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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Visit to Zambia

Report of the Special Rapporteur on freedom of religion or belief, Nazila Ghanea*, **

Summary

The Special Rapporteur on freedom of religion or belief, Nazila Ghanea, visited Zambia from 31 March to 11 April 2025. The purpose of the visit was to assess freedom of thought, conscience, religion and belief in Zambia, to welcome positive practices and to identify existing and emerging obstacles to the enjoyment of this right, on the basis of which recommendations would be offered. In her report, the Special Rapporteur assesses the laws, policies and practices of the Zambian authorities in the light of international obligations and finds that while there is much to commend regarding the enjoyment of this right in Zambia, there is room for progress, with some societal risks at play. There is a need to go beyond the models of the past to give full effect to freedom of religion or belief for all on an equal basis.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

** The summary of the present report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.



Annex

Report of the Special Rapporteur on freedom of religion or belief, Nazila Ghanea, on her visit to Zambia

I. Introduction

1. In the present report, the Special Rapporteur on freedom of religion or belief, Nazila Ghanea, reflects findings from her official visit to Zambia from 31 March to 11 April 2025. The visit took place at the invitation of the Government, and the Special Rapporteur would like to express her appreciation to the Government for having readily accepted her visit request, and to the Department of National Guidance and Religious Affairs of the Vice-President's Office for its cooperation and coordination.

2. The Special Rapporteur held more than 35 meetings during the visit. These included meetings with the Vice-President of Zambia, the Minister of Education and the Minister of Home Affairs and Internal Security, and with the Permanent Secretary of the Parliamentary Business, National Guidance and Religious Affairs Division of the Vice-President's Office and the Permanent Secretaries of the Ministry of Foreign Affairs and International Cooperation, the Ministry of Home Affairs and Internal Security and the Ministry of Education. There were also meetings with the Attorney General and representatives of the Ministry of Justice, the President of the Constitutional Court, the Acting Chief Justice of the Supreme Court and the Second Deputy Speaker of Parliament, and with the Chairs of the parliamentary Committee on Legal Affairs, Human Rights and Governance and Committee on National Guidance and Gender Matters. Meetings were also held with the Director of Public Prosecution, the Office of the Public Protector (Ombudsman), the Vice-Chair and representatives of the Zambia Law Development Commission, the Acting Registrar of Societies and the Director-General of the Human Rights Commission. In Chipata, Eastern Province, meetings took place with the Permanent Secretary of the Provincial Administration, with representatives of various provincial government departments, and with the provincial office of the Human Rights Commission. In Livingstone, Southern Province, meetings were held with the District Commissioner, with representatives of the District Health Office and with the provincial office of the Human Rights Commission.

3. The Special Rapporteur also held meetings with representatives of various religious communities and organizations, faith-based actors, members of civil society organizations, lawyers and academics across the three locations. In addition, she met with the resident coordinator and representatives of various United Nations entities in Lusaka, and with members of the diplomatic community. She is grateful to all these interlocutors at the national and municipal levels, governmental and non-governmental alike, for giving so generously of their time to share their expertise and insights around freedom of religion or belief.

II. Political and historical context

4. Zambia, a landlocked State in south-central Africa, previously known as Northern Rhodesia, gained independence from the United Kingdom of Great Britain and Northern Ireland in 1964. The first President of the newly formed republic, Kenneth Kaunda, ruled for 27 years, and established the United National Independence Party, which ruled Zambia as a one-party State until 1991, when the Constitution was modified to allow a multiparty system, with several parties, including opposition parties, represented in government. It is stated in the Constitution that "a political party shall not be founded on a religious, linguistic, racial, ethnic, tribal, gender, sectoral or provincial basis or engage in propaganda based on any of these factors".¹ Some interlocutors raised concerns about emerging risks of alignment of political parties with religion.

¹ See art. 60.

5. Zambia, unlike most of its neighbours, has managed to avoid the war and upheaval that has marked much of Africa's post-colonial history, earning itself a reputation for political stability, though it has not escaped impact. Zambia hosts some 106,136 refugees, asylum-seekers and former refugees, including 61,925 from the Democratic Republic of the Congo.²

6. The general elections in August 2021 resulted in a transfer of power from the Patriotic Front to the opposition United Party for National Development, and Hakainde Hichilema was elected as President. The Patriotic Front remains the main opposition party. With general elections announced for August 2026, the country has entered a pre-election period.

7. Zambian foreign policy formation is highly centralized, empowering the country's President to shape foreign relations, international partnerships and its geopolitical stance.³ Under the presidency of Mr. Hichilema, the country's relationships with key Western partners have been revised, while links have been maintained with China and countries in the wider African continent.⁴

8. According to the 2022 census, the population of Zambia stands at 19.6 million. The country is home to a diverse population, with various ethnicities, languages and religions. Religion plays a significant role in the lives of Zambians, and the country has a rich history of religious diversity. Christianity was introduced to Zambia by European missionaries during the colonial era, and it has since become deeply ingrained at the societal and cultural level.

9. The Zambia Statistics Agency estimates 95.5% of the country's population as Christian. The Protestant Church is the largest Christian denomination in the country, followed by the Roman Catholic Church. Other Christian denominations include Seventh-day Adventists, the New Apostolic Church and Jehovah's Witnesses. The Agency reports approximately 2.7% of the population as Muslim, with smaller numbers of Hindus, Baha'is, Buddhists, Jews and Sikhs. Smaller numbers still adhere to other belief systems, including Indigenous or African traditional religions and witchcraft, or hold no religious beliefs, though the fact that many combine Christianity and Indigenous beliefs and practices makes these estimates less reliable.

10. Zambia is known for its religious tolerance and the peaceful coexistence between different faiths. The Special Rapporteur notes that the country has a history of interfaith cooperation which seems to be genuinely good,⁵ and that religious leaders have been involved in efforts to promote peace and reconciliation, and strong co-operation on issues such as malaria eradication.⁶ Interfaith dialogue and relations are an important part of religious life in Zambia and the Government has been supportive of this at the local and the national levels. Religious charitable activity is welcomed by the Government and society; for example, Muslim charitable activity has been positively portrayed in the media and many schools are faith-run.⁷

III. Government cooperation with the United Nations system

11. Zambia is a Party to a number of international and regional human rights treaties, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. Freedom of religion or belief is upheld in article 18 of the Covenant and article 8 of the African Charter.

² See <https://data.unhcr.org/en/country/zmb>.

³ Ibid.

⁴ See <https://www.chathamhouse.org/2023/03/zambias-developing-international-relations/zambias-international-relations-and-economic>.

⁵ See https://www.researchgate.net/publication/372846785_INTERRELIGIOUS_EFFORTS_AND_RELATIONS_AMONG_RELIGIONS_IN_ZAMBIA_A_REVIEW.

⁶ See <https://allafrica.com/stories/202212010515.html>.

⁷ See https://brill.com/view/journals/iafr/13/1/article-p47_003.xml.

12. As a dualist country, ratification of international treaties does not lead to immediate incorporation into Zambian domestic law but requires transformation or incorporation through Parliament.

13. Zambia reports regularly to the relevant human rights mechanisms. Issues pertaining to the mandate of the Special Rapporteur on freedom of religion or belief were raised in the fourth universal periodic review of Zambia, in January 2023. Zambia extended a standing invitation to the special procedures of the Human Rights Council in July 2008, and six mandate holders, including the Special Rapporteur on freedom of religion or belief, have visited since then.

14. There have been 21 communications from special procedures to Zambia (between 2010 and 2025) on themes such as the killing and dismemberment of persons with albinism, concerns about law reforms, the narrowing of civic space and harassment of the political opposition, and arrests of those in same-sex relationships. The Government of Zambia has replied to three of these communications.

IV. National laws, policies, institutions and practices

15. The Constitution of Zambia of 1991 has been amended several times: in 1996, 2009 and 2016. According to Amendment Act No. 2 of 2016, Zambian laws are derived from the Constitution, parliamentary acts and statutory instruments, from Zambian customary law (consistent with the Constitution) and from laws and statutes which apply or extend to Zambia.⁸

16. Since international instruments are not self-executing, individuals cannot use a ratified international instrument to enforce those rights. The current Constitution makes no reference to the status of international law in the Zambian legal system.⁹ Section 12 of the Ratification of International Agreements Act of 2016 provides the rules for domestication of international agreements.

17. Zambia operates with a dual legal system: a formal system based on British common law, and a traditional system rooted in customary practices, governed by tribal chiefs. The State has maintained that statutory law will prevail where there is a conflict with customary law, yet the Special Rapporteur heard concerns, which concurred with concerns expressed by the Human Rights Committee, that customary law is more likely to be applied in matters of family and personal relations, namely adoption, marriage, divorce, burial and the devolution of property upon death. Dual legal systems require proper and updated rules governing conflict of laws in order to prevent negative impacts on people's right to judicial remedy and to effective access to justice.¹⁰

18. The operative part of the Constitution does not declare a national religion, and many insist that the country remains a secular nation. However, the preamble to the 2016 amendment to the Constitution states: "We, the people of Zambia, acknowledge the supremacy of God Almighty, [and] declare the Republic a Christian Nation while upholding a person's right to freedom of conscience, belief or religion". It also upholds "the human rights and fundamental freedoms of every person". Furthermore, it recognizes and upholds "the multi-ethnic, multiracial, multi-religious and multicultural character" of the nation – which is also affirmed in article 4 (3) of the Constitution.

19. Article 19 of the Constitution addresses the protection of freedom of conscience. Though couched negatively, and using the term "except with his own consent", the scope given to thought, conscience and religion matches the Universal Declaration of Human Rights, including with regard to the freedom to change one's religion or belief; additionally, article 19 specifies a right to "propagate" one's religion or belief. Despite strong constitutional protection, this has not cascaded further to fundamental policies or laws.

⁸ United Nations country team submission for the universal periodic review of Zambia, July 2022.

⁹ Ibid.

¹⁰ Ibid.

20. Article 8 of the Defamation Act states – considering privileged material for use in a court of law – that “nothing in this section shall authorize the publication of any blasphemous or indecent matter”. Article 196 of the Penal Code effectively acts as a blasphemous libel provision, as it suggests that courts may prohibit “the publication of anything said or shown before it, on the ground that it is seditious, immoral or blasphemous”. Chapter XIV of the Penal Code (arts. 128–131) pertains to “offences relating to religion”, criminalizing, in very broad terms, the intention “that the religion of any person is likely to be insulted” or “wounding the religious feelings of any person”, with a penalty of up to one year’s imprisonment (paras. 84 and 85). During the visit, the Special Rapporteur requested examples of case law where these provisions might have been invoked, but none were shared.

21. Following his election in August 2021, the President, Mr. Hichilema, attended a national prayer service held to celebrate the “peaceful, free and fair” elections. During the service, he reportedly said that the country would remain a Christian nation in words and in deeds.¹¹ That September, he abolished the Ministry of National Guidance and Religious Affairs,¹² placing its functions under the Office of the Vice-President.¹³ These functions include responsibility for strengthening the identity of Zambia as a Christian nation, developing self-regulatory frameworks for church and religious umbrella groups, promoting church-State, interdenominational and interfaith dialogue, preserving religious heritage sites and coordinating public religious celebrations, as well as ensuring that Christian values are reflected in government, education, family, media, arts and entertainment, and business.

22. The Human Rights Commission is the key institution dedicated to promoting and protecting human rights, established pursuant to article 230 of the 1991 Constitution of Zambia (as amended by Act No. 18 of 1996 and Act No. 2 of 2016). Its powers and functions are prescribed under the Human Rights Commission Act of 2024. The Commission is mandated, *inter alia*, to investigate and report on the observance of rights and freedoms, and to take necessary steps to secure appropriate redress where rights and freedoms are violated. The Commission continues to receive A status accreditation from the Global Alliance of National Human Rights Institutions.

23. The Human Rights Commission comprises seven commissioners, who are appointed by the President, subject to ratification by the National Assembly. At the time of the Special Rapporteur’s visit, the President had not appointed the new commissioners, and the activities of the national office seemed somewhat stalled. The Special Rapporteur met with the Director-General of the Commission in Lusaka and with the heads of the provincial offices in Chipata and in Livingstone during her visit. She was highly impressed by the actions of the Commission’s provincial offices, which have shown innovation and courage in carrying out their duties and impacting positively the daily lives of people.

24. The country’s Human Rights Commission has faced structural criticisms. In its concluding observations on the fourth periodic report of Zambia under the International Covenant on Civil and Political Rights, the Human Rights Committee noted that the Commission faced financial and operational constraints, limiting its independence and effectiveness.¹⁴ The Commission has seen progressive increases in its budget allocations, yet its challenges regarding financial autonomy and insufficient decentralization of its services remain. The Global Alliance of National Human Rights Institutions recommends strengthening the Commission’s mandate and independence.¹⁵

25. In the eighth National Development Plan, covering the period 2022–2026, the Government committed to undertake comprehensive constitutional reforms to, *inter alia*, strengthen the protection of human rights, and encouraged the release of a detailed plan and timeline for the constitution-making process to ensure that it benefited from broad expert and stakeholder participation.

¹¹ See <https://www.state.gov/reports/2021-report-on-international-religious-freedom/zambia/>.

¹² *Ibid.*

¹³ See https://web.archive.org/web/20250319113111/https://www.ovp.gov.zm/?page_id=6854.

¹⁴ CCPR/C/ZMB/CO/4, paras. 7 and 8.

¹⁵ *Ibid.*

26. Zambia does not have a national human rights action plan. A national mechanism for reporting and follow-up was established in December 2018, but its progress has been constrained by – among other things – a lack of adequate human and financial resources.¹⁶

V. Main findings from the visit

A. Christian declaration

27. In December 1991, the then President, Frederick Chiluba, declared Zambia a Christian nation, and this was incorporated into the 1996 Constitution. According to the Government, its constitutional reviews, since independence, have always benefited from people-driven and inclusive consultations. However, representatives of the main Church “mother bodies” (see para. 34 below) stated that they had not been consulted about putting forward the Christian declaration in the preamble to the revised 1996 Constitution, nor had they been in favour of it. The Catholic Church,¹⁷ in particular, had repeatedly opposed it.¹⁸ The point made was that “being a Christian nation comes in how you behave, not what you declare”, and that the principle of separation of State and religion must not be lost.¹⁹ Reportedly, only Pentecostal groups are very committed to the declaration.²⁰

28. Before the adoption of the Constitution of Zambia (Amendment) Act 2016, discussions were under way about moving the Christian declaration into the operative part of the Constitution and removing the reference to the multi-religious character of the nation. This effort reportedly fell short by just one vote on the Silungwe technical committee of 2012. Similar discussions took place in the context of bill No. 10 of 2019.

29. During the country visit, many shared first-hand experiences of what they saw as a “huge real-life impact” from the Christian declaration, claiming that it had led to discriminatory practices and introduced divisiveness in what had previously been a more equal space. There are also other practices, beyond the preambular declaration, that underscore exclusively Christian justifications being given for national initiatives. The commitment to completing a National House of Prayer²¹ was justified by reference to fostering national unity as a cornerstone of the country’s Christian values and principles. The Special Rapporteur underlines that inclusive national messages and statements by senior officials are highly significant in setting the tone for allowing all Zambians to maintain their strong unity in their diversities.

30. In contrast, the introduction in 2015 of the 18 October public holiday marking an annual National Day of Prayer, Fasting, Repentance and Reconciliation appealed to all who believe in God, not only to Christians; it “appealed to all Zambians to assemble at their respective place of worship and spend time in prayer and fasting to seek the face of God to avert the dangers that confront the nation”.²² The President’s parliamentary speech on national values and principles made no reference to any one religion as such or to the Christian nation declaration.²³

31. Interlocutors shared concerns that steps were under way to fast-track amending the Constitution before the general election to be held on 13 August 2026. The published views

¹⁶ United Nations country team submission for the universal periodic review of Zambia, July 2022.

¹⁷ See https://scielo.org.za/scielo.php?script=sci_arttext&pid=S0259-94222010000100014#:~:text=The%20declaration%20that%20Zambia%20was,his%20election%20to%20the%20presidency.

¹⁸ See <https://web.archive.org/web/20240910101129/https://www.christianitytoday.com/2002/02/one-african-nation-under-god/>.

¹⁹ See <https://journals.unza.zm/index.php/ZJOCI/article/download/961/736/> and <https://www.lusakatimes.com/2022/12/16/christian-nation-declaration-losing-meaning-clergyman/>.

²⁰ See <https://www.zambiancu.org/1zRead/Cheyeka-ZambiaChristianNation.pdf>.

²¹ This was announced in 2015, with work on it beginning in 2020 but discontinued by 2021.

²² See <http://zambiahighcommission.ca/wp/wp-content/uploads/18october.pdf>.

²³ See <https://web.archive.org/web/20250319115940/https://www.ovp.gov.zm/?p=8462> (February 2025).

of the major Christian churches and their mother bodies on constitutional change²⁴ do not highlight the Christian nation statement. The three main Church mother bodies, namely the Zambia Conference of Catholic Bishops, the Evangelical Fellowship of Zambia and the Council of Churches in Zambia, have publicly stated that the process should be transparent and not rushed,²⁵ and that addressing poverty and development-related issues is more important.²⁶ The Law Association of Zambia has also urged caution,²⁷ and civil society organizations, including Caritas Zambia,²⁸ have called for the process to be postponed until after the election.²⁹

B. Registration of religious communities

32. In accordance with the Societies Act, chapter 119, all religious communities, and their charitable or social arms, need to be registered by the Office of the Chief Registrar of Societies under the Ministry of Home Affairs and Internal Security. They must also adhere to employment, criminal and other laws. The same Office can revoke registration. Non-registration can lead to fines and prison sentences of up to seven years.³⁰ The law provides for privileged tax treatment for public benefit organizations, including religious groups, provided they are established for the promotion of religion, education, or relief of poverty or other distress.³¹

33. To register, all religious groups in Zambia must align and affiliate with one of the existing administrative or umbrella bodies referred to as a mother body. The group must have a unique name, a recommendation letter from its mother body, a list of 10 members who are screened for any criminality and reviewed, and a document listing the clergy's professional qualifications from a "recognized and reputable" theological school. Religious groups must pay a one-off fee of 3,000 kwacha (\$120) to set up their registration and 100 kwacha (\$4) every year to retain it.³²

34. There are 15 "mother bodies" recognized in Zambia. The eight Christian bodies are the Zambia Conference of Catholic Bishops, the Council of Churches in Zambia, the Evangelical Fellowship of Zambia, the Independent Churches of Zambia, the Apostles Council of Churches, the Seventh-day Adventist Church, Christian Missions in Many Lands and the New Apostolic Church. The seven other bodies are the Baha'i Faith in Zambia, and the bodies for Buddhists, Hindus (Hindu Association of Zambia), Jews (Jewish Board of Deputies Zambia, and Council for Zambia Jewry), Muslims (Islamic Supreme Council of Zambia, Lusaka Muslim Society and Makeni Islamic Society Trust), Rastafarians and Sikhs (Guru Nanak Council of Zambia).

35. The Special Rapporteur did not receive any complaints about these processes being overly onerous, and the online application system is responded to within 48 hours, which

²⁴ Christian Churches Monitoring Group, Discussion paper on Constitution reform (not dated) pp. 3–5, available at <https://ccmgzambia.org/download/discussion-paper-constitution-reform/?wpdmdl=1740&refresh=67dc3c6eab6881742486638>.

²⁵ See <https://www.zambiamonitor.com/church-bodies-fault-clandestine-moves-to-amend-constitution-without-public-consultations-call-for-national-dialogue/>.

²⁶ See <https://zambianobserver.com/address-poverty-not-constitution-church-mother-bodies-tell-hh/>.

²⁷ See <https://www.lusakatimes.com/2025/02/10/zambias-constitution-crossroads-laz-cautions-against-rushed-reforms/>.

²⁸ See <https://caritaszambia.org/phocadownload/general/Caritas-Statement-On-Constitution-Amendment.pdf>.

²⁹ See <https://tizambia.org.zm/2025/03/civil-society-position-on-the-proposed-constitutional-amendment-process/>.

³⁰ Ibid.

³¹ Ibid.

³² See <https://www.state.gov/reports/2023-report-on-international-religious-freedom/zambia>.

compares very positively in relation to international norms.³³ The Office of the Chief Registrar of Societies reviews applications for their religious purpose and carries out a security check.

36. Freedom of religion or belief norms insist that registration should not be compulsory and it should not represent a precondition for practising one's religion, but only be for the acquisition of legal personality and related benefits; in the latter case, registration procedures should be easy and quick and not depend on extensive formal requirements in terms of the number of members or the time that a particular religious group has existed. Moreover, the registration should not depend on reviews of the substantive content of the belief, of the structure of the religious community or of its internal organizational structure.³⁴

37. The Special Rapporteur notes that, along with a moratorium new registrations that has been in place since 2019, this introduces risks in terms of freedom of religion or belief obligations. The United States Department of State, in its report of 2023 on religious freedom in Zambia,³⁵ has also repeatedly raised concerns about the requirement for all religious organizations and faith-based organizations to be registered in the Register of Societies,³⁶ and about preconditions, including being a part of a mother body.

C. Public manifestation of religion or belief

38. When engaging interlocutors on the question of freedom of religion or belief – governmental, provincial or civil society organizations and community-based organizations – the response, without exception, was restricted to the freedom to worship and non-interference towards them. In the legal, political and public imagination, therefore, the scope of freedom of religion or belief is extremely narrow. The implications of this are threefold: blind spots regarding indirect discrimination on the basis of religion or belief, a lack of reasonable accommodation of manifestation of religion or belief, and an absence of consideration of positive obligations towards religious and belief communities.

39. International human rights law standards give detailed guidance on when limitations on manifestation of religion or belief are legitimate and when they are against international human rights law. Practices that violate the human rights and freedoms of others, that were regularly raised during the visit, related to witchcraft. The human rights and freedoms violated related to the rights of the elderly, of women and children, of persons with albinism, and others.

40. Article 19 of the Constitution of Zambia protects both the *forum internum* and *forum externum* elements of the freedom of religion or belief, including the right to change religion or belief, to propagate it, to receive religious education in line with people's beliefs and to provide religious instruction, as well as the right not to take an oath contrary to one's religion or belief.

41. According to the Government, there is no major difference between article 19 of the Constitution and article 18 of the International Covenant on Civil and Political Rights. However, the Special Rapporteur finds that article 19 of the Constitution diverges from the protection of article 18 of the Covenant in four main ways, which require careful consideration.

42. Firstly, no compulsion "to take any oath" contrary to or "in a manner which is contrary" to one's religion or belief is upheld, but the significant "no coercion" clause in the International Covenant on Civil and Political Rights is not reflected in the Constitution.

43. Secondly, the Constitution specifies the right to provide religious instruction for community members and to establish and maintain institutions for this purpose. This is more

³³ OSCE Office for Democratic Institutions and Human Rights, *Guidelines on the Registration of Religious or Belief Communities*, available from <https://odihr.osce.org/odihr/139046>. Provides an informative analysis of relevant international standards.

³⁴ E/CN.4/2005/61, paras. 56–58.

³⁵ See <https://www.state.gov/reports/2023-report-on-international-religious-freedom/zambia/>.

³⁶ See https://www.mohais.gov.zm/?page_id=1615.

detailed than provided for in article 18 of the International Covenant on Civil and Political Rights and is closer to some of the specifics provided for in article 6 of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which is welcomed.

44. Thirdly, the limitation regime of article 19 of the Constitution does not specify that it relates only to manifestation of freedom of religion or belief. This leaves the right to have, adopt and change religion or belief (the *forum internum* aspect) and the absolute core which must never be interfered with, *potentially* subject to restriction. Furthermore, the Constitution's reference to "reasonably required" and "shown not to be reasonably justified in a democratic society" falls short of the wording "only ... such limitations as are prescribed by law and ... necessary to protect" in the Covenant.

45. Lastly, the Constitution makes the freedom of religion or belief of a minor rest on the "consent" of the guardian, as regards receiving religious education or taking part in or attending "any religious ceremony or observance" other than his or her own. This departs from the upholding of the right of the child to freedom of thought, conscience and religion, enshrined in the Convention on the Rights of the Child³⁷ to which Zambia is a Party.

46. In short: the obligations by which Zambia is bound under the International Covenant on Civil and Political Rights and other international human rights treaties, the breadth of manifestation of freedom of religion or belief as outlined in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, of 1981, the categorical protection of the Covenant's article 18 (1) and (2) rights without any limitation or coercion, the specificities of the limitations regime under article 18 (3) of the Covenant, and the complementing of article 18 (4) of the Covenant by article 14 of the Convention on the Rights of the Child, require careful note.

D. Discrimination on the basis of religion or belief

47. Article 266 of the Constitution of Zambia defines "discrimination" as directly or indirectly treating a person differently on the basis of that person's birth, race, sex, origin, colour, age, disability, religion, conscience, belief, culture, language, tribe, pregnancy, health, or marital, ethnic, social or economic status. However, the Special Rapporteur notes with concern that Zambia has not yet enacted a general prohibition against discrimination.

48. In contrast, the definition of intolerance and discrimination on the basis of religion or belief in article 2 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, of 1981, is broader³⁸ and specifies that discrimination may stem from "any State, institution, group of persons, or person", and that it is more broadly defined as "any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis".³⁹ This broad understanding of discrimination on the basis of religion or belief was not reflected in the understanding of the actors that the Special Rapporteur engaged with during her visit.

49. Article 18 of the International Covenant on Civil and Political Rights is interpreted by the Human Rights Committee in its general comment No. 22 (1993). "The fact that a religion is recognized as a State religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant ... nor in any discrimination against adherents of other religions or non-believers." The Committee calls on States to inform it of measures taken "to protect the practices of all religions or beliefs from infringement and to

³⁷ See art. 14.

³⁸ Available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-all-forms-intolerance-and-discrimination>.

³⁹ Ibid., art. 2 (1) and (2).

protect their followers from discrimination”.⁴⁰ As a State Party to the Covenant, Zambia recognizes its interpretation as authoritative.

50. Arguably, therefore, the Christian declaration in the preamble to the Constitution, and the Christian majority population, heightens the need for Zambia to report on how the practices of others are protected and non-discrimination against their followers is ensured. In such contexts, uniform or equal treatment in law, practices and processes will indeed result in instances of indirect discrimination against others. Measures of reasonable accommodation are required in order to redress this. Often, indirect discrimination remains unobserved by the majority, as cases of it appear as the mere application of neutral laws and practices which, nevertheless, cause an undue and disproportionate burden on some members of the population. Zambia is no exception to this. Interlocutors told the Special Rapporteur that individuals were denied career progression and services at public and private institutions if they wore particular religious clothing. By way of example, a Muslim Member of Parliament was reportedly sent away from Parliament for wearing traditional Muslim clothing (*thobe*).

51. As observed by a previous mandate holder, eliminating such indirect discrimination often calls for measures of reasonable accommodation, with the institutions of government creating “a culture of trustful and respectful communication ... in order to identify the specific needs of persons belonging to religious or belief minorities”.⁴¹ These specific needs include the possibility of wearing symbols, dress and hair in accordance with different religious practices, including in public settings and official spaces, registering Zambian names that draw inspiration from other religions, maintaining a religious diet in public settings and in detention facilities, and ensuring that healthcare provision is accessible and appropriate, that days of rest and holy days can be marked to the maximum extent possible and that access to services (including all school admissions) continues to be fully enjoyed on an equal basis irrespective of religion or belief.

52. As noted above (para. 19), the relevant Zambian legal framework remains centralized in the Constitution, without cascading it, or mainstreaming it, to any fundamental policies or laws that enhance the exercise of freedom of religion or belief. This is coupled with little knowledge about the scope of freedom of religion or belief as a human right, and results in systemic blind spots with regard to the need for positive obligations to recognize and address restrictions faced by religious minorities in Zambia.

53. The Government holds that it guarantees equal access to social services regardless of religion, and that the authorities promote inclusivity, non-discrimination, and partnership with various faith-based organizations. Public services, including health and education, are accessible to all, while the State supports church-run health facilities and partners with diverse groups, such as the Muslim Social and Welfare Trust.

54. However, during her visit, the Special Rapporteur heard accounts that she needs to share in the present report. These spoke of religious or belief minorities in Zambia facing numerous systematic barriers: from difficulty in accessing social services while identifying with their religion or belief, to neglect in being included in various governance activities. Knowledge of and access to government services is made more difficult by the high illiteracy levels and the remoteness of many communities, putting more onus on the Government with regard to its positive duties.

55. The absence of mainstreaming of freedom of religion or belief in the country greatly affects the social cohesion of the citizens and has increased the risk of discrimination against non-Christians. To maintain its strong unity, Zambia needs to extend the courtesy and centrality that Christians experience to religious minorities at official occasions and in consultations with their representatives. For example, Christian clergy are consulted on governance issues as a matter of right and Christian holidays are declared public holidays in Zambia while other religious holidays are not, and the media has not covered meetings of non-Christian religious representatives being consulted on governance issues, especially given their strong engagement in wider society (see sect. E below).

⁴⁰ See para. 9 of the general comment.

⁴¹ A/69/261, para. 70.

56. The Special Rapporteur notes that such indirect discrimination or silent suffering, on a daily basis, results in a sense of inequality. In order to prevent cultural alienation and promote mutual understanding, it is imperative to encourage more interreligious dialogue, dialogue between religions and between religions and beliefs. A culture of open and safe communication based on trust between State authorities and religious and belief communities is crucial in addressing such questions frankly and openly.

57. A focus on the situation of Muslims in Zambia illustrates a number of these challenges.

58. The Muslim community is predominantly Sunni, with small groups of Ismaili and Twelver Shia Muslims. According to the Lusaka Muslim Society, there are approximately 100,000 Muslims in the country, including refugees from the Democratic Republic of the Congo and from Somalia. Both Sunni and Shia Muslims are primarily concentrated in Lusaka, Eastern and Copperbelt Provinces. Many of these Zambian citizens are migrants or descendants of migrants from South Asia, the Middle East and Somalia.

59. While some successes of Zambian Muslims are lauded, many instances remain of Muslim citizens who are unaware of how, or do not have the ability, to negotiate the system, and face discrimination. One regrettably common example of discrimination suffered is faced by black Muslim women who wear the hijab and are called names such as “Boko Haram”. Muslim women wearing the hijab even face obstacles in the professions; for example, they cannot access public institutions such as Maina Soko Military Hospital. Most such cases remain unreported.

60. It is commonly assumed that people of Zambian origin are Christians, hence black people identifiable as Muslim face particular challenges. Zambians who are migrants or descendants of migrants and entered the trades face less objection to being Muslim. There are also significant differences in poverty rates between different (black and Asian origin) Muslim communities and in their ability to set up adequate provision for the enjoyment of their faith. Intersectional discrimination is also experienced. Relations between Zambian-born Muslims and other Muslims originating, for example, from South and East Asia, East Africa and the Middle East are sometimes strained, and foreign-born Muslims do not recognize the Islamic Supreme Council of Zambia mother body which is led by Zambian-born Muslims. There have been some tensions between Sunni and Ahmadi Muslims and tensions between different Christian denominations – some of which have been resolved with dialogue.

61. The injustices experienced by the Muslim community have given rise to many initiatives, including the National Muslim Committee on Socio-Economic Justice which was set up to use the Committee members’ developmental and governance experience to sensitize Muslim communities on their human, civil and governance rights. These fall far short of the need, and need to be boosted.

E. Role of religious communities

62. Authorities at both the national and the provincial levels have historically been convinced that religious communities are strong interlocutors in the arenas of governance, democracy and development. Religious communities are presented by many authorities as partners and regular stakeholders, especially in the education and health sectors, with 60% of the country’s health services⁴² provided by religious actors.

63. In concrete instances of inviting stakeholders to the table, however, there is a prioritization of “the three” Church mother bodies, namely the Zambia Conference of Catholic Bishops (ZCCB), the Council of Churches in Zambia (CCZ) and the Evangelical Fellowship of Zambia (EFZ), followed by the other churches and then these churches along with one or two non-Christian representatives. The full list of 15 recognized religious entities (see para. 34 above) is neither well known to the authorities nor well announced.

⁴² Reportedly provided by the Catholic Church throughout Zambia.

64. Despite this clear societal presence and role of religious actors, or maybe because of it, many asserted that there was a “tug of war” between State and church. Church leaders at the national and provincial levels reported being regularly chastized for going beyond their remit, and being expected to remain silent on matters concerning their followers and congregations, such as poverty, misuse of funds or poor infrastructure. They saw it as part of their responsibility to their congregations to raise such matters. It was reported to the Special Rapporteur that religious leaders were pressured by political representatives not to refer to social matters in their sermons and always to maintain a positive discourse about the Government.

65. In a number of incidents where church authorities had criticized the Government’s handling of human rights and governance matters,⁴³ escalating tensions had been experienced. Incidents shared with the Special Rapporteur included the summoning of a priest in April 2024 for “interviews”, apparently on account of a critical sermon on matters such as the high cost of living, power outages and youth unemployment;⁴⁴ police disrupting a private meeting between a bishop and a former President in May 2024;⁴⁵ the supporting by a ruling party of an invasion by youths in August 2024 of the offices and radio station of Mpika Diocese;⁴⁶ and armed police stopping clergy and laypeople from entering their cathedral for a mass in October 2024.⁴⁷ Some of the critical views on governance are issued publicly and come from multiple church bodies, while also calling for dialogue, reconciliation and unity.⁴⁸

66. Others have also called for better understandings to be struck between the authorities and the churches.

67. At a meeting of the National Day of Prayer and Fasting Organizing Committee, the Vice-President urged churches to stop strongly supporting political parties, including her own United Party for National Development. She emphasized the importance of churches maintaining their neutrality in the country’s political affairs, saying that churches were composed of members of different political parties and that taking a partisan stance could lead to divisions and mistrust among congregants.⁴⁹ She also called on churches to work with the government of the day, regardless of political affiliations.

68. Following the visit to Zambia of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Jesuit Centre for Theological Reflection (JCTR) issued a statement welcoming her observations and noting that “the disruption of religious gatherings and the temporary closure of some churches infringe upon freedom of conscience” and that these “not only significantly challenge and threaten freedom of expression but also democracy and development”.⁵⁰

⁴³ See, for example,

<https://web.archive.org/web/20240809164054/https://caritaszambia.org/phocadownload/general/Catholic-Commission-For-Integral-Human-Development-Caritas-Press-Statement.pdf>,
<https://web.archive.org/web/20250313083441/https://caritaszambia.org/phocadownload/general/Caritas-Statement-On-Cyber-Security-Bills.pdf> and
<https://web.archive.org/web/20250313075025/https://caritaszambia.org/phocadownload/general/Joint-Civil-Society-Statement-on-Cyber-Security-Cyber-Crime-and-Anti-Terrorism-Bills.pdf>.

⁴⁴ See <https://www.hrw.org/news/2024/04/08/zambian-police-summon-priest-after-critical-sermon>.

⁴⁵ See <https://cruxnow.com/church-in-africa/2024/05/zambia-police-disruption-of-bishop-meeting-former-president-fuels-controversy>.

⁴⁶ See <https://cisanewsafrika.com/2024/08/zambia-suspected-ruling-party-goons-storm-mpika-diocesan-offices-harass-staff-and-disrupt-operations-of-radio-station/>.

⁴⁷ See <https://www.lusakatimes.com/2024/10/28/catholic-church-protests-systemic-state-intimidation-against-worship-rights-in-zambia/>.

⁴⁸ See <https://caritaszambia.org/phocadownload/general/three-church-mother-bodies-speakout-on-political-landscape.pdf>.

⁴⁹ See <https://www.ovp.gov.zm/?p=8308>.

⁵⁰ See <https://www.lusakatimes.com/2025/02/12/jctr-urges-government-to-safeguard-freedom-of-expression/>.

F. Religious education

69. The majority of Zambian pupils attend government schools, which are nominally free for grades 1 to 7, although parents may have to pay “contributions”, or buy uniforms from the schools. During the meeting with the Minister of Education and other high-level officials, the Special Rapporteur was informed that improvement of the educational system was a priority for the Government of Zambia. As the Special Rapporteur was driving through rural areas, she noted the existence of primary schools in many villages and often also secondary schools, many offered by religious entities. However, with very few exceptions, Zambian schools are chronically underresourced (reportedly with a 1:80 teacher-to-student ratio) and educational standards are extremely low. Another concurrent problem relates to girls dropping out of school, due to early marriage, teenage pregnancy, discriminatory traditional and cultural practices and poverty, especially in rural areas.

70. The Government requires religious instruction in all schools from ages 6 to 15. Students may request education in their own religion, and may opt out of religious instruction only if the school is not able to accommodate their request. Religious Education after the age of 15 is optional and is not offered at all schools.⁵¹ The Constitution allows religious groups the right to establish and maintain private schools and provide religious instruction to members of their religious communities. The current Constitution declares, under article 19 (2), that religious instruction cannot be compulsory; based on the wording of that article, a guardian may have to opt a child into religious instruction, though there is no stated ability for a child to opt themselves out in line with their evolving capacities.

71. The Religious Education curriculum of the Zambian education system focuses on Christian teachings but also incorporates comparative studies of Islam, Hinduism and traditional beliefs.⁵² Religious Education in Zambian schools between 2011 and 2022 has been found to be poor, as teachers and candidates (for examinations) have a “negative attitude towards Religious Education, poor instructional materials for Religious Education, poor teaching approaches by Religious Education teachers, and curriculum design mismatch with material content and assessments”.⁵³ According to one 2018 study: Most stakeholders argued that Religious Education should become more inclusive, but others asserted that due to the declaration of Zambia as a Christian nation, Religious Education should be exclusive to Christianity. This trend defeats the educational aim of Religious Education, which is the acquisition of knowledge, skills, attitudes and values. The dominance of a single religion in Religious Education risks limiting awareness of religious diversity and deprives learners of a genuine space for dialogue with other religions.⁵⁴

72. The Special Rapporteur heard that freedom of religion or belief standards are not adequately upheld. Many teachers have been found to offer confessional Christian religious instruction, and not Religious Education as such, even though the Ministry of Education mandates a multi-faith approach.

G. Access to justice and dearth of jurisprudence

73. There are reportedly 5,000 lawyers across Zambia for a population of over 20 million. This seriously challenges access to justice. Legal authorities and experts all acknowledged the dearth of jurisprudence related to freedom of religion or belief and non-discrimination on that basis. The costs, delay and inaccessibility of lawyers go some way to explaining this lack of jurisprudence, though the authorities report that this is being mitigated through efforts to simplify and digitize access to justice.

⁵¹ See <https://www.state.gov/reports/2023-report-on-international-religious-freedom/zambia/>.

⁵² See <https://www.edu.gov.zm/wp-content/uploads/2025/02/RELIGIOUS-EDUCATION-SYLLABUS-5-02-2024-FINAL-CORRECTED-FOR-PRINTING.pdf>.

⁵³ See https://www.researchgate.net/publication/381670270_Issue_No_1_in_Senior_Secondary_Religious_Education_Examinations_in_Zambia.

⁵⁴ See <https://dspace.unza.zm/server/api/core/bitstreams/a60d36ec-0543-4b83-88fe-bc5f4ae5d6f4/content>.

74. Constitutional provisions could yield much stronger protections than have been litigated in Zambia thus far.

75. As one senior legal official noted, the early case of *Kachasu v. Attorney-General* (1967) ZR 145 (HC) cast the die in terms of freedom of religion or belief being called to “give way” to the majority. In that case, a young Jehovah’s Witness had been suspended from school for refusing to sing the national anthem and salute the flag, despite this being in conflict with her beliefs. Her request to be exempted was refused by the court, which, while acknowledging that what constituted a religious observance was subjective, decided that the singing of the national anthem and saluting of the flag was objectively not a religious ceremony or observance, hence her conscientious objection to performing that duty could not be entertained. In the case, the court also referred to the necessity of that duty for national unity, which was the basis of national security. In its concluding observations on Zambia, the Human Rights Committee urged otherwise: “The requirement to sing the national anthem and salute the flag as a condition of attending a State school, despite conscientious objection, appears to be an unreasonable requirement and to be incompatible with articles 18 and 24 of the Covenant.”⁵⁵

76. Despite the widespread assertion, and welcome evidence, of much cordiality and tolerance between Zambians, this case has led to a complacency regarding discrimination, which is holding Zambia back from progressing freedom of religion or belief further for all on an equal basis, throughout the country. This outlook goes beyond the jurisprudence, and is also reflected throughout national processes and practices, where there is a default understanding that everyone is a Christian from one of the predominant denominations.

77. In 2023, the Court of Appeal upheld freedom of religion or belief in relation to a Jehovah’s Witness blood transfusion case.⁵⁶ Despite expressly refusing a blood transfusion, the 81-year-old unconscious cancer patient was given a transfusion. The Court held in favour of the appellant. More than five decades later, therefore, it is highly evident that far more extensive awareness-raising and strategic litigation is needed in order to fully realize the protections contained in the International Covenant on Civil and Political Rights.

H. Situation of women and girls

78. The Special Rapporteur notes that family, community and society are integral to Zambian culture and social norms, with religion and the Church playing a significant role in shaping values. Those promoting values other than Christian teaching on family and relationship issues can find themselves the target of strong responses from both government and churches.

79. While article 11 of the Constitution of Zambia guarantees the equal status of women, in article 23 (4) (c) women are excluded from protection against discrimination in matters such as adoption, marriage, divorce, funerals, devolution of inheritance and other personal law. The Constitution permits discriminatory laws and practices in the area of personal and customary laws – namely, early marriage, the payment of a dowry (*lobola*), the practice of property division after the death of a husband (property-grabbing), sexual cleansing, and polygamy. The Human Rights Committee and the Committee on the Elimination of Discrimination against Women have raised concerns about this.⁵⁷ High levels of gender-based violence, in particular the number of girls subjected to sexual violence, including the harmful practice of defilement, are other issues of serious concern.

80. The Marriage (Amendment) Act of 2023 unequivocally establishes the marriageable age at 18 years, without exceptions for customary or religious marriages. The Children’s Code (Act No. 12 of 2022) also prohibits early and child marriage, however the practice still

⁵⁵ CCPR/C/79/Add.62, para. 18.

⁵⁶ *Kachasu v. Manda and Ors* (appeal No. 163 of 2021) ZMCA 200 (2023).

⁵⁷ CCPR/C/ZMB/CO/4, paras. 13 and 14; and CEDAW/C/ZMB/CO/5-6, paras. 13 and 14.

persists. According to the United Nations Children's Fund (UNICEF), 29% of women aged between 20 and 24 were married below the age of 18, teenage pregnancy being a main cause; and the rates are higher in rural areas.⁵⁸

81. Beliefs of any kind do not appear to be a strong factor in early marriages,⁵⁹ however Caritas⁶⁰ and a Protestant pastor⁶¹ have called for action to end early marriages. In 2023, UNICEF reported the prevalence of female genital mutilation as being relatively low, and that there were therefore no national data on the prevalence of female genital mutilation.⁶²

82. Although the Children's Code (Act No. 12 of 2022) and the National Child Policy include references to the best interests principle, this principle is not taken into consideration under customary law and by religious leaders in many areas of children's rights, particularly in rural areas in cases of inheritance, education and land allocation.

83. Despite the many barriers to accessing safe abortions, the International Planned Parenthood Foundation reports that Zambia has among the most liberal abortion policies in sub-Saharan Africa⁶³ and a 2021 directive allows the performance of safe abortions by nurses. However, the Termination of Pregnancy Act stipulates highly restrictive conditions, including the requirement for the approval of three doctors and that the abortion may only be carried out in a hospital, which may render safe termination of pregnancy inaccessible for rural women. Furthermore, the Penal Code does not explicitly allow for termination of pregnancy resulting from rape, defilement or incest for all women.

84. The concerns shared by the Special Rapporteur on the promotion and protection of the right to freedom of expression and opinion, in relation to the increasingly restrictive environment for discussions relating to sexual and reproductive health and rights and the rights of lesbian, gay, bisexual, transgender and intersex persons, were also reported to this mandate. The Ministry of Health has reportedly instructed that the term "sexual and reproductive health and rights" be removed from official policy documents.⁶⁴ Such limitations hinder efforts to improve public policies in those areas and advance gender equality and universal access to healthcare.

I. Overbroad hate speech law

85. In Zambia, as elsewhere, hate speech on the Internet is on the rise. Hate speech laws, while essential for maintaining social harmony, appear to have been applied in a manner that undermines freedom of expression, a fundamental right that is enshrined in article 20 of the Constitution. In March 2021, the Cyber Security and Cyber Crimes Act was adopted (Act No. 2 of 2021), which officially has the aim of protecting Zambian citizens from online abuse.

86. The provisions of the 2021 Act have been strongly criticized for being vague, restrictive and disproportionate,⁶⁵ and the broad definition of "hate speech" in the Act risks restricting expressions that merely convey rejection or strong criticism of certain societal groups. It opens the door for politicized regulation of online campaigns and free speech. The Special Rapporteur notes that in April 2025, the 2021 Act was replaced by the Cyber Security

⁵⁸ See

<https://www.unicef.org/zambia/media/7426/file/GPECM%20Zambia%202024%20Annual%20Report%20-%20Country%20Profile.pdf>.

⁵⁹ See <https://www.unicef.org/zambia/media/621/file/Zambia-child-marriage-research.pdf> and

<https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas-regions-and-countries/zambia/>.

⁶⁰ See

<https://web.archive.org/web/20250321171050/https://caritazambia.org/phocadownload/general/caritas-zambia-youth-day-commemoration-statement-2025.pdf>.

⁶¹ See <https://africa.thegospelcoalition.org/article/why-are-we-quiet-about-child-marriages-in-zambia/>.

⁶² See <https://www.unicef.org/media/137621/file/Tech-based-Interventions-Adress-Harmful-Practices-2023-Zambia-v2.pdf>.

⁶³ See <https://fot.humanists.international/countries/africa-eastern-africa/zambia/>.

⁶⁴ Amy Fallon, "Zambia deletes 'sexual' from SRHR in blow to LGBTQ+ and rights groups", Devex, 26 October 2023.

⁶⁵ See, inter alia, CCPR/C/ZMB/CO/4, paras. 31 and 32.

Act 2025 and the Cyber Crimes Act 2025. While the broad definition of hate speech was repealed in the new legislation, concerns remain in relation to the vague definitions of “critical information” and to sweeping interception powers, which create a risk of surveillance and censorship under the guise of national security.⁶⁶ While recalling that freedom of religion or belief cannot be limited on the grounds of national security, as per the International Covenant on Civil and Political Rights, the Special Rapporteur reiterates the recommendation of the Special Rapporteur on the promotion and protection of the right to freedom of expression and opinion that the Government should carry out further consultations with key stakeholders, including civil society organizations, and seek further advice from the Law Development Commission, with a view to addressing the concerns about the new cybersecurity and cybercrime laws and ensuring their full alignment with international human rights law.⁶⁷

J. Association and assembly

87. Since January 2022, Zambia has experienced an alarming rise in actions targeted at individuals accused of hate speech, among other charges such as unlawful assembly and seditious practices. These measures have primarily affected opposition political leaders, activists, parliamentarians, journalists and human rights defenders. Even religious institutions have not been spared, with arrests of members of the clergy and disruptions of religious meetings reportedly linked to allegations of promoting divisive rhetoric.

88. A joint communication sent in 2024 by several special procedure mandate holders, including this mandate, raised concerns at information received concerning allegations of arbitrary arrests of opposition party leaders and members on various charges, including unlawful assembly, espionage, hate speech and seditious practices. There had been allegations of detention, harassment, intimidation, and restrictions of meetings and gatherings, against opposition leaders, religious leaders, journalists, human rights defenders and ordinary citizens,⁶⁸ seemingly aimed at intimidating them.

89. Article 22 of the Constitution upholds freedom of assembly and association. The Public Order Act (chapter 113 of the Laws of Zambia, section 5), which dates to colonial times, regulates public meetings, processions and demonstrations. Section 5 (4) requires prior notification – at least seven days’ written notice to the police – for any public assembly or protest. Although the provision does not require formal prior approval from the authorities, the police have interpreted it to mean that it does,⁶⁹ and successive Governments have used it to prohibit public gatherings. Though the focus of the Act was on political activities, and religious organizations and cultural processions were exempt from seeking permits, the police increasingly require religious communities to give notification and seek permits when holding gatherings outside their own premises. One example that was reported to the Special Rapporteur was the denial of such permits by the police to churches that had planned overnight youth camps. Other reported incidents have been more high-profile and have related to religious services, events or encounters that have been stopped by the police. The Government states that police permits are only necessary for crusades and meetings held in public spaces outside authorized church premises, and that churches are generally permitted to hold overnight prayers.

90. The ruling United Party for National Development announced in January 2023 that the Public Order Act would be amended to allow everyone to gather freely, without hinderance,⁷⁰ but the promise has not been implemented. Senior government officials have acknowledged that the Act is deeply flawed and is to be replaced by a public gatherings bill, which is currently under review. According to the Minister of Home Affairs and Internal Security, the Public Gatherings Bill is expected to be presented in Parliament before the 2026

⁶⁶ A/HRC/59/50/Add.2, paras. 31, 32 and 73 (d).

⁶⁷ Ibid.

⁶⁸ See communication ZMB 1/2024. All communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

⁶⁹ See <https://www.hrw.org/world-report/2024/country-chapters/zambia>.

⁷⁰ Ibid.

elections.⁷¹ The Special Rapporteur met with representatives of the Zambia Law Development Commission, who informed her that, after extensive consultations with civil society organizations, the Commission had proposed a new bill that was oriented clearly towards upholding the right to peaceful assembly.⁷²

91. The Non-Governmental Organizations Act (Act No. 16 of 2009) was enacted by Parliament on 26 August 2009. Section 10 of the Act created the NGO Registration Board, whose function is to consider and approve applications for registration of NGOs. Representatives of civil society organizations whom the Special Rapporteur met during the country visit expressed concern that the law unduly restricted their activities and subjected them to excessive controls, giving the Board the authority to interfere in their activities. The Non-Governmental Organizations Act (Act No. 16 of 2009) is among the restrictive laws that the present Government has promised to repeal,⁷³ and the Special Rapporteur calls upon the Government to expedite its efforts in this regard.

K. Conditions of detention

92. Zambia has a population of almost 20 million people, of whom 26,150 are in detention across 87 prisons and correctional centres.⁷⁴ The Government states that, through the Zambia Correctional Service, it actively supports and promotes religious activities and worship within correctional centres as a key component of the rehabilitation, spiritual guidance and reformation process for inmates. In 2023, the Ministry of Home Affairs and Internal Security and the Ministry of Justice, in collaboration with the Zambia Correctional Service, presented the findings of the second audit of prisons and correctional centres.⁷⁵ The Government underlined its commitment to maintaining international standards for correctional centres, which included its domestication of the internationally acclaimed United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) through the Zambia Correctional Services Act of 2022.

93. In terms of worship and religion in detention facilities, the Special Rapporteur is pleased to note that the majority of the inmates interviewed (88%) for the audit reported that all religious groups were allowed to worship freely. More than half (64%) of the inmates reported that they had access to a form of religious centre at a correctional centre. Despite these positive statistics, inmates faced four key problems relating to their right to worship and religion: (a) lack of infrastructure built specifically for religious activities or worship in most correctional centres; (b) inmates being forced to work on weekends at the expense of their right to worship; (c) most places of worship were not accommodative of the needs of persons with disabilities; and (d) female inmates often had no designated place to worship, causing them to worship from spaces designated as worship spaces for male inmates. The Special Rapporteur encourages the Government to implement the recommendations from the 2023 prison audit report in terms of constructing chapels and other religious spaces in correctional facilities and avoiding assigning inmates work on days of worship in order to respect their religious rights. This would be in line with article 19 of the Constitution and rules 211 (1) and 214 of the Zambian Prison Rules as well as with rules 65 and 66 of the Nelson Mandela Rules.

⁷¹ See <https://www.zambiadirectory.com/news/new-public-gatherings-bill-to-replace-controversial-act-ahead-of-2026-elections>.

⁷² See also https://www.acazambia.org/wp-content/uploads/2023/01/SUMMARY-REPORT-ON-THE-REVIEW-OF-THE-PUBLIC-ORDER-ACT-2023_compressed.pdf.

⁷³ See <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1012&context=sajpd>. See also <https://www.hrw.org/news/2023/03/29/zambia-repeal-law-restricts-civil-society> and <https://www.hrw.org/world-report/2024/country-chapters/zambia>.

⁷⁴ Ibid.

⁷⁵ See <https://www.moj.gov.zm/wp-content/uploads/2024/01/V3-Prison-Audit-Report-FINAL-Numbered-19.10.20232.pdf>.

L. Non-belief

94. It is beyond dispute in international human rights law that freedom of religion or belief “protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief”.⁷⁶ However, there are no domestic provisions for this in Zambia.

95. The Special Rapporteur was informed that the problems experienced by open atheists were to do with the incomprehension of many Zambians that there were Zambians without even a nominal belief in God. Several venues had refused to host a gathering of atheists once they had heard of its purpose. In general, atheists and humanists are dismissed and discredited, sometimes very publicly and by persons of high standing, as “fools”. Many actors confirmed that the prospects of non-believers, for example in the employment sphere, will certainly be curtailed should their non-affiliation to any religion and non-belief in God become publicly known. They therefore tend to or are obliged to self-censor in order to avoid such discrimination.

M. Witchcraft

96. Under the Witchcraft Act of 1914, naming or accusing a person of being a witch or wizard is a criminal offence punishable by either a fine or imprisonment of up to one year, while those who profess knowledge of witchcraft may face up to two years’ imprisonment.⁷⁷ The law has an exception for those who report to the police any person alleged to be professing knowledge of or practising witchcraft.

97. The Special Rapporteur heard reports that incidents of killings of and violence against those suspected of practising witchcraft, particularly elderly people, continued across the country.⁷⁸ Violations based on suspicions of witchcraft sometimes appear to be linked to family disputes and to arise in the context of inheritance issues. They may also relate to the traditional practice of *kikondo* – commonly referred to as “the moving coffin”. Interlocutors revealed to the Special Rapporteur during their meetings that many would bring their elderly relatives from the village to live with them in the bigger cities, as they feared that they might be attacked.

98. Almost 70% of the Zambian population relies on traditional medicine and healers.⁷⁹ Rodwell Vongo, who goes by the name of Dr. Vongo, is a traditional healer and the president of the Zambian Traditional Healers Association. He told *The Independent* that he would be referred to as a witch doctor under the law, but calls that term derogatory.⁸⁰ This makes identifying what exactly can be identified as witchcraft difficult, and many Zambians do not hesitate to seek supernatural help.

99. The Special Rapporteur notes with concern that vast majority of the reported attacks and killings appear to be against elderly people.⁸¹ Hence, it is also possible that discrimination on the grounds of age may be one factor, among others, such as superstition leading to unfounded allegations,⁸² behind the attacks and killings. Superstitious beliefs are also a factor in horrific attacks on and killings of persons with albinism.⁸³ Individuals with albinism face violent attacks and mutilation due to superstitious misconceptions about the condition.

⁷⁶ Human Rights Committee, general comment No. 22 (1993), para. 2.

⁷⁷ See <https://www.state.gov/reports/2023-report-on-international-religious-freedom/zambia/>.

⁷⁸ Ibid.

⁷⁹ See

https://www.researchgate.net/publication/335714469_Tumelo_Akapelwa_Muyenga_Delilah_Musonda_Michael_Chigunta_Ethnobotanical_Survey_of_Medicinal_Plants_Used_In_Treatment_of_Diabetes_in_Chipulukusu_Compound_Ndola_District_Zambia_Zambia.

⁸⁰ See <https://www.independent.co.uk/news/world/africa/witchcraft-zambia-president-hakainde-hichilema-b2703665.html>.

⁸¹ See <https://www.aa.com.tr/en/africa/zambia-murders-of-elderly-accused-of-witchcraft-rise/738203>.

⁸² See <https://www.lusakatimes.com/2024/03/20/four-people-suspected-of-practicing-witchcraft-killed-by-mob>.

⁸³ See <https://africaalbinismnetwork.org/wp-content/uploads/2024/10/Albinism-and-Rights-Final-September-2024.pdf>.

100. During her visit, the Special Rapporteur heard testimonies about attacks on persons with albinism, and she notes with serious concerns that such attacks sometimes appear to have had the purpose of using, or selling for use, body parts for the purposes of witchcraft. A number of joint communications by special procedure mandate holders have addressed allegations of attacks on persons with albinism, including young children, in terms of killings, mutilations and the trafficking of body parts,⁸⁴ and this unfortunately appears to be a recurring phenomenon.

101. The Special Rapporteur applauds the courageous work undertaken by the regional offices of the Human Rights Commission, where representatives of the Commission go to remote villages in order to intervene on behalf of individuals who may have been accused of witchcraft. One such example was a so-called witch doctor, who had arbitrarily arranged for the detention of a number of villagers against whom accusations of witchcraft had been made. These individuals were subsequently released due to the intervention of the regional office, and the individual was brought to justice.

VI. Conclusions

102. The Special Rapporteur wishes to emphasize that there is a strong conciliatory spirit evident among Zambians, and there is much to be proud of in the record of the country's more than six decades of independence. What sufficed in the past, however, will not sufficiently protect rights at present and into the future. The creeping "politicization of the religious space" or "religionization of the political space" needs deeper conversation and frank consensus-building. The presumption of affiliation with a particular religious belief, and rejection of careful consideration of other religions and beliefs, does the country's reality a disservice. Zambian jurisprudence on freedom of religion or belief is stuck in time and needs bolstering. National policies and practices need to become purposefully inclusive. All acts of discrimination and harassment need to be addressed, and acute attention needs to be paid to reasonable accommodation, giving meaning to the inclusive spirit that is highly evident from the people of Zambia. The experience of Zambia provides a strong foundation for addressing these matters robustly and effectively. It is blind spots and oversights that have given rise to some of these challenges. Sensitization programmes and interactions, awareness-raising around diversity of religions and beliefs, and determined inclusivity, will strengthen resilience. The strong national values and principles of Zambia can be augmented and rendered more inclusive, by recommitting to the country's shared values of dignity, integrity, equality, justice, unity and progress.

VII. Recommendations

103. Against this background, the Special Rapporteur recommends that:

(a) The Government ensure that a fuller understanding of the obligations pertaining to the scope of freedom of religion or belief is better understood and more fully upheld throughout the governmental machinery, especially in relation to the scope of rights holders, of manifestation of religion or belief, of the only legitimate limitations that can be imposed on manifestation of religion or belief, and of positive obligations to reasonably accommodate manifestation;

(b) The Government incorporate the International Covenant on Civil and Political Rights into Zambian domestic law in order to support the above, especially in relation to articles 18, 27, 2, 4, 21 and 22 of the Covenant;

(c) The Government carry out an independent review of the impact of the Christian declaration in the preamble to the revised 1996 Constitution, in order to assess its impact on the enjoyment of all human rights, on an equal basis, throughout Zambia;

⁸⁴ See communications ZMB 1/2016, ZMB 1/2018, ZMB 2/2020 and ZMB 4/2021.

(d) While commending the accessibility and speed of registration by the Chief Registrar of Societies, the Government address the rigidity of the process with regard to the moratorium since 2019 and the fact that it does not extend fully to “thought, conscience and religion”;

(e) The Government adopt a general prohibition against discrimination in line with international standards;

(f) The Government ensure harmonization of its laws, policies and practices in line with its international human rights obligations, in relation to:

(i) The definition of hate speech in the Penal Code, especially articles 128–131;

(ii) The minimum age of marriage in the Marriage Act;

(iii) Article 14 of the Convention on the Rights of the Child;

(iv) The scope of the healthcare provision offered by the Ministry of Health;

(v) The implementation of the Cyber Security Act 2025 and the Cyber Crimes Act 2025;

(vi) The amendment of the Public Order Act and its proposed replacement by a Public Gatherings Bill (later Act);

(vii) Expediting the proposed repeal of the Non-Governmental Organizations Act (Act No. 16 of 2009);

(g) The Government take the measures necessary to implement the recommendations of the 2023 prison audit report, including by enhancing freedom of religion or belief in detention facilities, by constructing chapels and other religious spaces in correctional facilities, for the religious practices of both male and female inmates, and by avoiding assigning work to inmates on their religious holidays in respect of their religious rights and spiritual well-being;

(h) The Government ensure a Religious Education curriculum that is inclusive, is in line with international standards and equips Zambians with an understanding of the country’s rich religious and belief diversity;

(i) The Government continue its efforts, including through implementation of the recommendations of the Global Alliance of National Human Rights Institutions, to ensure that the Human Rights Commission of Zambia fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and is able to carry out its mandate effectively and independently, and recommends that the Government ensure the allocation of sufficient human and financial resources for the Commission’s effective functioning;

(j) The Government be more inclusive in the welcome engagement by government authorities with civil society organizations and religious and belief communities on matters of governance, democracy and development;

(k) The Government be vigilant rather than complacent regarding the history of a positive relationship between the authorities and religious actors at every level, regardless of the government that is in power;

(l) The Government build capacity in all authorities, at every level, to better recognize and uphold freedom of thought, conscience and religion, to counter discrimination based on religion or belief and provide redress, and to encourage civil society organizations to report all instances of discrimination to the authorities;

(m) The Government ensure capacity-building and orientation sessions for public service providers so that they can offer appropriate access to social services for members of diverse religions and beliefs and minorities;

(n) The Government widen and strengthen regular engagement and dialogue with faith actors and religious minorities at every level of government, in an

environment of trust building and open exchange, and to encourage dialogue and mutual understanding between and within different communities;

(o) The Government take steps, at the highest level, to acknowledge inclusivity and equality irrespective of religion or belief. One example of this would be to formally entitle followers of different religions to request religious holidays from schools and the civil service.
