

ACCESS TO JUSTICE FOR PERSONS WITH ALBINISM

CHALLENGES AND SOLUTIONS IN ZAMBIA



MARCH 2025



Albinism for Change in Africa
Initiative Organization
(AFCIA)



Albinism Foundation of Zambia
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President Hakainde Hichilema at the booth of the Light of the World Foundation during the 50th anniversary celebration of the Supreme Court on 26 September 2023 © Kenneth Simatanga



Members of Light of the World Foundation take a selfie with President Hakainde Hichilema during the 50th anniversary celebration of the Supreme Court on 26 September 2023 © Kenneth Simatanga

FOREWORD

Muluka-Anne Miti-Drummond, UN Independent Expert on albinism

During my tenure as UN Independent Expert on the enjoyment of human rights by persons with albinism, I have met with victims of human rights violations across the world, ranging from violations of the rights to health, education, and employment to the most egregious violations of the right to dignity and life through acts of abductions, mutilations, and killings. For me, what is perhaps one of the hardest violations to contend with is the violation of the right of access to justice. After individuals and their families experience such unnecessary and painful acts against them, it is heartbreaking to see them further unable to get official recognition that what happened to them was unjust, to struggle to get compensation for their loss and the rehabilitation support they deserve, to be forced to accept that those responsible for the violations will not be held responsible – that in fact, no one will be held accountable.

No society should see the failure to ensure access to justice for any group of people as the norm, nor should it turn a blind eye to such failures. Yet often this is exactly what happens; sometimes due to ignorance of the lived reality of certain groups of people; sometimes due to apathy, which can even amount to acquiescence. In the quest for a more inclusive society, it is imperative to shed light on the challenges faced by marginalised groups and to advocate for their rights with unwavering determination. Thus, it is with great pleasure that I welcome the publication of this report from albinism groups in Zambia: “Access to Justice for Persons with Albinism: Challenges and Solutions in Zambia”.

Persons with albinism often find themselves at the intersection of multiple forms of discrimination, facing barriers that impede their access to justice and perpetuate their vulnerability. This report

explores the dynamics of the legal landscape in Zambia, examining the gaps and the opportunities within the justice system to better serve the needs of persons with albinism.

Through research and analysis, the report's authors have uncovered critical insights that demand our attention and action. From deficiencies in legal frameworks to societal prejudices and institutional shortcomings, the findings presented herein compel us to re-evaluate our approaches and double our efforts to uphold the rights and dignity of all individuals, regardless of our differences.

I commend the dedication and perseverance of all those involved in producing this report, from the albinism groups publishing the report to the researchers who conducted fieldwork, and the individuals with albinism who bravely shared their stories. It is through their collective commitment to social justice and human rights that we can confront the realities of injustice and work towards meaningful change.



Muluka-Anne Miti-Drummond,
UN Independent Expert on
albinism © Private, March 2023

As we navigate the complexities of our legal system and strive to create a more inclusive society, let us heed the call to action articulated in this report. Together, we can build a Zambia where persons with albinism are not only protected by the law but also empowered to fully participate in society and contribute to our shared future.

A handwritten signature in black ink, which appears to read 'Muluka-Anne Miti-Drummond'.

Muluka-Anne Miti-Drummond
*UN Independent Expert on the
enjoyment of human rights by
persons with albinism*

ACKNOWLEDGEMENTS

It is essential to acknowledge all those who contributed to the report, “Access to Justice for Persons with Albinism: Challenges and Solutions in Zambia”. The invaluable support and expertise provided by individuals and organisations dedicated to the promotion of human rights, inclusivity, and social justice is greatly appreciated.

The report is a joint publication of the Zambian albinism groups, Albinism for Change in Africa Initiative Organization (AFCIA); Albinism Foundation of Zambia (AFZ); Albinism Multi-Purpose Organisation of Zambia (AMOZ); Butterfly Foundation of Zambia (BFZ); and Light of the World Foundation (LTWF). The organisations thank the individual staff members who were actively involved in the report’s development, namely Maseka Lumayi, Baidon Chandipo, Gift Sakala, Grace Mweenge, and Bruce Mulemwa of the organisations, respectively.

This report could, further, not have been possible without the consultants, Likando Kalaluka, (Senior Counsel), who wrote the initial draft of the report, as well as Dr. Lungowe Matakala who worked tirelessly in conducting further research and finalising it. Special thanks are due to the individuals with albinism and their families who generously shared their experiences and sentiments which are documented in this report. We are also thankful for the insights shared by the judges, magistrates, prosecutors and police officers who participated in the roundtable discussions and colloquium, as well as in individual interviews.

In addition, appreciation is extended to the legal practitioners who participated in the caucus meetings focusing on the gaps and shortcomings in the laws and legal system in Zambia. Special thanks go to the Law Association of Zambia for creating a group of legal practitioners willing to take on matters involving persons with albinism pro bono.

Further, the following civil society organisations shared invaluable contributions that have enriched this report: Africa Albinism Network (AAN), Chapter One Foundation, Disability Rights Watch (DRW), Zambia Federation for Disability Organisations (ZAFOD), and Zambia Albinism Matters Organization (ZAMO). Mention must also be made of the now defunct Zambia Albinism Taskforce and all its members.

Gratitude also goes to the Zambia Police Service and the then Zambia Police Service Commissioner, Mr. John Chiti, for their input. Recognition must also be given to the contribution of Sethu Mbuli-Robertson, the then independent external consultant to the UN Independent Expert on albinism, as well as her successor, Perpetua Senkoro.

The organisations also extend their sincere gratitude to Muluka-Anne Miti-Drummond, the UN Independent Expert on the enjoyment of human rights by persons with albinism, for her support, advice, and contributions to the report, as well as her activities carried out in support of this report.

Without the collective efforts and collaboration of all the above-named stakeholders, this study would not have been realised.

EXECUTIVE SUMMARY

This report focuses on issues surrounding access to justice for persons with albinism in Zambia. Zambia is home to about 19 million people. Although the population of persons with albinism was recorded as 25,324 in Zambia's 2010 census, the current number is unknown. Results from the 2022 population census on the number of persons with albinism were not yet available at the time of writing.

Albinism is a rare genetic, non-contagious condition characterised by a lack of melanin pigmentation in the skin, hair, and eyes. The condition often presents with visual impairments such as photophobia and nystagmus, alongside an increased vulnerability to skin cancer due to heightened sensitivity to ultraviolet rays.

This report documents how, due to false beliefs among individuals and communities about albinism, persons with albinism in Zambia are subjected to physical and verbal attacks. Some people wrongly believe that the body parts of

persons with albinism can bring good luck or wealth if used in ritual practices. This results in persons with albinism being subjected to abductions, mutilations, and killings, acts which often constitute a violation of several rights including the right to life, dignity, bodily integrity, liberty, and equality and non-discrimination.

The report further highlights concerns related to the violation of the rights to education, employment, and health. Organisations of persons with albinism spoken to paint a bleak picture of lack of reasonable accommodations and assistive devices in places of learning and work, as well as attitudinal barriers (see Chapter 4) to accessing education and work. Although there are some efforts to provide free sunscreen to those with albinism, including by the Zambia Agency for Persons with Disabilities, many organisations said that it remains difficult to obtain and is sometimes delivered out of date or in insufficient quantities.

Those with albinism may be considered persons with disabilities and are therefore not completely without legal protection. There are several instruments that make up the international and regional human rights framework for the protection of the rights of persons with disabilities worldwide. However, effective policies and regulations at the national level are necessary for the implementation of protections contained in the international human rights framework. As a state party to these international agreements, Zambia is required to establish legislation that advances the rights outlined within them.

The national legal framework in Zambia, when thoroughly investigated and seen through the lived experiences of persons with albinism, falls short of adequately protecting the rights of persons with albinism. This report shows how existing laws do not comprehensively protect their rights. They are fraught with gaps, in particular the failure to criminalise the possession of body parts which means that individuals in possession of a body part belonging to someone with albinism can potentially escape conviction.

The report further shows that even where there are relevant laws in place, these are not appropriately applied to ensure full access to justice. In some cases, provisions not commensurate with the severity of the crime are applied resulting in minor penalties meted out for severe human rights violations. In addition, the lack of accountability and monitoring mechanisms for structural and administrative systems often result in miscarriages of justice for persons with albinism at various stages of the justice system, including case reporting, investigation, prosecution, and sentencing. The report raises concerns regarding attitudinal barriers in reporting cases, and a lack of understanding of albinism leading to a failure to provide the required reasonable accommodations to victims of attacks.

A lack of capacity among albinism groups and persons with albinism to effectively engage with the justice sector, as well as the lack of justiciable economic, social, and cultural rights in Zambia, has resulted in further inaccessibility of justice for persons with albinism facing such violations.

Regarding these concerns, the report recommends, among other things:

- The incorporation into domestic legislation in Zambia of relevant international and regional human rights instruments to ensure such provisions are enforceable.
- The ratification and incorporation at the domestic level of relevant international human rights treaties not yet ratified, including the Optional Protocol to the Convention on the Rights of Persons with Disabilities, to facilitate individual complaints regarding the treatment of persons with albinism, as well as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.
- Comprehensive data collection on the actual population of persons with albinism, with disaggregated data, including in the context of the justice system, to establish their categories and needs.
- The development of a comprehensive and adequately budgeted National Action Plan on albinism based on the African Union Plan of Action for the eradication of attacks against persons with albinism to steer efforts towards enhancing the overall well-being and rights of persons with albinism in Zambia.
- A comprehensive assessment to identify gaps within the existing laws and institutions, which fuel the violation of rights of persons with albinism with a view to ensuring that such gaps are bridged within the current law.
- The implementation of training programmes and capacity-building initiatives to ensure that professionals working in the justice sector possess the necessary knowledge and skills to effectively address the needs of persons with albinism.
- The extension of an official invitation to the UN Independent Expert on the enjoyment of human rights by persons with albinism to enable her to provide informed technical advice and assistance based on the realities of persons with albinism in the country.

LIST OF ACRONYMS

African Charter	African Charter on Human and Peoples' Rights
African Disability Protocol	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa
AHTA	Anti-Human Trafficking Act
CRPD	Convention on the Rights of Persons with Disabilities
CSCCA	Cyber Security and Cyber Crimes Act
DPP	Director of Public Prosecution
ESC	Economic, social, and cultural
HRC	Human Rights Commission
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
Maputo Protocol	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
NPA	National Prosecuting Authority
PCA	Penal Code Act
PDA	Persons with Disabilities Act
PHA	Public Health Act
UDHR	Universal Declaration of Human Rights
UN Independent Expert	United Nations Independent Expert on the enjoyment of the rights by persons with albinism

INTRODUCTION

Albinism is a rare genetic condition characterised by an absence or lack of melanin pigmentation in the skin, hair, and eyes. It often presents with visual impairments, including low visual acuity, photophobia, nystagmus, and strabismus, alongside an increased vulnerability to skin cancer due to heightened sensitivity to ultraviolet rays.¹ Due to myths and superstitions surrounding the condition, persons with albinism – in Zambia and elsewhere – are subjected to stigma and discrimination of various forms in places of learning, in the workplace, when accessing work or healthcare, and when participating in life in general. The most egregious violation takes the form of abduction, mutilation, and/or killing of persons with albinism driven by the intent to exploit their body parts in ritual practices that are wrongly believed to provide wealth or good fortune to those who use them.

This research aims to highlight the barriers experienced by persons with albinism in Zambia in accessing justice for violations of their civil and political rights; and economic, social, and cultural (ESC) rights. It looks at the specific situation of persons with albinism, the types of rights violations they experience, and the consequent barriers they encounter in the

¹ Ma E.Z. Zhou, A.E. Hoegler, et al. "Oculocutaneous albinism: Epidemiology, genetics, skin manifestation, and psychosocial issues", *Archives of dermatological research* (2023) 315, 107–116, [doi.org](https://doi.org/10.1007/s001070230230). See also the website of the UN Independent Expert on the enjoyment of human rights by persons with albinism, ohchr.org

justice system in seeking redress and reparations for such violations. The report examines the role of various agents of the justice system and the barriers faced by persons with albinism when accessing justice at every stage of that system, with a view to providing recommendations for improving access.

Access to justice refers to the equal entitlement of all individuals to fair and effective participation in legal proceedings and remedies. It encompasses judicial recourse, as well as the availability of other accessible, affordable, timely, and effective means of redress or remedy.² Access to justice for violations of rights requires that such violations are investigated, that suspected perpetrators are prosecuted and, if found guilty, convicted and sentenced appropriately. Importantly, “Justice must not only be done, but must also be seen to be done”.³

² See Alan S. Gutterman, Older Persons’ Access to Justice, 2022 1, [researchgate.net](https://www.researchgate.net)

³ Lord Hewart, the then Lord Chief Justice of England in the case of Rex v. Sussex Justices, (1924) 1 KB 256.



Image © Jay Momenta/Pexels

1.1 Methodology

The research was undertaken using the Human Rights Based Approach. This approach ensured that the inquiry was conducted in a manner that respects, promotes, and protects the human rights and freedoms of persons with albinism, as well as those of other persons who participated in the study.

A qualitative approach was employed to gather the data underpinning this report. Through a combination of in-depth interviews, desk reviews of legal and policy documents, and content analysis, factors impeding persons with albinism from accessing justice were systematically examined. Emerging themes were collated, leading to inferences on barriers to ensuring access to justice for violations of the rights of persons with albinism.

1.2 Limitations of the study

The study was limited by the inability to obtain sufficient information from institutions critical to ensuring access to justice for persons with albinism such as the judiciary, forensics department, Ministry of Community Development and Social Services (as the ministry mandated to oversee the welfare of persons with albinism), and the police service. These institutions appear to lack appropriate data management systems, disaggregated data related to persons with albinism, and systems for tracking and handling matters involving persons with albinism. Both the police service and judiciary failed to supply information, citing the absence of the responsible officer for a particular information request or the loss of the file in question. Challenges also arose in finding key members of the justice sector who had worked on relevant cases. Further, the apparent dearth in prosecutions for crimes against persons with albinism meant there were limited prosecuted cases available for analysis. In addition, bureaucracy in accessing court records made it difficult for the research team to analyse even the few cases known to have been prosecuted.

1.3 Structure of the study

This report is divided into six chapters. Terminology that needs to be understood in the context of the report is explained briefly in Chapter One, specifically albinism and access to justice. Chapter One also provides the objectives, methodology, limitations, and structure of the study.

Chapter Two looks at the situation of persons with albinism in Zambia. It provides an overview of the types of attacks against them and the specific violations of their civil and political rights, as well as their ESC rights, for which effective remedies are required.

Chapter Three explores the international, regional, and national legal frameworks for access to justice for persons with albinism. It also shows how existing frameworks for persons with disabilities generally encompass persons with albinism.

In Chapter Four, the report shows the various barriers encountered by persons with albinism in their quest to access justice. It focuses on agents of the justice sector and their role in ensuring those responsible for violations of rights are brought to justice.

Chapter Five provides a conclusion, followed by Chapter Six which gives specific recommendations to justice sector actors for the removal of the barriers, with a view to ensuring increased access to justice for persons with albinism in Zambia.

THE SITUATION OF PERSONS WITH ALBINISM IN ZAMBIA

Currently, the number of persons with albinism in Zambia is unknown, but according to the 2010 census there were 25,324 persons with the condition when the country's total population was 13.79 million. While the 2022 census made provision for counting how many members of a household were persons with albinism, the actual number was not yet available at the time of writing.

Regarding race, most Zambians are black and therefore have relatively dark pigmentation. Those with albinism, on the other hand, are much lighter in complexion. The difference in appearance between those with albinism and the general population is therefore pronounced, resulting in them frequently being subjected to significant attention, often negative, including name-calling, such as “ndalama” (money) “sample” (commodity to sell) or “chidangwaleza” (a peculiar creation of God, a term with a derogatory connotation). The difference in appearance and lack of understanding of albinism has led to superstitions surrounding persons with albinism in Zambia. These include the myths and misconceptions that persons with albinism do not die but merely disappear; that they are not human;



that women with albinism cannot give birth; that albinism is contagious, and one should spit when encountering a person with albinism to prevent “catching” the condition; or that babies with albinism are born to those that have sinned or done something wrong. The most dangerous superstition is that their body parts can provide some form of wealth or good luck if used in ritual practices.

In addition, a lack of understanding of the conditions that accompany albinism have compounded false beliefs about them in Zambia. These conditions include visual impairment, specifically low visual acuity, photophobia, nystagmus, and/or strabismus. The lack of melanin pigmentation makes persons with albinism highly susceptible to skin damage from the sun such as sunburn, photoaging, liver spots, solar keratoses, and skin cancer. Due to these, and a failure to implement specific measures to address such conditions, some people falsely believe that those with albinism are of low intelligence, are blind and need to learn using braille, are incapable of working, that spots are a natural part of albinism, and/or that people with albinism will inevitably die young. These mistaken beliefs, myths and superstitions have led to violations of the civil and political, and ESC rights of persons with albinism.

2.1 Violations of civil and political rights

Persons with albinism in Zambia are subjected to verbal and physical abuse. In extreme cases, they have been abducted, mutilated, and killed, and their graves have been desecrated for the purpose of obtaining their remains for use in ritual practices.

There are no official records of all the cases that have come before the police, judiciary, or any other authority in Zambia. However, between 2015 and 2021 the office of the UN Independent Expert on the enjoyment of human rights by persons with albinism (UN Independent Expert) noted 11 cases of attacks about which communications were sent to

the government of Zambia. Despite written requests to the government, subsequently made public, at the time of writing the UN Independent Expert had not received any official information from the authorities on the prosecution of these cases.⁴ In addition, civil society organisations in Zambia have documented attacks and other violations of the rights of persons with albinism. Our review of various sources uncovered 29 reported cases in the country between 2014 and 2024 (see Annex One).

However, the organisation, Under the Same Sun, has reported 34 cases in the same period. Owing to the secretive nature of witchcraft-related attacks and the vulnerability and stigmatisation of persons with albinism, however, it is believed that many attacks remain undocumented and/or unreported.⁵

Only eight of the 29 cases uncovered by our research were reported to have resulted in convictions, including the conviction of one person who pleaded guilty. However, the research team was unable to obtain information confirming convictions in two of the five. The absence of publicly available information is highly concerning since justice must not only be done but be seen to be done.

There were 10 reported cases that occurred between January 2023 and March 2024, of which only four are known to have been brought before a court. They include:

- The attempted abduction of **FM**, a boy with albinism from Sefula school for the visually impaired in Mongu, Western Province – 12 suspects, including four teachers, a nurse, and a taxi driver, were reportedly arrested.⁶ According to the media and albinism groups that attended the trial, charges against five of the suspects were dropped, seven were tried and, of these, five were convicted of the attempt to traffic a child contrary to section 3A and 12 of the Anti-Human Trafficking Act (AHTA) No.11 of 2008 as amended by Act No. 16 of 2022,⁷ and the remaining two were acquitted. Sentencing was pending at the time of writing.

4 See communications from the UN Independent Expert on albinism to the government of Zambia at: spcommreports.ohchr.org, for which there are no written responses.

5 “Report of the Office of the United Nations High Commissioner for Human Rights on the attacks and discrimination against persons with albinism”, 12 September 2013, A/HRC/24/57, [ohchr.org](https://www.ohchr.org)

6 *Zambian Observer*, “Police arrest 12 people for planning to sell a person living with albinism”, 6 February 2023, [zambianobserver.com](https://www.zambianobserver.com); *Zambian Observer*, “7 out of 12 suspects in failed albino juvenile trafficking case rearrested after case withdrawal by state”, 18 February 2024, [zambianobserver.com](https://www.zambianobserver.com)

7 *Ibid*; Barotseland Broadcasting Network, “Mongu court acquits two people in the albino trafficking case”, 2 June 2024, [facebook.com](https://www.facebook.com)

- The suspected attempted abduction of **MM**, a woman with albinism in Lundazi district – according to information received from albinism groups, on 9 November 2023 two men tried to lure **MM** from her home at 1:38am. One of the men identified himself as Mr Mwale from Kapichila, with whom she is acquainted. The men eventually left around 2:10am when she told them that she was going to call for help. Her husband, who also had albinism, had previously been abducted and murdered leading **MM** to suspect that the men intended to abduct her also. The suspect calling himself Mr Mwale was arrested, confessed to being at **MM**'s house in the early hours of the morning, was charged with criminal trespass and sentenced to six months' imprisonment.

- The attempted trafficking of **CB**, a man with albinism on 18 July 2023 – the suspected perpetrator, Paul Banda, was arrested after he reportedly attempted to sell human hair to an undercover police officer, after which he took the officer to the body of a man with albinism along the Musadwe stream, near Nkungulu Two village in Katete, Eastern Province. The arrest was reportedly carried out during a combined police operation in Katete and Chadiza. Paul Banda appeared before a magistrates court in Eastern Province in August 2023, but the case was referred to a high court due to the subordinate court's lack of jurisdiction.⁸ No further information was available at the time of writing.

- The attempted trafficking of **TA**, a woman with albinism, from Mozambique into Zambia – according to media reports and albinism groups, in March 2024, seven men appeared in a Lusaka magistrates court in connection with the attempted trafficking of **TA**. They were reportedly charged with two counts of conduct facilitating trafficking in persons and prohibition of trafficking in persons, contrary to section 3(1) of the AHTA Number 11 of 2018. Patson Tembo, one of the accused, reportedly pleaded guilty and was convicted⁹ while the other men awaited trial. No further information was available at the time of writing.

⁸ Eastern Province Provincial Administration, "Man appears in court for alleged murder of a person living with albinism", 23 August 2023, eas.gov.zm; and Mafken FM Newsroom, "Katete man arrested for murdering and attempting to sell corpse of an albino for K1 million", 23 July 2023, mafken.fm

⁹ Zambia Daily Mail, "I sold albino woman for K100m", 25 March 2024, daily-mail.co.zm; Mwebantu, 25 March 2024, facebook.com

2.2 Violations of economic, social, and cultural rights

12 months ago, I stood at the funeral of Joseph, a great servant of God who lost his battle to skin cancer. Yesterday, I attended the funeral of his younger brother, another young life taken by this relentless disease at just 32 years old... I'm heartbroken because the government continues to procure poor quality sunscreen. Even this subpar sunscreen is distributed unevenly, often to those who don't need it most.
[Representative of an albinism group, 2024]

Due to visual impairment and vulnerability to skin damage from the sun, including high susceptibility to skin cancer, persons with albinism are considered persons with disabilities.¹⁰ The false beliefs about albinism and the lack of understanding of the human rights-based approach to disability, which requires states to remove barriers preventing the full and equal enjoyment of human rights, have led to intentional and unintentional violations of the ESC rights of persons with albinism.

Persons with albinism in Zambia, for example, do not have access to the reasonable accommodations and

assistive devices to which they are entitled, and which would enable them to fully enjoy their rights to education and employment, among other rights. Such reasonable accommodations in places of learning include being enabled to sit near the board, extra time during exams, and ensuring that outdoor activities take place when it is cooler. Magnifiers, glasses, and high contrast large print documents are types of assistive devices required by persons with albinism. They are essential for ensuring the rights to employment, education, and other rights. In addition, sunscreen is an essential drug for the protection of the right to life.

¹⁰ Z v. Tanzania, 15 October 2019, CRPD/C/22/D/24/2014, paragraph 7.3, [worldcourts.com](https://www.worldcourts.com) and Report of the Independent Expert, "Applicable international human rights standards and related obligations addressing the issues faced by persons with albinism", 14 July 2017, A/72/131, [ohchr.org](https://www.ohchr.org)

Reports indicate that a large number of children with albinism in Zambia attend segregated schools for children with visual impairments due to a lack of reasonable accommodations and assistive devices, and the high levels of stigma and discrimination they face in mainstream schools. This discrimination leads to depression, demotivation, and isolation and contributes to a pattern of low school attendance and high dropout rates. The literacy rate for persons with albinism in 2019 was reportedly 66% compared to the national average of 92%. In the employment sector, persons with albinism face discrimination, unaccommodating work environments, and fear of attacks. Thus, about 46% of working-age persons with albinism are self-employed.¹¹

The belief that spots are a natural part of albinism has led to delayed skin cancer diagnoses, in some cases proving fatal; with some getting a skin cancer diagnosis only after wounds have developed. For example, in 2018, **DC** (then 13 years old then) and **GT** (then 21 years old) were diagnosed with skin

cancer after they had developed cancerous wounds. They only became aware of the need for sunscreen at the hospital after the diagnosis. Although there are some efforts to provide free sunscreen to those with albinism, including by the Zambia Agency for Persons with Disabilities (ZAPD), many organisations said that it remains difficult to obtain and is sometimes out of date or in insufficient quantity on delivery. One organisation highlighted that, while sunscreen provision has improved over the years, the authorities continue to provide sunscreen below SPF50+ as recommended by the UN Independent Expert. Furthermore, it expressed that many persons with albinism, particularly in rural areas, are unaware that sunscreen can be obtained at district health offices and it therefore goes to waste. The organisation highlighted the need to increase awareness of its availability for those with albinism. While statistics are not available, all albinism groups in the country stated that a number of their members had been diagnosed with skin cancer and that accessing healthcare for them is a challenge.

11 Albinism Foundation of Zambia, Zambia Albinism Matters Organization and Under the Same Sun, “The situation of persons with albinism in Zambia: A report to the Committee on the Elimination of All Forms of Racial Discrimination”, April 2019, 7, [INT CERD NGO ZMB 34610 E.pdf](#); Ikponwosa Ero et al., “People with albinism worldwide: A human rights perspective”, 13 June 2021, an extended version of the report: Albinism Worldwide (Report number: A/74/190) 58, 65), [ohchr.org](#)

HUMAN RIGHTS FRAMEWORKS FOR PROTECTING PERSONS WITH ALBINISM

Zambia is a dualist state. Consequently, ratified international human rights instruments must be incorporated into national legislation before they can be enforced within the country's legal system. However, even without such incorporation, Zambia should respect the rights contained in the instruments which it has ratified. It also has the obligation to respect, protect and promote the provisions of the Universal Declaration of Human Rights (UDHR) which has the status of international customary law.

3.1 Laws and standards for protecting civil and political rights

Attacks against persons with albinism constitute a violation of the right to equality and non-discrimination as they are carried out due to their different appearance, specifically skin colour. Such attacks therefore constitute racial discrimination on the basis of colour. In addition, they constitute



discrimination based on disability. The Convention on the Rights of Persons with Disabilities (CRPD) does not define disability, but states that it, “results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.”¹² The CRPD Committee has stated that those with albinism fall within the category of persons with disabilities due to, “[l]ack of melanin in the eyes [which] results in high sensitivity to bright light and significant vision impairment”, and “vulnerability to skin cancer, which remains a life-threatening condition for most persons with albinism.”¹³

Therefore relevant provisions of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD), and CRPD are applicable to persons with albinism.

Depending on the way they are carried out, attacks may also constitute a violation of the right to liberty, bodily integrity, and – where the attack results in death – the

right to life. Where no or insufficient action is taken to bring perpetrators of such attacks to justice, this constitutes a violation of the right to an effective remedy. It has further been shown that where states are unwilling or unable to take appropriate actions against persistent attacks in their countries, they may be seen as acquiescing to the attacks and therefore such attacks can be seen as a violation of the right to freedom from cruel, inhuman and degrading treatment, or torture.¹⁴ Furthermore, some attacks are carried out in a way which constitutes trafficking and therefore violate the right to be free from trafficking and exploitation.¹⁵

The rights to equality and non-discrimination, liberty, bodily integrity, life, an effective remedy, as well as freedom from torture, cruel, inhuman and/or degrading treatment are protected under international customary law in articles 1, 2, 3, 5 and 8 of the UDHR. They are also protected under the International Covenant on Civil and Political Rights (ICCPR), the UN Convention on

¹² Preamble (e) of the CRPD.

¹³ *Z v. Tanzania*, CRPD/C/22/D/24/2014, paragraph 7.3.

¹⁴ Applicable international human rights standards and related obligations addressing the issues faced by persons with albinism, paragraphs 33–36. See also Committee against Torture, concluding observations on the second periodic report of Burundi, 28 November 2014, CAT/C/BDI/CO/2; Committee on the Rights of the Child, Concluding observations on the second periodic report of the Central African Republic, 8 March 2017, CRC/C/CAF/CO/2.

¹⁵ Report of the UN Independent Expert on albinism, “Applicable international human rights standards and related obligations addressing the issues faced by persons with albinism”, 14 July 2017, A/72/131, ohchr.org

the Rights of the Child (CRC), ICERD, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), CRPD, the African Charter on Human and Peoples' Rights (African Charter), the African Charter on the Rights and Welfare of the Child (African Children's Charter), and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), all of which Zambia has ratified. The right to be free from trafficking and exploitation is also contained in the Protocol to Suppress and Prevent the Trafficking in Persons, the CRC, CEDAW, the Protocol on the Rights of the Child in Africa, and the Maputo Protocol.

At the national level, the Constitution of Zambia¹⁶ articles 11, 23, 13, 15, 12, 28 and 15 respectively enshrine the rights to equality and non-discrimination, liberty, bodily integrity, life, and effective remedy, as well as freedom from torture, cruel, inhuman and/or degrading treatment. The spirit of the CEDAW finds expression within the legal

framework via the Anti-Gender Based Violence Act No. 1 of 2011 (Anti-GBV Act) as far as eliminating discrimination against women is concerned.¹⁷ The purpose of the Anti-GBV Act is to protect victims of gender-based violence, most of whom in the context of Zambia, are women.¹⁸ Parts of the CRPD, in turn, have been incorporated into Zambian law through the Persons with Disabilities Act (PDA) No. 6 of 2012 (PDA). Section 4 of the PDA provides for the right to equality and non-discrimination, right to life and to bodily integrity; while section 6 expressly prohibits exploitation and subjection of persons with disabilities to violence or degrading treatment, including the use of derogatory names due to their disability.

Furthermore, the prohibition against trafficking finds its expression in the AHTA¹⁹ and its subsequent amendment.²⁰ Section 3(1) of the AHTA provides for sentencing of between 25 years and life imprisonment for the crime of trafficking in persons, with varying penalties for different trafficking scenarios. For instance,

¹⁶ The Constitution of Zambia, Chapter 1 of the Laws of Zambia.

¹⁷ See parts II, III, IV AND VII, Anti-GBV Act No 1 of 2011.

¹⁸ Zambia Police Victim Support Unit, "Victim Support Unit 2022 annual GBV data analysis", 2022, gender.gov.zm

¹⁹ AHTA No. 11 of 2008.

²⁰ Anti-Human Trafficking (Amendment) Act No. 16 of 2022.

trafficking for the purpose of harvesting organs carries a prison sentence ranging from 25 to 35 years. Additionally, section 3A mandates a minimum prison sentence of 30 years, including the possibility of life imprisonment, for the trafficking of children. Where the offender is a parent or guardian to the trafficked person, it provides for a sentence of no less than 30 years' imprisonment and a possibility of life imprisonment.

If the trafficking results in the death of the child, the offender is liable to imprisonment for a term of not less than 35 years and may be imprisoned for life.²¹ It provides for offences relating to facilitating trafficking, which carries the same penalty as actual trafficking.²² Importantly, the AHTA classifies the removal of body parts (and not just organs) as exploitation and therefore within the definition of human trafficking.²³

A crucial piece of legislation for ensuring the protection of rights in relation to attacks against persons with albinism is the Penal Code Act (PCA). While it contains no provisions specifically mentioning attacks against persons with albinism, it has several general provisions that may be relied upon to prosecute perpetrators of such attacks. Among these are:

- Section 130 which criminalises trespassing in places set apart for the performance of funeral rites or those that are a depository for the remains of the dead. It also criminalises offering any indignity to any human corpse. This crime can be used in cases of desecration of graves for the purposes of taking the body parts of persons with albinism for which the punishment is imprisonment for a term not exceeding two years, a fine, or both.
- Section 171 (child stealing) prohibits the forcible or fraudulent taking or enticing away, or detention of, a child from their parent or lawful guardian. It further proscribes receiving or harbouring a child, “knowing it to have been so taken or enticed away or detained”. This can be used in relation to the trafficking of a child with albinism. It is punishable by up to 14 years' imprisonment.

²¹ Anti-Human Trafficking (Amendment) Act No. 16 of 2022, section 3A.

²² Ibid, section 7.

²³ Ibid, section 2.

- Sections 199-202 and section 206 criminalise the intentional or negligent causing of death of another, including that of a child, as well as murder. Attacks against persons with albinism resulting in death can be punished under these sections. The punishment for murder was death until 23 December 2022 when an amendment was enacted to abolish the death penalty. Thus, offences punishable by death before this date are now punishable by life imprisonment.²⁴
- Sections 215-219 cover acts connected with murder such as attempted murder, conspiracy, accessory after the fact to murder, and written death threats. These crimes carry sentences of life imprisonment, 14 years, seven years, and seven years' imprisonment, respectfully.
- Section 224 proscribes the intentional maiming, disfigurement or disabling of any person, among other things, for which life imprisonment is the maximum sentence.
- Section 248 provides for the offence of assault occasioning actual bodily harm with a penalty of five years' imprisonment.
- Sections 251-260 cover various forms of kidnapping and abduction, including the kidnapping or abduction of adults and children, with various intents such as to murder, with intent to confine, to subject someone to grievous harm, as well as wrongful confinement. The penalties under these sections range from a fine to a prison term of between one and 10 years. These sections can also be used in relation to the trafficking of persons with albinism.

Another piece of legislation that could be used in relation to desecrations of graves is the Public Health Act (PHA). Section 93 prohibits the exhumation of bodies in a cemetery or burial site without obtaining a permit which can only be issued to the personal representative, the deceased's next of kin, or their duly authorised agent. A monetary penalty

²⁴ Penal Code (Amendment) Act No. 23 of 2022.

not exceeding 2,250 “penalty units”²⁵ (equivalent to USD 26) is stipulated. In addition, section 9 of the Witchcraft Act provides that:

“Whoever, on the advice of any person pretending to have the knowledge of witchcraft or any non-natural processes or in the exercise of witchcraft or of any non-natural means, shall use or put into operation such means or processes as he may have been advised or may believe to be calculated to injure any person or any property shall be liable upon conviction to the punishments provided under section 4.”

Section 4 stipulates a penalty of up to 1,500 penalty units (approximately USD 17), or a maximum two year prison sentence, or both, for individuals found guilty of unlawfully maiming or wounding another person. In addition, section 11(1) of the Witchcraft Act prohibits the production of charms, which is the motivating factor for attacks against persons with albinism. The section provides:

“11. (1) Any person who collects, makes, sells or uses or assists or takes part in collecting, selling, marking or using any charm or poison or thing which he intends for use either by himself or by some other person for the purpose of any act punishable by this Act shall be liable upon conviction to a fine not exceeding two hundred penalty units or to imprisonment with or without hard labour for any term not exceeding one year, or to both.”

The section goes on to further prohibit the possession of such charms:

“11(2) Any person who has in his possession any charm or poison or thing which he intends for use either by himself or by some other person for the purpose of any act punishable by this Act shall be liable upon conviction to a fine of not more than one hundred penalty units or to imprisonment with or without hard labour for any term not exceeding six months, or to both.”

²⁵ Penalty units are equivalent to a certain monetary value as determined by the Fees and Finance Act, zambialii.org

Persons with albinism are also often subjected to verbal abuse which in some circumstances may amount to hate speech.²⁶ In relation to cases of online hate speech against persons with albinism, the following provisions of the Cyber Security and Cyber Crimes Act (CSCCA)²⁷ might be applicable:

- Section 2 defines hate speech and conduct as, “*verbal or non verbal communication, action, material whether video, audio, streaming or written, that involves hostility or segregation directed towards an individual or particular social groups on grounds of... disability, colour... health status and economic status, culture... belief, conscience, origin.*” It provides for a penalty of a fine not exceeding 500,000 penalty units (USD 5,770) or imprisonment for a period not exceeding two years, or both.
- Section 69 criminalises the use of computer systems to transmit electronic communication to coerce, intimidate, harass, or emotionally distress a person. A person who contravenes this section is liable, on conviction, to a fine not exceeding 500,000 penalty units or to imprisonment for a period not exceeding five years, or both.

While the CSCCA covers hate speech transmitted through cyberspace, it is not clear whether there are any laws that can be used to respond to hate crimes against persons with albinism that are not communicated or perpetrated online. It is worth noting though that section 6(3) of the PDA does prohibit the use of derogatory names against anyone on the basis of their disability, which may be considered a form of hate speech.²⁸

²⁶ See UN Independent Expert on albinism, “Thematic report: Harmful practices and hate crimes targeting persons with albinism”, 4 January 2022, A/HRC/49/56, [ohchr.org](https://www.ohchr.org)

²⁷ CSCCA No. 2 of 2021, parliament.gov.zm

²⁸ See UN Independent Expert on albinism, “Thematic report: Harmful practices and hate crimes targeting persons with albinism”, 4 January 2022, A/HRC/49/56, [ohchr.org](https://www.ohchr.org)



3.2 Laws and standards for protecting economic, social, and cultural rights

The failure to provide reasonable accommodations and assistive devices, as well as attitudinal barriers preventing persons with albinism from accessing education, employment, and healthcare, constitute a violation of the right to equality and non-discrimination, which is also recognised by national and international laws protecting ESC rights. This failure may further result in a violation of the right to health, education, employment, an adequate standard of living, and other ESC rights. These rights are protected under international customary law through articles 1, 2, 25, 26, and 23 of the UDHR. They are further enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), CRC, CEDAW, CRPD, the African Charter, African Children’s Charter, and the Maputo Protocol, all of which Zambia has ratified.

At the national level, under the 1996 Constitution, ESC rights were recognised as Directive Principles of State Policy²⁹ and based on this, they have been held not to be justiciable in Zambia.³⁰ In 2016, the Constitution was amended. The Constitution of Zambia Amendment Bill of 2016 stated that the objective of the amendment included to, “Revise the Bill of Rights

²⁹ Article 112 of the Constitution of Zambia 1996 (as amended by Act No. 18 of 1996), aceproject.org

³⁰ Mwanza and other v. the Attorney General, in the High Court of Zambia, 2011/HP/0719.

to include civil, political, economic, social, cultural, environmental, further and special rights.”³¹ Under this amendment, ESC rights are enshrined in articles 39-45, while further and special rights, including the rights of persons with disabilities, are enshrined in articles 46-56. To incorporate these ESC rights into the Bill of Rights, a referendum was held during the 2016 general elections, but the required 50% threshold was not met.³² Thus, the Bill of Rights in force in Zambia remains that which is under Part III of the 1991 Constitution. Therefore, ESC rights are not justiciable in Zambia. In the absence of the amended Bill of Rights it is worth noting the Supreme Court’s position in the case of *Mwanza and Beene v. the Attorney General* in 2019 which held that ESC rights could be enforced through other justiciable rights, such as the right to life and the right not to be subjected to cruel, inhuman or degrading treatment.³³ It is also essential to note that the courts have further made it clear that directive principles (which appear under the 2016 constitutional amendment as national values, principles, and economic policies) require the state to develop policies to address these having due regard to the budget.³⁴ Consequently, the state cannot simply refuse to enforce these without showing reasonable budgetary constraints.

Furthermore, as the PDA’s definition of disability aligns closely with that of the CRPD, albinism is considered a disability in Zambia and ESC rights of persons with albinism are protected under the PDA. Part V of the PDA provides for the promotion and protection of the rights of persons with disabilities and includes measures to be taken in relation to education, health, employment, and social protection.

Another piece of legislation that could be used for the protection of ESC rights of persons with albinism is the Children’s Code Act, the principal legislation governing the rights of children

³¹ The Constitution of Zambia Amendment Bill of 2016, parliament.gov.zm

³² Ibid.

³³ *George Peter Mwanza and Melvin Beene v Attorney General* Appeal No. 153/2016 SC Selected Judgment No. 33 of 2019, southernafricalitigationcentre.org

³⁴ *Mwanza and other v. the Attorney General*, In the High Court of Zambia, 2011/HP/0719.

(persons of 18 years and below). It provides for ESC rights of children such as the right to education, healthcare, parental care, survival and development, social protection and social services.³⁵ This Act was used in 2023 to bring an action alleging a violation of the right to education of University of Zambia students of 18 years and below.³⁶ While this action was not brought to enforce the right to education of children with disabilities, it serves as a demonstration of the need for strategy aimed at litigating for the protection, promotion and fulfilment of the right to education. The Education Act also provides for the right of every child to free basic education. However, the rights to childhood care, development and education, basic education, and adult literacy education must be in compliance with the Constitution.³⁷

3.3 Laws and standards on the right of access to justice

The right of access to justice is encompassed within the right to an effective remedy and to equality before the law. These are contained in various articles in the UDHR, ICCPR, African Charter, Maputo Protocol, and CRPD.³⁸ The right of access to justice means that one has the right to have their claim determined by a competent judicial, administrative or legislative authority, or any other competent authority, and to receive a remedy where such rights have been found to be violated. An effective remedy must include the end of the violation of rights and redress for the victim. To ensure redress, international human rights laws and standards require states to bring those responsible for human rights violations to account by investigating, prosecuting, and punishing such offences and offering reparation to victims. Types of reparations include restitution, compensation, rehabilitation, and the guarantee of non-repetition.

³⁵ The Children's Code Act No 12 of 2022, sections 10,11,9,4 and 12.

³⁶ Sidney Mutale Nkole v The Council of the University of Zambia, Higher Education Authority and the Law Association of Zambia, 2023/HPF/206.

³⁷ The Education Act No 6 of 2011, sections 14 and 15.

³⁸ UDHR, Article 8; ICCPR, Article 3 (a); African Charter, Article 3; Maputo Protocol, Articles 8 and 25, and CRPD, Article 13.

Several international human rights standards provide further measures to ensure access to justice for victims of human rights violations. They include:

- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UNGA A/RES/40/34(1985)
- UN Principles on the Effective Prevention and Investigation of Extra-Legal, Summary and Arbitrary Executions, ESC Res 1989/65 of 24 May 1989
- Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UNGA A/RES/60/147 (2005)
- African Commission's Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, DOC/OS (xxx) 247 (2001)
- The Minnesota Protocol on The Investigation of Potentially Unlawful Death (2016), The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions

At the national level, the Criminal Procedure Act³⁹ provides for the process that must be followed to ensure access to justice for victims of crimes. It includes provisions around sentencing, compensation and damages. The Evidence Act⁴⁰ and the Legal Aid Act,⁴¹ the latter of which provides for access to legal aid for accused people in criminal proceedings and parties in civil proceedings, also deserve mention at the national level as legislation for the promotion of access to justice.

39 The Criminal Procedure Act Chapter 88.

40 The Evidence Act, Chapter 43.

41 The Legal Aid Act, Chapter 34.

BARRIERS TO ACCESSING JUSTICE FOR PERSONS WITH ALBINISM

As mentioned earlier, when an attack occurs, the perpetrators must be held accountable, and the victims must be able to obtain redress. Similarly, when someone with albinism is unfairly discriminated against in the process of exercising his/her rights to health, education, employment, or any other ESC rights, there must be systems and structures in place to ensure that such a person is able to obtain a remedy for the violation of their human rights. In relation to this, the UN Committee on ESC Rights has stated, “the enjoyment of the rights recognised, without discrimination, will often be appropriately promoted, in part, through the provision of judicial or other effective remedies.”⁴² However, persons with albinism face both attitudinal as well as structural barriers in obtaining justice for both physical attacks and violations of ESC rights.

⁴² UN Office of the High Commissioner for Human Rights, paragraph 5, “General Comment No. 3: The nature of States parties’ obligations”, (article 2, paragraph 1, of the Covenant).

4.1 Attitudinal barriers

When she's going to school, people throw stones at her. Others call her "sample", meaning her body parts can be sold and earn a person money.

[Mother of a person with albinism, Katete]

Attitudinal barriers are pervasive negative perceptions and value systems that focus on what makes one person different from another, rather than on the inherent dignity of the person, his or her abilities and other valued characteristics.⁴³ In this context, attitudinal barriers refer to impediments to accessing justice due to the beliefs and perceptions held by persons in structures pertinent to the access of justice for persons with albinism. They include the police, the National Prosecution Authority, lawyers, judges and even family members.

The community

The attitudes of community members may discourage persons with albinism from bringing cases against their attackers. Community members and the families of persons with albinism may, based on negative attitudes, beliefs and experiences, discourage persons with albinism from reporting violations of their rights to the police. Support and encouragement from the community and families are crucial in determining whether the person with albinism who has suffered violence will report it to the police where there has been a non-fatal attack. The attitudes held by family and community members also determine whether they themselves report a violation of the rights of a person with albinism where the incident proved fatal. Lastly, their attitudes also have an impact on the strength of the case where one or more relatives may have witnessed the incident or have information important for the identification or apprehension of the offender(s). This applies both to

⁴³ UN Independent Expert on albinism, "Addressing attitudinal barriers experienced by persons with albinism, Report of the UN Independent Expert on the enjoyment of human rights by persons with albinism", 16 July 2021, A/76/166, docs.un.org

cases before the courts, and quasi-judicial bodies such as Zambia's Human Rights Commission (HRC) and ZAPD.

This study identified cases where persons with albinism were discouraged from pursuing cases against their attackers by family members and/or the wider community as in the case of the attempted abduction of **MM**. It was difficult to ascertain, within the limitations of this study, whether these apparent attitudinal barriers were due to attitudes about albinism or a general aversion to the pursuance of legal cases against community members. Whatever the case, the attitudes of the community in dissuading individuals from instituting cases constitute an obstacle to accessing justice and may amount to the crime of “conspiracy to defeat justice and interference with witnesses”.⁴⁴

Agents of the criminal justice system

I also remember when [we] had engagement meetings with Zambia police, a funny comment came from one of the police officers where he was asking us that are we really sure body parts of [persons with albinism] cannot make somebody rich? He kept on asking us this question and at the end after the meeting he said that we really need to prove that body parts of PWA cannot be used for rituals.

[Representative of an albinism group, 2024]

As noted by the UN Independent Expert, agents of the justice sector are also members of the community.⁴⁵ As such, they often hold the same false beliefs and misconceptions about persons with albinism which may lead to negative attitudes, including that persons with albinism are less credible witnesses, an attitude that colours their approach at all stages of the legal process.⁴⁶ In fact, information regarding the failure to progress cases and/or allegedly interview suspected perpetrators of attacks raises

⁴⁴ Section 112 of the PCA.

⁴⁵ UN Independent Expert on albinism, “Right to access to justice for persons with albinism”, 15 January 2019, A/HRC/40/62, [ohchr.org](https://www.ohchr.org)

⁴⁶ United Nations, Division for Social Policy Development, “Toolkit on Disability for Africa: Access to justice for persons with disabilities”, 6 February 2017, [un.org](https://www.un.org)

concerns regarding the impact of these barriers on complainants. According to information gathered during this research relating to at least one case for example, the perpetrators were not brought in for questioning even though they are known to the family members. Nor were the family members who witnessed the crime called to give evidence in court.

4.2 Structural barriers

Structural barriers relate to laws, policies, practices, and norms which prevent, in this context, persons with albinism from effectively accessing justice. This study identified structural barriers related to inadequate laws, opaque and ineffective investigations and prosecution processes, inaccessible formats for information, as well as the inaccessibility of buildings like courts and police stations.

Inadequate laws to ensure justice for attacks

To ensure effective access to justice, it is essential that appropriate laws are in place, which provide sanctions that are commensurate with the seriousness of the crime. Furthermore, such laws must cover all actions taken in the preparation and execution of a crime, and should include attempts to commit a crime, as well as any assistance given before, during, and after the commission of the crime by a third party with the intention to assist the person committing the crime.⁴⁷

Failure to criminalise possession or use of body parts

While there are laws in Zambia that can be used in relation to such attacks, the research revealed at least one legal gap which has resulted in individuals in at least one case evading punishment. Specifically, there is no provision which criminalises being in possession of body parts belonging to a person with albinism.

⁴⁷ United Nations Human Rights Special Rapporteur, "International principles and guidelines on access to justice for persons with disabilities", 24, [ohchr.org](https://www.ohchr.org/); Ikponwosa Ero et al., "People with albinism worldwide: A human rights perspective", an extended version of the report: Albinism worldwide (Report number: A/74/190) 42-43, 93; UDHR, Article 8; ICCPR, Article 3 (a); African Charter, Article 3; the Maputo Protocol, Articles 8 and 25, CRPD, Article 13; and ICERD, Article 15.

Additionally, there is apparently no law that prohibits witchdoctors and traditional healers from using human body parts, including hair or nails, whether from a living or deceased person. The barriers created by this legal gap are illustrated by the case of **EM**, which occurred in Lundazi district in the Eastern Province on 8 July 2019. After being persuaded by two individuals to leave his home, **EM**'s body was found with missing limbs. Following the discovery of his body, the body parts of a person with albinism were allegedly found with the two individuals. The matter was handed to the National Prosecuting Authority (NPA) and DNA samples were collected and sent to Lusaka for testing to verify whether the body parts matched **EM**'s DNA. However, following the apparent loss of the initial sample a new sample was acquired which also appeared to have been lost as was a third sample. The matter was followed up by the family and a local albinism organisation several times, but they received no updates. It was only during the launch of an earlier report on albinism that the family became aware that the authorities had dropped the case.⁴⁸

Failure to ensure sentences commensurate with the seriousness of the crime

As mentioned, the PCA, AHTA, PHA, PDA, the Witchcraft Act, and CSCCA all contain provisions that, if applied appropriately, can be used to prosecute cases of attacks against persons with albinism. However, a number of these provisions carry very lenient penalties. For example, the PCA provisions that penalise kidnapping and abduction, including with the intent to murder or cause grievous bodily harm, only carry penalties of between seven and 10 years' imprisonment. The provision of the Witchcraft Act that effectively penalises injuring another on the basis of advice from a witchdoctor carries a maximum penalty of a fine of only around USD 17, or imprisonment for a maximum of two years, or both. Given the serious nature of the attacks against persons with albinism, the financial incentive to carry out such attacks, and their prevalence in Zambia, these sentences are not commensurate with the crimes and do not provide sufficient deterrents.

⁴⁸ The People v Elizabeth Mvula and 3 Others 2019/HJ/85.

In addition, laws which could be used to punish those desecrating graves of persons with albinism for the purposes of taking their body parts carry a maximum sentence of two years' imprisonment, a fine, or both.⁴⁹ This may seem a small concern considering the crime is ostensibly carried out against someone who is already deceased; however, such desecrations of graves perpetuate the view that body parts of persons with albinism can provide some form of wealth or good luck. Desecrations of graves for such purposes therefore serve to perpetuate on-going attacks against those who are alive, particularly as some people wrongly believe that the "potions" (obtained from the victims) will be more potent if body parts are taken from a living person.⁵⁰ It is therefore in the public interest that these acts be discouraged with appropriately heavy sentencing.

Persons with albinism are targeted for attacks on the basis of their different colouring. This effectively constitutes racial discrimination based on colour and crimes against them may constitute hate crimes. The fact that a victim has albinism should therefore be considered an aggravating factor in sentencing for crimes against them.

Inadequate laws to ensure the protection and enforcement of ESC rights

The PDA provides protection for ESC rights of persons with albinism since albinism is a disability. However, the law is not clear on how these rights can be enforced. For example, section 6(3) (see above section 3.1) does not provide for a penalty for using derogatory terms to refer to persons with disabilities. Section 64 provides that ZAPD can request the Attorney General to take appropriate legal action where a group or individual is engaged in discriminatory practices, but this is only where "the discrimination is a significant and substantial infringement... and raises issues of public interest." What constitutes a significant and substantial infringement, or public interest, is not defined by the Act. Section 66 empowers the Minister of Community Development and Social Services to develop regulations to give better effect to the Act. However, no regulations

⁴⁹ PCA, Chapter 87 of the Laws of Zambia, section 87.

⁵⁰ UN Independent Expert on albinism, "Report of the Independent Expert on the enjoyment of human rights by persons with albinism: a preliminary survey on the root causes of attacks and discrimination against persons with albinism", 29 July 2016, paragraph 40, documents.un.org

have been made yet. Furthermore, the Act does not provide specific penalties for the violations of most of the rights it protects. Instead, section 65 provides a general penalty of a fine of up to 150,000 penalty units (USD 1,800 or K 45,000), a maximum of three years' imprisonment, or both.

Opaque and ineffective processes for the enforcement of rights

I tried to follow-up the case and managed to speak to the police officer in charge at Luano Valley where the same incident happened but I was told that they are not aware of the case and no one has reported a case of that nature. I also managed to speak to the victim but he seemed not to really know exactly where he reported that case. It's like he reported the case to a certain place which is not a police post but just an area where some few police officers are found. However, I told the victim to share with me the contact of one of the police officers where he reported that case but again, he seemed not to know about it. (Member of local albinism group)⁵¹

The Constitution⁵² and the Zambia Police Act⁵³ provide that every police officer has a duty to, among other things, protect life and ensure security of the people, prevent the commission of offences, and detect and bring offenders to justice. The NPA website provides that when a crime is reported a docket must be opened and the investigator should seek to obtain information through speaking to witnesses; and that s/he should keep the victim updated throughout the process.⁵⁴ Once an investigation is complete, the docket is handed over to the NPA which then decides on whether to prosecute and what charges to bring against the accused. The decision to prosecute depends on whether the Director of Public Prosecutions (DPP) believes there is sufficient evidence to convict and whether it is in the public interest to prosecute.

⁵¹ Case of JS in Annex.

⁵² The Constitution of Zambia (Amendment) Act, No. 2 of 2016, Article 193 (2).

⁵³ Zambia Police Act, Chapter 107 of the Laws of Zambia, section 14(3).

⁵⁴ NPA, npa.gov.zm

Despite the prevalence of attacks against persons with albinism in the country, the research carried out indicates that most of these attacks are not prosecuted. Members of the justice sector who attended the roundtable discussion stated that the rarity of investigations or prosecutions is due to:

- Lack of witnesses or cooperation by witnesses;
- Lack of a report by family members or victims regarding the attack to initiate investigations; and/or
- Lack of sufficient evidence to prosecute.

On the other hand, albinism groups and families of victims raised the following counter-concerns:

- Cases are not officially registered by the police (i.e. a docket is not opened) even when reported, resulting in a lack of investigations. This was the situation in the case of JS who was reportedly attacked by four men and reported the case to a group of police officers at a police post believing he had officially reported it. It later transpired that this was not considered an official police report, although the officers had apparently heard his case and not informed him of any further steps he should take, leading him to believe they would investigate.
- Police do not always call upon witnesses who are willing to cooperate.
- Families of victims are rarely updated on the progress of cases and may not even be notified of trial dates or NPA decisions not to prosecute. In the case of **EM** (see above) for example, the family were only made aware during the launch of a report on albinism that the NPA had ceased to investigate **EM**'s murder and had released the accused. The apparent lack of information in relation to other cases that occurred several years ago also raises questions as to whether these too have been dropped without any information being provided.

Another concern identified by the research team in relation to the investigation and prosecution of cases was the apparent inadequate case file management systems. In at least one instance, when the research team attempted to obtain information regarding a case, they were directed to the original officer handling the case who had since been transferred and was unable to provide information, stating that he could not locate the police case file. Most police stations do not have digitalised case file management systems, making accessing information on cases challenging. The failure to investigate and prosecute such cases is aggravated by the apparent lack of accountability or monitoring mechanisms which would ensure that reports received are properly investigated and handed over to NPA.

The research team was also concerned that the NPA appeared to bring minor charges against perpetrators resulting in very lenient sentences for those cases that reached sentencing. For

example, in what appeared to be the attempted abduction of **MM**, the NPA opted to charge the accused with trespassing for which the court sentenced him to six months' imprisonment. It is worth noting that **MM** is the widow of **EM** (see above). When asked why – given the context of attacks against persons with albinism in Zambia – a charge carrying a more severe penalty was not used, or at the very least an alternative charge of attempted “assault occasioning actual bodily harm”, the authorities responded that intent is hard to prove and was unlikely to be upheld in court.

International human rights laws and standards, like Zambian law, require a thorough, prompt and impartial investigation be conducted into all cases of unlawful killings.⁵⁵ States are required to investigate as soon as they are aware of a potential unlawful killing even if they have not received an official report.⁵⁶ Such an investigation requires not only questioning of witnesses, but also “an adequate autopsy, collection and analysis of all physical and documentary

⁵⁵ Paragraph 9 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989 1; and Article 3(b) of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

⁵⁶ Paragraph 15 of The Minnesota Protocol on The Investigation of Potentially Unlawful Death (2016), The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

evidence”.⁵⁷ They further require states to protect complainants and witnesses from violence, threats of violence, or any other form of intimidation, as well as to ensure families of the deceased and those who are victims of grave human rights violations, such as mutilations, are informed of the progress of the investigations.⁵⁸ Importantly, international human rights standards make it clear that authorities cannot simply drop an investigation without providing information on the findings. Such information should be made publicly available and should include the scope of the inquiry,

procedures and methods used to evaluate evidence; the applicable law; detailed information on the specific events that were found to have occurred; the evidence upon which such findings were based; as well as the names of witnesses who testified, with the exception of those whose identities have been withheld for their own protection.⁵⁹ However, this has not been the case in Zambia. At the very least, the lack of information in relation to the progress of cases violates international human rights laws and standards relating to the right of access to information and justice.

4.3 Knowledge barriers

I didn't know I had rights when it comes to accessing justice. I always felt powerless and didn't know where to run when faced with discrimination.

(Albinism and Rights in Zambia, Masauso Chirwa et al., 2024)

During the various activities organised to gather information for this report, representatives of the police, NPA, judiciary, civil society organisations, and lawyers expressed their lack of knowledge regarding albinism and the fact that it is considered a disability, the visual and

⁵⁷ Paragraph 9 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989 1.

⁵⁸ Paragraph 15 and 16 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, paragraph 35 of the Minnesota Protocol.

⁵⁹ Ibid, paragraph 17.

skin impairments associated with the condition, as well as the specific needs of persons with albinism. One member of the judiciary effectively illustrated the impact of this knowledge gap on access to justice by confessing that s/he had once assumed a person with albinism was being untruthful because they stated that they could not see something which the judge felt was in proximity.

In turn, members of the albinism community expressed a lack of sufficient knowledge of their rights, judicial procedures for enforcing their rights, and getting access to justice in relation to attacks, as well as relevant processes for raising cases through ZAPD and the HRC. As a result, a number of cases are not reported to the authorities and therefore not investigated or prosecuted.

4.4. Inaccessible justice systems

Inaccessible written formats

Access to information is crucial to accessing justice for persons with albinism because they cannot seek redress for violations of their rights without knowing what those rights are, how to exercise them, and how to access the systems for redress. This information must not only be readily available but must be in an accessible format.⁶⁰ For a person with albinism this includes large print, high contrast documents (if in written format). Those unable to read will need audio format in a language they can understand.

The requirement for documents in a format that persons with albinism are able to read, in a practical sense would necessitate a change of procedures that determine the format. For example, Order 6 Rule 2 of the High Court Rules provides that every writ of summons shall be in the appropriate form as set out in the First Schedule (to the High Court Act) with such variations as circumstances may require.⁶¹ The First Schedule (Forms 2 and 3) provides a one-page template of a writ of summons. When filled

⁶⁰ United Nations Division for Social Policy Development, “Toolkit on Disability for Africa: Access to justice for persons with disabilities”, 7; Human Rights Council, “Right to access to justice for persons with albinism: Report of the Independent Expert on the enjoyment of human rights by persons with albinism”, 15 January 2019, A/HRC/40/62, 9-10, [ohchr.org](https://www.ohchr.org)

⁶¹ Chapter 27 of the Laws of Zambia.



Image © Kreative Kwame/Pexels

in with the necessary details, the writ takes up more than a page. To comply with the one-page requirement, the practice has been to print the document back-to-back which reduces the font size making it illegible without reading aids such as magnifying glasses for persons with low vision or other visual impairment.⁶² Processes for accessing information on cases at the courts are also complicated and expensive. For example, to find out about the progress of a case, one must go to court with a typed form known as a search form that provides details of the case such as the case number. In addition, there is a fee for that search, ranging from K11 to K50 (USD 0.40 to USD 1.87) depending on which court is hearing the case as well as the division of the court if it is before the High Court.⁶³ Article 9 of the PDA requires the justice sector to ensure reasonable accommodations are put in place for an arrested, detained and/or accused person with a disability but this does not specifically apply to other persons with disabilities who come into contact with the law, including victims of crimes. However, Article 8 does require the

⁶² For more examples, see Heidi Loening-Voysey, Michaela Pelser and Theresa Wilson, "Situational analysis of the rights of persons with disabilities in Zambia", UNICEF, November 2023, 27, unprpd.org

⁶³ The High Court Rules, Chapter 27 of the Laws of Zambia, Order 37 Rules 3 and 4; First Schedule, Forms 50-52.

judicature, but not other agents of the justice sector, to ensure effective legal protection and participation of persons with disabilities. In practice, the specific needs of persons with albinism who are victims of crimes are rarely taken into consideration.

Inaccessible buildings

Where measures are not taken to ensure persons with albinism can access buildings that house offices and systems such as police stations, NPA offices, and courts among others, access to justice will be impeded.⁶⁴ For persons with albinism, access means for example the display of larger signs,

In the roundtable discussion with actors of the justice sector, many admitted to being unaware of the specific needs of persons with albinism, resulting in the absence of reasonable accommodations.

and use of high contrast and tactile surfaces at police stations, the NPA and courts. The enjoyment of access also entails these institutions providing indoor or sheltered waiting areas to protect from exposure to sunlight that increases their risk of skin cancer.⁶⁵ This does not appear to be done in Zambia.

4.5 Financial barriers

There are also economic barriers for those interacting with the justice system. For instance, there is a fee of about USD 2 for a police report⁶⁶ which is required to obtain treatment and a medical report. Police and medical reports are ultimately required for the prosecution of cases. While the fee may seem minimal it is equivalent to one day's food for the relatively

poor and for those in extreme poverty to food for two days.⁶⁷

The cost of access to justice is increased not only by the requirement to move between the police station and the health centre for treatment and a medical report where required, but also the attendance of court sessions once trial begins; and the costs involved

⁶⁴ United Nations Division for Social Policy Development, "Toolkit on Disability for Africa: Access to justice for persons with disabilities", 7.

⁶⁵ Ibid.

⁶⁶ Zambia Police (fees) (Amendment) (No.2) Regulations 2022, Schedule 2.

⁶⁷ Habitat for Humanity, "Housing poverty in Zambia", [habitatforhumanity.org.uk](https://www.habitatforhumanity.org.uk)

in following up the case, including (as mentioned above) search fees to establish the status of the case. While all victims of attacks whose cases are being prosecuted go through the same process and therefore incur the same costs, the effect of the economic burden is compounded for persons with albinism because they are disproportionately affected by poverty.⁶⁸

Furthermore, while legal aid is available for civil matters, it is not available for victims in criminal matters. In such cases victims are dependent on the NPA to ensure

them justice. Legal aid can be available in relation to accessing justice for violations of ESC rights (by way of civil procedures) but only for cases that are deemed by the court to be in the interests of justice or where the case raises a point of law of public importance.⁶⁹ Even for civil matters, there are other costs. Legally aided persons in civil matters may be required to pay a consultation fee or contribute to the cost of the legal aid afforded to them. In addition, an amount may be deducted from damages, compensation, or settlements awarded to the legally aided person.⁷⁰

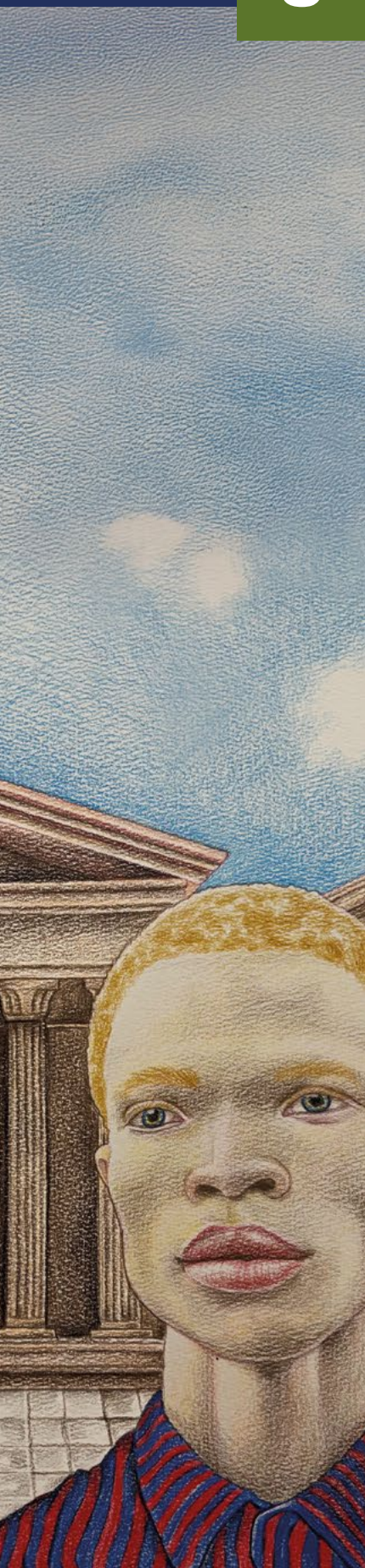
68 Women with albinism are affected disproportionately in comparison to men with the condition. See UN Independent Expert on albinism, “Women and children impacted by albinism”, 24 December 2019, A/HRC/43/42, [ohchr.org](https://www.ohchr.org)

69 Legal Aid Act No. 1 of 2021, sections 46 and 47.

70 Ibid, sections 50, 51 and 54.

CONCLUSION

This report shows how persons with albinism face a number of barriers in accessing justice for attacks and for the violation of their ESC rights in Zambia. The main barriers in the way of justice for persons with albinism appear to be: a lack of appropriate laws and procedures to respond to the unique nature of attacks against them; knowledge gaps about the condition of albinism; and a failure to ensure reasonable accommodations specific to the needs of persons with albinism in the justice system. Other barriers relate to opaque and ineffective investigative and prosecution processes; while financial barriers were also identified. However, it is worth noting that the latter concerns are also applicable to access to justice for other groups. While changes must be made to address the specific concerns of persons with albinism to ensure an effective response to attacks, it appears that a general overhaul of some of the aspects of the criminal justice system is also required. For example, concerns related to case file management, provision of information to victims and/or their families, the need for increased police investigative capacity, as well as police accountability, apply to other groups of people and may need to be addressed as part of a broader response to strengthening the justice sector in Zambia.



RECOMMENDATIONS

Following the research conducted and presented in this report, the recommendations below are proposed to enhance the accessibility and responsiveness of the justice system in Zambia to meet the legal needs of persons with albinism.

The Zambian government should:

- Ensure the domestication of relevant international and regional human rights instruments that it has already ratified into Zambian law to ensure their provisions are enforceable.
- Ratify and domesticate relevant international human rights treaties not yet ratified, including the Optional Protocol to the CRPD to facilitate individual complaints regarding the treatment of persons with albinism, as well as the African Disability Rights Protocol.
- Extend an official invitation to the UN Independent Expert on albinism to enable her to provide informed technical advice and assistance based on the realities of persons with albinism in the country.



- Ensure comprehensive data collection on the actual population of persons with albinism and disaggregate the data, including in the context of the justice system, to establish their categories and needs. Capture comprehensive data to inform targeted strategies, thereby determining the best approach.
- Develop a comprehensive and adequately budgeted National Action Plan on albinism based on the African Union Plan of Action for the eradication of attacks against persons with albinism to steer efforts towards enhancing the overall well-being and rights of persons with albinism in Zambia. Such a plan should be developed in a manner fully inclusive of albinism groups.
- Purposefully and intentionally commemorate June 13 – International Albinism Awareness Day – every year and implement other public awareness programmes that will help to counter attitudinal barriers to accessing justice.
- Undertake a comprehensive assessment to identify gaps within the existing laws and institutions which fuel the violation of rights of persons with albinism, with a view to ensuring the gaps are bridged within the current laws.
- Develop and implement programmes to address structural and institutional concerns contributing to ineffective investigations and prosecutions, including strengthening forensic investigation capacities, case file management systems, and police accountability.

- Implement training programmes and capacity-building initiatives to ensure that professionals working in the justice sector possess the necessary knowledge and skills to effectively address the needs of persons with albinism. Further implement programmes to educate the albinism community about the rights and legal avenues available for persons with albinism.
- Implement measures to ensure victims of attacks, including their family members where the victims are deceased, receive full remedies for violations, including rehabilitation and compensation, without them having to institute civil claims for such remedies.
- Consider utilising existing initiatives – such as the legal desks established by the Danish Institute for Human Rights and which provide legal aid to economically disadvantaged individuals, as well as one-stop centres aimed at providing comprehensive support to victims of gender-based violence – to bolster legal support and address cases of violence against persons with albinism within the judicial system.
- Ensure the inclusion of persons with albinism in social cash transfer programmes to alleviate economic hardships and address their specific needs.
- The police, NPA and the judiciary must ensure information, including regarding progress of cases, is provided in an accessible manner to persons with albinism or their family in the case of death or age of minority of the victim, as well as ensuring accessibility to buildings for all persons with albinism who interact with those bodies, not just those who are arrested, detained, and/or accused.

ANNEX 1: KNOWN CASES OF ATTACKS AGAINST PERSONS WITH ALBINISM IN ZAMBIA 2014 – 2024

As noted in the report, accessing information regarding the follow-up on cases of attacks against persons with albinism in Zambia has proven challenging for various reasons. However, the table below presents cases that the research team is aware of, obtained from various media sources, as well as from albinism groups on the ground.

1

2014

Known facts of case: **SM** was attacked by four individuals known to her one Friday night in 2014. (The research team was unable to ascertain the precise date given the length of time that had elapsed since the attack.) She was apparently at home looking after her neighbours' children when three men and a teenage boy forced their way in and informed her that they were going to take her hand because she was "money". After the men instructed the teenage boy to cut off her arm, he struck her left arm with a machete but was unable to sever it. However, he damaged a nerve leaving her little finger permanently immobile. The neighbours' children screamed thereby alerting members of the community who came to **SM**'s rescue. **SM** was later able to identify the men. One man and the teenager

were arrested, while the other two apparently fled from the community. The case was concluded the same year and the two were convicted and sentenced to 30 years' imprisonment. The research team was unable to obtain official information or documents relating to the case.

Source: Anonymous source and albinism groups

2

March 2014

Known facts of case: According to albinism groups, in March 2014, the body of a 12-year-old girl, **XX**, was found with missing body parts in Kanyama, Lusaka. The organisations stated that they had attempted to monitor the progress of the case following the initial report but received no further information.

Source: Albinism groups

3

12 March 2015

Known facts of case: Media reported the abandonment of an infant with albinism for two weeks by both parents in Kalundu in Lusaka. According to the Times of Zambia, Lusaka's Ng'ombe Clinic staff reported the case to the police after receiving information about the abandonment from the family's neighbours. The father was arrested, detained, and charged with child negligence and failing to provide necessities for the child. At the time the article was written, the mother had not been found and the child was in a shelter for safety. No further information has been made publicly available.

Source: "Dad nabbed for neglecting albino toddler", Chanda M.M Davies, Times of Zambia, 12 March 2015 available at times.co.zm (accessed 30 November 2023).

26 May 2015

Known facts of case: According to information received by the former UN Independent Expert, **CZ** was attacked at her house in Kalumbu Village in Chief Magodi's area in Lundazi district in the Eastern Province, reportedly by four men at around 10pm. Her husband, who opened the door, was assaulted and left unconscious, after which the aggressors attacked **CZ** who screamed for help while her hand was being cut off. Her brother-in-law, hearing her calls, reached her just in time to hear her narrate her ordeal. Her right hand was severed and several of her teeth knocked out. Soon after recounting the ordeal to her brother-in-law, she succumbed to her injuries.

In January 2017, media sources reported that five suspects – Kebson Phiri, Leonard Ngoma, Betty Manda, Yorumimba, and Elizabeth Mvula – had been arrested in connection with the killings of both **CZ** and **EM** (see below). No response was given by the authorities to the former UN Independent Expert's request for information and no further information was uncovered by the research team in relation to this case.

Sources: Communication from the UN Independent Expert to the government of the Republic of Zambia, 9 March 2016; Albinism groups; "Lundazi albino killers nabbed", Lusaka Times, 12 January 2017, lusakatimes.com

12 December 2015

Known facts of case: According to information received by the former UN Independent Expert, and shared with the government of Zambia, individuals severed the fingers of **BC** in Mandevu, Lusaka. Four people reportedly forced him into a car after he left a bar. They took him to an isolated neighbourhood behind

the National Heroes Stadium where they cut off his finger then released him. This case was apparently reported to the police, but no information on its progress is publicly available. No response was given by the authorities to the request for information by the former UN Independent Expert.

Source: Communication from the UN Independent Expert to the government of the Republic of Zambia, 9 March 2016

6

23 December 2015

Known facts of case: According to information received by the former UN Independent Expert and raised by her with the authorities, the body of J was discovered without his right forearm in Zani Muone, West Area in Lusaka. No further information is available regarding this case and no response was given by the authorities to the request for information by the former UN Independent Expert.

Source: Communication from the UN Independent Expert to the government of the Republic of Zambia, 9 March 2016

7

6 January 2016

Known facts of case: According to information received by the former UN Independent Expert and followed up by her with the authorities, an unidentified man reportedly lured a 15-year-old boy into a taxi under the pretext of providing him with help for purchases, close to Mandevu Township in Lusaka. Once in the taxi, the man reportedly spoke in Swahili on the phone to an accomplice. The taxi driver, fluent in Swahili, overheard the man saying he was on his way with the “albino business” upon which the taxi driver diverted and drove to Matero Police Station.

The alleged abductor was arrested and detained. The case was subsequently transferred to the Lusaka Central Police Station. During the time the UN Independent Expert was following up on the case, the man was on conditional release. No further information is available regarding this case and no response was given by the authorities to the request for information by the UN Independent Expert.

Source: Communication from the UN Independent Expert to the government of the Republic of Zambia, 9 March 2016

8

9 May 2016

Known facts of case: According to albinism groups in Zambia, 41-year-old **EM** from Jafureya village, Eastern Province was murdered. He was visited on the morning of 9 May 2016 by two individuals with whom he was apparently acquainted and who had reportedly visited his home some days prior to his disappearance but only found his wife. They told her that they wanted to order “chitenges” (African printed material) from him, although he did not sell chitenges. A few days later, **EM** had reportedly informed his wife that he had met with individuals matching her description of those who had come to the house. They had apparently told him they wanted him to participate in a programme about albinism and mentioned that they had solar panels they could donate to him. On the day of his disappearance, they came to his home and invited him to accompany them to collect the solar panels. He did not return and about a month later his body, parts of which were missing, was found in Makule village in Lundazi, Eastern Province by children digging in a dump site. The police reportedly arrested four suspects, and EM’s widow went to court with albinism groups at least once in 2020.

In January 2017, media sources reported that five suspects – Kebson Phiri, Leonard Ngoma, Betty Manda, Yoramimba, and Elizabeth Mvula – had been arrested in connection with the killings of both **EM** and **CZ** (see above). The report stated that the suspects were caught selling three bones of an arm believed to belong to one of the deceased. In March 2020, the media reported that Elizabeth Mvula, Yoramimba, Leonard Ngoma and Gapson Phiri appeared before Justice Gaudentia Milimo Salasini in Chipata High Court on one count of murder. They all pleaded not guilty. It is not clear to the research team whether Betty Manda was also tried, and if not, why not.

The research team was informed that the suspects were found in possession of **EM**'s arm. Requests from the police were made to **EM**'s widow on three occasions for DNA tests to be conducted to ascertain whether the arm belonged to **EM** but were apparently lost each time. The research team uncovered the fact that the case had been officially discontinued due to lack of evidence. The family of **EM** only became aware of this in 2024 during the launch of a report on albinism carried out by the University of Zambia.

Sources: Albinism groups; "Lundazi albino killers nabbed", Lusaka Times, 12 January 2017, [lusakatimes.com](https://www.lusakatimes.com); Chikaya Community Radio Station, 17 March 2020, [facebook.com](https://www.facebook.com)

9

4 November 2017

Known facts of case: According to information received by the UN Independent Expert, and raised by her with the authorities, **MK**, a 19-year-old student, was attacked at her home in Chikwa village in Chama district, Muchinga Province. She was reportedly woken in the middle of the night by a knock at the door and the familiar voice of her teacher calling. She got up and opened her door and was dragged away from her house into the bush. Initially, her assailant attempted to cut off her right hand, leaving a

deep cut, but stopped after one of the perpetrators indicated that it was the “wrong hand”. She was then struck on the head with an unidentified object, her right hand was chopped off and she was left unconscious and bleeding heavily. She later regained consciousness and dragged herself back to the village where she received assistance. Her mutilated hand was reportedly recovered later in Malawi. The person in possession of her hand, who was attempting to sell it, was arrested. At the time of the attack, **MK** was five months pregnant. She lost a lot of blood and spent a month in Chama District Hospital. Fortunately, she and her baby survived. Both **MK** and her sister, who also has albinism, continued to fear for their safety. They were temporarily housed in a refuge by a civil society organisation.

Subsequently, five suspects were arrested in connection with the attack, including her teacher and a witchdoctor. According to albinism groups, all five suspects were sentenced in 2020 reportedly to 20 years’ imprisonment. However, the research team was unable to confirm this, and the authorities have not officially responded to the request for information sent by the former UN Independent Expert.

Sources: Communication from the former UN Independent Expert to the government of the Republic of Zambia, 1 March 2018; and albinism groups; “Albino attempted murder suspects nabbed”, Lusaka Times, 22 December 2017, lusakatimes.com; “An unknown people attack an albino adolescent girl in Chama district”, Lusaka Times, 7 November 2017, lusakatimes.com; “Herbalist found with albino arm... Malawian Shaman, four others arrested after being found with body part suspected to be part of arm cut off in horrific attack on 20-year-old pregnant albino woman”, Times of Zambia, 12 January 2018, times.co.zm

10

23 January 2018

Known facts of case: According to the official court record shared by albinism groups, on 23 January Kasoma Isaac and Casius Chiyunda kidnapped **MC**, a 13 year-old boy with albinism, and his friend who happened to be with him at the time. The accused lured the two boys from Sefula school for the visually impaired into their car at around 9am by pretending they wanted the boys to assist them in convincing a certain boy with albinism to attend the school. When the

boys tried to flee from the car, they were warned not to and were held overnight but managed to escape again although they were recaptured. However, they eventually fled and a man who knew the school was looking for the boys identified them as students and drove them back to the school. The suspects were convicted of two counts of child stealing and sentenced to five years' imprisonment with hard labour.

11

July 2019

Known facts of case: In July 2019, assailants reportedly cut off the fingers and removed a tooth of **SN**, a 72-year-old woman. At the time of the media report, police had arrested three suspects, including **SN**'s grandchild. According to media reports in November 2019, **SN** had been relocated from her village for her own safety and the suspects were due to appear in court. Albinism groups informed the research team that the suspects were sentenced to four years' imprisonment. The research team was unable to confirm this or find any further information regarding this case.

Sources: Albinism groups; "Ritual killers target albinos' body parts in Zambia", Africa blogging, 11 November 2019, blogging.africa

12

31 October 2019

Known facts of case: In a case reported by media sources in November 2019, a 39-year-old man in Nyimba, Eastern Province was attacked and murdered. His attackers reportedly used a knife to cut his throat while he was sleeping and stabbed him twice on the left side of his chest. They then dragged him to a nearby bush but were pursued by villagers.

At the time of the media report, police had reportedly arrested four people, including a married couple believed to be the masterminds of the murder. The suspects were charged with murder. The research team was not able to find any further information regarding this case.

Sources: “Ritual killers target albinos’ body parts in Zambia”, Africa blogging, 11 November 2019, blogging.africa; “Albino murdered in Nyimba by unknown people”, Zambia Reports, 4 November 2019, [facebook.com](https://www.facebook.com)

13

6 November 2019

Known facts of case: According to albinism groups and media reports, three assailants attacked **DM**, a seven-year-old girl, at her home near the village of Mutupa in the Kitwe district of the Copperbelt Province. They reportedly broke into her bedroom, dragged her to a nearby bush, chopped off her left arm above the elbow and pulled out her hair as her mother, who ran to her rescue, watched helplessly. In a media interview, Copperbelt Police Commissioner Charity Katanga confirmed the attack and stated that no arrests had been made.

DM’s mother feared for her daughter’s safety and requested relocation to a place of safety. Albinism groups told the research team that **DM** had been placed in a children’s residential care home for fear of further attacks. No further information was available at the time of writing.

Sources: Albinism groups; “Zambia: Criminals in Kitwe hack off the hand of 7-year-old girl with albinism”, This is Africa, 7 November 2019, thisisafrica.me; “Ritual killers target albinos’ body parts in Zambia”, Africa blogging, 11 November 2019, blogging.africa

14

24 March 2020

Known facts of case: The body of **EP** was discovered with his eyes and arms missing in Chipata, Eastern Province. He had allegedly left home for a commissioned carpentry job offer. His body was not immediately identified. Efforts to locate his family members, including through the media, were at first unsuccessful and his family were unaware that he was missing for a while since they believed he was working away from home and therefore temporarily out of contact. The police allegedly arrested as a suspect the person who offered him the job. No further information was available at the time of writing and the authorities had not responded to a request for information from the UN Independent Expert.

Sources: Communication from the UN Independent Expert to the government of the Republic of Zambia, 21 May 2020; Under the Same Sun submission to the CRPD; Albinism groups in Zambia

15

April 2020

Known facts of case: Between 19 and 27 April 2020, unidentified individuals desecrated the grave of a person with albinism in the Kaoma district in Western Province. No further information was available at the time of writing.

Source: Communication from the UN Independent Expert to the government of the Republic of Zambia, 21 May 2020, and albinism groups

16

19 May 2021

Known facts of case: Attackers of **JC**, a two-year-old girl, entered her house and cut off her left arm. Four men in her village were arrested but were later released apparently due to lack of evidence. The research team was informed that at the time of writing, the men remained free in the same village as the family of the victim and that the child is currently in a children's residential care home ostensibly for her protection.

Source: Communication from the UN Independent Expert to the government of the Republic of Zambia, 24 November 2021, and albinism groups

17

11 July 2021

Known facts of case: The finger of **M**, a nine-year-old boy, was severed in Chibanda Village in Chasefu district in the Eastern Province. The incident reportedly took place between 5pm and 6pm as he was walking with his older brother in a place known as "Chibanda's village garden". A group of unidentified men suddenly approached him and chopped off the little finger of his left hand leaving him unconscious. The perpetrators fled the scene with his finger. He was rushed to Lundazi District Hospital for treatment. A relative, reported to have been arrested in connection with the attack, was released. The case was transferred from Chasefu police to Lundazi police for further investigation.

Source: Communication from the UN Independent Expert to the government of the Republic of Zambia, 24 November 2021

1 September 2021

Known facts of case: The attack against **G**, a 12-year-old boy, of Chizunguko village, Chief Chinakila area in Mpulungu district, Northern Province, resulted in the amputation of his arm. The boy was reportedly attacked by men who had introduced themselves as police officers. They tried to cut off his arm, but the boy's father managed to stop them and they fled. By this time, however, the boy's arm was partially severed and had to be amputated later at the hospital.

The boy's uncle, Giant Simpungwe (whom some sources referred to as his brother) was arrested in connection with the attack. He was reportedly identified based on a T-shirt he wore regularly and which he had used to cover his face during the attempted abduction. The T-shirt was reportedly left behind on a tree as Giant Simpungwe fled the scene after **G**'s father intervened.

Media reports, albinism groups and another source with connections to the family stated that Giant Simpungwe was convicted and sentenced to 30 years' imprisonment with hard labour in 2022 for "acts intended to cause grievous bodily harm".

According to information received by the research team, prior to the attacks **G** had been removed from school due to incidents where his head was forcibly shaved.

Sources: Communication from the UN Independent Expert to the government of the Republic of Zambia, 24 November 2021; "A Mpulungu man gets 30 years for cutting-off his brother's arm", Radio Mano 89.3FM, 27 January 2022, [shorturl.at](#); "Mpulungu man gets 30 years jail for chopping off albino brothers hand", Zambia Today, 30 January 2022, [shorturl.at](#)

Known facts of case: In June 2022, media sources reported that three men, one of them identified only as **Kendrick**, were wanted for chopping off the forefinger of the left hand of a 10-year-old boy. According to a police spokesperson at the time, the event took place between 9am and 11am at Chilomo area in Mukushi district, Central Province and the police were still searching for the suspects who were expected to be charged with grievous bodily harm. No further information regarding a trial appeared to be publicly available at the time of writing. Albinism groups, however, informed the research team that the boy and his younger sister, who also has albinism, were still in a children's residential care home following the attack due to fears of further attacks against them.

Sources: "Sad News: 3 people on the run after chopping off albino boy's finger", Zambia Reports, 27 June 2022, facebook.com; "Mkushi trio snatch young albino's finger", Kalembe, 27 June 2022, facebook.com

Known facts of case: An attempted abduction was made against **FM**, a 17-year-old boy from Sefula school for the visually impaired in Mongu, Western Province. Twelve suspects who reportedly included four teachers, a nurse, and a taxi driver were arrested. Five of them, who bystanders believed to be innocent, had the charges against them dropped; seven were tried, five of whom were convicted of attempted trafficking. Sentencing was pending at the time of writing. Two of them were acquitted apparently because – despite their connection to the other suspects and their involvement in the abduction being proven – the court deemed that their involvement did not warrant conviction.

Sources: "Police arrest 12 people for planning to sell a person living with albinism", *Zambian Observer*, 6 February 2023, zambianobserver.com; Albinism groups; "7 out of 12 suspects in failed albino juvenile trafficking case rearrested after case withdrawal by state", *Zambian Observer*, 18 February 2024, shorturl.at

21

3 June 2023

Known facts of case: According to the African Albinism Network, between 4pm and 6pm on 3 June 2023, four men attempted to traffic a 16-year-old boy. The incident reportedly took place in Mawire compound in Kalomo district of Southern Province. The suspects were arrested and, as far as the research team knows, remained in custody at the time of writing. According to a media report, they are – Kebby Shanyanga, Justin Mutaka Songa, Lenon Chitumba, a traditional healer of Sky Layby area in Zimba district, and an unnamed male minor. They were all charged with attempted trafficking in relation to the case. Two of them had reportedly been involved also in the attempted kidnapping of a 41-year-old man with albinism around the same time.

Sources: Africa Albinism Network and Zambia Albinism Multipurpose Organisation, Shadow Report to the Committee on the Rights of Persons with Disabilities for the Review of Zambia; “Police arrest 5 suspects for attempting to traffic albinos”, Zambia Monitor, 10 June 2023, zambiamonitor.com

22

3 June 2023

Known facts of case: According to media reports, three suspects – Kebby Shanyanga, Justine Mutaka Songa, and Alfred Sialubaba – allegedly attempted to traffic a 41-year-old man of Mwandi district. The incident reportedly took place at a guest house in Kalomo district of Southern Province. Two of the suspects are reported to have been involved in a separate trafficking attempt of a 16-year-old boy with albinism in the same province (see above).

Albinism groups attempted to obtain further information on this case from media sources reporting on the case, none of which had further information.

Source: “Police arrest 5 suspects for attempting to traffic albinos”, Zambia Monitor, 10 June 2023, zambiamonitor.com

Known facts of case: According to media reports and the Eastern Province Provincial Administration, **CB** was murdered between 18 and 22 July 2023. On 18 July 2023, **CB** was at the home of Timbenawo Phiri when at around 9am, Paul Banda came to pick him up allegedly to collect some sweet potatoes. Paul Banda was later arrested after he reportedly attempted to sell human hair to an undercover police officer and then took the officer to the body of **CB** along Musadwe stream near Nkungulu Two Village in Katete. The arrest was reportedly carried out as part of a combined police operation in Katete and Chadiza in Eastern Province. Paul Banda appeared before a magistrates court in Eastern Province in August 2023 but was referred to a high court due to the subordinate court's lack of jurisdiction.

Sources: "Man appears in court for alleged murder of a person living with albinism", Eastern Province Provincial Administration, 23 August 2023, eas.gov.zm; "Katete man arrested for murdering and attempting to sell corpse of an albino for K1 million", Mafken FM 97.7, mafken.fm

Known facts of case: During the research period, the research team received information regarding intruders breaking into the home at night of a family of five, including three children with albinism. According to the information received the intruders shaved the heads of the three children, raped the wife, and left with the children's hair. Further details of this case are withheld at the request of the family.

Source: Information received by the research team

25

29 October 2023

Known facts of case: On 29 October 2023, there was an attempted attack on **NK**, a 59 year-old woman and mother to five children, of Kamphanda village, Lundazi district, Eastern Province. Around 1am an unidentified man went to her house and called for her to come out explaining that her son was injured and that the person who injured him was with him outside. **NK** asked the caller to identify himself, but he did not disclose his identity. He managed to remove a sack which was covering **NK**'s window at which point **NK**'s husband said he was going to call for help and the man ran away. **NK** and her husband did not report the case as they apparently felt it would be difficult to report without knowing the identity of the caller. No further information is available regarding this case.

Source: Local albinism group

26

7 November 2023

Known facts of case: According to information received by a local albinism group from the victims and shared with the research team, on 7 November 2023, unidentified individuals attempted to break into the home of **N** who is the father of three children with albinism – **YN** (26-years-old), **DN** (21-years-old) and **BN** (13-years-old). The alleged assailants reportedly tampered with the windows and doors of the house. When **N** tried to stop them, he was injured when he hit his head on a window they had opened. The case was reported to the police in Mwase.

According to **N** people had tried to break into the family's home on three previous occasions. The albinism group believe that the attempted break-in was made to attack **N**'s children for ritualistic purposes. No further information is available to us regarding the investigation into the case.

Source: Local albinism group

27

9 November 2023

Known facts of case: On 9 November 2023 in Mtete village in the constituency of Chief Mwase, Lundazi district in Eastern Province, two men reportedly went to the home of **MM**, a woman with albinism who is the widow of **EM** (see above) at 1:38am. One of the men identified himself as Mr Mwale from Kapichila, with whom she is acquainted. They tried to convince her to leave her home and talk to them. She refused and asked them what they wanted. However, they continued to insist that she come outside. According to her, she advised them to leave or “worse” would happen to them if others arrived. The men eventually left around 2:10am when she told them that she was going to call for help. **MM** told a local albinism group that she knows one of the men and that a few days before the incident she had seen him, although he had not mentioned that he would visit her.

The case was reported to police in Mwase the same day. Mr. Mwale was arrested and confessed to being at **MM**'s house during the night. He was charged with and convicted of criminal trespass and sentenced to six months' imprisonment.

Source: Albinism group

28

20 Jan 2024

Known facts of case: JS (38-years-old) was reportedly attacked by four men who wanted his blood and hair while he was on his way back from church. He was saved thanks to the intervention of a woman who heard his cries and he managed to escape. JS reported the case on the same day to a group of police officers whom he believed were working from a police station. However, when albinism groups tried to follow up the case, they were told that he had not made an official report of the case as the police he reported to were not at a police station.

Source: Crown TV news and albinism groups

29

8 Feb 2024

Known facts of case: According to media reports and albinism groups, in March 2024, seven men appeared in a Lusaka magistrates court in connection with the attempted trafficking of TA, a woman, from Mozambique into Zambia. They were reportedly charged with two counts of conduct facilitating trafficking in persons and trafficking in persons, contrary to section 3(1) of the AHTA, No. 11 of 2018. Patson Tembo, one of the accused, reportedly pleaded guilty and was convicted. The other men were awaiting trial. No further information was available at the time of writing.

Sources: "I sold albino woman for K100m", Zambia Daily Mail, 25 March 2024, daily-mail.co.zm/; Mwebantu, Monday, 25 March 2024, facebook.com

