



Human Rights Council
Working Group on the Universal Periodic Review
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Zambia

Compilation of information prepared by 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 outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. In 2022, the Committee on the Rights of the Child recommended that Zambia ratify the three Optional Protocols to the Convention on the Rights of the Child.² It also recommended that Zambia consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Convention on the Reduction of Statelessness of 1961.³

3. In 2019, the Committee on the Elimination of Racial Discrimination recommended that Zambia consider lifting its reservations to articles 17, 22, 26 and 28 of the Convention relating to the Status of Refugees.⁴

4. In 2018, the Special Rapporteur on the right to food recommended that Zambia ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.⁵

5. Noting that, in the context of the previous review, Zambia had supported a recommendation to ratify the Convention against Discrimination in Education, the United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Zambia to finalize the ratification thereof.⁶

6. The United Nations country team noted that Zambia had outstanding reports under various human rights treaties and reiterated that it was available to provide technical support to enable the submission of those reports.⁷



III. National human rights framework

1. Constitutional and legislative framework

7. The Special Rapporteur on the human rights to safe drinking water and sanitation noted that it was of great concern that Zambia had not incorporated into its domestic legislation the provisions of the international human rights treaties to which it was a party.⁸

8. The United Nations country team noted that Zambia had adopted a dualist approach and that a separate process for the incorporation of international agreements into domestic legislation was required through the enactment of laws in parliament.⁹

9. The United Nations country team welcomed the Government's commitment, as reflected in the eighth national development plan, 2022–2026, to undertake comprehensive constitutional reform and encouraged the Government to take all steps necessary to ensure that the Bill of Rights was expanded to include, inter alia, economic, social and cultural rights, environmental rights, specific rights for persons with disabilities, older persons and other marginalized and vulnerable groups and an explicit prohibition of the death penalty.¹⁰

10. The Special Rapporteur on the right to food recommended that Zambia guarantee the inclusion of the explicit recognition of the right to adequate food in the Constitution.¹¹ She also recommended adopting a human rights-based framework law on the right to food, with benchmarks and implementation plans for each region.¹²

11. Noting that, as a result of the unsuccessful referendum held in 2016, articles 11 and 23 of the Constitution could not be amended, as it had previously recommended, the Committee on the Elimination of Racial Discrimination recommended that Zambia explore alternative avenues to amend those articles to align them with the Convention, adopt comprehensive anti-discrimination legislation, review legislation that might allow for direct or indirect forms of discrimination and introduce revised legislation, where necessary.¹³

12. The United Nations country team noted that there had been concerns about the Government's announcement that further consultations on the access to information bill would be conducted, because that would result in undue delay of the bill's passage into law.¹⁴

13. The United Nations country team noted that the Cabinet had approved the children's code bill and that it was before parliament for enactment into law.¹⁵

2. Institutional infrastructure and policy measures

14. The Special Rapporteur on the right to food recommended that Zambia ensure the proper functioning of an independent institution overseeing human rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).¹⁶

15. The Committee on the Elimination of Racial Discrimination was concerned about the lack of a formal selection and appointment process for members of the Zambia Human Rights Commission, the inadequate budgetary resources allocated to the Commission, the real or perceived conflicts of interest of members involved in political activities and the insufficient implementation of recommendations proposed by the Commission.¹⁷ The Committee recommended that Zambia establish and implement a formal selection and appointment process, ensure that members served on a full-time basis to avoid conflicts of interest and implement the Commission's recommendations.¹⁸ The Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child recommended providing the Commission with adequate financial resources to enable it to effectively execute its mandate.¹⁹

16. The United Nations country team noted that Zambia had established a national mechanism for reporting and follow-up, in 2018, but that the Cabinet had yet to endorse the mechanism's composition. It reiterated its offer of assistance to ensure the functioning of the mechanism.²⁰

17. The United Nations country team noted that the Zambia Police Service would benefit from continuous capacity-building, including expanded training for all police officers on the State's international and domestic human rights-related legal obligations.²¹

IV. Promotion and protection of human rights

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

1. Equality and non-discrimination

18. Noting that racial discrimination and incitement to racial hatred were criminalized under section 70 of the Penal Code, the Committee on the Elimination of Racial Discrimination recommended that Zambia ensure that the definition of hate speech in the Penal Code was fully in line with article 4 of the Convention and included all grounds of discrimination recognized in article 1 of the Convention.²² It also recommended intensifying efforts to inform the public about racial discrimination and the legal and judicial recourse available.²³

19. The Special Rapporteur on the right to food noted that gender discrimination was still pervasive in Zambia, limiting women's opportunities to have access to land, education, credit and other productive assets.²⁴ She recommended that Zambia improve the mainstreaming of a gender perspective into the institutional and legislative framework regarding strategies on food, nutritional security and rural development and support women farmers with additional incentives, access to credit and other agricultural resources.²⁵

20. The Committee on the Elimination of Racial Discrimination remained concerned about reports of discrimination faced by persons living with albinism on the basis of colour, in particular with regard to the enjoyment of their rights to education, employment and health.²⁶

21. The United Nations country team expressed concern about reports of discrimination and violence, notably against migrants and other people on the move, as well as lesbian, gay, bisexual, transgender, queer and intersex persons.²⁷

22. The Committee on the Rights of the Child recommended strengthening efforts to eliminate discrimination against children in disadvantaged situations and conducting awareness-raising on discrimination against such children.²⁸

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

23. In 2021, the Human Rights Committee asked Zambia to comment on the reported increase in the number of death sentences pronounced in 2019.²⁹

24. The Human Rights Committee asked Zambia to respond to allegations that a number of unlawful and arbitrary killings committed by members of the security forces remained unpunished, including reported killings of opposition party members, and to reports about high levels of political violence perpetrated against opposition leaders, their supporters and those perceived to hold views contrary to those of the Government.³⁰

25. The Committee on the Elimination of Racial Discrimination expressed concern at reports of the abduction, murder and dismemberment of persons with albinism for ritual practices.³¹ Several special procedure mandate holders addressed communications to Zambia, in 2018, 2020 and 2021, concerning allegations of killings, attacks perpetrated against, and the dismemberment and trafficking of body parts and the desecration of a grave of, persons with albinism.³² The mandate holders indicated that attacks were reportedly linked to harmful ritualistic practices and resulted from a failure of the authorities' duty to protect individuals at risk. They strongly urged the State to immediately take all measures necessary to protect persons with albinism.³³ The Committee on the Elimination of Racial Discrimination recommended that Zambia guarantee the right to life of persons with albinism and step up efforts to ensure equal access to education, health and employment for them. It

urged adopting more effective measures to protect persons with albinism from violence, abductions, discrimination and stigmatization.³⁴

26. The Human Rights Committee asked Zambia to comment on information received that prison conditions continued to be below the minimum standard, with overcrowding, poor ventilation, disease, poor hygiene and limited access to adequate health care, especially for female prisoners.³⁵

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

27. The Human Rights Committee asked Zambia to respond to reports of the excessive use of pretrial detention.³⁶

28. The Committee on the Rights of the Child remained concerned that the specialized children's courts and family courts were not yet operational, the family division of the judiciary did not have resources to operate, the Legal Aid Act had not been fully implemented, children were not guaranteed free legal representation, the overuse of detention in pretrial and post-trial proceedings remained prevalent, non-judicial measures were not sufficiently used and children were being detained with adults in some circumstances.³⁷

29. The Committee on the Rights of the Child urged Zambia to expedite the operationalization of the children's and family courts, provide them with adequate resources, designate specialized judges for children, ensure that those judges received appropriate training, expedite the implementation of the Legal Aid Act, ensure legal aid to children, ensure that detention was used as a measure of last resort, for the shortest possible period of time and was regularly reviewed with a view to withdrawal, implement the national diversion programme by promoting non-judicial measures and non-custodial sentences for children, and, where deprivation of liberty was justified as a measure of last resort, ensure that children were not detained with adults.³⁸

30. The United Nations country team noted that Zambia had developed guidelines for the protection of children who were victims and witnesses in judicial proceedings and had launched a handbook for prosecutors on the prosecution of sexual offences.³⁹

31. The Committee on the Elimination of Racial Discrimination recommended that Zambia recognize racist motives as an aggravating circumstance for all acts criminalized under the Penal Code and ensure that all incidents of hate crime and hate speech were investigated and prosecuted.⁴⁰

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

32. The Human Rights Committee asked Zambia to respond to allegations that opposition leaders had been denied access to some parts of the country⁴¹ and to reports indicating that opposition political parties had been denied access to public media, some private radio stations had reportedly been forced to abandon broadcasting programmes featuring opposition political leaders or had suffered damage while broadcasting such programmes and the broadcasting licences of some television and radio stations had been suspended on occasion without following the established procedures.⁴²

33. The Human Rights Committee asked Zambia to comment on information received that religious leaders were pressured by political representatives and clergy members to maintain a positive discourse about the Government and that individuals might be denied career opportunities and services at public and private institutions if they wore particular religious clothing.⁴³ It asked Zambia to respond to allegations that authorities had increased the use of criminal defamation laws to silence critics of the President or the judiciary.⁴⁴

34. The Human Rights Committee asked Zambia to clarify the requirement that prior notice of all demonstrations was to be given to the authorities and to respond to allegations that the authorities often asserted that such events did not have permission to proceed or cancelled them at the last minute. It asked Zambia to comment on information received that peaceful protests against the Government and political meetings organized by the opposition were frequently restricted under the Public Order Act and that, in many cases, the suppression of assemblies had resulted in arbitrary arrest, damage to property, physical injuries and, at times, death.⁴⁵

35. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression addressed a communication to Zambia in 2021 concerning the Cyber Security and Cyber Crimes Law. She asserted that part IX of the law criminalized a number of online speeches that were protected under international law and advised amending article 69, which she deemed overbroad. She encouraged Zambia to revise the part of the law on hate speech to ensure that its implementation did not unduly restrict freedom of expression.⁴⁶

5. Right to privacy

36. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression expressed concern that the introduction of broad surveillance powers, without sufficient safeguards, failed to meet the necessity test stipulated in the International Covenant on Civil and Political Rights.⁴⁷

6. Right to marriage and family life

37. Regarding children deprived of a family environment, the Committee on the Rights of the Child recommended phasing out institutionalization, adopting a strategy and action plan for deinstitutionalization and ensuring that, under the children's code bill, the institutionalization of children under 3 years of age was prohibited.⁴⁸

7. Prohibition of all forms of slavery, including trafficking in persons

38. The United Nations country team noted that Zambia had experienced difficulties in implementing the Anti-Human Trafficking Act and in ensuring compliance with international and regional instruments addressing both trafficking in persons and migrant smuggling.⁴⁹

39. The Committee on the Rights of the Child noted the increasing number of children who were victims of commercial exploitation and trafficking. It recommended that Zambia take urgent measures to investigate, sanction and prevent commercial exploitation, strengthen the training of professionals concerned with identifying and referring children who were victims of trafficking and ensure the effective referral and support services to children who were victims of sale and trafficking.⁵⁰

40. The Committee on the Elimination of Racial Discrimination recommended that Zambia expedite the adoption of a new national plan of action to combat trafficking in persons, allocate adequate resources to the interministerial committee on human trafficking for its implementation, enforce anti-trafficking legislation by conducting investigations and ensuring prosecutions and allocate adequate resources for the creation of shelters in all provinces.⁵¹

8. Right to social security

41. The United Nations country team noted that, although Zambia had continued its efforts to expand social protection through budget allocations in 2022 to, inter alia, ensure social cash transfers and by extending social security and decent work coverage to the informal sector, most of the population lacked access to social protection or security.⁵²

42. The Committee on the Rights of the Child recommended that Zambia strengthen measures to reduce child poverty, including by developing a comprehensive social protection programme with adequate domestic funding, expand and strengthen the social cash transfer scheme to reach more children and implement commitments and ensure that children who received social cash transfers also benefitted from enrolment in the National Health Insurance Scheme.⁵³

9. Right to an adequate standard of living

43. The Special Rapporteur on the right to food noted that gaining access to adequate and nutritious food was a challenge throughout most of the country, with women and children in rural areas faring the worst. The Government policy of turning export-oriented large-scale commercial agriculture into the driving engine of the economy, with weak land protection, risked pushing peasants off their land, which could push them out of production, having a severe impact on their right to food.⁵⁴

44. The Special Rapporteur on the right to food recommended that Zambia address food availability by continuing to support to small-scale food producers, ensuring fair access to land and other productive resources and food accessibility, extending the coverage of school meals to cover 100 per cent of children, giving priority to rural areas, and adopting a simplified system for purchasing agricultural produce from family and local producers, and food adequacy, by developing financed comprehensive nutrition policies to address stunting and wasting in children and all forms of malnutrition.⁵⁵

45. The Human Rights Committee and the Special Rapporteur on the right to food noted the dual structure of property rights, whereby landholders on State land enjoyed the full protection of the law, while those under customary tenure were considered occupants and users, without the same protection, with an estimated 85 to 90 per cent of land under customary tenure.⁵⁶ Owing to large-scale agricultural investments, communities were also being resettled.⁵⁷ The Special Rapporteur recommended that Zambia adopt an inclusive national land policy based on human rights principles, establish an effective monitoring mechanism, ensure an effective land administration system and efficient enforcement of laws and regulations, amend the Lands and Deeds Registry Act to afford State and customary land equal standing and strengthen protection against forced evictions.⁵⁸

46. The Committee on the Rights of the Child recommended that Zambia ensure an adequate and sustainable standard of living for all children.⁵⁹ It also recommended improving access for children to safe drinking water, sanitation, hygiene and environmental protection and access to, and the availability and affordability of, food.⁶⁰

47. The Special Rapporteur on the human rights to safe drinking water and sanitation noted that the disconnection of water and sanitation services due to an inability to pay for such services constituted a violation of the human rights to water and sanitation.⁶¹

10. Right to health

48. The United Nations country team noted that Zambia was in the process of strengthening its health system through the development of the national health strategic plan, 2022–2026, with the goal of ensuring universal health coverage. It commended Zambia for consistently increasing its health expenditure, although it was still lower than the 15 per cent threshold set in the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases.⁶²

49. The United Nations country team commended Zambia for continuing to invest in training health workers with the necessary clinical and midwifery skills to effectively manage obstetric and neonatal emergencies and ensuring the availability of equipment to provide those services, but it noted that challenges remained in providing equity of access and high-quality health care.⁶³

50. The Committee on the Rights of the Child remained concerned about the increase in neonatal mortality and the high rates of perinatal death and stillbirth, the high mortality rates among children under 5 years of age from preventable diseases and conditions, the high rates of undernutrition and malnutrition in adolescent girls, the unreliable provision of essential medicines and vaccines, the lack of qualified staff and emergency obstetric and neonatal care facilities and poor quality of services and infrastructure in basic public health services for children and the fact that adolescents, in particular girls, continued to be disproportionately affected by HIV/AIDS.⁶⁴

51. The Committee on the Rights of the Child recommended that Zambia strengthen awareness of the National Health Insurance Scheme, strengthen measures to reduce mortality rates among children under 5 years of age, identify the root causes of neonatal mortality and stillbirth, design programmes for newborn health interventions, address the underlying causes of undernutrition and malnutrition in adolescent girls, increase efforts to improve the quality of basic health care for all children, scale up the provision of essential medicines and immunization for children, provide adequate numbers of qualified staff and neonatal care facilities, strengthen measures to prevent mother-to-child transmission of HIV and expand tailor-made interventions aimed at adolescent girls.⁶⁵

52. The United Nations country team noted that HIV had exacerbated inequalities during the coronavirus disease (COVID-19) pandemic, given that women were nearly two times more likely to be HIV-positive than men and that infection rates were twice as high in urban areas than in rural areas. Children living with HIV were less likely to receive treatment than adults, and their health outcomes had been worse.⁶⁶

53. The Committee on the Rights of the Child recommended that Zambia review the effectiveness of the comprehensive sexual reproductive health curriculum to ensure that all aspects of sexual and reproductive health education were part of the mandatory school curriculum, develop interventions targeted at adolescents and improve access for adolescents to reproductive health-care and related services.⁶⁷

11. Right to education

54. Referring to relevant recommendations from the previous review that had enjoyed the support of Zambia, UNESCO noted that government expenditure on education, which had been 4.7 per cent of gross domestic product in 2018 had been reduced to 3.7 per cent in 2020. In addition, spending on education in 2021 had dropped to 11.5 per cent of public expenditure, from 17.1 per cent in 2018.⁶⁸

55. The Committee on the Rights of the Child was concerned about the persistently high dropout rates, in particular among girls, due to teenage pregnancy, child marriage, discriminatory cultural practices and poverty, the enrolment and retention rate disparities between boys and girls, in particular in rural areas, the limited infrastructure for and poor quality of education, the low level of basic literacy and numeracy skills, reported sexual abuse in schools by teachers, the negative impact of the COVID-19 pandemic on access to education, in particular for children from poor households and children with disabilities, the disparities in access to, and the quality and cost of, early childhood education and the insufficient budget for early childhood education.⁶⁹

56. The Committee on the Rights of the Child recommended that Zambia ensure that all positive reforms, including school grants, bursary support, the expansion of early childhood development through low-cost community centres and free secondary education, were effectively implemented, strengthen assistance to pregnant teenagers to continue their education, address the disparities in enrolment and retention rates, ensure the professional development of teachers and that schools were accessible to all and equipped with adequate infrastructure, investigate all cases of sexual abuse in schools, sanction the perpetrators, ensure child-friendly reporting channels, ensure recovery from the pandemic by providing better information technology infrastructure in schools and homes and expand access to early childhood education.⁷⁰

57. UNESCO noted that the age for which compulsory education ended was not provided for in law and that, in order to avoid early school dropout, the minimum age for leaving school should be set, in accordance with a recommendation from the previous review cycle that had enjoyed the support of Zambia.⁷¹

58. The Committee on the Elimination of Racial Discrimination was concerned that disparities remained in access to quality education and educational resources for children residing in rural areas, informal settlements, on communal farms and in refugee settlements. It recommended that Zambia guarantee access to all levels of education and educational resources to all children, without discrimination, and requested allocating the resources necessary to ensure high-quality education for all children.⁷²

12. Development, the environment, and business and human rights

59. The Special Rapporteur on the right to food highlighted that economic growth had been largely unequal, noting increasing income inequality, and that the Gini Coefficient, a measure of income inequality, had increased from 0.60 in 2006 to 0.69 in 2015. The recent figure represented one of the 10 highest income inequalities in the world. The increase was attributed to a widening divide between urban and rural areas.⁷³

60. The Special Rapporteur on the right to food asserted that the development model chosen by Zambia, focused on export-based, large-scale agriculture, had led to deforestation,

competing demands on water resources and the increased use of chemical fertilizers and pesticides, having a direct impact on human health and the quality of soil and water resources.⁷⁴ The high deforestation rate made Zambia one of the top 20 greenhouse gas-emitting countries in the world.⁷⁵

61. The Special Rapporteur on the right to food recommended that Zambia establish an effective legal and institutional framework for environmental protection that protected health and prevented soil degradation and water contamination from intensive farming or large-scale animal husbandry, legislate to limit the dangerous use of toxic agrochemical products and promote organic farming and agro-ecological methods.⁷⁶ The Committee on the Rights of the Child recommended that the country reduce the rate of deforestation, improve sustainable land management, diversify livelihood options, reduce the vulnerability of communities to climate change, including through climate-smart agriculture and forest-based livelihoods, strengthen mitigation and adaptation measures with regard to droughts and floods, ensure that children's views were taken into account in developing policies and increase children's preparedness for climate change and natural disasters.⁷⁷

62. The Committee on the Rights of the Child remained concerned that environmental impact assessments were not routinely submitted to the Environmental Management Agency, about the exposure of children in Kabwe to high levels of lead around the former mine, about small-scale mining at the former mine and illegal mining operations, about the effects of mining in Kitwe and other provinces and about the increased mining activities in the absence of a comprehensive legal, regulatory and compliance framework.⁷⁸ Two special procedure mandate holders addressed a communication to Zambia in 2021 outlining similar concerns regarding alleged ongoing human rights violations and the environmentally damaging consequences of lead contamination in Kabwe.⁷⁹

63. The Committee on the Rights of the Child urged Zambia to develop a national action plan on business and human rights, establish a regulatory framework for mining companies, develop a programme for lead remediation, conduct regular monitoring of lead levels in Kabwe, ensure that treated children were not returned to contaminated areas, ensure that small-scale mining operations were licensed and monitored, use an environmental impact assessment to determine safe access in Kitwe, ensure effective complaint mechanisms and avenues of recourse in mining areas, designate a government lead on corporate social responsibility and ensure that corporate revenue from the mining sector supported the realization of the Sustainable Development Goals.⁸⁰ Two special procedure mandate holders expressed the view that more robust steps needed to be taken to ensure the health, safety and well-being of local populations.⁸¹

64. Several special procedure mandate holders addressed a communication to Zambia in 2019, in their capacity as members of Working Group III (Investor-State Dispute Settlement Reform) of the United Nations Commission on International Trade Law. They indicated, inter alia, that it was critical that any future reform was consistent with the Guiding Principles on Business and Human Rights and other international human rights norms, including by maintaining adequate domestic policy space to meet human rights obligations.⁸²

B. Rights of specific persons or groups

1. Women

65. The United Nations country team noted that, despite the efforts made by Zambia to promote women's rights in the country, the empowerment of women remained a challenge.⁸³

66. The Committee on the Elimination of Racial Discrimination was concerned at the continuation of harmful customary practices, such as the payment of *lobola* (dowry) to a bride's parents, which could constitute child and/or forced marriage. It recommended that Zambia conduct educational campaigns in rural communities and areas where practices such as *lobola* were prevalent, provide information to victims on access to judicial remedies and encourage reporting of cases.⁸⁴

2. Children

67. The Committee on the Rights of the Child noted that the bill containing the children's code was pending adoption by parliament. It recommended that Zambia promptly adopt the children's code bill and ensure that the bill enshrined provisions on children's participation in all settings and decisions that affected them.⁸⁵ It recommended renewing the national child policy and plan of action and developing a national strategy for children's participation.⁸⁶

68. The Committee on the Rights of the Child recommended that Zambia conduct a comprehensive assessment of budgetary needs in areas concerning children, allocate adequate budgetary resources to implement children's rights and ensure that budgetary lines for children were protected in situations of crisis.⁸⁷

69. The Committee on the Rights of the Child welcomed the development of the guidelines on best interests determinations for the establishment of a standardized procedure for addressing the cases children in vulnerable situations. It recommended that Zambia ensure that the principle of the best interests of the child was incorporated into legislation relevant to children, apply the guidelines in all legislative, administrative and judicial proceedings and decisions concerning children and provide training for relevant professionals thereon.⁸⁸

70. The Committee on the Rights of the Child remained concerned about increased levels of violence against children, in particular sexual abuse, including online.⁸⁹ It urged Zambia to strengthen measures to eradicate all forms of violence against children, ensure that all cases were promptly reported, investigated and prosecuted, that remedies and support were provided to victims and that the perpetrators were sanctioned, conduct awareness-raising to combat the stigmatization of children who were victims of sexual abuse, strengthen awareness-raising with the involvement of children, provide adequate resources to implement the Cyber Security and Cyber Crime Act, to the Victim Support Unit of the police and to one-stop centres, create accountability for preventing child sexual abuse in the tourism industry and fund Childline services.⁹⁰ The Committee recommended prohibiting by law all forms of violence against children, including corporal punishment, through the children's code bill, and repealing the right to administer lawful punishment in the Juveniles Act.⁹¹

71. The Committee on the Rights of the Child recommended that Zambia define, prohibit and eliminate hazardous labour practices where child workers were exposed to environmental risk, identify what constituted light work permitted for children between 13 and 15 years of age, address the high incidence of child labour, strengthen the labour inspectorate and ensure that children withdrawn from work received treatment and compensation and were enrolled in the education system.⁹² The Special Rapporteur on the right to food recommended addressing child labour in the agricultural sector at its root causes in contract farming. She called for prevention measures and for direct action to identify and withdraw children working in the worst forms of labour.⁹³

72. The Committee on the Rights of the Child was concerned that the Marriage Act, which provided for exceptions allowing for those under 18 years of age to marry and the recognition of the existence of customary marriage once a child attained puberty, had not been amended.⁹⁴ The Committee urged Zambia to ensure that the Act was amended in compliance with the Constitution and to remove all exceptions that allowed for those under 18 years of age to marry.⁹⁵ It recommended providing adequate resources to implement the national strategy on ending child marriage and strengthening awareness-raising and programmes on the harmful effects of child marriage.⁹⁶

73. The Committee on the Rights of the Child recommended that Zambia ensure that intersex children were not subjected to unnecessary medical treatment without their consent and that victims had access to justice, reparation and indemnity.⁹⁷

3. Persons with disabilities

74. The Committee on the Rights of the Child urged Zambia to develop a comprehensive strategy for the inclusion of children with disabilities, operationalize the Persons with Disabilities Act by finalizing and implementing the statutory instruments on education, health, labour and transportation, ensure that adequate resources were allocated to mainstream disability issues effectively, fully implement the guidelines on inclusive

education in all schools, guarantee that schools and centres were equipped with trained teachers and accessible infrastructure, conduct awareness-raising to combat stigmatization, create social protection programmes to fund assistive devices and meet rehabilitation needs, ensure that children were not placed in institutions as a result of their disability, strengthen family and community-based care, strengthen measures to ensure access to health care and systemize data collection.⁹⁸

4. Indigenous Peoples and minorities

75. The Committee on the Elimination of Racial Discrimination noted that Zambia did not recognize the existence of Indigenous Peoples in the country, which negated the rights of the San and Khoe peoples, the earliest inhabitants of Zambia, who suffered from high rates of poverty. The Committee was concerned at reports that they did not have access to their ancestral lands, education, housing, employment, health care or political participation and representation. The Committee recommended that Zambia recognize the full right of the San and Khoe peoples to access and use their ancestral lands.⁹⁹

5. Lesbian, gay, bisexual, transgender and intersex persons

76. Several special procedure mandate holders addressed a communication to Zambia in 2020 concerning the conviction and sentencing of two men to 15 years' imprisonment for allegedly engaging in consensual same-sex relations, in violation of their rights to privacy, non-discrimination, health and freedom from torture and cruel, inhuman and degrading treatment or punishment. The mandate holders expressed concern over the sentencing, which seemed to be solely based on their sexual orientation, and the fact that laws criminalizing sodomy had a discriminatory and disproportionately negative impact on lesbian, gay, bisexual, and transgender persons engaging in consensual relations and a detrimental impact on the enjoyment and realization of human rights.¹⁰⁰

6. Migrants, refugees and asylum-seekers

77. The Human Rights Committee asked Zambia to comment on information received that an estimated 10,000 recognized refugees lived in urban areas without the required residence permit or access to services.¹⁰¹ The Committee on the Elimination of Racial Discrimination was concerned about the restrictions placed on the freedom of movement of refugees and asylum-seekers in settlements, the fact that they were not automatically granted the right to work, the difficulties faced by refugees in obtaining residence permits, the lack of alternative resettlement options and the substandard conditions for refugees and asylum-seekers in camps.¹⁰² The Special Rapporteur on the right to food observed that refugees and migrants, faced with restrictions on freedom of movement and not automatically granted the right to work, were often forced into the informal economy and faced risks of exploitation, abuse, arrest and prolonged detention.¹⁰³

78. The Committee on the Elimination of Racial Discrimination recommended that Zambia amend the Refugee Act to ensure that refugees and asylum-seekers had the right to access to employment, health care and education and enjoyed freedom of movement and that protection was provided against refoulement, develop a long-term strategy providing a durable solution for local integration, improve the material conditions of camps and ensure that refugees and asylum-seekers in camps enjoyed an adequate standard of living and access to basic social services.¹⁰⁴ The Special Rapporteur on the right to food recommended incorporating international standards into national laws that guaranteed refugees and asylum-seekers the rights to seek work, have access to health care and education and enjoy freedom of movement.¹⁰⁵

79. The Committee on the Rights of the Child welcomed the establishment of a national referral mechanism and guidelines on best interests determinations for providing assistance to migrant children. It recommended that Zambia provide alternatives to detention, with the aim of ending detention for asylum-seeking, refugee and migrant children, ensure that age assessments take into account the best interests of the child and provide funding for the national referral mechanism.¹⁰⁶

7. Stateless persons

80. The Committee on the Rights of the Child welcomed the progress made in rolling out birth certification in all provincial headquarters, birth registration in hospitals and birth to death registration through the Integrated National Registration and Information System. It recommended strengthening and expediting the roll-out of the System and revising legislation to prevent and respond to statelessness.¹⁰⁷

Notes

- ¹ A/HRC/37/14, A/HRC/37/14/Add.1 and A/HRC/37/2.
- ² CRC/C/ZMB/CO/5-7, para. 46.
- ³ CRC/C/ZMB/CO/5-7, paras. 47 (a)–(e) and 21 (d). See also United Nations country team submission for the universal periodic review of Zambia, including information from the International Organization for Migration, the Office of the United Nations High Commissioner for Human Rights, the United Nations Children’s Fund, the United Nations Conference on Trade and Development, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees and the United Nations Population Fund, para. 2.
- ⁴ CERD/C/ZMB/CO/17-19, para. 34 (d).
- ⁵ A/HRC/37/61/Add.1, para. 121 (a).
- ⁶ Submission of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for the universal periodic review of Zambia, paras. 11 and 19 (i). See also A/HRC/37/14, para. 131.32 (Portugal); and A/HRC/37/14/Add.1, para. 2 (b).
- ⁷ United Nations country team submission, para. 9.
- ⁸ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27046>, p. 2.
- ⁹ United Nations country team submission, para. 3.
- ¹⁰ Ibid., para. 6.
- ¹¹ A/HRC/37/61/Add.1, para. 121 (c).
- ¹² Ibid., para. 121 (d).
- ¹³ CERD/C/ZMB/CO/17-19, paras. 9, 11 and 12.
- ¹⁴ United Nations country team submission, para. 12. See also UNESCO submission, paras. 4 and 21.
- ¹⁵ United Nations country team submission, para. 14.
- ¹⁶ A/HRC/37/61/Add.1, para. 128 (a).
- ¹⁷ CERD/C/ZMB/CO/17-19, para. 13.
- ¹⁸ Ibid., para. 14.
- ¹⁹ Ibid.; and CRC/C/ZMB/CO/5-7, para. 11. See also United Nations country team submission, para. 15; and A/HRC/37/61/Add.1, para. 30.
- ²⁰ United Nations country team submission, para. 8.
- ²¹ Ibid., para. 26.
- ²² CERD/C/ZMB/CO/17-19, paras. 17 and 18 (a).
- ²³ Ibid., para. 16.
- ²⁴ A/HRC/37/61/Add.1, para. 103.
- ²⁵ Ibid., para. 127 (a).
- ²⁶ CERD/C/ZMB/CO/17-19, para. 29.
- ²⁷ United Nations country team submission, para. 18.
- ²⁸ CRC/C/ZMB/CO/5-7, para. 18.
- ²⁹ CCPR/C/ZMB/Q/4, para. 11.
- ³⁰ Ibid., paras. 14 and 29.
- ³¹ CERD/C/ZMB/CO/17-19, para. 29.
- ³² See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23683>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25287>; and <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26815>.
- ³³ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26815>, pp. 2–3.
- ³⁴ CERD/C/ZMB/CO/17-19, para. 30.
- ³⁵ CCPR/C/ZMB/Q/4, para. 16.
- ³⁶ Ibid., para. 20.
- ³⁷ CRC/C/ZMB/CO/5-7, para. 43.
- ³⁸ Ibid., para. 44.
- ³⁹ United Nations country team submission, para. 28.
- ⁴⁰ CERD/C/ZMB/CO/17-19, para. 18 (c)–(d).
- ⁴¹ CCPR/C/ZMB/Q/4, para. 18.

- 42 Ibid., para. 25.
- 43 Ibid., para. 24.
- 44 Ibid., para. 26.
- 45 Ibid., para. 27.
- 46 See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26374>, p. 2.
- 47 Ibid., p. 4.
- 48 CRC/C/ZMB/CO/5-7, para. 27 (b)–(c).
- 49 United Nations country team submission, para. 30.
- 50 CRC/C/ZMB/CO/5-7, para. 42 (a)–(c).
- 51 CERD/C/ZMB/CO/17-19, para. 32 (a)–(c) and (e).
- 52 United Nations country team submission, para. 37.
- 53 CRC/C/ZMB/CO/5-7, para. 36 (a)–(c).
- 54 A/HRC/37/61/Add.1 paras. 118–119.
- 55 Ibid., para. 123–125.
- 56 CCPR/C/ZMB/Q/4, para. 7; and A/HRC/37/61/Add.1, paras. 36–38.
- 57 A/HRC/37/61/Add.1, para. 47.
- 58 Ibid., para. 122 (a)–(e).
- 59 CRC/C/ZMB/CO/5-7, para. 36.
- 60 Ibid., para. 36 (d).
- 61 See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27046>.
- 62 United Nations country team submission, para. 40.
- 63 Ibid., para. 42.
- 64 CRC/C/ZMB/CO/5-7, para. 31.
- 65 Ibid., para. 32.
- 66 United Nations country team submission, para. 43.
- 67 CRC/C/ZMB/CO/5-7, para. 33 (a)–(c).
- 68 UNESCO submission, para. 12. See also A/HRC/37/14, para. 129.69 (Togo), para. 129.70 (Pakistan) and para. 131.107 (Namibia); A/HRC/37/14/Add.1, para. 2 (b); and United Nations country team submission, para. 47.
- 69 CRC/C/ZMB/CO/5-7, para. 37.
- 70 Ibid., para. 38.
- 71 UNESCO submission, para. 16. See also A/HRC/37/14, para. 131.91 (Slovakia); and A/HRC/37/14/Add.1, para. 2 (b).
- 72 CERD/C/ZMB/CO/17-19, paras. 27–28.
- 73 A/HRC/37/61/Add.1, para. 9.
- 74 Ibid., para. 94.
- 75 Ibid., para. 95.
- 76 Ibid., para. 126.
- 77 CRC/C/ZMB/CO/5-7, para. 35.
- 78 Ibid., para. 14 (a)–(d).
- 79 See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26405>.
- 80 CRC/C/ZMB/CO/5-7, para. 15 (a)–(e) and (g)–(h).
- 81 See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26405>. See also United Nations country team submission, paras. 19–20.
- 82 See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24430>.
- 83 United Nations country team submission, para. 54.
- 84 CERD/C/ZMB/CO/17-19, paras. 23–24.
- 85 CRC/C/ZAM/CO/5-7, paras. 6 and 20 (b).
- 86 Ibid., para. 7.
- 87 Ibid., para. 9 (a)–(b).
- 88 Ibid., para. 19.
- 89 Ibid., para. 23 (a).
- 90 Ibid., para. 24.
- 91 Ibid., para. 22 (a).
- 92 Ibid., para. 40.
- 93 A/HRC/37/61/Add.1 paras. 111–112, and 127 (b).
- 94 CRC/C/ZMB/CO/5-7, para. 16.
- 95 Ibid., para. 17.
- 96 Ibid., para. 25 (a)–(b). See also UNESCO submission, para. 17.
- 97 CRC/C/ZMB/CO/5-7, para. 25 (c).
- 98 Ibid., para. 30.
- 99 CERD/C/ZMB/CO/17-19, paras. 25–26.

¹⁰⁰ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25057>.

¹⁰¹ [CCPR/C/ZMB/Q/4](#), para. 23.

¹⁰² [CERD/C/ZMB/CO/17-19](#), para. 33 (a) and (c)–(d).

¹⁰³ [A/HRC/37/61/Add.1](#), para. 116.

¹⁰⁴ [CERD/C/ZMB/CO/17-19](#) para. 34 (a)–(c).

¹⁰⁵ [A/HRC/37/61/Add.1](#), para. 127 (c).

¹⁰⁶ [CRC/C/ZMB/CO/5-7](#), para. 39.

¹⁰⁷ *Ibid.*, para. 21 (a) and (d). See also United Nations country team submission, para. 32.
