

# Zambia

Persecuting



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## QUICK FACTS

**Political System** | Parliamentary Republic    **Population** | 17, 426, 623 (July 2020)  
**Head of State** | President Edgar Lungu (2015-present)    **GDP Per capita** | NA

## EXECUTIVE SUMMARY

Zambia has received a score of F, or “persecuting” on the F&M GBGR and the F&M GBTR every year from 2011–2018. Homosexuality is criminalized and there is no legal protection against discrimination for LGBTI individuals. The LGBTI community experiences violence and discrimination which is often based in religion and the idea that homosexuality is “not Zambian.” Such societal attitudes manifest in a lack of access to healthcare and education for LGBTI individuals as well as a lack of freedom of association for LGBTI NGOs and societies.

### Background

Zambia was under the control of the British South Africa Company and then the United Kingdom as the protectorate Northern Rhodesia until 1964 when it gained independence and became Zambia.<sup>1</sup> By 2010 estimates, Zambia is 75.3% Protestant, 20.2% Roman Catholic, 2.7% “other” religion, and the remaining 1.8% “none.” Zambia is also composed of many different ethnicities and languages. Due to the Movement for Multiparty Democracy, the elections in 1991 brought an end to one-party rule, but opposition parties have since experienced harassment during elections.<sup>2</sup>

President Edgar Lungu has been in office since 2015, before which he served as Zambia’s Minister of Home Affairs, Minister of Defence, and Minister of justice.<sup>3</sup>

Lungu has expressed anti-LGBTI sentiments on numerous occasions. According to the United States Department of State, many politicians and other leaders have expressed anti-LGBTI sentiments through the argument against same-sex marriage, and LGBTI advocacy groups have reported violence and discrimination in employment, housing, and access to education and health-care.<sup>4</sup>

## KEY FINDINGS

### Legal Landscape

Homosexuality is criminalized in Zambia under the Penal Code Act, Sections 155, 156, and 158. Penalties range from a minimum of 7 years in prison to the possibility of a life sentence.<sup>5</sup> While National Registration Act 19 of 1964 allows for changes in identity documents if they do not reflect the person’s “true identity,” the law is not transgender-specific.<sup>6</sup> A spokesperson for Zambia’s Ministry of Justice Legal Affairs acknowledged that transgender and intersex individuals do not have the ability under the law to change their legal gender marker, but a court case from 2017 could indicate progress: the High Court of Zambia allowed an intersex citizen to change his name and gender marker on legal documents from female to male. The Ministry of Justice in Zambia is reportedly working on addressing discrimination towards the intersex community as a human rights issue in order to adapt the law to work for intersex citizens.<sup>7</sup>

When an anti-discrimination clause was proposed for the Zambian first draft constitution, the Human Rights Commission (HRC) of Zambia, in a consultation in 2013, suggested a rewording of the clause to prevent the LGBTI community from using it. The HRC's justification for this strategy was that the LGBT community were a group "the people of Zambia may not be ready or willing to accept," as well as the fact that homosexuality is criminalized in Zambia under the Penal Code.<sup>8,9</sup>

### Political Landscape

In November 2019, the United States ambassador to Zambia, Daniel Foote, was recalled from the country after criticizing the Zambian government for imprisoning two men who were seen having sex. Under accusations from the Zambian government that Foote was leveraging US aid to dictate policy, President Lungu declared Foote a persona non grata and Washington recalled Foote back to the US.<sup>10</sup>

President Lungu has made numerous anti-LGBTI comments based on the ideas that homosexuality is unnatural and that it is not a part of Zambian "culture." In 2015, for example, he said, "We will not support homosexuality. I will not compromise human nature because of money. God made man and woman."<sup>11</sup> This comment invokes a religious ethos, declaring that homosexuality is unnatural under God. In 2013, when he was serving as Minister of Defence, he declared that same-sex marriage is "unzambian; it is not part of our culture."<sup>12</sup> Many of Lungu's anti-LGBTI comments are in response to the idea of same-sex marriage, using it as a concrete way to oppose homosexuality as "unzambian" and unnatural.

### Socio-Economic Landscape

The Global Acceptance Index has found that acceptance levels of LGBTI people in Zambia have decreased from 2000-2017. This correlates with the Global Acceptance Index's finding that, globally, acceptance has become

polarized in the last decade such that the least accepting countries have decreased in acceptance levels and the most accepting countries' levels have increased.<sup>13</sup> As Zambia's ranking is closer to the bottom, it reflects this pattern in that its levels of acceptance have decreased.

Much of the violence and discrimination directed towards the LGBTI community in Zambia is based on a religious ethos. In 2017, after the Football Association of Zambia attempted to prohibit discrimination on the basis of sexual orientation (in line with FIFA regulations), the president of the International Federation of Christian Churches declared that the policy would "bring the happenings of Sodom and Gomorrah here."<sup>14</sup> In 2019, Zambia's Minister of Religious Affairs and National Guidance ordered the cancellation of a reality show on the grounds that it "promoted homosexuality," saying "Our stand as a Christian nation is clear and the laws of the land speak louder."<sup>15</sup>

### Societal Discrimination

There are several LGBTI-based NGOs in Zambia, but they operate underground due to the legal danger they may be in: the Registrar of Societies is entitled to deny registration to any society that is "prejudicial to or incompatible with the peace, welfare or good order in Zambia" under Section 8 of the Societies Act 1958. For example, in 1998, the Registrar refused the Lesbians Gays and Transgender Association (LEGATRA), comparing it to a "Satanic organization."<sup>16,17</sup>

One of the main sources of the lack of access to health-care and resources for LGBTI minorities in Zambia is a lack of appropriate information because of the stigma and illegality around homosexuality. LGBTI minorities also do not receive proper care because of prejudiced healthcare workers who discriminate on the basis of sexual orientation.<sup>18</sup>



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GAY RIGHTS



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TRANSGENDER  
RIGHTS

## ANALYSIS

Zambia's scores on the F&M GBGR and GBTR are on par with those of other countries in Sub-Saharan Africa.

As Zambia had received an F from the F&M GBGR and GBTR every year from 2011-2018, it is unlikely that these scores will change in the next year. Discrimination and violence directed toward LGBTI minorities is often based on a religious ethos and the idea that homosexuality defies Zambian culture, both of which provide a justification for continuing that discrimination and violence. There may be some progress in the realm of protecting the intersex community as there is a push for legal recognition of "intersex" as a gender, but these conversations seldom involve the challenges that transgender Zambians who are not intersex face: Transgender identities are more often discussed through the lens of an intersex person who identifies as transgender.

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