

Statement at 53rd session of the United Nations Human Rights Council**Item 6: UPR Outcome Zambia****Speaker: Arthur Muyunda**

Mr President,

Our organisations¹ welcome the several recommendations accepted by the Zambian Government, especially those for the protection of freedoms of expression, opinion, and peaceful assembly as well as those to contribute to the safety of defenders and civil society by enacting a legislation prohibiting torture. These recommendations call on the Zambian Government to expedite the process of reviewing legislations undermining the enjoyment of these rights, as well as amending the 1955 Public Order Act and the 2021 Cyber Security Act.

However, we remain concerned that human rights defenders will remain at risk should certain provisions of the Penal Code of 1955 remain in their current form. Indeed, section 57 gives wide discretionary powers to prosecute seditious intention. This provision has often been used against defenders by the State.

We remain equally concerned by the Government's refusal to repeal laws which criminalise minority groups, as they hinder the work of defenders who work on issues related to gender-based violence. Following the notification rule, on 4th March 2023 a protest was held against gender-based violence. The next day, the Zambia Police Service qualified the protest as 'a forum championing homosexuality' qualifying it contrary to Section 155 of the Penal Code. The organisers were then arrested on 7th April 2023 on account that they gave erroneous information on the topic of the protest leading to it being unlawful.

We therefore call on the Zambian Government to:

- Amend section 155 of the penal code to ensure that it is consistent with international human rights standards;
- Develop and enact a specific legal framework to recognise and protect the work of defenders giving full effect to the UN Declaration on Human Rights Defenders at the national level;

I thank you.

¹ This is a joint statement by the Southern African Centre for Constructive Resolutions of Disputes, the Zambia Human Rights Defenders Network and the International Service for Human Rights Defenders.