



**NON-GOVERNMENTAL GENDER ORGANIZATIONS'
COORDINATING COUNCIL
(NGOCC)**

Component into Country's CSO UPR Shadow Report

Zambia

Submission to the UN Universal Periodic Review

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1. Introduction

- 1.1. The Non-Governmental Gender Organisations' Coordinating Council (NGOCC) was established in 1985, after the United Nations' World Conference on Women held in Nairobi Kenya. The organisation is the focal point of the women's movement for empowerment and gender equity and equality engagements for Non-Governmental and Community Based Organisations in Zambia. The main activities of the organisation are women's economic empowerment; sexual reproductive health and rights; governance and women's Leadership; climate change mitigation and resilience; and, institutional development and sustainability.
- 1.2. In this submission NGOCC concerns itself with the implementation of recommendations made to Zambia in its Third Review Session 28 (A/HRC/37/14); and provides recommendations, thereof.
- 1.3. This submission is specific to women and participation rights (Women's rights); and, women in prison and circumstantial children.
- 1.4. The submission is informed by Knowledge, Attitudes and Practice (KAP), Street Intercept and Online Surveys; a country-wide Voter Pattern Study; (covering a total of 342 respondents) Focus Group Discussions with NGOCC membership and other stakeholders; Key Informant interviews; Correctional Facilities data collection; and in-depth desk review and analyses (on evidence of State actions on protection of women participation in politics in accordance with human rights instruments, protocols and treaties Zambia is party to specific domestic laws and policies that enhance women's rights; and, review of State actions on women in prison and circumstantial children) that were undertaken under the organisation's Promoting Accountability in the Universal Periodic Review (UPR) for Women's Participation in Zambia project.
- 1.5. Section 2 of this submission articulates NGOCC observations on women and participation rights (Women's rights) with respect to Zambia's supported and noted recommendations during the Third Review specific to discrimination against women; freedom of association; and, elimination of violence against women in elections.
- 1.6. Section 3 outlines observations on protection from inhuman or degrading punishment or other like treatment with respect to Zambia's supported and noted recommendations during the Third Review specific to women in prison and circumstantial children, and adherence to the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and Standard Minimum Rules for the Treatment of Prisoners.
- 1.7. Section 4 provides NGOCC recommendations on the foregoing respective themes.

2. Women and Participation Rights (Women's rights)

2.1. Discrimination against women

- 2.1.1. Specific to this submission and particular to discrimination against women, Zambia supported the following recommendations:
 - (a) 129.2 Amend its national legislation to be in conformity with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, including when revising the Bill of Rights and the Political Parties Bill, in order to

protect and promote women's rights and gender equality (Finland);

- (b) 129.3 Redouble efforts in order to ensure the full incorporation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women into domestic legislation (Uruguay);
- (c) 129.20 Intensify efforts on the development of a legal framework aimed at the elimination of discrimination based on sex, race, disability, status or any other ground (Ukraine);
- (d) 129.21 Adopt effective measures to put an end to discrimination based on gender and violence against women, as well as child marriage. This would include awareness-raising campaigns and trying to bring in local authorities and traditional leaders into the process (Spain); and,
- (e) 129.34 Strengthen measures to prevent and combat gender-based violence, including the representation of women in positions of responsibility (Paraguay).

2.1.2. Observations

- 2.1.2.1. Cognisant that a supported recommendation indicates that the State under Review (SuR) is committed to implementing said recommendations before its next review, NGOCC commends the Government of Zambia for initiating the review of the Electoral Process Act so as to take into account the promotion of participation of women in politics and decision making; review of the Anti Gender Violence Act so as to develop mechanisms for the enforcement of the provisions of the Act, and to establish an institutional framework to ensure that the provisions of the Act are fully operationalised; and the drafting of the Anti-Torture Bill so as to domesticate the relevant provisions of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Further, NGOCC commends the government for gazetting the operationalisation of the Gender Equity and Equality Commission, through the enacted Gender Equity and Equality Act of 2015.
- 2.1.2.2. However, NGOCC observes that Zambia's implementation of the recommendations on discrimination against women as provided in Section 2.1.1, has been sufficient.
- 2.1.2.3. NGOCC observes that participation of women in politics and decision-making is still very low. In the General elections held on 12th August 2021, at Local Government level only 141 women were elected out of 1,858 positions, at National Assembly level only 20 women made it out of 156 positions with the Vice President being female and President male. While women's participation has been hampered by the restricted freedom of Assembly, this freedom has been negatively affected by political violence and the prevalence of cyberbullying
- 2.1.2.4. Whereas women's participation in politics is generally accepted, NGOCC observes that discrimination against women's participation in elections persists as there are individuals within the Zambian society who still believe women should not stand for elections as they perceive women as not having the same rights as men. Patriarchal dominance and cultural beliefs not only constrain women's participation

in politics but also result in fewer women being voted for. This is mostly because there is no evident State action against patriarchal dominance and cultural beliefs of male supremacy and dominance, and the belief of exclusivity of men in participation in politics, which is most observed more among males than females, and more among those that have been to school and those that never completed formal schooling.

- 2.1.2.5. And, although the framework for State Actions on the elimination of adverse social and cultural practices and conduct against women is provided in Section 28 of the Gender Equity and Equality Act, NGOCC observes that there is no substantive evidence to date that the government has taken appropriate measures to *“modify or change the social and cultural practices and patterns of conduct of women and men so as to eliminate prejudices and customary practices which are based on the inferiority or superiority of either sex or on stereotyped roles for women and men”*.

2.2. Freedom of assembly

2.2.1. Specific to this submission and particular to freedom of assembly, Zambia supported the following recommendation:

- (a) 129.4 Reform the Public Order Act and ensure that law enforcement agencies are instructed to uphold the Act without political bias (Norway).

2.2.2. And noted the following recommendations:

- (a) 131.67 Ensure that freedom of association and the right to peaceful assembly are respected and protected, including promoting the better implementation of the Public Order Act (United States of America);
- (b) 131.68 Create and maintain, in law and in practice, an enabling environment that guarantees freedom of expression and peaceful assembly (Guatemala);
- (c) 131.69 Improve and make clearer the legislation to support the freedom of assembly (Ireland);
- (d) 131.70 Reform the current Public Order Act to include measures that fully uphold the rights to freedom of expression and peaceful assembly, making it more conducive to political participation by all Zambians and ensuring that enforcement of the Act is consistent with Zambia’s human rights obligations, including through training of its security forces (Canada);
- (e) 131.71 Make the necessary legislative changes, including restricting the scope of the Public Order Act, to ensure the freedoms of association and expression are protected; and to ensure the police enforce these and other laws in a proportionate manner (United Kingdom of Great Britain and Northern Ireland); and,
- (f) 131.73 Guarantee respect for the rights of the opposition, in particular freedom of assembly and demonstration, the freedom of the press and the media, by making the necessary corrections to the Constitution, the electoral commission, the status of the parties, as well as to the legal framework on the maintenance of public order

(France).

2.2.3. Observations

2.2.3.1. Cognisant of what a supported recommendation is, and that a noted recommendation means the State under Review (SuR) has made no such commitment, but that, such recommendations can still be implemented and monitored, NGOCC observes in categorical terms that none of the supported and noted recommendations in Sections 2.2.1 and 2.2.2 respectively have been implemented.

2.2.3.2. Thus, NGOCC observes that freedom of assembly which is one of the fundamental rights and freedoms that provide for the right to participate in public affairs, in particular, political participation is still constrained by the partial application of the Public Order Act.

2.2.3.3. In addition, NGOCC observes that freedom of assembly is also constrained by political violence, harassment by ruling party members, and misuse of power by the ruling party.

2.3. Elimination of violence against women in elections

2.3.1. Specific to this submission and applicable to the elimination of violence against women in elections, Zambia supported the following recommendations:

- (a) 129.21 Adopt effective measures to put an end to discrimination based on gender and violence against women, as well as child marriage. This would include awareness-raising campaigns and trying to bring in local authorities and traditional leaders into the process (Spain);
- (b) 129.34 Strengthen measures to prevent and combat gender-based violence, including the representation of women in positions of responsibility (Paraguay);

2.3.2. And noted the following recommendation:

- (a) 131.41 Implement the recommendations of the Commission of Inquiry on Voting Patterns and Electoral Violence (South Africa);

2.3.3. Observations

2.3.3.1. Cognisant that the supported recommendation and noted recommendations in Section 2.3.1 and 2.3.2 respectively, NGOCC observes that these recommendations have not been fulfilled.

2.3.3.2. Thus, NGOCC observes that election violence, that is acts of coercion, intimidation, or physical harm perpetrated to alter an election outcome, mostly deprives women of the right to vote and the right to participate in politics as aspiring candidates.

2.3.3.3. Further, NGOCC observes that women are most affected by violence during elections as they are most averse to any form of violence, and violence has a suppressive effect on them.

3. Women in prison and circumstantial children (Protection from Inhuman or Degrading Punishment or Other like Treatment)

3.1. Women in prison and circumstantial children

3.1.1. Specific to this submission and applicable to women in prison and circumstantial children, Zambia supported the following recommendations:

- (a) 129.43 Strengthen efforts to improve the conditions in prisons and guarantee the rights of detainees (Italy);
- (b) 129.44 Improve living conditions for detainees and take appropriate steps to reduce long terms of preventive detention (Senegal);
- (c) 129.45 Ensure the separation of children from adults detained in police stations and prisons (Slovenia);
- (d) 129.46 Redouble its efforts to improve living conditions in prisons and reduce overcrowding (Burundi);
- (e) 129.47 Complete the process of renovating Correctional facilities and ensure that they adhere to approved international standards (South Africa); and,
- (f) 129.48 Meet international standards in ensuring adequate living conditions for inmates (Ireland).

3.1.2. Observations

3.1.2.1. NGOCC observes that State actions since the Third Review still do not evidence either implementation of the recommendations in Section 3.1.1, or adherence to the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the Standard Minimum Rules for the Treatment of Prisoners.

Women in prison

3.1.2.2. Whereas NGOCC acknowledges that separation of categories, which is females being kept separate from males, and untried persons being kept separate from convicted persons is considerably adhered to, the density of individuals per holding and or sleeping area is still high in most prisons, and the sanitation quality is poor.

3.1.2.3. In addition, the state of clothing and bedding provided is inadequate; and, the nutritional value and preparation of the food is poor.

3.1.2.4. However, the availability of services of qualified medical personnel is moderate, and sick inmates that require specialist treatment are transferred to specialised health service institutions. Further, the differentiated needs of women such as sanitary towels remain a huge need in the Correctional facilities which continue to deny the female inmates their sexual and reproductive health rights.

3.1.2.5. **Circumstantial children**

3.1.2.6. NGOCC observes that Correctional facilities do not provide clothing and beddings for circumstantial children. Such needs are met by inmates themselves

and other organisations and well-wishers.

3.1.2.7. In addition, Correctional facilities do not provide nutritional food for the children. This is provided by other organisations and well-wishers, and inmates themselves.

3.1.2.8. However, medical services, in particular, pre-natal and post-natal care and treatment services are provided; and, arrangements are always made wherever practicable for children to be born in a hospital outside the institution.

4. Recommendations

The Government of Zambia should, on:

4.1. Women and Participation Rights (Women's rights)

4.1.1. Discrimination against women

- (a) Practically act on implementing the institutional framework of the Gender Equity and Equality Act, which is the Gender Equity and Equality Commission, to ensure that the provisions of the Act are fully operationalised; and, the need for the government to be clear on the country's gender machinery after the scrapping off of the Ministry of Gender by the New Dawn government that took over after the 12th August 2021 General Election.
- (b) Put in place measures to modify or change the social and cultural practices and patterns of conduct of women and men to eliminate prejudices and customary practices which are based on the inferiority or superiority of either sex or on stereotyped roles for women and men.
- (c) Harmonise customary and statutory law to address inconsistencies that perpetuate gender inequality
- (d) The need to fully implement the Anti-Gender-Based Violence Act by establishing the GBV fund, the building of shelters

4.1.2. Freedom of assembly

- (a) Prioritise review and reform of the Public Order Act to promote equity in the application of rights and freedoms related to assembly, to ensure meaningful and inclusive fulfillment of the right of women to participate in public affairs, in particular political participation.

4.1.3. Elimination of violence against women in elections

- (a) Review and strengthen the Electoral Process Act and Public Order Act to provide for impartial and equitable application as a means of curbing election violence.

4.2. Women in prison and circumstantial children (Protection from Inhuman or Degrading Punishment or Other like Treatment)

- (a) Ensure that Correctional Services adhere to international minimum standards, such as the Mandela principles and rules for treatment of prisoner; and,
- (b) Fully provide for the nutritional needs of circumstantial children.
- (c) Differentiated needs of women such as sanitary towels

