inspected prison conditions during the year. In June the HRC visited prisons in the North Western Province and expressed concern with overcrowding, dilapidated infrastructure, lack of potable water, and deficiencies in health facilities.

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 identified a need for 27,000 police officers, only 15,000 had been employed by year's end.

Lack of professionalism, investigatory skills, and discipline in the police force remained serious problems. 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 during the year to review complaints regarding police conduct that were not resolved through internal police channels. The PPCA reported that it received 64 complaints regarding police misconduct from January to June; 17 were related to unlawful detention, 16 to unprofessional conduct, 15 to police brutality, seven to police inaction, seven to abuse of authority, and two to death in police custody. In five of the 64 cases, the perpetrator was punished or a settlement was mediated. The range of recommended punishments included fines, demotion in rank, and dismissal. Many cases of abuse went unreported due to citizen ignorance of the PPCA and fear of retribution.

Many complainants dropped their cases after involved police officers intervened directly with the complainant. Such interventions sometimes involved intimidation of complainants, but according to the PPCA, some cases were dropped after police officers offered compensation to avoid a formal PPCA investigation.

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.

According to the law, suspects being arrested must be 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 much 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 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.

Arbitrary arrest and detention remained problems. Police arbitrarily arrested family members of criminal suspects. Criminal suspects were arrested on the basis of insubstantial evidence, uncorroborated accusations, or as a pretext for extortion. 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. Some officers found engaging in this practice reportedly were disciplined.

In April a Kapiri Mposhi magistrate briefly detained Rachel Bwalya, 19, and her 19 month old baby for alleged contempt of court; the magistrate alleged that the crying of the infant, who lived with Bwalya near the court, disturbed court proceedings. Bwalya was released only after her mother paid a fine of 250,000 kwacha (\$50). Bwalya filed a complaint demanding compensation from the magistrate for unlawful detention.

Prolonged pretrial detention was a problem, and some defendants awaited trial for as long as three years. Approximately one third of persons 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. According to human rights groups, prison administrators routinely doctored paperwork to make it look as though prisoners had appeared before a magistrate when they had not, often because prison authorities had no fuel to transport prisoners to courts. Judicial inefficiency, lack of resources, and lack of trained personnel also contributed to prolonged pretrial detention.

In July Ernest Banda, a suspect accused of robbery, asked the LRF to secure his release from detention. Banda, who has been in detention since 2005, last appeared in court in 2006 and allegedly has been kept in prison without trial because his case record at court cannot be found.

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. However, during the year the courts at times made judgments and rulings critical of the government. In several instances, the courts awarded damages in cases of police and security force abuse or unlawful arrest.

For example, on April 7, a Kitwe High Court judge awarded Winstone Chembe of Solwezi 20 million kwacha (\$4,800) as compensation for false imprisonment and "malicious prosecution." Chembe was arrested in 2004 for allegedly stealing a bicycle and was detained for 13 days at Solwezi Police Station before being released without charge. Although the bicycle was later recovered from a suspect who confessed that he had acted alone, Chembe was rearrested and prosecuted together with the confessed thief. The State later withdrew the charges for lack of evidence.

Poor working conditions caused many magistrates to leave their jobs. There were 149 magistrates employed at the end of the year. Fully qualified attorneys occupied approximately 35 magistrate positions during the year, up from 12 in 2007; lay magistrates filled the rest. Unlike in the previous year, there were no judicial strikes to protest delayed housing allowances.

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

Defendants are considered innocent until proven guilty, and trials in magistrate and local courts are public. Juries are not used, but trials are open to the public. Defendants have the right to be present and to consult with an attorney; however, many defendants lacked the resources to retain a lawyer. The law provides for free legal counsel when defendants face serious charges; however, public defenders were overwhelmed with cases, and many defendants did not have legal representation. Defendants can confront or question witnesses against them and present evidence and witnesses on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases.

Courts were congested, and there were significant delays in trials while the accused remained in custody. In cases in which 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.

Local courts employ customary (tribal) law, which varies widely throughout the country. 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, and complainants have access to the High Court to seek damages for human rights abuses. There were problems enforcing domestic court orders due to insufficient judicial resources.

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 Drug Enforcement Commission and the ZSIS authority to wiretap telephones based on 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 May 21, after intervention by the LRF, Doreen Zimba of Chipata compound was released from prison after being detained for one year without trial. Police arrested Zimba in April 2007 after failing to find her son, who allegedly had defiled a seven year old girl in 2006.

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.

Individuals could criticize the government publicly or privately without reprisal. The government did not attempt to impede such criticism.

The independent media were active and expressed a wide variety of views without restriction, although the government often criticized independent media outlets for being too outspoken. A number of privately owned newspapers questioned government actions and policies, and these circulated without government interference. The international media operated freely.

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

newspapers. The government exercised considerable influence over both newspapers, including reviewing articles prior to publication and censoring individuals responsible for published articles. Opposition political parties and civil society groups complained that government control of the two newspapers limited their access to mass communication.

On August 30, Mbita Chitala, the country's former ambassador to Libya, threatened journalists from the Zambia Daily Mail that they risked being sacked for not publishing his articles. At the time Chitala was soliciting press coverage of the MMD's nomination of Vice President Rupia Banda for the presidential by-election. Both the Press Association of Zambia and the Zambia Union of Journalists criticized Chitala's action.

The 2007 defamation case pursued by Deputy Secretary to the Cabinet Robert Mataka against the Zambian Watchdog newspaper was ongoing at year's end, as was the 2006 defamation suit filed by Patriotic Front president Michael Sata against the Zambia Daily Mail.

In addition to a government controlled radio station, there were numerous private radio stations. The government detained and censured individuals responsible for programs deemed offensive by the government.

On September 19, popular radio station Q-FM announced that it was not able to air a weekly call-in show due to a governmental directive requiring radio stations to use special equipment to screen calls. Ministry of Information and Broadcasting Service Permanent Secretary Emmanuel Nyirenda subsequently clarified that what was sent to radio stations was not a directive, but rather "timely advice" to management to refrain from airing call-in programs that allowed no control over caller content. Observers believed the "timely advice" was connected to Q-FM's September 8 call-in program, during which callers repeatedly asked ruling MMD member Vernon Mwaanga why he had rigged past presidential elections.

On November 12, police arrested prominent radio personality Father Frank Bwalya following his broadcast of a call-in show that criticized the fairness of the October 30 elections and the high price of mealie-meal, the corn meal staple of the country. Callers subsequently encouraged listeners to participate in a November 15 rally by the opposition Patriotic Front. Security forces held Bwalya overnight for "issuing statements that cause hostility between groups, stating that the elections were fraudulent, and saying that President Banda was not legitimately elected." On November 27, the government dropped the charges, citing unspecified security reasons.

Unlike in previous years, there were no reports that radio journalists in Western Province complained of censorship and intimidation by the Barotse Royal Establishment, a traditional leadership structure headed by a king.

The government owned Zambia National Broadcasting Corporation was the principal local-content television station. Several private television stations, including foreign-owned media, also broadcast locally. Opposition political parties and civil society groups charged that government control of ZNBC also limited their access to mass communication.

There were no developments in the investigation of Cabinet Protocol Officer Lovewell Jere, who in August 2007 barred local journalists from covering events surrounding the Southern African Development Community Summit.

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

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or 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. Although the law does not require a permit to hold a rally, it requires organizers to notify police seven days in advance. Police are empowered to decide when and where rallies are held and who may address participants. The government on occasion has used the law's broad mandate to arbitrarily change the time and date of rallies, particularly of NGOs and opposition parties, and did so during the presidential by-election campaign.

Police forcibly dispersed demonstrations during the year. In May police in Lusaka shot and injured two University of Zambia students who were demonstrating against government living allowances. During their protest students occupied a main city thoroughfare and threw stones at motorists. According to press reports, police used live bullets to disperse the students "because they ran out of tear gas canisters." Then president Mwanawasa condemned the police action. No action was taken against police.

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. The registration process was long and permitted 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 threatened 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, the government generally respected the right of all religious groups to worship freely.

The government required the registration of religious groups and approved all applications for registration from religious groups without discrimination.

The High Court did not rule, and was not expected to, on the Universal Church of the Kingdom of God's petition to find the government in contempt for violating an order staying proceedings against the church. The government had sought to deregister the church in 2005, but in January 2006 the High Court overturned the government's decision and allowed the church to continue operations.

Societal Abuses and Discrimination

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

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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 and granted refugee status or asylum. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened; however, there were reports during the year that the government denied protected status to several Zimbabweans seeking asylum and returned them to northern Zimbabwe. The government repeatedly denied the charge. The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 UN convention or the 1967 protocol.

The country hosted approximately 85,000 refugees, mainly from Angola and the Democratic Republic of Congo. During the year the government assisted in the repatriation of approximately 10,000 Congolese refugees.

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 October 30, former vice president Rupiah Banda was elected president in a by-election conducted after the August 19 death of former president Levy Mwanawasa; the former president died after complications from a stroke suffered in June. Despite the lack of updated voter rolls and other problems, international observers characterized the by-election as transparent, orderly, and well run; however, opposition Patriotic Front candidate Michael Sata filed a petition with the Supreme Court to request a recount. The court had not ruled on the petition by year's end.

During the year several by-elections were held after incumbent deaths or court nullification of election results. Reports of vote-buying and misappropriation of government resources for unfair political advantage continued, and some cases were challenged in court.

On February 21, Patriotic Front candidate Gerry Chanda was elected Kanyama member of parliament (MP), and on June 26, MMD candidate Reuben Chisanga Banda was elected as Milanzi constituency MP. Although both by-elections were generally free, they were marred by allegations of vote buying, promises of massive development,

and distribution of clothing and food relief.

On August 12, the Supreme Court nullified the election of Mwanabombwe MP Samuel Chitonge after Chitonge's opponent, Maybin Mubanga, alleged the physical abuse of MMD members campaigning in the area. Mubanga maintained that such abuse intimidated the local population and prevented them from choosing the candidate of their choice. On October 30, Chitonge won the by-election.

There were 23 women in parliament, three serving in the cabinet, and three serving in the Supreme Court. The country's ethnic communities were well represented in political institutions.

The National Constitutional Conference (NCC) continued to meet throughout the year to consider the draft constitution proposed by the 2005 Mung'omba Constitutional Review Commission. Some civil society groups, including large umbrella organizations representing women's groups and church groups, maintained their boycott of the NCC in protest of what they perceived as heavy government and ruling party representation.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government attempted to implement the law; however, officials engaged in corrupt practices with impunity. Petty corruption in the police and other public authorities was particularly problematic.

The World Bank's worldwide governance indicators reflected that corruption was a serious problem; however, the government made some improvements in fighting corruption. 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, and the Anticorruption Commission (ACC) continued its prosecution and public educational activities. In 2007 the ACC received 880 reports of corruption, 416 of which were investigated. Of those 416, there were 20 convictions. The ACC maintained a toll-free hotline for reports of corrupt practices.

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 the process to liquidate assets seized in the anticorruption campaign was not transparent. Public officials were not subject to financial disclosure laws, although presidential candidates were required to disclose financial assets when filing their candidacies with the Supreme Court.

The criminal case against former president Chiluba was convened and adjourned several times and was ongoing at year's end; in May 2007 a British court found Chiluba and several others liable in a civil suit for misappropriating 164,000 billion kwacha (\$33 million) in public resources. The prosecution's case against Chiluba's wife, Regina Chiluba, also continued at year's end.

The trials on 2004 corruption charges of several officials and military commanders of the former Mwanawasa administration were ongoing at year's end, including those of lieutenant generals Sande Kayumba and Geojago Musengule; Lieutenant General Wilford Funjika was convicted of corruption in October 2007.

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

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.

Major local human rights NGOs included the Legal Resources Foundation, Justice for Widows and Orphans, Women for Change, the NGO Coordinating Council, Civil Society for Poverty Reduction, and the Southern Africa Center for Constructive Resolution of Disputes.

Government officials sometimes denounced vocal civil society leaders in the media to discredit them. For example, in an apparent reference to the arrest of prominent radio personality Father Frank Bwalya, Southern Province minister Daniel Munkombwe warned in November that church leaders were becoming "agents of genocide" and should be arrested.

The government cooperated with international NGOs. During the year the ICRC closed its Lusaka office but made occasional visits to the country from its office in Harare, Zimbabwe.

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. Independent human rights groups continued to complain 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, disability, language, social status, or creed; however, violence and discrimination against women and persons with disabilities remained a problem.

Women

The law prohibits rape, and courts generally sentenced rapists to hard labor. In 2007 the police Victim Support Unit (VSU) recorded 178 cases of rape, 19 cases of attempted rape, and 135 cases of indecent assault; 38 defendants were convicted, 12 were acquitted, and 27 were withdrawn. The penal code does not specifically prohibit marital rape, and statutes that criminalize rape cannot be used in a practical sense to prosecute cases of rape in marriage.

Domestic violence against women was a serious problem, and wife beating and rape were widespread. There is no specific law against domestic violence, and cases of domestic violence were prosecuted under the general assault statutes. Penalties imposed for assault ranged from two to 25 years' imprisonment, depending on the severity of injury and whether a weapon was used. The 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.

Due to traditional and cultural inhibitions, most cases of violence against women and children went unreported; however, increased public awareness resulted in more reporting of such incidents to police and other authorities than in previous years. The VSU reported that victims often refused to cooperate and that forensic equipment needed to develop evidence was lacking. The government and NGOs expressed continued concern about violence against women. In a 2007 Human Rights Watch study, women reported that fear of retribution from their husbands

often prevented them from seeking free access to HIV counseling and testing, as well as to treatment.

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

The law 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.

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; however, 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 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 traditional practice of "sexual cleansing," in which a widow has sex with her late husband's relatives as part of a cleansing ritual, continued, although some traditional leaders have banned the practice. The penal code also outlaws sexual cleansing.

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 through grade seven; however, education was not compulsory, and many children did not attend school. Contrary to government policy, many teachers and school administrators required students to purchase uniforms or pay a fee before they would allow them to attend classes. The net enrollment rate for children of primary school age increased from 66 percent in 1999 to 97 percent by 2005. The numbers of girls and boys in primary school were approximately equal; however, fewer girls attended secondary school. According to the UN Children's Fund, the sexual abuse of female students by their teachers discouraged many girls from attending classes.

Child abuse and violence against children were problems, particularly defilement, which the law defines as the "unlawful and carnal knowledge of a child under the age of 16." The police VSU recorded 696 defilement cases in 2007; prosecutions resulted in 160 convictions and 26 acquittals. In September the HRC held a series of public hearings to draw attention to the problem of violence against children and to find solutions.

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 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.

There were 1.2 million children under the age of 15 who were orphaned, approximately 800,000 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 had programs to increase public awareness of HIV/AIDS.

An estimated 20,000 to 30,000 children lived on the streets, often begging or prostituting themselves to survive. In 2007 the police and Ministry of Community Development and Social Services launched a Child Protection Unit with offices in the ministry to identify and remove children from the streets. In 2007, 346 street children were reintegrated with their families, 234 children were sent to school, and 185 were placed in various centers. The ministry also initiated a cash transfer scheme in five districts to target vulnerable families who might otherwise send minors into the streets to beg or work. In 2007 the transfer program benefited 7,476 households.

The Ministry of Sport, Youth, and Child Development continued its efforts to rehabilitate street children by providing education and skills training at two converted national service camps in Kitwe and Chipata. After graduating from the camps, the children are placed in youth resource centers throughout the country, where they receive training in carpentry, tailoring, farming, and other trades.

Trafficking in Persons

On November 19, President Banda signed a new antitrafficking law that prohibits the transport, reception, and harboring of trafficking victims. To be convicted of trafficking under the old law, a person had to be witnessed accepting money in exchange for the victim. There were reports that persons were trafficked to, from, and within the country.

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.

A June 2007 study on child trafficking in the country published by the International Labor Organization (ILO) concluded that trafficking was predominantly internal and involved family members and relatives. The study noted that children were often trafficked as a source of cheap labor and that girls were at more risk of being trafficked than boys. Law enforcement and immigration officers had varying levels of knowledge about trafficking, a problem exacerbated by extensive and extremely porous borders.

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

Anyone convicted of trafficking is subject to a term of imprisonment from 20 years to life.

In April the Kasama High Court sentenced two men to 20 and 25 years' imprisonment, respectively, for child trafficking. The men were caught attempting to sell an eight-year-old boy in 2006.

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. In some cases victims were placed in protective custody at rehabilitation centers or victim support shelters operated by NGOs.

Unless government officials were unaware that victims had been trafficked, victims were not detained, jailed, deported, or prosecuted for violations of other laws. When trafficking investigations substantiated allegations, the government 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 included the police, immigration authorities, and the ministries of justice, labor, and education.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination in general, but there is no law that specifically prohibits discrimination against persons with physical or 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 rarely had facilities to accommodate persons with disabilities. The government did not legislate or otherwise mandate accessibility to public buildings and services for persons with disabilities. The Ministry of Community Development has responsibility for ensuring the rights of persons with disabilities.

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.

The government actively discouraged discrimination against those persons with HIV/AIDS; however, there was strong societal and employment discrimination against such individuals. Government officials made announcements discouraging such discrimination but made little headway in changing entrenched attitudes.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and belong to trade unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Police officers were not permitted to form unions and remained nonunionized at year's end. Approximately two-thirds of the country's 300,000 formal sector employees were unionized. The law allows unions to conduct their activities without interference, and the government generally protected this right in practice. The law provides for the right to strike, except for those engaged in essential services, but requires that all other legal recourse be exhausted first. The last legal strike in

the country occurred in 1993. Workers engaged in illegal strikes can be dismissed by their employers; the government at times intervened for political reasons when such dismissals occurred. Unlike in the previous year, there were no such dismissals.

The Industrial and Labor Relations Act (IRA) governs union activity. No organization can be registered unless it has at least 25 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.

During the year the government challenged Joyce Nonde's eligibility to be the president of the Federation of Free Trade Unions of Zambia on the grounds that she had resigned her job at the Zambia National Building Society to be employed full time by the Zambia Union of Financial Institutions and Allied Workers. The court found in Nonde's favor, but the government subsequently proposed amendments to the Industrial and Labor Relations bill that would disqualify Nonde based on her lack of outside employment. The amendments bill was still under consideration at year's end.

Essential services not permitted to strike include the defense force, judiciary, police, prison service, and the ZSIS. The law further defines essential services as any activity relating to the generation, supply, or distribution of electricity; the supply and distribution of water and sewerage; fire departments; and the maintenance of safe and sound conditions in underground working environments such as shafts and machinery in the mining sector.

In 2007 the Chinese government began construction of facilities in an economic zone in the Copperbelt Province. During the year workers rioted over pay and conditions, and approximately 500 workers were dismissed by management. All workers were subsequently reinstated.

b. The Right to Organize and Bargain Collectively

The right to collective bargaining, without government interference, is protected in law and freely practiced. The law also prohibits antiunion discrimination and employer interference in union functions, and the government enforced this right.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, a study released by the ILO during the year concluded that such practices occurred. 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 calls 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 at any commercial, agricultural, or domestic worksite and the engaging of a child in the worst forms of child labor as defined in international conventions. Nevertheless, child labor was a problem in subsistence agriculture, domestic service, and other informal sectors, where children under the age of 15 often were employed, and the law was not enforced. The law also prohibits slavery and the procurement or

offering of a child for illicit activities.

The minimum age for employment is 15; for hazardous work, it is 18. The labor commissioner effectively enforced minimum age requirements in the industrial sector, where there was little demand for child labor; however, minimum wage standards were seldom enforced in the informal sector, particularly in mining and agriculture. Among the worst forms of child labor the law includes are child prostitution, slavery in all its forms, military conscription, and work that is harmful to the safety, health, or morals of children and young persons.

During the year children who had lost both parents to HIV/AIDS continued to migrate to urban areas where they lived on the streets. In urban areas children commonly engaged in street vending.

Child labor was most concentrated in the areas of agriculture, 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.

Because more than 85 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. Labor inspectors frequently found it difficult to access transportation, making it difficult to conduct inspections in vast rural areas that were difficult to regulate. 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. More than 20 District Child Labor Committees had been established by year's end to perform outreach and plan activities for vulnerable and working children. The purpose of the committees was to increase awareness of child labor laws and the harmful effects of child labor and to mobilize communities to eliminate the worst forms of child labor.

The government continued to provide awareness and training activities for officials charged with enforcing child labor laws; however, the MLSS reported that resource constraints prevented it from providing all required training.

e. Acceptable Conditions of Work

The minimum wage in the formal sector was 268,000 kwacha (\$53) per month, based on the legal maximum workweek of 48 hours. The minimum wage for nonunionized workers, whose wages and conditions of employment were not regulated through collective bargaining, was determined by category of employment. 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 extended family. The minimum wage act did not apply to domestic servants. The MLSS is responsible for enforcing the minimum wage, and its inspectors received and resolved complaints.

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 standard work week was 40 hours, and there were limits on excessive compulsory overtime, depending on the work category of work. 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 by requiring that underground mine workers receive annual medical examinations.