



## Universal Periodic Review for Zambia Written joint submission from stakeholders

**Submitted by:**  
Pan Africa ILGA

Organization website: [www.panafricailga.org](http://www.panafricailga.org)  
Contact information: [Admin@panafricailga.org](mailto:Admin@panafricailga.org)

Pan Africa ILGA is a Pan African organization whose few roles and function is to build a unified African movement and provide forum to respond to needs of its member organizations through coordination and collaboration. Devise advocacy strategies to hold governments accountable and advocate for the protection, promotion and respect of LGBTI rights in Africa. Influence regional and international human rights institutions and ensure that the issues pertinent to the diversity of members in the African region are well represented at regional and global platforms. With one of the thematic issues addressed being Human rights violations that affect the safety and security for LGBTI organizations and individuals across Africa.

### **SUMMARY**

This submission addresses the discrimination on the basis of gender identity and the criminal justice system in Zambia and creates a link of the above mentioned human rights violations and is evidence based. It explores the Zambia's signed treaties as well as in country legal framework with background & gives collective recommendations to the Government of Zambia.

This report is written by a group of civil society organizations working nationally in the Zambia and regionally on the continent .



## **A. LEGAL FRAMEWORK OF THE REPUBLIC RELATED TO THE SUBJECT OF THE REPORT**

### **Zambian Constitution**

1. *Article 23 of the Zambian constitution looks at protection from discrimination*
2. (2) Subject to clauses (6), (7) & (8) no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.
3. (3) in this article the expression discriminatory mean affording different treatment to different persons attributable, wholly or mainly to their respective descriptions by race tribe sex place of origin marital status, political opinion colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or accorded privileges and advantages which are not accorded to a person of another such description.
4. Republic of Zambia bill of rights
5. Civil & Political rights.

### **Protection from discrimination**

6. 14. A person shall not be discriminated against, except under a law that provides for affirmative action

## **B. ZAMBIA COMPLIANCE WITH ITS INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

7. Zambia is a signatory to some of the following treaties that can be directly or intersect the human rights issue being addressed in this report.

### **- United Nations**

8. International Convention on the Elimination of All Forms of Racial Discrimination: 1969 Signature: 1968, Ratification/Accession: 1972
9. International Covenant on Civil and Political Rights: 1976 Signature: NA, Ratification/Accession: 1984
10. Optional Protocol to the International Covenant on Civil and Political Rights: 1976 Signature: NA, Ratification/Accession: 1984
11. Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty: 1991 Signature: NA, Ratification/Accession: NA
12. Convention on the Elimination of All Forms of Discrimination against Women: 1981 Signature: 1980, Ratification/Accession: 1985
13. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women: 2000 Signature: 2008, Ratification/Accession: NA
14. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: 1987 Signature: NA, Ratification/Accession: 1998



15. Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: 2006 Signature: 2010, Ratification/Accession: NA

- **ACHPR**

16. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Signed and ratified. 11<sup>th</sup> July 2003
17. Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights. Signed not ratified.
18. African Charter on Human and Peoples' Rights. Signed and ratified. 17th January 1983

**C. BACKGROUND**

19. In 2012 Zambia received 3 recommendations that addressed the discrimination on the basis of Gender Identity. The Government noted 2 of them (Spain and Argentina) but accepted the recommendation of Norway "Ensure thorough and impartial investigation into all allegations of attacks and threats against individuals targeted because of their sexual orientation or gender identity". So far, we have not heard of any steps being taken to implement this recommendation.

**D. ARBITRARY DETENTIONS**

20. Transgender women are often targets of arbitrary detentions and are victims of discrimination and accused of falsely personification. When a transgender woman is detained, she is in custody for an uncertain time.
21. The Zambian legal framework does not in any form interpret the discrimination of or incrimination of transgender people.

**E. RECOMMENDATIONS**

22. To review the bill of rights and legislation, to explicitly prohibit discrimination on the basis of gender identity
23. To Amend the Constitution to include gender identity as a protected ground of discrimination
24. Take steps to implement comprehensive anti-discrimination laws, particularly to eliminate discrimination on the basis of gender identity

**F. CONCLUSION**

25. The report hopes to bring to light the human rights violations that seek addressing by the republic. It seeks to bring light to the intersection and multi-dimensional understanding and definition of gender to the state with the hope of the republic strongly considering the recommendations highlighted.