



Africa Criminal Justice Reform
Organisation pour la Réforme de la Justice Pénale en Afrique
Organização para a Reforma da Justiça Criminal em África



COVID-19 restrictions and the impact on criminal justice and human rights

Zambia

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Table of Contents

- Zambia government response to COVID-19
- Enforcement of measures and documenting rights violations
- Socio-economic impact of COVID-19 measures
- Dissemination of information
- Recommendations for future potential pandemics or public health crisis
- Conclusion

Zambia Government Response to COVID-19

- In March 2020, the Zambian government invoked provisions of the Public Health Act which regulates public health matters in response to COVID-19. The Minister of Health declared COVID-19 a notifiable infectious disease through a Statutory Instrument and issued a set of regulations outlining measures aimed at containing the spread of COVID-19.
- In addition to the legislative provisions, President Lungu made pronouncements consisting of rules relating to the wearing of masks, social distancing as well as movement restrictions.
- The rules applied to all people at all times, but their enforcement was reportedly stricter in informal housing areas across the country as opposed to more affluent areas.
- In the lead-up to the August 2021 elections, presidential updates on COVID-19 restrictions became less frequent.
- Following the election of President Hichilema, many people were under the impression that the COVID-19 restrictions had been relaxed, although no formal announcement was made to this effect.

Enforcement of measures and documenting rights violations

- The enforcement of COVID-19 rules was uneven, unreasonable and frequently arbitrary.
- A number of problematic COVID-19 measures were issued by the government:
 - Disproportionate law enforcement in poorer areas as opposed to more affluent areas.
 - Inconsistencies in enforcement i.e., restriction on physical meetings, especially in the months leading up to the general elections in August 2021.
 - General lack of clarity and predictability of government-imposed measures at any given point.
 - Despite the Zambian Police Service issuing Standing Operating Procedures (SOP) to safeguard human rights in responding to the pandemic, there were still reports of unlawful and harsh enforcement of COVID-19 rules by law enforcement officials including assaults and humiliating demands for people to perform frog-jumps for violating measures.
- Formal and informal penalties were imposed for violations of COVID-19 restrictions in the country and those found violating restrictions were arrested, and fined up to 2 500 ZK (US\$ 141) and some even spent nights in police custody.

Socio-Economic Impact of COVID-19 measures

- Zambia remains one of the least developed countries in Africa, with 54% of the population living on less than \$1.90 a day.
- At the beginning of the pandemic, the Chief Government Spokesperson stated that a full lockdown would not have worked in Zambia because the majority of citizens, who live from hand-to-mouth would not have survived.
- The Zambian government did not put measures in place to support the poor and marginalised during the pandemic.

Economy

- Zambia's informal economy was hardest hit by the pandemic as it employs over 70 percent of the country's population.
- The pandemic and its associated restrictions of movement and assembly resulted in reduced household income.
- Street-vendors, transport operators, and small business owners (i.e., hair salons and barber shops) were unable to operate as usual due to capacity restrictions, resulting in fewer customers and reduced income.

Food Security

- An assessment of the impact of COVID-19 on household income and food security confirmed that the pandemic affected the livelihoods and food security of Zambians in both rural and urban areas.
- Local evidence shows that price gouging, reduced customers and business income affected urban households more than their rural counterparts.

School Closure

- On 20 March 2020, the government closed all learning and educational institutions.
- The school closure affected about four million learners and it is estimated to have deprived 1.2 million children of poor families who rely on school feeding schemes.
- The Ministry of General Education made provision for remote learning (alternatives to in-class learning) during school closures.
- Educational programmes were launched on the national broadcaster and 'Smart Revision' which an online service that allows final year students to prepare for examinations.
- However, these programs were not accessible to a large proportion of students, particularly those from poor backgrounds.

Dissemination of information

- The Zambian National Public Health Institute disseminated COVID-19 related information through daily media updates on the COVID-19 infection rate, recovery rate, death rate and vaccination rates occurred on a regular basis.
- President Lungu held regular media briefings to inform the country about the country's approach to the pandemic. These briefings appeared to be ungazetted and uncoordinated.
- This reportedly changed in September 2021 when the newly elected President Hichilema appointed a COVID-19 National Advisor tasked with coordinating the country's response to the virus.
- There was limited opportunities for public engagement regarding COVID-19 measures as there appeared to be a top-down approach when measures were issued by the government.
- Citizens from lower socio-economic strata of society were not considered, and the public, academics and civil society organisations did not participate in the policy-making processes of COVID-19 measures.
- Vaccine misconceptions promoted on social media, resulted in vaccine hesitancy amongst the population.

Recommendations for potential future pandemics or public health crisis

- **PUBLIC HEALTH MEASURES** - State responses and measures should consider the socio-economic realities of its citizens. It is important that in the future, the Zambian government takes proactive measures to ensure that the poor and most vulnerable in society are considered and catered for and that funds destined for social and poverty alleviation reach the intended persons.
- **EDUCATION DURING A CRISIS** - The challenge of internet connectivity during COVID-19 for school-going children has drawn attention to the importance of well-operational telecommunication systems. The Zambian government must invest in education and distance learning mechanisms.
- **UNLIMITED PROVISION OF HEALTH CARE AND SOCIAL SERVICES** - It is recommended that in future, the government must ensure that all healthcare and social services continue to be provided to the population despite the presence of an epidemic or pandemic.
- **PUBLIC PARTICIPATION** – There was little to no participation available to citizens as far as making recommendations during COVID-19. It is important that in the future, a more inclusive and participatory approach is taken when dealing with pandemics and public health crisis.

Conclusion

- Most countries within southern and east Africa already suffer from inequalities and high levels of poverty and unemployment. The pandemic and accompanying measures have created further socio-economic challenges which will take years to recover from.
- It is crucial that poverty and status are not criminalised irrespective of the public health crisis.
- Measures must be necessary, proportional, reasonable, lawful, non-discriminatory and time bound while at the same time upholding the human rights of citizens.

Thank you