

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT No 22 OF 2002

**The Human Rights Commission Act**  
(Act No. 39 of 1996)

**The Human Rights Commission (Practice and Procedure)**  
**Regulations, 2002**

IN EXERCISE of the powers contained in section *Twenty-six* of the Human Rights Commission Act, the following Regulations are hereby made:

1. These Regulations may be cited as the Human Rights Commission (Practice and Procedure) Regulations, 2002. Title
2. In these Regulations unless the context otherwise requires— Interpretation
  - “assessment” means a Preliminary finding made by the Complaints Committee determine whether a complaint submitted to the Commission falls within the jurisdiction of the Commission;
  - “Complaint” means a communication addressed to the Commission that alleges a human rights violation or threat of such right violation;
  - “Complainant” means a person, group or class of persons, organisation or association alleging that a human right has been violated or threatened;
  - “Complaints Committee” means the Committee, established by the Commission to consider complaints and to determine the Commission’s jurisdiction over the complaint and, to assess the merits of complaints, violated or threatened; and
  - “respondent” means a person against whom the complaint or allegation has been made.

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*Copies of this Statutory Instrument can be obtained from the Government Printer,  
P.O. Box 30136, Lusaka, Price K2000 each.*

**PART II**  
**COMPLAINTS PROCEDURE**

Form of  
receiving  
complaints

3. (1) Every complaint shall be made in Form 1 set out in the Schedule to these Regulations and shall be signed or thumbprinted by the person making it.

(2) Subject to section *eleven*—

(a) the Secretary shall keep a register of complaints;

(b) the Secretary shall forward all complaints received to the Complaints Committee for consideration;

(c) the Complaints Committee shall within fourteen days make an assessment of the complaint to determine, whether the complaint constitutes a case of a human rights violation or a threat to a human right;

(d) the Commission shall have power to request information from a party and conduct investigations to enable the Commission to make an assessment; and

(e) if in the opinion of the Commission, the complaint does not fall within the jurisdiction of the Commission, or such complaint could be dealt with effectively by another organisation, such complaint shall be referred to the appropriate body.

Secretary to  
Acknowl-  
edge receipt  
of complaint

5. (1) The Secretary shall acknowledge receipt of the complaint, in writing within seven days of receipt of the complaint.

(2) If the complaint is lodged after the expiry of the time limit prescribed in subsection (3) of section *eleven* or the complaint does not lie within the jurisdiction of the Commission, the Secretary shall advise the complainant, within twenty-one days of receipt of the complaint.

Person to  
respond to  
complaints

6. (1) The Secretary shall within fourteen days of receipt of the complaint advise the person against whom the complaint or allegation has been made.

(2) The Secretary shall acknowledge receipt of the response from the person against whom the complaint has been made within seven days of receipt of the response.

Response to  
complaint

7. The person against whom the complaint has been made under the Act shall within thirty days of receipt of the complaint under regulation 6 submit to the Commission a written statement of the case responding to the facts and circumstances which gave rise to the complaint or allegation:

Provided that the Commission may on request extend the time within which the person against whom the complaint is being made may make the response under this regulation.

8. The Commission may at any time direct that the response and all the documents concerning the complaint be clarified in such terms as it considers necessary.

Certification  
of complaints

9. (1) A complainant may—

(a) withdraw a complaint;

(b) request the Commission to discontinue further action;

Provided that the Commission accepts the withdrawal before or during the hearing.

Withdrawals  
of complaints

(2) The withdrawal under this regulation shall be in writing.

(3) The Secretary shall send a copy of the withdrawal to the other party seven days after the Commission's acceptance of the withdrawal.

(4) Notwithstanding the withdrawal of a complaint under subregulation (1), the Commission may investigate the complaint if the Commission considers that the investigation is in the public interest.

(5) The Secretary shall within seven days of the Commission's decision to investigate the matter under subregulation (4) inform the Respondent of the Commission's decision.

10. (1) In accordance with section *ten* the Commission may initiate an investigation into an alleged human rights abuse.

Investigation  
at  
Commission's  
instance

(2) Where an investigation is instituted under subregulation (1) the Commission shall state—

(a) the reason for the investigation;

(b) the name of the respondent;

(c) the source of the information giving rise to the investigation;  
and

(d) the name of the Commissioner or member of staff responsible for the investigation.

(3) The Commissioner or member of staff referred to in paragraph (d) of sub regulation (2) shall without delay register the case with the Secretary.

(4) The Secretary shall keep a register of investigations initiated by the Commission under this regulation.

(5) The Secretary shall within seven days of the commencement of the investigation inform the respondent of the decision to investigate the allegation.

(6) The respondent shall within thirty days of receiving the complaint under sub-regulation (5) submit to the Commission a statement in response to the case.

PART III  
PUBLIC HEARING

Hearing

11. (1) The Secretary shall advise all parties to a complaint in writing, of the time and place of hearing, and shall give the parties not less than fourteen days notice.

(2) A complainant or a respondent may appear in person at a hearing or may be represented by any other person who the complainant or respondent might appoint.

(3) Where a party to a complaint and the party's representative fails to appear for a hearing the Commission shall indicate accordingly in the report.

(4) The rules of natural justice shall apply at the hearing and the Commission shall not be bound by rules of evidence.

Public  
Hearing

12. (1) The Complaints Committee may determine which class of complaints shall be considered together at a public hearing.

(2) The Complaints Committee may determine which complaints or matters of public interest may be considered together at a public hearing.

Evidence  
before  
Commission

13. A person who gives evidence before the Commission shall in respect of that evidence, be entitled to all privileges to which a witness giving evidence before a court of law is entitled.

SCHEDULE  
(Regulation 3)

Form 1

THE HUMAN RIGHTS COMMISSION ACT  
(Act No. 39 OF 1996)

## COMPLAINT FORM

Human Rights Commission  
P.O. Box 33812, Independence Avenue LUSAKA  
Tel: 01-251327 or 251357 Fax: 01-251342

## PARTICULARS OF COMPLAINANT

## Name of complainant

First names (underline the name used)	surname
Organisation name	

## Age and Sex

Date of birth	
Sex	
M	F

## Address

Street	Postal code
City	Country (if other than Zambia)
Telephone	Cellular phone

## Employment

Employer (name)	Profession/Position
Address	Unemployed <input type="checkbox"/> Retired <input type="checkbox"/> Other <input type="checkbox"/>

## Citizenship etc.

Information required only if relevant to your complaint, for instance if you believe that you have been discriminated against due to your ethnic or genealogical background

Citizenship	Nationality
Ethnicity/Genealogical background (tribe)	

## Complainants representative

Representatives name	Address
Telephone	Profession

## PARTICULARS OF RESPONDENT

Name of respondent	Address (if known)
Telephone (if known)	Person representing respondent (if known)
Other information to identify respondent	

**COMPLAINT**

Describe alleged facts and date of alleged incident(s) and state the relief you wish to be given

**Please do not forget the date of the alleged facts**

*(if more space needed, please continue on separate paper)*

[Alleged facts and date of alleged incidents and arguments]

**Please do not forget the date of the alleged facts**

PARTICULARS OF POSSIBLE (WITNESS)ES

Witnesses	
Witness No. 1 name	Address
Telephone	Office telephone
What do you wish the witness to be heard about?	

Witness No. 2	Address
Telephone	Office telephone
What do you wish the witness to be heard about?	

Documents

Attached copies of documents in support of complaint
If relevant documents are not in your possession please describe them so that the Commission can find them if an investigation is undertaken.

ADDITIONAL INFORMATION AND SIGNATURES

Other authorities etc. involved in the matter

Have you filed a complaint or similar to any other authority/organisation, person in the same matter?	If yes, which one?
When?	What has been the result of that complaint?

## Previous Complainants to Commission

Have you complained to the Commission Previously?	When?
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FOR OFFICIAL USE; Cross reference:

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 Place and date

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 Signature or thumbprint of complainant or representative

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 Signature of Commission Official assisting with this complaint

## NOTES

- Please fill this form as accurately as possible
- Your complaint will be assessed and you will be informed of the the out come even if the Commission finds that it cannot investigate your case
- Lack of necessary information may result in the rejection of your complaint
- Note that information(next page) regarding citizenship, ethnicity etc. is required only if relevant due to allegations of racial discrimination or similar allegation.
- You are kindly requested to inform the Commission of any changes of address or telephone number or any circumstance relevant to an investigation of your complaint.

JUDGE L. CHIBESAKUNDA,  
*Chairman*

L. CHANGUFU,  
*Commissioner*

L. MULIMBA,  
*Commissioner*

REV. F. ŠAKALA,  
*Commissioner*

F. NSOKOLO,  
*Commissioner*

J. SAKULANDA,  
*Commissioner*

LUSAKA  
20th March, 2002  
[HRC.101/10]