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The authorities repressed the rights to freedom of expression, assembly and association. Journalists, media workers and lawyers were harassed. The police used intimidation to enforce COVID-19 movement restrictions. Children were denied their right to information about reproductive and sexual health and rights.

Background

The national debt reached over ZMK228 billion (US\$11 billion) and was expected to increase as a result of the COVID-19 pandemic. Zambia defaulted on its debt after failing to pay a US\$42.5 million coupon on one of its Eurobonds in November.

In August, the Health Minister was acquitted of corruption charges in relation to the misuse of public funds which had been allocated to COVID-19 health care.

Tensions between the ruling Patriotic Front (PF) party and the opposition United Party for National Development (UPND) were heightened in advance of the 2021 general elections.

The authorities took steps to amend the 2016 Constitution with the introduction of Amendment Bill 10, which failed to pass with the required two-thirds threshold of 111 votes. Both civil society organizations and individual citizens had challenged the amendments on grounds that they would undermine the democratic process.

Freedom of expression

Police continued to use the Public Order Act, and other provisions, as well as threats and intimidation to clamp down on freedom of expression.

In March, police officers in the Central Province arrested and charged a 15-year-old boy with defaming the President under Penal Code provisions after he allegedly mocked him on social media.

Chella Tukuta, a photographer, was arrested by police in June after he spoke publicly about official corruption. He was charged with criminal libel for allegedly making derogatory remarks about the Minister of Information and other government officials, and detained in various police stations in Lusaka, the capital, and Ndola over a 10-day period.

Human rights defenders

Fumba Chama, Laura Miti and Bornwell Mwewa were acquitted in a trial before the Livingstone Magistrates Court in September on charges under the Public Order Act. Fumba Chama was charged with unlawful assembly after he hosted a youth forum on good governance. Laura Miti and Bornwell Mwewa were charged, in connection with the same event, with disorderly conduct and assaulting a police officer. The three had been arrested in December 2019 and held at Livingstone Central Police Station before being released on bail.

Journalists

Authorities continued to hinder journalists in their work and to clamp down on the independent media.

Jubilee Malambo, a journalist for Prime Television, was prevented from doing his job on 21 March in Samfya when PF cadres threatened to break his camera if he took photographs of people whose homes had been destroyed in heavy rainfall.

On 9 April, the Independent Broadcasting Authority (IBA) cancelled Prime Television's licence "in the interests of public safety, security, peace, welfare or good order". The same day, police went to Prime Television's office in Lusaka and forced staff from the building. The incident followed the media outlet's having run stories about COVID-19 and Bill 10.

The authorities also tried to restrict online broadcasting. Having said publicly that it did not regulate broadcast content online, in July the IBA forced Spring TV to obtain an operating licence before broadcasting on the internet.

PF members used violence to prevent the media from airing programmes which featured opposition leaders. In May, they fired tear gas into the Isoka Community Radio and Muchinga FM stations to prevent them from broadcasting interviews with Hakainde Hichilema, the UPND leader.

Lawyers

Lawyers continued to be subjected to intimidation and violent attacks by the authorities. In March, the Acting Chief Registrar barred constitutional lawyer John Sangwa from appearing before courts after he criticized Bill 10 which could, among other things, give the President excessive powers, and the Constitutional Court's failure to allow a petition to challenge Bill 10.

In February, participants at a Law Association of Zambia public meeting about Bill 10, which took place at the Intercontinental Hotel in Lusaka, were physically assaulted and had their belongings stolen by a mob, thought to be members of PF cadres.

Freedom of assembly

Legislation, intimidation and harassment were used by the authorities to repress the right to freedom of assembly. In June, the President issued threats against members of civil society organizations and anyone else who planned to protest against infringements of their right to freedom of expression. He called on the Minister of Home Affairs to "deal with these boys" whom he said promoted "anarchy". On 30 September, the Inspector-General of Police said civil society members and traditional leadership were "inciting anarchy".

Meanwhile, the ruling party deployed cadres, made up of its supporters, to carry out acts of violence and other intimidatory tactics against UPND supporters and others as a means of preventing and disrupting peaceful assemblies, beating them and destroying their property.

In July, they attacked mourners at a UPND supporter's funeral in Mutumbi Cemetery in Lusaka.

While, generally speaking, the perpetrators of such attacks enjoyed impunity, one cadre was sentenced in August to two years' imprisonment for assaulting the Justice Minister at Kabwata Market in 2019.

Excessive use of force

The police employed tactics of intimidation, harassment and arbitrary detention to enforce movement restrictions under COVID-19 regulations and, on some occasions, to prevent peaceful protests. In April, a police spokesperson announced on national television that they had adopted a strategy to "whip" and "detain" anyone found on the streets.

In December, police killed two protesters when they opened fire on UPND activists who had gathered in central Lusaka in support of Hakainde Hichilema, who had been summoned to the police headquarters.

Right to health

The authorities failed to provide adequate public health protection from COVID-19 infection. PPE was available within Zambia but did not reach the places where it was most needed. Some health workers in high risk regions that did not receive PPE contracted the virus.

In May, a laboratory technician was delegated to transport COVID-19 samples for testing using public transport. After the bus he was travelling on crashed, the Health Minister claimed that this mode of transport did not pose a threat to other passengers and that it was a method normally used for transporting samples. Road traffic accidents are the third main cause of death in Zambia, claiming about 2,000 lives annually and risks of accidents are higher when using public vehicles.

Sexual and reproductive rights

In October, the National Assembly suspended the Comprehensive Sexuality Education (CSE) programme, following a review by a working group under the Minister of National Guidance and Religious Affairs, on the basis that it was “graphic, inappropriate and offensive to cultural, religious and family values”. The CSE was introduced into the school curriculum in 2013 for primary and secondary school learners. The African Charter on the Rights and Welfare of the Child Articles 11 and 27 protect young people from exploitation and provide for their right to education and information. Suspension of CSE would be regressive to the realization of these articles.

Discrimination - people with albinism

People with albinism continued to be subjected to violent attacks. On 24 March, Emmanuel Phiri’s dismembered body was found in a field a few kilometres from his home in Chipata in the Eastern Province. His eyes, tongue and arms had been removed in what appeared to be a ritual killing. In April, the body of Josephat Mutenda was exhumed from his grave and his body parts stolen from the Likolwa burial site in the Kankomba area.

Forced evictions

On 30 April, the High Court of Zambia ruled that the forced eviction of Serenje rural communities from their ancestral land in the Central Province violated their rights to life, freedom of movement and association, dignity and equal protection under the law; and that the conversion of their customary land was illegal. The communities had been forcibly evicted in 2013 to make way for commercial farming projects, since when they had lived in makeshift tents in a forest reserve. The Serenje community was not consulted about the seizure of their traditional land or compensated for the destruction of their properties and assets.

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