

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE HUMAN RIGHTS COMMISSION ACT

CHAPTER 48 OF THE LAWS OF ZAMBIA

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THE HUMAN RIGHTS COMMISSION ACT

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CHAPTER 48

HUMAN RIGHTS COMMISSION

Act
39 of 1996
Statutory Instrument
34 of 1997

An Act to provide for the functions and powers of the Human Rights Commission; to provide for its composition and to provide for matters connected with or incidental to the foregoing.

[12th December, 1996

PART I

PRELIMINARY

1. This Act may be cited as the Human Rights Commission Act. Short title

2. In this Act unless the context otherwise requires- Interpretation
 - "appropriate authority" means the authority to whom a recommendation is made by the Commission under section *thirteen*;

 - "appointed date" means such date as the President may appoint under section *one*;

 - "Chairperson" means the person appointed as Chairperson under section *five*;

 - "Commission" means the Human Rights Commission established under the Constitution;

 - "Commissioner" means a person appointed Commissioner under section *five*;

 - "Deputy Director" means a person appointed as Deputy Director under section *eighteen*;

 - "Director" means the person appointed as Director under section *eighteen*;

 - "Secretary" means the Secretary to the Commission referred to in section *eighteen*;

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"Staff" means the staff of the Commission appointed under section *eighteen*; and

"Vice-Chairperson" means the person appointed as Vice- Chairperson under section *five*.

PART II

THE HUMAN RIGHTS COMMISSION

- 3.** The Commission shall not, in the performance of its duties, be subject to the direction or control of any person or authority. Extent of Commission's autonomy
- 4.** (1) The seal of the Commission shall be such device as may be determined by the Commission and shall be kept by the Secretary. Seal of Commission
- (2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and any other person authorised in that behalf by a resolution of the Commission.
- (3) Any document purporting to be under the seal of the Commission or issued on behalf of the Commission shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.
- 5.** (1) The Commission shall consist of the following Commissioners: Composition of Commission
- (a) the Chairperson;
- (b) the Vice-Chairperson; and
- (c) not more than five other Commissioners.
- (2) The Commissioners shall be appointed by the President, subject to ratification by the National Assembly.
- (3) The Chairperson and Vice-Chairperson shall be persons who have held, or are qualified to hold, high judicial office.

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6. (1) Every Commissioner shall, on appointment affirm or take an oath in Form I as set out in Part I of the Schedule, and such oath shall be administered by the President. Oath on appointment

(2) The Secretary and other members of staff shall on appointment, affirm or take an oath in Form 2 as set out in Part II of the Schedule and such oath shall be administered by a Commissioner for Oaths.

7. (1) A Commissioner referred to in subsection (1) of section *five* shall be appointed for a term not exceeding three years, subject to renewal: Tenure of office and vacancy

Provided that the first Commissioners shall be appointed for periods ranging from one to three years in order to facilitate retirement by rotation.

(2) A Commissioner may be removed from office for inability to perform the functions of the Commissioner's office, whether arising from infirmity of body or mind, incompetence or for misbehaviour.

(3) A Commissioner may resign upon giving one month's notice in writing to the President.

(4) The office of a Commissioner shall become vacant-

- (a) if the Commissioner is absent without reasonable excuse from three consecutive meetings of the Commission of which the Commissioner has had notice;
- (b) if the Commissioner is a declared bankrupt; or
- (c) upon the Commissioner's death.

8. If the office of a Commissioner becomes vacant before the expiry of the term of office, the President, may, subject to ratification by the National Assembly, appoint another person to be a Commissioner, for the unexpired term, in place of the Commissioner who vacates the office. Filling of casual vacancy

9. The functions of the Commission shall be to- Functions of Commission

- (a) investigate human rights violations;