LANGIZO LA UFULU WANU

Cikalata Caufulu wa Zambia

KONRAD ADENAUER STIFTUNG
RULE OF LAW PROGRAM FOR ANGLOPHONE SUB-SAHARAN AFRICA

Centre for Human Rights
UNIVERSITY OF PRETORIA

A Guide to Your Rights: The Zambian Bill of Rights
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Centre for Human Rights, University of Pretoria

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MAWU OYAMBA

Tikukhala m'dziko momwe timamva zokambidwa zokhudza ufulu wa anthu, kawirikawiri timamva za mmene ufulu udzathandiza anthu kukhala miyoyo yolemekezeka ndi ufulu wawo, ndipo nthawi zina cimeneco cingakhale cifukwa cakuti iwo angakhale osatsimikiza yomasuka. M'maiko ambiri, kuphatikizapo Zambia, ufulu ndi wotetezedwa ndi Thunthu la Malamulo a Dziko. Cimeneci cili ndi mphamvu yopatsa anthu a m'Zambia citetezo cacikulu, cifukwa iwo angawonetse ufulu wawo wa lamulo m'njira zosiyanasiyana, kuphatikizapo citetezo kupyolera m'mabwalo a milandu. Mwacisoni, anthu kawirikawiri, amalimbikira kuti ufulu wawo ukhazikitsidwe. Nthawi zina zimenezi zimakhala tere cifukwa iwo sanawauze za kuti ndi masitepe otani omwe angatsatire pofuna kukhazikitsa ufulu wawo. Kabuku aka kakonzedwa kuti kathandize anthu kuthetsa zopinga zimenezi.
Kabuku aka kakupereka cidziwitso cosavuta-kugwiritsa-nchito kumvetsetsa cimene ufulu wa anthu uli, kumene umacokera, ndi cimene umatanthauza kwa nzika ndi anthu okhala m'Zambia. Kupyolera m'kabuku kano, bungwe la Centre for Human Rights [Centre] ndi bungwe la Konrad-Adenauer-Stiftung [KAS] akuyembekezera kuthandiza nzika iliyonse, ndi aliyense wokhala m'Zambia – ciyembekezo cokuthandizani – kudziwa ufulu wanu ndikumvetsetsa bwino mmene ufulu umakutetezerani ku zoipa zophwanya ufulu umenewu, mwina kocitidwa ndi boma, kapena cinthu cinacake cacinsinsi, monga mabungwe anchito, kapena kocitidwa ndi anthu ena, ndi momwe mungapangire ufulu umenewu kukhala weniweni.
Bungwe la Centre for Human Rights ndi KAS ndi lofunitsitsa kucirikiza zoyesayesa za anthu kuti akhale molemekezeka ndi mwaufulu. Mabungwe awiriwa [Centre ndi KAS] ndi ozindikira popereka cidziwitso kwa anthu ndi kuwathandiza kumvetsetsa momwe angasinthire cidziwitsoci kukhala cinthu cothandiza anthu kukhazikitsa ufulu wawo, ndipo potsirizira pake kukhala olemekezedwa kwambiri. Ife ndife onyadira kukwanitsa kugwirira nchito pamodzi pa kabukuka, ndipo tikuyembekezera kuti zimenezi zidzasonyeza kuti kameneka ndi cida camphamvu cothandiza anthu kukhazikitsa ufulu womwe ndi wotetezedwa ndi Thunthu la Malamulo awo.

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ZAM'KATIMU

MAU OYAMBA

Munthu aliyense m'Zambia ali ndi ufulu. Ufulu umenewu ndi wofunika powateteza, ndipo ndi kuthandiza anthu kukhala ndi miyoyo yopereka ulemu ndi ya tanthauzo. Ufulu umenewu umapezeka mu Cikalata Caufulu comwe ndi gawo ya Thunthu Malamulo la a Zambia.

(CREDIT: Bioversity International/ E.Hermanowicz)

Dziko la Zambia lakhala ndi madongosolo awiri a malamulo kucokera pomwe linalandira ufulu, cizindikiro caufulu wodzilamulira cinali ndi Malamulo oyendetsera dziko atsopano amene anakhazikitsidwa m'caka ca 1964. Malamulo amenewo analowedwa m'malo ndi Malamulo atsopano mu 1991. Malamulo oyendetsera dziko atsopano amenewo anaika cizindikiro cofunika m'mbiri ya Zambia. Malamulo atsopano amenewo analola zipani zambiri za ndale kutengako mbali mu mpikisano wa zisankho; ndipo anayesa kukonza zikhulupiriro zaboma loyankha ndi loona mtima, limene anthu a m'Zambia akanaliika paudindo pa zocita zake. Kabuku aka kadzakuuzani za mmene Cikalata Caufulu cimaperekera citetezo pa ufulu wa munthu aliyense m'Zambia, ndi cifukwa cake cimeneci ndi cofunikira kwa inu ndi kudera lanu.

Kugwiritsa nchito kabuku aka

Colinga ca kabuku aka ndi kukupatsani ciyambi ca Malamulo oyendetsera dziko a Zambia, kukuuzani cimene ufulu wanu uli ndi tanthauzo lake kwa inu. Cimeneci cikuphatikizapo milandu yofunika kwmbiri ya bwalo lamilandu, momwe anthu achula zinthu zomwe ayenerakukhala nazo, ndi kuika anthu ena, kuphatikizapo boma, kuti lidziyankhire pa zocita zake.

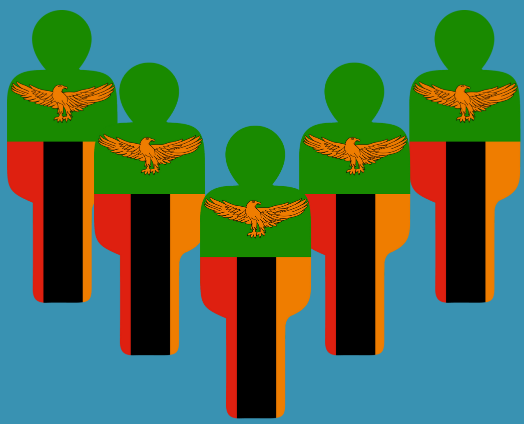
Kabuku aka kakupatsani cabe cidule caufulu wopezeka m'Cikalata Caufulu. Ngati mufuna kuwerenga Malamulo monga momwe analembedwera, onse athunthu, mungapeze Malamulo amenewopa intaneti kapena onilaini mwakulowa pa "Malamulo a Zambia" mwakufuna pa injini la intaneti, kapena mwakupita pa webusaiti iyi:

https://www.parliament.gov.zm/sites/default/files/documents/amendment_act/Constitution of Zambia (Amendment), 2016-Act No. 2_0.pdf

Ngati mungafune kupeza zambiri pa nkhani ina yake, lowetsani dzina la nkhaniyo pa injini la intaneti pofunira, ndipo muyenera kukwaniritsa kupeza nkhaniyo yokambidwa munsimu.

MALAMULO OYENDETSERA DZIKO: KODI MALAMULO N'CIYANI?

Maiko ambiri m'dziko lapansi ali ndi "Malamulo oyendetsera dziko." Malamulo oyendetsera dziko, m'maiko ambiri, ndi lamulo la pamwmba kwambiri ladziko. Lamulo lililonse m'dziko limalamulidwa ndi malamulo, ndipo cocitika ciliconse cocitidwa ndi boma la dziko limenelo, ciyenera kukhala molingana ndi malamulo a dzikolo. Malamulo amatiuza za momwe boma ladziko liyenera kugwirira nchito, limatiuza zaufulu umene anthu a m'dziko limenelo ali nawo, ndi kutiuza za mmene mabungwe osiyanasiyana a boma, monga apolisi, ayenera kugwirira nchito.



Maiko ambiri m'dziko lapansi ali ndi malamulo olembedwa, koma palinso maiko ena omwe ali ndi malamulo oyendetsera dziko osalembedwa. Pamene malamulo oyendetsera dziko ndi osalembedwa, mfundo zoyambirira zagulu la anthu zimapangidwa ndi miyambo ndi macitidwe omwe akhala odziwika bwino m'gululo.Kawirikawiri, Malamulo amaonetsa bwino mtundu wa gulu la anthu lomwe dziko lifuna kukhala nalo. Iwo amaganizira za mavuto amene dziko lakhala nawo kumbuyoku, ndi ziyembekezo zake zam'tsogolo. Malamulo oyendetsera dzikola Zambia amalongosola bwino kudzipereka kwa anthu a m'Zambia amaganiza kuti ndi kofunika, ndipo m'Ciyambi, cigawo cimene cili poyambirira pa Malamulo oyendetsera dziko.

CONSTITUTION

CIYAMBI

IFE, ANTHU A M'ZAMBIA—

TIKUVOMEREZA ukulu wa Mulungu wa Mphamvuyonse;

TIKUNENA kuti Dziko lathu ndi Fuko Lachikhristu pomweponso likulimbikitsa ufulu wa cikumbumtima, cikhulupiriro kapena cipembedzo;

KULIMBIKITSA ufulu waumunthu ndi ufulu wodalira pa zocitika za munthu aliyense;

KUDZIPEREKA ife eni polimbikitsa mfundo za ufulu wodzilamulira ndi ulamuliro wabwino;

KUPEZA YANKHO lotsimikiza kuti ubwino wokhudza banja, makhalidwe oyenera, unzika wokonda dziko ndi cilungamo zikupitiriza ndipo kuti nchito zonse za Boma zikucitidwa m'njira yoyenera aliyense;

KUTSIMIKIZA kulinganiza pakati pa azimayi ndi azibambo ndi ufulu wawo wotengamo mbali m'zinthu, kutsimikiza ndi kupanga khalidwe lelopitiriza la zandale, za lamulo, zacuma ndi makhalidwe abwino;

KUZINDIKIRA NDI KULIMBIKITSA mitundu yambiri, zipembedzo zambiri ndi cikhalidwe ca miyambo yambiri ya Fuko lathu ndiufulu wathu wosamalira zinthu zam'dziko ndi kupitiriza ndi zinthu zofunika m'dongosolo lolinganiza ulamuliro ku anthu;

KUPEZA YANKHO kuti Zambia adzapitiriza kukhala m'modzi, wa zipani zambiri ndi Dziko lodziimira palokha;

KUZINDIKIRA NDI KULEMEKEZA ufulu wa anthu omenyera ufulu wodzilamulira wa Fuko lathu pofuna kukwaniritsa mtendere, cilungamo ndi umodzi wa anthu a m'Zambia;

NDI KUTSOGOLERA kuti nthambi za Dziko ndi mabungwe a Dziko apitirize ndi kulemekeza cifuniro cadziko lathu;

PANO TIKUTSIMIKIZA KUVOMEREZA NDI KUDZIPATSA MALAMULO OYENDETSERA DZIKO AWA

MBIRI YA MALAMULO OYENDETSERA DZIKO LA ZAMBIA

M'caka ca 1964, dziko longolandira ufulu la Zambia linatenga malamulo omwe anapanga dziko lodzilamulira la Zambia. Malamulo oyendetsera dziko amenewo linakhazikitsidwa monga dziko lodzilamulira, ndipo anapereka ufulu woculuka kwa anthu a m'Zambia. Komabe, panali mavuto ena m'Malamulo a mu 1964, ndipo pamodzinso ndi Malamulo amene analowa m'malo mwake m'caka ca 1973, analinso ndi mavuto. Pakati pa zinthu zina, ufulu wa munthu aliyense sunali wotetezedwa bwino. Mwinamwake, vuto lalikulu la Malamulo a mu 1973 linali lakuti linalola ndale za dongosolo la cipani cimodzi cabe. Cimeneci cinacepetsa ufulu wa anthu wosankha boma lawo, ndiponso ndi kupatsa Purezidenti ndi cipani cogwira nchito mphamvu zambiri – anthu ambiri anagaiza kuti kacitidwe kameneko kanali ndi mphamvu zoculuka.

Pakupita kwa nthawi, anthu ambiri anakhala osakondwera ndi kuculuka kwa mphamvu zimene boma linali nazo, pamodzinso ndi kucepekera kwa citetezo caufulu wa aliyense payekha. Magulu ambiri anafunitsitsa kuti pakhale ufulu wa zipani zambiri. Mabungwe anchito a Oimilirako anyanchito, magulu a ana a sukulu, ndi magulu a machalichi onse anakhudzidwa poganizira zoyenera kuwonjezedwa m'malamulo atsopano ndipo, potsirizira pake, mu 1991 malamulo atsopano anakhazikitsidwa. Malamulo amenewo anatenga masitepe oyenerera ocititsa citetezo cacikulu pa ufulu wa anthu, kuphatikizapo ufulu wawo wa masankho aulere ndi omasuka – kwa nthawi yoyamba m'zaka zamakumi, panali kudzakhala zipani zandale zoposa pa cipani cimodzi.

Mwinamwake, kusintha kofunika koposa kunali pa Gawo 1 la Malamulo atsopano, omwe ananenetsa kuti, "Malamulo oyendetsera dziko awa ndi lamulo lapamwamba ladziko la Zambia." Cimeneci citanthauza kuti ufulu wonse ndi kufunikira kwake mu Malamulo oyendetsera dziko a m'Zambia sikuyenera kunyalanyazidwa – boma la Zambia liyenera kucitapo kanthu mogwirizana ndi Malamulo amenewo.Malamulo a m'caka ca 1991 anakonzedwanso mu 1996 ndi mu 2016. Kukonzedwanso kwa mu 2016 kunafunsira za kusintha pa Lamulo Laufulu. Pofuna kuti kusintha kumeneku kwa Lamulo Laufulu likhazikitsidwe, Malamulo enieniwo amafunika kusintha kofunsira kovomerezedwa ndi cisankho cofuna kuona maganizo a anthu momwe anthu oposa 50% a msinkhu woponya masankho a anthu a m'Zambia [nzika za Zambia za zaka zakubadwa zoposa zaka 18] kuti aponye voti lawo. M'caka ca 2016, anthu oponya masankho ocepera pa 50% anaponya masankho ofuna kuona maganizo awo pa kusintha kwa Lamulo Laufulu, conco, ngakhale kuti anthu ambiri anafuna kuvomereza kusintha kumeneku, Lamulo Laufulu silikanasinthidwa.

KODI MALAMULO OYENDETSERA DZIKO N'CIYANI?

Malamulo oyendetsera dziko ndi lamulo lofunika kwambiri m'Zambia. Gawo loyambirira la Malamulo limanena kuti:

> *"Malamulo oyendetsera dziko ndi lapamwamba kwambiri m'dziko la Republic la Zambia ndipo lamulo lina lolembedwa, lamulo lacikhalidwe ndi macitidwe acikhalidwe omwe sagwirizana ndi zofunikira ndi zoyenera zomwe ndi zosamvetsetseka ndi kufika posagwirizana."*

Cifukwa cakuti Malamulo oyendetsera dziko ndi lapamwamba kwambiri, lamulo lofunikira kwambiri m'dziko, anthu amene analemba Malamulo amenewo anatsimikiza kuti palibe ciliconse m'dziko comwe sicili cogwirizana ufulu ndi maphindu.

Malamulo anacititsanso mosavuta kuti ufulu ndi maphindu zigwire nchito kwa aliyense! Mbali ina yofunikira ya Gawo 1 la Malamulo limanena kuti:

> *"Malamulo adzamangirira anthu onse m'Zambia, nthambi za Dziko ndi mabungwe a boma."*

Munthu aliyense, kaya akhale wolemera bwanji, kukopa ena bwanji, afunika kucita zinthu molingana ndi Malamulo ndipo ayenera kulemekeza ufulu wa anthu ena. Malamulo ndi omveka bwino kuti anthu a m'Zambia angatsimikize kuti boma licita zinthu mogwirizana ndi maphindu ndi ufulu wa Malamulo.

CITSANZO COPHUNZIRIRA: CIWERENGERO CADZIKO NDI MALAMULO OYENDETSERA DZIKO

Ufulu umathandiza anthu powapatsa udindo wakufunsa Boma kupereka zifukwa ngati Boma silikugwiritsa bwino mphamvu zake.

M'caka ca 2016, munthu wina anapereka apolisi kubwalo lamilandu, akunena kuti ufulu wake walamulo unaponderezedwa ndi Apolisiwo. Bwalo Lalikulu Koposa m'Zambia linamvetsera mlanduwo, umene unachedwa kuti *Munthu Woimirira Milandu ndi Ena motsutsana ndi a Phiri*. Munthuyo [a Phiri] anachula zimene anayenera kukhala nazo kuti bungwe la Zambian Police Service [ZPS] linapondereza ufulu wake cifukwa anamangidwa popanda kuuzidwa cifukwa cake, ndipo pomwe iye anali kucitolokosi, anamenyedwa kwambiri ndi apolisi, comwe cinacititsa kuzunza.

Bwalo Lamilandu linasunga ufulu wa munthuyo, mwakuchula kuti aliyense ayenera kuuzidwa zifukwa zake iye akumangidwa kapena kuikidwa m'citolokosi mwamsanga ngati kungatheke kucita tero pambuyo pomangidwa kapena kuikidwa m'citolokosi, ndipo aliyense ali ndi ufulu wokhala womasuka ku kuzunzidwa. Cifukwa cakuti bungwe la ZPS linapondereza ufulu wa munthu uja, Boma linayenera kupereka cifukwa cake zinthu zinali tere, ndipo munthu uja analipiridwa ndalama, pofuna kuyesa kuti Boma lipereke zifukwa zake.

Malamulo amakhudza mbali zonse zamoyo m'Zambia. Malamulo ndi opangidwa ndi zigawo makumi awiri [20]. Gawo iliyonse ili ndi mfundo yofunikira ya moyo ndi boma m'Zambia.

MALAMULO A ZAMBIA: MITU

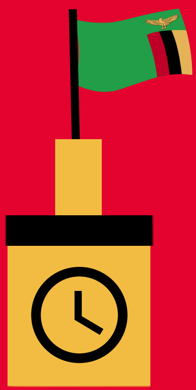
- Ciyambi
- Mbali 1: Ukulu wa Malamulo
- Gawo 2: Maphindu a dziko, maziko, ndi malamulo a zacuma
- Gawo 3: Citetezo ku ufulu wodalira zinazake ndi mtendere wa aliyense
- Gawo 4: Unzika
- Gawo 5: Nthumwi za anthu
- Gawo 6: Bungwe lopanga malamulo [Lejisilecha]
- Gawo 7: Anchito zaboma [Ekizekitivi]
- Gawo 8: Bungwe loweruza milandu [Judishale]
- Gawo 9: Mfundo zacizolowezi zolinganiza mphamvu mu ulamuliro
- Gawo 10: Madera, zigawo, mawadi ndi kayang'aniridwe ka madera
- Gawo 11: Boma laling'ono
- Gawo 12: Ufumu ndi nyumba za mafumu
- Gawo 13: Nchito za Anthu Onse
- Gawo 14: Malipiro a Wopuma Panchito
- Gawo 15: Cinjirizo ndi citetezo cadziko
- Gawo 16: Ndalama zadziko ndi bajeti
- Gawo 17: Banki ladziko
- Gawo 18: Nchito, maofesi opereka mphamvu ndi odziimira
- Gawo 19: Nthaka, zacilengedwe, ndi zinthu zacilengedwe
- Gawo 20: Zinthu zacizolowezi

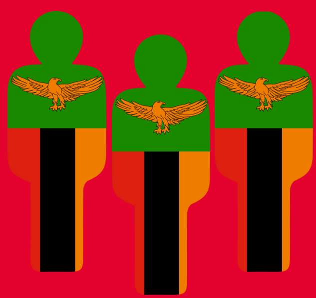
Monga mmene mungaonere kucokera pamitu yosiyana ya machaputala a Malamulo, limeneli likhudza mbali zofunikira pamoyo m'Zambia. Kabuku aka kadzaika mfundo pa Gawo 3: Citetezo ca maziko odalira pa ufulu wa aliyense, koma ngati mungayenere kuwerenga iliyonse ya machaputala ena a Malamulo, mugafufuze Malamulo oyendetsera dziko onse:

https://www.parliament.gov.zm/sites/default/files/documents/amendment_act/Constitution%20of%20Zambia%20%20(Amendment),%202016-Act%20No.%202_0.pdf

KUPATULA MPHAMVU NDI NTHAMBI ZITATU ZABOMA

Malamulo oyendetsera dziko a Zambia amazindikira kuti kawirikawiri maiko amakumana ndi vuto pamene munthu m'modzi kapena bungwe lili ndi mphamvu kwambiri. Ndi cinthu cosavuta kuti anthu omwe ali m'mabungwe otere asagwiritse nchito bwino mphamvu zawo, ndi kuderera ufulu wa anthu m'dziko limenelo, ndipo kukhala covuta kwambiri kwa aliyense kuwaletsa pomwe acita zimenezo. Njira imodzi momwe Malamulo amateteza aliyense mu boma kuwononga mphamvu zawo, kapena boma lenileni kuwononga mphamvu zake, ndi mwakupatula mphamvu pakati pa nthambi zosiyana zaboma. Nthambi iliyonse ya boma imagwiritsa nchito mphamvu zina za Boma, mofanana nthawi ndi nthambi zina zaboma. Pali nthambi zitatu zosiyana:





Lejisilecha, limene limapangidwa ndi aphungu a nyumba ya malamulo, limene limapanga malamulo.

Ekizekitivi, lopangidwa ndi gulu la atsogoleri [nduna zonse] pamodzi ndi a prezidenti, omwe amakhazikitsa malamulo ndi kutsimikiza kuti malamulo amenewo akutsatiridwa.

Judishale, limene limapangidwa ndi mabwalo a milandu, woweruza, ndi mafumu, omwe amamasulira malamulo

Gawo iliyonse ya nthambi zaboma ndi yomasuka kunthambi zinazo, ndipo zonsezo ndi zofunika mofanana. Izo zimacita zinthu moyang'anira ina ndi inzake – palibe munthu aliyense kapena nthambi ya boma imene ingacite ciliconse cimene ingafune, cimene citanthauza kuti ndi covuta kwambiri kwa anthu kuwononga mphamvu zawo. Kupatula mphamvu kumeneku ndi kofunikira poteteza ufulu – monga momwe tidzawonera mu ztsanzo zathu zophunzirira, kawirikawiri pali zifukwa zofunikira zosungira anthu ndi mphamvu, kotero boma lipereke zifukwa zoyenera.

CITSANZO COPHUNZIRIRA: KUPATULA MPHAMVU KUMAIKA POLEKEZERA MPHAMVU ZABOMA

Lejisilecha, limadziwikanso ngati Paliyamenti [Nyumba ya Malamulo], lili ndi udindo wopanga malamulo m'Zambia. Lamulo lililonse limene lejisilecha limapanga liyenera kukhala m'cigwirizano ndi Malamulo. M'caka ca 1995, mlandu wochedwa kuti *Christine Mulundika ndi anthu ena 7 motsutsana ndi Anthu* unasonyeza mfundo yopatula mphamvu. Anthu asanu ndi atatu [8] anamangidwa pocita msonkhano poyera.Lamulo lomwe apolisi anagwiritsa nchito linali, Public Order Act, limene linati anthu apemphe cilolezo asanasonkhane. M'Bwalo Lamilandu, anthu omwe anamangidwa anatsutsa lamulo limeneli, anachula zomwe anayenera kukhala nazo kuti Malamulo amateteza ufulu wa anthu ocita kusonkhana popanda cilolezo, kukhala umodzi waufulu m'Malamulo ndi ufulu wosonkhana.

Bwalo Lamilandu Lapamwamba la Zambia linagwirizana ndi anthu omangidwawo. Bwalo Lamilandu Lapamwamba linati lamulo la Public Order Act linali losagwirizana ndi Malamulo cifukwa linali ndi mfundo zosiyana ndi ufulu wagulu la anthu, ndipo bwalo limenelo [Bwalo Lapamwamba Lamilandu la Zambia] linalamula nthambi ya lejisilecha kukonzanso lamulo limenelo.Lejisilecha linatsatira zonena za Bwalo Lapamwamba Lamilandu, ndipo linaweruza mogwirizana ndi Malamulo.

Pa mlandu uwu, judishale inagwiritsa mphamvu zake kutsimikiza kuti Malamulo anatsatiridwa, kulamula lejisilecha kutsimikiza kuti malamulo analidi ocokera m'malamulo.

KAPANGIDWE KA BWALO LAMILANDU M'ZAMBIA

Judishale imagwira nchito yofunikira poteteza ufulu wa anthu m'Zambia. Judishale limaumirizidwa kupereka cilungamo kwa aliyense m'Zambia, popanda tsankho. Anthu onse ogwira nchito ku judishale ayenera kukhala wopanda tsankho [wosakondera], ndipo ayenera kugwiritsa nchito lamulo mofanana kwa aliyense. Mabwalo a milandu ayenera kutsimikiza kuti cilungamo sicicedwetsedwa ndipo maphindu a Malamulo akutetezedwa ndi kupititsidwa patsogolo.

Pali mabwalo a milandu angapo mu judishale ya Zambia. Bwalo lililonse lamilandu lili ndi nchito yosiyana yocitidwa m'dongosolo lacilungamo. Ngati tawaikira pamodzi, mabwalo a milandu m'Zambia amayetsetsa kutsimikiza kuti aliyense angakhale ndi mlandu wake utatsirizidwa mwamsanga ndi mwacilungamo.

Pali magawo awiri a mabwalo (makhoti) a milandu m'Zambia, Mabwalo a Pamwamba ndi Mabwalo Otsika. Mabwalo a Pamwamba ndi opangidwa ndi Bwalo la Milandu lalikulu (Supreme Court la Zambia), Bwalo la Lalikulu la Milandu la Malamulo Oyendetsera Dziko (Constitutional Court la Zambia), Bwalo la Milandu Lokafola (Court la Appeal), ndi Bwalo Lalikulu la Milandu (High Court la Zambia). Mabwalo a Milandu Otsika ndi opangidwa ndi makhoti ang'onoang'ono (Subordinate Courts, Small Claim Courts, Local Courts), ndi mabwalo ena kapena bwalo lothetsa vuto la paderadera omwe Nyumba ya Malamulo lingapange kupyolera m'Gawo la Nyumba ya malamulo.

(CREDIT: judiciaryzambia.com)

- **Bwalo la Milandu Lalikulu [Supreme Court]** ndi bwalo lapamwamba kwambiri la apilu m'Zambia pa nkhani zilizonse kupatulapo nkhani za malamulo [zomwe ziyenera kumvedwa ndi bwalo lamilandu ya malamulo la Constitutional Court]. Supreme Court limangomvera milandu ya apilu kucokera ku Court la Appeal, ndipo kawirikawiri limangomvera nkhani zokhudza anthu onse, kapena komwe nkhaniyo ili ndi zifukwa za mpata wopambana. Maganizo onse a Bwalo la Milandu Lalikulu ndi omalizira – amene sangacitidwe apilu kubwalo lina lililonse lamilandu m'Zambia.
- **Bwalo la Lalikulu la Milandu la Malamulo Oyendetsera Dziko [Constitutional Court]** limeneli lili pa levulo lofanana ndi Supreme Court, koma limangomvera nkhani zomwe zili ndi gawo yofunikira ya malamulo. Zimenezi zingaphatikizepo cimasuliro ca zinthu zoperekedwa ndi Malamulo, nkhani zokhudza masankho, ndipo Bwalo limeneli lingatsimikizenso mwinamwake kuti nkhaniyo ndi ya lamulo. Maganizo onse Bwalo Lamilandu limeneli ndi omalizira [othera].
- **Bwalo la Milandu Lokafola [Court of Appeal]** limeneli ndi bwalo lomwe limacita nkhani za apilu motsutsana ndi maganizo a High Court a nkhani zonse kupatulapo cabe nkhani zomwe Bwalo la Lalikulu la Milandu la Malamulo Oyendetsera Dziko lingacite nazo.
- **Bwalo Lalikulu la Milandu [High Court of Zambia]** – limeneli ndi Bwalo Lapamwamba lomwe lingamvere milandu yonse yopalamula ndi kumabwalo aunzika, pamodzinso ndi maapilu ocokera Mabwalo Otsika. Pamenepa pali nambala magawo osiyana a High Court – kuphatikizapo Cigawo ca Industrial Relations, Cigawo ca Commercial, ndi Cigawo ca banja ndi ana ca Family ndi Children.
- **Makhoti a Sabodineti [Subordinate Courts]** amamvera milandu yambiri m'Zambia, milandu yopalamula ndi yaunzika, ndi kumvera maapilu ocokera ku mabwalo a Local Court. Kuzungulira dziko lonseli, pali mabwalo Subordinate Court 64 m'Zambia.
- **Makhoti OKamba za Milandu Ya ndalama Zocepa [Small Claims Courts]** awa amalola aliyense – payekha, ndipo osati mabungwe anchito – kufuna malipiro a ndalama zocepa [zocepera pa K20,000] kapena kupitiriza kuchula zomwe uyenera kukhala nazo, monga citsimikizo ca cikalata ca Cifuniro (will), zolakwilana, kulipiridwa motsatira lamulo lamwambo, kuwonjezera pa zinazake. Anthu opezeka m'mabwalo a Makhoti Okamba za Milandu Ya ndalama Zocepa (Small Claims Court) amadziimira okha – popanda loya wokhudzidwa m'Bwalo limenelo. Mabwalo amenewa amathandiza anthu kupeza cilungamo camwamsanga ndi cotheka.
- **Makhoti ang'onoang'ono am'madera [Local Courts]** awa ndi mabwalo a milandu omwe amafuna kuthandiza anthu kupeza cilungamo. Muli mabwalo ambiri a Local Court m'Zambia, conco anthu a m'dziko angapeze mabwalo a milandu m'dera lawo. Mabwalo a milandu a Local Courts amalola anthukuti adziimire okha. Amenewa amakamba milandu yogwirizana ndi mwambo lamulo la Chifirika, nkhani zokhudza malamulo a dera ndi malamulo opangidwa ndi akuluakulu, ndi milandu yaing'ono.

Bwalo la Milandu Lalikulundi Bwalo la Lalikulu la Milandu la Malamulo Oyendetsera Dziko onse ndi ofanana apamwamba, koma amacita zinthu ndi nkhani za malamulo osiyana.

Bwalo la Milandu Lalikulu

Bwalo la Lalikulu la Milandu la Malamulo Oyendetsera Dziko

Maganizo a Bwalo la Milandu Lokafola angamvedwe ku Bwalo la Milandu Lalikulu

Bwalo la Milandu Lokafola [Court of Appeal]

Ngati mlandu wamvedwa ndi Bwalo la Milandu Lalikulu, lingacitidwe apilu ku Bwalo la Milandi Lokafola [Court of Appeal] kapena, ngati mlanduwo ukhudza za malamulo oyendetseramo dziko, Bwalo la Lalikulu la Milandu la Malamulo Oyendetsera Dziko

Bwalo Lalikulu la Milandu [High Court of Zambia]:

Zabanja, Zamalonda ndi Zaboma, Zamalamulo ndi Kubwereza Zajudishale, Zanthaka ndi Zacilengedwe, Zolakwirana, Zamabungwe anchito, ndi Zacilengedwe ndi Mabwalo a

Milandu yambiri imamvedwa ndi judishale pa nthawi yoyamba ndi Mabwalo Otsika [Lower Courts]. Mabwalo awa ndi osavuta kuwapeza ndiponso ndi otsika mtengo. Milandu ina ingayambire ku Bwalo Lalikulu la Milandu.

Makhoti Otsika:

Makhoti a Sabodineti;
Makhoti OKamba za Milandu Ya ndalama Zocepa Maloko Khoti

Ngti mlandu umvedwa ndi Bwalo Lamilandu Lotsika [Lower Court], ndiye kuti mlanduwo ukhoza kuperekedwa ku Bwalo Lalikulu la Milandu ngati sanakhutire ndi cigamulo

KODI UFULU N'CIYANI NDIPO UMATANTHAUZANJI KWA INU?

Ufulu wa munthu aliyense ndi mbali yofunikira ya Malamulo a Zambia. Ufulu wambiri umenewu umapezeka m'Cikalata ca Ufulu, cimene ndi mbali ya Malamulo, ndipo imeneyi mungaipeze pa Gawo 3 ya Malamulo.

Kodi ufulu n'ciyani?

Ufulu ndi 'coyenera ca lamulo,' cinthu cinacake cimene munthu winawake angafune kucokera ku Boma. Cimeneco cingakhale coyenera ca lamulo comasuka ku kulowererapo kwa Boma – mwacitsanzo, mwakuyembekezera kuti Boma silidzapondereza cinsinsi ca munthu – kapena cimeneci cingakhale coyenera ca lamulo lufuna cinthu cinacake kucokera ku Boma, monga mpata wacisamaliro caumoyo.

CITSANZO: UFULU PA ZOCITIKA

Ufulu ungakhale cinthu cinacake cimene cimafuna Boma kucitapo cinacake:

"Ndili ndi ufulu wacilingamo pa mlandul"

Ngati munthu winawake al ndi ufulu wacilungamo, umenewu umafunikira kuti boma lipereke zinthu zonse zotheka kukhala ndi kacitidwe ka cilungamo, komwe kamaphatikizapo ufulu woganizira kuti ndi wosalakwa, ufulu wokhala cete, ufulu wofuna kuti mlandu uyambe mofulumira bwino, ndipo ndi kukhala ndi munthu womuimira walamulo, kuwonjezera pa zinthu zina. Boma lifunika kutsimikiza kuti zinthu zonse zofunikira zaperekedwa kwa aliyense amene ali ndi mlandul

Kapena kungafunike kuti Boma lisacitepo cina ciliconse:

"Ndili ndi ufulu wakuti ndisazunzidwe"

Boma silingazunze aliyense, ndipo liyenera kutsimikiza kuti palibe aliyense m'dziko yemwe azunza wina aliyense.

(CREDIT: Dan Petrescu)

Mwakuteteza ufulu womwe uli m'malamulo, dziko limawonetsa kudzipereka kwake ku anthu ake ndi kukhala audindo pa zocita zake. Citetezo ca ufulu cimathandiza kuwonetsa munthu aliyense ndi magulu m'dziko kukhala ndi citetezo cawo kucokera ku zocitika za ena, ngakhale kuti iwo anali owopsezedwa ndi boma kapena anthu ena.

Kusasiyanitsika kwa ufulu

Pali mitundu yosiyanasiyana ya ufulu m'Cikalata ca Ufulu, kuphatikizapo, zinthu zina zambiri, ufulu wa moyo, ufulu wa cinsinsi, ufulu wolankhula. Palibe ufulu uliwonse womwe ndi wofunika koposa ufulu wina. Ufulu uliwonse ndi wofunikira pofuna kuti anthu akwaniritse kukhala miyoyo yaulemu, conco ufulu uliwonse ndi wofunikira mofanana.

Mitundu ya ufulu imagwirizana pamodzi ngati cilapi. Iyo imadalirana, mwinamwake iyo ingakhale yosamvetsetseka. Ufulu m'Cikalata ca Ufulu ndi wolinganizidwa kuti upange maziko a aliyense m'Zambia kukhala ndi ulemu, ndi kukhala ufulu uliwonse wofunikira pokhala ndi miyoyo yaulemu ndi ya tanthauzo, ndipo kuti ali ndi mphamvu yokwaniritsa zolinga zawo.

Kuchula ufulu wanu

Mitundu ya ufulu m'Cikalata ca Ufulu anakonzedwa kotero kuti atsimikize kuti aliyense m'dziko ndi wotetezedwa ku kulakwa ndi kuvutitsa. Munthu aliyense amene awopesezedwa angafune kucitapo kanthu kulimbikitsa ufulu wake – kapena ngakhale kucitapo kanthu poteteza ufulu wa anthu ena.

Pali njira zosiyanasiyana zotsimikizira kuti ufulu m'Cikalata ca Ufulu [Bill of Rights] ndi wotetezedwa, koma njira zodziwika bwino ndi kupita ku Mabwalo a milandu. Mabwalo a milandu amenewa angalamule Boma kuti lisamalire kuteteza ufulu, kulamula kulipira cifukwa ca cinacake colakwika, kapena lingalamule kupeza yankho limene limathandiza anthu omwe ufulu ndi mtendere wawo wawopsezedwa kapena waponderezedwa. Mabwalo a milandu ndi mamaliziro a citetezo ca ufulu, koma anthu angapezenso ufulu kupyolera m'zigwirizano zina.

Palinso zigwirizano zingapo zopangidwa ndi Malamulo, monga bungwe la **Human Rights Commission la Zambia [HRC]** kapena **bungwe la Public Protector**. Mabungwe awa ali ndi mphamvu zothandiza anthu omwe ufulu wawo wawopseedwa – mwacitsanzo, bungwe la Human Rights Commission lingafufuze zolakwika zilizonse zoganiziridwa, ndipo lili ndi mphamvu zambiri zomwe lingagwiritse nchito kutsimikiza kuti kupondereza kwaufulu kwatha. Aliyense angafunsire kubungwe la Human Rights Commission ngati akuganiza kuti ufulu wawo wawopsezedwa, kapena angafunsire monga mbali ya gulu la anthu.

Zigwirizano zina, monga bungwe la Non-Govenrmental Organizations [NGO], angathandize kupeza ufulu wawo. Zigwirizano zimenezi, kawirikawiri zimakhudzidwa ndi boma pofuna kuteteza ufulu wa anthu m'Zambia, ndipo angakhale ndi zinthu zofunikira kupereka milandu ku mabwalo a milandu kapena kuthetsa nkhani kunja kwa bwalo lamilandu.

Polekezera ufulu

Ngakhale kuti ufulu wa Cikalata ca Ufulu ndi wofunikira, mongamowe takambirana kale, pali zinthu zocitika zina zimene zingaike malire. Tingaone zimenezi m'njira imene ambiri a mitundu ya ufuluwu analembedwera m'Malamulo – ambiri a ufulu umenewu amaphatikizapo malire, polekezera. Iwo amaphatikizapo mizere monga yotsatirayi, umene usonyeza kuti malire amaloledwa pamene ukuti:

"...ndi cofunikira pa colinga ca citetezo, citetezo ca anthu onse, mtendere wa anthu onse, khalidwe labwino, umoyo wa anthu onse, kukonza zinthu za m'tauni ndi m'dziko, citukuko ndi kugwiritsa nchito katundu uliwonse ndi phindu lagulu lonse."

Kapena

"...ndi cofunikira pa colinga cofunika pa cifukwa coteteza ufulu kapena mtendere wa anthu ena."

Cimeneci citanthauza kuti ufulu womwe uli m'Cikalata ca Ufulu ungakhale ndi malire, polekezera. Mwacitsanzo, aliyense ali ndi ufulu wosonkhana ndi kupita kulikonse. Pamene mitundu yaufulu uwu ndi yoteyezedwa ndi Malamulo, pangakhale nthawi zina pomwe anthu sakwanitsa kutsimikiza ufulu wawo wosonkhana kapena wopita kulikonse monga momwe angafunire. Mwacitsanzo, pambuyo pa kuyamba kwa nthenda ya COVID -19, anthu sanali kusonkhana kapena kuyenda momasuka cifukwa ca umoyo wa anthu onsendi zifukwa zacitetezo – polekezera pena pa ufulu umenewu pakhala pakuti anthu sakanasonkhana m'kati m'magulu a anthu oposa pa 50. Pamene ufulu uli ndi polekezera motere, uyenera kutsimikizidwa bwino lomwe cifukwa cake ndi cofunikira kukhala ndi malire otere, ndipo ndi cofunikiranso kuti ufulu wina sukhala ndi polekezera popanda cifukwa cabwino.

Koma, malire otere ayenera kucitika kamodzokamodzi monga kungakhalire, zenizeni ndi zakuti, malirewo "angalungamitsidwe mu gulu lodzicitira zinthu." Cimeneci citanthauza kuti malirewo ayenera kukhala a kamodzikamodzi, ndipo zifukwa za malirewo ziyenera kukhala zomveka bwino.

CITSANZO COPHUNZIRIRA: UFULU UYENERA KUKHALA NDI POLEKEZERA PENIPENI

Akaidi ayenera kukhala ndi ufulu wotetezedwa, kuphatikizapo ufulu wocita masankho

Pamene winawake watumizidwa kundende, ufulu wake wina umakhala ndi polekezera, malire – kayendedwe kamakhala ndi malire. Kucepa kwa ufulu ndi cilango, ndipo mitundu ina yaufulu iyenera kutetezedwa. Pokhala ndi ufulu woponya voti, pokhala ndi zolankhula pa yemwe adzapanga boma limene liyendetsa dziko momwe iyeyo ndi nzika, ndi ufulu wofunika wa munthu. Malamulo, pa Zigawo 45 ndi 46, amateteza ufulu woponya voti kwa nzika iliyonse imene ili ndi zaka zoposa 18 zakubadwa.

M’caka ca 2017, Bwalo la Lalikulu la Milandu la Malamulo Oyendetsera Dziko (Constitutional Court la Zambia) linaganizira zakuti mwina akaidi ayenera kusunga ufulu wawo woponya masankho, kapena mwina kuti mlandu wawo kunawalepheretsa kuponya masankho. Mlandu uwu unachedwa kuti *Malembeka motsutsana ndi Attorney General*. Lamulo linakhazikitsidwa limene linacinjiriza anthu omwe anali m’ndende cifukwa ca milandu, kapena anali m’ndende kuyembekezera kuzengedwa kwa mlandu kuti sayenera kuponya masankho.

Bwalo lamilandu linati kuti “pokhala ndi ufulu woponya masankho ndi mbali imodzi yofunikira ndi yoyambirira yandale zoperekedwa kwa nzika.” Malire oikidwa paufulu woponya masankho sunayenerane ndi ufulu woperekedwa m’Malamulo, cifukwa Malamulo ananena kuti aliyense amene ali ndi zaka zoposa 18 angaponye masankho, ndipo kulanda ufulu umenewo kwa akaidi sicinali ca lamulo. Cimeneci citanthauza kuti pa nkhaniyi, akaidi pamodzi ndi anthu oyembekezera kuzengedwa kwa mlandu sangaletsedwe kuponya masankho.

Mlandu umenewu ukusonyeza momwe cilili covuta kuika malire pa ufulu wa Cikalata ca Ufulu. Amenewa ndi mitundu yaufulu yofunikira kutsogolera pa kukhalapo kwaulemu. Kupatulapo ngati kwaloledwa ndi Malamulo, mitundu yaufulu siingalandidwe, siingacotsedwe.

CIYAMBI CA CIKALATA CAUFULU

Cikalata ca Ufulu cimatiuza za ufulu womwe munthu aliyense ali nawo m'Zambia, wonena mmene angafunire za ufulu umenewu, ndi momwe zinthu zilili pomwe boma lingaike malire paufulu. Cifukwa cakuti aliyense m'dziko, kuphatikizapo Boma, "lili lomangidwa" ndi Cikalata ca Ufulu, ufulu woteteza umenewu ndi ufulu woteteza anthu ku ufulu wawo wolakwika ndi Boma pamodzi ndi anthu ena.

N'cifukwa ciyani Zambia amateteza ufulu wa anthu?

Pakati pa Maphindu a Dziko opezeka m'Cigawo 8 ca Malamulo ndi "ulemu wa munthu, cilungamo, khalidwe la cilungamo, kulinganiza ndi kupanda tsankho." Munthu aliyense m'Zambia angafune kucitiridwa m'njira imene imalemekeza maphindu awa. Ufulu waumunthu ndi mbali ya pakatikati ya cimeneci. Mwakuteteza ufulu waumunthu, Malamulo pamodzi ndi Cikalata ca Ufulu zimathandiza anthu kuteteza ulemu wawo, ndi ufulu wawo wocitiridwa moyenera ndi molingana. Malo ofunikira opatsidwa ku "ulemu waumunthu, cilungamo, khalidwe la cilungamo, kulinganiza ndikusacita tsankho"' ndipo cifukwa cakuti pali Cikalata ca Ufulu m'Malamulo cimasonyeza kuti Zambia ndi wodzipereka kwa anthu ake.

Kodi ndi ufulu wotani womwe uli m'Cikalata ca Ufulu?

Pali mitundu yaufilu ingapo m'Cikalata ca Ufulu, ndipo zonsezi zinakonzedwera kutsimikiza kuti aliyense m'Zambia ali ndi ulemu wake wotetezedwa ndipo amamva kuti ndi waphindu monga munthu. Mitundu ina yaufulu imafuna kuti Boma licitepo kanthu ndi kupereka thandizo kwa anthu, ndi ena, kotero kuti Boma sililowererapo pa miyoyo ya anthu.

(CREDIT: Anna Fawcus)

KUYANGA'ANA PA CIKALATA CA UFULU

12 – Ufulu wa moyo
13 – Ufulu wa mtendere waumwini
14 – Citetezo ku kuzunzidwa, ukapolo, ndi nchito yacibalo [nchito youmirizidwa]
15 – Citetezo kacitidwe kopana umunthu, kuphatikizapo kuzunza ndi cilango copaputsa
16 – Citetezo kukusowa zinthu zofunikira
17 – Citetezo ku cinsinsi cam'banja ndi katundu wina
18 – Aliyense ali ndi ufulu wotetezedwa ku lamulo, kuphatikizapo:

- Ufulu womvedwa mwacilungamo ndi bwalo lamilandu lopanda tsankho
- Ufulu woganizidwa wopanda mlandu
- Kuuzidwa za mlandu womwe apatsidwa
- Kukhala ndi munthu womuimira [loya] ngati apezedwa ndi mlandu, kuti adziteteze
- Kuyesa mboni
- Kuti mlandu wawo ulankhulidwe m'cinenero comwe amvetsetsa, kapena kuti akhale ndi womasulira kuperekedwa

19 – Ufulu wa cikumbumtima, womwe umaphatikizapo

- Ufulu wa maganizo ndi cipembedzo
- Ufulu wosintha cipembedzo ndi cikhulupiriro
- Ufulu wolambira
- Kulandira malangizo a cipembedzo

20 – Ufulu Wolankhula
21 – Ufulu wosonkhana ndi wogwirizana
22 – Ufulu wa mayendedwe
23 – Ufulu kucokera ku tsankho pa zifukwa za fuko, mtundu, kukhala mwamuna kapena mkazi, kumene acokera, kaya ndi wokwatira kapen a wosakwatiwa, maganizo ake pa ndale, utoto kapena cikhulupiriro, kapena kulemala [kulephera kucita zinthu zina].
24 – Citetezo ca anthu acicepele ku kuwavutitsa

CIKALATA CA UFULU: CIDULE CAKE

Gawo imeneyi ili ndi cidule colembedwa ca ufulu mu Cikalata ca Ufulu. Kuti muwerenge za ufulu umenewu mokwana, mungazipeze m'Chaputala 3 ca Malamulo oyendetsera dziko.

https://constituteproject.org/constitution/Zambia_2016.pdf?lang=en

Gawo 3

Citetezo ku ufulu woyambirira ndi mtendere waumwini

12 – **Citetezo ku Ufulu wa Moyo** – Munthu aliyense ali ndi ufulu wa moyo, pokhapo ngati munthuyo waweruzidwa ndi bwalo la milandu kuti akanyongedwe. Kucotsa mimba kumangololedwa ngati m'dzikolo muli lamulo lolola kucita tero.Anthu amaloledwa kudziteteza, ndipo cimeneci cingalole kuwononga moyo wa munthu wina.

13 – **Citetezo ku Ufulu wa Mtendere Waumwini** – Palibe aliyense amene angaikidwe m'ndende kapena kulandidwa mtendere wawo, pokhapo ngati watumizidwa kundende, kapena cifukwa umoyo wa anthu onse kapena cifukwa ca citetezo kumusunga munthuyo. Palibe aliyense amene angamangidwe popanda kuuzidwa cifukwa cake akumangidwira. Aliyense woikidwa m'citolokosi ayenera kusungidwa m'malo abwino.

CITSANZO COPHUNZIRIRA: UFULU POMWE ULI M'CITOLOKOSI CABOMA

Aliyense ali ndi ufulu wouzidwa cifukwa cake iye wamangidwa

M'nkhani ya *Attorney General ndi Anthu Ena motsutsana ndi a Phiri*, imene yakambidwa poyamba paja, ikutsimikiza za mmene apolisi alili ofunikira kudziwitsa anthu omwe akugwira ndi cifukwa cake akuwagwira. Nthawi zina munthu angaganizidwe kuti ali ndi mlandu, ngati sakuuzidwa cifukwa cake apkuperekedwera kucitolokosi, ndiye kuti akusungidwa molakwira lamulo.

14 – **Citetezo ku Ukapolo ndi Nchito Youmiriza** – Palibe aliyense angapangidwe kukhala kapolo kapena kusungidwa mu ukapolo, kapena kucita nchito youmiriza.

CITSANZO COPHUNZIRIRA: KUPEREKA ZITETEZO KU UKAPOLO

Malamulo a m'Zambia amapereka tsatanetsatane wa zomwe zingaganizidwe kuti ndi ukapolo

M'caka ca 2008, dziko la Zambia linatenga lamulo loletsa kugulitsa anthu la **Anti-Human Trafficking Act.** Lamulo limeneli litanthauza kuletsa mitundu ya zocitika imene inali yolumikizana ndi kugulitsa anthu, kumene ndi komwe anthu amaumirizidwa, kunamizidwa kapena kukakamizidwa pocita zinthu zomwe zinawavutitsa. Cimeneci ndi columikizana kwambiri ndi ukapolo, komwe munthu wina amanena kuti "ndi wamunthu wina," ndipo ndi wovutitsidwa, amagwiritsidwa nchito popanda ndalama kapena kulandira kandalama kocepa. Lamulo loletsa kugulitsa anthu la Anti-Human Trafficking Law ndi lamulo lofunika potsimikizira kuti boma likukwaniritsa ziumurizo zake, zomwe zimafuna kucinjiriza ukapolo m'Zambia.

15 – **Citetezo kucokera ku Kacitidwe Koipa Mtima** – Palibe aliyense amene angazunzidwe kapena kucitiridwa m'njira yoipa mtima kapena yomucepetsa.

CITSANZO COPHUNZIRIRA: PALIBE ALIYENSE AYENERA KUCITRIDWA M'NJIRA YOMUCEPETSA

Kukhala m'citolokosi m'malo auve siumunthu ndipo ndi kopeputsa munthu

M'nkhani yochedwa kuti a *Mwanza ndi Beene motsutsana ndi The Attorney General*, anthu awiri omwe anasungidwira ku citolokosi ca Lusaka Central Prison ananena kuti Boma linalakwira ufulu wawo. Iwo anati anasungidwira m'makhalidwe oipa kwambiri. Iwo sanali kulandira cakudya kapena cisamaliro ca umoyo comwe anafunikira kulandira, ndipo cimeneci cinawopseza miyoyo yawo ndi khalidwe labwino. Bwalo la Milandu Lalikulu (Supreme Court) linagwirizana, ndipo linalongosola kuti kupeza zinthu zoyambirira zofunikira, monga cakudya cokwanira ndi cisamaliro ca umoyo, ndi mbali ya ufulu wamoyo ndi ufulu wotetezedwa pakacitidwe kopanda umunthu. Cimeneci cingakhale cowona kwambiri kwa anthu ovutika, amphawi, monga anthu okhala m'ndende, cifukwa iwo amadalira pa Boma.

16 – **Citetezo ku Kusowa Katundu** – Palibe aliyense amene angalandidwe katundu wake popanda lamulo lonena kuti cimeneci ndi cololedwa – ndipo, ngati lamulo limalola kuti katundu ulandidwe, munthu wolandidwa katundu wake ayenera kulipiridwa ndalama zolingana ndi katundu womwe wataika.

17 – **Citetezo pa Cinsinsi ca Nyumba ndi Katundu Wina** – Munthu aliyense ali ndi ufulu wa cinsinsi. Cimeneci citanthauza kuti palibe aliyense amene angafufuze wina kapena katundu wake kufufuzidwa, pokhapo ataloledwa kutero kapena ngati pali cifukwa cabwino cocitra zimenezo. Zifukwa zimenezi zimaphatikizapo citetezo, citetezo ca anthu onse, khalidwe la anthu onse, ndi umoyo wa anthu onse.

CITSANZO COPHUNZIRIRA: ALIYENSE ALI NDI UFULU WACINSINSI

Kupima za mankhwala popanda cilolezo ca mwini ndi kupeputsa ndi kupondereza cinsinsi

Pa mlandu wochedwa kuti *Stanley Kingaipe ndi Wina motsutsana ndi Attorney General*, mamembala awiri a Zambia Air Force anatengedwa magazi awo pa nthawi yoyesa magazi monga mwa nthawi zonse ndipo, popanda kuwadziwitsa, anapima za kacilombo ka HIV. Bwalo Lalikulu la Milandu(High Court) linati kuti, cifukwa sanapereke cilolezo pa cipimo cimeneco, iwo anapimidwa m'njira yopewaputsa. Cilolezo, kapena cifukwa cabwino cimafunika, kapena ufulu wa cinsinsi udzaponderezedwa. Kucita nchito zaumoyo popanda cilolezo kumapeputsa munthu. M'njirayi, cipimo ca magazi ndi zotsatira zake zinalowerera cinsinsi ca aliyense wa awiriwo, cifukwa cidziwitso cawo cinadziwika, popanda iwo kuvomereza.

18 – **Zofunikira pa Citetezo ca Lamulo** – Pamene munthu winawake wapatsidwa mlandu wolakwira lamulo, iye ali ufulu womvedwa mwaufulu ndi mosakondera, zomwe ziyenera kucitika m'kati mwa nthawi yoyenera. Bwalo la Milandu limene limvera mlanduwo liyenera kukhala lamtendere ndi losakondera, ndipo kuzenga mlandu kuyenera kucitikira poyera. Aliyense ali ndi ufulu woganizidwa kuti ndi wosalakwa kufikira atapezedwa ndi mlandu, ndipo ndi kuuzidwa cifukwa cake akuzengedwa mlandu. Aliyense ali ufulu wokhala ndi woimira wa lamulo kapena loya, ndipo ngati sangakwanitse kupeza m'modzi wa womuimira pa mlandu wake, Boma liyenera kumulipirira kuti akhale ndi womuimira.

19 – **Citetezo ca Ufulu wa Cikumbumtima** – Munthu aliyense ayenera kukwaniritsa kulondola cipembedzo ciliconse cimene afuna, ndipo cimeneci cimaphatikizapo kutengamo mbali m'zocitika za cipembedzo. Palibe aliyense amene angaumirizidwe kutengamo mbali m'zocitika zacipembedzo. Kulankhula za cipembedzo kungakhale ndi malire nthawi zina, pa zifukwa ngati zacitetezo ca anthu onse kapena zaumoyo wa anthu onse.

20 – **Citetezo ku Ufulu Wolankhula** – Munthu aliyense ayenera kukhala ndi ufulu wolankhula momasuka, cimene citanthauza kuti angakhale pamodzi ndi anthu ena ndi kugawana cidziwitso ndi maganizo awo, ndi kumvetsera ku maganizo a anthu ena.Ufulu wa zinthu zolembedwa ndi mbali yofunikira yaufulu wolankhula, ndipo palibe lamulo lomwe linapangidwa limene liika malire a ufulu wa zolembedwa. Ufulu wolankhula ungakhale ndi malire poteteza ufulu wacinsinsi ca winawake.

CITSANZO COPHUNZIRIRA: ALIYENSE ANGANENE ZA MAGANIZO AKE

Ufulu wolankhula umateteza zolankhula zomwe boma silifuna

M'caka ca 2015, Bwalo Lalikulu la Milandu (High Court) linafunikira kuganizira za mitundu yolankhula imene inali yotetezedwa ndi ufulu wolankhula, pa mlandu wochedwa kuti *Anthua Motsutsana ndi Paul Kasonkomona.*

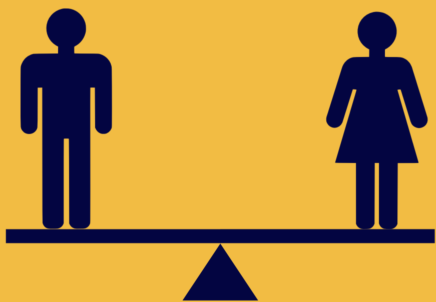
Bambo Kasonkomona anali atatengamo mbali m'makambirano pa televizyoni onena zaufulu wa mathanyula [homosekisho], kutsutsana kuti maubale a oganana ziwalo zofanana sayenera kukhala oletsedwa, opanda lamulo.Iye anamangidwa, ndi kupatsidwa mlandu womwe boma linati pokambirana zaufulu wa ogonana ziwalo zofanana, Abambo Kasonkomona amanyengerera anthu kucita khalidwe loipa, cifukwa kugonana kwa anthu awiri ofanana ziwalo kunali kosaloledwa. Ku Boma, kunyengerera kumeneku, kunali mlandu motsutsana ndi lamulo. Koma, Bwalo Lalikulu la Milandu(High Court) linalimbikira kuti kulankhula za maganizo ake kapena kutengamo mbali mu mtsutsano, sikunali kulimbikitsa kuti anthu azicita khalidwe loipa. M'malo mwake, cimeneci cinali cabe kutengamo mbali paufulu wolankhula.

Mlandu umenewu ukuwonetsa kuti boma liyenera kusamala poika malire paufulu wolankhula. Ngakhale kuti pali polekezera paufulu wolankhula, ufulu wolankhula utanthauza kuti anthu sangacinjirizidwe kulankhula za maganizo awo cabe cifukwa maganizio sakondedwa, kapena kuti boma silikonda maganizo otero.

21 – **Citetezo ca Ufulu Wosonkhana ndi Kugwirizana** – Aliyense m'Zambia angakumane ndi munthu wina aliyense amene iye afuna, kupanga mgwirizano ndipo ndi wololedwa kusonkhana mwaulere, momasuka. Cimeneci cimaphatikizapo ufulu wolowa Cipani ca ndale codzisankhira, kulumikizana ndimgwirizano wina uliwonse womwe udzateteza zofuna zake.

22 – **Citetezo ca Ufulu Woyenda** – Nzika iliyonse ya Zambia ili ndi ufulu woyenda kulikonse momasuka m'kati mwa Zambia ndipo kukhala kulikonse kumene iye angafune, ndi kutuluka ndi kulowanso m'Zambia monga mmene angafunire.

23 – **Citetezo kucokera Tsankho pa Cifukwa ca Fuko, ndi zina zotero** – Palibe lamulo lililonse limene linapangidwa kuti licite tsankho kwa winawake, ndipo palibe aliyense amene ayenera kucitiridwa tsankho ndi aliyense yemwe akuti akutsatira malamulo, kapena amene ndi wanchito za Boma.Kucita 'tsankho' ndiko kucitira munthu m'njira imene moyo wake ukhala wovuta kapena kupitirira pamenepo cifukwa ca fuko, mtundu, kukhala mwamuna kapena mkazi, kumene anacikera, wokwatira kapena wokwatiwa, maganizo ake andale, utoto wake, kapena cikhulupiriro.



CITSANZO COPHUNZIRIRA: PALIBE ALIYENSE AYENERA KUCITIRIDWA TSANKHO

Boma lili ndi mfundo zowonjezera zotsimikiza kuti anthu olemala angatengemo mbali m'zocitka zagulu

M'nkhani ya *Sela Brotherton motsutsana ndi Electoral Commission ya Zambia*, anthu ambiri olemala amanena kuti malamulo otsogolera masankho m'Zambia anali a tsankho kwa iwo, ndipo anawacinjiriza kuponya mavoti, ngakhale kuti Malamulo anateteza ufulu wawo woponya mavoti. Iwo ananena kuti iwo ayenera kupatsidwa mfundo zowonjezera zomwe zingawathandize kuponya mavoti – mfundo ngati kutsimikizira kuti malo komwe anthu avotera [malo oponyera mavoti] anali ofikirika ndi anthu olemala, kuphatikizapo anthu oyenda pampando wa mawiro, ndipo kuti zinthu za masankho zizipezeka kwa anthu osapenya omwe samapenya bwino. Bwalo Lalikulu la Milandu (High Court) la Zambia linavomereza kuti malamulo anali ndi tsankho ndipo linalangiza nthambi ya Ekizekitivi kuti likonze mfundo zotsimikiza kuti anthu olemala amakwanitsa kutengamo mbali m'masankho popanda vuto la cisalungamo.

24 – **Citetezo kwa Ana Acicepele pa Kuwagwiritsa nchito molakwika** – Aliyense amene ali ndi zaka zocepera pa zaka 15 [‘anthu acicepele’] ali ndi zitetezo zowonjezereka, kuphatikizapo ufulu wosalembedwa nchito kapena kulowetsedwa mu mtundu uliwonse wanchito imene ingapweteke thanzi lake kapena maphunziro, kapena imene ingacepetse mphamvu zake, nzeru kapena kutukuka mwaulemu. Anthu acicepele onse ayenera kutetezedwa ku kulekereredwa, nkhanza kapena kuwagwiritsa nchito molakwa, ndipoa kuwopera kuti angagulitsidwe.

25 – **Cipongwe cocokera Ufulu Woyambirira ndi Kuikidwa M’citolokosi** – Pamene kuli nkhondo kapena zocitika zadzidzidzi za anthu onse, mitundu yambiri ya ufulu imene ili m’Cikalata kapena Ufulu imaimitsidwa mwa kanthawi. Mitundu ina ya ufulu siingakhale yosasamalidwa, kuphatikizapo ufulu wamoyo, citetezo ku ukapolo, citetezo ku kucitiridwa moipa, ndi ufulu wofunika kutetezedwa ndi lamulo.

26 – **Zinthu zoperekedwa zokhudza Kuletsa ndi Kusungidwa M’citolokosi [M’ndende]** – Pamene munthu winawake asungidwa m’ndende kapena mayendedwe ake aletsedwa [apatsidwa malire], iye ayenera kuuzidwa, m’cilankhulo comwe amamvetsetsa, cifukwa cake aletsedwa kapena kuikidwa m’citolokosi. Aliyense amene waikidwa m’citolokosi ali ndi ufulu wakuti mlandu wake ungamvedwenso ndi anthu ‘aufulu wosiyana ndi wopanda kukondera,’ ndi kufunsira woimira wa lamulo yemwe angaimilire m’bwalo lamilandu limeneli.

(CREDIT: Mokhamad Edliadi/CIFOR)

CIMALIZIRO

Mfundo yodziwa ufulu wanu, kudziwa za Malamulo, ndi yanu kuti mukwaniritse kutsogolera moyo waulemu, kukhala ndi mpata wokwanitsa mphamvu zanu monga munthu. Koma mwai uwu, ufulu uwu, umabwera ndi maudindo. Aliyense wa ife afunika kupatsa boma kuwerengera pa zocita zake. Timafunika kutsimikiza kuti boma limakwanitsa ziumirizo zomwe Malamulo amaika pa ilo, ndipo sapondereza ufulu wathu kapena ufulu wa anthu ena okhala nawo m'Zambia. Ndipo aliyense wa ife ali ndi udindo wocitira anthu ena mwaulemu womwe iwo ayenera kulandira. Ngati tiganiza kuti ufulu wathu uyenera kulemekezedwa, ndiye kuti tifunika kulemekeza ufulu wa anthu ena.

Malamulo ali ndi masomphenya a gulu la anthu limene Zambia angakhale nalo. Kupita patsogolo kwacitidwa pozindikira masomphenyawa. Koma padakali zambiri zoti zicitidwe, ndipo pali masitepe ambiri omwe afunika kutsatiridwa pofuna kuti nzika iliyonse ya m'Zambia kuti asangalale ndi ufulu wawo. Mwakuyang'anira boma, ndi kusonyeza maphindu a malamulo m'miyoyo yathu, aliyense wa ife angabweretse masomphenya awa pafupi ndi moyo.

(CREDIT: Mellisa Thompson, USAID)

MABUNGWE AMENE ANGAKUTHANDIZENI KUPEZA UFULU WANU

Bungwe la Human Rights Commission of Zambia

Bungwe la Ufulu Wacibadwidwe ca Anthu (Human Rights Commission) limafuna kuteteza ndi kupititsa patsogolo ufulu wa anthu onse m'Zambia. Bungwelo limafufuza za kulakwila ufulu wa anthu, limafuna kukonza anthu ovutitsidwa, ozunzidwa cifukwa caufulu, limaphunzitsa anthu, dnipo limalimbikitsa pa kusintha kwa lamulo kozikidwa pa kafukufuku.

Keyala: Human Rights House, Independence Avenue, Lusaka
Foni: +260 211 251327/ +260 211 251 357
Nambala yosalipirira: 8181
Imelo: info@hrc.org.zm
Webusaiti: http://www.hrc.org.zm/
Twita: @hrc_zambia
Insitagramu: hrc.zambia

Judishale

Judishale ndi cimake ceniceni coteteza Malamulo ndipo cili ndi ufulu m'kati mwake.

Keyala: Plot 438, Independence Avenue, Lusaka
Foni: +260 211 251884/ +260 211 255104
Imelol: info@judiciaryzambia.com
Webusaiti: https://judiciaryzambia.com/

Ofesi ya Public Protector of Zambia

Bungwe la Public Protector wogwira nchito kuti athandize pa anthu opsinjidwa m'Zambia, ndipo ali ndi ulamuliro wotsoimikiza kuti aliyense pamodzi ndi magulu m'Zambia alandira nchito ya pamwamba kwambiri ya anthu onse. Bungwe la Public Protector limapititsa patsogolo ulamuliro wabwino m'mabungwe a anthu onse. Lingathandizenso anthu omwe akumva kuti acitiridwa mosayenera ndi anchito zaboma.

Keyala: Off Lake Road, Plot No. Kabul/100/120
Bokosi: P.O.Box 50494, Ibex Hill, Lusaka
Foni: +260 211 228330/1
WhatsApp: +26 0955 399655
Imelo: info@oppz.gov.zm
Webusaiti: https://oppz.gov.zm/

Boma la Zambia layamba dongosolo logwira nchito limene lidzathandiza anthu kuteteza ufulu wawo, kuphatikizapo kulinganiza pakati pa amuna ndi akazi mabungwe a olimbikitsa za jenda ndi kuthetsa tsankho (Gender Equity ndi Equality Commission), amene angathandize kupititsa patsogolo cilungamo pakati pa amuna ndi akazi m'madera, pamodzi ndi bungwe la komwe anthu atha kupereka madandaulo awo la (Police Public Complaints Commission), limene lidzafufuza za madandaulo okhudzana ndi nchito za apolisi pakati pa anthu. M'zaka zikubwerazi, mabungwe onsewa adzathandiza nzika za Zambia kulimbitsa ufulu wawo.