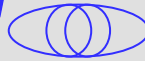




*IAD - Summer Internship Abroad*

*Laidlaw Scholar, 2021 Cohort*



# **THE HUMAN RIGHTS COMMISSION**

*THE NATIONAL HUMAN RIGHTS  
INSTITUTION OF ZAMBIA*

By Aina Rabinowitz



*Members of HRC March on Public  
Service Day*





# INVESTIGATIVE AND LEGAL DEPARTMENT INTERN

MY WORK THIS SUMMER:

## **01** Communication

Creating pamphlets for the commission + attending Public Service Day.

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## **03** Legal Research

Legal Research on past HRC cases and Legal Reform for Child Rights in Parliament.

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## **02** Investigative Work

Investigative trips around Lusaka, Zambia.

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## **04** Lessons

My highlights + Takeaways

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# Public Service Day in Lusaka

First Public Service Day in Zambia since the Pandemic.

This year's theme: "Enhancing the resilience of the African public administration to support and facilitate the realization of Africa's nutritional needs during and post covid-19 pandemic."

Public service delivery is one of National Assembly's priorities of ensuring that the people of Zambia have more information about the happenings in Parliament and take part in decision making.



# Communication is Key:

## The HRC Complainant Timeline:

**From Submitting a Complaint Form to the Closure of Complaints**  
The Human Rights Commission (HRC) is established under Article 230 (1) of the Constitution of Zambia (Amendment) Act No.2 of 2016. Our mission is to ensure the promotion and protection of human rights and fundamental freedoms for all people in Zambia; through advocacy, investigations, and appropriate redress of human rights violations, and monitoring of compliance with human rights standards and obligations.

### Lodging Complaints:

1. **How can you Lodge a Complaint to the Human Rights Commission?** Walk into the commission's office, letter to HRC, Email, Fax, Telephone, Toll-Free Line (8181), Social Media Platforms such as Facebook.
2. **Who can lodge a complaint?** A person acting on behalf of themselves; Someone acting on behalf of someone else; People acting on behalf of an organization or a group of people.

### Processing of Complaint

2. Within 7 days of your complaint, the commissions will inform and address you on whether the complaint has been admitted.
3. An assessment of your complaint will be made within 14 days of the receipt of your complaint. Complaints that are classified as a human rights violation are admissible.
4. The Commission will not handle:
  - o Legal claims of a civil nature that do not directly touch on human rights (E.g. breach of contract, defamation, divorce, land disputes, claims based on the tort of negligence and civil disputes between private individuals).
  - o A complaint based on or arising from a crime.
  - o A complaint not reported to the commission within two years of the violation.
  - o A complaint that can better be dealt with externally, in which case the commission will refer you to another institution within 7 days of receipt of the complaint by the Handling Officer.

### Outcome of the Complaint Assessment

3. Following a Complaint Assessment, your matter may either be admitted or not admitted based on the Commission's Assessment Procedure.
4. Where the matter has not been admitted, you will be informed in writing.

### Investigation of Complaint

4. Where your matter has been admitted, it will be allocated to an Investigator under the Investigation and Legal Department who shall investigate your complaint.
5. The Handling Officer will send out an Allegation Letter within three days of being allocated the file stating your claims.
6. The Respondent will be requested to respond within 7 days of receipt of the allegation letter.

### Conclusion of the Investigation

5. The Handling Officer will conclude investigations of your complaint within one (1) month of receiving the complaint.
6. Where investigations are not concluded within one (1) month, the Commission will inform you giving reasons and an update on your complaint.
7. The Commission commits to conclude its investigations within three (3) months from the time of lodgment.
8. You will be informed of your right to appeal to the full Commission if dissatisfied.

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## Closure of Complaints:

A complaint may be closed in the following circumstances:

- After a direct referral to another institution if no further action is required.
- The complaint is resolved.
- Investigation is concluded and it is found that there was no violation or threat of a violation.
- There was a violation which has been remedied.
- Complaint is withdrawn by the Complainant and does not raise any matters of public interest.
- The complainant does not provide further details after being requested to do so.
- After submission of a report regarding hearing.
- After resolution of the matter subsequent to the institution of legal proceedings in a competent court or tribunal.
- The final decision of a public hearing is made known to the parties and the decision is made public.

Complaints recommended for closure will be referred to the Commission Cases Review Meeting presided by the Chairperson of the Human rights Commission for final determination.

## Your Right to Appeal:

- The Complainant has the right to appeal to the Commission within 14 days from the date of receipt of the notification of the decision of the Complaint Committee to close the complaint.
  - An appeal shall be made in writing to the Director indicating grounds and reasons for the appeal.
- The appeal shall be heard and concluded by Commission within 30 days from the date of the appeal was lodged.
- The complainant must be informed of the outcomes of the appeal written seven days from the date of the conclusion of the appeal.



# Investigative Work



Investigative trips throughout the week;  
trips can last from 1 hour to an entire day.





# Case 2: Prison Visit



- We received a case in which a man had suffered a leg injury and was put in an overcrowded prison with very little capacity to handle someone with a temporary disability.
  - Prisons in Zambia are occupied at 303 percent (three people using the space originally designed for one person)
  - Overcrowded prisons and detention centers.
    - Increasing prosecution of petty offenses, punishing police color, poor bail and bonding conditions. Shortage of high court judges.
  - Law requires separation of different categories of prisoners...
    - Only gender separation routinely practices.
  - Conditions:
    - Mattresses scarce. Meager food supplies (prison food nutritionally inadequate. Prison health care system under-staffed.
    - Lack of hygienic water results in waterborne and foodborne diseases.
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# Case 3: Health Cases

Ministry of Health - We received multiple complaints against the Ministry of Health.

All were by women who were disabled and worked in the Hospital as secretaries, receptionists, or guards.

Both women have some sort of disability that does not allow them to stand up for long periods of time

## **The Interview:**

- Ministry of Health hesitant to provide information

- Separate Case: Drug Enforcement Committee Case
  - Murali Boys Secondary School
- The Interview:
  - Interview with Head Teacher
  - Interviewing students around the school

# Case 5: Christian Nation Case



- Christian Nation FM visit - had a priest speaking who promoted about corporal punishment
- After strong activism against the practice worldwide, **Zambia abolished corporal punishment in schools in 2003** in line with the United Nations Convention on the Rights of the Child. The convention prohibits any form of violations against children, including the use of corporal punishment in school
- HRC advocated for the abolition of corporal punishment in schools
  - The respondent agreed - he didn't want to drive people towards something contrary to what HRC outlines
  - The Bill of Rights should be a program on the radio - can't use religion as a way to go against human rights
  - Communication department would work with them to create an easily transferable message about corporal punishment (in all languages)



# Legal Research

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The Commission has also recently created an Office of Commission for Children (OCC). The department is meant to advocate for child rights. It is currently only run by one person, but they aim to collaborate with other institutions, visit incarcerated facilities, and advocate for child justice laws.

New Children's Code Bill→

- Child protection in Zambia has been an issue of concern in Zambia for a long time now. The question has been whether the law is adequate or whether the enforcement mechanism has failed to put the law into effect.
- The problem arises because there are conflicting provisions in relation to the definition of child:
- The new bill Repealed acts that offer contradictory information on a child's age and offered protection of Juvenile youth, and offered protection of child labor



# MY LESSONS FROM THE SUMMER



# Lessons

- Trust Mentors
- Apply research in one country to your “expertise” in another
- Learning from the “ground” is powerful
- Relating issues in Zambia to US issues
- Translate experiences into knowledge, and use that to build your passion





# THANKS!



Do you have any questions?

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