



REPUBLIC OF ZAMBIA



Permanent Mission of Zambia to the United Nations, 237 East 52nd Street, New York, NY 10022
Tex: (212) 888-5770 Fax: (212) 888-5213 E-mail: zambia@un.int

Please check against delivery

STATEMENT BY

**MR. ELIPHAS CHINYONGA
ASSISTANT DIRECTOR – INTERNATIONAL ORGANIZATIONS
MINISTRY OF FOREIGN AFFAIRS OF THE
REPUBLIC OF ZAMBIA**

BEFORE THE SIXTH COMMITTEE

DURING THE

74TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

**UNDER AGENDA ITEM 83:
“THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS”**

New York
11th October 2019

Chairperson,

Zambia aligns itself with the statements delivered by the distinguished representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement and by the distinguished representative of the Republic of The Gambia on behalf of the African Group.

We would like to thank the Secretary-General for his report on *Strengthening and Coordinating United Nations Rule of Law Activities* and wish to assure him of our continued support in his efforts to strengthen and promote the rule of law. We note with concern new global trends, including the algorithmic exacerbation of hate speech, the incitement to violence or the inadvertent amplification of fake news that robs individuals of the right to take part in political and public affairs. These destructive trends need to be examined and adequately addressed by legislators, judges, legal experts and other policymakers.

Chairperson,

The Zambian Government has passed a pro-poor and people-centred national development plan that seeks to guarantee the protection of the rights of all citizens, where the centrality of the individual and the community is reasserted and the most vulnerable of society is protected. By putting in place policies and strategies that enhance access to justice, and the observance of the rule of law and human rights, Zambia is building a more effective and functional justice system and a state of order in which actions at the highest levels of authority fully conform to the law. Thus, Article 91 (3) of the Constitution of Zambia (Amendment) Act, No. 2 of 2016 provides that: *"The President shall, in the exercise of the executive authority of the State ... uphold the rule of law."*

The country has in place domestic judicial mechanisms which are essential to supporting a rights-based approach to ensure that violations of the rule of law are dealt with and effective remedies are provided. The amended Constitution has provided for specialized courts such as the Constitutional Court, Family court and Children's court. In exercising judicial authority, the courts shall be guided by critical principles of law, including, among others, that *"justice shall be done to all, without discrimination; justice shall not be delayed; adequate compensation shall be awarded, where payable; alternative forms of disputes resolution, including traditional dispute resolution mechanisms, shall be promoted..."*

Chairperson,

Regarding the death penalty, the Constitution of Zambia recognises the inherent right to life. No one shall be arbitrarily deprived of his life, except following conviction in a court of law of a crime for which the death penalty is provided for under the Penal Code, Chapter 87 and the Criminal Procedure Code, Chapter 88 of the laws of Zambia. However, since

1997, no execution has taken place, despite the retention of the death penalty on the statute books.

The Government is in the process of commencing a nationwide sensitization programme that will apprise the citizenry on the significance of a moratorium on the use of the death penalty. However, it must be emphasised, that since the death penalty is provided for in the Bill of Rights, it cannot be amended by a mere political pronouncement but, rather, in accordance with the Constitution. Any attempt to amend the Bill of Rights is, therefore, subject to a referendum, in accordance with Article 79 (3) of the Constitution. Only the people of Zambia shall decide whether or not to abolish the death penalty.

Chairperson,

In order to further promote the rule of law the Government has strengthened the prosecution system by incorporating some public prosecutors from other law enforcement agencies, such as the Immigration Department, Police Service, Anti-Corruption Commission and Drug Enforcement Commission into the National Prosecution Authority, all in an effort to enhance coordination and effectiveness in the provision of the prosecution services system.

The country has continued to improve access to justice, particularly for disadvantaged and marginalized groups, through the Legal Aid Board and National Legal Aid Clinic for Women, among several others.

Further interventions include the effective incorporation of gender-related aspects into the law to address the specific needs of women. The *Anti-Gender Based Violence Act, 2011* which provides for the protection of victims of gender-based violence has improved the responsiveness of the courts to women's rights and enhanced the sensitivity and effectiveness of adjudication. Further, the Government continues to undertake sensitisation programmes aimed at enlightening the public, particularly women and vulnerable groups, about their options for access to justice through activities like the Legal Aid Clinics which are held in vulnerable communities.

Zambia is making strides in the promotion of women's leadership, political participation and decision-making, and raising awareness of all forms of violence against women and girls. The First Lady of Zambia, Mrs Esther Lungu, has continued the sensitization campaign to deal with cases of sexual and gender-based violence, women's rights and the ills of early marriage, through her Foundation. The campaign has encouraged many traditional leaders in rural communities to speak out against child, early and forced marriage and to join the campaign for the promotion of women and girls in their respective Chiefdoms.

Mr Chairman,

Zambia recognizes that sustainable solutions to the above challenges cannot be achieved without international cooperation and solidarity and, in this regard, the United Nations

through its various agencies has continued to work towards facilitating the realisation of the right to justice for all persons, especially the most vulnerable.

Zambia requests the United Nations to continue providing assistance to build national capacity in the training of prosecutors, lawyers and judges on handling anti-gender-based violence cases, with a specific emphasis on people-centred responses and full adherence to human rights. This will contribute to the further strengthening of the administration of justice and create greater effectiveness and efficiencies within the relevant institutions and authorities.

I THANK YOU