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<TitreType>MOTION FOR A RESOLUTION</TitreType>

<TitreSuite>with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law</TitreSuite>

<TitreRecueil>pursuant to Rule 135 of the Rules of Procedure</TitreRecueil>

<Titre>on Zambia, particularly the case of Hakainde Hichilema</Titre>

<DocRef>(2017/2681(RSP))</DocRef>

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<Commission>{GUE}on behalf of the GUE/NGL Group</Commission>

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B8‑0366/2017

European Parliament resolution on Zambia, particularly the case of Hakainde Hichilema

(2017/2681(RSP))

*The European Parliament*,

- having regard to the Preliminary Observations by the OHCHR Special Rapporteur on the Right to Food, Hilal Ever, on her mission to Zambia from 3-12 May 2017,

- having regard to the UNICEF Annual Report 2015 on Zambia,

- having regard to the EU Electoral Observation Mission Report on the 2016 elections in Zambia,

- having regard to the statement of 16 April 2017 by the EEAS spokesperson on political tensions in Zambia,

- having regard to the African Charter of Human and Peoples’ Rights,

- having regard to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights,

- having regard to the European Commission Joint Communication to the European Parliament and the Council for a renewed impetus of the Africa-EU Partnership of 4 May 2017,

- having regard to the Zambian Constitution,

- having regard to the Cotonou Agreement,

- having regard to the Universal Declaration of Human Rights

- having regard to Rule 135 of its Rules of Procedure,

***On Zambia***

a. whereas poverty is widespread in Zambia where 64 per cent of the total population lives below the poverty line and 42 percent are considered to live in situations of extreme poverty, whereas the absolute numbers of people living below the poverty line increased dramatically between 1991 and 2015,

b. whereas such poverty automatically implies deprivation for children; whereas beyond the sensation of hunger, this lack of nourishment means children in such households are highly likely to have impaired physical and cognitive development,

c. whereas in 2015 the rural headcount poverty rate was 76.6 per cent, more than triple the urban poverty rate of 23.4 per cent, and virtually no decrease in poverty rates was observed in rural areas between 2010 and 2015,

d. whereas more than a decade of high GDP rate growth in Zambia has not been translated into poverty reduction; whereas this economic growth has stagnated by drought and a fall in the price of copper, whereas copper mining represents nearly 70 per cent of the country’s exports and two-thirds of the central government revenues,

e. whereas according to the Human Development Report 2016 by the United Nations Development Program Zambia occupies the 139th place in the Human Development Index of a total of 188 countries,

f. whereas the Gini Coefficient, a measure of income inequality, has increased from 0.60 in 2006 to 0.69 in 2015, which represents one of the 10 highest income inequalities in the world; whereas this increase is attributed to the widening divide between urban and rural areas;

g. whereas morbidity and mortality in the country remains very worrying and newborns are particularly at risk as, according to UNICEF, 34 out of every 1,000 do not survive beyond their first 28 days of life; whereas HIV and AIDS is the cause of death of 20 per cent of the nearly 100,000 Zambian children aged under 5 who die every year,

h. whereas the HIV and AIDS are pandemic in the country and had hit hard on a population already highly vulnerable where 1.2 million children are classified as orphaned and vulnerable (OVC); whereas as the parent generation has succumbed to HIV and AIDS children have often been left to the care of elderly grandmothers,

i. whereas life expectancy at birth in Zambia has fallen to 37.5 years, the fourth lowest in the world; whereas currently 14.3 per cent of the Zambian population or 845,000 people between the ages of 15 and 49 are living with HIV and AIDS,

j. whereas amongst urban young women in particular, infection rates reach 22 per cent by age 20 to 24; whereas maternal mortality at 729 per 100,000 live births is amongst the highest in the world, whereas for many mothers, pregnancy and birth remain a serious threat;

k. whereas malaria is responsible for one third of under five deaths, with many others caused by respiratory infections, diarrhoea and neo-natal conditions,

l. whereas although not usually cited as the cause of death, it is estimated that malnutrition is an underlying factor in 54 per cent of child deaths,

m. whereas the proportion of orphans who have lost both their parents is rising, and is recently estimated as over 19 per cent; whereas amongst 14-year-olds, 31 per cent of urban children and 27 per cent of rural children have lost one or both of their parents,

n. whereas in rural areas, an estimated 4.6 million people do not have access to safe water supplies, most depending on water drawn from rivers, lakes and unprotected wells; whereas 3.7 million rural people do not have access to adequate sanitation, which threatens health, especially amongst infants and children, and adds considerably to the workload of women and girls, who carry heavy loads of water over long distances,

o. whereas according to the demographic health survey, pregnant women are also particularly vulnerable to malnutrition; whereas close to 10 % of women of reproductive age are underweight;

p. whereas with regard to small holder farmers, the Zambia’s dual land tenure system lacks protections to secure their access to land and is leading to tensions; whereas in this sense, the Government’s push to turn export-oriented commercial large-scale agricultural into a driving engine of the Zambian economy, in a situation where the protection of access to land is weak and large-scale land acquisition for commercial agriculture occur, can result in land grabbing and risk of pushing peasants off their land and out of production with severe impacts on the people’s right to food;

q. whereas is particularly worrying considering that small holder farmers account for almost 60 percent of the population and are dependent on land for their subsistence and livelihoods; whereas more than 60 percent of the Zambian population reside in rural areas, the majority of which are small–scale farmers that produce the food of around 85% of the population.

r. whereas maize is the main staple crop as well as the principal cash crop; whereas growth in the agriculture sector has not been inclusive, impacting only large and medium scale farmers; whereas majority of small-scale farmers have stagnated at less than two hectares of cropped land and do not obtain gains from their production,

s. whereas growth in the sector has also failed to impact poverty rates in the rural areas and those working in the agricultural sector as farmers or farm workers are particularly prone to hunger due to low rural incomes; whereas while the majority of land is still under the control of small-scale farmers and peasants within the traditional land system, long-term security is lacking due to pressures to convert such lands for the exploitation of large-scale agriculture; whereas despite intentions to diversify agricultural production, more than 60 percent of public expenditure in 2016 was channelled towards maize production,

t. whereas persistent abuses has been reported in mines, in particular in those property of foreign companies, including poor health and safety conditions, regular 12-hour and even 18-hour shifts involving arduous labour, and anti-union activities, all in violation of Zambia’s national laws or international labour standards,

u. whereas primary responsibility for ensuring that Zambia’s copper mining companies operate in accordance with national and international standards rests with the Zambian government, in particular in its Mines Safety Department within the Ministry of Mines and Minerals Development that is responsible for enforcing the country’s mining regulations, including on health and safety,

v. whereas the Zambian Labour Ministry has endorsed collective bargaining agreements containing provisions that conflict with Zambian and international labour law and failed to take action against companies that commit prejudicial acts against union representatives,

w. whereas Zambia’s literacy rate stands at 55.3 percent, with illiteracy much more pronounced in women than men, whereas the Zambian education system lacks from quality, high staff turnover, and disparities between urban and rural areas, whereas despite its prohibition by law the practice of child labour within agriculture remains widespread in the country,

x. whereas according to UNHCR 2017 statistics, there are over 57 000 refugees in Zambia, over 23, 000 from the Democratic Republic of Congo, around 19, 000 from Angola, while some 13,000 come from Rwanda, Burundi and Somalia; whereas refugees and migrants are faced with restrictions on their freedom of movement and are not automatically provided with the right to work; whereas they are often forced into the informal economy when escaping the refugee settlements and face risks of exploitation, abuse, arrest and prolonged detention,

y. whereas Zambian legislation criminalizes consensual same-sex sexual activity and penalties for conviction in “acts against the order of nature” go from 15 years to life imprisonment; whereas conviction of the lesser charge of gross indecency carries penalties of up to 14 years’ imprisonment; whereas forced anal examinations on men and transgender women accused of consensual same-sex conduct - described as a form of sexual assault and rape by the International Forensic Expert Group- have been reported in Zambia in the last five years and societal violence against LGTBI people persists;

***On the case of Hakainde Hichilema***

a. whereas after the 2016 presidential elections with a result of 1,860,877 votes (50,35%) for the current President Edgard C. Lungu (Patriotic Front) and 1,760,347 votes (47,63%) for Hakainde Hichilema (United Party for National Development), the UPND candidate refused to recognise President Lungu’s victory and challenged the results accusing the President of electoral fraud; whereas violent clashes started consequently between supporters of the two leading parties;

b. whereas on 11 April Hakainde Hichilema was arrested and remains detained since then and is currently held at the Chimbokaila prison; whereas this was the second time he had been arrested since the elections in August 2016,

c. whereas Hichilema was accused of endangering the President’s life by allegedly obstructing the presidential motorcade in Mongu on 9 April, and immediately charged with treason, as well as for disobeying the statutory duty, disobedience of lawful orders and use of insulting language; whereas he has rejected these allegations;

d. whereas despite the fact that Zambia is an abolitionist country de facto and last execution was carried out in 1997, the maximum sentence for treason remains the death penalty;

e. whereas Hichilema’s lawyers considered the case as baseless and requested the Lusaka Magistrate Court to drop the charges; whereas the Court upheld the charges on the ground that only the High Court was competent for treason cases;

f. whereas the opposition party UPND has considered the charges as politically motivated and his arrest has caused a wave of protests, violent clashes and increasing political tension in the country, particularly in Choma and Solwezi; whereas President Lungu declared on 14 April that he would not interfere in the Hichilema case;

g. whereas on April 18 Hichilema and other five UPND members received an additional charge of treason for allegedly trying to overthrow the government between October 2016 and April 2017;

h. whereas on 20 April 2017 the Zambian President considered to declare the state of emergency after a series of arson attacks on shops and police stations attributed to the UNPD;

i. whereas government has expressed its willingness for dialogue and national reconciliation conditioned to the acceptance by all opposition parties of the outcome of the 2016 election;

j. whereas the Hichilema case is taking place in a context of increased political violence following his contestations of elections last year; whereas human rights organizations have reported acts of repression and excessive use of force to disperse protests;

k. whereas Zambia has ratified the principal international instruments relating to human rights including the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, the 1966 International Convention on the Elimination of Racial Discrimination, the 1979 Convention on the Elimination of All Forms of Discrimination against Women and is also party of the 2007 African Charter on Human and Peoples’ Rights, the 2007 African Charter on Democracy, Election and Governance and the 1997 Southern Africa Development community Declaration on Gender and Development;

l. whereas on 27 March 2017 the Zambian government has launched public consultations on its membership of the International Criminal Court;

1. Expresses its concern at the arrest and incarceration of Hakainde Hichilema which has exacerbated the wave of protests, violent clashes and political tension which started with the non-recognition by the opposition party UNPD of the results of the 2016 Presidential election;

2. Reminds the Zambian government of their obligations to guarantee fundamental rights and the rule of law, including access to justice and the right to a fair trial for Hakainde Hichilema, as provided for in the African Charter, and other international and regional human rights instruments;

3. Is concerned at the reports of increasing restrictions on the freedoms of expression and association by the government;

4. Urges the Patriotic Front and the UPND parties to start a peaceful and constructive dialogue; calls on the Zambian political forces, in particular to the two main parties, to avoid any deepening of the current political tensions and to focus instead in trying to solve the fundamental socio-economic problems of the majority of the Zambian people;

5. Calls on the Government to respect, protect and promote the civil and political rights of its citizens while taking appropriate measures to prevent violence;

6. Reiterates its strong opposition to the use of the death penalty in all cases and under all circumstances; welcomes the fact that no execution has been carried in the country since 1997; invites Zambia to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights towards the abolition of the death penalty and therefore calls on the Zambian Government to abolish the capital punishment in its legislation;

7. Expresses its deepest concern at the high levels of morbidity and mortality, poverty, pandemic HIV and AIDS, hunger, illiteracy, and the lack of access to health care and basic services as drinkable water and electricity for a significant part of the population of Zambia; deplores that the economic growth of the country in the last years has not resulted into a significant reduction of poverty but increased inequalities;

8. Reminds Zambia of its a duty to respect, protect and fulfil the right to food and has committed to undertake the appropriate steps, to the maximum of its available resources, to ensure the realisation of the right to an adequate standard of living, including adequate food, as articulated in Article 2/1 and Article 11 of the Covenant on Economic, Social and Cultural Rights to which it is party,

9. Is convinced that Zambia has an important potential to expand its agricultural production considering its rich resource endowment in terms of land, water, climate and labour;

10. Reiterates its support for the inalienable right of all peoples to have access to and control over their own country’s resources; points out that populations have to enjoy access to their natural resources and to food, education, health, and public services, as these forms of access are fundamental rights that have to find effective expression in order to provide a sustainable solution to poverty and malnutrition in the country;

11. Is convinced that EU policies should focus in particular on rural development and agriculture in order to ensure food security and to promote food sovereignty in Zambia and in the region;

12. Calls on the EU, in cooperation with the African countries, to implement priority development policies based on an approach rooted in human rights, in order to alleviate the problems of malnutrition and tackle problems caused by drought and natural disasters; notes, with particular concern, that access to drinking water and electricity still represents a problem in Zambia;

13. Calls on the EU to establish a new framework of relations with all African countries based on non-intervention in their internal affairs and respect for their sovereignty, and aimed at supporting the development of neighbouring regions and promoting employment and education, rather than on ‘association agreements’ serving mainly to establish free trade areas that benefit foreign corporate interests and the plundering of African natural resources;

14. Expresses concern about the environmental damage and the violation of workers’ rights related to copper mining in Zambia; calls on the Zambian Government and the governments of the countries of origin of the extractive enterprises to demand them to apply the best practices to assure transparency, accountability and public participation and to address corruption in the extractive industries sector and to adopt measures putting an end to the violation of workers’ rights;

15. Calls for an effective increase in the transparency of corporations behaviour, concretely on tax matters, and for independent ex-ante impact analysis prior to the signing of any trade agreement; urges the European Commission to further promote binding initiatives for responsible mining, logging and sourcing of commodities so as to ensure the accountability of companies; calls for the EU to engage actively in the work of the UN’s Human Rights Council on an international treaty to hold transnational corporations accountable for human rights abuses,

16. Calls on the Zambian Government to effectively promote the role of women in society, the economy of the country, food production and the preservation of the environment, including by promoting women’s participation in public and political life, and to effectively combat violence against women and to ensure equal access for women to work land, education, and health, in particular to sexual and reproductive rights;

17. Calls on the Government of Zambia to guarantee refugees and asylum seekers the rights to seek work, access health care and education and enjoy freedom of movement in accordance with its obligations under international human rights law;

18. Urges the Zambian authorities to decriminalize consensual same-sex sexual activities and to ban forced anal exams in the country and to end repressive and discriminatory practices against LGBTI people;

19. Instructs its President to forward this resolution to the Council, the Commission, the Commission Vice-President / EU High Representative of the Union for Foreign Affairs and Security Policy, the Co‑Presidents of the ACP-EU Joint Parliamentary Assembly, the African Union Commission and the Pan-African Parliament, the Zambian Government and the Secretary-General of the United Nations.