



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined twentieth to twenty-sixth periodic reports
submitted by Zambia under article 9 of the Convention, due
in 2023***

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* The present document is being issued without formal editing.



Introduction

Zambia is a State party to the International Convention on the Elimination of All Forms of Discrimination (ICERD). The State party ratified the ICERD on 4th February, 1972. In line with its obligations under Article 9 of the ICERD, the State party submits the combined Twentieth to Twenty-Sixth Report. This Report is based on objective and reliable information of Zambia's fulfilment and implementation of the ICERD. It gives an account of the normative framework in which non-discrimination is protected in Zambia.

The Report comprises Part I and Part II. Part I addresses the concerns and recommendations raised by the Committee on the Elimination of Racial Discrimination after presentation of its last Periodic Report. Part II outlines the legislative, administrative, judicial and other measures in place to ensure the fulfilment of Zambia's obligations and commitments under the ICERD.

This Report is a collaborative effort with expertise drawn from Government ministries, departments and civil society organizations. It reflects our shared commitment to advance the cause of equality for all.

Part one

Follow-up information on the concluding observations (CERD/C/ZMB/CO/17-19)

1. Zambia is a State party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). As a State party to the ICERD, Zambia is obliged to report periodically on the implementation of the provisions of the Convention by responding to the recommendations of the Committee on the Elimination of Racial Discrimination and by indicating administrative, judicial and legislative measures that the State party has undertaken to prevent and eliminate racial discrimination. Zambia presented its Seventeenth to Nineteenth Periodic Report to the Committee in 2019, and the Committee raised various concerns and recommendations following its presentation.
2. Generally, the State party notes the general concluding observations under paragraph 4 to 6 which acknowledged the positive aspects highlighted in the State party's combined Seventeenth to Nineteenth periodic reports.
3. The State party's specific responses to each concluding observation by the Committee are indicated below.

Data Collection

Information relating to paragraph 8

4. The State party continues to receive new refugees and asylum seekers, mostly from the Democratic Republic of Congo, at an average of 600–800 persons/month. As at the end of August, 2023, the population stood at 95,518 Persons of Concern (PoC), including 77,968 refugees and asylum-seekers and 17,550 former Angolan and Rwandan refugees whose refugee status ceased in 2012, and 2013, respectively by operation of the law. A substantial number of this population resides in the three designated settlements of Mantapala (4,045), Mayukwayukwa (14,104), Meheba (21,602) as well as Lusaka and Ndola urban areas (13,412). The new arrivals enter the country, with completely nothing and, therefore, are assisted with immediate material support, with the help of Government partners in an effort to pursue ways of making them self-reliant.

5. Below is a breakdown of the demographic composition of the population.

Location	Female					Male					Total	Grant Total
	00 - 04	05 - 11	12 - 17	18 - 59	60+	00 - 04	05 - 11	12 - 17	18 - 59	60+		
Urban	891	1,431	1,196	4,440	203	8,161	925	1,387	1,474	9,303	323	21,573
Mantapala	795	933	695	1,596	107	4,126	761	939	676	1,571	98	8,171
Mayukwayukwa	1,512	2,215	1,612	5,504	317	11,160	1,635	2,172	1,639	8,124	534	25,264
Meheba	2,215	4,129	3,322	8,730	512	18,908	2,285	3,970	3,303	11,351	693	40,510
Grand Total	5,413	8,708	6,825	20,270	1,139	42,355	5,606	8,468	7,092	30,349	1,648	95,518
Percentages	13%	21%	16%	48%	3%	44%	11%	16%	13%	57%	3%	56%

Data source: COR (proGres)

Application of the Convention in domestic legislation

Information relating to paragraph 10

6. The State party is committed to the process of reviewing and harmonising domestic laws to enable it fully incorporate the provisions of the Convention. In addition to the pieces of legislation outlined in its previous report, the following pieces of legislation have been enacted:

- (a) The Children's Code Act No. 12 of 2022;
- (b) The Legal Aid Act No. 1 of 2021; and
- (c) The Electoral Process (Amendment) Act No. 32 of 2021.

7. The State party continues to conduct public sensitization programmes of the provisions of the Convention through training, conferences, seminars and inductions. Further, adjudicators are always encouraged to apply international instruments in decision making especially where local legislation has lacunas. In addition, with respect to treaties to which Zambia is a party, consultation and validation workshops are required to be made during the preparation of periodic reports and this serves as one of the means to raise awareness of international obligations the State party has undertaken upon ratification of the Convention.

8. The courts in Zambia continue to recognise the rights of individuals against discrimination and uphold the values of the Convention. Examples include the case of *Charlotte Scott v Mwanakatwe & 2 Others* (HP/EP 39 of 2016) [2016] ZMHC 36 (24 November 2016) in which the High Court declared the election of Mrs. Margaret Dudu Mwanakatwe void pursuant to section 99 (a) of the Electoral Process Act No. 35 of 2016 for various electoral misconduct which included uttering of racially discriminatory remarks during a campaign rally in Lusaka Central Constituency.

Definition of racial discrimination

Information relating to paragraph 12 (a)

9. Initial steps have been taken by the State party to amend the Constitution. To this end, a legal seminar under the theme "Constitution making in Zambia: finding the way forward" was held in Lusaka on 22nd September, 2023. The general objective was to gather the opinions and experiences of key stakeholders regarding the process of constitution making. Participants were selected from various sectors including civil society organisations, religious organisations, media outlets, professional associations, trade unions, political parties, universities, governmental ministries and academia. One of the key topics of the seminar was the reinforcement of the bill of rights in Zambia. The seminar considered the status of implementation of the State's obligations under the various Human Rights Treaties to which it is party to. A general recommendation was that the State party should align its domestic laws with the provisions of the international instruments to which it is a party. The State party wishes to state that the information gathered in the said seminar is a preliminary step for further action.

10. The State party has also continued to engage various stakeholders and cooperating partners to solicit support to hold a referendum to amend Part III of the Constitution in a bid to enhance the Bill of Rights. It is anticipated that amendment of the Bill of Rights will be

executed during the implementation of the Eighth National Development Plan during the period 2022 to 2026 to facilitate the full enjoyment of civil, political, economic, social and cultural rights.

Information relating to paragraph 12 (b)

11. The State party in the year 2022, concluded a project to review the Penal Code Chapter 87 of the Laws of Zambia, and the Criminal Procedure Code, Chapter 88 of the Laws of Zambia. A pertinent provision that is being considered is section 70 of the Penal Code, which criminalises racial discrimination and racial hatred.

Information relating to paragraph 12 (c)

12. The interaction between customary law and statutory law has its genesis and recognition under Article 7 of the Constitution. The Article provides that:

“The Laws of Zambia consist of:

- (a) This Constitution;
- (b) Laws enacted by Parliament;
- (c) Statutory instruments;
- (d) Zambian customary law which is consistent with this Constitution; and
- (e) The laws and statutes which apply or extend to Zambia, as prescribed”.

13. The Constitution recognizes the validity of customary law and its validity is on condition that it is consistent with the Constitution. The Constitution to this effect provides in Article 1(1) that:

“This Constitution is the supreme law of the Republic of Zambia and any other written law, customary law and customary practice that is inconsistent with its provisions is void to the extent of the inconsistency”.

14. The State party continues to review laws which include the Penal Code, the Anti-Gender Based Violence Act, the Public Order Act and the Marriage Act, to eliminate any provisions which may allow for direct or indirect forms of discrimination to ensure that the laws are compatible with the minimum dictates of the Convention, the Republican Constitution and other written laws.

15. In regard to customary law, though the Marriage Act continues to recognize customary law marriages, the Marriage (Amendment) Act No. 13 of 2023 repealed Section 33 on void marriages and now specifically provides that a marriage between persons either of whom is a child is void.

National Human Rights Institution

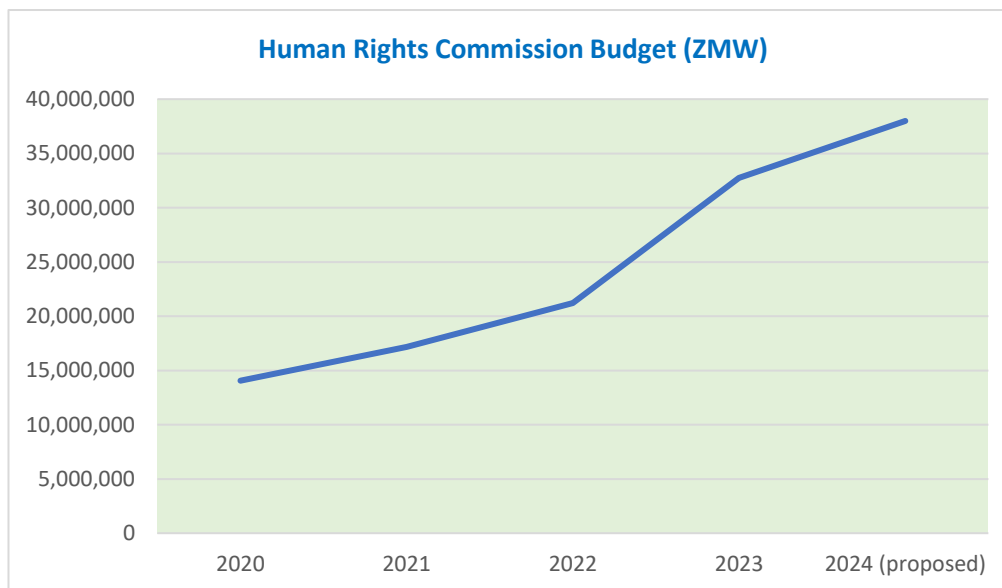
Information relating to paragraph 14 (a)

16. The State party notes the recommendation and reports that consultations with stakeholders are currently ongoing.

Information relating to paragraph 14 (b)

17. The State party has continued supporting operations of the Human Rights Commission by ensuring gradual increase in funding to enable it efficiently and effectively carry out its mandate. In the last three years, the funding to the Commission has more than doubled from ZMW 14,057,466 in 2020, to about ZMW 37,992,638 for 2024. This has enabled the Commission to open new offices in Muchinga, Luapula and North Western Provinces, improve its transportation and employ additional staff.

18. The Human Rights Commission Budget (for the years 2020 – 2024) is presented below, and all amounts are in Zambian Kwacha.



Information relating to paragraph 14 (c)

19. The State party wishes to report that it implements recommendations of the Human Rights Commission and is satisfied that there are sufficient safeguards to ensure that the recommendations from the Commission are implemented. For example, the Commission noted the State party's inconsistencies and delayed reporting to treaty bodies including to the CERD and recommended that the Terms of Reference for the newly established National Mechanism on Implementation, Reporting and Follow Up (NMIRF) is extended to reporting to treaty bodies. The NMIRF was established after a Universal Periodic Review recommendation to improve reporting to the mechanism. However, the mechanism's scope of responsibility now extends to reporting to all human rights mechanisms including the CERD.

Complaints of racial discrimination and remedies

Information relating to paragraph 16

20. The State party wishes to report that it carries out public sensitization programmes to encourage the public to report all cases to relevant authorities, including commencing matters before courts of law. These sensitisation programmes include dissemination of court service charters, and radio and television talks.

21. The State party does not have statistics on complaints filed with competent authorities and their outcomes. The Committee may wish to note that the absence of these statistics is due to the fact that the Judiciary does not conduct racial profiling. Some of the cases dealt with in the courts of law involve mistreatment by persons of different races through threatening violence and assaults. Other cases involve unfair dismissals or non-payment of accrued benefits.

Hate crime and hate speech

Information relating to paragraph 18 (a)

22. The State party is undertaking review of the Penal Code Act, chapter 87 of the Laws of Zambia, and the Cyber Security and Cyber Crimes Act No. 2 of 2021, to among other things, enhance the definition of hate speech to include the many different forms it may take.

Information relating to paragraph 18 (b)

23. The State party notes the recommendation and recognizes that it aligns with efforts to combat racism and promote equality within the State. The Committee may wish to note that the State party is in consultations with stakeholders.

Information relating to paragraph 18 (c)

24. The State party notes the recommendation of the Committee to bring into conformity with its international obligations its Penal Code Act.

Information relating to paragraph 18 (d)

25. The State party criminalised hate speech under section 70(1) of the Penal Code and section 65 of the Cyber Security and Cyber Crimes Act.

26. The State party further established the Cyber Crime section under the Zambia Police Service with the specialized mandate to handle cyber-crimes, including hate speech.

27. In the year 2023, in case of *The People v Chishimba Kambwili*, Mr. Kambwili was convicted and sentenced to a term of five months for charges related to hate speech contrary to Section 70 (1) and (2) Penal Code Act.

Access to legal aid**Information relating to paragraph 20**

28. The State party wishes to report that the Legal Aid Board has not handled any cases on racial discrimination from 2018, to date. This is because no person has sought legal advice, information, education or representation in a case of racial discrimination countrywide.

29. Section 35(2) of the Legal Aid Act No. 1 of 2021 provides that the Director of Legal Aid may grant legal aid to any applicant where the applicant has insufficient means to pay for legal services and where it is in the interests of justice that legal aid should be granted. Section 35(2) provides as follows:

“(2) The Director may grant legal aid to any applicant in criminal or civil matter who in the opinion of the Director:

(a) has insufficient means to enable the applicant to pay for legal services; and

(b) having regard to the circumstances of the case or matter, it is in the interest of justice that the applicant should be provided with legal aid in that case or matter”.

30. An applicant for legal aid must pass a two-fold test prior to legal aid being granted, that is, the Merit Test and the Means Test. In the Merit Test, a person seeking legal aid must meet some of the following basic criteria:

1. Seriousness of the charge;
2. Likelihood of imprisonment in criminal matters;
3. Complexity of the case;
4. Strength of the defence in a civil matter;
5. Likelihood of success;
6. Personal circumstances; and
7. Public interest.

Means Test

31. The Means Test is a critical factor in assessing whether or not a person qualifies for assistance. The following factors are considered:

1. Types of income;
2. Income threshold;
3. Asset limit;
4. Deductible expenses;
5. Adjustment for local cost of living;
6. Exceptions for special circumstances;
7. Periodic reassessment;
8. Documentation; and
9. Confidentiality and privacy.

Special measures to address inequalities

Information relating to paragraph 22

32. The State party wishes to report that there is equal treatment of all individuals within the State party in all spheres of life. There are strong anti-discrimination laws that ensure the fair and equitable treatment of all persons regardless of their nationality, race or ethnicity, including, the Constitution of Zambia Act No. 2 of 2016, the Gender Equity and Equality Act No. 22 of 2015, the Employment Code Act No. 3 of 2019, Anti-Human Trafficking Act No. 16 of 2022 and the Persons with Disabilities Act No. 6 of 2012.

Harmful practices

Information relating to paragraph 24

33. The State party has taken measures to protect children against harmful practices by eliminating traditional practices and customs affecting the dignity and personal integrity of children. The State party wishes to report that it has put in place legislation for the protection of children in all settings including from harmful cultural and religious practices. Section 18 of the Children's Code Act No. 12 of 2022 provides that:

“A person shall not subject a child to:

- (a) child marriage; or
- (b) cultural rites, and religious or traditional practices, that are likely to negatively affect the child's life, health, social welfare, dignity, and physical or psychological development”.

34. Section 293 of the Children's Code Act provides a penalty for contravention of the provisions of the Act. The section provides that, “A person who contravenes a provision of this Act, where no specific penalty has been provided is liable, on conviction, to a fine not exceeding one million penalty units or to imprisonment for a term not exceeding ten years, or to both, and, if the person is a foreigner, to the variation or revocation of that person's immigration permit”.

35. The State party has also intensified action around programming of ending child marriage with support from key stakeholders, such as the Child Development and Social Welfare Departments.

36. Activities and interventions include:

- (a) Community members participation in community dialogue;
- (b) Retrieval of girls from early marriage and taken back to school;
- (c) Counselling of girls at risk of early marriage;
- (d) Preventing boys from child marriage through programmes such as coaching boys into men programme;

(e) Officers are equipped with knowledge on Community Case Management and Community Dialogue; and

(f) Ending Child Marriage programme has been scaled up to 10 more Districts and capacity building in Community Case Management, and Community Dialogue has been implemented.

37. The State party is also reviewing legislation, including the Anti-Gender Based Violence Act and the Penal Code to include a definition of harmful practices and prescribe penalties for injuries arising from harmful cultural or customary practices.

38. The State Party has formulated policies aimed at preventing and eliminating traditional and harmful practices such as forced marriage, child marriage, sexual cleansing and forced virginity testing. These include:

(a) The National Gender Policy of 2023 – the Policy has provided for policy measures aimed at curbing traditional and cultural practices that inhibit the advancement of women and girls.

(b) The National Strategy and Action Plan on Ending Child Marriage (ECM) – the ECM strategy aimed at strengthening and coordinating the responses of all stakeholders in addressing the vulnerabilities to end child marriages, as well as the consequences of child marriage.

(c) Sensitisation on any harmful effects of traditional and cultural practices. The target audiences include traditional leaders some of whom have been made into ambassadors of Ending Child Marriages in their Chiefdoms such as Chief Mazimawe of Eastern Province and Chief Chamuka of Central Province.

39. The State party wishes to report that the payment of Lobola (dowry) is not considered as a harmful practice but rather a pre-wedding cultural practice, commonly practiced in Zambia. Lobola is a significant part of marriage in Zambia as it is embedded in Zambian custom. However, the State party notes the concern of the Committee and to address this issue, the State party has engaged traditional leaders and communities to raise awareness. The State party has also established a Council of Elders who play a significant role in cultural and social matters. Their mandate is to serve as an advisory body to the State party on various issues which include early marriages.

Situation of the San and Khoe peoples

Information relating to paragraph 26

40. The State party wishes to report that it does not discriminate against any persons in accessing education, housing, employment, health care and political participation and representation, including the San and Khoe peoples present in the country.

Information relating to paragraph 28

41. The State party introduced the Free Education Policy in 2022, which guarantees free education in Government schools from early childhood to secondary school level, making it accessible to all. The State party also introduced subsidies for children attending grant-aided schools.

42. In terms of provision of quality education, there is a policy that no learner should sit on the floor. Therefore, there has been massive production of desks, provision of teaching and learning materials, as well as the construction of class room blocks. Between 2021, and August 2023, the State party manufactured a total number of 442,492 desks, which can be used by approximately 1,327,476 learners in a single shift. Additionally, the State party has constructed a total of 3,132 classrooms which can accommodate up to 140,940 learners in a single shift.

43. Additionally, between 2021, and the first quarter of 2024, the State party recruited a total number of 39,149 teachers who have since been deployed across the country, including the rural areas, to address the high pupil teacher ratio. In addition, the State party through the

Ministry of Education, is currently revising the learner's curriculum to enhance the skills and vocational path ways.

44. The State party is also implementing the following interventions to address specific barriers to marginalized groupings, such as girls:

- (a) Education for All Policy;
- (b) School Feeding Programme;
- (c) Zambia Education Enhancement Project;
- (d) Constituency Development Fund;
- (e) Menstrual Hygiene Management;
- (f) Keeping Girls in Schools (KGS); and
- (g) Re-Entry Policy.

45. The State party has continued to foster partnership with stakeholders including the United Nations Educational, Scientific and Cultural Organization (UNESCO) to provide bursary support to refugee students.

46. The State party has increased budgetary allocation towards education through the Constituency Development Fund and Free Education Grant. During the 2021, and 2023, financial years, the State party recorded impressive budget releases of over 99% of the allocations to education programmes. Further, there was an increase in the education share of the national budget in the years 2023, and 2024. In 2023, the budgetary allocation increased from 10.4% in the previous year to 13.9%. In 2024, the budgetary allocation increased from 13.9% in the previous year to 15.4%.

47. The CDF allocation mostly goes towards paying bursaries for vulnerable learners, including those in the rural areas at secondary boarding schools and learners at TEVET institutions. It is important to note that 20% of the total amount of the CDF allocation goes towards the Secondary Boarding School bursary. This is done in order to provide support to many orphaned and vulnerable children (OVC) wishing to access CDF to cover boarding fees at any of the existing 173 public boarding schools countrywide.

Situation of persons with albinism

Information relating to paragraph 30

48. The State party reiterates its commitment to implement its international and regional commitments to improve protection of the right to life for all persons including persons with albinism, in particular. In addition to commitments outlined in the Convention, the State party recently endorsed and adopted measures contained in the Regional Action Plan on Albinism in Africa (2021–2030), for addressing attacks and discrimination against persons with albinism.

49. The protection of the right to life remains anchored under Article 12 of the Constitution, which guarantees the right to life of all persons. Section 224 of the Penal Code Chapter 87 of the laws of Zambia gives effect to the Article by criminalising acts that endanger the enjoyment of the right to life, especially in relation to Persons with Albinism.

50. Section 224 of the Penal Code provides that, “any person who, with intent to maim, disfigure or disable any person, unlawfully wounds or unlawfully attempts to strike any person with any projectile or spear, sword, knife or other dangerous or offensive weapon, commits a felony and is liable to imprisonment for life.”

51. The State party has also enacted the Persons with Disabilities Act No. 6 of 2012, which further protects the rights of persons with Disabilities from discrimination, to health, education and employment. These protections re-enforce the enjoyment of the right to life.

52. The State party formulated and adopted the Disability Policy of 2015 to further domesticate human rights standards on protection of Persons with Disabilities, including Persons with Albinism.

53. The State party continues to partner with various organisations of persons with disabilities to conduct sensitization and awareness campaigns against violence, abductions, discrimination and stigmatization of persons with albinism.

54. The State party has also put in place disability mainstreaming guidelines which allow for disability focal points in service ministries such as education health and labour as a measure to enhance disability inclusion awareness among key social protection stakeholders in education, health and employment.

55. The State party raises awareness on the dangers of violence on persons with albinism through electronic media, print media, and radio programs. This awareness has been effective as people are able to not only refrain from violence, but also respect persons with albinism.

56. The State Party prides itself in its national values and principles and signifies that irrespective of one's race, sex or indeed skin colour, we are all Zambians.

57. The State party works with support of the local communities in arresting perpetrators of abductions of persons with albinism. Capacity has been enhanced in the law enforcement agencies to timely detect and prevent crimes committed against persons with albinism.

58. In relation to discrimination and stigmatization, the State party, enacted the Children's Code Act, which seeks to eliminate all forms of discrimination. Section 15 of the Act protects the dignity of persons with disabilities.

59. The State party has strengthened the directorate of standards, ensuring that there are trained officers implementing inclusive education from national level to district level.

60. In the recent mass recruitment in the Public Service, a slot of ten (10) percent was allocated to persons with disabilities including persons with albinism.

61. The State party launched the Adolescents Health Strategic Plan (2022–2026) to ensure access to quality health care as an important and fundamental human right. The Strategy ensures that youths, including persons with albinism have access to sexual and reproductive health services on an equal basis with others.

62. The State party has recognized sunscreen as an essential medical commodity and has, therefore, continued to procure and distribute the sunscreen lotion to adequately cater for those that may not afford. This is an immediate measure which helps persons with albinism to access sunscreen lotion and assisting in times of need and emergency. The State party is looking into mechanisms of distribution to ensure that sunscreen is equitably distributed in a timely manner.

63. The State party is aware of the need for more targeted healthcare for persons with albinism such as health education, skincare and recruitment of specialised health personnel.

Trafficking in persons

Information relating to paragraph 32 (a)

64. The State party has since established and operationalised the Anti-Human Trafficking Department which has the core mandate of coordinating and consolidating all records of cases of human trafficking and smuggling in persons through a comprehensive case management system.

Information relating to paragraph 32 (b)

65. The State party formulated the National Policy on Human Trafficking and Smuggling of Migrants which was launched in 2022, and a National Action Plan (2022–2024) aimed at combating human trafficking and smuggling of migrants. The State party is in the process of developing the National Action Plan for the period beyond 2024.

66. With regard to the allocation of adequate human resource, the State party employed 16 Anti-Human Trafficking Officers in 2023, at national level to enhance efficiency of the Anti-Human Trafficking Department, established under the Ministry of Home Affairs and Internal Security. The State party has plans of decentralizing the operations of the Department at provincial and district levels.

Information relating to paragraph 32 (c)

67. The State party has in place the Anti-Human Trafficking (Amendment) Act No. 16 of 2022, which criminalises trafficking in persons. Section 3 of the Act provides for a penalty of imprisonment for a term not less than twenty-five years and may be liable to imprisonment for life. Further, the Act provides for the prohibition, prevention and prosecution of human trafficking especially in women and children. Further, the State party has established supportive structures such as the inter-ministerial committee on Human Trafficking involving various stakeholders to provide comprehensive gender and age sensitive investigations to ensure the protection of victims and the prosecution and conviction of perpetrators of Human Trafficking.

68. The State party enacted the Children's Code Act No. 12 of 2022, which facilitates and promotes the integration of various service providers in redressing gender and age sensitive cases of investigations and prosecutions pertaining to human trafficking.

69. In the year 2023, the State party recorded 27 cases of human trafficking involving 162 victims of which 16 cases were prosecuted; 3 convictions were secured; one acquittal was recorded and the rest are still ongoing.

Information relating to paragraph 32 (d)

70. Section 22A of the Anti-Human Trafficking (Amendment) Act No. 16 of 2022 provides for certification of victims of human trafficking in order to provide comprehensive and appropriate services to victims.

71. Section 167 of the Children's Code Act recognises a child who is a victim of human trafficking as a child in need of care and protection.

72. The State party has developed Standard Operating Procedures that apply exclusively to Anti-Human Trafficking. Further, the State party has in existence a National Referral Mechanism aimed at ensuring that referrals are made to the appropriate authorities for appropriate action. Furthermore, the State party has developed a pocket handbook for criminal justice practitioners who may have interactions with human trafficking. The State party has also developed a Law Enforcement Manual on human trafficking.

73. The State party has established an Anti-Human Trafficking Fund under part XIII of the Anti-Human Trafficking Act for the rehabilitation and reintegration of victims of human trafficking. The State party has continued to collaborate with civil society organisations such as the Cactus Foundation in the provision of shelters, counselling services and skills development.

74. The State party, with support from its cooperating partners, launched the Minimum Norms and Standards for the Management of Temporal Shelters which give guidance on the services that should be offered to victims of human trafficking and gender-based violence as well as how these places of safety or centres for victims would be managed, be it private or Government owned.

Information relating to paragraph 32 (e)

75. The State party currently has 7 shelters in 5 provinces out of the 10 provinces. The State party recognises the need for the creation of accessible shelters and the provision of legal, medical and psychosocial assistance to persons in the shelters and continues to engage and leverage partnerships for establishment of shelters.

Refugees and asylum seekers

Information relating to paragraph 34 (a)

76. The State party has in place existing provisions under the Refugees Act No. 1 of 2017 that adequately provides for access to employment, healthcare, education and the enjoyment of freedom of movement.

77. Following the development and approval of the State party's 1st National Refugee Policy, the State party will embark on law review to harmonise various pieces of legislation in order to improve the protection of refugees, provide for improved access to health services, improved livelihood and self-reliance and strengthening of enjoyment to their rights and freedoms, among other things.

Information relating to paragraph 34 (b)

78. The State party has taken a paradigm shift in the management and protection of refugees and will be revolutionising the management of refugee settlements through a modernisation approach which will include host communities. The World Bank funding will be allocated towards actualising the modernisation approach called the Modernization of Refugee and Host Communities Settlement Approach (MORHCSA) in order to provide adequate legal safety-nets, health and livelihoods for Persons of Concern.

79. Further, the Eighth National Development Plan highlights enhanced access to education at all levels by all persons, including those with disabilities and special needs, as a key priority. The State party's agenda is to promote access to education for both refugees and the host community populations in areas hosting refugees, recognizing that education is an indispensable vehicle by which full integration of refugees into host communities can be promoted.

80. In collaboration with cooperating partners including, United Nations Educational, Scientific and Cultural Organization (UNESCO), the State party embarked on the UNESCO qualifications passport (UQP) in an effort to ensure that refugees have continuous access to education within and outside the countries of asylum. Through this process, the State party has been able to ensure the recognition of the UQP by three (3) local universities in particular, the University of Lusaka (UNILUS), Cavendish University and Chalimbana University, who have officially started admitting UQP holder refugees.

Information relating to paragraph 34 (c)

81. The State party acknowledges that there is a global consensus, that refugee settlements should be transformed into urban civilised communities via programmes such as local integration, with positive development pay offs as a way of ensuring refugee full participation in economic activities within the settlements.

82. The MORHCSA strategy envisages that delivery of sustainable and inclusive development through interventions including the digitalisation of the Refugees platforms, harmonisation of laws governing Asylums Seekers, Refugees and all persons of concern, provision of important socio-economic amenities and opportunities in the refugee settlements and surrounding communities. It is expected that this will stimulate economic activities and contribute immensely to the development of the State party at large. MORHCSA will potentially enhance participation of refugees in economic activities and will not only lead to improved living conditions for Refugees but also directly contribute to the economic development of the communities and the State party at large.

Information relating to paragraph 34 (d)

83. The State party welcomes the recommendation to lift its reservations under the Convention. However, the lifting of the reservations will require harmonisation of the provisions of the Refugees Act and some of the provisions of the Immigration and Deportation Act, 2010. The State party wishes to report that consultations are currently underway and it is anticipated that consideration on lifting the reservations will be undertaken during the review of the Bill of Rights.

Other recommendations

Ratification of other treaties

Information relating to paragraph 35

84. The State party continues to make efforts to ensure that the above Human Rights Treaties are ratified. Consultations with stakeholders are currently ongoing.

Follow-up to the Durban Declaration and Programme of Action

Information relating to paragraph 36

85. In giving effect to the right to birth registration, section 8 of the Children's Code Act guarantees the right of a child, from birth, to a name and nationality and to be registered after birth. In an effort to implement the provisions of the Act, the State party has continued the decentralization program for the issuance of birth certificates.

86. In giving effect to the recommendation to combat and eliminate all forms of human trafficking, the State party has put in place legislative and administrative measures prohibiting trafficking in persons, including women and children. It aids with rehabilitation of victims. Refer to responses in paragraphs 85 to 100 above.

International Decade for People of African Descent

Information relating to paragraph 37

87. The State party recognises the General Assembly Resolutions 68/237 and 69/16, and General Recommendation No. 34 (2011) and it continues to implement legislation that guarantees the enjoyment of all human rights and fundamental freedoms of all persons, including people of African descent.

Consultations with civil society

Information relating to paragraph 38

88. The State party is cognisant of the important role that is played by civil society and continues to foster relationships with various civil societies, such as the Albinism Multi-Purpose Organisation of Zambia and Talitha Kum Zambia (TAKUZA), among others.

Declaration under article 14 of the Convention

Information relating to paragraph 39

89. The State party takes note of the recommendation and is currently engaging stakeholders.

Amendment to article 8 of the Convention

Information relating to paragraph 40

90. The State party takes note of the recommendation and is currently engaging stakeholders.

Common core document

Information relating to paragraph 41

91. The State party has noted the Committee's recommendations and is currently engaging stakeholders in order to update the common core document.

Follow-up to the present concluding observations

Information relating to paragraph 42

92. The State party has adopted a variety of measures aimed at promoting equality and non-discrimination to persons with albinism and victims of human trafficking as outlined in paragraphs 68 to 83 and 85 to 100, respectively.

Paragraphs of particular importance

Information relating to paragraph 43

93. The State party has provided detailed information on recommendations contained in paragraphs 8 (data collection), 12 (definition of racial discrimination), 16 (complaints of racial discrimination and remedies) and 34 (refugees and asylum seekers). See responses in paragraphs 5 and 6, 13 and 14, 30 and 31, and 102 to 112, respectively.

Dissemination of information

Information relating to paragraph 44

94. The State party takes note of the recommendation and recognizes the importance of making its State party reports readily available and accessible to the public at the time of their submission.

Part two

Information on specific articles of the Convention

95. The State party wishes to report on the implementation of Articles 1 to 7 hereunder as it is required to indicate any updated legislative, judicial, administrative or other measures which have been put in place with the provisions of the Convention.

Article 1

Assessment of the compliance of the definition of racial discrimination in domestic law

96. The State party wishes to report that the definition of "discrimination" in domestic law remains compliant with the definition provided under paragraph 1, article 1 of the Convention.

A. Legislative Measures

97. Section 29 of the Refugee Act No. 1 of 2017, proscribes discrimination on the basis of nationality, race or ethnic status. It provides that a recognised refugee shall not be discriminated against based on, *inter alia*, birth, race, origin, nationality, culture, language, tribe, health, pregnancy or marital, ethnic, social or economic status.

98. Section 5(2) of the Employment Code Act No. 3 of 2019, prohibits an employer from, in any employment policy or practice, discriminating, directly or indirectly, against an employee or a prospective employee on grounds of colour, nationality, tribe or place of origin,

language, race, ethnicity, status, culture or economic grounds; and in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment.

99. Section 7 (1) and (2) of the Children's Code Act No. 12 of 2022, prohibits discrimination against, or punishment of, a child on the basis of, *inter alia*, race, colour, ethnic or other status.

B. Administrative Measures

100. There are no new measures to report.

C. Judicial Measures

101. There are no new measures to report.

Article 2

A. Legislative Measures

102. There are no new measures to report.

B. Administrative Measures

103. There are no new measures to report.

C. Judicial Measures

104. There are no new measures to report.

Article 3

Measures to prevent and avoid as much as possible the segregation of groups and individuals protected under the Convention, including non-citizens, in particular in the areas of education and housing

A. Legislative Measures

105. The State party wishes to report that it has made efforts to promote non-discrimination in schools so as to ensure that all learners have equal opportunities. The State party has enacted the Children's Code Act in an effort to reinforce the right to education. Further, the Education Act No. 23 of 2011, reinforces the right to education at early childhood, basic and high school levels, and which also provides for the right to free and compulsory basic education for all children in Zambia.

B. Administrative Measures

106. There are no new measures to report.

C. Judicial Measures

107. There are no new measures to report.

Article 4

A. Legislative Measures

108. There are no new measures to report.

B. Administrative Measures

109. There are no new measures to report.

C. Judicial Measures

110. There are no new measures to report.

Article 5

Ensure that any measures taken in the fight against terrorism do not discriminate, in purpose or effect, on the grounds of race, colour, descent, or national or ethnic origin, and that individuals are not subjected to ethnic or racial profiling or stereotyping

A. Legislative Measures

111. The State party enacted the Anti-Terrorism and Non-Proliferation Act No. 6 of 2018 which provides for measures to detect and prevent terrorism and proliferation activities. The Committee is invited to note that the Act does not discriminate, in purpose or effect, on the grounds of race, colour, descent, or national or ethnic origin, and that individuals are not subjected to racial or ethnic profiling or stereotyping. This can be derived from the definition of “terrorist” in Section 2 which means “a person who has committed an offence under the Act or, is or has been involved in the commission, preparation or instigation of acts of terrorism.”

B. Administrative Measures

112. The State party established and operationalised the National Anti-Terrorism Centre (NATC) in February, 2017. Its roles, among others, are to coordinate the detection, response to, mitigation and investigation of terrorist incidences and related threats in the State party. Further, NATC collaborates with various stakeholders on implementation of counter terrorism and proliferation plans and, on the detection, and prosecution of terrorists at national, regional, and global level. In line with the provisions of the Anti-Terrorism and Non-Proliferation Act, the NATC executes its functions with no discrimination on account of race, colour, descent, or national or ethnic origin.

C. Judicial Measures

113. There are no measures to report.

Economic, social and cultural rights

The right to work

Indicate whether persons belonging to groups protected under the Convention are over- or underrepresented in certain professions or activities, and in unemployment

114. The representation of persons belonging to groups protected under the Convention in certain professions or activities varies, but overall, there are legislative measures prohibiting discrimination in place to ensure equal opportunities for all individuals, regardless of race or ethnicity.

Describe governmental action to prevent racial discrimination in the enjoyment of the right to work

Legislative Measures

115. The State party has taken significant steps to prevent racial discrimination in the workplace through legislation such as the Employment Code Act and the Industrial and Labour Relations Act. Section 5 of the Employment Code Act and section 108 of the Industrial and Labour Relations Act explicitly prohibit discrimination based on various grounds, including race, and empower employees to seek recourse through the courts if they experience discrimination. Additionally, the Employment Code Act allows for affirmative action measures to promote equality and eliminate discrimination.

116. Section 5 of the Employment Code Act provides as follows:

“5 (1) An employer shall promote equal opportunity in employment and eliminate discrimination in an undertaking.

(2) An employer shall not, in any employment policy or practice discriminate, directly or indirectly, against an employee or a prospective employee:

(a) on grounds of colour, nationality, tribe or place of origin, language, race, social origin, religion, belief, conscience political or other opinion, sex, gender, pregnancy, marital status, ethnicity, family responsibility, disability, status, health, culture or economic grounds;

5 (3) For the purposes of this Act, it is not discrimination to:

take affirmative action measures consistent with the promotion of equality or the elimination of discrimination in an undertaking;”.

117. Section 108 of the Industrial and Labour Relations Act provides as follows:

“108 (1) No employer shall terminate the services of an employee or impose any other penalty or disadvantage on any employee, on grounds of race, sex, marital status, religion, political opinion or affiliation, tribal extraction or status of the employee.

(2) Any employee who has reasonable cause to believe that the employees’ services have been terminated or that the employee has suffered any other penalty or disadvantage, or any prospective employee who has reasonable cause to believe that the employee has been discriminated against, on any of the grounds set out in subsection (1) may, within thirty days of the occurrence which gives rise to such belief, lay a complaint before the Court:

Provided that the Court may extend the thirty-day period for a further three months after the date on which the complainant has exhausted the administrative channels available to him.

(3) The Court shall, if it finds in favour of the complainant: (a) grant to the complainant damages or compensation for loss of employment; (b) make an order for re-employment or reinstatement in accordance with the gravity of the circumstances of each case”.

The right to form and join trade unions

Whether the right to form and join trade unions is granted to non-citizens and which restrictions, if any, apply depending on their status

118. The State party guarantees the freedom of assembly and association under article 21 (1) of the Constitution which provides that, “Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to any political party, trade union or other or association for the protection of his interest.”

119. Section 5 of the Industrial and Labour Relations Act gives an employee the right to belong to a trade union and participate in its activities. Section 5 (1) (a), (b) and (e) provide as follows:

“5 (1) “Notwithstanding anything to the contrary contained in any other written law and subject only to the provisions of the Constitution and this Act every employee shall have the following rights;

- (a) The right to take part in the formation of a trade union;
- (b) The right to be a member of a trade union within the sector, trade, undertaking establishment or industry in which that employee is engaged;
- (c) The right not to be prevented, dismissed, penalised, victimised or discriminated against or deterred from exercising the rights conferred on the employee under this Act”.

120. However, the right to freedom of assembly and association is not absolute. Article 21(2) of the Constitution provides legal restrictions of the freedom of assembly and association. Article 21(2) provides as follows:

“(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this Article to the extent that it is shown that the law in question makes provision:

- (a) That is reasonably required in the interests of defence, public safety, public order, public morality or public health;
- (b) That is reasonably required for the purpose of protecting the rights or freedoms of other persons;
- (c) That imposes restrictions upon public officers; or
- (d) for the registration of political parties or trade unions in a register established by or under a law and for imposing reasonable conditions relating to the procedure for entry on such register including conditions as to the minimum number of persons necessary to constitute a trade union qualified for registration;
- (e) and except so far as that provision or, the thing done under the authority thereof as the case may be, is shown not to be reasonably justifiable in a democratic society”.

121. Section 18 of the Industrial and Labour Relations Act provides grounds on which an employee is disqualified from belonging to a trade union. The section provides that:

“18. (1) No person shall be qualified for election or appointment as an officer of a trade union if he:

- (a) Has not been engaged or employed for a period of twelve months or more in the trade, occupation or industry with which the trade union is directly concerned: Provided that the trade union may, if satisfied as to the suitability of a particular candidate, allow him to stand for such election, or be appointed, notwithstanding that he has been so engaged or employed for a period of less than twelve months;

(b) Having been an officer (or a member of the executive) of a trade union whose certificate of registration has been cancelled under section eleven, fails to satisfy the Commissioner that he did not contribute to the circumstances leading to such cancellation;

(c) Has been convicted of an offence involving dishonesty within a period of five years preceding the election or appointment;

(d) Is an undischarged bankrupt;

(e) Is of unsound mind; or

(f) Has been suspended, under its constitution or under this Act, from holding office in the trade union and his suspension has not been revoked, or the period for which he was suspended has not expired.

(g) Is an officer of a trade union or trade union secretariat who is not employment outside the trade union or trade union secretariat.

(2) An officer of a trade union shall cease to hold office if any circumstances arise which would disqualify him under subsection (1) for election as an officer.

(3) No person who is a full-time officer of a trade union shall be a full-time officer of any other trade union or of the congress unless he resigns from his first office.

(4) The Commissioner may call for such documentation and information, as he may think necessary, from the executive committee or any officer of a trade union in order to ensure that the provisions of this section are being complied with.

(5) Any person who acts or purports to act as an officer of a trade union after being disqualified under this section to hold office in a trade union shall be guilty of an offence and liable, upon conviction, to a fine not exceeding four hundred penalty units and in addition may be prohibited from holding office in any trade union for a period determined by the Court”.

122. Therefore, the right to form and join trade unions is granted to non-citizens, with restrictions primarily applying to managerial positions. Non-citizens are generally eligible to join trade unions as long as they are unionisable and are not in managerial positions.

Whether the right to form and join trade unions is restricted for specific professions or for specific types of contract, for which persons belonging to groups protected under the Convention are over represented

123. The right to form and join trade unions is generally not restricted for specific professions or types of contracts. However, managerial positions within the meaning contemplated in the Industrial and Labour Relations Act are restricted on trade union membership. See responses in paragraphs 157 to 161 above.

Government action to secure the equal provision of social security to different groups of victims or potential victims of racial discrimination within the population

124. The State party is committed to ensure the equal provision of social security to different groups within the population, including employees of different races. Therefore, the State party is implementing and enforcing anti-discrimination provisions contained in the Employment Code Act which prohibit discrimination, directly or indirectly, against an employee or prospective employee.

125. The State party recognises that marginalised racial and ethnic groups are disproportionately represented in the informal economy. In that vein, the State party has extended the provision of social security coverage to the informal sector. This is a targeted measure to ensure equitable access to social security benefits by extending coverage to all segments of society, irrespective of race or ethnicity.

The right to education and training

Indicate any variations in the level of education and training between members of groups protected under the Convention

126. The State party does not provide variations in the levels of education and training between different groups in the population. The State party is implementing legislation that prohibits discrimination of learners and guarantees that education is accessible to all persons, regardless of race or ethnicity.

127. The Education Act No. 23 of 2011, prohibits any form of discrimination. Section 19 of the Education Act provides that, “An educational institution shall not discriminate against a learner in any manner.” In addition, section 14 (2) of the Education Act guarantees the right to education and provides that, “The Government shall make general and vocational education progressively available and accessible to all persons.”

Provide information on languages spoken and taught in schools

128. Section 98 of the Education Act, makes provision for language of instruction for educational institutions. Section 98 provides as follows:

“98. (1) Subject to subsection (2), the language of instruction at any level of the education system shall be English.

(2) Notwithstanding subsection (1), the Minister may, in consultation with an education board or a board of management:

- (a) approve any language in which a learner may learn to read and write;
- (b) determine a language to be used for the teaching of initial literacy and numeracy skills in any lower basic class;
- (c) determine a language which shall be compulsory for any learner from basic to high school level in any locality; and
- (d) approve a language to be learnt up to school certificate level”.

129. Further, section 99 of the Education Act makes provision for the use of sign language for learners who use sign language as the learner’s first language or who has a special need for sign language. Section 99 provides that:

“99. An educational institution shall use sign language as a medium of instruction to any learner who uses sign language as the learner’s first language or who has special need for sign language.”

130. The State party has also introduced the use of braille for effective learning for visually impaired learners.

131. The State party has introduced seven Zambian languages as mediums of instruction in schools. These are Bemba, Nyanja, Tonga, Kaonde, Lunda, Luvale and Lozi. The languages are taught alongside the English language which is the official language of instruction. This initiative will be extended to learners with special educational needs.

132. The State party is implementing the Zambia Education Curriculum Framework 2013. The Framework provides that the language of instruction from Grades 1–4 in all the learning areas will be in a familiar language. At the same time, English will be the official language of instruction from Grade 5 upwards, with Zambian languages as optional subjects.

Describe governmental action to prevent racial discrimination in the enjoyment of this right

133. The State party is revising its curriculum to ensure that learners understand and safeguard individual liberties and human rights, as well as appreciate Zambia’s ethnic cultures, customs and traditions and upholds national pride and unity.

134. The State party conducts monitoring and evaluation of the implementation of education standards and compliance. The compliance includes adherence to section 7(1) of

the Children's Code Act, which prohibits discrimination or punishment of a child on the basis of race, colour, among other grounds.

135. The State party is implementing guidance and counselling services in all learning institutions.

136. The State party is promoting human rights in learning institutions through both formal and uniform programmes, including school clubs' activities.

Article 6

Racial discrimination cases lodged with other Institutions

137. Local workers from diverse ethnic backgrounds have reported disparities in wages, where expatriate employees receive significantly higher compensation for performing identical job duties. This wage discrepancy has led to feelings of unfair treatment and resentment among the local workforce.

138. The Human Rights Commission has, in recent years, recorded and noted an increase in cases especially bordering on inciting racial/ethnic hatred. Majority of these were propagated through social media. In order to address the problem, the State party has intensified measures to:

- (a) Raise public awareness on the effects of inciting racial/ethnic hatred on social media; and
- (b) Strictly enforce Section 70 of the Penal Code Act to ensure prosecution of offenders.

Article 7

Education and Teaching

Legislative and administrative measures taken in the field of education and teaching to combat prejudices which lead to racial discrimination, including general information on the educational system

139. The State party recognises that combating prejudices that lead to racial discrimination in the field of education and teaching is a crucial aspect of promoting equality, diversity, and inclusion in society.

A. Legislative Measures

140. The State party is implementing and enforcing anti-discrimination laws that prohibit discrimination based on race, ethnicity, or nationality in educational settings. These laws include the Education Act of 2011 and Children's Code No. 12 of 2022, which provide legal protection to learners and educators against discriminatory practices and help create a more inclusive learning environment.

B. Administrative Measures

Diversity and inclusion policies

141. The State party is developing a National Education Policy to promote respect for cultural differences, foster a sense of belonging among students from diverse backgrounds, and combat prejudices that lead to racial discrimination.

Curriculum reforms

142. The State party is reviewing its curriculum to introduce diverse perspectives and histories into the curriculum can help challenge stereotypes, promote cultural awareness, and encourage critical thinking about issues related to race and ethnicity. The State party

recognises that incorporating multicultural content into teaching materials can help combat prejudices and promote understanding and empathy among students.

Teacher training programs

143. The State party is providing training and professional development opportunities for teachers on cultural competency, diversity awareness, and anti-bias education can help educators create inclusive and welcoming classrooms.

144. The State party believes that equipping teachers with the skills to address issues such as racial discrimination and prejudice can have a positive impact on students' experiences and academic success.

Support services for marginalised students

145. The State party has established support services in learning institutions, such as counselling, mentoring, and cultural sensitivity training for marginalised students, therefore, creating a supportive and inclusive learning environment. Further, providing resources and support for students who may be targets of racial discrimination can help mitigate the negative impact of prejudice on their academic and social well-being.

Promotion of intercultural dialogue

146. The State party, with the background of ethnic grouping, provides an encouraging intercultural dialogue and promoting opportunities for learners from diverse backgrounds to engage with one another to break down barriers, foster mutual understanding, and combat stereotypes and prejudices. The State party believes that creating spaces for open discussions about race, ethnicity, and discrimination can help promote empathy and respect among students.

Monitoring and reporting mechanisms

147. The State party has established mechanisms to monitor incidents of negative vices such as racial discrimination in educational settings and providing channels for students and educators to report instances of discrimination. By tracking and addressing discriminatory practices, schools can ensure a safe and inclusive learning environment for all students.

148. Steps taken to include, in school curricula and in the training curricula of teachers and other professionals, programmes and subjects to help promote human rights issues which would lead to better understanding, tolerance and friendship among all groups.

149. The State party commenced the process of review of the 2013 Zambia Education Curriculum Framework with all key stakeholders, including marginalised groups and general public.

150. The State party also encouraged submissions from the Stakeholders and general public regarding the development of the school curricula and the training curricula of teachers and other professionals.

151. Finally, the State party provided a platform where stakeholders were invited to validate the final Zambia Education Curriculum Framework to ensure that the wishes and aspirations were comprehensively covered.

152. Information should also be provided on whether the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention are included in education and teaching.

153. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion, the State party is reviewing the National Education Policy to ensure that it meets emerging human rights issues and other developmental aspects.

154. Steps taken to review all language in textbooks which conveys stereotyped or demeaning images, references, names or opinions concerning groups protected under the

Convention, and replace it by images, references, names and opinions which convey the message of the inherent dignity of all human beings and their equality in the enjoyment of human rights;

155. The State party is reviewing the 2013 Zambia Education Curriculum Framework for the development of syllabi, which will guide the development of textbooks and other teaching and learning materials. The Framework will provide the necessary requirements for specifications and details of types and quality of textbooks, including the aspects of language.

156. Measures taken for intensive training of law enforcement officials to ensure that in the performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.

157. The State party has invested in training of educators to ensure that they protect human dignity and maintain and uphold the human rights of all learners without distinction as to race, colour or national or ethnic origin.

Conclusion

158. The Committee is invited to note that the State party is fully committed to implement and realise its obligations under the Convention towards combating racial discrimination, promoting racial equality, and ensuring the protection of human rights for all individuals, regardless of their race, ethnicity, or nationality. In this regard, the State party continues to progressively implement the provisions of the Convention and further continues to revise its legislation in order to bring it in conformity with the Convention.
