Human Rights Council
Working Group on the Universal Periodic Review ***

Compilation on Zambia

UNCT Stakeholder Submission:

- **International Organization for Migration (IOM)**
- **Office of the High Commissioner for Human Rights (OHCHR)**
- **United Nations Children's Fund (UNICEF)**
- **United Nations Conference on Trade and Development (UNCTAD)**
- **United Nations Development Programme (UNDP)**
- **United Nations High Commissioner for Refugees (UNHCR)**
- **United Nations Population Fund (UNFPA)**

July 2022

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 37/14 and 16/21, factoring in the periodicity of the Universal Periodic Review (UPR). It is a compilation of the information in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner given word-limit constraints.

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

2. Zambia is State party to eight of the nine core international human rights treaties. The United Nations country team (UNCT) noted that Zambia still has yet to sign or ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families or several of the Optional Protocols to the core international human rights treaties (Annex I). In April 2022, the Ministry of Community Development and Social Services (MCDSS) facilitated consultative meetings with various stakeholders on the three optional protocols to the Convention on the Rights of the Child to seek Parliament's approval to proceed with the ratifications of the First and Second Optional Protocols to this Convention, as well as accession to the Third Protocol. MCDSS has also been holding consultative meetings about ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD) with relevant stakeholders.

3. The post-Cold War Constitution of Zambia was adopted in 1991 and has been amended on several occasions (in 1996, 2009 and 2016). According to Amendment Act No. 2 of 2016, Zambian laws are derived from: a) the Constitution; b) parliamentary act; c) statutory instruments; d) Zambian customary law (consistent with the Constitution); and e) laws and statutes which apply or extend to Zambia.[1] Generally, the process for the domestication of treaties is a matter of national law, not governed by international law.[2] The current Constitution makes no reference to the status of international law in the Zambian legal system. Zambia has adopted a dualist approach, in which international law and domestic law are treated as two distinct legal systems, and a separate process for domestication of international agreements is required through enactment of law in Parliament. The Ratification of International Agreements Act of 2016, Section 12, provides that an international agreement may be domesticated by: (a) an Act that sets out the international agreement in a schedule; (b) setting out salient provisions of the international agreement, that will require specific interventions or measures to be undertaken, and annexing the international agreement to the Act; (c) rephrasing the terms of the international agreement in an Act and annexing the agreement to the Act; (d) adopting, in an Act, the terms of the international agreement in its entirety; or (e) the use of any other enforceable means, where applicable.

4. As international law is not self-executing under the Zambian Constitution, the UNCT recommended reforms to ensure the Constitution includes clauses which stipulate those international agreements entered into by the State automatically become part of domestic legislation. Representative text from other constitutions is contained in Annex II. The State advised during its first UPR cycle that it intended to undertake domestication of international human rights treaties during the implementation period of the Fifth National Development Plan.[3]

5. The UNCT recognized that the Government has made several efforts to enhance the 1996 Bill of Rights embodied in Part III of the Constitution, which mainly provides for the protection of some civil and political rights. Economic, social and cultural rights are integrated in other sections of the Constitution and not designated as rights but as matters of State policy whose realization is possible State

[1] Zambia, Constitution of Zambia Amendment Act No. 2 of 2016.
[2] Antonio Cassese, *International Law*, Oxford University Press, Oxford, 2005, p. 219.
[3] A/HRC/8/43/Add.1.

resources permitting. The Constitutional referendum held in conjunction with the August 2016 general elections did not pass and there remain several gaps in the law.

6. The UNCT welcomed the Government's commitments as reflected in the Eight National Development Plan (Eight NDP, 2022-2026) to undertake comprehensive Constitutional reforms to inter alia, strengthen the protection of human rights and encouraged the release of a detailed plan and timeline for the constitution-making process to ensure that it benefits from broad expert and stakeholder participation. It encouraged the Government to take all necessary steps to ensure the Bill of Rights is expanded to include, *inter alia*, economic, social and cultural rights, environmental rights, and specific rights for persons with disabilities, older persons and other marginalized and vulnerable groups and include an explicit prohibition of the death penalty, building on the Zambian President's pledge on 24 May 2022 to abolish the death penalty in the country and work with Parliament to end this punishment.

7. It observed there is still no national human rights action plan. Zambia established a national mechanism for reporting and follow-up (NMRF) in December 2018, but its progress has been constrained by, *inter alia*, a lack of adequate human and financial resources. The Cabinet has yet to endorse the NMRF's composition with permanent representation from Government Ministries and a technical team or amend the existing legislation to include a NMRF as a coordinating body on State party reporting and the State's implementation of recommendations.

8. The UN's Treaty Body Capacity Building Programme has been liaising with the Government to operationalize the NMRF since 2017. In December 2021, the Government participated in a regional consultation for Africa convened by the Office of the High Commissioner for Human Rights (OHCHR) on implementation of Human Rights Council resolution 42/30. The UNCT underscored that operationalization of the NMRF would support the State's cooperation with international human rights mechanisms and the coordination and implementation of their recommendations. It reiterated its readiness to provide further assistance to enable the NMRF to start functioning, noting that Zambia has supported previous UPR recommendations to seek assistance to implement human rights recommendations.

9. It urged Zambia to submit outstanding reports under the International Covenant on Economic, Social and Cultural Rights (due in 2010), Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (due in 2016, initially due in 2012), International Convention for the Protection of All Persons from Enforced Disappearance (due in 2013) and the Convention on the Elimination of All Forms of Discrimination against Women (due in 2015). The UNCT reiterated its availability to provide technical support to enable the submission of all outstanding reports to the treaty bodies.

10. The UNCT noted that Zambia issued a standing invitation to the Special Procedures in 2008 and since then, the country has hosted four visits, including the last one in 2017 of the Special Rapporteur on the right to food. Regarding active visit requests, the Independent Expert on foreign debt, building on previous correspondence from her predecessor, reiterated in November 2021, the mandate's continued interest in visiting the country. The Independent Expert on albinism submitted a time-frame for a visit for February 2022 and is awaiting confirmation of her request. In June 2022, the Special Rapporteur on toxic wastes reiterated the pending request made by one of his predecessors in 2007 to visit the country and is awaiting the Government's reply.

11. A senior human rights advisor to the United Nations resident coordinator and the UNCT was deployed by OHCHR in August of 2021.

III. National human rights framework

12. The UNCT commended the State for adoption of the Criminalization of Torture Bill in December 2017 but urged Parliament to enact the bill into law. It also noted the Cabinet had approved several

amendments to the Penal Code, including on provisions relating to criminal defamation and bigamy, which have yet to be considered by Parliament. Despite several statements made by the Government and efforts to engage civil society including the media in dialogue about the Access to Information Bill, it has yet to be passed by Parliament. As a version of the Bill was first tabled to Parliament over 20 years ago and the Bill has already been validated, the UNCT noted concerns that the Government's announcement that it would be conducting subsequent consultations would result in undue delay of the Bill's passage into law. The Cabinet approved in principle that the amendments to the Public Order Act (POA) be tabled in Parliament, but these reforms are yet to be publicly shared or tabled before Parliament.

13. The Committee on the Rights of the Child (CRC) noted significant efforts have been made in advancing the regulatory framework for the protection of children, including through the adoption of the Mental Health Act (2019), the Employment Act (2019) which regulates the employment of children under 15 years, the development of national standards and guidelines for services and programs for orphans and vulnerable children in 2016, the strengthening of the National Child Justice Forum, the development of the National Child Justice Strategy 2022–2026 and other institutional and policy measures related to children's rights.

14. The UNCT observed that Cabinet had approved the Children's Code Bill and it is before Parliament for enactment into law. It commended the Government for launching a National Child Safeguarding Framework 2022-2026 and noted the 2017-2021 National Plan of Action on Ending Child Marriage is under review for the period 2022-2026.

15. The UNCT commended the Government for ensuring the National Human Rights Commission (NHRC) received 100 per cent of the allocated budget for personnel costs compared to previous years' disbursements. Still, it remained concerned that the budgetary allocation the Commission receives is still too low to effectively carry out its decentralized mandate, especially since the Commission operates with only approximately 50 per cent of staff capacity. Zambia supported previous UPR recommendations to provide adequate resources to enable the NHRC to fulfill its mandate.

16. The UNCT welcomed the Eighth NDP's strategic focus area on improved rule of law, human rights and constitutionalism and highlighted the importance of addressing outstanding challenges that may impede the fulfilment of human rights through the Plan's implementation.

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

1. Cross-cutting issues

A. Equality and non-discrimination

17. In 2019, the Committee on the Elimination of All Forms of Racial Discrimination (CERD) observed the State had made considerable efforts to promote equality and non-discrimination but there remained a lack of comprehensive anti-discrimination legislation in line with the Convention. It recommended that the Government particularly strengthen efforts to ensure that persons with albinism have equal access to education, health and employment.

18. The UNCT remained concerned about reports of discrimination and violence, notably against migrants and other people on the move and lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) persons, including in the media. The Penal Code criminalizes same sex consensual sexual activity for men and women. There remained restrictions on advocacy for the rights of LGBTQI+ persons. However, the NHRC continued to promote the equal rights and fundamental freedoms of people on the move and LGBTQI+ persons. The Government and all political parties are encouraged to lead on

and support non-discrimination and equal rights for all persons within the country's jurisdiction.

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

19. The UNCT noted that as a core pillar of its economic transformation agenda, the Government has announced its intention to increase copper and mineral production in Zambia. It recommended the Zambian Government commit to developing a National Action Plan on Business and Human Rights, a recommendation that it supported during its previous UPR cycle. On 9 July 2016, the NHRC published its first National Baseline Assessment (NBA) with support from the Danish Institute for Human Rights (DIHR). In 2019, the Zambian Environmental Management Agency committed to including provisions for human rights due diligence in the Environmental Management Act, stemming from a recommendation made by the Parliamentary Committee on Legal Affairs, Human Rights, Gender Matters and Governance. From 2019-2020, the NHRC conducted a second NBA examining Pillar II on the implementation of the United Nations Guiding Principles by companies in the agriculture and mining sectors.[4] Through the adoption of a Corporate Governance Code, the Lusaka Stock Exchange (LSE) created an incentive for publicly listed companies to disclose their environmental and social impacts.

20. The UNCT recommended the State address human rights and environmental risks stemming from sourcing high-risk minerals, in addition to conflict minerals and cobalt, and to increase transparency in copper supply chains.[5] In the Chingola, Kalumbila, Kitwe and Mufulira districts, communities expressed concerns over the effects of environmental degradation, unemployment and other related risks.[6]

21. The UNCT welcomed the Government's leadership in establishing a technical committee to tackle extreme levels of lead pollution from a former mine and smelter in Kabwe in March 2022.[7] It noted the State party's substantive exchange with the Committee on the Rights of the Child in May 2022 and that the Government's technical committee on Kabwe met for the first time in June 2022. The UNCT reiterated its willingness to engage with the technical committee, ministries and other partners to contribute to strengthening governance of the country's natural resources, in line with recommendations supported in the previous UPR cycle.

22. After mining, agriculture is another key driver of the economy and the largest contributor of foreign exchange earnings and national revenue. The Environmental Management Act provides a national pesticide control framework but the use of at least nine internationally banned highly hazardous pesticides (HHPs) were identified in Zambia in 2019, including some which caused pollution, soil degradation and periodic fish diseases.[8] The Special Rapporteur on the right to food recommendations remain relevant.

23. The UNCT recognized the negative impact of climate change on the country's population, the various consequences for the population, in terms of how it exacerbates poverty levels, increases pressure for migration, human trafficking and child labor and produces disasters that cause children to fall deeper into deprivation. It urged the Government to introduce adaptive and shock-responsive social protection and effective environmental case-management systems.

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[4] Human Rights Commission of Zambia, *The Corporate Responsibility to Respect Human Rights: The Case of Mining and Agriculture Sectors in Zambia*, August 2020 (Lusaka 2020), available at http://www.hrc.org.zm/index.php/publications/general-publications/file/340-the-corporate-responsibility-to-respect-human-rights-zambia-case-study.

[5] Linda Scott Jakobsson, *Copper with a Cost, Human Rights and Environmental Risks In the Mineral and Supply Chains of ICT; A Case Study from Zambia*, Swedwatch, Report #94 (Sweden, Alice Blondel, 2019), available at https://swedwatch.org/wp-content/uploads/2021/01/copper-with-a-cost-94zambia191210.pdf.

[6] Chambo Ng'uni (Zambia Daily Mail), "Zambia: Children residing near lead & zinc mining operations suffer ill health & development problems from lead contamination", Business and Human Rights Resource Centre, 11 December 2017, available at https://www.business-humanrights.org/en/latest-news/zambia-children-residing-near-lead-zinc-mining-operations-suffer-ill-health-development-problems-from-lead-contamination/.

[7] Human Rights Watch, "Zambia: Hope for Kabwe Lead Poisoning Victims" 22 June 2022, available at https://www.hrw.org/news/2022/06/22/zambia-hope-kabwe-lead-poisoning-victims.

[8] International Pollutants Elimination Network, "Zambia Highly Hazardous Pesticides (HHPS) Country Situation Report", February 2019, available at https://ipen.org/sites/default/files/documents/final_toxics_free_sdgs_zambia_hhps_report-final.pdf.

2. Civil and political rights

A. Right to life, liberty and security of person

24. The UNCT welcomed the Zambian President's intention to end the death penalty but noted that Zambia should amend the Penal Code Act and the Criminal Procedure Code Act to remove capital provisions contained therein, and re-launch the Constitutional Reform process to expand the Bill of Rights to include inter alia, explicit prohibition of the death penalty.[9] Zambia has had a moratorium on executions since 1997, but its courts continue to sentence people to death.[10]

25. The CERD expressed concern at reports of abduction, murder and dismemberment of persons with albinism, including women and children, for ritual practices. The COVID-19 pandemic and elections are believed to have increased discrimination and attacks against persons with albinism. The Committee recommended that Zambia protect the right to life of persons with albinism and requested the State party adopt more effective measures to protect persons with albinism from violence, abductions, discrimination and stigmatization.[11]

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

26. The UNCT observed 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 legal obligations, including with respect to minority rights. It further observed the advent of the COVID-19 pandemic implied more presidential pardoning of detainees and serving inmates from correctional facilities across Zambia. Approximately 14 per cent of the total prison population was released. The Government has started renovating correctional facilities and introduced new management, including sleeping arrangements and dietary modifications. It is also expediting the opening of modern correctional facilities in Mwembeshi.

27. The UNCT welcomed progress in expanding children's rights through the Cabinet's endorsement of the Children's Code Bill and encouraged its early adoption. It urged for a corresponding implementation plan and monitoring mechanism to ensure improved access to justice and reduced levels of child detention, the prevention of child marriage and improved sexual and reproductive health and environmental protections to operationalize the Bill. It also recommended that in conjunction with the renewal of the National Child Safeguarding Framework that an accreditation system and minimum standards be established for the range of actors providing services to children.

28. The UNCT commended the Government for developing and distributing cross-sectoral Guidelines for the Protection of Child Victims and Witnesses in Justice Proceedings. Training is underway for their piloting in 15 districts by all practitioners who have a mandate to interview child victims, including law enforcement, social workers, the prosecution and the judiciary. The Prosecutors Handbook on sexual violence was launched in 2021 to help prosecutors prosecute sexual offences.

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

29. The UNCT commended the State for its efforts to undertake the Commission of Inquiry on Voting Patterns and Electoral Violence's recommendations to curb electoral violence during the general elections held in August 2021. The Government enacted a National Dialogue Act in 2019, which encouraged constructive exchange through a national dialogue forum and peace conference. The UNCT recognized

[9] UN News, "Rights Office Welcomes Zambia's Pledge to Abolish the Death Penalty", 27 May 2022, available at https://news.un.org/en/story/2022/05/1119282.
[10] Amnesty International, "Death Penalty 2021: Facts and Figures", 24 May 2022, available at https://www.amnesty.org/en/latest/news/2022/05/death-penalty-2021-facts-and-figures/#:~:text=Amnesty%20International%20recorded%20seven%20exonerations,in%2054%20countries%20in%202020.
[11] CERD/C/ZMB/CO/17-19.

the State had invited several electoral observation missions to the country and undertook efforts to combat disinformation and misinformation to support credible, inclusive, transparent and peaceful elections. It recognized legislative reforms and efforts which enabled persons in lawful custody to participate in elections as voters for the first time. It highlighted the importance of continuing to engage with youth cadres as a means of quelling violence and promoting the right to participate in public and political life. Further areas for attention include: reviewing Constitutional provisions that exclude youth from participating in high offices such as the National Assembly on grounds of age, and educational qualification; a Political Parties Act governing financing accountability and transparency and democratization of political parties to ensure meaningful inclusion of women, PwD and youth in leadership positions in political parties; and inclusion of quotas in electoral and legislative reforms to accelerate the participation of PwD and women in the National Assembly coupled educational opportunities. The UNCT encouraged the Government to consolidate a permanent National Architecture for Peace which would unite the diversity of platforms, political actors and other stakeholders.

D. Prohibition of all forms of slavery

30. Zambia was one of the first countries in the Southern African Development Community (SADC) region to take steps towards comprehensively addressing trafficking in persons through its Anti-Human Trafficking Act No. 11 of 2008.[12] However, the UNCT observed Zambia has faced difficulties implementing the Act and ensuring compliance with international and regional instruments in addressing both human trafficking and migrant smuggling.

31. From 7 to 11 October 2019, the UN and the Zambia Law Development Commission (ZLDC) convened a workshop in Chisamba to support the development of amendments to the Anti-Human Trafficking Act after a stakeholders' legislative review meeting in June 2019. The Ministry of Home Affairs and Internal Security and the ZLDC expressed the intention to ensure the new provisions that cover the smuggling of migrants are included in the Immigration and Deportation Act.

E. Right to privacy, marriage, and family life

32. The CRC welcomed progress made in introducing birth certification in all 10 provincial headquarters, the registration of births in hospitals and the development of the new birth to death registration through the Integrated National Registration and Information System (INRIS). INRIS was operational in 11 out of 116 districts. The Government has been training health workers on birth registration, the development of birth registration Guidelines for health workers and ICT equipment to improve efficiency and facilitate electronic transition of birth notifications from the health facility to the district civil registration office. Zambia strengthened its legislation on INRIS through the development of Statutory Instruments No. 34 and 83 (2019).

3. Economic, social and cultural rights

A. Right to work and to just and favourable conditions of work

33. The Zambian economy remains one of the most fragile in the region, relying primarily on mining, agriculture and tourism which have been negatively impacted by the COVID-19 pandemic; Zambia was reclassified from lower middle income to low income status in 2022 by the World Bank. Several United Nations agencies have called upon the mining industry to respect international human rights and ILO conventions and national laws and adhere to the UN GPs on Business and Human Rights.

[12] United Nations Office on Drugs and Crime, "Zambia Decides to Separate Smuggling of Migrants from its Anti-Human Trafficking Law", 2019, available at https://www.unodc.org/unodc/en/human-trafficking/Webstories2019/zambia-decides-to-separate-smuggling-of-migrants-from-its-anti-human-trafficking-law.html.

34. The CRC welcomed the enactment of the Employment Code Act, 2019, and the National Action Plan for the Elimination of the Worst Forms of Child Labour, but it recommended clarifying the type of work permitted for children between 13 and 15 years of age and strengthening the labor inspectorate and the district and community child labor committees.

35. The UNCT acknowledged delays in responding to ending child labour due to prioritization of health and security personnel during the COVID-19 pandemic and the 2021 general elections and a lack of resources to support the facilitation of training and inspection.

36. It welcomed the Government's actions to ensure that education is accessible to all, including at the secondary level and urged further action to make sure that all children are enrolled in school, have access to school meals and have alternatives to work. In this regard, social protection programs should benefit the most vulnerable households where children risk absenteeism or dropping out from school to assure their and/or their families' livelihoods.

B. Right to social security and to an adequate standard of living

37. The Government continued its efforts to expand social protection through 2022 budget allocations to inter alia, social cash transfer, the public service pension fund and food security pack programme and by extending social security and decent work coverage to the informal sector through the National Strategy on Extension of Social Security Coverage to the Informal Economy Workers adopted in August 2020. Still, the UNCT noted most of the population lacks access to basic services, social protection or securityand has limited income-earning opportunities. It encouraged continued efforts to institute a nationally defined social protection floor in line with Goal 1.3 of the SDGs.

C. Freedom of religion or belief, expression, association, and peaceful assembly, and right to participate in public and political life

38. The UNCT regretted that COVID-19 measures led to restrictions on civic activism during the pre-electoral period, negatively impacting peaceful assembly. It encouraged reforms in favor of the expanded Bill of Rights, passage of the Access to Information Bill, amendments to the POA, provisions for financial disclosure of all public officials or political parties, independence of the media and impartiality of the Independent Broadcasting Authority.

39. The UNCT stressed the importance of ensuring that the Cyber Security and Cyber Crimes Act No. 2 of 2021 is reviewed to conform with IHRL and applied objectively and with professionalism, including by the police and recommended further training in this regard.

D. Right to health

40. Zambia is in the process of strengthening its health system through the development of the National Health Strategic Plan (NHSP) 2022-2026, with the goal of ensuring Universal Health Coverage (UHC). The UNCT commended Zambia for consistently increasing its health expenditures, although spending was 9 per cent of total expenditure through 2019, which is lower than the 15 per cent threshold set forth in the Abuja Declaration. The Ministry of Health recently launched efforts to recruit 11,200 health workers. The Health Infrastructure and Equipment Development Plan surpassed its goals and attained 15 public health facilities per 100,000 persons.

41. The Constitution recognizes that life begins at conception, and there are provisions under which safe abortions may be carried out in very specific circumstances as provided for by the Termination of Pregnancy Act and the Penal Code. The Gender Equity and Equality Act No. 22 of 2015 also establishes the rights of women to family planning and other sexual reproductive health services.

42. The UNCT commended the Government and other partners for continuing to invest in training health workers with necessary clinical and midwifery skills to effectively manage obstetric and neonatal emergencies and ensuring the availability of equipment to provide those services. Investments have been made in the referral system, infrastructure and emergency obstetric and newborn care (EmONC) supplies. New equipment was provided to strengthen the capacity of basic and comprehensive EmONC health facilities. Nonetheless, challenges remain in providing equity of access and quality health care. Neonatal mortality increased from 24 to 27 per 1,000 live births from 2013/2014 to 2018.

43. HIV exacerbated inequalities during the COVID-19 pandemic as women were nearly two times more likely to be HIV-positive than men (14.8 versus 8.9 per cent) and infection rates were twice as high in urban areas as in rural areas (15.9 versus 7.1 per cent). Children living with HIV were less likely to receive treatment than adults and their health outcomes have been worse.

44. The UNCT highlighted that water, sanitation, and hygiene (WASH) conditions have been exacerbated in emergency situations, including the COVID-19 pandemic. Only two-thirds of Zambia's population had access to basic drinking water, while 24 per cent of households had access to basic hygiene services. Forty per cent of healthcare facilities have basic water services, and only about 60 per cent of non-hospital healthcare facilities have hygiene services at point of care.

45. Zambia's poor access to WASH is one of the main causes of infections resulting in diseases such as cholera and diarrhoea. Further, inadequate WASH continues to be the leading cause of death for children under the age of five.[13] Girls and women have been particularly affected by poor WASH conditions as they must transport water from distant water sources. Consultations are currently underway to merge the 2020 Water Supply and Sanitation Policy with the 2010 Water Policy.

46. The UNCT remained concerned that commitments to fund nutrition outcomes for children remained unmet and relevant programs to mainstream nutrition into social protection schemes were still in the pilot stages.

E. Right to education

47. The UNCT noted that while the Government has committed to provide free education, build schools and recruit 30,000 teachers,[14] it regretted government expenditure on education declined from 17.1 per cent in 2018 to 11.5 per cent through 2021.[15]

48. The CRC expressed concern over the impact of COVID-19 in contributing to retention disparities between boys and girls in primary and secondary school, particularly in rural and poor areas, and its negative impact on access to inclusive and quality education for children with disabilities and early childhood education.

49. The UNCT commended efforts to expand human rights education through the establishment of human rights clubs in select Zambian schools, as well as during the Skillz VCT football tournament to promote the human rights of people with HIV/AIDS. It urged the Government to expand human rights education beyond primary- and secondary-level education through curriculum reform and tertiary education. It noted the police college has several modules of training on human rights but encouraged concerted efforts to ensure similar training programs are available for military and security personnel

[13] Bosomprah et al., "Findings from a Comprehensive Diarrhoea Prevention and Treatment Programme in Lusaka, Zambia", BMC Public Health (6 June 2016), available at https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-016-3089-7.
[14] Zambia National Education Coalition, "ZANEC Press Statement on the Recruitment of 30,000 Teachers", 1 April 2022, available at https://zanec.org.zm/2022/04/01/zanec-press-statement-on-the-recruitment-of-30000-teachers/#:~:text=The%20Zambia%20National%20Education%20Coalition,in%20the%202022%20education%20budget.
[15] The World Bank, "Government expenditure on education, total (% of government expenditure – Zambia", June 2022, available at https://data.worldbank.org/indicator/SE.XPD.TOTL.GB.ZS?locations=ZM.

deployed in the country.

4. Rights of Specific Persons

A. Children

50. The CRC welcomed the development of the National Prevention and Response Plan to Violence against Children 2021–2025. It noted the planned expansion of fast-track courts to address cases of sexual and gender-based violence (GBV) against children, the introduction of a new police medical examination form for reporting cases of GBV and the establishment of specialized desks at the Victim Support Unit to deal with issues of domestic violence, sexual abuse and child protection.

51. Child marriage rates in Zambia continue to be high as 39 per cent of women aged 25-49 years were married by age 18, while 81% were married by age 25.[16] The UNCT remained concerned the draft Marriage Bill which addresses customary law has yet to be enacted. The UN, Government, local authorities, traditional chiefs and other stakeholders continue to work together under a joint program to leverage efforts towards strengthening GBV prevention and response systems, consistent with the law.

52. The UNCT recommended that adequate funding and human and technical resources be provided for the renewal and systematic and comprehensive implementation of the National Strategy on Ending Child Marriage 2022-2026. The Global Program to End Child Marriage (GPECM) continued to support government efforts to accelerate ending child marriage by scaling up program implementation to an additional 10 districts from two initial pilot districts on ending child marriage.

53. The UNCT expressed concern about the use of child labour in the agricultural and mining sector which has negatively impacted upon school attendance. The social welfare sector has raised concerns over the use of girls in sexual exploitation, human trafficking and child prostitution in brothels and bars and has made some progress in addressing such cases by joint police and social welfare interventions.

B. Women and Gender

54. Despite the Government's efforts to promote women's rights through domestication of CEDAW, the Eighth NDP, National Gender Policy and other pieces of legislation such as the Anti-GBV Act No.1 of 2011 and the Gender Equity and Equality Act No. 22 of 2015, women's empowerment remains a challenge in the country, particularly after the COVID-19 pandemic.

55. The Government introduced several measures, including the establishment of One Stop Centres in facilities and villages, capacity development of service providers such as the police, medical personnel, judiciary, social workers and others. The Government further strengthened the coordination of gender equality measures by moving the Ministry of Gender to the Cabinet Office, under the Office of the President, further demonstrating the political commitment to tackle gender inequalities as a national priority.

56. The UNCT recognized that between 2017 and 2019, there was a reduction in reported cases of GBV from 16.8 to 16.6 per cent in the case of men and from 65.5 to 59 per cent in the case of women, respectively. Nevertheless, it noted that the total number of reported GBV cases increased from 21,504 to 25,121 cases from 2017 to 2019, respectively.[17]

[16] UN Common Country Analysis, p 37.
[17] Republic of Zambia, Ministry of Gender, Gender Status Report 2017-2019, available at https://www.giz.de/en/downloads/giz2021_en_Zambia_Gender_Report_2017-2019.pdf.

57. Women's participation in political leadership remained low with representation in Zambia's National Assembly in Parliament at 13.3 per cent in January 2022,[18] below the regional average of 24 per cent, the gender parity required by the SADC Protocol on Gender and Development and the African Union Agenda 2063. In January 2022, approximately 16 per cent of Cabinet ministers were women.[19] In 2020, women held 112 of 283 adjudicator positions.[20] Women constitute 55.9 per cent of the employed population below international poverty line.[21] The National Gender Policy was being revised to strengthen policies in favor of socially marginalized such as women, youth, and persons with disabilities in line with the CRPD and Zambia Agency for Persons with Disabilities (ZAPD) Act No. 6 of 2012.

58. The UNCT and Government held high-level dialogues on ending violence against women in political processes. Most recently, they worked together to launch the Zambian chapter of the African Women Leaders Initiative. The UNCT encouraged the Government to institute Special Temporary Measures to advance equal rights and opportunities for women.

C. Persons with disabilities

59. Persons with disabilities continue to experience discrimination in accessing quality education, justice, healthcare, employment and other social services. The UNCT reported the Government established the ZAPD, in line with the CRPD, which is responsible for registering and collecting information on people with disabilities. The Government also worked with the International Labor Organization to develop a Disability Management Information System which is currently operational in each of the 10 provinces to facilitate improved planning and monitoring of services for persons with disabilities.

60. The Government has provided tax exemptions on equipment and aids such as white canes, braille materials, hearing aids and imported vehicles. It translated information on sexual and reproductive health services, HIV, and GBV into braille for persons living with disabilities. Employers who recruit persons with disabilities will also receive tax incentives while the National Business and Disability Network, hosted by the Zambia Federation of Employers, supports employers that recruit workers with disabilities.

61. The Zambia National Women's Lobby and Disability Rights Watch trained eight political parties in disability inclusion which contributed to at least nine candidates with disabilities being adopted at various levels to contest the 2021 general elections.[22]

62. The UNCT commended the Government for facilitating voting for the visually impaired through tactile ballot jackets and for those not braille-literate through accompaniment by an adult person of their choice or the Presiding Officer. It urged the Electoral Commission of Zambia to release data on the political participation of persons with disabilities during the 2021 elections to better monitor accessibility.

G. Migrants, internally displaced persons, refugees, asylum seekers and persons at risk of statelessness

[18] National Assembly of Zambia, Members of Parliament by Gender, available at https://www.parliament.gov.zm/members/gender.
[19] Complaint submitted by Chapter One Foundation Limited, Non Governmental Organizations' Coordinating Committee for Gender and Development Registered Trustees and Young Women in Action to African Commission on Human and Peoples' Rights, dated 18 January 2022.
[20] Judiciary of Zambia, Adjudicators Gender Representation 2020, available at https://judiciaryzambia.com/women-in-the-judiciary-2014-2018/.
[21] UN Women, Zambia Data, available at https://data.unwomen.org/country/zambia#:~:text=In%20Zambia%2C%20in%202018%2C%2065.9,a%20union%20before%20age%2018, last accessed July 12, 2022.
[22] Disability Rights Watch, "A Comprehensive Statement to the Media on the State of Disability Inclusion in the 2021 General Election", 29 June 2021, available at http://disabilityrightswatch.net/a-comprehensive-statement-to-the-media-on-the-state-of-disability-inclusion-in-the-2021-general-election/.

63. Zambia is a country of origin, transit, and destination for more than 105,000 migrants, refugees, displaced persons.[23] In 2019 and 2020, flooding due to rainfall seasons resulted in widespread internal displacement, particularly in Southern, Eastern and Luapula provinces where persons faced risks and vulnerabilities such as limited access to basic housing, food, electricity, clean and adequate water and sanitation, health services, land and employment insecurity, among others.

64. The three Refugee Settlements in Zambia are in remote areas characterized by high levels of deprivation in many aspects, including education, health, WASH, livelihoods, shelter, connectivity and access to electricity. The UNCT commended Zambia for its progress in improving the legal and legislative framework and environment for persons of concern. It recognized the Government had domesticated the Kampala Convention on internal displacement. However, the Refugees Act of 2017 is not supported by a comprehensive Refugee Policy. Further, the Act still needs to be harmonized with other pieces of legislation such as the Immigration and Deportation Act.

65. The UNCT expressed concern about prolonged detention of migrants, including migrant children, and reports and cases of mistreatment, threats and right to life of refugees and asylum-seekers based on their country of origin, status and other grounds. It encouraged Government ministries and subsidiary organs to seek technical assistance to increase understanding of international legal and political commitments to strengthen the protection of people on the move and national laws, policies and practices to these ends.

[23] UNHCR Operations Data Portal, Zambia, available at https://data.unhcr.org/en/country/zmb, last updated 30 June 2022.

Annex I: Status of International Agreements

Core International Human Rights Treaties Ratified by Zambia

- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) – 1972
- International Covenant on Civil and Political Rights (ICCPR) – 1984
- International Covenant on Economic, Social and Cultural Rights (ICESCR) – 1984
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) – 1985
- Convention on the Rights of the Child (CRC) – 1991
- Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) – 1998
- Convention on the Rights of Persons with Disabilities (CRPD) – 2010
- Convention for the Protection of All Persons from Enforced Disappearance (CED) – 2011

Zambia has yet to ratify or accede to the following:

- International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on a communications procedure
- Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to establish a system of regular visits by independent international and national bodies to places where persons are deprived of their liberty
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on a communications procedure
- Optional Protocol to the Convention on the Rights of the Child on a communications procedure
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- Optional Protocol to the Convention on the Rights of Persons with Disabilities on a communications procedure

Zambia has ratified or acceded to the following other international treaties:

- Convention on the Prevention and Punishment of the Crime of Genocide – April 2022
- Rome Statute of the International Criminal Court – November 2002

Zambia has yet to ratify or accede to the following other international treaties:

- Convention on the Reduction of Statelessness
- Convention Against Discrimination in Education
- International Labour Organization's Indigenous and Tribal Peoples Convention, 1989 (No. 169)
- Treaty on the Prohibition of Nuclear Weapons
- Hague Convention on the Law Applicable to Maintenance Obligations of 1973

Annex II: Domestication of International Law

Representative text

Constitution of the Republic of South Africa, 1996 - Chapter 14: General provisions

International Law

231. International agreements

1. The negotiating and signing of all international agreements is the responsibility of the national executive.

2. An international agreement binds the Republic only after it has been approved by resolution in both the National Assembly and the National Council of Provinces, unless it is an agreement referred to in subsection (3).

3. An international agreement of a technical, administrative or executive nature, or an agreement which does not require either ratification or accession, entered into by the national executive, binds the Republic without approval by the National Assembly and the National Council of Provinces, but must be tabled in the Assembly and the Council within a reasonable time.

4. Any international agreement becomes law in the Republic when it is enacted into law by national legislation; but a self-executing provision of an agreement that has been approved by Parliament is law in the Republic unless it is inconsistent with the Constitution or an Act of Parliament.

5. The Republic is bound by international agreements which were binding on the Republic when this Constitution took effect.

232. Customary international law

Customary international law is law in the Republic unless it is inconsistent with the Constitution or an Act of Parliament.

233. Application of international law

When interpreting any legislation, every court must prefer any reasonable interpretation of the legislation that is consistent with international law over any alternative interpretation that is inconsistent with international law.

Constitution of the Republic of Namibia, 1990

Chapter 21. Final Provisions

Article 144. International Law

Unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under this Constitution shall form part of the law of Namibia.

Annex III: United Nations Joint Submission

The following United Nations Agencies contributed to the UNCT Stakeholder Submission for Zambia:

- **International Organization for Migration (IOM)**
- **Office of the High Commissioner for Human Rights (OHCHR)**
- **United Nations Children's Fund (UNICEF)**
- **United Nations Conference on Trade and Development (UNCTD)**
- **United Nations Development Programme (UNDP)**
- **United Nations High Commissioner for Refugees (UNHCR)**
- **United Nations Population Fund (UNFPA)**