

## **Zambia UPR Pre-Session Statement**

### *Zambia Human Rights Defenders Network statement during the Universal Periodic Review pre-Session on Zambia: 29<sup>th</sup> November 2022*

The Zambian Human Rights Defenders Network (ZHRDN) is a coalition of Human Rights organisations, and individual activists established in November 2018 to protect, promote, and capacity build human rights defenders (HRDs) in the advancement of their work..

This statement focuses on the challenges faced by Human Rights Defenders in Zambia. Indeed, HRDs face discrimination, unlawful charges, chronic insecurity, violence that can even go as far as unlawful killing, and impunity. In the past years, there were cases where top executives from the ruling party would harass, threaten, physically and verbally attack HRDs and journalists. HRDs also face the risk of being arrested and jailed for a long period of time, using outdated laws such as the Public Order Act and the penal code particularly chapter 68, also known as the Defamation Act.

In November 2017, Zambia was reviewed by the Universal Periodic Review (UPR). Out of the 183 recommendations accepted by Zambia, 11 referred to the rights to freedom of opinion, of expression, and of association and peaceful assembly with four of them calling on Zambia to reform the Public Order Act.

Indeed, in Zambia a number of laws pose threats and restrict the work of Human Rights Defenders. Examples of these laws include:

1. **The Public Order Act:** The Act has been used by the ruling elites and law enforcers to intimidate and limit the enjoyment of freedoms and rights of assembly, speech and association by demanding for permits for assemblies and also association.
2. **The Penal Code Act:** Section (69) of the Act is inconsistent with the constitutional protection of freedom of expression as it restricts people from criticizing the President. The section emphasizes on defamation of the President and every Government has used this provision against HRDs and Political opponents.
3. **The Non-Governmental Organizations (NGO) Act:** This Act gives a lot of power to the Minister of Community Development and Social Services to control the operations and functions of civil society. It also requires NGOs to divulge a lot of information regarding their operations and sources of financing and other forms of support.
4. **The Cyber Security and Cyber Crimes Act:** The design of this Act is that it gives arbitrary powers to the Minister to decide which information he/she deems qualifies as

national security, economic and social wellbeing of the people and it restricts the use of cyber space by HRDs.

During its last review, Zambia accepted key recommendations that it is yet to implement such as:

- Complying with its obligation under international law to guarantee that human rights defenders, journalists and activists can carry out their work independently and free from attacks, harassment or intimidation; Living up to the highest standards of international law by repealing or amending the criminal defamation clauses in its Penal Code;
- Ensuring that necessary reforms are undertaken to guarantee the effective protection of the rights to freedom of expression, assembly and association. This includes enacting without delay an expanded Bill of Rights and Access to Information Bill and ensuring that the Public Order Act is implemented objectively and with professionalism by the police;

After the review in 2018, the government, through the Ministry of Justice and the Zambia Human Rights Commission, invited CSOs to only share the UPR recommendations and highlighted which ones were supported and which ones were noted. The government indicated that most of the noted ones were to do with LGBT rights and needed wider consultation. They went further to announce the desire to conduct reforms in all the legal frameworks which were cited in the recommendation in order to help advance the work of HRDs. Among the promised laws to be enacted, reviewed or repealed were;

The Public Order Act;

The Access to Information Law;

The Penal Code; and

The NGO Act;

However, the government backtracked on repealing or amending the said laws which were and are still shrinking the space for HRDs.

By introducing a Cyber Security and Cyber Crimes law, which has targeted HRDs who are using the cyber space to denounce human rights abuses perpetrated by government, the government is shrinking civic space even further.

**This is why we call on government to recommend that Zambia:**

- Amend the Public Order Act through public consultation to ensure it doesn't impede fundamental rights and freedoms, such as freedom of expression, assembly and association;
- Amend the Penal Code, particularly chapter 68, also known as the Defamation Act, to prevent charges of treason against those who criticise the President;
- Repeal the Cyber Security and Cyber Crimes Act and ensure that legislation in this area is consistent with international human rights standards and principles;
- Support CSO efforts and ensure they are included in every step of the process towards the enactment of a law for the promotion and protection of human rights defenders;
- Stop criminalising defenders for their legitimate work and free all defenders who were arrested by the previous regime for doing their work and allow those that have gone into exile due to political persecution to return to Zambia and work freely and safely;
- Ensure LGBTI and WHRDs can work in a safe and enabling environment, free from harassment and stigma and can enjoy the rights provided to every Zambian citizen.

Your Excellences, I submit.. Thank you very much.....