

ZAMBIA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Zambia is a constitutional republic governed by a democratically elected president and a unicameral national assembly. In August 2016 the country held elections under an amended constitution for president, national assembly seats, and local government, as well as a referendum on an enhanced bill of rights. The incumbent, Patriotic Front (PF) President Edgar Chagwa Lungu, was re-elected by a tight margin. A legal technicality saw the losing main opposition United Party for National Development (UPND) candidate, Hakainde Hichilema, unsuccessfully challenge the election results. International and local observers deemed the election as having been credible but cited a number of irregularities. The pre-election and postelection periods were marred by limits on press freedom and political party intolerance resulting in sporadic violence across the country. Although the results ultimately were deemed a credible reflection of votes cast, media coverage, police actions, and legal restrictions heavily favored the ruling party and prevented the election from being genuinely fair.

Civilian authorities maintained effective control over the security forces. In accordance with the constitution, all security and defense service chiefs reported to the president through the minister of defense.

The most significant human rights issues included: arbitrary killings which were prosecuted by authorities; excessive use of force by police; harsh and life-threatening prison conditions; arbitrary arrest; interference with privacy; restrictions on freedoms of the press, speech, and assembly; high-level official corruption; trafficking in persons; and criminalization and arrest of persons engaged in consensual same-sex sexual relationships.

The government selectively applied the law to prosecute or punish individuals who committed abuses and mostly targeted those who opposed the ruling party. In addition impunity remained a problem, as ruling party supporters were either not prosecuted for serious crimes or, if prosecuted, released after serving small fractions of prison sentences.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports of extrajudicial killings by the government or its agents during the year. For example, on March 19, police brutally beat to death Mark Chongwa, an air force officer, while in detention for a minor traffic infraction. The Human Rights Commission (HRC) condemned the killing as an arbitrary deprivation of life, prompting the president to order a full inquiry into police actions. The HRC called for disciplinary action against the police officers responsible for the arrest and detention of Chongwa. Four individuals, including two police officers and two inmates, were arrested and charged with manslaughter. The case was referred to the High Court for prosecution; the trial continued at year's end.

b. Disappearance

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

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

Although the constitution prohibits subjecting any person to torture or to inhuman or degrading punishment, no laws address torture specifically. According to the HRC, police used excessive force--including torture and cruel, inhuman, or degrading treatment--to obtain information and confessions when apprehending, interrogating, and detaining criminal suspects. For example, the HRC stated the March 19 death of Mark Chongwa was a result of torture.

The HRC reported allegations of torture in every detention facility it monitored but noted that it was difficult to prosecute perpetrators because no law exists that explicitly prohibits torture or the use of excessive force. Confessions obtained through torture are admissible in court.

Prison and Detention Center Conditions

During the year the government changed its prison policy from punitive to correction and rehabilitation of inmates. Nevertheless, physical conditions in prisons and detention centers remained harsh and life threatening due to overcrowding, frequent outbreaks of disease, food and potable water shortages, and poor sanitation and medical care.

Physical Conditions: According to the nongovernmental organization (NGO) Prisons Care and Counseling Association (PRISCCA), there were 20,916 detainees

(of whom 4,000 were awaiting trial at year's end) in 90 prison facilities with a capacity of 8,550 inmates. PRISCCA noted overcrowding was due to a slow-moving judicial system, outdated laws, and increased incarceration due to higher numbers of persons driven to crime by poverty. Other factors included limitations on judges' power to impose noncustodial sentencing, a retributive police culture, and poor bail and bonding conditions. Indigent inmates lacked access to costly bail and legal representation through the Law Association of Zambia. Other organizations such as the Legal Aid Board and the National Prosecutions Authority were also difficult for inmates to access due to a lack of representation outside Lusaka.

Other than the March 19 death of Mark Chongwa, no data on or estimates of deaths in jails, pretrial or other detention centers, or prisons attributed to physical conditions or actions of staff members or other authorities were available. While the HRC noted that prison overcrowding and sanitary and other physical conditions fell below international standards, it reported no cases of authorities abusing prisoners and no complaints of abuse filed by inmates. The HRC stated that it had no evidence of political prisoners being treated differently from other prisoners.

The law requires separation of different categories of prisoners, but only female prisoners were held separately. According to the HRC, conditions for female prisoners were modestly better primarily because of less crowded facilities. Juveniles were detained in the same holding cells with adult detainees. Prisons held an undetermined number of children who were born in prison or living in prisons while their mothers served sentences. Incarcerated women who had no alternative for childcare could choose to have their infants and children under age four with them in prison. According to PRISCCA, correctional facilities designated for pretrial detainees included convicted inmates.

Many prisons had deficient medical facilities and meager food supplies. Lack of potable water resulted in serious outbreaks of water- and food-borne diseases, including dysentery and cholera. PRISCCA reported that prison food was inadequate nutritionally. The prison system remained understaffed with only two full-time medical doctors and 84 qualified health-care providers serving the prison population. The incidence of tuberculosis remained very high due to overcrowding, lack of compulsory testing, and prisoner transfers. The supply of tuberculosis medication and other essential drugs was erratic. A failure to remove or quarantine sick inmates resulted in the spread of tuberculosis and other illnesses and the deaths of several prisoners. The HRC and PRISCCA expressed concern at the lack of isolation facilities for the sick and for persons with psychiatric

problems. Although prisoners infected with HIV were able to access antiretroviral treatment services within prison health-care facilities, their special dietary needs and that of those on tuberculosis treatment were not met adequately. Prisons also failed to address adequately the needs of persons with disabilities. Inadequate ventilation, temperature control, lighting, and basic and emergency medical care remained problems.

According to the 2013 National Audit of Prisons, female inmates had limited access to health-care services. Gynecological care, cervical cancer screening, prenatal services, and prevention of mother-to-child transmission programs were nonexistent. Female inmates relied on donations of underwear, sanitary pads, diapers for infants and toddlers, and soap.

Authorities denied prisoners access to condoms because the law criminalizes sodomy and prevailing public opinion weighed against providing condoms. Prison authorities, PRISCCA, and the Medical Association of Zambia advocated for prisoners' conjugal rights as a way to reduce prison HIV rates. Discriminatory attitudes toward the most at-risk populations (persons in prostitution and men who have sex with men) stifled the development of outreach and prevention services for these groups.

Administration: There were no ombudsmen to promote the interests of inmates. Prisoners and detainees generally could not submit complaints to judicial authorities or request investigation of credible allegations of inhuman conditions.

Independent Monitoring: The government permitted prison monitoring by independent local and international NGOs and religious institutions.

Improvements: During the year the government introduced a prison policy of correction and rehabilitation of inmates. It changed the penal system from a punitive to a correctional model in order to transform prison facilities to concentrate on correction and rehabilitation. It stated that instead of being punished for wrongdoing, offenders required rehabilitation so that they may better contribute to the development of the country when released and reintegrated into society. The August opening of a 300-inmate capacity correctional facility in Monze increased total prison system capacity from 8,250 to 8,550 inmates.

d. Arbitrary Arrest or Detention

Although the constitution and law prohibit arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of arrest or detention in court, the HRC reported authorities frequently violated these requirements. It stated there was an increase in arbitrary arrests and unnecessarily prolonged detention in various detention centers, including police stations, during the year. PRISCCA reported there was an increase in suspects arrested and detained following the president's July 5 declaration of a "threatened" state of emergency in which he invoked emergency powers. The UPND stated police arrested its members on politically motivated pretenses and charged them with nonbailable offenses. The Zambian Police Service (ZPS), however, claimed police arrested these individuals while they committed assault and theft. Many were tried and acquitted due to insufficient evidence.

On April 12, police arrested opposition UPND leader Hakainde Hichilema and five other UPND members and charged them with treason. On April 10, police used tear gas on party officials during a raid on Hichilema's residence in Lusaka. On April 23, the Roman Catholic bishops of Zambia issued a statement condemning the raid as a "massive, disproportionate" use of force by police. On August 16, the Lusaka High Court released Hichilema and his codefendants when the director of public prosecutions dropped treason charges against him.

Role of the Police and Security Apparatus

The ZPS reports to the Ministry of Home Affairs. Divided into regular and paramilitary units, the ZPS has primary responsibility for maintaining law and order. The Zambia Security and Intelligence Service (ZSIS), under the Office of the President, is responsible for external and internal intelligence. The Central Police Command in Lusaka oversees 10 provincial police divisions with jurisdiction over police stations in towns countrywide.

The army, air force, and national service are responsible for external security. The commander of each service reports to the president through the minister of defense. By law defense forces have domestic security responsibilities only in cases of national emergency. In addition to security responsibilities, the Zambia National Service performs road maintenance and other public works projects and runs state farms for displaced children.

Paramilitary units of the ZPS, customs officers, and border patrol personnel guard lake, river, and other border areas. The Drug Enforcement Commission is responsible for enforcing the laws on illegal drugs, fraud, counterfeiting, and

money laundering. The Drug Enforcement Commission, customs, and border patrol personnel operate under the Ministry of Home Affairs. Impunity was a problem. Senior police officials disciplined some officers for engaging in extortion of prisoners by suspending them or issuing written reprimands, but many abuses went unaddressed. Dismissals of officers for extortion were rare.

Arrest Procedures and Treatment of Detainees

The constitution and law require authorities to obtain a warrant before arresting a person for most offenses. Police do not need a warrant, however, when they suspect a person has committed offenses such as treason, sedition, defamation of the president, or unlawful assembly. Police rarely obtained warrants before making arrests.

Although the law requires that detainees appear before a court within 24 to 48 hours of arrest and be informed of the charges against them, authorities routinely held detainees for as long as six months before trial, which often exceeded the length of the prison sentence corresponding to conviction for the defendant's alleged crime. The HRC noted this abuse remained common, particularly in rural districts, where subordinate courts operated in circuits because detainees could be tried only when a circuit court judge was in the district.

On July 5, the president invoked emergency powers that gave police authority to detain individuals for up to seven days without charge. There were numerous reports of politically motivated detentions of individuals held for the maximum seven-day period without charge before release. On August 23, Inspector General of Police Kakoma Kanganja claimed police officers had complied with the terms of the declaration and added that no complaints of police excesses were filed.

Based on a presumption of innocence provided for in the constitution, the Criminal Procedure Code provides for bail in case of any detention. Before granting bail, however, courts often required at least one employed person, often a government employee, to vouch for the detainee. Bail may not be granted in cases of murder, aggravated robbery, violations of narcotics laws, and treason.

Authorities frequently refused or delayed bail in politically sensitive cases. For example, United Progressive People party leader Saviour Chishimba was denied bail when he was charged with defaming the president. Chishimba was held for eight days, released, and the charges against him dropped.

Detainees generally did not have prompt access to a lawyer. Although the law obligates the government to provide an attorney to indigent persons who face serious charges, many indigent defendants were unaware of this right. The government's legal aid office and the Legal Resources Foundation provided legal services to some indigent arrestees.

Arbitrary Arrest: According to human rights groups, arbitrary or false arrest and detention remained problems. Police often arbitrarily summoned family members of criminal suspects for questioning, and authorities arrested criminal suspects based on uncorroborated accusations or as a pretext for extortion. Human rights groups reported police routinely detained citizens after midnight, a practice legal only during a state of emergency. For example, five opposition UPND members were charged with robbery--a nonbailable offense--and held in detention for one year. When the case reached trial, the High Court dismissed the case due to lack of evidence.

Pretrial Detention: Prolonged pretrial detention was a problem. Thirty-two percent of prison inmates were in pretrial detention. On average detainees spent an estimated six months in pretrial detention, which often exceeded the maximum length of the prison sentence corresponding to the detainee's alleged crime. Contributing factors included inability to meet bail requirements, trial delays, and adjournments due to absent prosecutors and their witnesses.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees had the ability to challenge in court the legal basis or arbitrary nature of their detention, but police often prevented detainees from filing challenges to prolonged detention. For example, UPND vice president Mwamba and other opposition leaders were detained on numerous occasions during the 2016 election campaign and prevented from challenging the legality of their arrests in court until they had spent several days in jail.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; the government largely respected judicial independence. The ruling party intervened in criminal and civil cases in which it had an interest.

Trial Procedures

The constitution provides for the right to a fair and public trial, but the judicial system was open to influence by the ruling party in cases in which it has an interest. Defendants enjoy the right to a presumption of innocence, to be informed promptly of charges against them, and to be present at a fair and timely trial. Nevertheless, defendants were not always informed promptly and in detail of the charges against them, and trials were usually delayed. Defendants enjoy the right to consult with an attorney of their choice, to have adequate time to prepare a defense, to present their own witnesses, and to confront or question witnesses against them. Indigent defendants were rarely provided an attorney at state expense. Interpretation services in local languages were available in most cases. There were no reports defendants were compelled to testify or confess guilt. Defendants had the right to appeal.

Political Prisoners and Detainees

There were some reports of political prisoners or detainees, particularly following the 2016 election period. For example, in October 2016 UPND leader Hakainde Hichilema stated police arrested more than 2,000 UPND members on “trumped up” charges. The ZPS claimed these individuals were arrested while committing assaults and robberies. Some were tried and convicted of assault and malicious damage of property, while others were released without charge or, if tried, acquitted.

Civil Judicial Procedures and Remedies

Complainants may seek redress for human rights abuses from the High Court. Individuals or organizations may seek civil remedies for human rights violations and appeal court decisions to the African Court of Human and Peoples’ Rights. In 2015 a group of Barotse activists appealed to the court, seeking to compel the government to respond to a legal argument for the region’s independence. The appeal remained pending at year’s end.

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

The constitution and law prohibit such actions, but the government frequently did not respect these prohibitions. The law requires a search or arrest warrant before police may enter a home, except during a state of emergency or when police suspect a person has committed an offense such as treason, sedition, defaming the president, or unlawful assembly. Police routinely entered homes without a warrant

even when one was legally required. Domestic human rights groups reported authorities routinely detained, interrogated, and physically abused family members or associates of criminal suspects to obtain their cooperation in identifying or locating the suspects.

On April 10, police used tear gas and destroyed property in a raid without a search warrant on the home of UPND leader Hichilema (see section 1.d.).

The law grants the Drug Enforcement Commission, ZSIS, and police authority to monitor communications using wiretaps with a warrant based on probable cause, and authorities generally respected this requirement. The government required cell phone service providers to register all subscriber identity module (SIM) cards. Critics contended the government's Zambia Information and Communications Technology Agency monitored telecommunications.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

Although the constitution and law provide for freedom of expression, including for the press, the law contains some provisions the government used to restrict these freedoms. For example, on July 5, the president invoked emergency powers that expanded police powers to close down newspapers. Although it was not employed, the announcement was seen as a significant threat to press freedom by private media outlets.

Freedom of Expression: The government remained sensitive to criticism in general and by the political opposition in particular. It was quick to prosecute critics on the pretext of incitement of public disorder and hate speech. For example, on August 3, police arrested and charged opposition United Progressive People leader Saviour Chishimba for defaming the president by accusing him of becoming dictatorial (see section 1.d.).

Press and Media Freedom: The government published two of the country's four most widely circulated newspapers. One of the two privately owned newspapers opposed the ruling PF party, while the other supported it and the government. Opposition political parties and civil society organizations contended government-run media failed to report objectively. According to the Panos Institute Southern Africa (PSAf), although state media covered government and nongovernmental

events, coverage was not fair; state media failed to educate and inform citizens in an objective, balanced, and clear way.

The government continued its crackdown on press freedom and independent media. On April 24, it auctioned property belonging to the *Post* newspaper, which included a printing press, radio equipment, trucks, and other vehicles despite the case still being heard in the High Court. In June 2016 the Zambia Revenue Authority closed the *Post* ostensibly for outstanding tax obligations.

In addition to a multichannel government-controlled radio station that broadcasts nationwide, approximately 73 private and community radio stations broadcast. These radio stations experienced political pressure. Although some local private stations broadcast call-in and other talk programs on which diverse and critical viewpoints were expressed freely, media bodies claimed journalists who appeared on such programs received threats from senior government officials and politicians. On October 10, the media regulatory body Independent Broadcasting Authority summoned Prime TV management for “flouting broadcasting” laws and ordered it to submit recordings of programs transmitted on the station from August 7 to October 7. Police on occasion used force to interrupt broadcasts.

The postelections media space remained constricted during the year because the government took further steps to silence its critics. On April 12, the government threatened to close down the independent *Mast* newspaper.

Violence and Harassment: The government stated it tolerated negative articles in newspapers and magazines, but there were several reports that showed government, ruling party, and some opposition officials harassed journalists. PSAf reported the arrests of journalists compromised media freedom, undermined journalists’ objectivity and impartiality to question or demand accountability, and led to “self-censorship.” Progovernment political activists and state agents subjected journalists to physical attack, harassment, and intimidation. For example, on March 3, ruling PF party supporters, locally known as “cadres,” attacked the Law Association of Zambia offices in Lusaka because association president, Linda Kasonde, argued that President Lungu was not legally eligible to run for another term in 2021. Local civil society groups condemned the attack.

Censorship or Content Restrictions: The government remained sensitive to media criticism and indirectly censored publications or penalized publishers.

Libel/Slander Laws: Libel and slander laws were applied against government critics. For example, in April police arrested and charged opposition Economic and Equity Party leader Chilufya Tayali with libel regarding remarks he posted on Facebook accusing Inspector General of Police Kakoma Kanganja of covering up irregularities in the arrest of UPND leader Hichilema. On August 18, Tayali was discharged and charges against him dropped.

Internet Freedom

Although access generally was not restricted and individuals and groups could freely express their views via the internet, the government threatened individuals with arrest and online media with closure. The government restricted access to antigovernment online publication *Zambian Watchdog* and other sites critical of the government.

On April 5, the president directed the Zambia Information and Communications Authority to monitor social media. On May 13, Transport and Communications Minister Brian Mushimba announced the government would regulate online content to curb “social media abuse and exploitation of members of the public.” On July 25, police arrested Edward Makayi, an engineering student at a private university in Lusaka, for online criticism of the president and other government officials.

According to the International Telecommunication Union, 25.5 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The constitution and law provide for freedom of peaceful assembly; however, the government restricted this right, and police and progovernment groups disrupted meetings, rallies, and other activities of opposition political parties and civil society organizations.

The Public Order Act requires political parties and other groups to notify police in advance of any rallies but does not require formal approval. Nevertheless, police did not allow some gatherings to take place without a “permit.” Opposition political parties complained of selective application of the law, noting police allowed ruling party gatherings without notification or permits. Police often prevented opposition and civil society groups planning to protest government actions from gathering on the grounds that police received notifications too late, had insufficient staff to provide security, or the gathering would coincide with government events in the same province. Although police claimed inadequate staff to provide security for gatherings, police responded in force to disrupt opposition gatherings and often allowed ruling party supporters to disrupt them.

For example, on August 24, police prevented a UPND thanksgiving prayers ceremony following the release of party leader Hichilema at the Cathedral of the Holy Cross in Lusaka. Police stated that the UPND lacked approval from the minister of religious affairs. On September 29, police arrested and detained human rights activist Alliance for Community Action director Laura Miti and opposition Patriots for Economic Progress leader Sean Tembo for staging a peaceful protest at parliament during the presentation of the national budget. The protest was in opposition to corruption in connection with the procurement of 42 fire trucks.

Freedom of Association

The constitution 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 the Ministry of Home Affairs. The registration process was long and allowed the registrar considerable discretion.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Gender-based violence was a problem, and authorities failed to provide adequate physical protection. Violence against girls and women--including defilement, rape, marriages of girls under age 18, and prostitution--was a major problem affecting female asylum seekers and refugees in camps and among those residing independently, especially in urban areas. Gender inequality, economic dependence on men, and impunity of perpetrators were among the factors contributing to abuse.

In-country Movement: The government intermittently restricted freedom of internal movement. Although police generally used roadblocks to control criminal activity, enforce customs and immigration controls, check drivers' documents, and inspect vehicles for safety compliance, there were reports police used roadblocks to limit participation in political gatherings, especially during parliamentary by-elections. Police routinely extorted money and goods from motorists at roadblocks.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees. According to UNHCR, although the law provides for the granting of asylum, it also gives the minister of home affairs wide discretion to deport refugees without appeal. The government was responsible for conducting refugee status determinations.

Access to Basic Services: Although the government provided basic services, including housing and limited health-care services to refugees, the law does not accord equal access to education. The government, however, provided primary and secondary education in refugee settlements.

Refugees were required to obtain government permission to move or live outside refugee camps, which was frequently granted on a temporary basis. Government policy limited refugees' legal employment options to refugee camps, unless refugees obtained specific government authorization to work outside camps.

Durable Solutions: The government accepted refugees for resettlement and offered naturalization to refugees residing in the country. The government and UNHCR

pursued the integration of naturalized Angolan and Rwandan former refugees. Delayed passport issuance for both Angolans and Rwandans, however, kept several thousand in legal limbo.

Temporary Protection: The government provided temporary protection to individuals who may not qualify as refugees, and the recognition rate of asylum claims was high. The recourse for those rejected was appeal to the Ministry of Home Affairs.

Provincial and district joint operations committees are responsible for establishing the identity of asylum seekers and their reasons for leaving their country of origin. According to the Department of Immigration, the government intercepted several groups from the Horn of Africa and other parts of Africa at the border and within the country. UNHCR interceded with the director of immigration to prevent forced deportations. The last instance of forced removal occurred in 2015.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. On August 14, the Constitutional Court declared provisions of the Electoral Process Act that prevented convicted prisoners from voting to be unconstitutional and ruled that they be allowed to vote. The electoral commission accepted the ruling and stated it would provide for voting stations in prisons.

Elections and Political Participation

Recent Elections: In August 2016 the most recent national elections were held. They included five separate ballots for president, members of parliament, mayors, and local councilors, as well as a referendum on a revised bill of rights. The incumbent PF candidate Edgar Lungu won a close victory, garnering 50.4 percent of the vote. His closest opponent, UPND leader Hichilema, received 47.6 percent, and seven other candidates 2 percent of the vote. The presidential election was conducted under a revised electoral system that required a candidate to receive more than 50 percent of votes to avoid a second round runoff. Election observers and monitors noted that, while voting was peaceful, there were concerns relating to the electoral environment. Public media coverage, police actions, and legal restrictions heavily favored the ruling party, preventing the elections from being genuinely free or fair.

Political Parties and Political Participation: Historically, political parties operated without restriction or outside interference, and individuals could independently run for office. The ruling party, however, enjoyed the use of government resources for campaign purposes and had police harass opposition candidates and supporters. Opposition parties, particularly the UPND, faced police and legal harassment. Police arrested opposition officials, blocked public rallies, and dispersed participants in opposition political gatherings and public protests. In overturning the August 2016 election of two ruling party members of parliament, High Court rulings cited ruling party abuse of government resources.

There were reports during the year of forced retirement of civil servants based on their political affiliation and ethnicity. On February 28, a number of young doctors--some as young as 32--at the University Teaching Hospital were forced to “retire in national interests.” The retirement decisions were allegedly made because the individuals belonged to or were sympathetic to the opposition UPND. The civil servants in question were from UPND strongholds in the Southern, Western, and North-Western Provinces. On September 5, a prominent labor organization stated that a number of public service workers were forced to “retire in national interests” because they belonged to the UPND or other opposition parties.

Participation of Women and Minorities: There were no laws or cultural or traditional practices preventing women or members of minorities from voting, running for office, and serving as electoral monitors, or otherwise participating in political life on the same basis as men or nonminority citizens, and women and minorities did so. Some observers believed that traditional and cultural factors prevented women from participating in political life on the same basis as men. The constitution, however, requires a high school education for all elected officials, which had the unintended effect of disqualifying many female candidates from running for office.

Less than 20 percent of the members of parliament were women, and few women occupied public decision-making positions. Nevertheless, constitutional amendments passed in 2016 as well the institution of policies and programs to promote the participation of women and other minorities resulted in the appointment of more women to leadership positions. For example, during the year a number of women were appointed to leadership positions in the judiciary and corporate boards such as those of the National Pensions Scheme Authority and Zambia Electricity Supply Corporation.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for officials convicted of corruption, and the government attempted to enforce the law but did not do so consistently. Officials often engaged in corrupt practices with impunity. The government has a national anticorruption policy and a national anticorruption implementation plan that addresses matters such as resource mobilization, coordination of anticorruption programs in the public and private sectors, program monitoring and evaluation, and legal reform. According to the local Transparency International executive director, the National Anticorruption Policy (NACP) contributed to institutional coordination, harmonization of laws on corruption, and establishment of integrity committees. A lack of funds for the NACP and its implementation remained a challenge. Although the government collaborated with the international community and civil society organizations to improve capacity to investigate and prevent corruption, anticorruption NGOs observed the enforcement rate among senior government officials and in the civil service was low. According to Transparency International's local executive director, the average conviction rate for those prosecuted for corruption was only 10 to 20 percent.

Corruption: NGOs observed the government only targeted minor offenders and avoided prosecuting serving senior officials until they left office or joined opposition political parties. For example, on March 6, the government newspapers *Times of Zambia* and *Zambia Daily Mail* reported government investigative and law enforcement agencies found no evidence of corrupt practices on the part of Minister of Agriculture Dora Siliya and other government officials. They had been accused of involvement in the illicit issuance of a permit to Transglobe Export Produce Ltd for a multimillion-dollar maize export to Malawi.

Financial Disclosure: The law requires income and asset disclosure by a small fraction of political officeholders and public servants. For example, although the Anti-Corruption Act requires certain officers of the Anti-Corruption Commission to disclose their assets and liabilities prior to taking office, it does not apply to other public officials. Under the Electoral Process Act, presidential candidates are required to declare their assets and liabilities. Conviction of making a false declaration is punishable by seven years' imprisonment without the option of a fine. Some government departments and institutions such as the Zambia Revenue Authority maintained integrity committees to enhance asset disclosure mechanisms within the workplace. In several institutions asset disclosure requirements were vague or inadequately enforced.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 often were cooperative and responsive to their views.

Government Human Rights Bodies: The HRC is an independent body established by the constitution to contribute to the promotion and protection of human rights. The HRC monitored human rights conditions, interceded on behalf of persons whose rights it believed the government denied, and spoke on behalf of detainees and prisoners. The HRC and independent human rights committees across the country enjoyed the government's cooperation without substantial political interference.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape and other sexual offenses, and courts have discretion to sentence convicted rapists to life imprisonment with hard labor.

The 2010 Anti-Gender-based Violence Act criminalizes spousal rape, and the penal code criminalizes domestic violence between spouses and among family members living in the same home. The law provides for prosecution of most crimes of gender-based violence, and penalties for conviction range from a fine to 25 years' imprisonment, depending on the severity of injury and whether a weapon was used. The law provides for protection orders for victims of domestic and gender-based violence, and such orders were issued and enforced. Despite this legal framework, rape remained widespread.

During the year the NGO Coordinating Council (NGOCC) and its member organizations engaged traditional marriage counselors on gender-based violence and women's rights. The Young Women's Christian Association continued its "good husband" campaign and, in collaboration with other women's movements, the "I Care about Her" campaign to promote respect for women and to end spousal abuse. Other efforts to combat and reduce gender-based violence included the establishment of shelters for victims of gender-based violence, training of police

officers in the handling of cases of gender-based violence, roadshows to sensitize the public to gender-based violence, and instruction on how to file complaints and present evidence against perpetrators.

Other Harmful Traditional Practices: The NGOCC and several of its member organizations observed that the country's dual system of customary and statutory law made it difficult to end injustices against women. The practice of "sexual cleansing," in which a widow is compelled to have sexual relations with her late husband's relatives as part of a cleansing ritual, continued to decline. The penal code prohibits "sexual cleansing" of girls under age 16.

Sexual Harassment: Sexual harassment was common, but the government took few steps to prosecute harassment during the year. The penal code contains provisions under which some forms of sexual harassment of women may be prosecuted. The NGOCC stated it received many reports of sexual harassment in the workplace but expressed concern that stringent evidence requirements in courts of law prevented victims from litigating. The families of perpetrators often pressured victims to withdraw complaints, especially if they were members of the same family, which hampered prosecution of offenders.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: In contrast to customary law, the constitution and statutory law provide for the same legal status and rights for women as for men, including under family, labor, property, and nationality laws. The government did not adequately enforce the law, and women experienced discrimination.

Children

Birth Registration: Citizenship is derived from one's parents or, with the exception of refugees, by birth within the country's territory. Failure to register births did not result in the denial of public services, such as education or health care, to children. Both state and nonstate institutions accepted alternative documents to access other basic services. For additional information, see Appendix C.

Education: Although government policy provides for tuition-free education through grade seven, education was not compulsory. The numbers of girls and boys in primary school were approximately equal, but fewer girls attended secondary school. According to UNICEF, girls tended to leave school at younger ages than did boys because of early marriage or unplanned pregnancies.

Child Abuse: The punishment for conviction of causing bodily harm to a child is five to 10 years' imprisonment, and the law was generally enforced. Beyond efforts to eliminate child marriage, there were no specific initiatives to combat child abuse.

Early and Forced Marriage: The legal age of marriage is 16 for boys and girls with parental consent and 21 without consent. There is no minimum age under customary law. According to the *Zambia Demographic and Health Survey 2013/2014*, 31 percent of women ages 20-24 were married before 18. According to UNICEF, child marriage is largely between peers rather than forced.

The government, parliamentarians, civil society organizations, and donors worked together to fight early and forced marriages. The Ministries of Chiefs and Traditional Affairs and Gender and Child Development, in collaboration with traditional leaders, NGOs, diplomatic missions, and other concerned persons, increasingly spoke out against early and forced marriages. Some leaders nullified forced and early marriages and placed the girls removed from such marriages in school. In April 2016 the government adopted a national action plan to end child marriage. The action plan sets a five-year goal of reducing child marriage rates by 40 percent with an ultimate target to build "a Zambia free from child marriage by 2030." During the year implementation of the strategy focused on girls remaining in school and promoting the prohibition by village chiefs of child marriage in customary law and practice. For additional information, see Appendix C.

Sexual Exploitation of Children: The minimum age for consensual sexual relations is 16. The law provides penalties of up to life imprisonment for conviction of statutory rape or defilement, which the law defines as the unlawful carnal knowledge of a child under age 16. The minimum penalty for conviction of defilement is 15 years' imprisonment.

The law criminalizes child prostitution and child pornography and provides for penalties of up to life imprisonment for convicted perpetrators. The law provides for prosecution of child prostitutes age 12 years and older, but authorities did not enforce the law, and child prostitution was common.

Displaced Children: Orphaned children faced greater risks of child abuse, sexual abuse, and child labor. The *2013 Zambia Orphanhood and Fosterhood Report* stated 13 percent of the 6.6 million children ages newborn to 17 were orphans. It attributed the high numbers of orphans to the loss of parents from HIV-related illnesses, malaria, and tuberculosis.

On September 20, the Ministry of Community Development and Social Services began implementing guidelines for the Alternative Care Act to promote deinstitutionalization of orphans and support family preservation.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

There were fewer than 500 persons in the Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination in general, but no law specifically prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, transportation, access to health care, and the provision of other government services.

The Ministry of Gender and Child Development oversees the government's implementation of policies that address general and specific needs of persons with disabilities in education, health care, accessibility to physical infrastructure, and electoral participation.

A lack of consolidated data was a major impediment to the inclusion of persons with disabilities in government programming and policy. Persons with disabilities

had limited access to education and correspondingly low literacy levels. While the government did not restrict persons with physical or mental disabilities from voting or otherwise participating in most civic affairs, progress in providing for their participation remained slow. Persons with mental disabilities could not hold public office. Persons with disabilities also faced significant societal discrimination in employment and education.

By law the government must provide reasonable accommodation for all persons with disabilities seeking education and provide that “any physical facility at any public educational institution is accessible.” Public buildings, schools, and hospitals rarely had facilities to accommodate such persons, however. Five schools were designated for children with disabilities. Some children with physical disabilities attended mainstream schools.

National/Racial/Ethnic Minorities

There are seven major ethnic/language groups--Bemba, Kaonde, Lozi, Lunda, Luvale, Ngoni, and Tonga--and 66 smaller ethnic groups, many of which are related to the larger tribes. The government generally permitted autonomy for ethnic minorities and encouraged the practice of local customary law. Some political parties maintained political and historical connections to tribal groups and promoted their interests. The general election was marred by rhetoric that contributed to division among tribal groups.

The government grants special recognition to traditional leaders but does not recognize the 1964 Barotseland Agreement that granted the Lozi political autonomy and was signed by the United Kingdom, Northern Rhodesia, and the Barotse Royal Establishment immediately prior to the country’s independence. Some Lozi groups demanded official recognition of the Barotseland Agreement while others demanded independence.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual activity, and penalties for conviction of engaging in “acts against the order of nature” are 15 years’ to life imprisonment. Conviction of the lesser charge of gross indecency carries penalties of up to 14 years’ imprisonment. The government enforced laws against same-sex sexual activity and did not address societal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

Societal violence against persons based on gender, sex, and sexual orientation occurred. LGBTI persons in particular were at risk of societal violence due to prevailing prejudices, misperceptions of the law, lack of legal protections, and inability to access health-care services. Some politicians, media figures, and religious leaders expressed opposition to basic protection and rights for LGBTI persons in arguing against same-sex marriage.

Rather than submit cases for trial, police on several occasions arrested suspected LGBTI persons on bogus charges, forcing them to spend at least one night in jail. In most cases police demanded bribes before releasing the individuals. Police increasingly charged transgender persons with “impersonation” and subjected them to verbal abuse and harassment while in detention. The charges generally could not be successfully prosecuted, and detainees were released. For example, on August 30, police in Kapiri Mposhi town arrested and charged two men for same-sex sexual conduct. The case was being tried at year’s end.

According to LGBTI advocacy groups, societal violence occurred, as did discrimination in employment, housing, and access to education and health care. LGBTI groups reported frequent harassment of LGBTI persons and their families, including threats via text message and email, vandalism, stalking, and outright violence. Activists stated several LGBTI persons committed suicide.

HIV and AIDS Social Stigma

The government actively discouraged discrimination against persons with HIV/AIDS. Most employers adopted nondiscriminatory HIV/AIDS workplace policies. Training of the public sector including the judiciary on the rights of persons with HIV/AIDS increased public awareness and acceptance, but societal and employment discrimination against such individuals persisted. The government made some headway in changing entrenched attitudes of discrimination against persons with HIV/AIDS. In August 2016 the country’s first openly HIV-positive person was elected to parliament.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers, except for police, military personnel, and certain other categories of workers, to form and join independent unions,

conduct legal strikes, and bargain collectively. Statutory restrictions regulate these rights. The law also requires the registration of a trade union with the Ministry of Labor and Social Security, which may take up to six months. The ministry has the power to refuse official registration on arbitrary, unjustified, or ambiguous grounds. No organization may be registered as a trade union unless its application to register is signed by not less than 50 supporters or such lesser number as may be prescribed by the minister, and, with some exceptions, no trade union may 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, but the law provides for notice, reconsideration, and right of appeal to an industrial relations court. The government has discretionary power to exclude certain categories of workers from unionizing, including prison staff, judges, court registrars, magistrates, and local court justices.

Trade Union operations are guided by their constitutions and provisions of the Industrial and Labor Relations Act. The government, through the Ministry of Labor and Social Security, brokers labor disputes between employers and employees. In cases involving the unjustified dismissal of employees, the ministry settles disputes through social dialogue, and any unresolved cases are sent to the Industrial Relations Court. The act also provides a platform for employers, workers, and government to dialogue on matters of mutual interest through the Tripartite Consultative Labor Council.

The law provides for collective bargaining. In certain cases, however, either party may refer a labor dispute to a court or for arbitration. The law also allows for a maximum period of one year for a court to consider the complaint and issue its ruling. Collective agreements must be filed with the commissioner and approved by the minister before becoming binding on the signatory parties.

In 2015 the government reformed some labor laws, through the amendment of the Employment Act, to increase government agencies' capacity to address overall labor issues in the informal sector. Additionally, the government established a call center to allow the public access to information relating to labor matters. With the exception of workers engaged in a broadly defined range of essential services, the law provides for the right to strike if recourse to all legal options is first exhausted.

The law defines essential services as any activity relating to the generation, supply, or distribution of electricity; the supply and distribution of water and sewage removal; fire departments; and the mining sector. Employees in the Zambian Defense Forces and judiciary as well as police, prison, and ZSIS personnel are also

considered essential. The process of exhausting the legal alternatives to a strike is lengthy. The law also requires a union to notify employers 10 days in advance of strike action and limits the maximum duration of a strike to 14 days. If the dispute remains unresolved, it is referred to the court. The government may stop a strike if the court finds it is not “in the public interest.” Workers who engage in illegal strikes may be dismissed by employers. An employee or trade union that takes part in a strike that has not been authorized by a valid strike ballot is liable to a fine of up to 50,000 kwacha (\$5,319) for a trade union or 20,000 kwacha (\$2,128) for an employee.

The law prohibits antiunion discrimination and employer interference in union functions, and it provides for reinstatement and other remedies for workers fired for union activity. Except for workers in the “essential services” and those in the above-mentioned categories, no other groups of workers were excluded from relevant legal protections. Administrative judicial procedures were subject to lengthy delays and appeals. Unions suffered from political interference and fracturing and were no longer seen as influential.

Although the Ministry of Labor and Social Security attempted to enforce applicable labor laws, enforcement was not effective. Penalties for employers were not sufficient and could not be effectively enforced to deter violations, which prompted the government to introduce a revised labor code. Other challenges that constrained effective enforcement included unaligned pieces of legislation, lack of financial capacity to implement programs, and lack of trained officers to enforce legislation.

Freedom of association and the right to collective bargaining were not always enforced. Most unions chose to strike illegally, either to circumvent lengthy procedural requirements for approval or when other legal avenues were exhausted. While the law provides that workers engaging in illegal strikes may be dismissed, the government often intervened in such matters. For example, in January, when Luanshya Copper Mine in Copperbelt Province suspended seven miners for inciting other workers to strike, the company reversed its decision following the intervention by the Copperbelt provincial minister. NGOs advocated for worker rights throughout the year without government restriction.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. 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 associated with traditional civil or communal obligations.

Penalties for conviction of forced labor violations range from 25 to 35 years' imprisonment. Data were insufficient to determine whether these penalties were sufficient to deter violations. There were no prosecutions for forced labor during the year.

The government did not effectively enforce the law. While the government investigated cases involving a small number of victims, it lacked the resources to investigate more organized trafficking operations potentially involving forced labor in the mining, construction, and agricultural sectors. Gangs of illegal miners called "jerabos" at times forced children into illegal mining and loading stolen copper ore onto trucks in Copperbelt Province. Women and children from rural areas were exploited in urban domestic servitude and subjected to forced labor in the agricultural, textile, and construction sectors, and in small businesses such as bakeries. While orphans and street children were the most vulnerable, children sent to live in urban areas were also vulnerable to forced labor.

Women and children from Zimbabwe, Malawi, and Mozambique were forced into labor or prostitution after arriving in the country. Chinese, Indian, and Lebanese nationals were exploited in forced labor in textile factories, road construction, and bakeries. There were reports of abuses in labor-intensive work, including domestic service, hospitality, and construction.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under age 15 at any commercial, agricultural, or domestic worksite or engaging a child in the worst forms of child labor as defined in international conventions. While the Employment of Young Persons and Children Act sets the minimum age for hazardous work at 18, it is not clear regarding the definition of a child. Various pieces of legislation define a child differently, which has implications on employment and education of children. Restrictions on child labor prohibit work that harms a child's health and development or that prevents a child's attendance at school. The law also prohibits the procurement or offering of a child for illicit activities.

According to UNICEF, there was a high prevalence of child labor, mostly in domestic and agricultural sectors mainly in rural areas. UNICEF noted there was a discrepancy between the right to education and child labor laws in the country. Although the law sets the minimum age of employment at 15, according to the Employment of Young Persons and Children Act, children ages 13 and 14 may be lawfully engaged in employment, as long as the work involved is not harmful to their health or development or prejudicial to their education. The Employment Act also permits the employment of children under age 15 receiving full-time education during school vacations or those who have either failed to secure admission to a suitable school or whose enrollment has been cancelled or terminated by the school authorities or for good cause by a parent. UNICEF reported that the majority of children worked in agriculture, forestry, and fisheries, with 83 percent working in the informal sector and therefore unable to access full legal employment benefits.

The Ministry of Labor recorded three cases of child labor and forced child labor in the informal sector. For example, in Kasama district, a child was forced by his parents to work in a field. The district labor officer intervened, withdrew the child from fieldwork, and cautioned the parents. In another case, in Kehema district, a father allegedly impregnated his own 13-year-old daughter, forced her to work, and restricted her movements. The girl's father was arrested and charged with incest; his trial continued at year's end.

The government did not effectively enforce the law outside of the industrial sector. Resources, inspections, and remediation were inadequate. Secondary education is not compulsory, and children who are not enrolled are vulnerable to child labor. Thus, child labor was a problem in agriculture, domestic service, construction, farming, transportation, prostitution, quarrying, mining, and other sectors where children under age 15 often were employed.

While the labor commissioner effectively enforced minimum age requirements in the industrial sector, where there was little demand for child labor, the government seldom enforced minimum age standards in the informal sector, particularly in mining, agriculture, and domestic service. Because more than 92 percent of child labor occurred in the agricultural sector, most often with the consent of families, inspectors from the Ministry of Labor and Social Security focused on counseling and educating families that employed children. Authorities did not refer any cases of child labor for prosecution during the year. Due to the scarcity of transportation, labor inspectors frequently found it difficult to conduct inspections in rural areas. The production of crops such as cotton, tobacco, maize, coffee, and

sunflowers exposed children to dangerous pesticides, fertilizers, snake and other animal bites, and injuries from carting heavy loads and using dangerous tools and machinery.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The labor law does not prohibit discrimination based on sexual orientation or gender identity. Various organizations had policies that protected individuals with HIV/AIDS. The NGOCC noted that although the Employment Act provides for maternity leave, the requirement of "continuous employment for two years" was discriminatory.

Generally, the government effectively enforced the law. There were reports, however, of discrimination against minority groups. Undocumented migrant workers are not protected by the law and faced discrimination in wages and working conditions.

Discrimination in employment and occupation occurred with respect to disability, sexual orientation, and gender identity. LGBTI persons were at times dismissed from employment or not hired because of their sexual orientation or gender identity. Women's wages lagged behind men's, and training opportunities were less available for women. Women were much less likely to occupy managerial positions. Persons with disabilities faced significant societal discrimination in employment, education, and access.

Migrant workers, if documented, enjoy the same legal protections, wages, and working conditions as citizens.

e. Acceptable Conditions of Work

The law allows the Ministry of Labor and Social Security authority to set wages by sector. Otherwise, the category of employment determines the minimum wage and conditions of employment. Minimum wage categories range from 700 kwacha (\$74) to 1,445 kwacha (\$154) per month for "protected employees," such as general workers with low bargaining power, which was slightly less than the official estimate of the poverty income level. Wage laws were effectively enforced, and the law prescribes penalties for violations of labor laws. Every

employer negotiates with employees their standard minimum wage. For unionized workers, wage scales and maximum workweek hours were established through collective bargaining. During the year, however, the minister of labor and social security refused to allow collective bargaining demanding less than minimum wage requirements. Almost all unionized workers received salaries considerably higher than the nonunionized minimum wage. Most minimum wage earners supplemented their incomes through second jobs, subsistence farming, or reliance on extended family.

According to the law, the normal workweek should not exceed 48 hours. The standard workweek is 40 hours for office workers and 45 hours for factory workers. There are limits on excessive compulsory overtime, depending on the category of work. The law provides for overtime pay. Employers must pay employees who work more than 48 hours in one week (45 hours in some categories) for overtime hours at a rate of 1.5 times the hourly rate. Workers receive double the rate of their hourly pay for work done on a Sunday or public holiday. The law requires that workers earn two days of annual leave per month without limit.

The law regulates minimum occupational safety and health standards in industry. Both the Workers Compensation Fund Control Board (WCFCB) and the Ministry of Labor and Social Security stated that existing government occupational safety and health (OSH) standards were appropriate for the main industries. The WCFCB reported that the Workers Compensation Act No. 10 of 1999 and the Factories Act of 1966 place on both workers and experts the duty to identify unsafe situations in a work environment. The WCFCB reported it encouraged workers to form “safety communities” to develop capacity among workers to manage risks or hazardous situations. The Ministry of Labor cited the World Bank-funded OSH Institute in Ndola as an example of a significant OSH investment, especially for tuberculosis screening for mineworkers.

The work hour law and the safety and health standards were not effectively enforced in all sectors, including in the informal sector. Miners faced poor health and safety conditions and threats by managers if they tried to assert their rights. Miners developed serious lung disease, such as silicosis, due to poor ventilation and constant exposure to dust and chemicals.

Violations of wage, overtime, or OSH standards were most common in the construction, mines, and domestic sectors, involving mainly Chinese companies.

The major industrial accidents during the year occurred in the mining, transport, agriculture, and commercial sectors.

Approximately 80 percent of all workers were in the informal sector. The WCFCB publicized its services and information regarding workers compensation and solicited responses from the informal sector, resulting in the provision of social protections for many.

The government engaged with mining companies and took some steps to improve working conditions in the mines. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities did not effectively protect employees in these situations. Despite legal protections, workers did not exercise the right to remove themselves from work situations that endangered their safety or health, and workers who protested working conditions often jeopardized their employment.