



CIVIC SPACE IN ZAMBIA

Summary of joint submission to the 42nd Session of the UN Universal Periodic Review (2017-2022)

CIVICUS and Governance, Elections, Advocacy, Research Services Initiative Zambia (GEARS Initiative)

We are particularly concerned by the restrictive legal framework, which undermines the freedoms of peaceful assembly, association and expression and opinion. We are further alarmed by the numerous acts of intimidation and attacks on citizens, human rights defenders (HRDs), civil society organisations (CSOs) and journalists in the period leading up to and during the presidential and parliamentary elections in August 2021. The continued use of excessive force by security forces in response to protests is another cause for concern.

KEY CONCERNS



FREEDOM OF PEACEFUL ASSEMBLY

Zambian authorities continue to use the Public Order Act (POA) to clamp down on any protest actions against the government. The government has used the POA to prevent independent citizens, activists associations and members of the political opposition from exercising their right to assembly.

The police frequently and wilfully misinterpret the notification procedure stipulated by the POA by insisting they have the power to grant or withhold approval of any assembly and use this to prevent members of opposition political parties and CSOs from holding public meetings, whether indoors or in open air.

Provisions of the Penal Code and public health regulations aimed at preventing the spread of COVID-19 restricted the freedoms of assembly and limited the ability of CSOs and private citizens to monitor political processes.

Police forces have used excessive use of force, including live ammunition and teargas, against peaceful protesters and opposition supporters. CSO activists have been arrested for protesting against government corruption and charged with disobeying lawful orders and contravening the POA.



FREEDOM OF EXPRESSION

The restrictive legal framework undermines the full enjoyment of the right to the freedom of expression. Using the Penal Code's defamation clause, clause 87, various actors have been arrested by police and charged by courts on charges of defamation of the president. Moreover, the Cyber Security and Cyber Crimes law of 2021 contains overarching restrictive clauses that adversely affect the work of HRDs.

Several media outlets were threatened, harassed, intimidated, attacked by government officials, suspended or closed on accusations, among others, of airing 'disparaging' remarks against then-President Edgar Lungu and his government. In the run-up to the 2021 general election, several journalists and media houses were severely harassed for covering opposition events or hosting opposition politicians.

Digital surveillance has been used by a government cybercrime squad to spy and intercept encrypted communications and tracked data from the mobile phones of some opposition bloggers and media actors who had repeatedly criticised the president. In the run-up to the August 2021 election media actors and key journalists were increasingly targeted by state agencies including security forces.



FREEDOM OF ASSOCIATION

Restrictive legislations, including the Penal Code Act, Public Order Act (1955), NGO Act (2009), Cyber Security and Cyber Crimes Act (2021), Preservation of Public Security Act and Emergency Powers Act, severely curtail the right to freedom of association.

The registration process for CSOs, mainly regulated by the NGO Act No. 16 of 2009, Societies Act Cap 119 and the Patent and Companies Registration Agency Act, 2020, is overly bureaucratised, inefficient, and centralised which makes it extremely difficult for CSOs to have their legal status recognised.

The NGO Act gives authorities the power to monitor and restrict the legitimate activities of CSOs, as well as putting restrictions on funding from foreign sources. Among many others, Political associations have been threatened with deregistration by government regulatory institutions. This affected mainly political parties that strongly oppose the government and ruling political party.

Civic space in Zambia is currently rated "OBSTRUCTED" by the CIVICUS Monitor

COMMON VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS INCLUDE:



Intimidation and attacks on human rights defenders' lives, integrity and personal security



Judicial harassment, arrests and prosecution



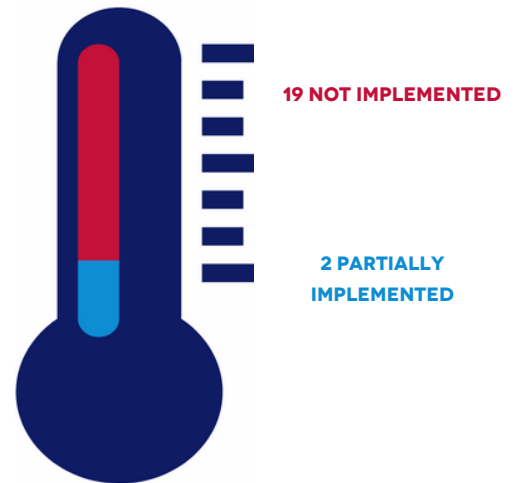
Threats and smear campaigns, especially against women human rights defenders



Systematic harassment

PREVIOUS UNIVERSAL PERIODIC REVIEW PROCESS

Zambia received, and accepted 21 recommendations relating to the space for civil society (civic space):



RECOMMENDATIONS

- 1 Undertake necessary reforms to guarantee the effective protection of the right to the freedom of association, including by reviewing the NGO Act, the Public Order Act and other relevant legislation in consultation with civil society.
- 2 Ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards, including by repealing or amending all restrictive laws, including the criminal defamation clauses in the Penal Code Act, Public Order Act and the Cyber Security and Cyber Crimes Act and applying the Model Law on Access to Information for Africa adopted by the African Commission on Human and Peoples' Rights.
- 3 Engage civil society, activists, and the media in dialogue to seek common ground on the draft Access to Information bill and broader governance issues.
- 4 Enact legal provisions that promote a safe and enabling environment for HRDs in accordance with Human Rights Council resolution 27.31 and implement UN General Assembly resolution A/RES/74/146 by strengthening the protection of women HRDs
- 5 Ensure that necessary reforms are undertaken to guarantee the effective protection of the rights to freedom of assembly. This includes amending the Public Order Act and ensuring that it is implemented objectively and with professionalism by the police.
- 6 Publicly condemn at the highest levels all instances of the use of excessive and brutal force by security forces in response to protests, and of harassment against CSOs and activists. Launch formal investigations into such instances and bring the perpetrators to justice.

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