



UNIVERSITY of LUSAKA
Passion for Quality Education: Our Driving Force

SCHOOL OF LAW

**A HUMAN RIGHTS PERSPECTIVE OF THE LEGAL FRAMEWORK ON SEXUAL
HARASSMENT AND GENDER-BASED VIOLENCE AGAINST FEMALE
PRISONERS IN ZAMBIA: A COMPARATIVE WITH RWANDA**

By:

VERONICA CHIRWA

LLB22113017

**AN OBLIGATORY ESSAY SUBMITTED TO THE UNIVERSITY OF LUSAKA IN
PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE AWARD OF THE
BACHELOR OF LAWS (LLB) DEGREE.**

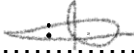
2025

DECLARATION

I, VERONICA CHIRWA, do declare that this dissertation titled” A HUMAN RIGHTS PERSPECTIVE OF THE LEGAL FRAMEWORK ON SEXUAL HARASSMENT AND GENDER-BASED VIOLENCE AGAINST FEMALE PRISONERS IN ZAMBIA: A COMPARATIVE STUDY WITH RWANDA

Which is hereby submitted to the school of law at the university of Lusaka as part of the requirements for the award of the Bachelor of laws (LLB)degree, is my original work and has not previously been submitted for the award of a degree at this or any other tertiary institution.

The sources that have been used or quoted have been indicated and duly acknowledged complete reference.

Signature.....

Date.....20/11/2025.....

SUPERVISOR'S RECOMMENDATION

I **MWAKA CHIZINGA** RECOMMEND THAT this obligatory essay under my supervision

BY

VERONICA CHIRWA

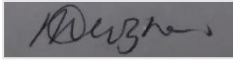
(STUDENT NUMBER LLB22113017)

ENTITLED

A HUMAN RIGHTS PERSPECTIVE OF THE LEGALFRAMEWORK ON SEXUAL HARASSMENT AND GENDER-BASED VIOLENCE AGAINST FEMALE PRISONERS IN ZAMBIA: COMPARATIVE STUDY WITH RWANDA.

Done under my supervision, be admitted by the university, I have checked it carefully and I am satisfied that it meets the necessary requirement pertaining to the format laid down by the university regulations.

Supervisor: Miss Mwaka Chizinga

Signature... 

Date.....20/11/2025.....

DEDICATION

This paper is dedicated to FIRSTLY to GOD almighty for seeing me through this law school journey I am really grateful to him and Secondly to my parents, Mr. **Buchizya Chirwa and Carol Mazimba** who have always believed in me and encouraged me throughout my law school journey, thank you for your endless support and love. I owe this achievement to you.

To my beautiful sister **Taonga Chirwa** and my brother **Webster Chirwa** thank you for the support, love and care that you guys had shown me during my journey in law school. To my lovely boyfriend **Thomas Hankombo** thank you for the love, encouragement that you gave me during my journey in law school, I owe this achievement to you guys for making it possible.

ACKNOWLEDGMENT

Firstly, I would like to thank God almighty for according me this opportunity to pursue my Bachelor of law degree, despite the hurdles along the way but he had made it possible for me to finish. Indeed, he who put a good work to start has bought it to completion.

To my undergraduate supervisor, **THE DEAN MISS MWAKA CHIZINGA**, who made herself available to guide and supervise my work, I am grateful. Your understanding character is greatly appreciated.

I also extend my gratitude to the prestigious **University of Lusaka**, for giving me the platform and opportunity to become part of this noble profession.

To my family members and friends, thank you for the support that you have shown me throughout my university journey, I truly appreciate and thank you. To my friend Sandra Phiri thank you for helping me with this research.

To my sister **Taonga Chirwa** and my brother **webster Chirwa** thank you for supporting me and for always encouraging me to work hard and to believe in God.

To my friends Fridah Kamwengo, Maluba Chakuba, Siddha Mandona, thank you for making my university journey a memorable one.

Finally, I would like to thank all the lectures who had guided and lectured me throughout my stay at university of Lusaka.

The completion of this degree and dissertation has been easier because of everyone mentioned above, thank you very much.

TABLE OF STATUTES

The constitution of Zambia Act No.2 of 2016

The Rwanda constitution of 2003

Zambia correctional service Act No.37 of 2021

The Rwanda correctional service of 2023

The Anti-Gender Based Violence Act No.1 of 2011

The public prosecutor Act No.30 of 2023

The penal code Act, cap 87 of the laws of Zambia

Law No.68/on the prevention and punishment of gender-based violence (Rwanda's penal code)

Human rights commission Act, cap 48 of the laws of Zambia

INTERNATIONAL INSTRUMENTS

The international covenant on civil and political rights of 1966

The convention on the elimination of all forms of discrimination against women of 1979

The United Nations rules for the treatment of women prisoners and non -custodia measures for women offenders (Bangkok rules) of 2024

The United Nations standard minimum rules for the treatment of prisoners (Nelson Mandela rules) of 1995

The African Charter on human and people's rights (Maputo protocol) of 2003

TABLE OF CONTENT

DECLARATION	ii
RECOMMENDATION.....	iii
DEDICATION.....	iv
ACKNOWLEDGEMENT.....	v
TABLES OF STATUES.....	vi
ABSTRACT	X
CHAPTER ONE	1
1.0 INTRODUCTION.....	1
1.2 BACKGROUND OF THE PROBLEM.....	1
1.3 STATEMENT OF THE PROBLEM	2
1.4 Objectives.....	3
1.5 research questions.....	3
1.6 Significance of the study	3
1.7 scope of study	4
1.8 definition of key terms and acronyms	4
1.9 LITRITURE REVIEW	4
1.10 METHODOLOGY	10
1.11 RESEARCH APPROACH	10
1.12 RESEARCH DESIGN	10
1.13 RESEARCH TYPE.....	10
1.14 STUDY POPULATION	11
1.15 SAMPLING TECHNIQUE	11
1.16 DATA COLLECTION	11
1.17 DATA ANALYSIS	11
1.18 ETHICAL CONSIDERATION	11
CHAPTER TWO	12
2.0 INTRODUCTION.....	12
2.1 RELATIONSHIP BETWEEN DOMESTIC AND INTERNATIONAL LAW	12
2.2 INTERNATIONAL HUMAM RIGHTS STANDARDS ON THE TREATMENT OF FEMALE PRISONERS	13
2.3 THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)	14
2.4 CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN	15

2.5 INTERNATIONAL CONVENTION ON CIVIL AND POLITICAL RIGHTS	15
2.6 UNITED NATIONS RULES FOR THE TREATMENT OF WOMEN PRISONERS AND NON -CUSTODIAL MEASURES FOR WOMEN OFFENDERS (BANGKOK RULES)	16
2.7 UNITED NATIONS STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS (NELSON MANDELA RULES)	18
2.8 THE AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS	18
2.9 AN ANALYSIS TO WHICH ZAMBIA HAS RATIFIED THESE INTERNATIONAL STANDARDS.....	19
2.10 BARRIERS UNDERMINING THE EFFECTIVENESS OF ZAMBIA’S INTERNATIONAL COMMITMENTS AND RATIFICATIONS.....	21
2.11 POSITIVE STEPS AND OPPORTUNITIES FOR REFORM	21
2.12 CHAPTER RECOMMENDATIONS FOR EFFECTIVENESS	21
2.14 CONCLUSION	22
CHAPTER THREE	23
3.0 INTRODUCTION.....	23
3.1 CONSTITUTIONAL AND STATUTORY PROVISIONS.....	23
3.1.1 THE CONSTITUTION OF ZAMBIA (AMENDMENTS ACT NO.2 OF 2016).....	23
3.1.2 THE PENAL CODE ACT, CHAPTER 87	25
3.1.3 THE ANTI -GENDER BASED VIOLENCE ACT NO.1 OF 2011	26
3.1.4 THE ZAMBIAN CORRECTIONAL SERVICE ACT NO .37	27
3.1.5 THE HUMAN RIGHTS COMMISSION.....	28
3.1.6 THE ZAMBIAN POLICE VICTIM SUPPORT UNIT	29
3.1.7 PUBLIC PROSECUTOR ACT NO 31 OF 2023	29
3.1.8 THE LEGAL AID BOARD	30
3.2 NON-GOVERNMENTAL AND Development INSTITUTIONAL ACTORS ADDRESSING SEXUAL HARASSMENT AND GBV IN ZAMBIAN PRISONS.....	30
3.2.1 WOMEN AND LAW IN SOUTHERN AFRICA – ZAMBIA (WLSA)	30
3.2.2 DIGNITY-DANISH INSTITUTE AGAINST TORTURE (ZAMBIA PROJECTS)	31
3.2.3 PRISONER REINTEGRATION AND EMPOWERMENT ORGANISATION.....	32
3.3.3 Legal awareness and paralegal support.....	32
3.3.4 ZAMBIA’S COMMITMENTS AND RATIFICATION.....	32
3.3.5 CONCLUSION	33
CHAPTER FOUR	34
4.0 INTRODUCTION.....	34
4.1 RWANDA’S LEGAL AND INSTITUTIONAL FRAMEWORK ON SEXUAL HARASSMENT AND GENDER-BASED VIOLENCE.....	34
4.2 THE RWANDAN CONSTITUTION.....	34
4.2.1 LAW NO.68/ ON PREVENTION AND PUNISHMENT OF GENDER -BASED VIOLENCE	35

4.2.2 THE RWANDA CORRECTIONAL SERVICE ACT (RCS).....	35
4.2.3 INSTITUTIONAL MECHANISMS AND OVERSIGHT.....	36
4.2.4 CORRECTIONALSERVICE RESPONSIBILITY AND HUMAN RIGHTS MANDATES	36
4.2.5 GENDER FOCUS AND FEMALE OFFICERS FOR WOMEN INMATES.....	37
4.2.6TRANING, STANDARD AND INTERNATINATIONAL INSTRUMENTS	37
4.3 IMPLEMENTION AND MOINTORING MECHANISMS.....	37
4.4 Comparative Discussion and Policy Implications.....	38
4.4.1 Comparative Overview	38
4.4.2 Institutional Reform and Accountability.....	38
4.5 Overview of Data Sources and Respondents.....	39
4.6 ROLE OF INTERNATIONAL COOPERATION AND DONOR SUPPORT	40
4.7 LESSONS FOR ZAMBIA.....	41
4.8 CONCUSION	42
CHAPTER 5	43
5.0 GENERAL CONCLUSION AND RECOMMENDATIONS.....	43
5.1 FINDINGS AND CONCLUSIONS	43
5.1.1 CHAPTER TWO	43
5.1.2 CHAPTER THREE	44
5.1.3 CHAPTER FOUR	44
5.2 RECOMMENDATIONS.....	45
BIBLOGRAPY.....	47

ABSTRACT

This study looked at how well Zambia's legislative and institutional structure deals with gender-based violence (GBV) and sexual harassment directed against female inmates. Despite Zambia's ratification of key international and regional human rights treaties, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the implementation of the African Charter on Human and Peoples' Rights and the Bangkok Rules in prisons is still inadequate. The study employed a qualitative research approach, drawing primary and secondary data from legislation, case law, international agreements, reports, and interviews with women. representatives from civil society, prison administrators, and inmates.

The Anti-Gender-Based Violence Act of 2011 and the Zambia Correctional Service Act of 2021 both have major shortcomings, according to the research. Which lacks specific clauses safeguarding female inmates from sexual misconduct by custodians. The employees' issue is made worse by institutional shortcomings, such as a lack of adequate complaint procedures, a paucity of female, and a lack of oversight. In contrast, Rwanda offers a forward-thinking paradigm in which sexual misbehavior is successfully dealt with and women's rights in detention are protected through gender-sensitive legislation, judicial enforcement, and specialized institutional mechanisms.

According to the research, Zambia's jail system needs specific changes to improve accountability, gender sensitivity, and protection mechanisms in order to fully comply with international human rights norms. The main suggestions are to update the Correctional Service Act to make custodial sexual abuse illegal, domesticate the Bangkok Rules into national law, fortify independent oversight organizations, and increase cooperation with non-governmental groups. Zambia may better protect the dignity, safety, and human rights of female prisoners by adopting a rights-based and gender-responsive strategy that is comparable to Rwanda's.

CHAPTER ONE

1.0 INTRODUCTION

This study explored the lived experience of sexually harassed and gender-based violence of female prisoners in Zambian prisons. The experience of being both physically and sexually assaulted have made the reality of violence and brutality of prison an absolute certainty for inmates who have been sexually or physically assaulted; these inmates are generally emotional, fearful, angry and physically traumatized. The information on sexual harassment and gender-based violence is limited in the literature to questioning inmates regarding sexual abuse and violence. In this chapter, information about the problem and why this topic needs to be explored will be given. This is an important topic because being sexually harassed and being violated has a long-term effect on individuals psychologically, emotionally and behaviorally. This study will highlight the background, objectives and significance of the study as it adds to the already existing body of knowledge while also serving as a future reference for the remaining portion of research in similar topics or interest.

1.2 BACKGROUND OF THE PROBLEM

Gender based violence (GBV) and sexual harassment is a pervasive issue worldwide, affecting millions of women and girls across different settings. Among the most vulnerable group to sexual harassment and gender-based violence are female prisoners, who face unique challenges due to their confinement in correctional facilities. In many prison systems, female inmates experience a disproportionate level of abuse and violence, often perpetrated by both guards and fellow prisoners.¹

In Zambia, female prisoners have reported to experience high levels of sexual violence, exploitation and harassment. Despite Zambia's commitment to human rights and its ratification of international treaties such as the Universal Declaration of Human Rights and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), incidents of sexual violence in prisons continue to occur. These violations are compounded by systematic issues such as overcrowded facilities, inadequate

¹ https://asf.be/wp-content/uploads/2017/09/ASF_ZAM_StudyantiGBVAct201708_EN.pdf accessed on the 6th of March, 2025

resources and the lack of gender -specific services for female inmates.² It is imperative to take note of the fact that the concept of correctional services is not new in Zambia as it can be dated back to the time Zambia gained its independence in the early 60s.³ there was the enactment of the prison act that paved way for the establishment of prisons, prison services, management and control of prisons amongst many other duties. However, the act was repealed and replaced by the Zambia correctional service act of 2021 but this act does not carter for the protection of female prisoners from sexual harassment and gender -based violence.⁴

The legal response to gender -based violence in Zambia has evolved over time prior to the 2011anti -gender based violence act⁵, the legal framework was primarily based on provisions within existing laws. However, there were limitations to these laws in effectively addressing the complex issues of gender-based violence of incarcerated women in prisons.

1.3 STATEMENT OF THE PROBLEM

In spite of the available laws to address sexual harassment and gender-based violence, the Zambian correctional service act part 18 provides for general offences but does carter for the protection of female prisoners from sexual harassment.⁶ While the gender-based act does not include the protection of female prisoners from sexual harassment, physical harm or any form of abuse.⁷

The human rights commission in the year 2023 carried out an annual report of conditions of inmates in prisons and that there are over 15,300 inmates and the report shows that there are 7.3% on reports of sexual harassment and gender-based violence that showed that prison officer by physically abusing and sexually harassing them by routinely beating them and force them to be naked into small dark cells.⁸

² <https://pmc.ncbi.nlm.nih.gov> accessed on 13TH of march ,2025

³ <https://www.zambiacorrections.gov.zm> accessed on the 15th march ,2025

⁴ Zambia correctional service Act No.37 of 2021

⁵ Anti -gender based violence act no .1 of 2011

⁶ Ibid

⁷ Ibid

⁸ <https://reliefweb.int> accessed on the 20th March 7, 2025

This paper seeks to address the concerning issue of sexual harassment and gender - based violence against female prisoners in Zambia by coming up with proper way and effective way of addressing the reports of sexual harassment and gender- based in our Zambian legal system and by drawing lessons from Rwanda on how they deal with such issues in their jurisdiction.

1.4 Objectives

The objectives of this study are as follows:

1. To examine the extent to which Zambia's framework aligns with international human rights standards.
2. To analyze the legal framework in Zambia addressing sexual harassment and gender-based violence against female prisoners.
3. Drawing lessons from Rwanda on the best practice in tackling sexual harassment and gender- based violence.

1.5 research questions

- 1.What legal and policy instruments exists in Zambia to protect female prisoners from sexual harassment and gender- based violence?
2. What are the primary causes and contributing factors that lead to sexual harassment and gender- based violence against female prisoners?
- 3.How effective are the current legal and institutional frame work in Zambia in protecting female prisoners from sexual harassment and gender- based violence?

1.6 Significance of the study

This study is significant because it addresses a critical and often overlooked issue of sexual harassment and gender-based violence against female prisoners in Zambia. By shedding light on this issue, the research can bring about legal reforms, improve prison conditions, empower female prisoners, and contribute to the global disclosure on women's rights and gender equality within the correctional systems. Ultimately the study will provide practical recommendations that can make a real difference in the

lives of female prisoners, ensuring that their rights are upheld and their dignity is respected.

1.7 scope of study

The study is centered around to examine the prevalence, impact and legal framework that addresses sexual harassment and gender-based violence against female prisoners in Zambia such as the mental, physical aspect that these women go through while incarcerated. The study will also look at how other countries like Rwanda deal with such issues in their jurisdiction.

1.8 definition of key terms and acronyms

Harassment: means engaging in a pattern of conduct that induces in a person the fear of imminent harm or feelings of annoyance and aggravation including sexual contact without the consent of the person whom the contact is made and making unwanted sexual advancement.⁹

Sexual abuse: this is engaging of another person in sexual contact, whether married or not which includes sexual conduct that abuses, humiliates or degrades the other person or otherwise violates another person's integrity.¹⁰

Gender -based violence (GBV): this means any physical, mental, social or economic abuse against a person because of that ¹¹person's gender, this includes violence that result in or is likely to result in physical, sexual or psychological harm or suffering to the person such as coercion, arbitrary deprivation of liberty. Whether occurring in public or private life¹².

Prisoner: is a person legally committed to a prison as a punishment for a crime or while awaiting trial.¹³

1.9 LITRITURE REVIEW

⁹ The Anti-Gender-Based Violence Act No.1 of 2011

¹⁰Anti-Gender- Based Violence Act No. 1 of 2011

¹¹ ibid

¹² Ibid

¹³ <https://dictionary.cambridge.org> accessed on 21st march,2025

INTRODUCTION

Authors both from Zambia and abroad have written about the legal framework surrounding sexual harassment and gender-based violence in Zambia 's prisons, highlighting the challenges in protecting female inmates from such abuse. Sexual harassment against female prisoners is a critical human rights concern globally, and Zambia is no exception to it.

The author **Anne Egelund** highlighted the fact that sexual abuse at the hands of staff is one of the most egregious abuses faced by women in custody. It is a harsh reality faced by many women who are incarcerated in the US, regardless of their sentence. Women are subjected to sexually offensive language, male staff touching their breasts and genitals when conducting searches, male staff watching while they are naked, and sexual assault.¹⁴ In order for them to survive these women are forced to have sexual activities in order to obtain food and have a better living condition while they are still there. sexual activities in the closed prison environment will be influenced by the prison context and conditions and will play in power structures, hierarchies and social relationships. This author of this dissertation agrees with this view and challenges highlighted by the above author, these challenges being true and existing in the Zambian scenario however no form of law has addressed or established any recourse as to how such challenges ought to be concluded hence the reason for this research paper.

The author **Leanne Fiftal Alarid** on sexual harassment found out in the survey that sexual harassment was more common than sexual assault in in women's prison which has led to more women adhering to homosexual liaisons.¹⁵ Some women felt weak and gave in to certain conditions in prisons making them vulnerable. In the survey data unexpected uncovered information that suggested that there was a rapid rise of sexual harassment amongst women themselves apart from one been put in a tight corner of sexual abuse by their male supervisors. This is a relevant piece of paper as it

¹⁴ Allen J. Beck and Paige M. Harrison, *Prison and Jail Inmates at Mid-Year 2004*, Washington, D.C.: The Bureau of Justice Statistics, Office of Justice Programs, April, 2005.

¹⁵ <https://journal.sagepub.com> accessed on 8th of April,2025

highlights what ought to be considered in determining sexual harassment is but in Zambia that's not the case as female prisoners is not subjected to homosexual activities as it is against the laws of Zambia and this being the purpose of this research is to see whether the sexual harassment and gender- based violence is done by staff or fellow inmates.

According to **Jo Baker**, he stated that men and women are separated in law and to a great extent in practice and that all inmates are protected from gender-based violence and harassment by men in the facilities visited by DIGNITY. When the research was conducted, they stated that what certain things reported by police custody are contrast to the report they received in view of what usually happens. According to the research there has been a report of physical violence, torture against women by prison staff have been reported in the past years.¹⁶ An avoidance of female prisoners' harassment sexually has caused a rapid growth on having a lot of children born and female inmates having to be pregnant because one alluded to the sexual harassment of women by staff as a silent problem. This research agrees to the views of this author above as this is true and exists in the Zambian prisons system.

The **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) committee** in the year 2011 reported occurs of practice of discrimination or de facto discrimination which means discrimination that exists in reality but not sanctioned or written down into law. The Zambia Prison Service was established by the Constitution (Art. 106), with the aim of providing custody for prisoners, providing correctional services to inmates and managing prisons generally, as detailed largely in Art. 107 of the Constitution, the Prisons Act and subsidiary Prisons Rules (1966), and the Prison Service Principal Guidelines. Involvement by other ministries and departments, such as the department of social welfare and the department of health, is minimal.¹⁷ faced by particular groups of women, including

¹⁶ *ibid*

¹⁷ 2010 Human Rights Watch noted that there was little coordination between prison health officials and the Ministry of Health, the National Health Strategic Plan made no mention of prisons, and that prison-based medical care under the medical

women in detention, who tend to suffer social marginalization, exclusion, violence, poverty and isolation in all areas of Zambian society, and particularly in rural areas.¹⁸ The CEDAW Committee, among others, has also highlighted the impediments, inequality and impunity that women face in the criminal justice system, including in the local and customary courts and the need for legal, the Legal Framework and Advocacy often does not adequately protect women in prison. This research paper agrees with the above author even though the constitution provides for the prison services it left a gap by not including the protection of female prisoners from abuse which causes mental torture and trauma for those who have experienced it.

Nuwabaine Lilian, Joseph Kawuki and Earnest Amine in their article the advocacy group called for legal reforms to improve the treatment of female prisoners and ensure their rights are respected. This is one of the types of research that was made concerning female prison harassment¹⁹ In Rwanda prison system have been under observation since 1994, this is what led to the increase also in population of female prisoners making up a smaller prison population just like Zambia. Harassment and rights violation include sexual violence. Inmates have experience sexual abuse from other inmates and officers. Research has pointed to instances of harassment, including sexual violence and exploitation within Rwandan prisons. Women prisoners can be subjected to degrading treatment and lack proper avenues for reporting abuses. The human rights situation in prisons has been a subject of various reports, with calls for better monitoring and accountability for prison staff.²⁰ This research paper agrees with the above author and in the Zambian system we lack the proper mechanism for reporting sexual harassment and gender-based violence in the prison system and therefore there is need for accountability and proper monitoring mechanisms and the introduction of NGOs that can advocate for these female prisoners.

directorate (aside from seconded Ministry of Health employees and medications) came out of the prison budget, under the Ministry of Home Affairs. *Unjust and Unhealthy*, 2010.

¹⁸ Medical journal of Zambia Volume 36 Number 2 (2009)

¹⁹ Public series book 1

²⁰ Rejoice, N.M. and Jeffrey, K., 2021. Sexual violence against women during the Rwandan genocide: A narrative review. *International Journal of Peace and Development Studies*, 12(2), pp.71-79.

Namubiru Ritah in his research on sexual harassment in prison among female prisoners, established that if more than 25 workers issue a policy statement on sexual harassment one must take measurement to ensure that the subject of sexual harassment and the offenders are given appropriate disciplinary measures against the person involved. This also applies to prisoners because according to their law the penal code²¹, it stipulates that *“any person that intends to insult the modest of a woman or girl, utters any word, makes any sound or gesture or exhibits any object, intends or such a sound shall be heard, that such gesture or object shall be seen by such woman or to induce upon a girl or woman commits a misdemeanor and is liable to imprisonment for one year.* This Law is no exception to the female workers or inmates in prison.²² He defined sexual harassment as unwelcome and unwanted sexual advances, request for sexual favor and other verbal or physical contact of a sexual nature that creates a hostile or offensive environment. In his research he went on to state that there has been an absent of law and inadequate implementations on sexual harassment which is different comparing to Britain where the government came into force and implemented policies putting into policies that hold offenders liable for failure to incorporate sexual harassment in rules to govern employers under prisons.²³ This research will shall endeavor to establish if the Zambian legal framework has put any policies in place to hold officers who abuse female prisoners in Zambia as seen stated by the above author .

An author on a search of sexual harassment known as **Lauris A Hanson** discovered that mostly female inmates are sexually harassed by male guards because of the imbalance of power between guards and the prisoners which allows and encourages it to exist. Sexual harassment in prison is not some isolated incidence but it is so much a part of many female inmates. There are few reports on sexual harassment yet they are more happening, this is because it is difficult for women prisoners to gain support and when reports are made prison administration either ignore, burry or pays no attention to the reports made but blaming prisoners. They do not bring lawsuit to

²¹ Section 128(3) of the Penal Code Act of Uganda

²² Nabwire, R., 2019. A critical analysis of the law on sexual harassment in Uganda; a case of Uganda prisons.

²³ ibid

protest grievances because they fear for their own safety and it was discovered that it's difficult for them to gain access to the courts due to lack of available services within the prison. Suits sometimes were filed on their behalf which have identified issues unique such as rape, sexual abuse by guards and the right to bodily privacy.²⁴ This research paper agrees with the above author and will take this position throughout this dissertation.

In the book Volume 13 on Issue 3 Women's Law Forum **Hanson** an author stated that, women prisoners are forced to endure invasions of their bodily privacy ranging from being viewed in the nude, they are forced to submit to body cavity and past searchers in their research stated that in the presence of male guards they are searched harshly and if half the staff members request for sexual favors it is perceived as a demand. Hence even the so called voluntary sexual activity must be viewed as coercive because women prisoners are victims of sexual abuse and rape apart from sexual harassment. Until recently in both African and other parts of the world there has been a few reports on cases to do with sexual harassment of women prisoners until sexual harassment even outside prison became an everyday report.²⁵ Majority of authors have talked about it but in Zambia female prisoners are still subjected to search by male staff which violates the right to privacy for a woman and they violate the international human rights of being treated in a humane manner.

These women face unwanted surveillance and touching by prison personnel for purpose of detecting contraband and institutional security.

Muna Ndulo (2015) stated that enforcement mechanisms are weak, and legal provisions are tailored to the prisons context like the prions act²⁶ which lacks specific protection for women and fails to address gender- sensitive infrastructure, complaints mechanisms or rehabilitative services of abuse. This research is in support of the authors view as it is true the Zambian correctional service does not have a provision

²⁴ Laurie A. Hanson, women prisoners' freedom from sexual harassment. A constitutional analysis, 13 golden gate U.L.Rev.(1983)

²⁵ ibid

²⁶ Muna Ndulo 'African customary law, customs and women's rights (2011)

that protects female prisoners from sexual harassment and gender-based violence from prison staff.

This author of this dissertation agrees with this view and challenges highlighted by the above author, these challenges being true and existing in the Zambian scenario however no form of law has addressed or established any recourse as to how such challenges ought to be concluded hence the reason for this research paper. Although the constitution provides for the prison services it left a gap by not including the protection of female prisoners from abuse which causes mental torture and trauma for those who have experienced it, but have not adequately addressed properly in our Zambian jurisdiction therefore it is the aim of this author's dissertation to address the gaps that are there.

1.10 METHODOLOGY

1.11 RESEARCH APPROACH

This research shall adopt the qualitative method of approach, in order to analyze and examine the legal and institutional frameworks that addresses sexual harassment and gender-based violence against female prisoners in Zambia.

1.12 RESEARCH DESIGN

Due to the fact that the method being conducted on this paper is qualitative, the design will therefore be evaluation research this being due to the fact that this design focuses on the collecting and analyzing of data to assess the impact or effectiveness of a particular law or practice. This further allows for a comprehensive examination of the subject in order to gain a better understanding which in this research is being sexual harassment and gender-based violence against female prisoners in Zambia in relation to Rwanda's legal institution.

1.13 RESEARCH TYPE

The investigation is analytical in its nature, as it seeks to analyze the adequacy of the current existing Zambian laws in protecting female prisoners against sexual harassment and gender-based violence.

1.14 STUDY POPULATION

Zambia has a population of more than 28,225 inmates in the prisons and therefore this study's population will only in campus the inmates, prisons staff as well as the victims of the abuse.

1.15 SAMPLING TECHNIQUE

Convenience sampling will be the approach for this research, interviewing the targeted population through their preference mode of communication and it will be physically.

1.16 DATA COLLECTION

Majority of the information will be used in this study will be secondary data that will be gathered from Acts, books, journals articles and regulations. The study will also include primary data collected through interviews conducted on the study population targeted.

1.17 DATA ANALYSIS

This research will have a qualitative data analysis

1.18 ETHICAL CONSIDERATION

In order to maintain the required ethical standard, the author of this dissertation shall seek permission from the university of Lusaka before commencement of the research. this includes obtaining informed consent and protecting the privacy and confidentiality of the participants, lastly all information or writings of scholars will be well acknowledged through referencing of their work.

CHAPTER TWO

ZAMBIA'S LEGAL FRAMEWORK AND ALIGNMENT WITH INTERNATIONAL HUMAN RIGHTS STANDARDS

2.0 INTRODUCTION

One of the critical objectives of this study is to examine the extent to which Zambia's legal framework aligns with international human rights standards, especially when it comes to protecting female prisoners from sexual harassment and gender-based violence (GBV). As a country that has signed several international and regional treaties, Zambia is obligated to adopt domestic laws and practices that uphold the dignity, safety, and rights of women in prisons. They should not be subjected to cruel or degrading treatment; the international laws prohibit torture in all its manifestations. International laws make it clear that the purpose of the prison system should be to help criminals change their behavior and become useful members of society again.

According to international law standards, countries rely on the principle of state sovereignty which entails that each national state has exclusive supremacy over its territory and this principle every state, no matter how small or big the country is it has an equal right to sovereignty. this power also entails the ability to enter into international relations with other states and to adopt and to ratify international conventions ²⁷.

This chapter will look at the international standards that address the protection of female prisoners from sexual harassment and gender-based violence in prisons system and whether the Zambian laws align with these international standards.

2.1 RELATIONSHIP BETWEEN DOMESTIC AND INTERNATIONAL LAW

There are two fundamental concepts of dualism and monism that helps understand the connection between international and domestic laws. The positivist school of

²⁷ Woosley introduction into the study of international law (Boston and Cambridge; James Monroe and company ,1860) p83

jurisprudence, which believes that national consent is the basis of international law, is where the dualist principle originates. According to the doctrine of the school of jurisprudence, there are different sets of norms that make up international law from those that make up local law, because of this when a legal issue emerges that affect both of them, it cannot be stated the two have an impact on or supersede one another.²⁸

On the other hand, the monism argument, which draws heavily from the naturalist school of thought, asserts that national or local law and international law are two parts of the same legal system. according to the point of view, the law is considered as a whole, and it is acknowledged that international law always takes precedence over local law when there is a disagreement. This is so because the law places more emphasis on protecting people's rights than following regulations.²⁹

The explanation provided above illustrates how and in what form a state's legal system will include the international treaties that this chapter focuses on. This is significant because it makes clear how international standards tries to protect female prisoners from sexual harassment and gender-based violence and how the domestic legislation aligns with international standards.

2.2 INTERNATIONAL HUMAM RIGHTS STANDARDS ON THE TREATMENT OF FEMALE PRISONERS

Zambia is part of many international and regional agreements that protect women, especially those who are in prison. The Zambian government needs to agree to and officially accept these agreements. There is a law called the Ratification of International Agreements Act that controls how Zambia joins international agreements and how these agreements become part of the country's laws. These international agreements set the global rules and standards for protecting the rights and well-being of women who are in prison. They ask for fair treatment, safety from sexual abuse,

²⁸ Shaw. N.M international law (6th edition Cambridge university press,2008) p129

²⁹ Ibid

care that takes into account women's unique needs, and proper legal help when needed.

This chapter will intend to discuss the international standards that the Zambian government has officially accepted, which focus on protecting female prisoners from sexual harassment and violence based on gender, and these will be looked at in detail. Such as The Universal Declaration of Human Rights (UDHR, 1948), The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), The International Covenant on Civil and Political Rights (ICCPR, 1966), The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules, 2014), The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules, 2015), The African Charter on Human and Peoples' Rights (ACHPR, 1981) The Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol, 2003)

2.3 THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)

The Universal Declaration of Human Rights talks about sexual harassment and violence against women in prison by pointing out the basic rights that are broken when this happens. It focuses on rights like living safely, being free, and having security, as well as not being tortured or treated badly, and being treated equally under the law. All these rights are hurt when there is sexual or gender-based violence in prisons. The Universal Declaration of Human Rights (UDHR) is the base for all human rights. **Article 1**³⁰ says that everyone is born free and equal in dignity and rights. **Article 5**³¹ says no one should be tortured or treated in a cruel, inhuman, or degrading way. These basic rights apply to everyone, including prisoners. They cover things like living safely, being free, having security, not being tortured or treated badly, and being treated equally by the law. These rights are harmed when there is sexual or gender-based violence in prisons. The UDHR gives the main ideas that help create more specific rules and guidelines about human rights. This principle was clearly stated in the case of *Christian community welfare council of India v government of*

³⁰ Universal declaration of human rights

³¹ Ibid

Maharashtra the court stated that female constables were to be assigned for women's detention and called for special arrangements to prevent harassment and torture, reflecting the UDHR principle of dignity and non-discrimination.³²

In conclusion it can be seen that the universal declaration tries to protect these incarcerated women from torture and protecting their dignity and Zambia correction has failed to uphold the principle of the UDHR to protect these women's dignity.

2.4 CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

CEDAW focuses on the rights of women. It requires countries that have signed the convention to take necessary laws and actions to stop all kinds of discrimination against women, including violence based on gender, even in places like prisons. **Article 1**³³ says women should have equal access to healthcare services. **General Recommendation No. 35**³⁴ also makes sure that women can enjoy their rights and freedoms equally. The principle of article 12 was established in the case of **Abramova v Belarus** the UN CEDAW committee concluded that Belarus violated article 1 of the CEDAW by failing to provide detention conditions with special measures for female detainees, deeming the of gender-sensitive conditions as discrimination. In context the Zambian legal system remains a corner stone in understanding how international commitments have informed national legal measures and enforcement mechanisms aimed at protecting female prisons dignity and gender-based.

2.5 INTERNATIONAL CONVENTION ON CIVIL AND POLITICAL RIGHTS

The ICCPR is an international agreement that protects civil and political rights. Countries that have signed and agreed to follow this agreement are required to protect and uphold the most important human rights. To make sure these rights are protected

³² Abramova Belarus (communication No. 23/2009)

³³ Convention on the elimination of all forms of discrimination against women

³⁴ General recommendation No. 35 on gender-based violence against women (2017)

and to help fix things if they are broken, governments must use different processes like administrative, judicial, and legislative actions.

The UN General Assembly approved the covenant in 1966, and it started being followed in 1976. Zambia agreed to follow the International Covenant on Civil and Political Rights on April 10, 1984. The **ICCPR** ensures that everyone who is in custody is treated with respect. **Article 7**³⁵ says that no one can be tortured or treated in a cruel, inhuman, or degrading way. **Article 10**³⁶ also says that all people who are locked up must be treated humanely and with respect for their basic human dignity. These rules work the same way for everyone, no matter their gender or where they come from. The principle was brought out in the case of *korneykova and korneykov v Ukraine* the court found the continuous shackling of the pregnant detainee during a sensitive period such as birth and immediately after wards was disproportionate to any legitimate security interest and had violated article 7 and amounted to inhumane and degrading treatment³⁷. In conclusion it can be seen that even female detainees who are pregnant or other female prisoners they need to be treated in a very humane way.

2.6 UNITED NATIONS RULES FOR THE TREATMENT OF WOMEN PRISONERS AND NON -CUSTODIAL MEASURES FOR WOMEN OFFENDERS (BANGKOK RULES)

These Standard Minimum Rules for the Treatment of Prisoners apply to everyone in prison, no matter who they are. This means that when these rules are used, they should consider the different needs and situations of all prisoners, including women. The rules were created over 50 years ago, but they didn't pay enough attention to the special needs of women. As the number of women in prison has gone up around the world, it's become more important and urgent to make sure the rules clearly address how women should be treated.

³⁵ International convention on civil and political rights

³⁶ Ibid

³⁷ Korneykova and korneykova v Ukraine, No.56660/12, ECHR 24TH March 2016

Because there is a need for worldwide standards that take into account the special needs of women who are prisoners or have been convicted of crimes, and considering various UN resolutions that ask countries to properly address these needs, these rules have been created. They are meant to support and add to the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules), especially when it comes to how women prisoners are treated and what alternatives to prison should be available for women offenders.

The Bangkok Rules are the most detailed international guidelines for how women should be treated while they are in prison. **Rule 1**³⁸ says that the prison system often does not take into account the special needs of women. This is a big concern in Zambia, where the needs of female prisoners are not a top priority. For example, things like sanitary pads and regular medical check-ups are not always available in Zambian prisons. **Rule 8**³⁹ requires that women prisoners be watched only by female staff. This means that female prisons should be managed by women, but in Zambia, there are not enough trained female staff to do searches of female prisoners. **Rule 19**⁴⁰ says that searches of female prisoners must be done by female staff and must be done in a way that respects the woman's dignity and privacy. **Rule 25**⁴¹ says that there should be a way for women in prison to make complaints privately and safely. **Rule 48** says that prison staff should be trained to understand the specific needs of women prisoners, especially since women are more likely to be treated badly in prison. The case of *Miguel Castro Castro prisons v Peru* the court held that rape, sexual harassment and invasive body searches during a prison raid that such act had amounted to torture and gender-based violence and violated article 25 and 8.⁴² In conclusion the state has a duty to conduct impartial and effective investigation into human rights violations of female prisoners and that is one thing that the Zambia legal system has failed to do and there is need for improvements.

³⁸ United nations rules for the treatment of women prisoners and non- custodial measures

³⁹ Ibid

⁴⁰ Ibid

⁴¹ Ibid

⁴² Miguel Castro Castro prison v Peru (2006)

2.7 UNITED NATIONS STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS (NELSON MANDELA RULES)

The United Nations Nelson Mandela Rules explain the standard ideas and practices that are considered good for how prisoners should be treated and managed. These rules also tell how prisons should operate overall and give guidance to prison staff on how to do their daily jobs. On December 17th, 2015, the UN General Assembly approved these rules, and Zambia agreed to follow them.

The Nelson Mandela Rules set standards for how prisoners should be treated in general. They are not only for men or women but help set a fair standard for treating everyone with kindness. **Rule 12**⁴³ says female prisoners should have their own separate spaces. **Rule 18**⁴⁴ says all prisoners must be given good facilities to keep themselves clean. **Rules 24 to 35**⁴⁵ make sure prisoners get proper medical help, including special care when it's needed. The case of **CAT Committee v.I.v. v Switzerland** the court stated that the failure to investigate and medically document sexual abuse of a detainee breached article 26 to 30.⁴⁶ In context it can be seen that the failure of reporting and investigating sexual abuse is the violation of the Mandela rules in protecting these female prisoners.

2.8 THE AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS

The African Charter on Human and Peoples' Rights is a document that helps protect human rights and basic freedoms across Africa. It was created in 1981, and Zambia agreed to follow it by signing in 1984 and then officially making it part of their laws.

The ACHPR supports these standards by recognizing the right to dignity, the right to health, and special protections for women. Article 5 says everyone has the right to be treated with respect and to have their legal status recognized. It also says that all forms of exploitation and mistreatment, like slavery, torture, and cruel or degrading

⁴³ United nations standard minimum rules for the treatment of prisoners (nelson Mandela rules)

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ VL v Switzerland (communication No.262/2005)

treatment, are not allowed. This right applies to women in prison too. Even when they are in jail, they should still be treated as human beings and not subjected to inhumane treatment that harms their dignity as women. Articles 16 and 18 cover these points. The Maputo Protocol, which is a regional agreement, goes even further by specifically focusing on the rights of women in custody. **Article 4(2)(j)** of the Protocol asks governments to take all necessary steps to protect women in detention and to ensure they are safe from violence, including sexual abuse. Together, these international and regional agreements create a strong system for protecting women in prison. They require countries like Zambia to treat women in custody with fairness, respect, and equality, and to protect them from all kinds of abuse and discrimination.

2.9 AN ANALYSIS TO WHICH ZAMBIA HAS RATIFIED THESE INTERNATIONAL STANDARDS

PROTECTION FROM SEXUAL VIOLENCE AND HARASSMENT

International standards like the CEDAW and the Bangkok Rules require countries to protect women in prison from all types of sexual violence and make sure that female inmates are watched by female staff. The Bangkok Rules, specifically Rule 1, say that women prisoners should be treated with policies that take into account their unique needs. However, the Zambia Correctional Service Act does not have a specific rule that stops sexual violence or harassment against female inmates. It also does not clearly require that only female staff supervise female prisoners, which goes against the Bangkok Rules. Because of this, Zambia is not fully following these international standards, especially since there are not enough rules or protections in place to make sure, they are followed.⁴⁷

COMPLAINT AND REDRESS MECHANISMS

International Standard **Rule 25**⁴⁸ from the Bangkok Rules says that women in prison should have access to secret ways to report problems, and any reports of abuse must

⁴⁷ <https://pmc.ncbi.nlm.nih.gov> accessed on the 23rd of August, 2025

⁴⁸ Ibid

be looked into by someone outside the prison system. But in Zambia, there is no separate group that checks on prisons and protects the privacy of women who speak up about abuse. Instead, complaints are usually dealt with inside the prison, often by the same people who are suspected of wrongdoing. This creates a situation where there is a conflict of interest and no one is held responsible.

Therefore, Zambia's framework is **misaligned** with the intentional expectations of independent and confidential complaint mechanisms.

HUMANE CONDITIONS OF DETENTION

According to international law, including the Nelson Mandela Rules and the ICCPR, people who are in prison should be treated with respect and kindness. Prisons must also provide basic health, cleanliness, and privacy. Reports from the Human Rights Commission of Zambia (2023) and other organizations show that prisons are too crowded, have poor sanitation, and don't offer enough healthcare. Especially for women in prison, there is a lack of access to special care items like menstrual hygiene products and reproductive healthcare services⁴⁹.

There is **partial compliance**, but significant gaps remain in upholding the right to dignity and health in Zambian prisons.

LEGAL AND POLICY FRAMEWORKS SPECIFIC TO WOMEN

International standard CEDAW and the Maputo Protocol call for laws that take into account the specific needs of women, including those who are in prison. While Zambia has introduced laws like the Anti-GBV Act and the correctional law, these laws do not specifically address the unique challenges faced by female prisoners. They are not tailored to the different ways women may be vulnerable because of their gender and other factors. There are also no clear rules or official requirements that ensure this⁵⁰.

⁴⁹ Ibid

⁵⁰ <https://www.state.gov> accessed on the 25th of August, 2025

Zambia's current system doesn't have enough policies that take gender into account, which means it isn't fully meeting the requirements of CEDAW and the Maputo Protocol when it comes to dealing with gender-based violence in prisons.

2.10 BARRIERS UNDERMINING THE EFFECTIVENESS OF ZAMBIA'S INTERNATIONAL COMMITMENTS AND RATIFICATIONS.

Even though Zambia has signed several international treaties and agreements, their effectiveness at the national level remains low. There are ongoing challenges related to institutions, culture, money, and laws that create a gap between what Zambia promises and what it actually does. These problems make it harder for Zambia to meet its international obligations and to support its own development and the protection of human rights.

Zambia is not meeting international human rights standards for several reasons. One reason is that there isn't enough political effort to focus on improving prisons, especially for women. Another is that there aren't enough resources to build better prison facilities and train prison staff. Also, there is a cultural attitude that accepts and even normalizes abuse against women, including those in prison. Additionally, the law isn't enforced well, and there are not strong, independent groups to watch over how prisons are run.⁵¹

2.11 POSITIVE STEPS AND OPPORTUNITIES FOR REFORM

Even though there are some gaps, Zambia already has a good base to move forward with ratifying international treaties, which shows they are seriously committed. Also, the plan to change the correctional service in Zambia, while broad, can be adjusted to include specific changes for gender issues. Plus, the Human Rights Commission and Civil Society Organizations can be given more power to help monitor, train, and push for better practices.

2.12 CHAPTER RECOMMENDATIONS FOR EFFECTIVENESS

⁵¹ Ibid

To improve the effectiveness with international standards, Zambia should:

1. Amend the Correctional Service Act to include specific provisions protecting female inmates from GBV.
2. Domesticate the Bangkok Rules into binding domestic law.
3. Establish independent and confidential complaint mechanisms within all correctional facilities.
4. Ensure that only female officers supervise female prisoners, especially during intimate procedures like searches.
5. Provide regular gender-sensitive training for correctional staff.
6. Work with NGOs and the Human Rights Commission to properly track and share information on how things are going.

2.14 CONCLUSION

Zambia has shown it cares by signing international agreements, but there are still big problems in how these laws are put into action, followed through, and made fair for women. Women in prison are not getting enough protection under the law, and the current system doesn't meet global standards for human rights. To properly follow through on its promises under treaties like CEDAW and the Bangkok Rules, Zambia needs to make big changes to its laws and ensure that government agencies are held responsible.

CHAPTER THREE

TO ANALYZE THE LEGAL FRAMEWORK IN ZAMBIA ADDRESSING SEXUAL HARASSMENT AND GENDER-BASED VIOLENCE AGAINST FEMALE PRISONERS

3.0 INTRODUCTION

This chapter focuses at the current laws and policies in Zambia that are meant to protect women who are in prison from sexual harassment and gender-based violence. The goal is to figure out the basic standards and protections that should be in place to keep female inmates safe from such issues. It covers political and constitutional documents, official laws, policy papers, and strategies, as well as international agreements that Zambia has signed and must follow.

This chapter looks closely at the laws and policies in Zambia and says that they are not suitable and do not work well in protecting women who are in prison from sexual violence and other forms of gender-based violence. It also says that there is a need for better legal and policy structures, along with proper institutional support, to ensure women prisoners have the right protections and that necessary changes are encouraged.

3.1 CONSTITUTIONAL AND STATUTORY PROVISIONS

3.1.1 THE CONSTITUTION OF ZAMBIA (AMENDMENT ACT NO.2 OF 2016)

The first part, **Article 1(1)**⁵² of Zambia's constitution clearly says that the constitution is the highest law of the country. This means all other laws get their authority from it and must follow its rules. There is also **Article 8**⁵³, which lists important national values and principles, including human dignity and equality. This means female prisoners are entitled to be treated with respect and fairness, even though they are in prison. **Article 9**⁵⁴ explains that these values and principles should guide how the constitution and other laws are made and understood, as well as how government policies are created

⁵² Ibid

⁵³ Ibid

⁵⁴ Ibid

and followed. This shows that every citizen, including prisoners, should be treated with dignity, fairness, and their right to social justice should be respected. Zambian constitution lays the foundational legal protection for all citizens, including prisoners.

Article 11⁵⁵ confirms that human rights and basic freedoms are recognized and protected. Even though these women are in detention, they still have the right to fundamental human rights and freedoms. Being in custody does not take away their constitutional rights, such as being treated with respect and dignity.

Article 12⁵⁶ explains that everyone has the right to life and no one should be intentionally killed unless there are specific exceptions, like in cases of serious crimes. However, Zambia has stopped using the death penalty. This means female prisoners also have the right to life, and no one is allowed to take that away. If someone dies because of violence or abuse by an officer, the government could be held responsible for breaking Article 12.

Article 23⁵⁷ says that people should not be treated differently because of their gender or other reasons. These rules help make sure that women in prison are protected from sexual harassment and violence. The law says everyone, including women in prison, should be treated the same as others, whether they are male or female. This is not just about how people are treated in normal life, but also in prison. Women in prison have the right to feel safe, just like everyone else.

Article 28⁵⁸ explains how someone can make sure protective rules are followed, but only if clause (5) is in effect. If a person believes any of the rules in Articles 11 to 26 have been broken, they can take action to protect their constitutional rights. This rule also covers prisoners. If a prisoner feels their rights have been broken, they can report the officer who violated those rights. Especially for female prisoners, they can report any violence they have experienced while in prison. In the Zambian context that does

⁵⁵ ibid

⁵⁶ Ibid

⁵⁷ Ibid

⁵⁸ Ibid

not happen these women in prisons don't even have the right channel to report such abuse or violence going on in the prison system.

3.1.2 THE PENAL CODE ACT, CHAPTER 87

The Penal Code of Zambia is one of the oldest criminal laws in the country. It was originally modelled after the English criminal law. This code includes many different types of crimes, including those involving sexual activities. Sections 132 to 137 make it illegal to commit acts like rape, defilement, indecent assault, and unlawful sexual contact. These rules are meant to apply to everyone, including cases where a female prisoner is harmed by prison staff or other prisoners. The law covers various sexual and gender-related crimes. For example, **Section 132⁵⁹** says that having sex without consent is a serious crime and can lead to a minimum of 15 years in prison. This rule also applies to female prisoners, meaning it is illegal for a police officer to have any sexual contact with a female prisoner without her permission, even if she is in custody. **Section 138(3)⁶⁰** says that if someone is in custody or under another person's care or control, any sexual activity between them is assumed to be without consent. This applies in prisons as well, so if a female prisoner is forced to have sexual contact with a prison officer, it is considered rape and is punished severely. This section emphasizes on protecting female prisoners whether there is consent or not but even though there is such section the law does not fully protect these women which is the problem and these officers are not even punished like the section states.

The Penal Code can technically be used in prisons, but it's not really applied much in real situations inside correctional facilities. Women in prison often don't have the right steps, help from a lawyer, or trust in the system to report sexual abuse, especially if it comes from people in power like guards. Also, the Penal Code doesn't mention the big difference in power between inmates and staff or how women in prison are more at risk. So even though the Penal Code is important, it's not enough on its own to deal with gender-based violence in prisons without extra support and changes in policies.

⁵⁹ The penal code Act chapter 87 of the laws of Zambia

⁶⁰ Ibid

3.1.3 THE ANTI -GENDER BASED VIOLENCE ACT NO.1 OF 2011

The Anti-Gender-Based Violence Act of 2011 was a forward-thinking move to help stop gender-based violence in Zambia. It explains important terms like harassment, sexual abuse, and economic violence, and offers ways to protect people and get justice. But the law mainly focuses on people outside of prison and doesn't specifically talk about women who are in jail or abuse that happens inside prisons.

This gap is important because female prisoners are a group that is very vulnerable to gender-based violence. Although the law allows for protection orders and explains the roles of police and health workers in dealing with GBV cases, it doesn't require prison officials to stop, record, or deal with such abuse that happens while someone is in custody. The fact that this law isn't well connected to how prisons are run makes it hard to stop GBV against women in jail.

The Anti-Gender-Based Violence Act is a new law that improves on previous efforts by covering more types of abuse, such as sexual, psychological, and economic harm, in addition to physical violence. It makes spousal rape a crime and gives victims the right to seek justice through the legal system. However, there is not much research on how this law applies in prisons, and there are concerns about how well correctional staff understand and follow the law.

Part IV⁶¹ of the GBV Act covers protection orders, which means even female prisoners can request protection from someone who has harmed them, including a correctional officer. In short, the Anti-GBV Act provides a general legal structure, but it doesn't deal with the special situation of prisons. Because of this, abused female inmates in Zambia remain unnoticed and unprotected within the country's legal system. This has brought about the less protection of for these female prisoner gender -based violence if the anti-gender-based violence act can add section that protects these women from torture, abuse by these prison staff it would improve their stay in prisons

⁶¹ The Anti-Gender based violence Act No1 of 2011

3.1.4 THE ZAMBIAN CORRECTIONAL SERVICE ACT NO .37

The Zambia Correctional Service Act was made to improve how prisons are run and to focus more on helping people change their behavior instead of just punishing them. Even though the Act explains some rules for how prisons should be managed and gives some rights to prisoners, it doesn't talk about sexual harassment or gender-based violence that happens especially to female prisoners. Part XVIII of the Act lists crimes like helping someone escape or attacking prison staff, but it doesn't have any rules that deal with sexual abuse by prison workers or other prisoners against women.

This problem is serious because many reports from the Human Rights Commission and NGOs show that female prisoners have been harassed, sexually abused, or physically attacked by both male staff and other prisoners. The current law doesn't have rules to hold people responsible for these actions, which lets the guilty go free and stops victims from speaking out. The Correctional Services Act is the law that manages, treats, and helps prisoners in Zambia. It includes ideas from international human rights rules and new approaches to prison reform.

The key provisions for protecting female inmates these include:

Section 45⁶² talks about sensitive treatment which mandates that correctional facilities must provide for the specific needs of female prisoners including protection from abuse and adequate health services. This provision ensures that female prisoners are protected from any such abuse that can be found while they are in custody and this section has not been followed in reality, which are the gaps that have been created.

Section 48⁶³ brings about the separation of prisoners which entails physical separation of female and male inmates, a measure intended to reduce sexual violence and preserve privacy. It establishes female prisoners' dignity and privacy by separating them from male prisoners. Even though this section does exist in the

⁶² The Zambia correctional service Act No 37 of the laws of Zambia

⁶³ Ibid

Zambia correctional service these women still face sexual harassment and gender-based violence from prison staff and they lack the mechanisms of reporting such type of harassment.

A gender-sensitive amendment to the Zambia Correctional Service Act is therefore necessary to explicitly provide protection for female inmates and establish consequences for perpetrators within correctional institutions.

3.1.5 THE HUMAN RIGHTS COMMISSION

The Human Rights Commission (HRC) is one of the most important institutions in Zambia tasked with promoting and protecting human rights. Established under the Human Rights Commission Act, Chapter 48 of the Laws of Zambia, the HRC is empowered to investigate complaints of human rights violations, including those that occur within prisons.⁶⁴ It can also inspect detention facilities, make recommendations, and publish reports on conditions affecting inmates, including sexual abuse, physical assault, and inhumane treatment.

form of psychological and sexual abuse. Such reports reinforce the necessity of institutional checks and independent oversight.

Injustices in Zambia's prison system are a big problem. For example, in its 2023 annual report, the Commission said that out of more than 15,000 prisoners in the country, 7.3% had complained about sexual harassment and gender-based violence. The Commission also found cases where female prisoners were made to take off all their clothes and locked in dark, lonely cells this is clearly a serious issue.

However, the Commission can't force people to take action. Its suggestions aren't law, and often, people don't act on them or wait too long to follow up. Still, the HRC is one of the few government groups that really cares about the problem of violence against women in prisons. It gives an important look into the hidden problems happening in

⁶⁴

<https://www.gov.uk/governmentpublications/zambianinformationforvictimsofrapeandsexualassault/informationforrape> accessed on the 19th of July ,2025

Zambia's jails. Even though Zambia has made notable progress in human rights ratification, its implementation in correctional service context remains weak which underscores the need for the right -based approach to prisons administration, integrating gender-sensitivity and ensure that the take investigation reports very serious when female prisoners complain.

3.1.6 THE ZAMBIAN POLICE VICTIM SUPPORT UNIT

The Victim Support Unit (VSU) within the Zambia Police Service was established as a foundational component to handle cases of gender-based violence, including domestic violence and sexual assault.

While its primary focus is on civilian cases, it has on occasion been called upon to investigate incidents within correctional facilities. The VSU can act as a neutral body for inmates to report abuse, particularly during their arrest or transfer stages.

However, due to jurisdictional and logistical constraints, the VSU is rarely involved in routine prison monitoring. Increasing their cooperation with the Correctional Service and Human Rights Commission could significantly improve the reporting and investigation of GBV cases in prisons.

3.1.7 PUBLIC PROSECUTOR ACT NO 31 OF 2023

One of the more recent legislative changes in Zambia is the creation of the Office of the Public Protector. The Public Protector's job is to look into cases of maladministration, misuse of authority, and human rights breaches in government bodies, such as jails, even though. The office is still in its early stages and has not yet had a major impact, but it shows promise as another way for female inmates to seek redress.⁶⁵

The Public Protector has the authority to conduct independent investigations and make recommendations to Parliament. This office may provide vital oversight in cases

⁶⁵ Public prosecutor Act No.31 of 2023

of sexual harassment and mistreatment of inmates by correctional officers if it is successfully put into practice. Additionally, it may help guarantee that prisons are included in larger institutional changes.

3.1.8 THE LEGAL AID BOARD

The Legal Aid Board of Zambia offers legal assistance to those who cannot afford a private attorney⁶⁶. In the prison context, where the majority of inmates, particularly women, are not represented by counsel, this is very crucial. The Legal Aid Board's services enable victims of sexual harassment in prison to file lawsuits, request protection orders, or pursue other remedies. Unfortunately, legal aid services are frequently underfunded and overburdened, which reduces their scope and influence.

3.2 NON-GOVERNMENTAL AND Development INSTITUTIONAL ACTORS ADDRESSING SEXUAL HARASSMENT AND GBV IN ZAMBIAN PRISONS

Numerous institutions and civil society organizations (CSOs) in Zambia are also essential in addition to laws in place for safeguarding the rights of imprisoned women, as well as tackling gender-based violence and sexual harassment. To advance prison reform, track human rights abuses, and offer psychosocial or legal assistance to at-risk inmates, these organizations frequently collaborate with state actors and international organizations. These institutions aid in closing the gaps left by the legal system, particularly in areas where governmental accountability is lacking.

3.2.1 WOMEN AND LAW IN SOUTHERN AFRICA – ZAMBIA (WLSA)

WLSA is a regional NGO that promotes women's rights in Southern Africa through legal study, advocacy, and litigation⁶⁷. Its national chapter is based in Zambia. In particular, WLSA-Zambia works to combat gender-based violence, sexual harassment, and legal illiteracy among marginalized groups, such as imprisoned women.

WLSA's legal education programs are among its main strengths. The group has made efforts to educate female inmates about their rights and the legal options available to

⁶⁶ <https://www.legalboard.otg.zm> accessed on the 3rd of September, 2025

⁶⁷ <https://www.wtsazambia.org> accessed on the 15th of September, 2025

them, especially when it comes to sexual abuse and harassment in prison environments. In addition to pushing for legal changes like the domestication of international treaties like the Bangkok Rules, WLSA has also engaged in advocacy. establish gender-specific guidelines for the treatment of female inmates.

The holistic method of WLSA addresses the legal aspects of abuse while also incorporating psychosocial assistance and capacity development for women prisoners. This strategy makes it is one of the few groups in Zambia that is actively working to lessen the legal exposure and psychological harm that abused female prisoners face.

3.2.2 DIGNITY-DANISH INSTUTUTE AGAINST TORTURE (ZAMBIA PROJECTS)

With active programs in Zambia, DIGNITY is a Danish-based international human rights and organization. DIGNITY has carried out vital work in tracking circumstances in detention centers, such as police cells and jails, via its regional partnerships. The “DIGNITY Publication Series on Torture and Organized Violence,” which has specifically concentrated on gender-based maltreatment in Zambian jails, is one of its most noteworthy achievements.⁶⁸

DIGNITY carried out research studies and advocacy campaigns to record the impact of imprisonment in Zambia, partnering with local players such as the Prisoner Reintegration and Empowerment Organization (PREO) and Jo Baker. The difficulties that female inmates experience, such as compelled nudity, a lack of privacy, and regular harassment. According to their studies, gender-based violence in jails is frequently underreported as a result of fear, embarrassment, or a lack of faith in the system.

Additionally, DIGNITY has educated prison personnel on international human rights standards in order to incorporate preventative measures and accountability systems into prison administrations. And ineffective enforcement procedures. Incarcerated women will remain among the most vulnerable members of society until the judicial

⁶⁸ <https://www.dignity.dk> accessed on the 20th September, 2025

system specifically addresses their vulnerability and develops unique laws and enforcement mechanisms for them. the least apparent victims of gender-based abuse in Zambia's judicial system.

3.2.3 PRISONER REINTERATION AND EMPOWERMENT ORGANISATION

PREO is an organization located in Zambia that works to protect prisoners' human rights and reintegrate and rehabilitate them, especially those who experience social stigma after being released. Many female inmates have suffered abuse while in prison, and PREO is essential to their rehabilitation. This institution does not work to protect these female prisoners at all nor do they provide a mechanism for women in prisons to report such abuse and that is why there is need for a strong forum for these women to report to especially that this institution works hand in hand with the government.

The organization provides services that include:

3.3.3 Legal awareness and paralegal support

Training and workshops for prison staff on human rights and GBV, as well as psychological therapy and reintegration counseling. In cases of sexual assault, PREO serves as an intermediary, assisting female inmates in filing complaints, getting legal representation, and getting trauma therapy. The group also runs community outreach initiatives to lessen the stigma surrounding formerly incarcerated women, particularly those who have experienced sexual assault in prison. Despite its low budget, PREO's community efforts have made a real difference in the lives of marginalized inmates. Its community-based approach enables it to continue to monitor women ex-prisoners after their release, which is essential for GBV survivors who require ongoing assistance.

3.3.4 ZAMBIAS COMMITMENTS AND RATIFICATION

Zambia has agreed to most of the international and regional human rights agreements mentioned earlier. For example, Zambia signed the CEDAW treaty in 1985, which means the country must take all necessary steps to stop discrimination against women, including in prisons. The country is also part of the ICCPR and ACHPR, which

protect people from being tortured or treated in a cruel or unfair way. Zambia joined the Bangkok Rules as part of its support for UN resolutions, but it hasn't turned these rules into official laws that can be enforced. Even though Zambia has laws like the Anti-Gender-Based Violence Act from 2011 and the Zambia Correctional Service Act from 2021, these laws don't specifically protect the rights of female prisoners or fully match international standards for protection.⁶⁹

3.3.5 CONCLUSION

To sum up, Zambia has a number of laws and institutions that may theoretically assist in combating sexual harassment and gender-based violence against female inmates. The Human Rights Commission, the Penal Code, the Employment Code, and the recently established Office of the Public Protector all have a part in it. These instruments are frequently underutilized due to the absence of clear legal safeguards, overlapping mandates, and ineffective enforcement procedures.

Incarcerated women will remain among the most vulnerable members of society until the judicial system specifically addresses their vulnerability and develops unique laws and enforcement mechanisms for them. the least apparent victims of gender-based abuse in Zambia's judicial system.

⁶⁹ Banda L. (2020) human rights and penal reforms in Zambia

CHAPTER FOUR

TO ANALAYZE RWANDA LAWS IN RELATION TO SEXUAL HARASSMENT AND GENDER -BASED VIOLENCE AGAINST FEMALE PRISIONERS.

4.0 INTRODUCTION

This chapter offers a detailed comparative study on Rwanda's approach to handle sexual harassment and gender-based violence (GBV) in prisons and produces helpful Concluding remarks that might be applied in Zambia. The aim is to research the legal, political, and institutional instruments Rwanda has set to handle GBV and protect the rights of incarcerated women and to evaluate how these techniques may help to direct Zambia's own correctional and human rights system. The argument stresses Rwanda's success in matching its criminal justice system with international human rights requirements, particularly those specified by the Convention. on the abolishment of the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules) and the UN Convention on the CEDAW, or Elimination of All Forms of Discrimination Against Women.

4.1 RWANDA'S LEGAL AND INSTITUTIONAL FRAMEWORK ON SEXUAL HARASSMENT AND GENDER-BASED VIOLENCE

Rwanda's approach to addressing gender-based violence and sexual harassment in correctional facilities is rooted in robust legislative and institutional reforms implemented in the aftermath of the 1994 genocide against the Tutsi, Rwanda undertook comprehensive justice and governance reforms. these included the introduction of gender sensitivity for correctional policies and strict accountability for sexual misconduct by state officials. These reforms sought to not only restore justice systems but also to strengthen gender equality, ensure accountability, and protect human rights across all sectors, including the correctional service system.

4.2 THE RWANDAN CONSTITUTON

The Rwandan Constitution of 2003, along with its amendments, guarantees equality under the law and specifically prohibits gender discrimination, as well as any acts of violence or inhumane treatment. Female prisoners are protected by the constitution

from harsh, inhumane treatment from violations that occurs in prisons. According to **Article 27** the constitution it prohibits sexual harassment of any person including female prisoners and that person shall be liable to life imprisonment with special provisions.⁷⁰

4.2.1 LAW NO.68/ ON PREVENTION AND PUNISHMENT OF GENDER -BASED VIOLENCE

This defines GBV comprehensively and establishes criminal penalties for sexual harassment, rape, and exploitation, even when committed by state officials, including prison officers. This is Rwanda's penal code which criminalize sexual offences including sexual harassment done by people in authority as well as it contains gender-based violence offences and provides for the serious punishment and it does not mind the age of the person and does not accept any reasons for doing such acts⁷¹.

4.2.2 THE RWANDA CORRECTIONAL SERVICE ACT (RCS)

The Rwanda correctional service (RCS) was established under Law No.34/2010, which explicitly provides for gender-equality, humane treatment and the prohibition of sexual exploitation in custodial settings. The gender mainstreaming policy of 2018 further mandates that all female prisoners be exclusively by female officers and that correctional receive gender and human rights training. In the case of *prosecutor v jean-Paul Akayesu (ICTR-96-4-T,1998) Akayesu*, a former mayor, *was convicted of genocide and crimes against humanity, including rape and sexual violence. The Tribunal held that sexual violence can constitute genocide and torture when used systematically.*⁷² This landmark decision not only transformed international law but also influenced Rwanda's domestic recognition of sexual violence as a grave human rights violation. It laid the foundation for Rwanda's zero-tolerance policy on sexual abuse, including within prisons. *Uwimana v The Republic* the Court held *that prisoners retain their fundamental human rights, and that state institutions are under a constitutional duty to ensure humane treatment in detention.*⁷³ The case established

⁷⁰ The Rwanda constitution of 2003

⁷¹ <https://www.migeprof.gov.rw> accessed on the 13th October,2025

⁷² Prosecutor v jean -Paul akayesu case No. ICTR-96-4, Judgment (sept.2,1998)

⁷³ Uwimana-Nkusi v the republic 426/12 (ACmHPR, Apr.16,2021)

that prison authorities are directly accountable for violations of inmates' rights, thereby strengthening the legal basis for redress in cases of GBV or harassment. ***Mukamana v The State***. The Court found a prison officer guilty of sexual abuse against a female inmate and ruled that any sexual act between an officer and inmate, even if claimed to be consensual, constitutes abuse due to coercive authority⁷⁴. This case reinforces the concept of constructive non-consent that power imbalance nullifies consent. It is a vital precedent for addressing sexual harassment and GBV in custodial contexts. ***Niyonsaba v Rwanda Correctional Service*** the Court awarded damages to a female inmate who was sexually harassed by a correctional officer, holding the RCS vicariously liable for failure to protect the inmate's dignity under Article 12 of the 2003 Constitution of Rwanda⁷⁵. The Relevant Illustrates effective judicial enforcement of GBV laws within prisons and demonstrates Rwanda's progress in ensuring institutional accountability. These Rwandan cases collectively reveal a stronger and more progressive approach to addressing sexual harassment and GBV within correctional institutions. Unlike Zambia, Rwanda's judiciary and legislature have harmonized domestic law with international standards, ensuring preventive mechanisms, gender-sensitive supervision, and accessible complaint systems.

4.2.3 INSTITUTIONAL MECHANISMS AND OVERSIGHT

4.2.4 CORRECTIONAL SERVICE RESPONSIBILITY AND HUMAN RIGHTS MANDATES

Rwanda correctional service (RSC) is responsible for ensuring that prisoners are treated with respect, both physically and mentally. It criminalizes sexual relations between correctional staff and inmates, even where "consent" is alleged. It also includes receiving and evaluating reports about interpersonal relations in prisons, ensuring that internal governance includes oversight of behavior in prisons.⁷⁶ Rwanda's success is closely linked to its institutional reforms following the 1994 genocide. The Rwanda correctional service (RCS) operates with a dedicated Gender and Human

⁷⁴ Mukamana Dorothee v the state No.RCA 0127/14/TGI/NGOMA ,31

⁷⁵ Niyonsaba v Rwanda correctional service RP 00169/2019/TGI/MUS

⁷⁶ Rwanda correctional service of 2003

Rights units which receives, investigate and refer complaints independently of prison management. this structure ensures accountability and transparency.⁷⁷

4.2.5 GENDER FOCUS AND FEMALE OFFICERS FOR WOMEN INMATES

Rwanda has realized that having more female correctional officers is important for better caring for female inmates. This includes handling issues like pregnancy, breastfeeding, and searches. Recent reports show that female officers are about 25 to 28 percent of the RCS staff, and there are policies in place to raise that number. In Rwanda only female supervisors are allowed in female inmate's cells and supervise them.⁷⁸

4.2.6 TRAINING, STANDARD AND INTERNATIONAL INSTRUMENTS

Rwanda is working with international standards by holding training sessions to teach prison staff and other involved people how to follow the Bangkok Rules, which are guidelines for treating women in prison. This helps reduce confusion and stress for everyone involved. The Bangkok rules (2010) this is formally known as the United Nations rules that governs female prisoners and non-custodial measures for women offenders and emphasizing on gender -sensitivity management for prisons. **Rule 19** requires that female prisoners shall be supervised only by female officers while **Rule 25** mandates the establishment of confidential complaint mechanisms and Rwanda had domesticated them comprehensively into national legislation.⁷⁹

4.3 IMPLEMENTATION AND MONITORING MECHANISMS

Rwanda has been successful in reducing gender-based violence in prisons because of its strong systems for carrying out and checking on these efforts. The Gender Monitoring Office, which is an independent group set up by the country's Constitution, is key in making sure that gender equality is followed. This office regularly checks public institutions, including prisons, to ensure they are following policies and laws that

⁷⁷ Rwanda correctional service annual report ,2021

⁷⁸ <https://www.newstimes.com> accessed on the 14th of October,2025

⁷⁹ Baker (2019)'gender and justice addressing sexual harassment and Gender -based violence in prisons

are fair to everyone. The National Human Rights Commission and the Office of the Ombudsman also do inspections to make sure prisons follow human rights rules.

In 2021, the Rwanda Correctional Service worked with the United Nations Office on Drugs and Crime and Penal Reform International to train prison staff on the Bangkok Rules. These rules focus on treating people humanely, helping them change their behavior, and stopping sexual abuse. These partnerships have made the prison system more responsible and open, so complaints about gender-based violence can be dealt with quickly and well.⁸⁰

4.4 Comparative Discussion and Policy Implications

4.4.1 Comparative Overview

The comparative assessment between Zambia and Rwanda reveals that while both nations have ratified major international and regional human rights instruments, Rwanda's domestication and implementation of these obligations have been more comprehensive and effective.

Zambia's legislative and institutional framework remains fragmented. The Anti-Gender-Based Violence Act No. 1 of 2011 and the Penal Code (Cap 87) prohibit sexual offences broadly but do not directly address sexual harassment or gender-based violence within prisons. The Zambia Correctional Service Act (2021) provides general guidance on humane treatment but lacks operational clarity and enforcement provisions.⁸¹

Rwanda, conversely, has enacted clear and binding laws that directly address sexual violence in custodial settings, including Law No. 34/2010 Establishing the Rwanda Correctional Service and the Penal Code of 2018, which explicitly criminalize sexual relations between correctional staff and inmates, even where "consent" is alleged⁸².

4.4.2 Institutional Reform and Accountability

⁸⁰ Rwanda correctional service (2023) annual gender and human rights report, Kigali: RCS publications

⁸¹ Zambia correctional service Act No 37 of 2021

⁸² Rwanda correctional service of 2003

Rwanda's success is closely linked to its institutional reforms following the 1994 genocide. The Rwanda Correctional Service (RCS) operates with a dedicated Gender and Human Rights Unit, which receives, investigates, and refers complaints independently of prison management. This structure ensures accountability and transparency (RCS Annual Report, 2021).

In contrast, Zambia's complaints system remains internally controlled by the Zambia Correctional Service (ZCS), and reports of abuse are often handled by the same officers implicated in misconduct (Human Rights Commission, 2023). The absence of a truly independent complaints body undermines victims' confidence and perpetuates a culture of silence.⁸³

Furthermore, while the Human Rights Commission (HRC) in Zambia is constitutionally mandated to monitor human rights compliance, it lacks prosecutorial powers and adequate funding (Banda, 2020). As such, many cases of abuse within prisons remain unaddressed, creating an accountability vacuum.

4.5 Overview of Data Sources and Respondents

Qualitative methodology was used in this research relying on both primary and secondary sources. These sources included academic journals, Statutory Laws, Case Law or reports and international human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination Against women (CEDAW) and the Bangkok Rules of the Treatment of woman prisoners (2010). The Primary data consisted of interviews conducted with selected prison officers, female inmates, legal aid practitioners, and representatives from human rights organizations.

Research was done and a total of fifteen participants were consulted in the search for answers and reviews on the ongoing topic of this presentation. Five (5) were from the Zambian Correctional Service, four (4) Legal Practitioners, the three (3) from civil society representatives such as group leaders of community groups and three (3) from

⁸³ Banda. L (2020) human rights and penal reform in Zambia: challenges of implementations. Lusaka UNZA PRESS

inmate women. The reports revealed persistent issues of sexual harassment, inadequate complaint mechanisms, and limited institutional accountability.

The respondents from both the government and the non-government institutions agreed that female prisoners in Zambia remain among the most vulnerable groups, often exposed to harassment, coercion, and neglect. According to one correctional officer interviewed at Kamfinsa Correctional Facility. He stated that, *“There is still so much gap and lack of female staff to handle female inmates, especially during searches and medical inspection. You find that male officers are sometimes asked to help which mostly cause a lot of discomfort and fear among inmates.”* This observation was made in Zambia’s prison system. The **Zambia Correctional Service Act No. 37 of 2021** provides for **“conduct and treatment”** and the separation of male and female inmates, yet does not explicitly criminalize sexual misconduct within correctional institutions. It provides that officer in charge manage and conduct and treatment of correctional officers and inmates. Consequently, enforcement remains weak, and offenders often go unpunished and Several answers were given by the respondents which expressed frustration over the absence of effective reporting mechanisms. On the interaction’s one of the female inmates remarked: that, *“When we report abuse, they say we are lying or trying to get attention. Sometimes they threaten to transfer us or reduce our privileges.”* The system is discouraging for those seeking justice, furthermore the absence of an independent oversight mechanism within the correctional service which contradicts the rules in the Bangkok Rules, Rule No. 2 this calls for confidential and independent complaint systems for female prisoners⁸⁴.

4.6 ROLE OF INTERNATIONAL COOPERATION AND DONOR SUPPORT

Rwanda's progress has been mostly helped by international partners like UN Women, the United Nations Development Program (UNDP), and the International Committee of the Red Cross (ICRC). These groups have given support in the form of training, technical help, and money to improve prison reforms that consider gender issues.

⁸⁴ Human rights commissioner annual report 2023

Zambia might also gain a lot by working with international partners to improve its correctional policies and efforts for gender fairness⁸⁵.

Making Zambia's prison system match international guidelines like the Bangkok Rules (2010) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) can help the country follow global standards better and make donors more willing to support efforts to improve the system.

4.7 LESSONS FOR ZAMBIA

Rwanda's experience gives valuable insights for Zambia as it tries to fight sexual harassment and gender-based violence in prisons. First, Zambia can follow Rwanda's example by making clear laws that deal with gender-based violence in prisons. This can be done by updating the Zambia Correctional Service Act of 2021 and the Anti-Gender-Based Violence Act of 2011 to include rules about abuse that happens in prisons. Second, setting up special roles for gender issues and giving training on human rights to prison staff can help make the system more responsive to these problems. Third, Zambia can work with local groups and organizations to offer legal help and emotional support to victims, which would create a more comprehensive approach to stopping gender-based violence.

Also, Zambia should improve its independent oversight by using the Human Rights Commission and working with groups like the United Nations Office on Drugs and Crime (UNODC) and other international organizations.

This will help make sure that Zambia's

prison system follows international standards like the Bangkok Rules and CEDAW. Lastly, Zambia needs to make sure more women are in leadership positions within prisons and provide facilities that meet the needs of women who are incarcerated, like access to healthcare during pregnancy and childbirth.

⁸⁵ <https://Police.gov.rw.media.news> accessed on the 15th October, 2025

Victim Support and Rehabilitation by Introduce psychosocial support services for survivors of custodial sexual violence and create legal aid channels for inmates seeking redress.

4.8 CONCLUSION

The comparative analysis between Zambia and Rwanda reveals that meaningful protection of female prisoners from sexual harassment and GBV depends on the interplay between law, enforcement, and institutional will.

Rwanda's post-genocide reforms show that political commitment to gender equality, coupled with judicial activism and clear statutory mandates, can transform correctional systems into rights-respecting institutions. Zambia, while constitutionally committed to human rights, continues to struggle with enforcement, underreporting, and weak accountability.

Therefore, to achieve substantive gender equality and uphold the dignity of women in prisons or police custody, Zambia must do the following:

- Strengthen its legislative provisions to explicitly address custodial sexual abuse;

- Ensure gender-sensitive staffing and foster judicial interpretation that aligns with international norms.

- Empower oversight and investigative bodies;

By adopting a rights-based and gender-responsive approach similar to Rwanda's, Zambia can significantly improve protection for female prisoners and demonstrate compliance with its regional and international human rights commitments, and when Zambia successfully adopts similar laws and introduces punishment to offenders of abuse it will bring significance of certain laws such as freedom of expression. Hence Zambia should

CHAPTER FIVE

5.0 GENERAL CONCLUSION AND RECOMMENDATIONS

The conclusions from the investigation on sexual harassment and gender-based violence (GBV) against women prisoners in Zambia underlie the recommendations made in this chapter. Particularly the flaws in Zambia's legal and institutional system, the barriers to reporting abuse, and it builds on the weaknesses highlighted in the preceding chapters. General disagreement with worldwide human rights standards. Additionally considered in the advice are the lessons learnt from Rwanda, which has thoroughly transformed its prison system to better safeguard inmates, especially women.

To strengthen the protections for women prisoners against sexual harassment and GBV, these recommendations are based on scientific evidence and include: to promote responsibility inside the correctional service and align domestic actions with global obligations as well.

5.1 FINDINGS AND CONCLUSIONS

5.1.1 CHAPTER TWO

This chapter accessed the various international instrument that Zambia has ratified in relation to the protection of female prisoners against sexual harassment and gender-based violence. These international standards provide for the standard of care that is supposed to be rendered to prisoners but emphasis is on the protection of female prisoners against sexual harassment and gender-based violence in the prison system. It also established the relationship between Zambian domestic laws and international standards on correctional service. It also looked at how closely the correctional service Act of 2021 complies with global norms and despite adopting some international standards for the provision for protecting female prisoners from sexual harassment and gender-based violence, the Act nevertheless has some shortcomings. This chapter described numerous types of international standards that are relevant and should be taken into consideration.

The findings of this chapter are that even though there are these international standards Zambia has not domesticated these international standards when it comes to the protection of female prisoners in accordance with the Bangkok rules and the Nelson Mandela rules that guide on the protection of female prisoners.

5.1.2 CHAPTER THREE

The objective of this chapter was to examine the legal framework in Zambia with regards to the protection of female prisoners against sexual harassment and gender-based violence. In this chapter the laws of Zambia were scrutinized and it was found that the **constitution** makes no mention of the protection and rights of female prisoners. Furthermore, the **Zambian Correctional Service Act** being the main legislation governing the prisons and correctional facilities which was enacted in 2021 replacing the repealed Prison Act only has a minor amendment with regards to the protection of female prisoners from sexual harassment and gender-based violence and the current act still does not address issues like reforms of reporting these abuses, punishment. The current Zambian legislation with regards to protection of female prisoners from sexual harassment and gender-based violence is not at tandem with the set international standards. However, this chapter discovered that although the act has been established but it does not cater for the protection of female prisoners but it has adequate provisions to guarantee quality correctional service but has a short fall in terms of reporting mechanisms for sexual harassment and gender-based violence that takes place in the prison systems and although the penal code addresses sexual offences it does not provide for the protection of female prisoners as well as NGO needs to work together with the prison staff to ensure that these females are protected from such form of abuse while they serve their time in prisons in order to prevent the spread of HIV/Aids in the prison system.

The findings in this chapter are that the Zambian laws are inadequate when it comes to the protection of female prisoners from sexual harassment and gender-based and the law does not align with certain international standards that address on the protection of female prisoners.

5.1.3 CHAPTER FOUR

The findings in this chapter were to identify what lesson Zambia can draw from Rwanda's legal framework on the protection of female prisoners. The findings concluded that Rwanda legal framework is compliant with the international standards when it comes to the protection of female prisoners. The Rwanda reforms grounded in explicit legislation, gender-sensitive policies and active judicial enforcement offer a successful model for integrating international human rights norms into domestic correctional practices.

The findings in this chapter are that the Rwanda government has put in place measures in protecting female prisoners from sexual harassment and gender-based violence in the prisons system by forming mechanism for reporting sexual abuse and gender-based violence in the prison system and putting up punishment for those officers that abuse these inmates.

5.2 RECOMMENDATIONS

This research revealed that Zambia's laws do not efficiently provide for the protection of female prisoners from sexual harassment and gender-based violence and that the laws that Zambia currently has that address the protection of female prisoners are not in line with the international standards.

The following are recommended by the author to address the gaps in the law on the protection of female prisoners against sexual harassment and gender-based violence in the prison system.

Sexual harassment and GBV in prisons are among the issues that need to be addressed through improvements in Zambia's legal framework.

5.3 AMENDMENTS OF THE ZAMBIA CORRECTIONAL SERVICE ACT OF 2021 AND THE ANTI-GENDER -BASED VIOLENCE ACT OF 2011

Amend the Correctional Service Act of 2021: The Act should include a distinct provision making sexual harassment by inmates or jail employees unlawful. This will bring offenders to justice, create legal clarity, and eliminate existing loopholes.

Enhance the 2011 Anti-Gender-Based Violence Act: The legislation must be revised to recognize that incarcerated women are a disadvantaged population in need of protection.

5.3.1 STRENGTHENING INSTITUTIONAL SAFEGUARD

Different oversight bodies: either establish an independent Prison Ombudsman Office or empower the Human Rights Commission to oversee jails, look into complaints, and submit reports for release. Secret Complaint Channels: Offer access to independent monitors, secure complaint boxes, and anonymous hotlines.

5.3.2 CAPACITY BUILDINGS AND TRAINING

Correctional officers are required to complete training on gender-related topics, which covers subjects like how to treat prisoners with respect and how to avoid sexual harassment. Continuous Professional Development: Provide regular refresher courses that follow global standards. Recruit More Female Officers: In order to lower the incidence of misconduct, employ more female correctional officers in female jails. Rwanda places a high value on gender representation in the workforce, and it also makes sure that female officers are in charge of women's facilities (Penal Reform International, 2018).

5.3.3 DOMESTICATE THE BANGKOK RULES INTO BINDING DOMESTIC LAWS

We know that Bangkok rule governs female or women prisoners and non-custodial measures for female prisons which Zambia has ratified but there is need to domesticate these rules into law in order to protect female prisoners for sexual harassment and gender-based violence because according to rule 19 which requires female prisoners to be searched by female officers which is not the case here in Zambia so there is need to domesticate it in our Zambian law.

5.3.5 WORK WITH NGO'S AND THE HUMAN COMMISSION TO PROPERLY TRACK AND SHARE INFORMATION ON HOW THINGS ARE GOING.

The government has to work hand in hand with NGO'S when it comes to the protection of female prisoners and to set up complaint mechanism for female prisoners to report such violence being done to them by prison staff, in order to get the justice, they deserve even though they are in prisons.

BIBLOGRAPY

STATUTES

Anti-Gender-Based Violence Act 2011 (No 1 of 2011)

Constitution of Zambia (Amendment) Act 2016 (No 2 of 2016)

Human Rights Commission Act, Cap 48 of the Laws of Zambia

Law No.68/ On Prevention and Punishment of Gender-Based Violence

Penal Code Act, Cap 87 of the Laws of Zambia

Public Protector Act 2023 No 31 of 2023

The Rwanda correctional service of 2023

Rwanda constitution of 2003

Zambia Correctional Service Act 2021 No 37 of 2021

INTERNATIONAL INSTRUMENT

African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986)

Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981)

'General Recommendation No 35 on gender-based violence against women' (2017)

International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976)

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) (adopted 11 July 2003, entered into force 25 November 2005)

Universal Declaration of Human Rights (adopted 10 December 1948)

United Nations Rules for the Treatment of Women Prisoners and Non-custodial

Measures for Women Offenders (Bangkok Rules)

United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).

BOOKS

Public series book 1

CASES

Mukamana v The State (2019) Supreme Court of Rwanda. Kigali: Official Law Reports.

Prosecutor v Jean-Paul Akayesu (1998) ICTR-96-4-T, International Criminal Tribunal for Rwanda.

Uwimana v The Republic (2007) High Council of Judiciary. Kigali: Law Reports of Rwanda.

Journal

Banda, L. (2020) Human Rights and Penal Reform in Zambia: Challenges of Implementation. Lusaka: UNZA Press.

Baker, C. (2019) 'Gender and Justice: Addressing Sexual Violence in Zambian Prisons', African Human Rights Law Journal, 19(3), pp. 421–445.

Muna Ndulo 'African Customary Law, Customs, and women's Rights (2011) 18 Indiana Journal of global legal studies 87.

ARTICLES

Dignity publication series on torture and organized violence # 12 Jo Baker and DIGNITY

Human Rights commissioner annual report of 2023

Human Rights Commission, *Annual Report on the Conditions of Inmates in Zambia* (2023)

Issue 3 women's Law Forum volume 5 page 388-410

Jo Baker and DIGNITY, *DIGNITY Publication Series on Torture and Organised Violence #12* (2010)

Medical journal of Zambia Volume 36 Number 2 (2009)

Rwanda Correctional Service (2021) Annual Gender and Human Rights Report. Kigali: RCS Publications.

Sexual harassment in Zambia 2021 edition

INTERNET SOURCES

A (2025) informing humanitarians worldwide, relief. Available at: <https://reliefweb.int/> accessed on 10th of April ,2025.

ASF; challenges of implementation of the Anti-Gender Based Violence Act 2011 in Zambia accessed>2025https://asf.be/wp-content/uploads/2017/09/ASF_ZAM_StudyantiGBVAct201708_EN.pdf

DIGNITY – Danish Institute Against Torture, <https://www.dignity.dk> accessed on the 27th of July ,2025

English dictionary and thesaurus available at <https://dictionary.cambridge.org/us/dictionary> accessed on 13th of April, 2025

Legal Aid Board of Zambia, <https://www.legalaidboard.org.zm> accessed on the 22nd of July 2025.

Lib guides: sage publication, Inc. Available at: <https://sagepub.libguides.com/journals> accessed on 5TH April, 2025

National center for biotechnology information available at <https://www.ncbi.nlm.nih.gov/pmc/> accessed on the 14th of April ,2025

Prisoner Reintegration and Empowerment Organization at <https://prisonersreentrynetwork.organization> accessed on 18th of July 2025

RNP Media Weekly Review (no date) *RWANDA NATIONAL POLICE*. Available at: <https://police.gov.rw/rw/amakuru-ya-polisi/news-detail/news/rnp-media-weekly-review-a106bf548b/> (Accessed: 17 October 2025).

U.S. Department of State. Available at: <https://www.state.gov/>(Accessed: 20 October 2025).

Women and Law in Southern Africa (WLSA-Zambia), <https://www.wlsazambia.org> accessed on the 21st October 2025

Zambia correctional service, ministry of home affairs and internal security available at <https://www.zambiacorectional.gov.zm> accessed on 13th of April .2025.

Zambia Police Victim Support Unit (VSU), Zambia Police Service at <https://www.gov.uk/government/publications/Zambia-information-for-victims-of-rape-and-sexual-assault/information-for-rape>. Accessed on 28th July

DISERTATION AND ESSAY OBLIGATIONS

Allen J. Beck and Paige M. Harrison, *Prison and Jail Inmates at Mid-Year 2004*, Washington, D.C.: The Bureau of Justice Statistics, Office of Justice Programs, April, 2005.

2010 Human Rights Watch noted that there was little coordination between prison health officials and the Ministry of Health, the National Health Strategic Plan made no mention of prisons, and that prison-based medical care under the medical directorate (aside from seconded Ministry of Health employees and medications) came out of the prison budget, under the Ministry of Home Affairs. *Unjust and Unhealthy*, 2010.

Rejoice, N.M. and Jeffrey, K., 2021. Sexual violence against women during the Rwandan genocide: A narrative review. *International Journal of Peace*.

SCHOOL OF LAW

L400B 1 Dissertation II - DIRECTED RESEARCH (OBLIGATORY ESSAY) RESEARCH CLEARANCE FORM

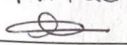
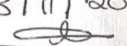


UNIVERSITY
OF LUSAKA
Pursuing for Quality Education: Our Driving Force

RESEARCH CLEARANCE FORM

NAME: VERONICA CHIRWA STUDENT NUMBER: L4022113017
 SUPERVISOR: Ms MUWAKA CHIZINGA TOPIC: A HUMAN RIGHTS
PERSPECTIVE OF THE LEGAL FRAMEWORK ON SEXUAL HARASS-
MENT AND GENDER-BASED VIOLENCE AGAINST FEMALE PRISONERS IN ZAMBIA
A COMPARATIVE WITH RWANDA.

Stage	Supervisor's Comments	Supervisor's Signature & Date	Student's Signature & Date
Research Proposal		Approved Muzne	14/08/2025
Chapter 1 – Introduction		Approved Muzne	25/08/2025
Chapter 2 –		Approved Muzne	06/09/2025
Chapter 3 –		Approved Muzne	20/09/2025
Chapter 4 –		Approved Muzne	13/10/2025

Chapter 5 – Conclusions & Recommendations		Approved Revisor.	29/10/2025 
Abstract, Table of Contents, Bibliography and Appendices		Approved Revisor.	31/10/2025 
First Draft		Approved Revisor.	1/11/2025 
Second Draft		Approved Revisor.	3/11/2025 
Final Draft		Approved Revisor.	7/11/2025 

*NOTE: Please attach this form to the back of your dissertation at the end of the research, before submission of the dissertation via the Moodle e-learning platform.



report#29696335

Done



4.61%

SIMILARITY OVERALL

10.33%

POTENTIALLY AI

SCANNED ON: 3 NOV 2025, 5:04 PM

Similarity report

Your text is highlighted according to the matched content in the results below.

IDENTICAL
0.00%

CHANGED TEXT
4.38%

QUOTES
0.75%

AI Detector Results

Highlighted sentences with the lowest perplexity, most likely generated by AI.

LIKELY AI
0.00%

HIGHLY LIKELY AI
10.00%

Report #29696335

SCHOOL OF LAW A HUMAN RIGHTS PERSPECTIVE OF THE LEGAL FRAMEWORK ON SEXUAL HARASSMENT AND GENDER-BASED VIOLENCE AGAINST FEMALE PRISONERS IN ZAMBIA: A COMPARATIVE WITH RWANDA By: VERONICA CHIRWA LLB22113017 AN OBLIGATORY ESSAY SUBMITTED TO THE UNIVERSITY OF LUSAKA IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF THE BACHELOR OF LAWS (LLB) DEGREE.

2025 DECLARATION I, VERONICA CHIRWA, do declare that this dissertation titled "A HUMAN RIGHTS PERSPECTIVE OF THE LEGAL FRAMEWORK ON SEXUAL HARASSMENT AND GENDER-BASED VIOLENCE AGAINST FEMALE PRISONERS IN ZAMBIA: A COMPARATIVE STUDY WITH RWANDA" which is hereby submitted to the school of law at the university of Lusaka as part of the requirements for the award of the Bachelor of laws (LLB) degree, is my original work and has not previously been submitted for the award of a degree at this or any other tertiary institution.

The sources that have been used or quoted have been indicated and duly acknowledged as complete reference.

Signature: Date: .

SUPERVISOR'S RECOMMENDATION: I RECOMMEND THAT this obligatory essay under my supervision BY VERONICA CHIRWA (STUDENT NUMBER LLB22113017) ENTITLED A HUMAN RIGHTS PERSPECTIVE OF THE