

POLICY
BRIEF

Mining Business and Human Rights in Zambia



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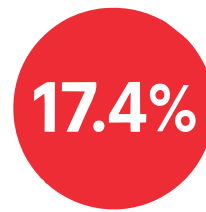
LIST OF ACRONYMS

ASM	–	Artisanal and Small-scale Mining
CEDAW	–	Convention on the Elimination of All Forms of Discrimination Against Women
FPIC	–	Free, Prior and Informed Consent
FGG	–	Fair, Green and Global Alliance
FIC	–	Financial Intelligence Centre
FQM	–	First Quantum Minerals
GBV	–	Gender-Based Violence
HRC	–	Human Rights Commission
IFFs	–	Illicit Financial Flows
ILO	–	International Labour Organisation
LSM	–	Large-Scale Mining
NAP	–	National Action Plan
UN	–	United Nations
UNGP	–	United Nations Guiding Principles on Business and Human Rights
UPR	–	Universal Periodic Review
WHO	–	World Health Organisation
ZEMA	–	Zambia Environmental Management Agency
ZRA	–	Zambia Revenue Authority

1. INTRODUCTION

Mining remains the backbone of Zambia's economy. The sector accounts for 17.4%² of Gross Domestic Product (GDP), contributes about 70% of the country's foreign exchange earnings, and provides roughly 30 % of government revenue³. The sector also contributes 8% of the employment with 2.3%⁴ being formal. However, beneath this important economic driver lies a crisis of accountability and justice. Communities continue to suffer from toxic pollution and displacement, women remain excluded from decision-making, artisanal and small-scale miners (ASM) work in unsafe conditions, and children are exposed to hazards that compromise their futures. Aside from this, it is very difficult to link community benefits to the mineral wealth harbored under their soils.

The primary law governing the mining sector in Zambia is the Minerals Regulation Commission Act, No. 14 of 2024 which repealed and replaced the Mines and Minerals Development Act of 2015. Other legislation includes the Geological and Minerals Development Act No. 2 of 2025, the Environmental Management Act (2011) and its Act No 8 of 2023 Amendment, and Water Resources Management Act (2011). Collectively, these Acts of parliament provide the statutory framework meant to regulate the sector. International norms such as the United Nations Guiding Principles on Business and Human Rights (UNGP), the African Charter on Human and Peoples' Rights, and various International Labour Organisation (ILO) and child rights treaties are also relevant. It is critical to note that Zambia is in the process of developing its first National Action Plan (NAP) on Business and Human Rights,⁵ following a recommendation made during its 3rd Universal Periodic Review (UPR) in 2017.⁶



Gross Domestic Product (GDP)



70% Country's Foreign Exchange Earnings



30% Government Revenue

Despite existing legislative instruments, weak enforcement, overlapping responsibilities among regulatory agencies, and insufficient resources have allowed many human rights violations to persist. For many communities, legal protections remain theoretical rather than lived reality. This brief therefore highlights the critical intersections between human rights and mining business in Zambia, focusing on pollution, gender, and justice in the extractive sector.

2. HUMAN RIGHTS CHALLENGES IN THE MINING

2.1 Environmental Pollution & Health Impacts

One of the most severe challenges in mining business is environmental pollution and the associated health impacts. In Kabwe of Zambia's Central Province for instance, the former lead and zinc mine



and smelter, closed in 1994, left behind an estimated 6.4 million tons of lead-bearing waste⁷. This waste remains uncovered, and winds carry toxic dust from waste dumps into residential areas, schools, yards, and roads. Up to 200,000 people are exposed to this contamination. Medical studies⁸ reveal that over 95% of children in neighborhoods near the former mine have elevated blood lead levels while half need urgent treatment. In particular, the average blood lead level in one heavily affected area (Kasanda) was recorded at 60.2 µg/dL⁹, compared with the World Health Organisation (WHO) reference level of 5 µg/dL, which already warrants action. Soil contamination is extreme, with readings up to 60,000 mg/kg¹⁰ of lead in soil -far above thresholds considered hazardous. This is environmental damage in its severity with Kabwe labeled a sacrifice zone by the United Nations.¹¹

A more recent case illustrating the intersection of business operations and human rights is the Sino-Metals Leach Zambia acid spill¹² of February 2025 near Kitwe. A tailings dam failure released acidic effluent into the Kafue River watershed, killing fish, destroying crops, burning farmers' fields, and harming livestock. Community members unknowingly consumed contaminated water and maize, resulting in headaches, coughs, diarrhea, muscle cramps, and skin lesions¹³. These impacts constitute clear violations of the rights to health, food, water, and a safe environment. Beyond the immediate harm, the case has exposed issues of corporate accountability and remedy: affected residents are demanding USD 420 million¹⁴ in compensation to facilitate relocation, medical treatment, and livelihood restoration. Yet, compensation has been deemed inadequate^{15,16}, and the lack of transparency on the level of toxins released reflects failures in both corporate due diligence¹⁷ and state oversight¹⁸.

2.2 Labor Rights & Workplace Safety

Unsafe working conditions remain a major human rights concern in Zambia's mining sector, particularly in artisanal and small-scale mining (ASM). At the Black Mountain in Kitwe, where ActionAid Zambia, the Global Platform Zambia team, and ActionAid Denmark engaged with miners in June 2025, it was evident that workers operate without protective gear in hazardous pits, directly exposing themselves to toxic chemicals from chrome and copper. These exposures carry severe health risks, while daily contact with silica sand places miners at high risk of silicosis¹⁹— a serious and irreversible respiratory disease with no cure. Many ASM miners reported lacking the resources to access proper health facilities and were unaware of their own health status. Such conditions constitute violations of the right to health and safe working environments, while weak enforcement and monitoring undermine the state's obligations under ILO conventions.

A tragic reminder of these risks is the mining accident in Chingola's Seseli (Kasenseli) open-pit mine in December 2023. Landslides triggered by heavy rains caused tunnels to collapse, leaving at least seven confirmed dead and over 20 missing²⁰ miners, many digging informally without safety oversight. The other similar incident is the recent tunnel collapse at the Kakawa Gold Rush²¹ mining area in Mufumbwe District in June 2025 where informal miners were buried alive. These two incidents are a strong depiction of how both ASM, and illegal mining operations are extremely vulnerable to accidents, with enforcement of safety norms and accountability largely absent.



ActionAid Zambia, Global Platform Zambia, and the ActionAid Denmark team, together with partners and artisanal small-scale miners at the Black Mountain in Kitwe, Copperbelt Province, Zambia. (Photo: Luise Kerstin/ActionAid)

It is important to note that evidence shows that poor enforcement of occupational safety is not limited to artisanal and small-scale mining but is also widespread in large-scale mining (LSM). A 2025 survey²² at Nampundwe Mine involving more than 200 workers revealed frequent violations of safety protocols, including falls from height, equipment-related accidents, and routine neglect of protective measures.

Taken together, the persistence of unsafe mining conditions across both ASM and LSM demonstrates a systemic failure to safeguard workers. Stronger state enforcement, greater corporate accountability, and accessible remedy mechanisms are urgently needed to align Zambia's mining sector with international human rights and labour standards.

2.3. Land Rights & Displacement

Mining expansion continues to generate widespread land-related conflicts in Zambia, raising critical human rights concerns. In Solwezi, one documented²³ case is the expansion of Kansanshi Mine displaced households from Muzabula Compound, leading to the loss of farmland, the breakdown of social networks, and the weakening of traditional authority structures, while also restricting access to

vital natural resources such as rivers—undermining their rights to water, food, and an adequate standard of living. Further, the Kansanshi USD 1.25 billion S3²⁴ expansion project by First Quantum Minerals (FQM) has the potential to spur economic growth, but at the same time poses implications for local communities who face displacement. Without strong regulatory enforcement, this can create serious human rights violations due to unfair compensation, livelihood loss and property losses. Of importance to highlight is that during an ActionAid Zambia monitoring visit to Solwezi on September 24th, the Mayor, His worship, Mr. Remmy Kalepa mentioned that government has presented efforts to coordinate dialogue between the mining affected communities and the corporation. This is key in ensuring protection of the local communities.

While Zambia has a legal framework and a resettlement policy intended to guide the relocation of affected communities, implementation often falls short. In practice, compensation is frequently inadequate, delayed, or inconsistently applied, leaving families without sufficient means to rebuild their livelihoods. Land restoration and rehabilitation, critical to ensuring communities can continue farming and access natural resources, are

often minimal or absent, further undermining the right to an adequate standard of living. These gaps in policy enforcement reflect systemic challenges in protecting property rights, housing, food security, and community participation in areas affected by extractive activities.

2.4. Gender Inequality & Gender-Based Violence

Gender inequality and gender-based violence (GBV) remain serious concerns in Zambia's mining sector. According to the Zambia Police Service 2024 Fourth Quarter GBV Data Analysis²⁵, a total of 12,378 GBV cases were recorded nationwide, of which 9,563 (77.3%) were female victims and 2,666 (21.5%) were children – the majority being girls (70.7%). While these figures cut across all sectors, evidence suggests²⁶ that mining-affected communities often exacerbate vulnerabilities due to social disruption, economic dependency, and weak institutional protections. It is therefore important to curb these vulnerabilities by crafting and implementing context specific regulations and policies that prevent and respond to GBV in the ASM sector.

Gender wage inequality is also a critical matter in the ASM sector. Women remain confined to low-value, labor-intensive roles such as sorting and stone trading, with limited access to higher-paying or leadership positions. A study of gemstone mining in Mapatizya found that women sorters earned as little as USD 26–50 per month, far below national rural wage averages, while men in digging roles earned more consistently. Even when women participate in gemstone trading, they often face dependency on male approval for sector entry and are excluded from high-value transactions dominated by foreign buyers, particularly Chinese traders (Huggins et al., 2024²⁷).

From a human rights perspective, these patterns contravene Zambia's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), as well as its commitments under the African Charter on Human and Peoples' Rights (Maputo Protocol). The World Bank Gender Assessment (2023)²⁸ further indicates that women in Zambia face structural barriers such as limited participation in decision-making, restricted access to finance, and persistent poverty gaps. These patterns reinforce systemic inequality and increase women's vulnerability to GBV in mining-affected areas, where economic exclusion intersects with social power imbalances.

Thus, GBV and gender inequality in the mining sector are not only development challenges but also violations of fundamental human rights, including the right to dignity, equality, and freedom from violence and discrimination. Addressing these issues requires stronger accountability mechanisms, gender-responsive resource governance (adequate budget allocations to GBV prevention and response programs), and meaningful inclusion of women in leadership and decision-making across the extractive industries. Women in communities around mining locations experience greater negative social, environmental and economic impacts from mining, increasing their vulnerability and marginalization and so a deliberate approach in rectifying the status quo is timely and very necessary.

2.5. Weak Governance & Regulatory Oversight

A central challenge in Zambia's extractive sector lies in weak governance and inadequate regulatory oversight. Despite the existence of robust legal frameworks earlier alluded to in the paper, enforcement remains weak enabling human rights violations. The Zambia

Environmental Management Authority (ZEMA) for instance is tasked with environmental monitoring and ensuring compliance, faces considerable capacity limitations-staff shortages, weak regional presence, lack of equipment (notably lab facilities), and insufficient financial resources²⁹-all of which hamper its ability to enforce environmental and mine safety regulations effectively.³⁰

These gaps reduce the state's ability to monitor pollution, enforce environmental impact assessments, regulate mining operations, and respond to community grievances. As a result, many mining-affected communities suffer persistent environmental harm, land degradation, unsafe labor conditions, and lack of remedy for abuses-all of which are violations of human rights obligations.

Similar institutional weaknesses are evident within the Human Rights Commission (HRC), the national body, which is mandated to protect and promote human rights. The Commission is underfunded and often lacks the logistical capacity to carry out investigations in mining-affected communities, limiting its ability to provide oversight, conduct timely inquiries, or ensure accountability for rights violations. This institutional under-resourcing erodes public trust, weakens accountability mechanisms, and entrenches impunity within the extractive sector.

In the 2023 Human Rights Commission Annual Report³¹, the HRC flags that its budget ceiling is limiting its ability to conduct transformative reforms, that staff vacancies and logistical constraints-such as transport to remote districts-hamper investigations and follow-ups, and that many cases remain pending or inadequately resolved. This indicates limitations of access to justice and remedy for victims and the failure of the commission to efficiently undertake its mandate.

The budget figures for the Human Rights Commission and the Zambia Environmental Management Agency show persistent under-resourcing that undermines governance and regulatory oversight in the extractive sector. Between 2021 and 2026, HRC allocations rose nominally from ZMW 16.6 million to ZMW 56.5 million, yet their share of the national budget remained negligible at around 0.01-0.02%-%, potentially limiting the Commission's ability to investigate violations, monitor human rights in remote mining areas, and provide timely remedies.

ZEMA, while receiving larger allocations, registered a fluctuating but overall declining budget share-from 0.09% in 2022 to 0.07% in 2025 and 2026. This trend constrains its capacity to enforce environmental compliance, expand regional presence, and address community grievances in mining-affected areas. The

Table 1: HRC and ZEMA Budget Allocation vs Share of total national budget (2021-26)

Year	Human Rights Commission		Environmental Protection and Management (ZEMA) ³²	
	Allocation (ZMW)	Share of National Budget (%)	Allocation (ZMW)	Share of National Budget (%)
2021	16,581,044	0.01	-	-
2022	21,199,507	0.01	149,462,326	0.09
2023	32,754,027	0.02	174,714,516	0.11
2024	40,722,307	0.02	157,361,898	0.09
2025	52,038,587	0.02	161,328,120	0.07
2026	56,474,451	0.02	173,799,671	0.07

Source: Author calculations using Ministry of Finance Output Based Budgets 2021-2026³³

pattern underscores systemic governance gaps where legal and institutional frameworks exist but enforcement capacity is weak, perpetuating impunity, environmental harm, and human rights violations.

Given the limited fiscal space caused by Zambia's current debt crisis, it is crucial to curb illicit financial flows-especially in the mining sector-while strengthening domestic resource mobilization and practicing prudent debt management to expand funding for these critical institutions, enhance regulatory oversight, and ensure that mining-derived benefits contribute effectively to sustainable development and community protection.

2.6. Cross Cutting Concerns

Large-scale illicit financial flows (IFFs) significantly undermine Zambia's fiscal capacity. In 2024, the Financial Intelligence Centre (FIC)³⁴ estimated that approximately US\$3.5 billion left the country through IFFs linked to tax evasion, trade misinvoicing, and illegal mining operations. These losses reduce public resources available for essential services such as health, education, and environmental remediation, directly affecting human rights, including the rights to health, education, and a safe environment.

A notable example of revenue leakage in the mining sector is the case of Mopani Copper Mines. The Zambia Revenue Authority (ZRA) conducted an audit of Mopani for the years 2006–2009 and found that the company had underpriced copper sold to its parent company, Glencore International AG, thereby reducing its taxable income and tax liability. ZRA issued tax assessments, and in May 2020, the Supreme Court of Zambia upheld these assessments, ordering Mopani to pay a total of 240 million kwacha (approximately US\$13 million) in taxes for the 2006/07, 2007/08, and 2009/10 tax years. This

case³⁵ depicted the challenges developing countries face in managing tax compliance with multinational corporations and demonstrated the importance of robust transfer pricing documentation and compliance with local tax laws.

As earlier highlighted, the debt crisis³⁶ poses significant challenges for Zambia and therefore Zambia must strengthen public institutions and provide stronger compliance mechanisms to prevent revenue leaks crucial for supporting the majority of Zambians who live in poverty and remain burdened by a high living cost³⁷. The high cost of living violates access to essential goods and services, which is a grave human rights violation.

3. RECOMMENDATIONS

3.1. Strengthening Regulatory Enforcement and Oversight

Zambia should increase budget allocations and technical support for both the HRC and ZEMA. For ZEMA, this should include expanding regional presence and equipping staff with vehicles, laboratories, and digital monitoring tools to improve environmental monitoring and enforcement of mining regulations. For the HRC, support should focus on addressing staff vacancies, transport to remote districts, and resources for timely human rights investigations.

3.2. Promote Gender Equality, Prevent and Address GBV in Mining Communities

Using the RBET (Reach, Benefit, Empower, Transform) and Harvard Analytical Frameworks, interventions should ensure women in mining communities are reached with information and resources, benefit from safety and economic opportunities, are empowered through skills and leadership, and see gender norms transformed. Further, prioritize context-

specific data collection and evidence generation, documenting GBV experiences and capturing the voices of survivors to establish benchmarks and guide policymakers. Identify scalable interventions to protect women and vulnerable groups in artisanal and small-scale mining.

Lastly, the Government must operationalize the Gender Equity and Equality Commission as provided for in the Gender Equity and Equality Act, No. 22 of 2015, and in the Constitution (Amendment) Act No. 2 of 2016. This requires establishing the Commission's presence in mining-affected regions, allocating adequate resources, and ensuring it has the authority to address gender-based violence, monitor workplace discrimination, and enforce gender-responsive policies in the extractive sector. Doing so would strengthen institutional accountability, protect women and vulnerable groups in artisanal and small-scale mining, and help transform gender relations in communities where extractive activities often exacerbate inequality and social harm.

3.3. Implement Human Rights Due Diligence in Mining

Mining companies must adopt human rights due diligence in line with the UNGPs on Business and Human Rights, even though enforcement remains limited in Zambia. This includes identifying and mitigating potential human rights impacts and establishing mechanisms for accountability and remedy where violations occur. Furthermore, they must ensure that the Free, Prior and Informed Consent (FPIC) of local communities applies particularly during mining expansion induced displacements. It is also key to routinely conduct gender impact assessments; apply robust environmental and social safeguards; adopt zero tolerance policies on sexual

and gender-based violence; and implement adequate disclosure and redress mechanisms³⁸.

3.4. Enhance Community Participation and Social Accountability

Involve communities in decision-making, environmental assessments, licensing, and grievance mechanisms to ensure transparency, responsiveness, and local ownership. This will promote the creation of inclusive solutions and policies that respond to the actual needs of the local communities.

3.5 Address Illicit Financial Flows and Tax Avoidance

The tax regime and international bodies including a new UN Tax body have potential to mobilize significant resources to finance oversight institutions such as ZEMA and HRC through tax justice policies that ensure ambitious and progressive tax reforms and put fair tax obligations on wealthy corporations and individuals³⁹. Ensuring full compliance with beneficial ownership rules and stronger transfer pricing enforcement will help curb illicit financial flows, expand fiscal space, and channel resources toward debt sustainability, climate resilience, social services, and stronger regulatory institutions.

END NOTES

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