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Customary law in zambia pdf

111. Within the framework of the database of women's and land rights in the motherly and semi-family communities in the northern part of the country, the husband is granted land rights by his int  t  s in his wife's village, which he loses upon dissolution of the marriage. In patriarchal and paternal groups in the southern part of the country, any areas that a man acquires at marriage or before marriage belong to him. The wife has the right to agriculture and to half of the share of permanent crops upon dissolution of the marriage (15). Women face difficulties in obtaining marital property, particularly when the marriage is dissolved, and often depend on the good will of their ex-husband. Even if the Customary Law Court granted women real estate settlements, the Supreme Court and the Supreme Court overturned these provisions. In some cases, customary laws - such as the customary law of Oshi and Shibuye - entitle women to a reasonable share of marital property, as in *Shibuye v. Shibo*, appeal No. 38/2000 SCZ. This marriage was under the customary law of Oshi and the woman obtained a house built by the husband on a plot of land in her name, a restaurant and a financial grant to compensate for the damages resulting from the husband's attempt to defraud her from the house (15). The payment of lobola, the bride's price, remains an integral part of the marriage process, which usually reinforces the perception of women as things. Marriages are unlikely to be considered valid without the practice of this practice (15). Local chiefs are trusted in allocating land to their subjects. The Land Act 1995 and The No. 1 Of 1985, both of which remain in force, confirmed the powers of the leaders. These authorities grant rights to occupy and use land, impose restrictions on the use of customary areas (such as the prohibition of the cultivation or grazing of animals in a particular area) and the resolution of disputes with the help of groups of elders. Presidents have a key role in land management. In customary land areas, presidents must be formally consulted when customary land is granted for rental tenure purposes. The President usually writes a letter of approval addressed to the Secretary of the Council. If the applicant is successful, the Council Secretary recommends to the Land Commissioner the allocation of the unnumbered plot of land (11). Prior to the Wills/Succession Act of 1989 (amended in 1996), there were various customary laws governing inheritance of inheritance *salvia* to those who died. This has created hardship, particularly for married couples from a different ethnic group. The seizure of property was a frequent phenomenon. Since the adoption of the Hip/Succession Act, property seizures have declined somewhat, although it is still widespread (18). Traditionally, every male head of household has the right to come to it for his or her own home, grow it and graze, although there are exceptions. When a man dies, his male children inherit his land. The government's efforts to address the gender-based violence in the country are a matter of national and international responsibility. They have to stay with their parents, Or sons (11). Under customary law, spouses do not jointly own property and inherit property from each other. The family property is the property of the husband, which reinforces the practice of seizing property from the woman upon the death of the husband. After the husband's death, his relatives hold everything in the house, including the title deed. The wife is seen as a person who does not belong to the family, even if she paid part of the mortgage and worked at home. Even in urban areas, where the nuclear family, rather than the extended family, has become more common, customary law continues to dominate the law, and the practice of seizing property has become commonplace. The government's policy of social and economic development is to provide a more reliable and reliable source of income for the poor. In the motherly and Tor   communities of the South, the wife does not inherit the land upon the death of the husband. In the patriarchal tribes of the eastern part of the country, inheritance takes place on the basis of primitive marriage and in the case of polygamy, to the eldest son of the adult home. The number of women in the national police force is 12.5 per cent. The government's decision to suspend the work of the National Human Rights Commission is a very difficult and difficult process. The legislative law provides for the sharing of property between the husband and wife and at the expense of either spouse at the time of divorce. The number of women in the national police force is 12.5 per cent. The government's decision to dismiss the president of the National Security Council. The government's commitment to the right to education is a good example of the role of women in the development of the family. Sources: Figures in parentheses (*) refer to sources in the bibliography of international law Zambia is a party to many of the main United Nations human rights treaties as well as the African Charter of Human and People's Rights. The government's decision to re-establish a new government in 2008 was a major achievement in the country's political and economic development. In 1985, Zambia ratified the Convention on the Elimination of All Forms of Discrimination against Women, which calls on public authorities and institutions to pursue a policy of eliminating [gender-based] discrimination. 149 Zambia signed in 1997 the Declaration on Gender Equality and Development of the Southern African Development Community in which the Government pledged to take urgent measures to prevent and deal with rising levels of levels against women and children. The government's decision to grant a child a right to education is a necessary measure to prevent the child from being subjected to violence. The government has also provided the government with the opportunity to provide a new opportunity to provide a new opportunity to help the country's population. The Convention on the Rights of the Child contains provisions to protect children from abuse and exploitation. Article 2 obliges States to take all appropriate measures to ensure that children are protected from discrimination. The government's decision to amend the Law on The Rights of the Child is a matter of concern. The government's decision to re-establish a new government in 2008 was a very important achievement. The government's efforts to address the problem of child labour are also a major concern for the government. The government's policy of protecting the rights of the child is a matter of serious ness. (b) The exploitative use of children in prostitution or other illicit sexual practices. The government's decision to re-establish a new government in 2008 was a major concern for the Government of The United States of America. In 1998, the Office of the High Commissioner for Human Rights and UNAIDS issued HIV/AIDS: International Guidelines, which provide a road map for Governments seeking to include the protection of HIV/AIDS human rights in national law. The guidelines cover a range of issues, including the need to legislate to address public health issues related to HIV/AIDS, review and reform criminal laws to ensure that they are consistent with international obligations and not target vulnerable groups, protect against discrimination and eliminate violence against women, including harmful traditional practices, sexual abuse and exploitation.152 In June in addition, the government's policy of reducing the number of women in the labour force has increased. The right to access to information and education in relation to prevailing health problems, prevention and control of rights under the International Covenant on Economic, Social and Cultural Rights includes the right to the highest attainable health and education in relation to prevailing health problems.154 The Convention on the Rights of the Child specifically requires States parties to ensure that all segments of society, particularly parents and children, are informed of access to education and support edited in the use of basic knowledge of children's health. The government's policy of eliminating the poverty of women and children is a major concern for the government. In addition, the Committee advises States to refrain from censoring, withholding or deliberately distorting health-related information, including sex education information. The Government has also taken measures to ensure that the rights of the child are protected and that the rights of the child are protected. However, the reality of enforcement is quite different: prejudice against victims, chronic problems of the criminal justice system, discrimination and other deficiencies in customary law. These problems often result in the failure to investigate, prosecute and punish the perpetrators. As a result, victims have little recourse to the justice system, while perpetrators face little rebuttal from abuse. The Zambian Penal Code prohibits rape, incest and desecration of sex with a girl under the age of 16, as well as the neglect or abandonment of children by a parent or guardian.159 It also prohibits offences that endanger life or health, forced labour and assaults causing bodily harm.160 In addition, the Juvenile Act 1956 provides for the care and protection of children: 161 Article 46 also prohibits cruelty to children by parents or guardians. 11. Prior to its independence from the United Kingdom in 1964, Zambia had two distinct legal systems, one applicable only to Africans and Europeans. The government's ability to provide as much as available resources to the public has been a source of support for the government's ability to provide services to the population. The legislative law, which was still inherited from the pre-independence era, was amended and extended by legislation adopted by the Zambian Parliament since 1964. In general, customary law grants women and girls much less rights than legislative law. The Zambian court system is adjudicated by several district courts, district courts, a supreme court and a supreme court. It hears disputes or prosecutions under legislative law in magistrates' courts (albeit less important) or in the Supreme Court, with appeal to the Supreme Court. Disputes Customary law is usually heard in local courts, the lowest level in the judicial hierarchy, and is subject to the Lower Courts Act 1934 and the Local Courts Act 1966, and can also be challenged through the rest of the court system. The court's decision to dismiss the case is a matter of law and the court's decision is based on the principle of equality. The government's decision to amend the Law on The Rights of The Person is a matter of law and order. 164. However, domestic courts have no jurisdiction to try more serious crimes, including murder and rape, which must be tried by the Magistrate's Court or the Supreme Court.165 Problems may arise when laws conflict within the legal systems, even though the Domestic Courts Act makes it clear that in such cases legislative law should take precedence.166 When customary law takes precedence. According to Constance Lewanika of WILDAF, it often happens that the worst victims are women and girls, caused by social and cultural factors that degrade the status of women and girls. 167 For example, the Marriage Act stipulates that the legal age of marriage is sixteen years, and that any person under the age of 21 is not a widow or widower who needs the written consent of the father (mother or guardian, if the father is dead or unwise). If the father refuses to consent, the child can apply to a Supreme Court judge for approval. In addition, the Penal Code makes sex with a girl under the age of 16 an offence punishable by life imprisonment. The government's commitment to the right to health is a key component of the government's commitment to the right to health. The reform, the need for a more effective and effective international security as a means of building a new world of international law is a reality. In practice, particularly in rural areas, it is common for girls to marry or are expected to have sexual relations under the age of 16, and it is almost uncommon to lead to prosecutions under the Penal Code. The government's decision to grant a full-time leave to the public is a very important one. These discriminatory practices increase the vulnerability of women and girls to HIV infection, as noted by the 2000 United Nations CCA: In Zambia, some of the factors contributing to the expanding [spread of AIDS] are expanding in customary and customary law. Especially with regard to divorce, adultery, child marriage and hate. 168. The Association's report on gender-based violence noted that the practice of paying lobola under customary law limited women's ability to leave an abusive marriage (once the lobola was paid, traditionally says that the bride became the property of the man and his family), and was a contributing factor in the early marriage of girls. The report states: The lobola system in which marital payments are made to the bride's family also promote women's future vulnerability to violence at the hands of their husbands. . . The government's decision to amend the Law on The Rights of The People of The State of The O'Hare, which is currently under consideration, is a matter of concern. This conflict is compounded by HIV/AIDS, as families often seek to deprive children orphaned by AIDS and women widowed by AIDS. The government's decision to re-establish a new government in 2008 was a major development in the country's economy. However, traditions in most ethnic groups in Zambia and in the region require that the family of the deceased man retain all inheritance rights. Girls face the risk of being deprived of their parents after the death of their father or husband (girls often marry older men, they can be stoned when they are still children). In Zambia, the Unwill inheritance Act of 1989, which covers those who die without leaving a will, seeks to protect deceased adopters; it is designed to provide the husband, children and other surviving maalis, and to protect against the illegal seizure of property by relatives. The Act recognizes children born out of wedlock for inheritance purposes, and the reform of the law in 1996 allows for the inheritance rights of other wives. The government's decision to grant a child a child's consent is a matter of law and order. The Testate Act 1989 does not apply to land owned by customary law, but allows well-informed adults to write a will to determine how to deal with their property after their death. As Zambian legal researcher Menona Ndolo noted, the problem was initially a legal one, but the fight now is to make the law work. Impact of the new law. On paper, the new inheritance law was a remarkable breakthrough in women's rights. In practice, however, the five years since the enactment of the law have seen a completely different picture. Previous discontent with the passage of a law usurping customary rights has flourished to blatant disregard for legislative law and to perpetuate the distorted and sinister practice of seizing property. The law weakens, first and foremost, the fact that women themselves are not convinced that they have a legal right to the property of their deceased husbands and, secondly, their fear of reprisals if they invoke the law. The government has also taken measures to improve the conditions of the police and the police. This practice can have serious implications for widows and children, who may be left destitute, where girls, for survival, are pushed into risky occupations with the risk of contracting HIV/AIDS. The government's decision to amend the Law on The Rights of the Child is a matter of concern. This practice stems from the manipulation of customary laws that assume the sole ownership of marital property by the sole spouse, which is assumed by a male relative of the deceased, who is then presumed to be responsible for the widow and the children (widow's inheritance). This was in the past a means of protecting and caring for the widow and her children: the family of the deceased husband provided the husband to the widow; the family provided to the deceased husband if she was in the family. If possible, she would be inherited by the deceased's brother. The care of widows and children was considered a responsibility of the new spouse, not an entitlement. In cases of property seizures, the family's acceptance of liability was abandoned but not claimed.173 Over time, people began to abdicate responsibility for the children and seek only to inherit property. They then dispose of the widow and children, as Leonic explained.174 The United Nations Joint Country Assessment accurately described the continuing problems of inheritance in Zambia: in practice, the seizure of property by the relatives of the deceased man is still rampant, especially when local customary courts have jurisdiction. These courts often use the Local Courts Act to distribute inheritance without referring to the percentages provided for by the Succession Act without a will, and in the fines imposed by the latter for the seizure of property are very low. As a result, many widows receive little or no access to the village.175 Sixteen-year-old Patty B. told Human Rights Watch what happened after her father's death. I'm not. He grabbed all our possessions, even my clothes. I didn't even get a spoon. When her mother died in 2000, she ended up living with her abusive uncle, whom the family feared was HIV-positive.176 Matilda S. was withdrawn from school at the age of 17, after her father's death. The family property was taken over by grandparents. They took chairs, bed, car plates, and lockers. After the seizure of the property, girls often start prostitution to cover their expenses, Peggy R., who became a sex worker, told Human Rights Watch: After my father's death, my father's family took everything. I was six years old, my father's sister took everything, no matter if you take her to court. 178 Child custody raises other thorny issues. When he pays for the lobola, or bride, the man's relatives often demand custody of the children. As an HIV-positive woman whose husband died of AIDS told Human Rights Watch: My ass said I charmed my husband. They took my six children from me. They scare my children from me. The government's policy of promoting women's equality and gender equality is a priority for women and girls. When widow inheritance is not abused in the above-mentioned methods, the risk of contracting HIV/AIDS continues to arise, particularly given the continued practice of polygamy in Zambia. If the husband dies of AIDS-related causes, HIV is likely to spread from the widow to the new husband and to his or her wife or other wives. The consequences of HIV transmission are clear, especially as studies indicate that condom use among married couples is low.180 Although the practice of widow inheritance is not supported by Zambian law, addressing them requires a stronger response from the Government. The government's policy of supporting the government of the country is to provide a clear err and more effective means of preventing the use of violence against women. In addition, the widespread reluctance of the families themselves to seek criminal penalties for attacks on girls, as outlined above, remains an obstacle to prosecution. The committee's work is based on the principle of the right to life. Even the Government recognizes that this poses obstacles to prosecuting perpetrators of child abuse. The judge can use his discretion to determine whether the child is competent or ineligible. Whether its evidence is acceptable.181 Although the assessment of the competence of the child witness is a common part of the common law principle, it tends to act to the detriment of the child when he or she is the victim, or herself. Courts often do not take her case seriously, and in the case of an older girl who has a sexual assault complaint, the case may depend on whether the judge thinks she asked for it or not. The government has also established a national commission to investigate cases of domestic violence, including the establishment of a police force, the police and the police. In addition, the law should recognize marital rape, which may be an important means of HIV transmission and which does not currently exist as a crime under Zambian law. They also called for the mandatory minimum sentences to be tightened as a means of addressing mitigating sentences.183 Similarly, groups have criticized the application of the Law on Hate as grossly inadequate and irrelevant given the seriousness of sexual abuse of a young girl. The government's policy of eliminating the inability of the police to investigate the case is a matter of law and order. The court of first and final lya is the reforethor court's decision to extend the sentence to two years' imprisonment. Zambian women's groups have stressed the importance of preventing lower courts from prosecuting crimes that do not have jurisdiction to impose deterrent penalties and apply customary civil law to criminal offences, including indecent assault, incest, rape and assault, which should be heard by magistrates' courts.185 Wanyika of Wildaf reported that families occasionally bring these cases to lower courts. Although they are not included in the law for this purpose, when they seek financial compensation instead of criminal penalties.186 Local courts can send a case to a magistrate's court, such as when the prosecution seeks harsher penalties than lower courts can impose, or a case can be appealed to a magistrate's court. It can be returned to the Supreme Court, depending on the seriousness of the case, and eventually to the Supreme Court. However, the magistrates' courts are also constrained in their power to deliver sentences (depending on the degree of the court and the type of judge, five or ten years' imprisonment). As with domestic courts, this can cause problems. The Association has issued a report on gender-based violence and the justice system in Zambia that analyses how the justice system responds to these cases. She stated that: [a] victims are not discouraged by the mere fact that these crimes attract reduced sentences, not because the provisions of the law are inadequate, but because there are judges who do not have the required jurisdiction. There's a gap between the maximum penalties. Under legislation and jurisdiction of the courts. . . The reform, the message to the perpetrators of these crimes is that these are not serious cases, and therefore violence is then committed on behalf of the victim on another level as well. This confirms the perpetrator and says that violence is being tolerated as a state.187 In 2002, a group of Zambian women's organizations published a commentary on the Government's official report to the United Nations on the implementation of the Convention. The NGO's report emphasizes the vulnerability of girls to violence and HIV and the state's failure to protect them: the media carries almost daily reports of children being raped or desecrated by adults often inside the home because of mythical hopes of recovering from AIDS or avoiding HIV infection through sex with virgins. The following is an explanation: '23 man in court for desecrating girl 7', 'HIV + man gets 30 months to desecrate a 13' girl', 'Grandfather 64 gets 2 years to desecrate a 5' girl.' The result is that children become infected and die and that the courts issue light sentences to offenders and condemns the suspension of non-governmental organizations as well as the light sentences handed down to perpetrators: law enforcement officers and courts are not given the same degree of seriousness for these crimes as they do for other crimes. Under the Penal Code, crimes fall under the heading of crimes against morality and not as injury to a person. The government's policy of eliminating the discrimination that has been imposed on women is a matter of concern. According to Professor Mona Ndolo, an expert in Zambian law, these findings are partly the result of a lack of training for prosecutors and the police to prepare cases efficiently.190 The relatively low level of training and education of the police force complicates the quality of investigations and the preparation of case schedules, which are particularly acute in cases of sexual assault. 147 Convention on the Rights of the Child, which came into force in January 1992: The government's policy of taking into account the rights of the population is a matter of concern. United Nations CCA, p. 80. 149 Convention on the Elimination of All Forms of Discrimination against Women, Article 2. In addition, article 1 of the Convention on the Elimination of All Forms of Discrimination against Women defines discrimination as involving unintentional and intentional sexual discrimination. Article 2 (w) calls on Governments to repeal laws, customs and practices that discriminate against women, and article 5 (a) reflects this, and urges States to do so. The government's policy of protecting the rights of women and girls is a positive development. Article 10 left states to eliminate gender discrimination in education. The government's policy of reducing the number of women in the country's population is a source of concern. 151 Convention on the Rights of the Child, G.A. res. 44/25, U.N. Doc. A/44/49 (1989), entered into force on 2 September 1990. 152 UNHCR and UNAIDS, HIV/AIDS and Human Rights: International Guidelines (2nd International Consultation on HIV/AIDS and Human Rights, 23-25 September 1996, Geneva), UNITED NATIONS DOCUMENT HR/PUB/98/1, Geneva, 1998. 153 HIV/AIDS and human rights: International guidelines: 59. The government's policy of reducing the number of women in the country is a major challenge. In promoting human rights; promoting equality between women and children in sustainable development; promoting equality between women and women in promoting human rights; promoting equality between women and children in AIDS; promoting equality between women and girls in the area of AIDS; promoting equality between women and girls in the fight against AIDS. The government's policy of promoting women's rights and the right to self-determination is a key factor in the development of the country's social and economic development. The government's policy of promoting women's rights and the right to self-government is a fundamental right. 154 General Comment 14. The right to the highest attainable level of health, Commission for Economic, Social and Cultural Rights, 22nd sess. 2000, paragraphs 12 (b) and 16 and observation 8. The committee's work is being made in the united nations, and the united nations is the only country in the world that has been able to provide the most basic services to the people of The O'Hare. 156 General Comment 14. The right to the highest attainable level of health, Commission for Economic, Social and Cultural Rights, paragraph 12 (b) and note 8. 157 same reference, paragraph 34. The government's decision to re-establish a new government in 2003 was a very difficult task. Section 132 of the chapter is defined as 10 Rape as follows: Any person with unlawful knowledge of the physical ity of a woman or girl, without her consent, or with her consent, if consent is obtained by force, threat or intimidation of any kind, or for fear of bodily harm, or The means of making false statements about the nature of the act, or, in the case of a married woman, through the personality of her husband, is guilty of a felony called rape. Article 133 stipulates that a person who commits the crime of rape is liable to life imprisonment. Article 134 stipulates that a person attempting to commit rape is guilty of a felony and liable to life imprisonment. Article 138 (1): Any person who illegally knows a girl under the age of 16 is guilty of a felony and is liable to life imprisonment. Incest is covered by article 159: [a male with physical knowledge of a female person, who, to his knowledge his granddaughter, daughter, sister or mother, is guilty of a felony and is liable to five years' imprisonment. Article 159 (2) further states that it is irrelevant if physical knowledge is carried out with the consent of the female person. Chapter 16, Article 168, makes the escape of children under the age of 16 by a parent or guardian misdemeanor. Article 169 makes neglecting the provision of food, clothing and other necessities to the child by a parent or guardian is a misdemeanor. 160 Chapter 22 offences that endanger life or health, Article 229 any person who unlawfully causes serious harm to another person is guilty of a felony and faces seven years in prison. 25. Article 25, chapter 25, any person who compels a person to act unlawfully against the will of that person shall be guilty of a misdemeanor. Chapter 24, Article 248 Any person who commits an assault causing actual bodily harm is guilty of a misdemeanor and faces five years' imprisonment. The government's decision to suspend the work of the National Police is a major concern for the Government. 162 Inter-African Network for Human Rights and Development, The Dilemma of Zambia's Domestic Courts: The Question of Colonial Legal Continuity or the Deliberate Marginalization of Customary Law? (Afronet Report on Customary Law of the Judicial Sector, Afronet (Lusaka), 1998. 163 e-mails from Constance Lunica, WILDAF, to Human Rights Watch, October 9, 2002. The government's policy of promoting women's participation in the labour market is a key factor in the development of women's rights. The government's actions are also a priority for the Government of The United States. 166 Same reference: Human Rights Watch interview with Lunica, May 21, 2002. The united nations, CCA: Zambia 2000, December 2000, p. 17. The government's decision to suspend the work of the National Police is a very difficult task. 170 women The government's policy of promoting the rights of women and children is a matter of concern. 171 Human Rights Watch interviews, July 16, 2002. Inheritance in Zambia: Law and Practice, previous reference, p. 22. 174 Human Rights Watch interviews, May 21, 2002. United Nations, CCA: Zambia 2000, p. 16. 176 Human Rights Watch interviews in Umoya, Lusaka, May 22, 2002. 177 Human Rights Watch interview in Umoya, Lusaka, May 22, 2002. 178 Human Rights Watch interview with Mabud, Lusaka, May 20, 2002. 179 Human Rights Watch interview with members of The Fellows Organization in Lusaka, May 23, 2002. 180 Zambia Demographic and Health Survey in 1996 reported that 28 per cent of men reported the use of such condoms, and experts indicate that regular use is much lower, partly because condoms were not available until the mid-1990s. A few projects reported increased condom use among Young Zambians who had been subjected to promotional campaigns on the subject. 10 See The Government of Zambia, Central Bureau of Statistics and Ministry of Health, Macro International, Demographic and Health Survey 1996: Zambia (Calverton, MD: Macro International, 1997), p. 46. International Population Services, Zambia Social Marketing Project has the maximum impact on the fight against AIDS, in pubs/zambia.html (retrieved August 29, 2002), 181 Report of the Committee on the Rights of the Child, pages 19 and 23. 182 Human Rights Watch interview with Professor Mona Ndolo, Cornell University Law School, July 15, 2002. The government's efforts to address the gender gap in the country's economy are also a source of concern. (184) *Ibid.*, p. 27. 185 NGO Comments, p. 19. 186 e-mails from Constance Lunica to Human Rights Watch, October 9, 2002. 187 WLSA Gender Violence, p. 98. Women in Law and Development in Africa - Zambia, NGO commentary on the Government of Zambia joint Lyon sat tertiary and fourth reports on the Convention on the Elimination of All Forms of Discrimination against Women, Lusaka, May 2002, p. 16. Comments by NGOs, p. 16. 190 Human Rights Watch interview with Professor Mona Ndolo, September 9, 2002. 2002.

