

## **BNFA Recommendations before the United Nations Office of the High Commissioner for Human Rights**

by BNFA Publicity Wing

The purpose of the Pre-sessions is to **offer Civil Society Organizations (CSOs) and the National Human Rights Institutions (NHRIs) the opportunity to brief permanent delegations on the human rights situation in the States under Review (SuR)**. They provide space for civil society to engage directly in dialogue with States prior to the review in order to have their concerns and recommendations taken into consideration by lobbying several delegations at once. Pre-sessions are meetings organized one month prior to the UPR Working Group session bringing together Permanent Missions, Civil Society Organizations, and NHRIs to discuss the human rights situation in the forthcoming States under Review. The Pre-session for each SuR lasts one hour. Civil Society Organizations and NHRIs are given the floor between 5 to 7 minutes each, to share their assessment of the human rights situation in the country since the previous review and the progress accomplished by the SuR in implementing the recommendations.

On October 10, 2017 the BNFA made its first appearance as a CSO in Geneva at the 28th pre-session on the occasion of the Universal Periodic Review (UPR) of the Republic of Zambia in the wake of worsening human rights situation in Zambia against the people of Barotseland and stressed the critical situation regarding the arbitrary arrest or detention as included in the Working Group on Arbitrary Detention's document at the Universal Periodic Review (UPR) and that:

- International bodies together with the BNFA should immediately intervene by monitoring and providing periodic reports to the Human Rights Committee on a tri-annual basis, on the actualization of Barotseland's right to exercise self-determination;
- The Republic of Zambia should respect and adhere to the provisions of the international conventions of which it is party to, such as the Universal Declaration of Human Rights, the African Charter and the ICCPR, as well as article 1 of the Charter of the United Nations;
- The UN Special Procedures, particularly the Special Rapporteur on Human Rights Defenders, the Special Rapporteur on Freedom of Expression and the Special Rapporteur on Freedom of Assembly and Association should be invited to Barotseland regarding the implementation of the national and international legal instruments to guarantee the respect of the above-mentioned human rights provisions for the people of Barotseland by the Republic of Zambia;
- The government of Zambia should stop politically-motivated arrests of Barotseland people and unconditionally release all Barotse people arrested and detained for their political opinion or actions;
- The President of Zambia should sign the Permanent Court of Arbitration submission to allow impartial arbitrators to peacefully determine the status of Barotseland following the Zambian government's unilateral abrogation of the **Barotseland Agreement 1964 (BA'64)** in 1969, Barotseland's declaration of self-determination and self-rule in 2012 and Zambia's continued occupation of Barotseland;
- The Zambia government must respect the territorial and political integrity of Barotseland and other applicable instruments.

The Republic of Zambia accepted the recommendations made by the United States according to which the freedoms of assembly and expression should be guaranteed out of respect for the

2003 Supreme Court ruling stating that these freedoms are fundamental. Such a recommendation was also made by the United Kingdom (UK) in 2012 during the 2nd UPR cycle review. The UK stated that the Zambian Parliament should “*make the necessary legislative changes, including restricting the scope of the Public Order Act, to ensure the fullest possible freedoms of association and expression, and to ensure the police enforce these and other laws in a proportionate manner, including in Western Province*”. The State of Human Rights in Zambia, Human Rights Commission, 2014.

Further, continued violations of the terms of the [BA'64](#) is perpetrated by the Republic of Zambia against the provisions of the [BA'64](#) at Article 8 and the International Covenant on Civil and Political Rights (ICCPR), *contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation*. The 2016 Freedom House Report on Zambia underlined the behavior of the Police under the Public Order Act (1999), in accordance with the recommendation made in the Joint Submission for UPR second cycle to revise the Public Order Act Section on Associational and Organizational Rights. Acting against international law, the Republic of Zambia performed several arrests and imprisonments of Barotse nationals and leaders in Barotseland since 2013, in continued violation of the prohibition of any discrimination based on race, religion, political opinion, national and social origin. Biased court decisions based on discriminatory grounds show the incomplete implementation of the provisions set up in the 2012 Zambia UPR and increased acts of violations such as:

- In August 2013, 84 people were charged with treason, including a former Ngambela (Prime Minister) and now Leader of the BNFA Clement Wainyae Sinyinda as well as a number of leading members of Barotse Independence Movements.
- Lutangu Sinonge, Saviour Mumbela and Siyunyi Mendai were arrested for merely carrying and displaying a flag with the logo of the Unrepresented Nations and Peoples Organization and charged with seditious practice.
- The arrest of four and the imprisonment of three Barotse nationals in Kabwe on March 9, 2014 by the Zambian Police and the Kabwe High Court on March 9, 2016;
- In December 2016, Barotse nationals, Afumba Mombotwa, Likando Pelekelo and Inambao Kalima “*have been taken out of Mwembeshi prison in unknown and suspicious circumstances*”.

Furthermore, the continued occupation of Barotseland since March 27, 2012 by the government of Zambia is a violation of the territorial integrity of the people of Barotseland who have accepted the abrogation of the [BA'64](#) through the [March 27, 2012 Barotse National Council Resolutions](#). Zambian Presidents have refused to sign the Permanent Court of Arbitration (PCA) submission agreement aimed at allowing impartial arbitrators to peacefully determine the status of Barotseland following the Zambian government's unilateral abrogation of the [BA'64](#) in 1969, Barotseland's declaration of self-determination and self-rule in 2012 and Zambia's continued occupation of Barotseland. There is immediate need to protect the human rights of the people of Barotseland.

The UPR is attended by 193 United Nations Member states and uses a political process based on Peer to Peer review. Zambia was represented by its permanent representative Ms. Margret Mary Lungu Kaemba and Counsellor Inyambo Liboma. The UPR pre-session engagement marks a historic moment for the people of Barotseland and BNFA as it is now able to participate in international human rights dialogue and cooperation as a strengthening and monitoring mechanism to look at the legal status of Barotseland and enables the international community to share in the responsibility of monitoring human rights abuses against Barotseland people.