**Universal Periodic Review (42nd session)**

**Contribution of UNESCO**

**Zambia**

## I. Background and framework

| *Title* | *Date of ratification, accession, acceptance, or succession* | *Declarations /Reservations* | *Recognition of specific competences of treaty bodies* | *Reference to the rights within UNESCO's fields of competence* |
|---|---|---|---|---|
| Convention against Discrimination in Education 1960 | Not ratified | Reservation to this Convention shall not be permitted | | Right to education |
| Convention concerning the Protection of the World Cultural and Natural Heritage (1972) | Ratification on 4 June 1984 Committee Member (2021-2025) | | | Right to take part in cultural life |
| Convention for the Safeguarding of the Intangible Cultural Heritage (2003) | Ratification on 10 May 2006 Committee Member (2016-2020) | | | Right to take part in cultural life |
| Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) | Not ratified | | | Right to take part in cultural life |

## II. Promotion and protection of human rights on the ground

### A. Education

1. The Constitution of Zambia[1] as amended in 2016 does not enshrine the right to education.

[1] Available at : https://www.parliament.gov.zm/sites/default/files/documents/amendment_act/Constitution%20of%20Zambia%20%20(Amendment),%202016-Act%20No.%202_0.pdf

2. The Education Act of 2011 guarantees the right to early childhood care and education (ECCE), basic education (including adult literacy) and high school education. It also states that basic education is free (early childhood education to grade nine) and that there is compulsory attendance, for which the range of age should be provided by the Minister.

## B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Zambia's 1991 constitution provides protections on freedom of speech in both Article 11 and Article 20.[2] Article 20 of the constitution states that "No persons shall be hindered in the enjoyment of [their] freedom of expression," and "Subject to the provisions of this Constitution no law shall make any provision that derogates from freedom of the press." The constitution, however, also spells out several exceptions such as the reasonable protection of defence, public safety, public morality or public health. Several more exceptions are mentioned in article 20.3.b, including protecting reputations, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, regulating educational institutions, etc.
4. There is no provision on Access to Information in Zambian Law.
5. Defamation is considered a crime in Zambia under the Defamation Act, Chapter 68 of the Laws of Zambia.[3] The Zambian Penal Code provides a separate law for defamation of the president under Article 69, which carries a maximum sentence of three years.[4]
6. The Cyber Security and Cyber Crimes Act (2021) provides the government with certain powers over the internet. This act contains a provision on the criminalization of online hate speech, in which hate speech is defined as "verbal or nonverbal communication, action, material whether video, audio, streaming or written, that involves hostility or segregation directed towards an individual or particular social groups on grounds of race, ethnicity, antisemitism, tribalism, sex, age, disability, colour, marital status, pregnancy, health status and economic status, culture, religion,

[2] https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/26620/90492/F735047973/ZMB26620.pdf
[3] https://www.parliament.gov.zm/sites/default/files/documents/acts/Defamation%20Act.pdf
[4] https://www.parliament.gov.zm/sites/default/files/documents/acts/Penal%20Code%20Act.pdf

belief, conscience, origin".[5]

Implementation of the law:

7. The main body for the regulation of Zambian media laws is the Independent Broadcasting Authority (IBA). The IBA was enacted by the Zambian Parliament with the Independent Broadcasting Authority Act, 2002, which was later amended with the IBA (Amendment) Act No. 26 of 2010 and the IBA (Amendment) Act No 18 of 2017. Some of the functions of the IBA include granting, renewing, suspending and cancelling radio and television broadcast licenses. The IBA is also mandated to set TV and radio standards.
8. The Zambian Media Council (ZAMEC) is an independent media council and a voluntary self-regulatory body. ZAMEC's two main objectives are to promote, preserve and defend freedom of expression, the press and allied forms of public communication and to improve journalistic practice of both the print and broadcasting media platforms.
9. In 2019, efforts have been made by the media community to draft a new self-regulatory legal framework. The Zambia Media Council (2019) Draft Bill is yet to be enacted.

Safety of journalists:

10. As of 18 May 2022, and since UNESCO began to systematically monitor killings of journalists in 2006, the Organization has not recorded any killings of journalists in Zambia.[6]

## III. Review and specific recommendations

### A. Education

Convention against discrimination in education:

[5] https://www.parliament.gov.zm/sites/default/files/documents/acts/Act%20No.%202%20of%202021The%20Cyber%20Security%20and%20Cyber%20Crimes.pdf
[6] https://en.unesco.org/themes/safety-journalists/observatory/country/223847

11. During the last cycle, a recommendation was made to ratify the CADE (131.32) and supported by the country. The process has been initiated.

Government expenditure on education:

12. Several recommendations were made regarding the necessary increase of funding to dedicate to the education sector (129.69, 129.70, 131.107). According to UIS data, while in 2018 the government expenditure on education corresponded to 4.7% of the GDP, it decreased to 3.7 in 2020, back to the 2017 level.[7] The spending on education as a percentage of public expenditure has also dropped in 2021 to 11,5% from 17,1% in 2018. [8] The country could be recommended to increase again the finance allocated to education, to spend at least 4% to 6% of gross domestic product (GDP) or at least 15 to 20% of total public expenditure, as set in the Framework for Action (§105).

Accessibility, availability and quality education:

13. Several recommendations made during the last cycle were about the necessity to strengthen efforts to ensure a better access, availability and quality education for all (129.70 to 129.74).
14. Zambia announced a project with the World Bank, 'The Zambia Enhancing Early Learning (ZEEL) (P174012)', aimed at improving access for children of 3-6 years of age to quality early childhood services in targeted areas.[9] This is important as the gross enrolment ratio in pre-primary education was only of 8.7% in 2017. Furthermore, many constructions of infrastructures are ongoing and the progress is monitored and displayed on the website of the ministry of education.[10] A project is also being implemented since 2017, in cooperation with the World Bank, which aims at improving the quality of teaching and learning in mathematics and science in targeted primary and secondary schools and to increase equitable access to secondary education.[11]

[7] See: http://uis.unesco.org/en/country/zm
[8] Ibid.
[9] For more information, see: https://www.moge.gov.zm/?page_id=5621
[10] See: https://www.moge.gov.zm/?page_id=5302#
[11] For more details, see: https://www.moge.gov.zm/zeep/ and https://projects.worldbank.org/en/projects-operations/project-detail/P158570

15. If in 2017 the gross enrolment ratio was of 98.72% at primary level, there was no data available for secondary and tertiary levels, and no data is available since 2017 (UIS data).[12]

Alignment of ages:

16. The law does not explicitly provide for an age at which compulsory education ends, therefore, while the minimum age for work is set at fifteen, it cannot be assessed if this is in line with the end of compulsory education. A minimum age for leaving school should be set, as recommended during the last cycle (131.91), in order to avoid early drop out of schools.

Marriage:

17. In the course of the last cycle, many recommendations were addressed to the country regarding the necessity to strengthen its efforts to combat child marriage, including in customary law (129.21, 131.85, 131.92, 131.100 …). In Zambia, the marriage act of 1918[13] set a minimum age of marriage at 21 years old for boys and girls. However, between the ages of 16 and 21 it is possible to be married with parental consent. One can also get married before the age of 16 with judicial consent. Furthermore, this act does not apply to African customary law. According to the Joint CEDAW-CRC General Recommendation/Comment, capable child below the age of 18 may be allowed to get married provided that the child is at least 16 years old and that such decisions are made by a judge based on legitimate exceptional grounds defined by law and on the evidence of maturity without deference to cultures and traditions. Therefore, The State could be recommended to allow only judicial dispensation for marriage below 18 years old for both girls and boys, and in no case should the absolute minimum age fall below the age of 16.

COVID-19 pandemic:

[12] See: http://uis.unesco.org/en/country/zm
[13] https://www.parliament.gov.zm/sites/default/files/documents/acts/Marriage%20Act.pdf
[14] https://www.unesco.org/en/education/right-education/evolving

18. The Initiative on the Evolving Right to Education[14] highlights the need to ensure digital skills and digital inclusion. As many States, Zambia closed its schools at the beginning of the COVID-19 pandemic. It benefited from funding from the Global Partnership for Education to notably support the strengthening of the existing distance learning system (notably through the development of radio learning programs), to train teachers on distance learning, and provide materials.[15]

**Specific recommendations:**

19. Zambia should be encouraged to:

i. Finalize the process of ratification of the Convention against Discrimination in Education.
ii. Enshrine the right to education within the Constitution.
i. Maintain an expenditure on education corresponding to at least 4% of the GDP or to at least 15% of the total public expenditure.
iii. Strengthen efforts to improve access and availability of quality education and ensure monitoring.
iv. Set a minimum age for leaving school, aligned with the minimum age of employment.
v. Allow only judicial dispensation for marriage below 18 years old for both girls and boys, and in no case below 16 years old, including in case of marriage under customary law.
vi. Continue to develop and strengthen the distance learning system.
vii. Continue to submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Recommendation against Discrimination in Education.
viii. Share with UNESCO any relevant information to update its country profile on online monitoring tools: UNESCO's Observatory on the Right to Education[16] and HerAtlas: Monitoring the right to education for girls and women.[17]

[14] https://www.unesco.org/en/education/right-education/evolving
[15] For more information, please see: https://www.globalpartnership.org/where-we-work/zambia
[16] http://www.unesco.org/education/edurights/index.php?action=countries&lng=en
[17] https://en.unesco.org/education/girls-women-rights

## B. Freedom of opinion and expression

20. Zambia is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.[18]
21. Zambia is encouraged to introduce a freedom of information law that is in accordance with international standards.
22. Zambia is encouraged to continue its efforts towards an independent regulatory environment.
23. Zambia is encouraged to co-operate with UNESCO's annual survey instrument to measure global progress on access to information, and consider including relevant information in their Voluntary National Reviews under the SDGs.

## C. Cultural Rights

24. Zambia is encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). The UNESCO Culture Conventions promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Zambia is encouraged to facilitate the participation of communities, practitioners, cultural actors and civil society organizations as well as groups in vulnerable situations (i.e. minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities, etc.), and to ensure that equal opportunities are given to women and girls to address gender disparities.

## D. Freedom of scientific research and the right to benefit from scientific progress and its applications

25. Zambia did not submit its National Report on the implementation of the *Recommendation on Science and Scientific Researchers* (2017) for the consultation period from 2017 to 2020. Therefore, Zambia is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law,

[18] See for example: General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR).

policy and practice paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications; the principle of non-discrimination, requiring in this case active promotion of women and girls entering scientific careers; protection for the rights of human subjects of research; and promotion of the science society interface. Furthermore, Zambia is encouraged to expand input on issues covered by the 2017 Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Zambia is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.