



## **STATEMENT**

### **UPR Pre-session on Zambia**

**Geneva, November 29 2022**

**Delivered by; FIAN Zambia**

#### **1. Presentation of the Organizations**

This statement is delivered by FIAN Zambia . FIAN Zambia is a human rights organization that advocates for the right to food and nutrition. FIAN Zambia exposes violations of people's rights to food and related rights and stands up against undue and oppressive practices that prevent people from feeding themselves. Therefore, FIAN Zambia strives to secure peoples access to the resources that they need in order to feed themselves now and the future.

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#### **2. National consultations for the drafting of the national report**

The Attorney-General's Department led inter-ministerial consultations for the development of the National Report. CSOs conducted documentation of human rights violations and held consultations. Reports from these processes were submitted to the Human Rights Commission and the Minister of Justice.

#### **3. Plan of the Statement**

This statement addresses the following issues;

1. Ratification of International Instruments
2. Right to Food and Nutrition
3. Right to Water and Health environment

#### **4. Statement**

##### **Ratification of International Instruments**

##### **1. Zambia and the Right to Food and Nutrition:**

Zambia ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 10 April 1984 (Art.11). It also ratified all other treaties relevant to the right to food and nutrition, including the International Covenant on Civil and Political Rights – 10 April 1984 (Art. 6-1), the Convention on the Rights of the Child – 06 December 1991 (Arts. 24 and 27) and the Convention on the Elimination of All Forms of Discrimination against Women – 21 June 1985 (Arts.12 and 14). This means that, under its international human rights obligations, the Government of Zambia has the duty to guarantee the enjoyment of the right to food and nutrition, and other connected rights in Zambia.

**Follow-up on the previous recommendations from session 28 of the third review**

In the third review the following recommendations have been provided to the State of Zambia:

Expedite the process to ratify important international instruments relevant for the advancement of human rights in Zambia, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; two Optional Protocols to the Convention on the Rights of the Child; **(Recommendation made by Uganda)**

Government of Zambia should continue the efforts to widen the scope of the 1996 Bill of Rights to include economic, social and cultural rights **(Recommendation made by Republic of Korea)**

Continue to promote economic and social sustainable development, raise people's standard of living and lay a solid foundation for the enjoyment of all human rights by its people **(Recommendation made by China);**

### **New Development since the previous session 28 of the third review**

The government of Zambia has not ratified, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); two Optional Protocols to the Convention on the Rights of the Child;

The government of Zambia has not made any efforts include Economic Social and Culture Rights.

In 2017 54.4 percent of the population lived below the poverty line (USD1.09), according to the latest survey from the Statistical Office.<sup>1</sup> Out of these, 40.8 percent of the population live in extreme poverty.<sup>1</sup> In 2020, with a poverty rate hovering just above 50 percent, chronic malnutrition persisting at 35 percent in Zambia,<sup>2</sup>

### **Recommendation**

- To ratify the Optional Protocol to CEDAW;
- To Ratify the two Optional Protocols to the Convention on the Rights of the Child;
- To ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

### **The Right to Food and Nutrition**

#### **Follow-up on the previous recommendations from session 28 of the third review**

Continue promoting the national human rights policies, especially in the field of economic, social and cultural rights, in order to improve the quality of life of its population, to alleviate the standard of living of the most vulnerable **(Recommendation made by Bolivarian Republic of Venezuela);**

Redouble its efforts for effective governance of its natural resources in line with the Environmental Management Act No. 12 of 2011 **(Recommendation made by Pakistan)**

Strengthen public policies to address economic and social challenges, particularly in the area of health, such as access to drinking water **(Recommendation made by France)**

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<sup>1</sup> Poverty Analysis Zambia 2018, Embassy of Sweden

<sup>2</sup> [Zambia | U.S. Agency for International Development \(usaid.gov\)](https://www.usaid.gov/locations/africa/zambia)

## **New Development since the previous session 28 of the third review**

### **The Case of ZAMPALM Limited**

In 2009, ZAMPALM acquired the land through forced eviction of three villages namely: Sankalimba, Namusalwa, and Kepi. The affected land of 73.9423 hectares was occupied by 76 families, contained two burial sites, and a local River, Baka Baka River and Bangweulu wetland.

The affected villages had their houses demolished upon receipt of compensation of 4-6 bags of building cement, 4-6 roofing corrugated iron sheets, 400-1,200 about Zambian Kwacha (24-72 USD) as money for them to rebuild new houses. Alternative land to build new houses and for cultivating was not provided for them.

### **The case of Dangote Cement Industries**

On April 15, 2014, Dangote Quarries Zambia Limited was granted land in extent of 247,8010 hectares and a certificate of title was issued by the Government of Zambia. The mining license and certificates of title issued to Dangote Quarries Zambia Limited and Dangote Industries Zambia Limited, were issued to them in form of land which was occupied and used as a residence and farming purposes by community members and their generations before.

Customary land of 250 ha belonging to 234 households was given to Dangote Industries Zambia Limited to build the factory. So far no compensation has been made and all 234 households do not have land to cultivate.

In 2020, Dangote Industries Zambia Limited blocked and diverted the Mwatishi River. At the time Dangote Industries blocked and diverted the Mwatishi River. This resulted in destruction of crops belonging to 241 households. Compensations have not been provided for the affected households.

As a result of blasting activities by Dangote industries, families around the area are made to temporarily relocate from their houses every day at 15:00/3 AM until such a time when the blasting is complete.

### **The case of Amatheon Agri Zambia Ltd**

Amatheon Agri Zambia Ltd (AAZ) undermine the enjoyment of the right to food and nutrition in a way that: the practice of Casualization does not guarantee the availability of nutritious food at all the time to the casual workers who are not earning enough money to buy food ;

Confiscating community livestock (cattle and goats) by AAZ when they stray into AAZ farm and charging community members by AAZ for any livestock found straying in AAZ farm (KR 500 USD 31 for each animal) put community members in financial distress and poverty which in turn do not allow community members to feed themselves in dignity;

Threatening by AAZ to evict some community members around the AAZ farm, put them under pressure which could lead to give up their farms to AAZ;

Community members living at the Kabwashe River reported that access to water has been severely limited since 2017, when AAZ built dams at upstream for its irrigation. Community members downstream reported that since that time they had to stop cultivating vegetables, which provided a major source of income and nutritious meals.

## Recommendations

- The government of Zambia must strengthen protection against forced evictions in accordance with the criteria established by the Committee on Economic Social and Cultural Rights interpreted in line with UNDROP;
- The government of Zambia must amend the constitution to include explicit recognition of Economic Social and Cultural Rights including the right to food and nutrition, right to water and healthy environment,
- Government of Zambia should amend the guidelines and policy for assessment of compensation under the Ministry of Agriculture to ensure that criteria for assessment of compensation for affected persons under customary land should be the same with affected persons under state/titled land.

## The Right to Water and Healthy Environment

### Follow-up on the previous recommendations from session 28 of the third review

Make more efforts to preserve the environment when applying agricultural development and not to use internationally banned pesticides (*Recommendation made by Iraq*)

Establish a regulatory framework for mining companies present on the territory in order to ensure that their activities do not harm the immediate environment (*Recommendation made by Senegal*)

### Development since the Previous Review from session 28 of the third review

Community members living at the Kabwashe River reported that access to water has been severely limited since 2017, when AAZ built dams at upstream for its irrigation. Community members downstream reported that since that time they had to stop cultivating vegetables, which provided a major source of income and nutritious meals.

In 2020, Dangote Industries Zambia Limited blocked and diverted the Mwatishi River. This resulted into the River to stop flowing in its natural stream. At the time Dangote Industries blocked and diverted the Mwatishi River, 241 households had cultivated and planted various crops and vegetables along the river banks. The crops were destroyed as a result of this action and the affected households were exposed to hunger. Compensations have not been provided for the affected households.

ZAMPALM has established a palm tree plantation in the Bangweulu wetland area. The Bangweulu is home to 50,000 inhabitants and large species of birdlife and animal species.

## Recommendations

- The government of Zambia must strengthen governance of water resources and restrict business from suppressing community access to and rights over water resources
- The government of Zambia must amend its Laws to ensure punishments for violating water resources include not only penalties to the state but also to include compensations to affected persons
- The Zambian government must pass statutory instrument to ban pesticides and herbicides which are banned in other parts of the world and put in place mechanism to monitor and regulate usage of pesticides and herbicides