

HUMAN RIGHTS ISSUES IN ZAMBIA

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UPR Info Pre-sessions

Death Penalty

- Zambia received 22 recommendations relating to the death penalty (DP).
- 13 were noted and 9 were supported.
- 13 noted required specific action to abolish DP.
- 9 supported required a general, continuing or consideration of action to move from the current de facto moratorium to abolishing the death penalty.

New Developments

- On May 24, 2022, the President announced intention to work with National Assembly to amend the Law and remove the death penalty.
- Draft bill to amend the Penal Code and the Criminal Procedure Code is going through parliamentary process for enactment into law.
- Removing DP from Penal Code is much easier than amending Constitution which requires a referendum. Referenda on DP have not had a good success record.
- However, this means Article 12 (1) (which provides for DP) remains in Constitution. This will in future make it easier for proponents of DP re-instate it.

Recommendations

- Ratify the 2nd Optional Protocol to ICCPR.
- Amending Article 12 (1) of the Constitution and make it difficult to re-introduce DP.

Torture

- 6 recommendations were made to Zambia related Torture
- All 6 were supported. 4 required general action and 2 required specific action by the State.
- The recommendations in summary were on two issues;
 - (i) ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and
 - (ii) enacting Anti-Torture legislation.

New Developments

- Article 15 of Constitution prohibits acts of torture
- However, there is no law to effect constitutional provisions & promote and protect rights of persons from Torture
- Draft bill was developed and adopted in principle by Cabinet on 4th December 2017.
- However, the process to enact the proposed law has stalled but reported cases of torture are increasing.

Recommendation



- Expedite enactment and implementation of the Anti-torture law.

Rights of Persons with Disabilities

- Zambia received 9 recommendations relating to disability rights.
- 4 required general, 2 continuing and 3 specific actions.
- The recommendations were on 3 main issues, namely;
 - (i) ratification of the Optional Protocol to the Convention on Rights of Persons with Disabilities
 - (ii) enhancement of legislation relating rights of Persons with Disabilities and
 - (iii) improvement of welfare of persons with Disabilities.

New Developments

- In 2019, the Mental Health Act No. 6 of 2019 was enacted to align legislation with the Convention & enhance rights of persons with mental disabilities
- However, implementation of the Persons with Disabilities Act No. 6 of 2012 which comprehensively domesticates the Convention remains poor.
- The Institution with mandate to promote rights and welfare of PwDs (ZAPD) remains poorly funded and dysfunctional – unable to implement the Act and mandate

Recommendations

- Implement recommendations made in the mission report to Zambia by the Special Rapporteur on Persons with Disabilities.
- Strengthen capacity of the Zambia Agency for Persons with Disabilities (ZAPD) including increasing funds granted, to enable it effectively implement its mandate.



THANK YOU