

Zambia - Human Rights Scorecard ¹

Zambia, officially the Republic of Zambia, is a former British protectorate of Northern Rhodesia located in Africa. It gained independence from the United Kingdom in 1964. More recently, Zambia has become one of the world's fastest economically reformed countries.²

Official languages: English

Major Ethnic groups: Bemba 34%, Nyanja 18%, Tonga 17%, Chewa 10%, Lozi 8%, Mambwe 6%, Tumbuka 5%

Government: Unitary presidential republic

- President: Edgar Lungu
- Vice President: Inonge Wina

Death penalty: Retentionist

Population: 15.5 million

Life expectancy: 52.5 years

Under-5 mortality: 62.9 per 1000

Adult literacy: 63.4 percent



Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Largely disrespected³

There have been several reports that security forces arbitrarily or unlawfully kill citizens, often with impunity.

Freedom from disappearance



Respected⁴

There were no reports of politically motivated kidnapping or forced disappearances by security forces.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Largely disrespected⁵

Although the constitution prohibits subjecting individuals to torture or other cruel, inhuman, or degrading treatment or punishment, the law does not specifically address torture. There have been reports of police using excessive force, including torture, on individuals in custody.

Freedom from arbitrary arrest or detention



Largely disrespected⁶

Although the constitution and law prohibit arbitrary arrest or detention, Zambian authorities do not always comply with the law.

Freedom from denial of fair public trial



Largely disrespected⁷

Although the constitution and law provide the right to an independent judiciary, the government does not always respect judicial independence.

Freedom from arbitrary interference with privacy, family, home or correspondence



Largely disrespected⁸

The law prohibits the unauthorized invasion of homes to search for evidence or make an arrest, requires a search warrant or arrest warrant before police may enter a home. Nevertheless, police routinely engage in illegal searches.

Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)⁹



Score: 35.08, Rank: 114/ 180 – Partially controlled, limited or intimidated¹⁰

The law grants the freedom of speech and press, but there are some provisions that the government uses to impose certain restrictions on these freedoms.

Freedom from academic censorship



Respected¹¹

There are no reports that the Zambian government has sought to restrict academic freedom.

Freedom of peaceful assembly and association



Largely disrespected¹²

The law allows for the freedom of peaceful assembly and association, but the police and pro-government groups occasionally disrupt meetings and activities of opposition political parties and civil society groups.

Freedom of religion



Largely disrespected¹³

The constitution establishes Christianity as the state religion although the law prohibits religious discrimination. Nevertheless, some Muslim groups have faced governmental discrimination, and authorities are known to disrupt church meetings to search for illegal immigrants and drugs.

Protection of refugees and stateless persons



Respected¹⁴

The Zambian government grants protection and assistance to refugees and asylum seekers.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{15 16}



3.5/ 7 – Partially free¹⁷

The law protects freedom of speech and press, but the law contains certain provisions that the government uses to restrict these rights. Similarly, freedom of association is provided in the constitution but not always respected.

Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

Overall protection of political rights (*FreedomHouse Political Rights Index*)¹⁸



3/ 7 – Partially free¹⁹

The president is elected to serve a five-year term. The government has intimidated and weakened smaller opposition parties by preventing them from holding meetings and rallies.

Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²⁰



Score: 30%, Rank: 117 / 168 – Highly corrupt²¹

Anti-corruption measures are rarely enforced in Zambia. Officials engage in corrupt practices often with impunity.

Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Respected²²

International and domestic human rights organizations operate with little restriction from the government.

Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Rights of women (*World Economic Forum Gender Gap Index*)²³



Score: 55%, Rank: 119 / 142 – Very unequal rights²⁴

Women in Zambia face discrimination under the law. There are a number of areas, such as labour force participation and political leadership, which are in serious need of reform.

Rights of Children (*KidsRights Index Overall Score*)²⁵



Score: 53%, Rank: 140/ 165 – Slightly vulnerable²⁶

There is no minimum age for marriage under customary law, resulting in a widespread problem of early and forced marriages in Zambia.

Rights of persons with disabilities



Largely disrespected²⁷

No specific law prohibits discrimination against persons with disabilities in employment, access to education or the provision of other government services. As such, persons with disabilities enjoy no protections in Zambia.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Respected²⁸

Some Muslim organizations have had their radio broadcasting permits revoked for years or other such forms of racial or ethnic discrimination. There is no dominant ethnic group in Zambia, although there are patterns of affluence and marginalization among ethnic groups.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely disrespected^{29 30}

There is no law that prohibits discrimination based on sexual orientation or gender identity. Consensual same-sex sexual activity is a criminal offence punishable for up to life in prison.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Largely disrespected³¹

The law provides for the rights for workers (except police, military personnel, and certain other categories of workers) to form and participate in unions, organize legal strikes and bargain collectively. However, the government threatens unions and their leaders who strike and protest.

Freedom from forced or compulsory labour



Largely disrespected³²

Zambian law prohibits forced or compulsory labour, but the government does not effectively enforce the law.

Freedom from forced labour for children, and a minimum age of employment



Largely disrespected³³

The law sets the minimum age of employment at 15 for nonhazardous work and 18 for hazardous work, but the government does not effectively enforce the law. The government poorly enforces minimum age standards in the informal sector.

Right to acceptable conditions of work



Largely disrespected³⁴

Minimum wages are set by sector. Health and safety standards are poor in all labour sectors.

Right to employment



13.2% - Extreme unemployment³⁵

The unemployment rate in Zambia is extremely high and is expected to increase in the upcoming years.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death Sentences and Executions 2015." Amnesty International. October 20, 2016. Accessed October 20, 2016.

<https://www.amnesty.org/en/what-we-do/death-penalty/>.

³ "Country Reports on Human Rights Practices for 2015 Zambia." U.S Department of State. January 1, 2016. Accessed October 20, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

⁴ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁵ Ibid. U.S Department of State.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹⁰ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2016. Accessed October 20, 2016.

<https://rsf.org/en/zambia>

¹¹ "Country Reports on Human Rights Practices for 2015 Zambia." U.S Department of State. January 1, 2016. Accessed October 20, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253027#wrapper>.

¹² Ibid. U.S Department of State.

¹³ "Zambia." International Religious Freedom Report for 2015 Zambia. January 1, 2016. Accessed October 20, 2016.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

¹⁴ "Zambia." World Report 2014: Zambia. January 1, 2015. Accessed October 20, 2016. <http://www.hrw.org/world-report/2016/country-chapters/zambia>.

¹⁵ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁶ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed Oct. 20, 2016

<https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁷ "Zambia." Freedom in the World 2016: Zambia. January 1, 2016. Accessed October 20, 2016. <https://freedomhouse.org/report/freedom-world/2016/zambia>.

¹⁸ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed October 20, 2016 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁹ "Zambia." Freedom in the World 2016: Zambia. January 1, 2016. Accessed October 20, 2016. <https://freedomhouse.org/report/freedom-world/2014/zambia-0#.VIIIHzGG9e8>.

²⁰ Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²¹ "Zambia." Corruption by Country. January 1, 2015. Accessed October 6, 2016. <http://www.transparency.org/country>.

²² "Country Reports on Human Rights Practices for 2013 Zambia." U.S Department of State. January 1, 2015. Accessed October 20, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²³ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁴ "Zambia." World Economic Forum. January 1, 2014. Accessed October 6, 2016. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=ZMB>.

²⁵ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

²⁶ "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed November 25, 2014. <http://www.kidsrightsindex.org/>

²⁷ "Country Reports on Human Rights Practices for 2015 Zambia." U.S Department of State. January 1, 2013. Accessed October 20, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²⁸ Ibid. U.S Department of State.

²⁹ "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2015. Accessed October 20, 2016. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁰ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³¹ "Country Reports on Human Rights Practices for 2015 Zambia." U.S Department of State. January 1, 2016. Accessed October 20, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³² Ibid. U.S Department of State.

³³ Ibid. U.S Department of State.

³⁴ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at

http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁵ "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed October 20, 2016. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm.