

**Republic of Zambia**  
**Stakeholder Report on the Death Penalty for the United Nations Universal Periodic Review**

**Submitted by The Advocates for Human Rights,**  
a non-governmental organization in special consultative status with ECOSOC since 1996

**The World Coalition Against the Death Penalty**  
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**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The World Coalition Against the Death Penalty (WCADP)**, an alliance of more than 150 NGOs, bar associations, local authorities and unions, was created in Rome on May 13, 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

## EXECUTIVE SUMMARY

1. This report addresses Zambia's compliance with its international human rights obligations with respect to the death penalty. In May 2022, Zambian President Hakainde Hichilema announced government plans to abolish the death penalty. While Zambia has maintained a de facto moratorium on executions since 1997, formal abolition of the death penalty would be a major step forward for human rights in the country, adding to the growing consensus worldwide for the universal abolition of the death penalty.<sup>1</sup>
2. The report examines the current state of the death penalty in Zambia, including (1) proposed legislation abolishing the death penalty; (2) torture and cruel, inhuman, or degrading treatment in detention, including for people under sentence of death; (3) conditions of detention; and (4) administration of justice and fair trial.
3. This report recommends that Zambia finalize its efforts to abolish the death penalty, commute the sentences of people currently under sentence of death, bring detention conditions into compliance with international human rights standards, and ensure the fair trial and due process rights of all persons suspected of committing crimes, including crimes that are currently capital offenses.

### I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

4. During its 2017 Universal Period Review, Zambia received 38 recommendations related to the death penalty, fourteen recommendations related to steps toward legal implementation of death penalty practices, four related to ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), four recommendations regarding scope of who can be executed or detained, five recommendations related to torture, seven recommendations related to detention conditions, and four related to administration of justice and fair trial.

### Theme D23: Death penalty

#### *Formal abolition of the death penalty*

#### **Status of Implementation: Partially Accepted, Partially Implemented**

5. Zambia received fourteen recommendations related to death penalty practice and legal steps towards abolition.<sup>2</sup> Of the fourteen recommendations, six proposed total abolition of the death penalty and commutation of all death penalty sentences.<sup>3</sup> The remaining eight suggested that Zambia undertake concrete steps towards legal abolition of the death penalty, including, but not limited to, continuing the public political debate surrounding de jure abolition and working towards a legal moratorium on executions.<sup>4</sup> Zambia rejected the first six recommendations and accepted the latter eight.<sup>5</sup>
6. The death penalty remains legal in Zambia.<sup>6</sup> Despite that fact that Zambian authorities have not carried out an execution since 1997,<sup>7</sup> courts continue to sentence people to death, with at least nine death sentences in 2021, including at least one mandatory death sentence.<sup>8</sup> (Death is still the mandatory punishment for aggravated robbery.<sup>9</sup>)
7. Even though Zambia has not officially abolished the death penalty, the country has taken steps toward this objective. On May 24, 2022, President Hichilema announced the government's plan to formally abolish the death penalty, stating that "use of the death

penalty is incompatible with fundamental human rights and dignity.”<sup>10</sup> The Zambia Law Development Commission has proposed modifications to the Penal Code and Criminal Procedure Code that would abolish the death penalty, replacing it with life in prison.<sup>11</sup> While Zambia had initiated this amendment process prior to 2017,<sup>12</sup> the Zambia Law Development Commission and the Technical Committee officially submitted a Project Report and two Draft Bills on February 15, 2022.<sup>13</sup>

8. As efforts toward formal abolition of the death penalty are ongoing, officials have not yet instituted a de jure moratorium on executions. The de facto moratorium on executions is still in place.<sup>14</sup>
9. Zambia has continued efforts to commute existing death sentences, but people remain on death row. In January 2021, authorities commuted the death sentences of 246 persons to life imprisonment.<sup>15</sup> As of the end of 2021, however, 257 people remained on death row.<sup>16</sup> On May 27, 2022, President Hichilema stated that he had commuted the sentences of 30 additional individuals.<sup>17</sup> These figures suggest that more than 200 people currently remain under sentence of death in Zambia.
10. Zambia abstained from the 2020 vote in the UN General Assembly calling for a worldwide moratorium on the use of the death penalty.<sup>18</sup>

#### *Ratification of Second Optional Protocol to the ICCPR*

#### **Status of Implementation: Partially Accepted, Not Implemented**

11. Zambia received four recommendations related to the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights.<sup>19</sup> Three countries proposed ratification of the Second Optional Protocol without reservation, and one suggested consideration of abolition of the death penalty in accordance with the Second Optional Protocol.<sup>20</sup> Zambia noted the first three and accepted the fourth.<sup>21</sup> As of this writing, Zambia has neither signed nor ratified the Second Optional Protocol.<sup>22</sup>

#### **Theme D25: Prohibition of torture and cruel, inhuman or degrading treatment**

#### **Status of Implementation: Accepted, Not Implemented**

12. Zambia received one recommendation to adopt a draft law introducing criminal responsibility for law enforcement officers who use torture,<sup>23</sup> one recommendation to strengthen legislation on the prohibition of torture, and three recommendations to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>24</sup> Zambia accepted all of these recommendations.<sup>25</sup>
13. Zambia ratified the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in 1989.<sup>26</sup> Zambia has failed to domesticate the Convention because it has not enacted any national legislation to give the convention legal effect.<sup>27</sup> Zambia has not yet ratified the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>28</sup>
14. Article 15 of the Constitution of Zambia prohibits torture.<sup>29</sup> The Penal Code, however, does not define or criminalize torture. As a result, prosecutors face challenges in enforcing Article 15.<sup>30</sup> In 2019, the Human Rights Commission (HRC) said it remained concerned that perpetrators of torture were still being charged with lesser offenses of assault due to the absence of any criminalizing statute.<sup>31</sup>

15. Zambian courts do not suppress most evidence obtained through torture. Regarding torture during interrogations, “[a]lthough the Zambian courts do not admit involuntary confessions into evidence, they do allow any evidence found as a result of the illegal confession.”<sup>32</sup>
16. The HRC has reported that during the Lungu administration, police frequently used disproportionate force. In June 2020, however, Zambian police in cooperation with the HRC and UN Development Program, adopted standard procedures to safeguard against prior violent behavior.<sup>33</sup>
17. There are reports that under the current administration, police continue to torture some suspects. In February 2022, for example, Zambian police were accused of torturing former president Edgar Lungu’s barber, Shabby Chilekwa, when he was in custody on suspicion of murder.<sup>34</sup>

### **Theme D26: Conditions of detention**

#### **Status of Implementation: Accepted, partially implemented**

18. Zambia received one recommendation to improve the conditions in prisons and guarantee the rights of detainees,<sup>35</sup> one recommendation to improve living conditions for detainees and take appropriate steps to reduce long terms of preventive detention,<sup>36</sup> one recommendation to redouble its efforts to improve living conditions in prisons and reduce overcrowding,<sup>37</sup> and one recommendation to continue its efforts to implement programs and activities aimed at adjusting Zambia’s Correctional Service to the United Nations Standard Minimum Rules for the Treatment of Prisoners, including by adequate funding and training of officers.<sup>38</sup> Zambia accepted these recommendations.
19. On December 9, 2019, the Supreme Court of Zambia ruled that the rights under Article 15 of the Constitution, which prohibits torture, include the right to be free from “overcrowding, poor ventilation, disease, poor hygiene, and limited access to adequate health care” in prisons.<sup>39</sup>
20. In its 2020 report to the UN Human Rights Committee, Zambia stated that it had constructed four new prisons and it was in the process of constructing two more prisons to help reduce prison overcrowding.<sup>40</sup> This report also noted that Zambia had implemented measures to decongest overcrowded prisons, including the establishment of a national parole system and an order allowing individuals convicted of minor offences to pay fines or complete a community service requirement as an alternative to imprisonment.<sup>41</sup> Presidential pardons have also helped reduce the prison population,<sup>42</sup> and Zambia has offered medical training to prison officers so each prison can offer healthcare resources.<sup>43</sup>
21. Inadequate ventilation, temperature control, lighting, and basic and emergency medical care remain problems.<sup>44</sup> Furthermore, lack of potable water has resulted in serious outbreaks of waterborne and foodborne diseases, including dysentery and cholera.<sup>45</sup> According to the HRC, prison food is nutritionally inadequate, and prisoners have reported insufficient bedding and poor sanitation.<sup>46</sup> During the COVID-19 pandemic, failure to remove or quarantine sick inmates has resulted in the spread of tuberculosis and other illnesses and the deaths of several prisoners.<sup>47</sup>
22. Detention facilities fail to accommodate people with psycho-social disabilities. A study

conducted by the Department of Psychology at the University of Zambia in 2020 found that there is a high prevalence of psycho-social disabilities and related conditions among people living in Zambian correctional facilities, where there is a total absence of services targeted toward people with such disabilities.<sup>48</sup> The majority of these people are not screened and do not receive accommodations.<sup>49</sup> Staff at correctional facilities need greater training about and awareness of psycho-social disabilities and facilities need to provide appropriate services and accommodations for people with disabilities.<sup>50</sup>

23. In 2019, Zambian authorities opened a Multi-Purpose Vocational Skills Training Centre at the Mwembeshi Maximum Correctional Facility, supported by the NGO Prisoner Reintegration Empowerment Organization (PREO).<sup>51</sup> It provides a unique, comprehensive approach to reducing reoffending through in-prison skills training and post-release support, aiming at reducing recidivism in the country and promoting social reintegration.<sup>52</sup> Prisoners are encouraged to maximize their skills in order for them to better their chances at life success once they leave.<sup>53</sup> PREO will eventually also use its established networks to link released prisoners to legal and health services, and also to employment and entrepreneurial opportunities.<sup>54</sup>

#### **Theme D51: Administration of justice & fair trial**

24. Under Zambian law, public defenders are provided for indigent defendants when the court determines that the defendant is not financially able to hire representation and justice requires representation.<sup>55</sup> But many defendants are not aware of their right to counsel, and the legal aid office and the Legal Resources Foundation, both of which provide legal services to some indigent arrestees, are unable to meet the demand.<sup>56</sup> Even when counsel is provided, it is not provided in a prompt and timely manner.<sup>57</sup>
25. In 2022, the Law Association of Zambia launched its pro bono policy framework, which aims to provide access to criminal and civil justice representation to people from disadvantaged backgrounds without cost.<sup>58</sup> Justice Minister Mulambo Haimbe has reportedly said that the government is “working hard to close the gap that limits access to justice for poor people in the country.”<sup>59</sup>
26. Detainees have the right to challenge in court the legal basis or arbitrary nature of their detention, but police often prevent detainees from filing challenges to prolonged detention.<sup>60</sup>
27. In 2021 alone, Zambian courts exonerated three people who had been under sentence of death.<sup>61</sup> There is no information as to whether these people have received any remedies for their wrongful convictions or for their time on death row, or whether authorities have given them any assistance for reintegrating into society.

## **II. RECOMMENDATIONS**

28. This stakeholder report suggests the following recommendations for the Government of the Republic of Zambia:
  - Amend the Penal Code and the Criminal Procedure Code Act to abolish the death penalty.
  - Ratify the Second Optional Protocol to ICCPR.
  - Immediately commute the sentences of all individuals currently on death row and institute a de jure moratorium until the death penalty is abolished.

- Take immediate steps to re-launch the Constitutional Reform process to amend the Bill of Rights to explicitly prohibit the death penalty.
- Ratify the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Enact legislation to define torture, criminalize torture, and provide appropriate penalties for perpetrators.
- Instruct all judges to prohibit the use of any evidence discovered as a result of a coerced or otherwise unlawful confession, especially when resulting from torture during interrogation.
- Provide enhanced funding and human resources to the Zambian Legal Aid Department and the Legal Resources Foundation to ensure that defendants who have limited financial means to defend themselves are afforded complete and effective legal assistance, including well qualified legal counsel and funding for carrying out an investigation to gather evidence for the defense, giving priority to any person at risk of being sentenced to death.
- Direct law enforcement to provide indigent persons suspected of criminal conduct with timely access to counsel, prior to any interrogation, prioritizing any person suspected of having committed a capital crime.
- Expand training for law enforcement on the rights of detainees to challenge the legal basis of their detention and institute procedures to ensure that they do not hinder detainees' efforts to exercise these rights.
- Step up funding for the detention facilities to ensure conditions are consistent with the Nelson Mandela Rules, with particular emphasis on water and sanitation, food and other basic necessities, and prison-based health services.
- Provide training to staff at correctional facilities about psycho-social disabilities and ensure people with such disabilities receive appropriate services and accommodations while they are detained.
- Ensure that all people in detention have access to skills training and post-release support, regardless of their sentence.
- Expand post-release support programs to include assistance for people exonerated from death row, and ensure that exonerates receive remedies for their wrongful convictions and for their time on death row.

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<sup>1</sup> Zambia's pledge to abolish the death penalty, United Nations Human Rights, Office of the High Commissioner <https://www.ohchr.org/en/statements/2022/05/zambias-pledge-abolish-death-penalty>

<sup>2</sup> *Report of the Working Group on the Universal Periodic Review: Zambia* (January 1, 2018), U.N. Doc. A/HRC/37/14.

<sup>3</sup> *Report of the Working Group on the Universal Periodic Review: Zambia* (January 1, 2018), U.N. Doc. A/HRC/37/14 ¶ 131.58 Abolish the death penalty (Central African Republic) (Paraguay) (Portugal); ¶ 131.59 Take the necessary public and legislative steps in order to abolish the death penalty (Ukraine); ¶ 131.60 Legislate to remove the death penalty from its statute books and commute to custodial sentences those death sentences that have already been passed down (United Kingdom of Great Britain and Northern Ireland); ¶ 131.7 Formalize the abolition of the death penalty and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia); ¶ 131.8 Abolish the death penalty in law and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia).

<sup>4</sup> *Report of the Working Group on the Universal Periodic Review: Zambia* (January 1, 2018), U.N. Doc. A/HRC/37/14 ¶ 131.45 Take concrete steps towards the abolition of the death penalty (Norway); ¶ 131.46 Continue the public political debate to go from the current de facto abolition to the definitive abolition of the death penalty in

the country (Spain); ¶ 131.47 Endeavour to abolish the death penalty (South Africa); ¶ 131.48 Take measures to introduce a de jure moratorium on executions and take concrete steps towards the abolition of the death penalty (Rwanda); ¶ 131.49 Consider taking steps to establish a de jure moratorium with a view to abolishing the death penalty (Italy); ¶ 131.50 Continue with the moratorium on the death penalty and continue making efforts towards abolishing it (Namibia); ¶ 131.61 Consider the abolition of the death penalty, in accordance with the Second Optional Protocol to the International Covenant on Civil and Political Rights (Honduras); ¶ 131.62 Strengthen its efforts to abolish the death penalty in law (Mongolia).

<sup>5</sup> *Report of the Working Group on the Universal Periodic Review: Zambia* (January 1, 2018), U.N. Doc. A/HRC/37/14.

<sup>6</sup> Freedom House, *Zambia: Freedom in the World 2022 Country Report* (2022), available at <https://freedomhouse.org/country/zambia/freedom-world/2022>.

<sup>7</sup> Tumelo Imasiku, *A Study on the Abolishment of Death Penalty in Zambia*, Cavendish University Zambia, <http://155.0.3.194:8080/jspui/bitstream/123456789/405/1/A%20STUDY%20ON%20THE%20ABOLISHMENT%20OF%20DEATH%20PENALTY%20IN%20ZAMBIA.pdf>.

<sup>8</sup> Amnesty International, *Death Sentences and Executions 2021*, May 24, 2022, at 15, 52, available at <https://www.amnesty.org/en/documents/act50/5418/2022/en/>. See also Equal Justice Initiative, “Zambia’s President Calls for Abolishing the Death Penalty and Pardons Thousands,” (May 27, 2022), available at <https://eji.org/news/zambias-president-calls-for-abolishing-the-death-penalty-and-pardons-thousands/>.

<sup>9</sup> Equal Justice Initiative, “Zambia’s President Calls for Abolishing the Death Penalty and Pardons Thousands,” (May 27, 2022), available at <https://eji.org/news/zambias-president-calls-for-abolishing-the-death-penalty-and-pardons-thousands/>.

<sup>10</sup> UN News, “Rights Office Welcome’s Zambia’s Pledge to Abolish the Death Penalty,” (May 27, 2022), available at <https://news.un.org/en/story/2022/05/1119282>.

<sup>11</sup> Dickson Jere, “GUEST ARTICLE: The New Penal Code,” Zambia Law Development Commission, available at <http://www.zambialawdevelopment.org/guest-articlethe-new-penal-code/>.

<sup>12</sup> Dickson Jere, “GUEST ARTICLE: The New Penal Code,” Zambia Law Development Commission, available at <http://www.zambialawdevelopment.org/guest-articlethe-new-penal-code/>.

<sup>13</sup> Lina Jere, Innocent Siachitoba, Dorica Pelemba, and Chiluba K. Moyo, “It’s a Done Deal: ZLDC Hands Over, to the Minister of Justice, The Project Report and Proposed Bills on the Review of the Penal Code Act Chapter 87 of the Laws of Zambia, and the Criminal Procedure Code Act, Chapter 88 of the Laws of Zambia,” Zambia Law Development Commission, available at <http://www.zambialawdevelopment.org/its-a-done-deal-zlde-hands-over-to-the-minister-of-justice-the-project-report-and-proposed-bills-on-the-review-of-the-penal-code-act-chapter-87-of-the-laws-of-zambia-and-the-criminal-proc/>; Zambia Law Development Commission, *Review of the Penal Code Act, Chapter 87 of the Laws of Zambia and the Criminal Procedure Code Act, Chapter 88 of the Laws of Zambia* (2022), available at <http://www.zambialawdevelopment.org/download/reportreview-of-the-penal-code-act-chapter-87-of-the-laws-of-zambia-and-the-criminal-procedure-code-chapter-88-of-the-laws-of-zambia/>.

<sup>14</sup> Tumelo Imasiku, *A Study on the Abolishment of Death Penalty in Zambia*, Cavendish University Zambia, <http://155.0.3.194:8080/jspui/bitstream/123456789/405/1/A%20STUDY%20ON%20THE%20ABOLISHMENT%20OF%20DEATH%20PENALTY%20IN%20ZAMBIA.pdf>.

<sup>15</sup> Amnesty International, *Death Sentences and Executions 2021*, May 24, 2022, at 59, available at <https://www.amnesty.org/en/documents/act50/5418/2022/en/>.

<sup>16</sup> Equal Justice Initiative, “Zambia’s President Calls for Abolishing the Death Penalty and Pardons Thousands,” (May 27, 2022), available at <https://eji.org/news/zambias-president-calls-for-abolishing-the-death-penalty-and-pardons-thousands/>; Amnesty International, *Death Sentences and Executions 2021*, May 24, 2022, at 52, available at <https://www.amnesty.org/en/documents/act50/5418/2022/en/>.

<sup>17</sup> Equal Justice Initiative, “Zambia’s President Calls for Abolishing the Death Penalty and Pardons Thousands,” (May 27, 2022), available at <https://eji.org/news/zambias-president-calls-for-abolishing-the-death-penalty-and-pardons-thousands/>.

<sup>18</sup> UN Digital Library, United Nations Voting Records, available at <https://digitallibrary.un.org/record/3894866?ln=en>.

<sup>19</sup> *Report of the Working Group on the Universal Periodic Review: Zambia* (January 1, 2018), U.N. Doc. A/HRC/37/14.

<sup>20</sup> *Report of the Working Group on the Universal Periodic Review: Zambia* (January 1, 2018), U.N. Doc. A/HRC/37/14 ¶ 131.5 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Angola) (Montenegro) (Sweden) (Togo) (Spain); ¶ 131.6 Ratify, without reservation, the Second Optional Protocol to the International Covenant on Civil and Political Rights and take the necessary measures so as to commute the sentences of those under the death penalty (Mexico); ¶ 131.7

Formalize the abolition of the death penalty and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia); ¶ 131.61 Consider the abolition of the death penalty, in accordance with the Second Optional Protocol to the International Covenant on Civil and Political Rights (Honduras).

<sup>21</sup> *Report of the Working Group on the Universal Periodic Review: Zambia* (January 1, 2018), U.N. Doc. A/HRC/37/14.

<sup>22</sup> UN Treaty Body Database, United Nations Human Rights Treaty Bodies, available at [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=194&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=194&Lang=EN).

<sup>23</sup> *Report of the Working Group on the Universal Periodic Review: Zambia* (January 1, 2018), U.N. Doc. A/HRC/37/14 ¶ 129.41 Adopt as soon as possible a draft law introducing criminal responsibility for the use of torture by law enforcement officers (Russian Federation).

<sup>24</sup> *Report of the Working Group on the Universal Periodic Review: Zambia* (January 1, 2018), U.N. Doc. A/HRC/37/14 ¶ 131.28 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark) (Ghana); ¶ 131.29 Consider ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Georgia); ¶ 131.3 Ratify the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of Persons with Disabilities, as well as the two Optional Protocols to the Convention on the Rights of the Child (Guatemala); *Report of the Working Group on the Universal Periodic Review: Zambia: Addendum* (March 16, 2018) U.N. Doc. A/HRC/37/14/Add.1 ¶ 2.

<sup>25</sup> *Report of the Working Group on the Universal Periodic Review: Zambia: Addendum* (March 16, 2018) U.N. Doc. A/HRC/37/14/Add.1 ¶ 1, 2.

<sup>26</sup> Mirriam Chabala, “HRC urges govt to enact Law criminalizing torture,” News Diggers! (April 25, 2019), available at <https://diggers.news/local/2019/04/25/hrc-urges-govt-to-enact-law-criminalizing-torture/>.

<sup>27</sup> Mirriam Chabala, “HRC urges govt to enact Law criminalizing torture,” News Diggers! (April 25, 2019), available at <https://diggers.news/local/2019/04/25/hrc-urges-govt-to-enact-law-criminalizing-torture/>.

<sup>28</sup> UN Treaty Body Database, United Nations Human Rights Treaty Bodies, available at [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=194&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=194&Lang=EN).

<sup>29</sup> Constitution of Zambia art. 15.

<sup>30</sup> Mirriam Chabala, “HRC urges govt to enact Law criminalizing torture,” News Diggers! (April 25, 2019), available at <https://diggers.news/local/2019/04/25/hrc-urges-govt-to-enact-law-criminalizing-torture/>.

<sup>31</sup> Lusaka Times, “The absence of the law criminalizing torture in Zambia is still a concern-Human Rights Commission,” (April 24, 2019), available at <https://www.lusakatimes.com/2022/02/11/zambia-polices-response-to-allegations-of-torture-is-unacceptable-fred-mmembe/>.

<sup>32</sup> Frederick Ng'andu, *THE DEATH PENALTY IN ZAMBIA*, British Institute of International and Cooperative Law, [https://www.biicl.org/files/2305\\_country\\_report\\_zambia\\_ngandu.pdf](https://www.biicl.org/files/2305_country_report_zambia_ngandu.pdf).

<sup>33</sup> Source on file with The Advocates for Human Rights.

<sup>34</sup> Lusaka Times, “Zambia Police’s Response to Allegations of Torture is Unacceptable-Fred M’membe,” (February 11, 2022), available at <https://www.lusakatimes.com/2019/04/24/the-absence-of-the-law-criminalising-torture-in-zambia-is-till-a-concern-human-rights-commission/>.

<sup>35</sup> *Report of the Working Group on the Universal Periodic Review: Zambia* (January 1, 2018), U.N. Doc. A/HRC/37/14 ¶ 129.41 (Italy)

<sup>36</sup> *Report of the Working Group on the Universal Periodic Review: Zambia* (January 1, 2018), U.N. Doc. A/HRC/37/14 ¶ 129.41 (Senegal)

<sup>37</sup> *Report of the Working Group on the Universal Periodic Review: Zambia* (January 1, 2018), U.N. Doc. A/HRC/37/14 ¶ 129.41 (Burundi)

<sup>38</sup> *Report of the Working Group on the Universal Periodic Review: Zambia* (January 1, 2018), U.N. Doc. A/HRC/37/14 ¶ 129.41 (Brazil).

<sup>39</sup> *Mwanza and Another v Attorney General*, 2019 ZMSC 33 (9 Dec. 2019).

<sup>40</sup> Human Rights Committee, *Fourth periodic report submitted by Zambia under article 40 of the Covenant, due in 2011*, (July 17, 2020), U.N. Doc. CCPR/C/ZMB/4, ¶ 80.

<sup>41</sup> Human Rights Committee, *Fourth periodic report submitted by Zambia under article 40 of the Covenant, due in 2011*, (July 17, 2020), U.N. Doc. CCPR/C/ZMB/4, ¶¶ 73-4.

<sup>42</sup> Human Rights Committee, *Fourth periodic report submitted by Zambia under article 40 of the Covenant, due in 2011*, (July 17, 2020), U.N. Doc. CCPR/C/ZMB/4, ¶ 76.

<sup>43</sup> Human Rights Committee, *Fourth periodic report submitted by Zambia under article 40 of the Covenant, due in 2011*, (July 17, 2020), U.N. Doc. CCPR/C/ZMB/4, ¶ 77.



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<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Jonathan Chinyama and Anitha Menon, PhD, “Mental Health and Healthcare Provision in Zambian Correctional Facilities” *Medical Journal of Zambia*, Vol. 47 (3): 209-214 (2020)

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> United Nations Office on Drugs and Crime, “To help lower re-offending, UNODC and partners inaugurate two new prison rehabilitation facilities in Zambia” (April 12th, 2019), available at <https://www.unodc.org/dohadeclaration/en/news/2019/04/to-help-lower-re-offending--unodc-and-partners-inaugurate-two-new-prison-rehabilitation-facilities-in-zambia.html>

<sup>52</sup> *Id.*

<sup>53</sup> United Nations Office on Drugs and Crime, “Zambian strides in prisoner rehabilitation and health care presented at CND,” (March 5<sup>th</sup>, 2020), available at <https://www.unodc.org/dohadeclaration/en/news/2020/03/zambian-strides-in-prisoner-rehabilitation-and-health-care-presented-at-cnd.html>

<sup>54</sup> *Id.*

<sup>55</sup> Zambia Legal Aid Act, sec 8(1), Laws of Zambia Ch. 34, Jul. 3, 1967, as updated to Dec. 2006.

<sup>56</sup> Source on file with The Advocates for Human Rights.

<sup>57</sup> Ibid.

<sup>58</sup> Lusaka Times, “Pro Bono service framework to provide access to criminal and civil justice launched,” (May 20, 2022), available at <https://www.lusakatimes.com/2022/05/20/pro-bono-service-framework-to-provide-access-to-criminal-and-civil-justice-launched/>.

<sup>59</sup> Lusaka Times, “Government is working hard to close the gap that limits access to justice for poor people,” (June 5, 2022), available at <https://www.lusakatimes.com/2022/06/05/government-is-working-hard-to-close-the-gap-that-limits-access-to-justice-for-poor-people/>.

<sup>60</sup> *Id.*

<sup>61</sup> Amnesty International, *Death Sentences and Executions 2021*, May 24, 2022, at 14, available at <https://www.amnesty.org/en/documents/act50/5418/2022/en/>.