



Human Rights Council
Working Group on the Universal Periodic Review
Forty-second session
23 January–3 February 2023

Summary of stakeholders' submissions on Zambia*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of 29 stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. HRCZ stated that Zambia had yet to ratify ICRMW.³
3. HRCZ noted that a recommendation from the previous review to include economic, social and cultural rights in the Bill of Rights had enjoyed the support of Zambia and stated that there was a lack of a clear road map, awareness raising programmes and guidelines on how the consultation process would be undertaken in this regard.⁴
4. Referring to a relevant recommendation from the previous review that had enjoyed the support of Zambia, HRCZ stated that although the national mechanism for coordination, implementation, reporting and follow-up had been established it had yet to become operational.⁵ There was a backlog in the submission of state party reports to various human rights mechanisms and most laws remain inconsistent with international and regional human rights standards.⁶
5. HRCZ stated that it had suffered from inadequate human and other resources necessary to effectively discharge its constitutional mandate; and that a process was underway to repeal and replace the Human Rights Commission Act⁷ to enhance compliance with the Paris Principles.⁸
6. HRCZ stated that: (a) the death penalty was provided for in law but, since 1997, Zambia had maintained a de facto moratorium on its execution;⁹ (b) there was no legislation

* The present document is being issued without formal editing.



criminalizing torture and the Anti-Torture Bill of 2016 had yet to be tabled in Parliament for enactment;¹⁰ and (c) detention and correctional facilities had remained limited and dilapidated, resulting in overcrowding and poor conditions for inmates.¹¹

7. Noting that at the previous review, Zambia had committed to promoting and protecting the rights of persons with albinism, HRCZ expressed concern that such persons had continued to experience physical attacks and mutilations, killings, discrimination and limited access to health care and education.¹²

8. Noting the amendments to the High Court Act in relation to civil matters, HRCZ stated that similar legal reforms were needed to provide time-frames in the determination of criminal matters.¹³

9. HRCZ noted a shrinking of civic space and that subsidiary legislation such as the Public Order Act,¹⁴ Penal Code Act,¹⁵ and the Cyber Security and Cyber Crimes Act,¹⁶ imposed unjustifiable restrictions on the enjoyment of the freedoms of assembly and expression. Defamation of the President remained a criminal offence and had been used to clamp down on the freedom of expression. HRCZ remained concerned with the State's intrusion on individuals' right to privacy, restriction of freedom of expression online and the countrywide internet black-out during the August 2021 general elections.¹⁷

10. Noting the various measures that had been taken by Zambia, HRCZ stated that the health sector had continued to experience challenges, inter alia, long distances patients had to travel to facilities in rural and peri-urban areas, limited specialized health care services, and poor pandemic preparedness.¹⁸

11. Noting the commitment of Zambia to broaden access to education, including through the free education policy, HRCZ stated that there was a need for additional infrastructure to cater for increased school enrolments and other measures to reduce the teacher-pupil ratio, and the need to support learners who were unable to pay examination fees.¹⁹

12. HRCZ stated that the absence of a comprehensive legal framework on business and human rights had resulted in the continued violation of human rights. At the previous review, Zambia had supported a recommendation to develop a national action plan on business and human rights.²⁰

13. Noting the incorporation of the provisions of CRPD in the national legislative framework through the enactment of the Persons with Disabilities Act, as well as the repeal and replacement of other Acts, HRCZ stated that there remained a need to review other laws such as the Citizens of Zambia Act and the Electoral Commission Act, to ensure conformity with CRPD. There was also a need to strengthen the Disability Policy to address gaps in the implementation of the Persons with Disabilities Act.²¹

14. HRCZ noted, with concern, the increasing potential for the exposure of children to inappropriate internet content with the increasing the access to internet services. It highlighted the need to safeguard the rights of children in the digital space, and to protect them from abuse and exploitation. It also noted the need for measures to safeguard the rights of children in relation to their participation in sports and attendance in schools; and to review the National Child Policy.²²

III. Information provided by other stakeholders

A. Scope of international obligations²³ and cooperation with human rights mechanisms

15. ICAN welcomed the signing of TPNW and urged Zambia to complete all steps for the ratification of this treaty.²⁴

16. Referring to relevant recommendations from the previous review that had enjoyed the support of Zambia, JS4 stated that Zambia had yet to ratify OP-CRC-AC, OP-CRC-SC and OP-CRC-IC.²⁵

17. HRF and JS1 stated that Zambia had yet to ratify ICCPR-OP2 and HRF stated that Zambia had yet to ratify OP-CAT.²⁶ JS5 noted that OP-CEDAW and CADE had not been ratified.²⁷

18. JS4 stated that Zambia had not ratified ICRMW, noting that it had supported recommendations to ratify this Convention in the previous review.²⁸

B. National human rights framework

1. Constitutional and legislative framework

19. AI stated that Zambia had yet to provide a roadmap for public consultations on the amendment of the Bill of Rights to include economic, social and cultural rights in the Constitution.²⁹

20. JS4 stated that a recommendation from the previous review to widen the scope of the 1996 Bill of Rights to include economic, social and cultural rights, which had enjoyed the support of Zambia, had not been implemented due to the lack of political will by the previous government.³⁰

21. Referring to recommendations that had been supported by Zambia in the previous review, JS1 stated that Zambia had not enacted legislation to give legal effect to CAT.³¹

22. Referring to three relevant recommendations that had been supported by Zambia at the previous review, JS11 stated that the government had yet to enact the Access to Information Bill. It expressed concern at the continued delay in the enactment of this Bill, which it considered to have been the biggest failure on the part of Zambia to implement recommendations from the previous review.³²

23. JS2 stated that the Torture Bill had not been enacted and that the police had continued with the practice of extracting confessions from suspects through the use of torture.³³

24. TCC stated that no regulations had been enacted to implement the 2015 Gender Equity and Equality Act and that the Gender Equity and Equality Commission had not been operationalized.³⁴

2. Institutional infrastructure and policy measures

25. JS4 stated that a national coordination mechanism for reporting and follow-up had not been established, and considered the relevant recommendations from the previous review that had enjoyed the support of Zambia to have not been implemented.³⁵

26. HRF stated that although Zambia had supported the vast majority of recommendations at the previous review, it had not made significant progress in implementing them.³⁶ Referring to relevant supported recommendations from the previous review, JS4 stated that an action plan to implement the recommendations from the previous review had been drafted but it had not been adopted by the government due to restrictive provisions in the Ratification of International Agreements Act of 2016.³⁷

27. JS13 stated that HRCZ had a weak regulatory policy framework which needed to be strengthened in order for it to function optimally. The “Children’s Office” within HRCZ should receive sufficient support and have its mandate strengthened.³⁸

28. JS12 highlighted the lack of visibility of the Commissioner for Children which had hindered the Commissioner from effectively receiving, investigating and addressing complaints from children.³⁹ There was also limited awareness by law enforcement officials of the mechanisms in place to deal with alleged violations of children’s rights.⁴⁰

29. UPR-BCU stated that the human rights values expressed in both the Universal Periodic Review Mechanism and the Sustainable Development Goals could be woven together to promote policy coherence. It suggested that Zambia consider implementing the recommendations from the Universal Periodic Review Mechanism as an expression of mutual reinforcement of the Government’s commitment to promoting the Sustainable Development Goals.⁴¹

C. Promotion and protection of human rights

1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

Equality and non-discrimination

30. JS5 stated that the Constitutional provisions guaranteeing gender equality and non-discrimination did not apply to marriage, adoption, and divorce, as well as devolution of property upon death and other matters of personal law where customary law was applicable.⁴²

31. NGOCC stated that although the framework for the elimination of adverse social and cultural practices and conduct against women was provided in Section 28 of the Gender Equity and Equality Act, there was no substantive evidence that the government had taken appropriate measures to modify or change social and cultural practices and patterns of conduct of women and men so as to eliminate prejudices and customary practices which were based on the inferiority or superiority of either sex or on stereotypical roles for women and men.⁴³

32. JS2 stated that due to the lack of a designated ministry or commission in Parliament responsible for the attainment of gender equity, this responsibility fell under the Office of the President.⁴⁴

Right to life, liberty and security of person, and freedom from torture

33. JS1 stated that the death penalty remained legal in Zambia. Despite the fact that the authorities had not carried out an execution since 1997, courts had continued to sentence convicted persons to death. On 24 May 2022, the President of Zambia announced the government's plans to formally abolish the death penalty. Despite these plans, a *de jure* moratorium on executions had not been instituted.⁴⁵

34. JS2 noted concerns relating to police brutality and excessive use of force, especially against those with dissenting views.⁴⁶ HRF stated that excessive use of force by law enforcement had been exacerbated by the COVID-19 pandemic. The police arrested and physically assaulted who had not abided by COVID-19 directives.⁴⁷

35. AI stated that persons with albinism had continued to be subjected to violent attacks and mutilation due to superstitious misconceptions.⁴⁸ JS2 expressed concerns about attacks on persons with albinism and noted that little had been done to implement relevant recommendations from the previous review that had enjoyed the support of Zambia.⁴⁹

36. NGOCC stated that in relation to women in prison and circumstantial children, there was no evidence that relevant supported recommendations from the previous review had been implemented, or that Zambia had adhered to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment⁵⁰ and the Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).⁵¹ The number of individuals per holding or sleeping area had remained high in most prisons and the sanitation quality had been poor. The state of clothing and bedding that had been provided was inadequate and the nutritional value and preparation of food had been poor. The correctional facilities had not provided clothing, bedding and nutritional food for circumstantial children.⁵²

37. JS1 noted that the prisons had inadequate ventilation, temperature control, lighting, and basic and emergency medical care, amongst other problems.⁵³

Administration of justice, including impunity, and the rule of law

38. JS2 stated that the appointment of the Chief Justice by the President of Zambia compromised the separation of powers and the rule of law.⁵⁴

39. HRF stated that the penal code had limited guidelines on arrest without a warrant, resulting in a lack of due process regulations, ultimately leading to arbitrary arrest and detentions.⁵⁵

40. JS9 stated that the government had developed the National Diversion Framework in order to channel children in conflict with the law away from the formal court system through the development and implementation of procedures, structures and programmes that enabled most children to be dealt with by non-judicial bodies, thereby avoiding the negative effects of formal judicial proceedings.⁵⁶

41. UNPO stated that in September 2018, the Supreme Court of Zambia, hearing an appeal on the convictions of Likando Pelekelo, Afumba Mombotwa and Inambao Kalima, had extended their sentences from 10 years to 15 years. In its ruling, the Supreme Court had appeared to have justified the extension of the sentence solely on the basis of the fact that the convicted persons had lodged the appeal.⁵⁷

Fundamental freedoms and the right to participate in public and political life

42. Noting that the rights to freedoms of expression, assembly and association were enshrined, inter alia, in the Constitution of Zambia, HRF stated that Zambia had continued to criminalize peaceful dissent through the offences of defamation, incitement of public disorder, and sedition. The main objective of the libel and defamation laws was to instil fear and discourage people from speaking out against or criticizing the government.⁵⁸

43. TCC stated that freedom of expression and online campaigns had been curtailed during the 2021 elections. Unprecedented restrictions had been imposed on the commonly used social media platforms on Election Day.⁵⁹

44. AI stated that the Cyber Security and Cyber Crimes Act had negative ramifications on the enjoyment of digital rights, and contained broad and overly vague clauses which could limit the work of journalists.⁶⁰ TCC stated that the overly broad definitions of false information, harassment, emotional distress, and hate speech stifled online expression.⁶¹

45. JS2 noted concerns that the Cyber Security and Cyber Crimes Act, could be used to stifle the freedom of expression, freedom of the press and right the privacy.⁶² JS10 stated that this Act had been used against human rights defenders documenting human rights abuses.⁶³

46. JS3 stated that in 2018 a new national policy for non-governmental organizations was adopted with the aim of strengthening effective coordination and collaboration among civil society organizations and between such organizations and the government. In 2020, the Non-Governmental Organizations Act of 2009 was amended to include a more restrictive clause on monitoring funding sources for civil society organizations, particularly foreign funding, on the basis of preventing the financing of terrorism and other serious security offences.⁶⁴ JS10 stated that this Act gave broad discretion to the government to deny registration to non-governmental organizations, dictate their thematic and geographical areas of work and impose mandatory re-registration every five years.⁶⁵

47. JS3 stated that during the period under review, there had been attacks on, harassment, intimidation, arrests and prosecution of human rights defenders, activists and the media.⁶⁶ JS10 stated that women human rights defenders faced a greater risk of being attacked based on traditional patriarchal norms and those human rights defenders working on LGBTIQ issues were in constant fear of being targeted.⁶⁷

48. TCC stated that the misapplication of the colonial era Public Order Act of 1955 had continued to pose serious challenges to the rights to assembly and association. It was used to stifle the ability of opposition political parties and civil society organizations to organize meetings and other activities during the 2021 elections.⁶⁸

49. JS3 stated that the authorities had used the Public Order Act of 1955 to clamp down on protest action and to prevent persons and organizations from exercising their right to assembly.⁶⁹ JS10 stated that this Act had been used by the police to impose restrictions on human rights defenders.⁷⁰ JS11 stated that the Act required simple notification to hold an assembly, which had been misinterpreted by the police as explicit approval, while noting that under the current administration, which had been installed in August 2021, there had been a general improvement in relation to the exercise of the freedom of peaceful assembly.⁷¹

50. JS3 stated that failure to enact the political parties' bill in 2017 and 2019 meant that there was a lack of specific legislation regulating political parties. Some political parties,

mainly those that opposed the government and the ruling party, had been threatened with deregistration.⁷²

51. JS2 stated that in the run up to the general elections in 2021, some opposition party leaders had been denied access to some parts of the country by cadres of the ruling party, the Patriotic Front, and in some instances by the police.⁷³

52. JS3 expressed concern about acts of intimidation and attacks on citizens, human rights defenders, civil society organizations and journalists in the period leading up to and during the presidential and parliamentary elections in August 2021.⁷⁴

53. YWA stated women's representation in leadership in sectors such as politics, public administration, the private sector and non-profit organizations had remained very low.⁷⁵ TCC stated that the participation and representation of women in the 2021 elections had remained below international and regional standards.⁷⁶ JS2 stated that women had faced challenges in participating in politics at ward, constituency and national levels due to gender-based violence, cyber-bullying and intimidation perpetrated by those opposed to their participation.⁷⁷ TCC stated that the protective measures provided by the Anti-Gender-Based Violence Act of 2011 had hardly ever been enforced to prevent violence against women due to their engagement in political and electoral activities.⁷⁸

54. TCC stated that although more user-friendly polling booths had been provided for persons with disabilities during the 2021 elections and that the Electoral Commission of Zambia had included more people with disabilities as polling staff, the meaningful participation of persons with disabilities had remained a crucial challenge.⁷⁹

55. TCC stated that young men and women were disinclined to become active political party members because of difficulties in engaging with political party structures.⁸⁰

Right to marriage and family life

56. JS4 stated that the measures that had been put in place to prevent unnecessary family separation and for strengthening families had not been effectively implemented due to resource constraints. It however noted that the implementation of the "Alternative Care and Reintegration Guidelines" was being piloted in selected districts in the country.⁸¹

Prohibition of all forms of slavery, including trafficking in persons

57. ECLJ stated that the most common form of human trafficking in Zambia took place within the borders of the country where women and children were being trafficked for forced labour, sexual exploitation and domestic servitude, noting that persons from neighbouring countries were also trafficked into Zambia.⁸²

58. JS4 stated that the multi-sectoral Committee on Human Trafficking under the Ministry of Home Affairs had appeared to focus on trafficking of persons across borders at the expense of persons trafficked within the borders of Zambia. It considered relevant recommendations from the previous review that had enjoyed the support of Zambia to have been partially implemented.⁸³

59. Noting that in 2019, 40 members of the police participated in a three day training session on human trafficking to combat human trafficking, ECLJ encouraged the government to hold similar training sessions across the country.⁸⁴

Right to work and to just and favourable conditions of work

60. JS14 stated that sex workers' rights to, inter alia, bodily autonomy, to be free from violence, to health, and to work, have been routinely violated, with limited access to remedies. Sex workers have experienced an inordinate amount of inequality, stigma and discrimination in the course of their work, and in accessing justice and remedies for violence as a by-product of the culture of criminalisation prevailing in Zambia, and the resultant police harassment, extortion and violence.⁸⁵

Right to social security

61. Noting the efforts made by the government including through the child policy to improve the living conditions of children, JS9 stated that despite these efforts the coverage gap in social protection had remained, especially among children and adolescents who faced vulnerabilities relating to mental and physical health.⁸⁶

62. JS9 noted with alarm, the increasing number of children and adolescents living and/or work on the streets in Lusaka and in other main towns and stated that the social support given must respond to their immediate needs by particularly addressing issues such as food insecurity, and barriers to accessing health care and school enrolment.⁸⁷

Right to an adequate standard of living

63. JS7 stated that Zambia had ratified ICESCR and was therefore under an international obligation to, inter alia, guarantee the enjoyment of the rights to food, water and a healthy environment. However, these rights had not been recognized in the Constitution. The rights to food and nutrition were not justiciable.⁸⁸

64. JS7 stated that surface water bodies were under stress from industrial discharge, sewage and farm-runoffs which contained pesticides, herbicides, and fertilizers. Ground water resources were contaminated by on-site sanitation, industrial and agriculture effluent and solid waste. JS7 stated that there was a lack of access to clean drinking water, especially for rural and peri-urban communities. In 2019, the Government degazetted the Forest Reserve number 27, which resulted in the drying up of the Chalimbana, Ngwere and Chongwe rivers in Chongwe District and Rufunsa District. In the Fisenge area in Kitwe, a private company had diverted part of the water from the stream to fill up its irrigation dam, resulting in a very low water level in the stream during the dry season which lead to inadequate water for the community.⁸⁹

65. JS4 stated that instead of providing running water, the authorities had increased access to water and sanitation in rural areas through the drilling of boreholes, which would lead to exposure to waterborne diseases.⁹⁰

Right to health

66. C-Fam stated that maternal mortality in Zambia had remained high by global standards. It noted that there was a shortage of physicians, especially in rural areas, where maternal mortality had remained high and where public health care remained underfunded. It stated that prioritization of women's health, including maternal health, would require strengthening health systems, building clinics and hospitals and ensuring that they are well resourced, and recruiting and training healthcare providers at all levels.⁹¹

67. Noting the efforts made to address teenage pregnancy, including the prioritization of the procurement and distribution of contraceptive devices and the introduction of comprehensive sexual education classes, JS6 stated that Zambia must do more to address the root causes of teenage pregnancy.⁹²

68. Noting the milestones attained in combating HIV/AIDS, JS13 stated the HIV burden had remained high and that it had disproportionately affected women and girls. Less than half of adolescents aged 15–19 years had comprehensive knowledge of HIV and adolescents had insufficient access to HIV testing. There was a commodity gap which restricted access to condoms and contraceptive devices.⁹³ TBZ stated that there was lack of clarity as to the age requirement for independently accessing contraceptives, which made it difficult for adolescents to access contraceptives.⁹⁴

69. TBZ stated that lesbian, gay, bisexual and transgender adolescents had been reluctant to access health facilities for fear of stigma and discrimination from healthcare workers.⁹⁵

Right to education

70. JS4 noted that in 2021, the government had announced free education for both primary and secondary schools without making any allocation for school infrastructure

development.⁹⁶ YWA stated that accessibility to education was restricted by a lack of infrastructure and inadequate skills training for teachers.⁹⁷

71. JS9 stated that the education system faced a perennial shortage of resources that ranged from qualified teachers, schools and classrooms to a shortage of books and other learning materials. There was also a shortage of desks. The allocation to the education sector in the 2022 budget was insufficient to make any meaningful impact on the education sector, which had suffered decades of neglect.⁹⁸

72. JS9 stated that those who lived in the villages has difficult in accessing schools. In most cases, children were required to walk long distances to attend school. Those who could not return home after school rented accommodation near the school that they attended, which exposed girls to sexual abuse.⁹⁹

73. BCN stated rural schools had few teachers and consequently they taught classes with high numbers of students. Teachers had been inadequately trained and ill-equipped to manage their overcrowded classrooms.¹⁰⁰

74. JS9 stated that many children who had transitioned from primary to secondary school were unable to read and write.¹⁰¹

75. While commending Zambia for developing guidelines and curriculum on comprehensive sexual and reproductive health, JS8 and TBZ stated that teachers did not have the information and knowledge to teach about issues relating to sexual orientation, sex characteristics and gender identity.¹⁰²

Development, the environment, and business and human rights

76. FZ stated customary land belonging to 234 households had been given to Dangote Industries Zambia Limited to build a factory without compensation to those households, who no longer had land to cultivate. Also, 132 households in Kalulu, Chingwere and Chrisoboya had been affected by mining activities. These households had resisted relocation due to unfair valuations of their land, homes, wells and fruit trees.¹⁰³

77. JS12 stated that Zambia had not developed an action plan on business and human rights. It stated that there was a growing trend of children being involved in mining and agriculture and expressed concern at the continuous exposure of children in Kabwe to high levels of toxic lead.¹⁰⁴

2. Rights of specific persons or groups

Women

78. JS5 stated that there were high rates of sexual and gender-based violence, which had been further exacerbated during the COVID-19 pandemic. JS2 stated that a number of factors had contributed to the high rates of violence against women including, the lack of implementation of legislation such as the the Anti-Gender Based Violence Act of 2009 and the failure to establish a gender commission, pursuant to the Gender Equity and Equality Act of 2015, and the fact that the Constitution permitted customary law to override statutory law in matters of personal law.¹⁰⁵ JS5 stated that social stigma and cultural practices, amongst other factors, constituted barriers to ending sexual violence and that there was a need to raise public and community awareness to change attitudes.¹⁰⁶

79. JS13 stated that inadequate laws on sexual and gender-based violence, and domestic violence, and poor implementation of the policy framework limited the administration of justice to address such violence.¹⁰⁷

80. JS5 stated that the Penal Code did not criminalized marital rape. Also, the fund established by the Anti-Gender Based Violence Act of 2009, which enabled access to justice and made provision for the medical and psychological needs of survivors, had yet to be fully operationalized.¹⁰⁸

Children

81. Referring to relevant supported recommendations from the previous review, JS4 stated that since the previous review, Zambia had not adhered to the principle of progressive realization as far as budgeting for education, health and social services for children, and that budget allocations for those sectors had been reduced. This course of action went against relevant recommendations from the previous review that had enjoyed the support of Zambia.¹⁰⁹

82. Noting the high rates of child marriage, JS2 stated that the minimum age of marriage under civil law was 21 years, but that under customary law there was no minimum age of marriage and that children may marry from the age of puberty.¹¹⁰ UPR-BCU called upon Zambia to adopt the ‘Southern African Development Community (SADC) Model Law to End Child Marriage’, amend the Marriage Act, and adopt a policy that clearly defines marriage and prohibits child marriage.¹¹¹ JS13 noted that the strategy to end child marriage expired in 2021 and an evaluation should be conducted to assess the extent to which the strategy achieved its objectives, before a new plan is formulated.¹¹²

83. JS6 stated that Zambia had sought to address the localized nature of child marriage by promoting the Community for Welfare Area Committee, but that this Committee had often lacked resources and training to address child marriage at community level.¹¹³ JS9 stated that there were challenges in addressing child marriage, which included sustained political will and the allocation of financial and human resources.¹¹⁴

84. UPR-BCU stated that the COVID-19 pandemic had exacerbated the risk of child, early and forced marriage due to the interruption in education, economic and food insecurity, disruptions to programmes and services, adolescent pregnancy, and death of a parent or primary caretaker.¹¹⁵

85. JS6 noted that although corporal punishment had been abolished in schools since 2003, it was permitted in homes, alternative care settings and day-care facilities.¹¹⁶ JS4 noted the lack of safe houses for children who were victims of abuse.¹¹⁷

86. JS4 noted the prevalence of child labour with children being used in the agricultural sector, in domestic and bonded labour and in small mining enterprises, amongst others.¹¹⁸ Noting the development of the National Action Plan for the elimination of the worst forms of child labour (2020–2025), JS9 the efforts that had been undertaken were insufficient to address child labour.¹¹⁹

87. JS12 stated that more than 70 percent of the children who participated in a survey in 2020, felt that their views had not been taken seriously and that they had been left out of the decision-making process at district and provincial levels.¹²⁰

88. Referring to a supported recommendation from the previous review on the participation of children in formal consultative processes that required citizens’ participation, JS4 stated that in 2022, Zambia had commenced with the process of developing a framework for such participation in all settings.¹²¹

Persons with disabilities

89. JS4 stated that there had been inadequate provision of assistive devices and services for children with disabilities.¹²² JS12 stated that most public schools had lacked disability friendly infrastructure such as assistance devices, rails and disability friendly sanitary facilities.¹²³

Lesbian, gay, bisexual, transgender and intersex persons

90. JS8 stated that the criminalization of consenting same-sex practices had subjected transgender, gender diverse and intersex persons to increased exposure to HIV.¹²⁴

91. TBZ stated that lesbian, gay, bisexual, transgender and intersex persons had faced high levels of discrimination in a variety of settings, including sport, education and health.¹²⁵

92. JS8 stated that although the National Registration Act of 1964 allowed for citizens to change their identity documents if they did not reflect their true identity, transgender and

gender diverse identifying persons had been unable to make changes in their identity documents.¹²⁶

93. ISSZ stated that intersex persons had been subjected to unnecessary medical surgeries, hormonal treatments and other medical procedures without their informed consent.¹²⁷

Notes

¹ See A/HRC/37/14, A/HRC/37/Add. 1 and A/HRC/37/2.

² The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with A status).

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom);
BCN	Broken Chalk, Amsterdam (Netherlands);
C-Fam	Center for Family and Human Rights, Washington (United States of America);
ECLJ	European centre for Law and Justice, Strasbourg (France);
FZ	FIAN Zambia, Lusaka (Zambia);
HRF	Human Rights Foundation, New York (United States of America);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
ISSZ	Intersex Society of Zambia, Lusaka (Zambia);
NGOCC	Non-Governmental Gender Organizations' Coordinating Council, Lusaka (Zambia);
TCC	The Carter Center, Atlanta (United States of America);
TBZ	Transbantu Association Zambia, Lusaka (Zambia);
UNPO	The Unrepresented Nations and Peoples Organization, Den Haag (Netherlands);
UPR-BCU	Birmingham City University's Centre for Human Rights, Birmingham (United Kingdom of Great Britain and Northern Ireland);
YWA	Young Women in Action, Lusaka (Zambia);

Joint submissions:

JS1	The Advocates for Human Rights, Minneapolis, (United States of America), and The World Coalition Against the Death Penalty (Joint Submission 1);
JS2	Alliance for Accountability Advocacy Zambia, Lusaka (Zambia), Action For Development, Mufulira (Zambia), Action For Nature (Mpika) Zambia, Advocacy On Human Development (Kitwe) Zambia, Afroeed, Monze (Zambia), Chipangali Women Development Foundation, Chipata (Zambia), Democratic Governance and Human Rights Advocates, Kitwe (Zambia), Foundation For Democratic Process, Lusaka (Zambia), Freelance Journalists, Lusaka (Zambia), Fight Inequality Alliance Zambia, Lusaka (Zambia), Shiwangandu Development Trust, Shiwang'andu (Zambia), Southern Africa Cross Boarder Traders Association, Lusaka (Zambia), Zambia Alliance for Women, Lusaka (Zambia); Prisoners Future Foundation, Kabwe (Zambia), Health Help, Monze, (Zambia), Zambia National Women's Lobby, Lusaka (Zambia), and Zambia Council For Social Development. (Joint Submission 2);
JS3	CIVICUS: World Alliance for Citizen Participation and Governance, Election, Advocacy, Research Services Initiative Zambia (Joint Submission 3);
JS4	The Advocates for Human Rights, Minneapolis, (United States of America), and The World Coalition Against the Death Penalty XXXX The Child Rights Monitoring Observatory Group, Lusaka (Zambia) on behalf of Zambia Civic Education Association, Anivao Flochi Foundation, Caritas Mpika,

- ¹⁷ Ibid., paras. 20 and 21. HRCZ made recommendations (para. 22).
- ¹⁸ Ibid., para. 33. HRCZ made recommendations (para. 34).
- ¹⁹ Ibid., para. 36. HRCZ made recommendations (para. 37).
- ²⁰ Ibid., para. 23, referring to A/HRC/37/14, para. 131.44 (Kenya) and A/HRC/37/14/Add. 1, para. 2b. HRCZ made recommendations (para. 24).
- ²¹ Ibid., paras. 25 and 26. HRCZ made recommendations (para. 28).
- ²² Ibid., para. 39. HRCZ made recommendations (para. 40).
- ²³ The following abbreviations are used in this report:
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| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol to CRPD |
| ICPPED | International Convention for the Protection of All Persons from Enforced Disappearance |
| CADE | Convention against Discrimination in Education |
| TPNW | Treaty on the Prohibition of Nuclear Weapons |
- ²⁴ ICAN, p. 1.
- ²⁵ JS4, para. 1, referring to A/HRC/37/14, para. 131.19 (Burkina Faso), para. 131.13 (Armenia), para. 131.14 (Benin), para. 131.15 (India), para. 131.16 (Botswana), para. 131.12 (Togo), para. 131.21 (Rwanda), para. 131.22 (Congo), para. 23 (Chile), para. 131.11 (Angola), para. 131.17 (Iraq), para. 131.20 (Slovakia), para. 131.77 (Paraguay) and para. 131.31 (Uganda) and A/HRC/37/14/Add. 1, para. 2b. See also JS5, paras. 7 and 8. JS5 made recommendations (para. 38); and JS12, paras. 4 and 5. JS12 made a recommendation (para. 6).
- ²⁶ HRF, para. 3. HRF made recommendations (para. 32(b)). JS1, para. 11. JS1 made recommendations (para. 28).
- ²⁷ JS5, paras. 7 and 8. JS5 made recommendations (para. 38).
- ²⁸ JS4, para. 3, referring to A/HRC/37/14, para. 131.19 (Burkina Faso), para. 131.24 (Congo and Honduras), para. 131.25 (Ghana), para. 131.26 (Guatemala), para. 131.27 (Indonesia) and A/HRC/37/14/Add. 1, para. 2b. See also HRF, para. 3(c). HRF made recommendations (para. 32(b)).
- ²⁹ AI, para. 11. AI made recommendations (paras. 33 and 34).
- ³⁰ JS4, para. 12, referring to A/HRC/37/14, para. 129.41 (Republic of Korea). JS4 made a recommendation (para. 14).
- ³¹ JS1, paras. 12–14, referring to A/HRC/37/14, para. 129.41 (Russian Federation), para. 131.28 (Denmark and Ghana), para. 131.29 (Georgia), para. 131.3 (Guatemala), and A/HRC/37/14/Add.1, para. 2b. JS1 made recommendations (para. 28).
- ³² JS11, paras. 1.9, 2.4.1 and 2.4.8, referring to A/HRC/37/14, para. 131.72 (Paraguay), para. 131.74 (Canada) and para. 131.78 (Sweden), and A/HRC/37/14/Add. 1, para. 2b. JS11 made recommendations (para. 3.1); YWA, paras. 6–8. YWA made recommendations (para. 9).
- ³³ JS2, p. 5. JS2 made recommendations (p. 6).
- ³⁴ TCC, p. 4. TCC made recommendations (p. 5). See also YWA, para. 11.

- ³⁵ JS4, para. 8, referring to A/HRC/37/14, para. 129.17 (Morocco) and para. 129.18 (Portugal). JS4 made a recommendation (para. 9).
- ³⁶ HRF, para. 3.
- ³⁷ JS4, para. 10 referring to A/HRC/37/14, para. 129.13 (South Africa), para. 129.17 (Morocco) and para. 131.40 (Nigeria) and A/HRC/37/14/Add. 1, para. 2b. JS4 made a recommendation (para. 11).
- ³⁸ JS13, para. 45.
- ³⁹ JS12, para. 16. JS12 made recommendations (paras. 17 and 19).
- ⁴⁰ Ibid., para. 22. JS12 made recommendations (para. 23).
- ⁴¹ UPR-BCU, para. 35.
- ⁴² JS5, paras. 12 and 18. JS5 made a recommendation (para. 41).
- ⁴³ NGOCC, para. 2.1.2.5. NGOCC made recommendations (para. 4.1.1).
- ⁴⁴ JS2, p. 3. JS2 made recommendations (p. 3).
- ⁴⁵ JS1, paras. 6-8. JS1 made recommendations (para. 28). See also JS2, p. 4. JS2 made recommendations (p. 5); JS7, p. 7.
- ⁴⁶ JS2, p. 5. JS2 made recommendations (p. 5).
- ⁴⁷ HRF, para. 20.
- ⁴⁸ AI, para. 29. AI made recommendations (paras. 45 and 46).
- ⁴⁹ JS2, p. 5, referring to A/HRC/37/14, para. 129.24 (Burkina Faso), para. 129.39 (Portugal), para. 129.39 (Central African Republic), para. 129.40 (Sierra Leone), para. 129.86 (Iraq) and para. 131.52 (Mexico), and A/HRC/37/14/Add. 1, para. 2b. JS2 made recommendations (p. 5.) See also, JS4, para. 19. JS4 made a recommendation (para. 21).
- ⁵⁰ A/RES/43/173.
- ⁵¹ A/RES/70/175.
- ⁵² NGOCC, paras. 3.1.1 and 3.1.2.1–3.1.2.7, referring to A/HRC/37/14, para. 129.43 (Italy), para. 129.44 (Senegal), para. 129.45 (Slovenia), para. 129.46 (Burundi), para. 129.47 (South Africa) and para. 129.48 (Ireland), and A/HRC/37/14/Add. 1, para. 2b. NGOCC made recommendations (para. 4.2).
- ⁵³ JS1, paras. 18–22. JS1 made recommendations (para. 28).
- ⁵⁴ JS2, p. 7. JS2 made recommendations (p. 7).
- ⁵⁵ HRF, para. 19. HRF made recommendations (para. 32(c)).
- ⁵⁶ JS9, para. 12.
- ⁵⁷ UNPO, para. 12.
- ⁵⁸ HRF, para. 22. HRF made recommendations (para. 32(a)). See also AI, para. 14.
- ⁵⁹ TCC, p. 3.
- ⁶⁰ AI, para. 12. AI made a recommendation (para. 36).
- ⁶¹ TCC, p. 3. TCC made a recommendation (p. 3).
- ⁶² JS2, p. 8. JS2 made recommendations (p. 8).
- ⁶³ JS10, para. 10. JS10 made a recommendation (p. 4).
- ⁶⁴ JS3, para. 2.2. JS3 made recommendations (para. 6.1).
- ⁶⁵ JS10, para. 11.
- ⁶⁶ JS3, paras. 3.3, 4.3, 4.4 and 4.7. JS3 made recommendations (para. 3). See also JS10, para. 1. JS10 made recommendations (p. 4).
- ⁶⁷ JS10, para. 14. JS10 made recommendations (p. 4).
- ⁶⁸ TCC, p. 2. TCC made a recommendation (p. 3). See also NGOCC, para. 2.2.3.2. NGOCC made recommendation (para. 4.1.2).
- ⁶⁹ JS3, paras. 5.3 and 5.4. JS3 made recommendations (para. 6.4). See also AI, para. 24. AI made a recommendation (para. 40).
- ⁷⁰ JS10, para. 7. JS10 made a recommendation (p. 4).
- ⁷¹ JS11, paras. 2.0 and 2.6.3. JS11 made recommendations (para. 3.2).
- ⁷² JS3, para. 2.9.
- ⁷³ JS2, pp. 6–7. JS2 made recommendations (p. 7).
- ⁷⁴ JS3, para. 1.8. JS3 made recommendations (para. 6).
- ⁷⁵ YWA, para. 10. YWA made recommendations (para. 12).
- ⁷⁶ TCC, p. 4. See also NGOCC, paras. 2.1.2.3 and 2.1.2.4.
- ⁷⁷ JS2, p. 10. JS2 made recommendations (p. 11); See also NGOCC, para. 2.3.3.2. NGOCC made a recommendation (para. 4.1.3).
- ⁷⁸ TCC, p. 4. TCC made recommendations (p. 5).
- ⁷⁹ Ibid., p. 5. TCC made recommendations (p. 6).
- ⁸⁰ Ibid., p. 5. TCC made recommendations (p. 5).
- ⁸¹ JS4, para. 65. JS4 made recommendations (paras. 67–69).
- ⁸² ECLJ, para. 11.
- ⁸³ JS4, paras. 22 and 24, referring to A/HRC/37/14, para. 129.50 (Ethiopia), para. 129.51 (Tunisia),

- para. 129.52 (Philippines), para. 131.83 (Republic of Korea), para. 131.85 (Tunisia), para. 131.86 (Djibouti), and para. 131.87 (Timor-Leste), and A/HRC/37/14/Add. 1, para. 2b.) JS4 made a recommendation (para. 24).
- ⁸⁴ ECLJ, para. 15. ECLJ made recommendations (para. 25).
- ⁸⁵ JS14, para. 16. JS14 made recommendations (JS14, paras. 32–36).
- ⁸⁶ JS9, para. 11. JS9 made recommendations (para. 18).
- ⁸⁷ *Ibid.*, para. 17. JS9 made recommendations (para. 18).
- ⁸⁸ JS7, pp. 1–3. JS7 made recommendations (p. 2–3). See also FZ, para. 2.
- ⁸⁹ *Ibid.*, pp. 5–6. JS7 made recommendations (p. 6).
- ⁹⁰ JS4, para. 28.
- ⁹¹ C-Fam, paras. 4 and 6.
- ⁹² JS6, paras. 12–16. JS6 made recommendations (p. 6).
- ⁹³ JS13, paras. 6–10. JS13 made recommendations (paras. 51–57).
- ⁹⁴ TBZ, p. 1. TBZ made recommendations (p. 3).
- ⁹⁵ *Ibid.*, p. 2. TBZ made recommendations (p. 3).
- ⁹⁶ JS4, para. 27. JS4 made recommendations (paras. 29–31).
- ⁹⁷ YWA, para. 13. YWA made recommendations (para. 17).
- ⁹⁸ JS9, paras. 26–28. JS9 made recommendations (para. 33).
- ⁹⁹ *Ibid.*, JS9, para. 30. JS9 made recommendations (para. 33).
- ¹⁰⁰ BCN, para. 9. BCN made recommendations (paras. 15–18).
- ¹⁰¹ JS9, para. 29.
- ¹⁰² JS8, para. 4.6. JS8 made recommendations (p. 6). TBZ, p. 1.
- ¹⁰³ FZ, p. 2.
- ¹⁰⁴ JS12, paras. 24 and 25. JS12 made recommendations (paras. 26–29).
- ¹⁰⁵ JS2, p. 4. JS2 made recommendations (p. 4).
- ¹⁰⁶ JS5, para. 31. See also JS13, para. 39.
- ¹⁰⁷ JS13, para. 40. JS13 made a recommendation (para. 58).
- ¹⁰⁸ JS5, paras. 27 and 33. JS5 made recommendations (paras. 46–51). See also JS6, para. 18. JS6 made recommendations (p. 8).
- ¹⁰⁹ JS4, para. 15, referring to A/HRC/37/14, para. 129.57 (Kenya) and para. 131.107 (Namibia), A/HRC/37/14/Add. 1, para. 2b. JS4 made recommendations (paras. 17 and 18).
- ¹¹⁰ JS2, p. 9. JS2 made recommendations (p. 9). See also JS5, paras. 19–26. JS5 made a recommendation (para. 42); ECLJ, paras. 9 and 17. ECLJ made a recommendation (para. 26); and JS13, para. 43.
- ¹¹¹ UPR-BCU, para. 18.
- ¹¹² JS13, para. 41.
- ¹¹³ JS6, para. 7. JS6 made recommendations (p. 3).
- ¹¹⁴ JS9, para. 16. JS9 made recommendations (para. 18).
- ¹¹⁵ UPR-BCU, para. 28. UPR-BCU made recommendations (p. 7).
- ¹¹⁶ JS6, para. 9. JS6 made a recommendation (p. 4).
- ¹¹⁷ JS4, para. 33.
- ¹¹⁸ *Ibid.*, JS4 made recommendations (paras. 53–59).
- ¹¹⁹ JS9, paras. 35 and 36. JS9 made recommendations (p. 11).
- ¹²⁰ JS12, para. 34. JS12 made recommendations (paras. 37–40).
- ¹²¹ JS4, para. 60, referring to A/HRC/37/14, para. 129.79 (Slovakia). JS4 made recommendations (paras. 63 and 64).
- ¹²² JS4, para. 71. JS4 made recommendations (paras. 72 and 73).
- ¹²³ JS12, para. 30. JS12 made recommendations (paras. 30–33).
- ¹²⁴ JS8, para. 3.4. JS8 made recommendations (p. 4).
- ¹²⁵ TBZ, p. 2. TBZ made recommendations (p. 3).
- ¹²⁶ JS8, para. 5.2. JS8 made recommendations (p. 6).
- ¹²⁷ ISSZ, para. 4.