BUNGWE LA HUMAN RIGHTS COMMISSION NDI UDINDO WAKE PA DANGA LA ZA UTHENGA

Pa nkhani ya za madanga lokhudza kukhala ndi uthenga, bungwe la Human Rights Commission inakhazikitsa bungwe lopeleka uphungu pa nkhani zokhudza madanga pa zauthenga, komanso udindo wake wafotokozedwa pa section 5 mu malamulo oona pa zauthenga a Access to Information Act No. 24 a chaka cha 2023.

Nchito kapena udindo wa bungwe la HRC—

(a)Kumvetsela ndi kupanga ganizo pa ziganizo za anthu omwe amasunga uthengawo.

(b) Kupeleka uphungu ku anthu omwe amasunga uthenga pa kasungidwe ka uthenga omwe uli ndi iwo osunga kapena pansi pa ulamuliro wawo.

(c) Kugwila nchito pamodzi ndi unduna omwe uona pa zauthenga, kupanga ndondomeko ndi kumaphunzitsa anthu pa danga lawo lomakhala ndi uthenga.

(d) Kupeleka maphunziro ku anthu omwe amasunga uthenga pa madanga a anthu okhudza zauthenga, komanso kugwilitsila nchito lamulo ili lokhudza mauthenga.

(e) Mofunsila uphungu ku unduna omwe uona pa za mauthenga, timapeleka uphungu pofuna kusintha zina ku osunga uthenga.

(f)Kupeleka uphungu kwa nduna yoona pa zamauthenga pa nkhani zokhudza ufulu kapena madanga pa zamauthenga.

(g) Kupeleka malamulo ku osunga uthenga nthawi ndi nthawi ndi cholinga chofuna kuti malamulo azitsatilidwa.

(h) Kuchita maudindo ena alionse omwe bungwe linapatsidwa pansi pa malamulo awa kapena lamulo lina lililonse lolembedwa..

Ngati mufuna kudziwa zambiri fikani ku ma ofesi a Human Rights Commission.

Ofesi yaikulu

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Instagram: @hrc. zambia

LinkedIn: Human Rights Commission Zambia

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YouTube: Human Rights Commission Zambia For more information about the Human Rights Commission.

Nyanja

Bungwe La
Human Rights Commission-Zambia

Uthenga Okhudza Bungwe La Human Rights Commission-Zambia

www.hrc.org.zm

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Uthenga Okhudza Bungwe La Human Rights Commission-Zambia

INTRODUCTION

Bungwe la Human Rights Commission (HRC-Z/ Commission) ndi bumgwe la dziko lomwe liona pa zamadanga a anthu pansi pa lamulo la Article 230 (1) ya malamulo adziko la Zambia ndi udindo oteteza ndi kupititsa patsogolo ufulu kapena madanga a anthu pansi pa lomwe lili pa Act No. 2 ya caka cha 2016. Moonjezela pa malamulo adziko, udindo komanso mphamvu za bungweli zipezeka pansi pa malamulo ena okhazikitsidwa ndi nyumba ya malamulo:

- lamulo la Human Rights Commission Act ya nambala 4 ya chaka cha 2024; ndi
- Lamulo la Access to Information Act ya nambala 24 ya 2023. Komanso kuyambitsidwa kwake ndi kutsatila malamulo omangidwa pa msonkhano wa UN General Assembly Resolution 48/134 ya 20 December, 1993, yomwe ichedwa kuti The Paris Principles.

Niyozindikilidwa ndi ndondomeko za **UN pa mlingo wa `A` chifukwa zinchito zake zonse zimatsatila** malamulo a UN Paris Principles.

Bungweli ndi membala wa bungwe lalikulu la zamadanga mu Africa la Network of African National Human Rights Institutions (NANHRI) komanso bungwe la dziko lonse la Global Alliance of National Human Rights Institutions (GANHRI).

CHOLINGA

Kufuna kuteteza ndi kupititsa patsogolo ufulu kapena madanga a munthu wina aliyense mdziko la Zambia.; kudzela mukulankhulapo, kufufuza komanso kuchita zothekela zomwe zili zoyenela pakufuna kugonjetsa nkhani yopendeleza ufulu wa anthu.

MASO MPHENYA

Dziko lomwe lilemekeza ndi kusunga madanga a anthu dziko lonse la Zambia.

UTHENGA ONENA ZA KUFUNIKA KWAKE

Abungwe la HRC alonjeza kuthandiza anthu mopanda kukondela, mwachilungamo, mopanda kabisila komanso uchita zinthu mokomela onse komanso mosaopa wina aliyense pogwila nchito yake.

AKULU AKULU OMWE AMAYENDETSA BUNGWE

Bungwe idzakhala ndi akulu akulu awa kaya kuti makomishona a)

Wakumpando

b) wachiwiri ku wakumpando

c) makomishona osapitilila pa asanu(5)

Makomishona adzasankhidwa ndi mtsogoleri wadziko ndipo nyumba ya malamulo idzafunika kuvomekeza kapena kukana.

Wakumpando ndi wachiwiri wake adzafunika kukhala munthu yemwe ali ndi maphunziro oyenela kugwila nchito mu yapamwamba mu judiciary kapena anali ndi udindo otelowo kumbuyoku.

Ngati nyumba ya malamulo yavomekeza, makomishona adzayamba ugwila nchito yawo mwaganyu chabe.

ZIGAWO ZA BUNGWE

Bungwe itsogoleledwa ndi mkulu ochedwa (Director General) ndipo ili ndi zigawo zina zotele;

ZIGAWO ZINA

- Chigawo cha Madandaulo ndi kufufuza
- Chigawo choona pa Malamulo
- Chigawo choona pa Maphunziro, ndi kuona pa ndondomeko zofuna kukonza zinthu
- Chigawo cha kafuku-fuku ndi mapulano
- Chigawo choona pa anchito
- Chigawo choona pa zachuma
- Chigawo chomwe chigula zinthu za bungwe
- Chigawo m`mene ndalama ziyendetsedwela
- Chigawo cholankhulilako bungwe ndi zofalitsa

MPHAMVU ZA BUNGWE ZODZIIMILA PALOKHA

Bungwe sidzalola wina aliyense kuilamulila pa nchito yake.

UDINDO KAPENA NCHITO YA BUNGWE

Lamulo lomwe lili pa Article 230 (3) mumalamulo adziko la Zambia, ipatsa mphamvu bungwe kuchita izi;

a) Kufufuza ndi kupeleka lipoloti pa m`mene zamadanga ndi ufulu zikuyendela;

b) Kupeleka thandizo yoyenela pomwe madanga kapena ufulu wapondelezedwa;

c) Kuyesetsa kuthetsa vuto mwakukambilana kapena kumvelana..

d) Kuchita kafuku-fuku pa madanga ndi ufulu wa anthu ndi nkhani zokhudzana nazo;

e) Kupeleka maphunziro pa nkhani ya za madanga ndi ufula wa anthu

f) Kugwila nchito zina malinga ndi udindo omwe unapatsidwa.

NCHITO ZA BUNGWE

Nchito zina zoonjezela za bungwe la Human Rights Commission malinga ndi zomwe zalembedwa mumalamulo apa ndime ya 6 ya malamulo a Human Rights Act No.4 a caka cha 2024; ,motsatila malamulo adziko, zinchito zoonjezela ndi izi—

(a)Kufufuza ngati pali kuganizilidwa kuti ufulu wa munthu ukupondelezedwa;

(b) Kufufuza ndi kupeleka lipoloti pa nkhani ya madanga ndi ufulu, ndi kufalitsa lipoti limenelo;

(c) Kupeleka lipoloti ku anthu pa zamadanga ndi ufulu;

(d) Kuyendela ndende, malo kophunzitsila akaidi, ndende za ana ndi malo ena komwe amasungila anthu ndi kuona m`mene akusungidwila, ndi kupeleka uphungu pa m`mene afuna kuthetsela mavuto omwe angapeze;

(e) kugwirizana ndi mabungwe ena ndi ena aza maulamuliro omwe amalimbikitsa kuteteza ufulu wachibadwidwe ndi ufulu popanga ndondomeko ndi machitidwe okhudzana ndi kuona pa madandaulo okhudza ufulu wa anthu;

(f) kugwirizana ndi mabungwe ena ndi mabungwe omwe amalimbikitsa kuteteza ufulu wa anthu ndi ufulu mdziko lonse, dera ndi mayiko;

(g) kukhazikitsa njira zotumizira ndi kugwirizana ndi mabungwe ena oona pa nkhani za ufulu kuti azithandizana kugwira ntchito bwino pa nkhani za ufulu wa anthu;

(h) kukonza ndi kufalitsa malipoloti odziyimira pawokha okhudzana ndi ufulu wa anthu;

(i) kupeleka malangizo pa za kukwanilitsa ndi kugwira ntchito bwino kwa lamulo ndi zochita zokhudzana ndi chitetezo cha ufulu wachibadwidwe ndi ufulu mu dziko;

(j) kugwirizana ndi mabungwe azamaphunziro apamwamba ndi mabungwe ena popanga ndondomeko za maphunziro, ndi kafukufuku wa ufulu wa anthu;

(k) kupeleka uphungu okhudza Unduna woyenera kuvomerezedwa kapena kugwilitsila nchito malamulo okhdza ufula wa maiko onse; ndi

(l) kuyang'anira ngati Boma ikutsatila malamulo ndi maphangano amaiko oona pa ufulu.

(2) pofuna kupititsa patsogolo ntchito zake, Komitiyi ingathe kuchita izi,—

(a) kusonkhanitsa uthenga omwe aona kuti ndi oyenera pantchito za bungwe;

(b) kuchita zokambirana ndi omwe akukhudzidwa pa nkhani za ufulu kapena kufunsa zolinga za ntchito za bungwe kudzela mu malamulo awa; ndi

(c) kulandira mawu olembedwa kapena pakamwa chabe kuchokera kwa munthu aliyense kapena bungwe lililonse pazolinga za ntchito za bungwe kudzela mu malamulo awa.

MPHAMVU YA KULOWA PAMALO NDI KUFUZA ZINTHU (POWER OF ENTRY AND SEARCH)

Gawo 17 la malamulo abungwe la Human Rights Commission lipeleka mphamvu yolowa m`malo alionse ndi kufufuza;

Wanchito wabungweli ovomelezedwa, angathe kulowa m`malo alionse omwe akuganizila kuti afuna kugwilitsidwa nchito kuchita mlandu, pa nthawi iliyonse popanda kupeleka chidziwitso pasadakhale, mogwilitsila nchito chitupa chachilolezo pansi pa malamulo awa, ndikufufuza malinga ngati ofufuza ali ndi chikhulupiliro kuti malowo akugwilitsidwa nchito kuchita milandu yopendeleza ufulu.

(a) fufuzani malo;

(b) fufuzani munthu aliyense pamalopo ngati wanchito ovomelezedwa ali ndi zifukwa zomveka zokhulupirira kuti munthuyo zinthu zomwe zimakhudzana ndi kafufuza, koma wamkazi afunika kufufuzidwa ndi mkazi mzake komanso mwamuna naye ndi mwamuna mzake.

(c) kutenga zowonjezera, kapena kupanga makope a, buku lililonse, chikalata kapena zolemba zomwe zili pamalopo komanso zomwe zimakhudza kafufuza; ndi

(d) kufunsa mafunso omwe angakhale ofunikira kuti adziwe ngati ufulu kapena madanga anapondelezedwa.

(2) Khoti lingapereke chilolezo pa pempho kuchokela kwa ofufuza wovomerezeka ngati pali chidziwitsa cholembedwa molumbila, kuti pali zifukwa zomveka zokhulupirira kuti ufulu kapena madanga anapondelezedwa kapena akufuna kupondelezedwa.

(3) Wanchito ovomerezeka yemwe akugwiritsa ntchito mphamvu iliyonse pansi pa gawo ili, asanalowe kufufuza malo aliwonse, ayenera kuonetsetsa kuti wokhalamo kapena munthu yemwe akuyang'anira malowa alipo.

(4) Woyang'anira wovomerezeka yemwe amachotsa chilichonse pamalo aliwonse afunika kuchita izi—

(a) kupereka lisiti kwa mwini wa malowo ya chinthu hilichonse chotengedwa; ndipo;

(b) kubweza mwamsanga chilichonse chotengedwa pambuyo pomaliza kufufuza kapena kukwanilitsidwa kwa cholinga chake.

MPHAMVU YA KAFUFUZA (POWER TO INVESTIGATE)

Gawo 18 la malamulo abungwe la Human Rights Commission limafotokoza mphamvu yofufuza motere;

(1) Komitiyi idzakhala ndi mphamvu yofufuza za kupondeleza ufulu kapena madanga a anthu—

(a) mwa kufuna kwa bungwe; kapena

(b) pambuyo polandila dandaulo kapena lipoloti kuchokera kwa;

(i) munthu wokhudzidwa; (ii) bungwe lomwe likuchita zofuna za mamembala wa bungwelo;

(iii) munthu kapena bungwe lomwe likuchit zimenezo m`malo mwa munthu okhudzidwa; kapena

(iv) munthu yemwe akuchita zimenezo moimila gulu kapena zofuna za anthu ena.

(2) Komiti iyi pofufuza idzakhala ndi mphamvu molingana ndi gawo (1), la malamulo motere

(a) kupereka zikalata zoitanira anthu alionse kuti adzaonekele pamaso pa bungwe, komanso upeleka zinthu zina zilizonse zofunikila pakufufuza uku;

(b) kufunsa munthu aliyense pankhani iliyonse yomwe ikufufuzidwa ndu bungwe; ndi

(c) ndipo adzafuna munthu alyense avumbule uthenga omwe iye adziwa omwe ndiofunikila pa kufufuza komwe bungwe ikuchita.

(3) Mboni yomwe yaitanidwa motsatila lamulo la subsection

(2) Adzafunsidwa pambuyo polumbila.