**REPUBLIC OF ZAMBIA**



**CALL FOR INPUT ON INSTITUTIONAL ARRANGEMENTS OF STATES THAT ENABLE MINORITY RIGHTS TO FLOURISH**

**Ministry of Justice**

**May, 2024**

The Republic of Zambia considered the letter from the Special Rapporteur on minority rights, calling for inputs on institutional arrangements of States that enable minority rights to flourish. We are pleased to provide the following responses to the questionnaire:

1. **Question 1: Do you consider the interests of persons belonging to minority groups appropriately taken into account in your country? If yes, how? If no, why?**

*Response:*

Yes. The Constitution of Zambia guarantees the rights of all citizens, including minorities. Zambia has also ratified several international human rights treaties that protect the rights of minority groups, such as the International Covenant on Civil and Political Rights and the Convention on the Rights of Persons with Disabilities. These treaties place an obligation on the government to ensure that minority groups have equal access to education, healthcare, employment, and other services.

The Republic of Zambia has had varying levels of success in considering the interests of minority groups. Like many countries, Zambia has struggled with issues related to discrimination, inequality, and marginalisation of minority communities. In some instances, Zambia has made efforts to address the concerns of minority groups. For example, there have been initiatives aimed at promoting the rights of indigenous peoples, such as the recognition of their land rights and cultural heritage. For instance, the Lozi people of the Western Province. Additionally, there have been legislative measures put in place to protect the rights of minority groups, including laws against discrimination based on factors such as ethnicity, race, and gender in the Constitution.

Overall, while Zambia has taken some steps towards considering the interests of minority groups, there is still room for improvement in ensuring their full inclusion and protection of their rights. Continued efforts in policy formulation, implementation, and enforcement, as well as increased awareness and advocacy, are essential for addressing these challenges effectively.

1. **Question 2: Are there institutional arrangements that guarantee (or facilitate) effective political representation of persons belonging to minorities? For example, a Second Chamber in Parliament, the federal structure of the State, specific “minority institution” (such as a Council of Minorities or a dedicated Ombudsperson, or electoral mechanisms (quotas, separate lists for minorities).**

*Response:*

Zambia does not have specific institutional arrangements or mechanisms dedicated solely to ensuring effective political representation of minority groups. The country operates under a unicameral parliamentary system, meaning it has a single chamber parliament.

While Zambia does not have a second chamber in parliament or a federal structure, there have been discussions and proposals in the past for constitutional reforms aimed at addressing issues of political representation and inclusion of minority groups. However, these proposals have not yet materialised into concrete institutional changes.

Electoral mechanisms such as quotas or separate lists for minorities have not been widely implemented in Zambia. While the country has seen increased participation of minority groups in electoral processes, there is no specific legal framework mandating quotas or reserved seats for minority groups in parliament or other decision-making bodies.

In terms of institutional arrangements that facilitate political representation, Zambia has various political parties that theoretically provide avenues for individuals from minority groups to participate in the political process. However, the effectiveness of these avenues in ensuring meaningful representation for minority groups can vary depending on factors such as political dynamics, electoral processes, and societal attitudes.

1. **Question 3: Are there minority issues insulated from (or not subject to) State authorities’ decisions (including the Parliament)? (For example, constitutional guarantee; political/traditional agreement; competence on minority issues at a regional level, where the persons belonging to a minority represent the majority of the population).**

*Response:*

Zambia does not have specific constitutional guarantees or legal provisions that explicitly insulate minority issues from state authorities' decisions, including the Parliament. However, there are instances where certain issues may be addressed through political or traditional agreements, or where competence on minority issues may be delegated to regional or local levels of government.

Political and traditional agreements: In some cases, political or traditional agreements may exist between the government and minority groups to address specific issues affecting those communities. These agreements may involve commitments from the government to consult with or consider the interests of minority groups in decision-making processes related to issues such as land rights, cultural heritage, or resource allocation.

Competence at regional or local levels: Zambia operates under a unitary system of government, where most powers are centralised at the national level. However, the State has been implementing its Decentralisation Policy since 2002, which seeks to implement a governance system that endeavours to facilitate the participation of citizens in decision-making towards improved service delivery and enhanced local development. Several successes have been recorded in the implementation of this Policy, including establishment of committees to strengthen citizen participation in local development and recognition of the role of traditional leaders in decision making. The government is generally expected to adhere to principles of non-discrimination and respect for human rights, which would ideally extend to minority communities. Additionally, Zambia is party to various international human rights treaties and conventions that recognise the rights of minorities, providing a basis for advocacy and legal recourse in cases of discrimination or marginalisation.

1. **Question 4: Are there institutional arrangements and/or political practices that de facto exclude persons belonging to minorities from effective participation in decisions at the national — and, where appropriate, regional level — concerning the minority to which they belong?**

*Response:*

In Zambia, there have been instances where institutional arrangements and political practices have de facto excluded persons belonging to minorities from effective participation in decisions at the national and regional levels, particularly concerning the minority groups to which they belong. Some of these exclusions may include:

1. **Limited representation**: Minority groups may face challenges in obtaining adequate representation in decision-making bodies at both the national and regional levels. This can result from various factors, including discriminatory practices within political parties, socio-economic disparities, and cultural barriers that hinder minority individuals from fully participating in the political process.
2. **Underrepresentation in government institutions**: Minority groups may find themselves underrepresented or entirely excluded from key government institutions, including ministries, agencies, and commissions. This lack of representation can lead to a lack of consideration for minority issues in policymaking and decision-making processes.
3. **Marginalization in electoral processes**: Minority communities may face obstacles in participating effectively in electoral processes, such as voter suppression tactics, lack of access to voter education and registration, and intimidation or violence targeting minority voters. These challenges can undermine the ability of minority groups to influence political outcomes and advocate for their interests.
4. **Limited access to resources and opportunities**: Minority communities may experience systemic discrimination from their communities and lack of access to resources and opportunities, including education, healthcare and employment.
5. **Cultural and linguistic barriers**: Minority groups may face barriers related to their cultural and linguistic identities, including limited access to information and communication channels in their languages, which can hinder their ability to engage effectively in political processes and advocate for their rights.

Addressing these challenges requires comprehensive efforts to promote inclusivity, combat discrimination, and enhance the representation and participation of minority groups in decision-making processes at both the national and regional levels. This may involve legal reforms, affirmative action measures, awareness-raising campaigns, and capacity-building initiatives aimed at empowering minority communities and promoting their meaningful engagement in governance.

1. **Question 5: Are there legal, administrative or other barriers that prevent persons belonging to minorities to participate effectively in cultural, religious, social, economic or public life?**

*Response:*

In Zambia, as in many other countries, there can be legal, administrative, and other barriers that hinder the effective participation of persons belonging to minority groups in various aspects of cultural, religious, social, economic, and public life. Some of these barriers may include:

1. **Socio-economic marginalisation**: Minority groups may experience socio-economic marginalisation, including poverty, unemployment, and lack of economic opportunities. These conditions can limit their ability to participate effectively in economic activities and contribute to the development of their communities.
2. **Social stigma and discrimination**: Minority individuals may face social stigma, prejudice, and discrimination based on factors such as ethnicity, race, religion, language, or sexual orientation. This discrimination can lead to exclusion, marginalization, and reluctance to participate in social and public activities.
3. **Lack of representation and voice**: Minority groups may lack representation and voice in decision-making processes that affect their lives and communities. This can result in their concerns being overlooked or marginalized in policy development, implementation, and resource allocation.
4. **Cultural and linguistic barriers**: Cultural and linguistic differences can pose barriers to effective participation for minority groups, including limited access to information, education, and communication channels in their languages. This can hinder their ability to engage fully in cultural, religious, social, public and private life.

Addressing these barriers requires comprehensive efforts to promote inclusivity, combat discrimination, and empower minority communities to participate fully in all aspects of society. This may involve legal reforms, policy interventions, awareness-raising campaigns, capacity-building initiatives, and measures to promote cultural diversity and respect for minority rights.

1. **Question 6: What are the benefits and/or challenges of recognizing and granting sectoral (for example, concerning sectors like education) or territorial autonomy to minorities?**

*Response:*

Recognising and granting sectoral or territorial autonomy to minorities can have both benefits and challenges:

Benefits:

1. **Preservation of cultural identity**: Sectoral or territorial autonomy can allow minority communities to preserve and promote their cultural, personal, and religious identities without interference from the majority.
2. **Enhanced political representation**: Sectoral or territorial autonomy can provide minority groups with greater representation and decision-making power in areas that directly affect their lives. By allowing minorities to govern themselves within defined territories or sectors, autonomy can ensure that their voices are heard and their interests are taken into account in policy formulation and implementation.
3. **Empowerment and self-determination**: Autonomy grants minority communities the power to govern themselves according to their own customs, traditions, and priorities. This empowerment can foster a sense of self-determination and ownership over their destinies, leading to greater social cohesion and community development.

Challenges:

1. **Sovereignty and national unity**: Granting sectoral or territorial autonomy to minorities may raise concerns about sovereignty and national unity, particularly in countries with diverse ethnic, linguistic, or regional identities. Critics argue that autonomy measures could undermine the integrity of the state and fuel separatist movements, leading to fragmentation and instability.
2. **Resource allocation and fiscal management**: Autonomy can pose challenges related to resource allocation and fiscal management, particularly in regions with significant disparities in economic development. Minority-majority regions may compete for control over natural resources, tax revenues, and public services, leading to tensions and conflicts over distribution and allocation.
3. **Inter-group relations and cohesion**: Autonomy measures could potentially exacerbate inter-group tensions and inequalities, especially if perceived as favouring one group over others. The delineation of territorial boundaries or allocation of sectoral rights may lead to resentment and exclusion among non-minority populations, undermining social cohesion and trust.
4. **Legal and administrative complexities**: Implementing autonomy measures requires complex legal and administrative frameworks to define the scope of autonomy, delineate territorial boundaries, and allocate responsibilities between central and local authorities. The lack of clear guidelines and mechanisms for autonomy implementation can lead to ambiguity, legal disputes, and administrative inefficiencies.

In conclusion, while recognising and granting autonomy to minorities can offer opportunities for cultural preservation, political empowerment, and conflict resolution, it also presents challenges related to sovereignty, resource management, inter-group relations, and governance complexities. Effective implementation of autonomy measures requires careful consideration of these benefits and challenges, as well as robust mechanisms for dialogue, negotiation, and consensus building among all stakeholders.