

Submission to the 89th Ordinary Session of the African Commission on Human and Peoples' Rights on the Situation of Human Rights Defenders in Zambia

ZAMBIA

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Southern African Centre for the Constructive Resolution of Disputes (SACCORD), the Zambia Network for Human Rights Defenders (ZNHRD) and the International Service for Human Rights (ISHR), acknowledges the periodic report submitted by the Government of Zambia to the African Commission on Human and Peoples' Rights (ACHPR), covering the period 2020-2025¹. Zambia submitted this report in compliance with its obligations under Article 62 of the African Charter on Human and Peoples' Rights (African Charter). This shadow report provides additional and contradictory information on the situation of human rights defenders in Zambia, highlighting gaps in state reporting and implementation of ACHPR recommendations. The report aims to meaningfully engage the country so that more institutional and normative efforts are made to improve the situation of human rights defenders.

A. THE SITUATION OF HUMAN RIGHTS DEFENDERS IN ZAMBIA

1. In Zambia, human rights defenders (HRDs) face discrimination, smear campaigns, unlawful charges, chronic insecurity, harassment, intimidation, surveillance and legal pressure from the authorities². Indeed, police brutality or violence can even go as far as unlawful killing of detainees, as reported by the Human Rights Commission, an independent body established by the constitution.³ Law enforcement officials in Zambia often fail to protect or provide justice to victims. There are cases where political cadres harass, threaten, and physically and verbally attack journalists⁴. HRDs also face the risk of being arrested and jailed for a long period of time, using outdated laws such as the Public Order Act, for actions such as defamation of the president or contempt of court.

¹ Zambia 8th periodic report, 2020-2025, ACHPR, <https://achpr.au.int/en/state-reports/8th-periodic-report-2020-2025>

² <https://www.ohchr.org/en/press-releases/2024/08/zambia-must-immediately-halt-downward-spiral-infringements-fundamental>

³ Human Rights Commission reported extra judicial killings by Zambia police, www.state.gov/wp-content/uploads/2025/07/624521_ZAMBIA-2024-HUMAN-RIGHTS-REPORT.pdf

⁴ Sheila kalunga a journalist was attacked by ruling party cadres at Serenje Radio www.womeninjournalism.org/threats-all/zambia-reporter-sheila-kalunga-beaten-by-political-party-supporters

2. Thomas Zgambo, an investigative journalist, was arrested three times over thirteen months. The first arrest in November 2023 was related to an article he wrote for the online news outlet “Zambian Whistleblower” criticizing the government over food imports. Ahead of the second arrest, in August 2024, he called on the government to reveal any links between a property it leased and Zambia’s President Hakainde Hichilema⁵. Finally, on 16 October 2024 he was picked up from Lewanika Shopping Mall in Lusaka and detained for 16 days on charges of criminal defamation against the Acting Auditor General, National Security Advisor to President Hakainde Hichilema and a United Capital Fertiliser Board Chairperson. This arrest related to a 2022 article from a whistleblower published on the Zambian Whistleblower alleging corruption in fertiliser procurement by the Zambian Government under the Farmer Input Support Programme (FISP).⁶
3. Zambia National Broadcasting Corporation (ZNBC) journalist Mcpherson Mukuka was detained on 17 July 2026 for recording a “private conversation without prior notice” involving public servants in a Presidential Campaign Team committee discussing how they will work with polling station staff to “help people vote for their master.” He then posted it on social media and was charged on 21 July of violating Section 10 of Zambia’s 2025 Cyber Crimes Act which prohibits recording a private conversation without prior notice and posting it on social media⁷.
4. Early September 2026, citing national security, the Zambian government cancelled the passports for six of its citizens who they perceive to be critical of its policies. That included former ambassador Emmanuel Mwamba, former political advisor to the president Mr Kaizer Zulu and academia Mr Sishuwa Sishuwa⁸.
5. Although the law requires detainees to appear before a court within 24 to 48 hours of arrest and be informed of the charges against them, the Human Rights Commission reported authorities routinely held detainees for as long as six months before a court appearance. Indeed, on 28 August 2024, Lusaka police arrested and detained Jason Mwanza, Chanda Chikwanka, and Thomas Zulu for more than six days after their participation in a peaceful protest regarding

⁵ Thomas Zgambo arrested three times in a year <https://cpj.org/2024/10/zambian-journalist-thomas-zgambo-arrested-for-3rd-time-in-a-year/>

⁶ Letter from UN Special Procedures to the government of Zambia <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=30157>

⁷ MacPherson Mukuka arrested using cyber laws <https://www.amnesty.org/en/latest/news/2026/07/zambia-authorities-must-free-journalist-arrested-over-social-media-posts/>

⁸ Government cancels Passports for its critics <https://diggers.news/local/2026/09/12/govt-cancels-passports-for-mwamba-binwell-sishuwa-3-others/>

economic hardship. They applied for and were granted a writ of habeas corpus to secure their release⁹.

6. On 8 March 2023, the women's rights organization Sistah Sistah Foundation held a march to protest against gender-based violence. While the march was allowed to proceed without interruption, following the march, police arrested the organisers, alleging they had held an illegal pro-LGBTQI+ rights protest¹⁰.
7. In May 2025, the Lusaka High Court blocked for two months the release of the documentary "China: The Good, the Bad and the Dangerous" produced by the private investigative outlet *News Diggers*, through an ex parte order — meaning the outlet wasn't notified of the order. Indeed, the Court had received a defamation complaint filed by the Chinese Chamber of Commerce in Zambia. This was qualified as a strategic lawsuits against public participation (SLAPPs) by Reporter without borders. It was filed right after *News Diggers* shared the documentary's trailer on social media on 20 May¹¹.
8. Finally, the 2026 elections were followed by numerous arrests of opposition political figures on allegation of serious crimes, which left some sector of society convinced that this is political intimidation¹².

B. OFFICIAL RESTRICTIONS ON THE SPACE OF HUMAN RIGHTS DEFENDERS

9. The Public Order Act is an act of parliament enforced by Zambia Police Service. It affects human rights defenders as it is used to regulate assemblies by requiring police approval to hold them. This Act has been abused by the police to restrict HRDs from enjoying their rights of association, expression, protest and assembly.¹³ For example, in December 2019, Zambian musician and activist Chama "Pilato" Fumba was arrested for addressing an 'unauthorised' meeting in Livingstone – Southern Province. The police stated that Chama Fumba was having a meeting with members of the public without notifying the police which is against the Public Order Act. If convicted, he would face up to five years in jail.¹⁴ In addition, on 12 May 2026, Parliament voted to pass the Public Gatherings Bill which sought to replace the Public Order Act of 1955. The Public Order Act-related reform efforts, including the proposed Public Gatherings Bill, were introduced without adequate

⁹ <https://www.state.gov/reports/2024-country-reports-on-human-rights-practices/zambia/>

¹⁰ <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/zambia/>

¹¹ <https://rsf.org/en/new-documentary-china-s-commercial-activities-zambia-airs-after-two-month-gag-order>

¹² Opposition political leaders arrested on suspicions of criminal gathering, <https://www.polity.org.za/article/zambia-says-it-arrested-opposition-figures-on-night-of-elections-2026-08-17>

¹³ Chapter 113 of the Laws of Zambia; <https://www.parliament.gov.zm/acts-of-parliament>

¹⁴ <http://news.yahoo.com/zambian-musician-activist-pilato-arrested-rally-210848448.html>

transparency or re-engagement with technical stakeholders after prolonged delays. It was later rejected by the President and the Public Order Act remains in force.¹⁵

10. The Penal Code Act¹⁶ criminalises offences related to freedom of expression. While, section 69 of the Penal Code which criminalised 'defamation of the president' was repealed in December 2022¹⁷, section 191 on criminal libel, section 179 on the use of insulting language, section 67 on false news, and sections 57-61 on seditious practices, including publications and intention that bring government into "hatred or contempt" or incite disaffection, remain in the Penal Code. In December 2014, the High Court of Zambia declared section 67 on false news unconstitutional¹⁸. The government has promised to expunge section 67 but has failed to do so for more than a decade after the judgement.¹⁹
11. The State Security Act²⁰ criminalises the communication of classified information. Indeed, even if some of the provisions are necessary for security purposes, others are incompatible with an open society and democracy, particularly sections 4 and 5 which are unconstitutional and violate various international standards.²¹ It is seen as hindering the Government from enacting progressive laws such as the Access to Information bill.
12. In 2021, against public outcry and without consultations, the Government enacted the Cyber Security and Cyber Crimes Act²² which has been criticized for limiting freedom of expression, assembly and the right to privacy on digital platforms. This act has been used against HRDs documenting human rights abuses online. A number of Zambians HRDs have been arrested using this law. Indeed, by using this law the Government is trying to force any person who is a WhatsApp group administrator to register with Zambia Information and Communications Authority (ZICTA). This is a clear infringement of their rights to privacy.

¹⁵ <https://www.amnesty.org/en/documents/afr63/1356/2026/en/>

¹⁶ Chapter 87 of the laws of Zambia; <https://www.parliament.gov.zm/acts-of-parliament>

¹⁷ *Zambian Observer*, Abolition of Criminal Defamation of The president: Is there anything to Celebrate? – Sean Tembo, 24 December 2022. Available at: [Abolishing Of Criminal Defamation Of The President: Is There Anything To Celebrate?- Sean Tembo - The Zambian Observer](#)

¹⁸ *Chipenzi v The people*. [Global Freedom of Expression | Chipenzi v. The People - Global Freedom of Expression](#)

¹⁹ <https://www.amnesty.org/en/documents/afr63/1356/2026/en/>

²⁰ Chapter 111 of the laws of Zambia; <https://www.parliament.gov.zm/acts-of-parliament>

²¹ Chanda, Alfred W. The State Security Act vs open society: does a democracy need secrets?, *Zambia Law Journal*, <https://www.africabib.org/rec.php?RID=175159939>

²² Cyber Security and Cyber Crimes Act No. 2 of 2021; <https://www.parliament.gov.zm/acts-of-parliament>

13. In 2009, the Zambian Government enacted the Non-Governmental Organizations (NGO) Act which was amended in 2020²³. The Act created the NGO Board, mainly composed of Government workers, which is mandated to approve NGOs registration. The Act requires all NGOs formed after 2009 to register and those formed before to apply for a certificate of registration. The Act gives broad discretion to the government to deny registration to NGOs, dictate NGOs' thematic and geographical areas of work and imposes mandatory re-registration every five years which allows government to suspend or cancel NGOs arbitrarily. The NGO Act contravenes both good practice and international standards as argued by HRDs, academics and NGOs. The Act is clearly intended to curtail the freedom of NGOs in Zambia to operate independently and effectively.²⁴
14. More than two years after the adoption in Zambia of Access to Information (ATI) Act²⁵, citizens seeking information from public institutions continue to encounter confusion, delays and silence, raising questions about its implementation in practice. Indeed, the Alliance for Community Action (ACA) said that since February 2026 it has submitted five ATI requests to the Lusaka City Council, the Electoral Commission of Zambia and the Zambia Police Service seeking information on Constituency Development Fund projects, electoral delimitation reports, asset declarations and law enforcement procedures. According to ACA, more than 130 days later, none of the institutions had disclosed the requested information despite acknowledging receipt of the requests. Even after resubmitting the applications using the prescribed forms following guidance from the Human Rights Commission, all five remained unresolved.²⁶

C. HUMAN RIGHTS DEFENDERS FACING PARTICULAR RISKS

15. Women HRDs are often more at risk of being attacked using traditional patriarchal norms. They are frequently portrayed as immoral, negligent mothers, corrupting society. The attacks they have to face, including their family and children, include threats, and gender-based or sexual slanders. Indeed, Nalucha Ngandga Ziba, former Executive Director of ActionAid Zambia, reported having to personally face

²³ Non-Governmental Organisations Act no. 2 of 2020; <https://www.parliament.gov.zm/acts-of-parliament>

²⁴ Article by professor Muna Ndulo:- Professor of Law and Director of Cornell's Institute for African Development. He is also Honorary Professor, Faculty of Law University of Cape Town and Extra Ordinary Professor of Law, Faculty of Law Free State University in South Africa; <http://saipar.org/wp-content/uploads/2013/09/the-ngo-law.pdf>

²⁵ <https://www.parliament.gov.zm/node/11547>

²⁶ <https://makanday.org/access-denied-two-years-after-zambias-ati-law-citizens-still-struggle-for-public-information/>

such threats and smear campaigns by male officials²⁷. Laura Miti, former Executive Director of Alliance for Community Action, also faced attacks and threats when her NGO published information that called into question the way the government uses public finances. As a WHRD, she is often singled out for intense targeting that aims to smear her reputation as a female leader in a very traditional society. False information was published about her on tabloids and she and her children received threats on multiple occasions²⁸.

16. In Zambia, people can face from 15 years to life imprisonment for consensual same-sex sexual activities. According to President Lungu, LGBTIQ people's rights "cannot be replicated in Zambia because they are a taboo to local culture".²⁹ HRDs working on LGBTIQ issues do so underground and are in constant fear of being targeted. They face all sort of societal struggles such as unemployment, discrimination for access to housing, health care and education.³⁰
17. Although the constitution and law provided for freedom of expression, including for members of the press and other media, they permitted restrictions of these fundamental rights and freedoms in certain circumstances. On 19 April 2026, Alfonso Kasongo was attacked while reporting on a gathering organised by the ruling party United Party for National Development (UPND). During the meeting, a young man threw stones at the main table and was captured by UPND members who severely beat him up. When the ruling party members saw that Kasongo was recording, they turned their attention on him³¹.

D. THE RESPONSE OF THE STATE REGARDING THE PROTECTION OF HUMAN RIGHTS DEFENDERS

18. In Africa, most countries lack a legal framework to recognise and protect human rights defenders from intimidation or other forms of reprisals. Nevertheless, 2018 a law for the protection and promotion of the rights of human rights defenders, has been under discussion in Zambia despite The African Commission's Resolution 273 (2014) urging states to adopt such legislation. Despite the involvement of The Zambian Law Development Commission, the Ministry of

²⁷ Creeping Towards Authoritarianism ?, Impacts on Human Rights Defenders & Civil Society In Zambia, Front Line Defenders, p.22

https://www.frontlinedefenders.org/sites/default/files/zambia_report_digital.pdf

²⁸ Ibid.

²⁹ Zambia 2020 Human Rights Report, p.23 <https://www.state.gov/wp-content/uploads/2021/03/ZAMBIA-2020-HUMAN-RIGHTS-REPORT.pdf>

³⁰ Op cite.

³¹ <https://www.amnesty.nl/actueel/zambia-authorities-must-investigate-escalating-attacks-on-journalists-and-media-freedom>

Justice, The Human Rights Commission of Zambia, The Zambia Human Rights Defenders Network, SACCORD and other civil society or non-state actors, the bill is struggling to be passed.

19. In April 2026, the Zambian government cancelled RightsCon, the largest global tech and human rights conference, only days before it was due to be held in Lusaka. The event was to welcome over 2600 participants. Indeed, the permanent secretary for the Ministry of Information & Media, expressed that they needed time to ensure the gathering “aligns with Zambia’s national values, policy priorities, and broader public interest considerations”. A few days before the cancellation, it was shared with the organisers that diplomats from the People’s Republic of China (PRC) were putting pressure on the Government of Zambia because Taiwanese civil society participants were planning to join the event in person. This is a strong example of the far reach of transnational repression targeting civil society, and effectively shrinking the spaces in which defenders operate.³²

QUESTIONS TO THE GOVERNMENT OF ZAMBIA

- What concrete steps has the government taken to align the Public Order Act/Public Gathering Bill with constitutional guarantees of freedom of assembly and association?
- How will revisions ensure compliance with regional and international human rights standards?
- What is the timeline and process for developing and enacting a **Human Rights Defenders Protection Law**, and how will civil society be meaningfully consulted in this process?
- What mechanisms exist to prevent abuse of police powers during public gatherings?
- How will accountability be ensured when excessive force or arbitrary restrictions occur?
- How will oversight bodies be strengthened to monitor compliance with the HRD Protection Law once enacted?
- How is government consulting civil society, opposition parties, and communities in revising the Public Order Act and drafting the HRD Protection Law?
- What safeguards will be put in place to protect human rights defenders and journalists during demonstrations?
- How will the **Access to Information Act** be implemented to guarantee transparency and enable defenders, journalists, and citizens to hold government accountable?
- How will the law guarantee equal access to public space for marginalized groups, including women, youth, and minority communities?

³² <https://www.rightscon.org/rc26-statement/>

- What measures can the government put in place to prevent discriminatory application of restrictions?
- How will the HRD Protection Law incorporate gender-sensitive provisions to protect women defenders and vulnerable groups?
- How will the government ensure that **Cyber Security and Cyber Crimes laws** do not undermine freedom of expression, privacy, and the legitimate work of defenders and journalists?
- What safeguards will be introduced to prevent misuse of cyber laws for surveillance, intimidation, or arbitrary arrests of activists?
- How will digital rights be protected in line with Zambia's constitutional guarantees and international obligations?

ABOUT THIS PARALLEL REPORT

SACCORD, ZNHRD and ISHR encourage the African Commission to consult parallel reports by local activists and to make recommendations to Zambia regarding the protection of human rights defenders. This report is a result of a compilation of public information on the protection of human rights defenders and readers should consult the sources cited for further information.

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