

Human Rights Gaps in Zambia's Correctional Legal and Policy Framework: A Critical Analysis of the Zambia Correctional Service Act No. 37 of 2021

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DOI: <https://doi.org/10.51584/IJRIAS.2026.11040002>

Received: 31 March 2026; Accepted: 04 April 2026; Published: 23 April 2026

ABSTRACT

This study critically examines human rights gaps within Zambia's correctional legal and policy framework, with particular focus on the Zambia Correctional Service Act No. 37 of 2021. The study is grounded in a qualitative doctrinal research approach, relying on systematic document analysis of national legislation and international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

The general objective was to assess the extent to which Zambia's correctional legal framework aligns with international human rights standards and effectively protects the rights of persons deprived of liberty. Specifically, the study examined alignment with international standards, analysed key human rights provisions, identified legal and policy gaps, assessed governance and accountability mechanisms, and evaluated the protection of specific human rights within correctional settings.

The findings reveal that the Act reflects a progressive shift toward a rights-based and rehabilitative correctional system, incorporating principles such as dignity, humane treatment, and reintegration. However, the alignment with international standards remains partial. The study identifies significant gaps, including lack of explicit human rights guarantees, absence of detailed and enforceable standards for detention conditions, weak accountability and oversight mechanisms, and limited protection for vulnerable groups.

The study concludes that while the Act establishes a strong normative framework, it lacks the legal specificity and institutional mechanisms necessary for effective human rights protection. It recommends the introduction of explicit rights-based provisions, strengthening of oversight systems, and development of enforceable standards to enhance compliance with international human rights obligations.

Keywords: Correctional System; Human Rights; Zambia Correctional Service Act No. 37 of 2021; Prison Reform; Nelson Mandela Rules; ICCPR; Dignity; Accountability; Doctrinal Legal Research; Prisoners' Rights

List Of Acronyms

CRC – Convention on the Rights of the Child

CRPD – Convention on the Rights of Persons with Disabilities

HRBA – Human Rights-Based Approach

ICCPR – International Covenant on Civil and Political Rights

ICESCR – International Covenant on Economic, Social and Cultural Rights

NHRI – National Human Rights Institution

NGO – Non-Governmental Organization

OPCAT – Optional Protocol to the Convention against Torture

UN – United Nations

UNODC – United Nations Office on Drugs and Crime

ZCS – Zambia Correctional Service

ZCS Act – Zambia Correctional Service Act No. 37 of 2021

ZLDC – Zambia Law Development Commission

INTRODUCTION

The protection of the rights of persons deprived of liberty remains a fundamental obligation under international human rights law, requiring States to ensure that correctional systems operate within frameworks that uphold human dignity, equality, and justice. In Zambia, the enactment of the Zambia Correctional Service Act No. 37 of 2021 marked a significant shift from a punitive prison model toward a correctional system emphasising rehabilitation and reintegration. However, despite this progressive legislative reform, concerns persist regarding the extent to which the Act fully aligns with established international human rights standards, particularly the United Nations Standard Minimum Rules for the Treatment of Prisoners and the Convention on the Rights of Persons with Disabilities. These instruments set out minimum guarantees relating to humane treatment, access to healthcare, non-discrimination, and the protection of vulnerable groups, including persons with disabilities and mental health conditions (United Nations, 2006; United Nations, 2015).

Notwithstanding the normative intent of the 2021 Act, existing scholarship and policy analyses suggest that correctional legal frameworks in many developing contexts often exhibit structural and operational gaps that undermine effective human rights protection (Drew et al., 2011; Gostin & Gable, 2004). In particular, issues relating to overcrowding, limited access to healthcare services, inadequate safeguards against inhumane treatment, and weak accountability mechanisms continue to challenge correctional systems across sub-Saharan Africa. Within this context, a critical legal analysis of Zambia’s correctional legislation is necessary to determine whether the current framework sufficiently incorporates and operationalises international human rights obligations.

This study, therefore, adopts a doctrinal, human rights-based approach to critically analyse the Zambia Correctional Service Act No. 37 of 2021, with the aim of identifying gaps, inconsistencies, and limitations in its alignment with international standards. By examining key legal provisions relating to dignity, rehabilitation, non-discrimination, and access to justice, the study seeks to assess the level of human rights compliance and contribute to evidence-based legal and policy reform. Ultimately, the research is intended to strengthen the normative and institutional framework governing correctional services in Zambia and to promote the protection and realisation of the rights of persons in detention.

Background to the Study

The protection of human rights within correctional systems has become a central concern in contemporary criminal justice discourse. International human rights instruments emphasise that individuals deprived of liberty retain their fundamental rights and must be treated with dignity and respect. The *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)* provide that “all prisoners shall be treated with respect for their inherent dignity and value as human beings” (UNODC). Similarly, broader human rights frameworks affirm that imprisonment does not extinguish basic rights but only limits those necessarily restricted by lawful detention (United Nations, 2006).

In Zambia, the correctional system has historically evolved from a punitive and custodial model rooted in colonial administration to a more modern framework emphasizing rehabilitation and reintegration. The former Prisons Act of 1965 primarily focused on the management, control, and discipline of prisoners, with limited explicit recognition of human rights principles (Republic of Zambia, 1965) (ZambiaLII). This approach reflected a traditional penal philosophy centred on punishment rather than rights protection or offender reform.

Recognising the limitations of the earlier legal framework, Zambia undertook significant legal reforms culminating in the enactment of the Zambia Correctional Service Act No. 37 of 2021. This Act repealed and replaced the Prisons Act and introduced a rights-oriented correctional system aimed at aligning national legislation with international standards, including the Mandela Rules (Republic of Zambia, 2021) (Parliament of Zambia). Notably, the Act establishes guiding principles such as respect for human dignity, the use of least restrictive measures, and the retention of prisoners' rights except where lawfully limited (ZambiaLII). It also emphasizes rehabilitation, reintegration, and equitable access to correctional services, including for vulnerable groups such as women, persons with disabilities, and individuals requiring mental health care.

Despite these progressive reforms, evidence suggests that significant challenges persist in the protection of prisoners' rights in Zambia. Studies on prison conditions highlight issues such as overcrowding, limited access to services, and inadequate implementation of human rights standards (Mwanandiwa, 2013) (UNZA Repository). Overcrowding, in particular, remains a critical concern, often exacerbated by systemic inefficiencies within the criminal justice system and limited use of non-custodial alternatives (Hamaundu, 2013) (UNZA Repository). Furthermore, recent audit reports indicate that while the legal framework recognises human rights, gaps in implementation, awareness, and institutional capacity continue to undermine their realisation (Prison Audit Report, 2023) (ResearchGate).

These challenges highlight a broader tension between normative legal reform and practical implementation. While the Zambia Correctional Service Act No. 37 of 2021 reflects a shift toward a human rights-based approach, questions remain regarding the extent to which its provisions fully align with international standards and effectively address existing gaps in the correctional system. In particular, concerns persist regarding issues such as accountability mechanisms, access to justice for inmates, protection from inhumane treatment, and the operationalization of rights within correctional facilities.

Therefore, there is a need for a critical examination of Zambia's correctional legal and policy framework to assess its alignment with international human rights standards and to identify existing gaps. This study is situated within this context and seeks to contribute to ongoing discourse on prison reform by analyzing the extent to which the Zambia Correctional Service Act No. 37 of 2021 protects the rights of inmates and where improvements are necessary.

Problem Statement

The protection of human rights within correctional systems remains a critical issue in many jurisdictions, particularly in developing countries where institutional, legal, and resource constraints affect the realization of rights. International human rights standards, including the *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, emphasise that persons deprived of liberty retain their fundamental rights and must be treated with dignity, humanity, and respect (United Nations Office on Drugs and Crime [UNODC], 2015). Similarly, instruments such as the *International Covenant on Civil and Political Rights (ICCPR)* require that all persons deprived of liberty be treated with humanity and respect for their inherent dignity (United Nations, 1966).

In response to these global standards, Zambia enacted the Zambia Correctional Service Act No. 37 of 2021, replacing the outdated Prisons Act of 1965 and introducing a rights-based correctional framework that emphasises rehabilitation, reintegration, and respect for human dignity (Republic of Zambia, 2021). The Act represents a significant legislative reform aimed at aligning the country's correctional system with international human rights obligations.

However, despite these legal advancements, there is growing evidence that the protection of prisoners' rights in Zambia remains inadequate. Studies and reports have highlighted persistent challenges such as overcrowding, limited access to essential services, weak accountability mechanisms, and inadequate implementation of legal provisions (Mwanandiwa, 2013; Hamaundu, 2013). These challenges suggest that the existence of progressive legislation does not necessarily translate into effective protection of human rights in practice.

More critically, there is limited scholarly analysis examining whether the Zambia Correctional Service Act No. 37 of 2021 itself fully complies with international human rights standards or whether it contains inherent legal and policy gaps that undermine its effectiveness. In particular, concerns remain regarding the adequacy of provisions relating to accountability, enforcement mechanisms, protection from inhumane treatment, access to justice, and the operationalisation of prisoners' rights within correctional facilities.

This creates a significant knowledge and policy gap. While Zambia has made commendable progress in reforming its correctional legal framework, there is insufficient evidence on whether the current legislation adequately protects human rights or whether structural and normative deficiencies persist within the law itself. Without such analysis, efforts to strengthen the correctional system may remain incomplete or misdirected.

Therefore, this study seeks to critically analyse the human rights gaps in Zambia's correctional legal and policy framework, with particular focus on the Zambia Correctional Service Act No. 37 of 2021. The study aims to assess its alignment with international human rights standards and identify areas where legal and policy reforms are necessary to ensure the full protection and realisation of the rights of persons in correctional facilities.

General Objective

To critically analyze human rights gaps in Zambia's correctional legal and policy framework, with particular focus on the **Zambia Correctional Service Act No. 37 of 2021**, in order to assess its alignment with international human rights standards and its effectiveness in protecting the rights of persons in correctional facilities.

Specific Objectives

1. To examine the extent to which Zambia's correctional legal and policy framework aligns with international human rights standards, particularly the *Nelson Mandela Rules*, *ICCPR*, and other relevant instruments.
2. To identify and analyses key human rights provisions contained in the Zambia Correctional Service Act No. 37 of 2021 and related policy documents, particularly regarding dignity, non-discrimination, and humane treatment.
3. To identify and critically analyze legal and policy gaps and inconsistencies within the Zambia Correctional Service Act No. 37 of 2021 in relation to international human rights standards.
4. To analyze governance, oversight, and accountability mechanisms provided in the correctional legal framework for the protection of prisoners' rights.
5. To assess the extent to which specific human rights are protected within the legal framework, including protection from inhumane treatment, access to services, and conditions of detention.
6. To propose evidence-based recommendations for strengthening Zambia's correctional legal and policy framework in line with international human rights standards.

Main Research Question

To what extent does Zambia's correctional legal and policy framework, particularly the Zambia Correctional Service Act No. 37 of 2021, align with international human rights standards in protecting the rights of persons in correctional facilities?

Specific Research Questions

1. To what extent does Zambia's correctional legal and policy framework align with international human rights standards such as the *Nelson Mandela Rules* and *ICCPR*?
2. What human rights provisions are contained within the Zambia Correctional Service Act No. 37 of 2021 and related policy documents, particularly regarding dignity, non-discrimination, and humane treatment?
3. What legal and policy gaps and inconsistencies exist within the Zambia Correctional Service Act No. 37 of 2021 in relation to international human rights standards?
4. What governance, oversight, and accountability mechanisms are provided in the correctional legal framework to safeguard prisoners' rights?
5. To what extent does the legal framework protect specific human rights, including freedom from inhumane treatment, access to services, and acceptable conditions of detention?
6. What reforms are necessary to strengthen Zambia's correctional legal and policy framework in line with international human rights standards?

Conceptual Framework: Human Rights–Based Model for Analyzing Zambia's Correctional Legal and Policy Framework

This study is anchored in a Human Rights-Based Approach (HRBA), which emphasizes that correctional systems must respect, protect, and fulfil the rights of individuals deprived of liberty. International human rights instruments affirm that imprisonment does not remove fundamental rights but only limits those strictly necessary for lawful detention (United Nations, 1966). The *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)* further emphasize that all prisoners must be treated with dignity and humanity (United Nations Office on Drugs and Crime [UNODC], 2015).

Within this context, the framework conceptualizes how legal and policy provisions, governance and accountability mechanisms, and implementation structures (as reflected in legal documents) interact to influence the protection of human rights in correctional settings. The framework is applied through a doctrinal document analysis approach, focusing on the Zambia Correctional Service Act No. 37 of 2021 and related instruments.

Core Assumption of the Framework

The framework assumes that: A correctional legal and policy framework that is aligned with international human rights standards and supported by effective governance and accountability mechanisms leads to improved protection of prisoners' rights, dignity, and well-being (UNODC, 2015; United Nations, 1966).

Key Variables in the Framework

Independent Variable

Correctional Legal and Policy Framework

This represents the primary unit of analysis and includes:

- Zambia Correctional Service Act No. 37 of 2021
- Related correctional policies, regulations, and guidelines
- Alignment with international standards such as the *Nelson Mandela Rules* and the *ICCPR*

This variable provides the normative foundation for human rights protection within correctional settings (Republic of Zambia, 2021).

Intervening Variables (Mediating Factors)

These variables influence how effectively legal provisions translate into protection of rights, as inferred from document analysis:

Governance and Institutional Framework

This includes the existence and functioning of institutional structures responsible for correctional administration. Effective governance is essential for implementing human rights standards within correctional systems (UNODC, 2015).

Accountability and Oversight Mechanisms

This includes legal provisions for:

- Complaint and grievance procedures
- Monitoring and inspection systems
- Access to justice and legal remedies

International standards emphasize that accountability mechanisms are critical for safeguarding the rights of persons deprived of liberty (United Nations, 1966).

Resource and Structural Provisions (as reflected in law)

This includes legal provisions relating to:

- Infrastructure and prison conditions
- Staffing and service delivery
- Minimum standards for detention

Inadequate resource provisions often undermine the implementation of human rights in correctional settings (UNODC, 2015).

Implementation and Enforcement Provisions

This refers to the extent to which the law provides:

- Clear enforcement mechanisms
- Operational guidelines
- Monitoring and evaluation systems

Weak implementation provisions create gaps between legal intent and actual outcomes.

Dependent Variable

Human Rights Outcomes in Correctional Settings

These are the expected outcomes of an effective legal framework and include:

- Protection of dignity and humane treatment
- Freedom from torture and inhumane treatment
- Non-discrimination and equality
- Access to health care and basic services
- Acceptable conditions of detention
- Rehabilitation and reintegration support

These outcomes reflect internationally recognized human rights standards (UNODC, 2015; United Nations, 1966).

Moderating Variable

International Human Rights Standards

These serve as the benchmark for evaluating the legal framework:

- Nelson Mandela Rules (2015)
- International Covenant on Civil and Political Rights (ICCPR) (1966)
- Other relevant UN human rights instruments

These standards influence both the design and evaluation of national correctional laws.

Conceptual Relationships

The framework proposes that:

- The Correctional Legal and Policy Framework directly influences Human Rights Outcomes.
- This relationship is mediated by governance systems, accountability mechanisms, and implementation provisions embedded within the law.
- International human rights standards act as a moderating variable, shaping both policy formulation and evaluation.
- Weak governance, inadequate enforcement, and limited accountability create human rights gaps, reducing the effectiveness of the legal framework (UNODC, 2015).

Application of the Framework to the Study

This framework will guide the study in:

- Examining the alignment of Zambia's correctional laws with international human rights standards
- Identifying legal and policy gaps within the Zambia Correctional Service Act No. 37 of 2021
- Analysing governance and accountability provisions in the correctional system
- Assessing the extent to which the legal framework protects specific human rights
- Developing evidence-based recommendations for strengthening the legal and policy framework

The framework is applied strictly through document analysis, ensuring consistency with the doctrinal research design.

Theoretical Foundation

This framework is grounded in three complementary theoretical perspectives. First, the Human Rights-Based Approach (HRBA) provides the normative foundation, emphasizing the obligation of the state to respect, protect, and fulfil human rights (United Nations, 2006). Second, Doctrinal Legal Theory supports the methodological approach, focusing on the systematic analysis of legal texts to assess their compliance with established norms. Third, Social Justice Theory provides an ethical basis for the study by emphasizing equity, dignity, and fairness in the treatment of vulnerable populations, including prisoners. Together, these perspectives provide a comprehensive lens for analyzing human rights within Zambia's correctional system.

Significance of the Study

This study is significant in several interrelated ways, contributing to legal scholarship, policy development, and human rights protection within Zambia's correctional system.

First, the study contributes to academic knowledge by providing a critical and systematic analysis of the Zambia Correctional Service Act No. 37 of 2021 in relation to international human rights standards. While the Act represents a major reform in Zambia's correctional system, there is limited scholarly work examining its substantive compliance with global frameworks such as the *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)* and the *International Covenant on Civil and Political Rights (ICCPR)*. By identifying legal and policy gaps, the study fills an important gap in literature and advances understanding of rights-based correctional systems (United Nations Office on Drugs and Crime [UNODC], 2015; United Nations, 1966).

Second, the study is important for policy and legislative reform. By critically analyzing the strengths and weaknesses of the current legal framework, the study provides evidence-based recommendations that can inform future amendments to the Correctional Service Act and related policies. This is particularly important in ensuring that Zambia's correctional laws are fully aligned with international human rights obligations and best practices (Republic of Zambia, 2021).

Third, the study has practical significance for correctional institutions and practitioners, including policymakers, legal practitioners, and correctional officers. By highlighting gaps in governance, accountability, and enforcement mechanisms, the study provides insights that can improve the implementation of human rights standards within correctional facilities. Effective implementation is critical, as international evidence shows that legal reforms alone are insufficient without strong institutional capacity and oversight mechanisms (UNODC, 2015).

Fourth, the study is significant for human rights advocacy and protection. It provides a framework for civil society organizations, human rights bodies, and oversight institutions to assess compliance with human rights standards within correctional settings. By identifying areas where prisoners' rights may be inadequately protected, the study supports efforts to promote dignity, humane treatment, and equality for persons deprived of liberty (United Nations, 1966).

Finally, the study contributes to broader criminal justice reform discourse in Zambia by emphasizing the transition from a punitive to a rehabilitative and rights-based correctional system. This aligns with global trends in corrections, which recognise that the protection of human rights is essential for effective rehabilitation and reintegration of offenders into society (UNODC, 2015).

Scope and Delimitations of the Study

Scope of the Study

This study focuses on a critical analysis of human rights provisions and gaps within Zambia's correctional legal

and policy framework, with particular emphasis on the Zambia Correctional Service Act No. 37 of 2021. The study examines the extent to which this legal framework aligns with international human rights standards, particularly the *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)* and the *International Covenant on Civil and Political Rights (ICCPR)* (United Nations, 1966; United Nations Office on Drugs and Crime [UNODC], 2015).

The study adopts a qualitative doctrinal research design, relying exclusively on document analysis. It analyses primary legal documents, including:

- The Zambia Correctional Service Act No. 37 of 2021
- Relevant regulations and policy frameworks governing correctional services
- International human rights instruments applicable to correctional systems

The analysis focuses on key human rights areas such as:

- Dignity and humane treatment of prisoners
- Non-discrimination and equality
- Protection from torture and inhumane treatment
- Conditions of detention and access to services
- Governance, oversight, and accountability mechanisms

The study is limited to the normative and legal dimensions of human rights protection, assessing the content, structure, and coherence of the law rather than its practical implementation.

Delimitations of the Study

This study is subject to several delimitations. First, the study is confined to documentary analysis and does not include empirical data such as interviews, observations, or surveys of correctional facilities. As a result, it does not assess the actual conditions of prisons or lived experiences of inmates, but rather evaluates the adequacy of the legal and policy framework itself.

Second, the study focuses specifically on the Zambia Correctional Service Act No. 37 of 2021 and selected related policy documents. While reference is made to the previous Prisons Act (1965) for contextual purposes, the study does not undertake a detailed historical or comparative legal analysis beyond what is necessary to establish reform trends.

Third, the study is limited to human rights issues within correctional settings and does not extend to broader aspects of the criminal justice system, such as policing, prosecution, or judicial processes, except where they directly relate to the rights of persons in detention.

Fourth, although the study uses international human rights instruments such as the *Nelson Mandela Rules* and the *ICCPR* as benchmarks, it does not provide a comprehensive analysis of all international legal frameworks. Instead, it focuses on those most relevant to correctional systems.

Finally, the study is geographically limited to Zambia, and its findings may not be directly generalizable to other jurisdictions with different legal, institutional, or socio-economic contexts.

Definition Of Terms

Correctional System: A system responsible for the custody, rehabilitation, and reintegration of offenders within correctional facilities (Republic of Zambia, 2021).

Correctional Legal Framework: The body of laws and policies governing the management of correctional services and the treatment of persons deprived of liberty (Republic of Zambia, 2021).

Human Rights: Fundamental rights and freedoms inherent to all individuals, including those deprived of liberty, such as dignity, equality, and freedom from inhumane treatment (United Nations, 1966).

Human Rights–Based Approach (HRBA): An approach that integrates human rights principles into laws and policies to ensure respect, protection, and fulfilment of rights (United Nations, 2006).

Prisoners / Inmates: Persons lawfully deprived of liberty and held in correctional facilities under the authority of the state (UNODC, 2015).

Dignity: The inherent worth of every individual requiring humane and respectful treatment (UNODC, 2015).

Humane Treatment: The obligation to treat persons deprived of liberty with respect for their physical and mental integrity (United Nations, 1966).

Inhumane or Degrading Treatment: Any act or condition that causes severe physical or mental suffering or violates human dignity (United Nations, 1966).

Non-Discrimination: The principle that all individuals must be treated equally without unjust distinctions, including within correctional settings (United Nations, 1966).

Conditions of Detention: The physical, social, and institutional environment in which prisoners are held, including accommodation, sanitation, and access to services (UNODC, 2015).

Accountability Mechanisms: Legal and institutional processes that ensure correctional authorities are answerable for their actions and provide remedies for rights violations (United Nations, 1966).

Oversight Mechanisms: Structures and systems established to monitor compliance with legal and human rights standards in correctional institutions (UNODC, 2015).

Rehabilitation: The process of preparing offenders for reintegration into society through treatment, education, and support programmes (Republic of Zambia, 2021).

Reintegration: The process by which former offenders are supported to return to society as law-abiding citizens (UNODC, 2015).

Nelson Mandela Rules: The United Nations Standard Minimum Rules for the Treatment of Prisoners, which set international standards for humane treatment in correctional facilities (UNODC, 2015).

ICCPR (International Covenant on Civil and Political Rights): An international treaty that guarantees fundamental civil and political rights, including the humane treatment of persons deprived of liberty (United Nations, 1966).

RESEARCH METHODOLOGY

Introduction

This chapter outlines the research methodology adopted in this study and provides a comprehensive explanation of the procedures used to achieve the research objectives. It describes the research design, sources of data, methods of data collection and analysis, as well as the ethical considerations guiding the study. The purpose of this chapter is to demonstrate the rigor, validity, and appropriateness of the methodological approach employed in examining human rights gaps within Zambia's correctional legal and policy framework.

The study adopts a qualitative doctrinal research approach, which is particularly suited to legal research that seeks to analyze the content, structure, and implications of legal texts. Unlike empirical research, which focuses on observable phenomena and field-based data, doctrinal research is concerned with the interpretation and systematic analysis of legal rules, principles, and normative frameworks (Hutchinson & Duncan, 2012). In this context, the approach enables a detailed examination of how legal provisions articulate, protect, or limit human rights within correctional settings.

The methodology is designed to critically analyze the Zambia Correctional Service Act No. 37 of 2021 and related legal and policy instruments, with the aim of assessing their alignment with international human rights standards such as the *International Covenant on Civil and Political Rights (ICCPR)* and the *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)* (United Nations, 1966; United Nations Office on Drugs and Crime [UNODC], 2015). By focusing on document-based evidence, the study seeks to identify normative strengths, legal inconsistencies, and gaps within the correctional framework.

Furthermore, this methodological approach allows for a structured evaluation of the extent to which the legal framework reflects a human rights-based approach, particularly in areas such as dignity, humane treatment, non-discrimination, and accountability. Through systematic legal analysis, the study contributes to a deeper understanding of the relationship between law, human rights standards, and correctional governance in Zambia.

Research Design

This study employs a qualitative doctrinal research design, a widely recognised approach in legal scholarship for analysing the content and application of laws. Doctrinal research, often referred to as “black-letter law” research, involves the systematic examination of legal texts—including statutes, regulations, and international instruments—in order to determine their meaning, internal consistency, and conformity with established legal principles (Hutchinson & Duncan, 2012).

The doctrinal research design is particularly appropriate for this study because it focuses on the normative dimension of the law, rather than its empirical implementation. It enables the researcher to critically examine whether the legal framework governing correctional services in Zambia adequately incorporates and protects internationally recognised human rights standards. This is especially important in studies that aim to assess legal compliance, coherence, and adequacy, rather than practical outcomes or lived experiences.

In this study, the doctrinal approach is applied through a systematic and structured analysis of legal provisions contained in the Zambia Correctional Service Act No. 37 of 2021 and related policy documents. The analysis involves interpreting statutory provisions, identifying key legal principles, and comparing them with international human rights benchmarks such as the *ICCPR* and the *Nelson Mandela Rules* (United Nations, 1966; UNODC, 2015). This comparative dimension is essential for determining the extent of alignment between national law and global standards.

Moreover, the research design facilitates the identification of legal gaps, ambiguities, and inconsistencies that may undermine the protection of human rights within correctional settings. By focusing on the internal logic and structure of the law, doctrinal research allows for a critical evaluation of whether existing provisions are sufficient, enforceable, and consistent with human rights obligations.

The choice of a qualitative doctrinal design is further justified by its ability to provide in-depth, context-sensitive analysis of legal texts. As Creswell (2014) notes, qualitative approaches are particularly useful in exploring complex social and legal phenomena where meaning, interpretation, and context are central. In this study, the qualitative dimension enhances the doctrinal analysis by allowing for a nuanced understanding of how legal provisions reflect broader principles of justice, human rights, and correctional reform.

Overall, the doctrinal research design provides a rigorous and appropriate framework for achieving the objectives of this study. It ensures that the analysis is grounded in legal reasoning, guided by established human rights standards, and capable of generating evidence-based recommendations for legal and policy reform.

Research Approach

This study adopts a qualitative research approach, which is centred on the interpretive analysis of textual data and is particularly suited to legal and policy research. Qualitative research emphasises understanding meaning, context, and underlying principles rather than quantification, making it appropriate for examining complex normative frameworks such as laws and human rights standards (Creswell, 2014). In legal scholarship, qualitative approaches enable researchers to explore the content, intent, and implications of legal provisions in a nuanced and context-sensitive manner.

Within this study, the qualitative approach is operationalised through doctrinal legal analysis, which involves the systematic interpretation of legal texts to determine their coherence, consistency, and alignment with established norms. This approach allows for an in-depth examination of the Zambia Correctional Service Act No. 37 of 2021, focusing on how its provisions articulate and protect human rights within correctional settings. By engaging critically with statutory language, principles, and legal structures, the study is able to assess whether the law adequately reflects a human rights-based approach.

The qualitative nature of the research further facilitates the identification of implicit assumptions, gaps, and contradictions within the legal framework. It allows the researcher to go beyond a descriptive account of the law to provide a critical evaluation of its effectiveness and adequacy in safeguarding the rights of persons deprived of liberty. This is particularly important in the context of correctional systems, where legal provisions must balance issues of security, discipline, and human rights.

Moreover, the qualitative approach supports the comparative analysis of national law against international human rights standards, including the *International Covenant on Civil and Political Rights (ICCPR)* and the *Nelson Mandela Rules* (United Nations, 1966; United Nations Office on Drugs and Crime [UNODC], 2015). Through this interpretive process, the study identifies areas of alignment, partial compliance, and divergence, thereby providing a comprehensive understanding of the strengths and weaknesses of the legal framework.

Sources of Data

This study relies exclusively on secondary data, obtained through the systematic analysis of legal and policy documents. In doctrinal legal research, secondary data refers to existing written materials that provide authoritative information on legal rules, principles, and frameworks (Hutchinson & Duncan, 2012). The use of documentary sources is appropriate for this study, as it enables a detailed examination of the normative content of the law without the need for empirical data collection.

The data sources are categorised into primary and secondary legal materials, both of which play complementary roles in the analysis. Primary sources provide the binding legal framework governing correctional services, while secondary sources offer interpretative and contextual insights that support the analysis.

Primary Sources

Primary sources consist of legally binding instruments that form the core of the analysis. These include national legislation and international human rights instruments that establish standards for the treatment of persons deprived of liberty.

The principal national legal instrument analysed in this study is the Zambia Correctional Service Act No. 37 of 2021, which provides the legal framework for the administration of correctional services in Zambia. The Act outlines key principles such as the respect for human dignity, rehabilitation, and reintegration, and serves as the primary basis for evaluating human rights protections within the correctional system (Republic of Zambia, 2021).

In addition to national legislation, the study draws on key international human rights instruments, including the *International Covenant on Civil and Political Rights (ICCPR)* and the *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*. The ICCPR establishes legally binding obligations on states to ensure humane treatment of persons deprived of liberty and to protect their fundamental rights

(United Nations, 1966). The Nelson Mandela Rules, while not legally binding, provide authoritative global standards for prison management and the treatment of prisoners, emphasising dignity, non-discrimination, and humane conditions of detention (UNODC, 2015).

These primary sources provide the normative foundation for the study and serve as benchmarks against which the Zambian correctional legal framework is assessed. By comparing national legislation with international standards, the study is able to evaluate the extent of alignment and identify areas where legal provisions may be inadequate or inconsistent.

Secondary Sources

In addition to primary legal materials, this study utilizes a wide range of secondary sources to support the interpretation and contextualization of the legal framework. Secondary sources include academic journal articles, textbooks, policy reports, and prior research studies relevant to correctional systems and human rights. These materials play a critical role in doctrinal research by providing scholarly perspectives, theoretical insights, and empirical context that inform the analysis of legal provisions (Hutchinson & Duncan, 2012).

Academic literature, including peer-reviewed journal articles and legal textbooks, is used to examine existing debates on prison reform, human rights compliance, and correctional governance. Such sources contribute to a deeper understanding of how legal principles are interpreted and applied in different jurisdictions, thereby enriching the analytical framework of the study. Additionally, reports from international organizations such as the United Nations and the United Nations Office on Drugs and Crime (UNODC) provide authoritative guidance on international standards and best practices in the treatment of prisoners (UNODC, 2015).

Furthermore, previous studies on prison conditions and human rights—particularly those conducted within Zambia and comparable contexts—offer valuable insights into systemic challenges such as overcrowding, access to services, and institutional capacity constraints. Although the present study does not involve empirical investigation, these sources provide important background information that supports the identification of normative gaps and practical implications of the legal framework.

Overall, secondary sources enhance the analytical depth and credibility of the study by situating the legal analysis within broader scholarly and policy discourse, thereby enabling a more comprehensive evaluation of Zambia's correctional legal system.

Data Collection Methods

Data for this study were collected through systematic document analysis, a method widely used in qualitative and legal research to examine written materials in a structured and rigorous manner. Document analysis involves the systematic review, evaluation, and interpretation of documents to extract meaningful information relevant to the research objectives (Bowen, 2009). In the context of doctrinal research, this method is particularly appropriate as it allows for detailed examination of legal texts and their alignment with established norms.

The data collection process followed a structured and sequential approach. First, relevant legal and policy documents were identified based on their relevance to the study objectives. These included national legislation, international human rights instruments, and policy frameworks governing correctional services. Second, the identified documents were carefully reviewed to locate provisions related to human rights protection, including those addressing dignity, humane treatment, non-discrimination, and conditions of detention.

Third, relevant information was systematically extracted and organised according to key thematic areas aligned with the research objectives. This process involved coding legal provisions and categorising them under specific human rights principles to facilitate comparative analysis. The systematic nature of this approach ensured that the analysis was comprehensive, transparent, and replicable.

The use of document analysis is justified by its ability to provide direct access to authoritative legal texts, thereby enabling an accurate assessment of the normative content of the law. As Bowen (2009) notes, document analysis

is particularly valuable in studies where the aim is to evaluate policies, legal frameworks, and institutional guidelines. In this study, it allows for a rigorous examination of the extent to which the Zambia Correctional Service Act No. 37 of 2021 aligns with international human rights standards.

Data Analysis

The study employs a combination of thematic analysis and content analysis to interpret the data. These analytical techniques are complementary and enable a systematic and in-depth examination of legal texts.

Thematic analysis is used to identify, analyse, and report patterns or themes within the data (Braun & Clarke, 2006). In this study, themes are derived from key human rights principles drawn from international standards such as the *ICCPR* and the *Nelson Mandela Rules*. These themes include dignity and humane treatment, non-discrimination and equality, protection from inhumane treatment, conditions of detention, and governance and accountability mechanisms. By organising the analysis around these themes, the study is able to provide a structured evaluation of how the legal framework addresses different dimensions of human rights.

Content analysis, on the other hand, is used to systematically examine the specific provisions of the law and assess their alignment with international standards. This involves a detailed comparison of national legal provisions with corresponding principles in international human rights instruments. Through this process, the study identifies areas of full alignment, partial compliance, and non-compliance, as well as gaps and inconsistencies within the legal framework.

The integration of thematic and content analysis enhances the rigor and validity of the study by ensuring that the analysis is both systematic and interpretive. While thematic analysis provides a conceptual structure for organising the data, content analysis enables precise evaluation of legal provisions. Together, these methods allow for a comprehensive assessment of the extent to which Zambia's correctional legal framework protects human rights.

Analytical Framework

The analysis in this study is guided by a Human Rights-Based Approach (HRBA), which provides a normative and analytical lens for evaluating legal and policy frameworks. The HRBA is grounded in international human rights law and emphasises the obligation of the state to respect, protect, and fulfil human rights in all areas of governance, including correctional systems (United Nations, 2006). This approach is particularly relevant in the context of persons deprived of liberty, who remain entitled to fundamental rights despite lawful restrictions on their freedom.

Within this study, the HRBA is operationalised through the use of international human rights standards as evaluative benchmarks. Key among these are the *International Covenant on Civil and Political Rights (ICCPR)*, which establishes legally binding obligations on states to ensure humane treatment of detainees, and the *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, which provide authoritative guidance on minimum standards for prison conditions and management (United Nations, 1966; United Nations Office on Drugs and Crime [UNODC], 2015). These instruments collectively articulate core principles such as dignity, non-discrimination, humane treatment, and accountability.

The analytical framework enables a structured and systematic assessment of the Zambia Correctional Service Act No. 37 of 2021 by comparing its provisions against these international standards. Through this comparative analysis, the study identifies areas of compliance, partial alignment, and divergence, thereby highlighting legal and policy gaps within the framework. Furthermore, the HRBA facilitates a critical examination of whether the law adequately incorporates key human rights principles and provides effective mechanisms for their enforcement.

By grounding the analysis in internationally recognised standards, the framework enhances the normative rigor and credibility of the study. It also ensures that the findings are not merely descriptive but are informed by

established principles of human rights law, thereby contributing to meaningful recommendations for legal and policy reform.

Validity and Reliability

In doctrinal legal research, validity refers to the accuracy, credibility, and soundness of legal interpretations, while reliability relates to the consistency and replicability of the analytical process. Ensuring validity and reliability is essential for maintaining the academic rigor of the study and enhancing the trustworthiness of its findings.

Validity in this study is ensured through reliance on authoritative and verifiable legal sources, including national legislation and internationally recognised human rights instruments such as the ICCPR and the Nelson Mandela Rules (United Nations, 1966; UNODC, 2015). By grounding the analysis in these established frameworks, the study ensures that its interpretations are consistent with accepted legal norms and principles. Additionally, the use of a clearly defined analytical framework—based on the HRBA—enhances the conceptual clarity and coherence of the study.

Reliability is strengthened through the adoption of a systematic and transparent approach to document analysis. This includes the consistent application of analytical criteria, the use of thematic categorisation, and the structured comparison of legal provisions with international standards. The study also employs established legal research methodologies, as outlined by Hutchinson and Duncan (2012), to ensure that the analytical process is methodical and replicable.

Furthermore, the use of multiple sources—both primary and secondary—enhances the robustness of the analysis by allowing for triangulation of information. These measures collectively ensure that the findings of the study are credible, consistent, and capable of withstanding scholarly scrutiny.

Ethical Considerations

This study is based entirely on the analysis of publicly available legal and policy documents and does not involve human participants. As such, it does not raise ethical concerns related to informed consent, confidentiality, or the protection of vulnerable populations. However, ethical considerations remain important in ensuring the integrity and credibility of the research process.

The study adheres to principles of academic honesty and integrity by properly acknowledging all sources of information through accurate and consistent citation. All legal texts and scholarly materials are represented faithfully, without misinterpretation or distortion. Efforts are made to ensure that the analysis is objective, balanced, and free from bias, particularly when evaluating the adequacy of legal provisions.

Additionally, the study respects intellectual property rights by avoiding plagiarism and ensuring that all referenced materials are appropriately credited. These ethical practices contribute to the overall quality and credibility of the research and align with established standards of academic scholarship (Creswell, 2014).

Limitations of the Methodology

Despite its strengths, the methodological approach adopted in this study has certain limitations. The primary limitation arises from the exclusive reliance on document analysis, which focuses on the normative content of legal and policy frameworks rather than their practical implementation. As a result, the study does not capture the lived experiences of prisoners, nor does it assess the actual conditions within correctional facilities. This limits the ability to evaluate the effectiveness of the law in practice.

Furthermore, the study is limited to the analysis of selected international human rights instruments, particularly the ICCPR and the Nelson Mandela Rules. While these instruments are highly relevant and widely recognised, they do not encompass the full range of international legal frameworks applicable to correctional systems. Consequently, some aspects of human rights protection may not be fully explored.

Another limitation relates to the inherent nature of doctrinal research, which relies on interpretation of legal texts. While efforts have been made to ensure objectivity and consistency, legal interpretation may be influenced by the researcher’s analytical perspective. However, this limitation is mitigated through the use of established legal principles and systematic analytical procedures.

Despite these limitations, the doctrinal approach remains appropriate for the objectives of this study, as it provides a rigorous framework for assessing the legal adequacy, coherence, and alignment of the correctional legal system with international human rights standards.

Data Presentation and Analysis

Examine The Extent to Which Zambia’s Correctional Legal and Policy Framework Aligns with International Human Rights Standards, Particularly the Nelson Mandela Rules, ICCPR, And Other Relevant Instruments.

Data Presentation: Human Rights Compliance Checklist (With Legal Provisions)

Human Rights Principle	Key Question	Compliance Level	Evidence from Zambia Correctional Service Act No. 37 of 2021 (Section/Provision)	Gap Identified
Dignity & Humane Treatment	Does the law promote dignity and humane treatment?	Yes	General principles of correctional services emphasise humane treatment and respect for inmates’ dignity (see Part II – Functions and principles of the Service) (Republic of Zambia, 2021).	No detailed operational standards for enforcing dignity in daily practice.
Non-Discrimination	Are protections against discrimination provided?	Partial	Equality implied in treatment of inmates under general provisions governing management of inmates (Part III – Administration and management of correctional centres).	No explicit anti-discrimination clause or penalties for violations.
Freedom from Torture	Are torture and degrading treatment prohibited?	Partial	Regulation of discipline and treatment of inmates (Part V – Discipline of inmates); control of use of force provisions.	Lack of explicit prohibition language and independent safeguards.
Conditions of Detention	Are minimum standards clearly defined?	Partial	Provisions on accommodation, custody, and management of inmates (Part III – Correctional centres management).	No specific minimum standards for space, sanitation, or nutrition.
Access to Health Care	Does the law guarantee access to health services?	Partial	Welfare and health-related provisions for inmates (Part III – inmate welfare and services).	No detailed rights-based health care standards or guarantees.
Accountability Mechanisms	Are oversight and complaint systems provided?	Partial	Establishment of correctional service structures and administrative oversight (Part II – Establishment and functions of the Service).	Weak complaint procedures; lack of independent monitoring bodies.
Rehabilitation & Reintegration	Does the law promote rehabilitation?	Yes	Explicit mandate for rehabilitation and reintegration of offenders (Section on functions of the Service under Part II).	Implementation mechanisms not clearly outlined.
Use of Force & Discipline	Are disciplinary measures regulated?	Partial	Disciplinary procedures and use of force provisions (Part V – Discipline of inmates).	Limited safeguards against abuse and lack of external review mechanisms.

The analysis of Zambia’s correctional legal and policy framework, as reflected in the Zambia Correctional Service Act No. 37 of 2021, reveals a pattern of partial normative alignment with international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners and the International Covenant on Civil and Political Rights. While the Act demonstrates formal compliance in areas such as the recognition of dignity and the promotion of rehabilitation—consistent with international principles on humane treatment and reintegration—it largely fails to operationalize these rights through detailed, enforceable provisions. Critical gaps are evident in the absence of explicit anti-discrimination clauses, weak articulation of the prohibition of torture, and the lack of clearly defined minimum standards for conditions of detention, all of which are central to international human rights obligations. Furthermore, provisions relating to healthcare access, use of force, and disciplinary procedures remain underdeveloped and insufficiently safeguarded against abuse, reflecting limited adherence to rights-based standards. Notably, accountability mechanisms are structurally weak, with inadequate complaint procedures and the absence of independent monitoring bodies, thereby undermining effective enforcement and access to remedies. Overall, the framework exhibits a formal but not substantive compliance, indicating that while human rights principles are acknowledged at a general level, their practical realization is constrained by legislative ambiguity, insufficient safeguards, and weak institutional accountability.

Identifying And Analyze Key Human Rights Provisions Contained in the Zambia Correctional Service Act No. 37 Of 2021, Particularly Regarding Dignity, Non-Discrimination, And Humane Treatment.

Data Presentation: Human Rights Provisions Matrix

Human Rights Principle	Provision in the Act (Section/Part)	Description of Provision	Compliance Level	Gap Identified
Dignity & Humane Treatment	Part II (Functions of the Service)	Emphasises humane treatment and respect for inmates	Yes	No clear enforcement or operational guidelines
Non-Discrimination	Implied across Part III (Management of inmates)	Equal treatment of inmates implied in administration	Partial	No explicit clause defining discrimination
Humane Treatment in Custody	Part III (Correctional centres management)	Provides for welfare and proper management of inmates	Partial	Lack of detailed standards for humane conditions
Discipline & Treatment	Part V (Discipline of inmates)	Regulates disciplinary procedures and conduct	Partial	Limited safeguards against abuse
Use of Force	Part V (Disciplinary control provisions)	Allows regulated use of force in maintaining order	Partial	No strong safeguards or independent review
Rehabilitation	Part II (Functions of the Service)	Promotes rehabilitation and reintegration of offenders	Yes	Weak implementation mechanisms
Inmate Welfare	Part III (Inmate welfare provisions)	Addresses general welfare including health and services	Partial	No explicit rights-based guarantees

The doctrinal analysis of the Zambia Correctional Service Act No. 37 of 2021 demonstrates a qualified and uneven alignment with international human rights standards, particularly the United Nations Standard Minimum Rules for the Treatment of Prisoners and the International Covenant on Civil and Political Rights. While the Act normatively incorporates key principles such as dignity, humane treatment, and rehabilitation—consistent with Mandela Rule 1 and Article 10 of the ICCPR—these provisions remain largely aspirational and principle-based,

lacking detailed operational standards and enforceable obligations. Similarly, the implicit recognition of equality without explicit anti-discrimination provisions reflects partial compliance with international requirements for clear and enforceable protections. The regulation of conditions of detention, inmate welfare, and access to services further illustrates this pattern, as the absence of defined minimum standards on accommodation, sanitation, nutrition, and healthcare undermines substantive alignment with rights-based benchmarks. Although disciplinary procedures and the use of force are legally acknowledged, the limited safeguards, weak oversight, and absence of independent review mechanisms create potential for abuse, falling short of the procedural guarantees envisaged under international law. Notably, while the emphasis on rehabilitation and reintegration reflects strong conceptual alignment with modern correctional principles, the lack of structured implementation frameworks constrains its practical realisation. Overall, the framework reflects formal recognition but limited justiciability of rights, indicating that compliance is largely normative rather than substantive, due to legislative ambiguity, insufficient specificity, and weak enforcement mechanisms.

Identify And Critically Analyze Legal And Policy Gaps And Inconsistencies Within The Zambia Correctional Service Act No. 37 Of 2021 In Relation To International Human Rights Standards.

Data Presentation: Gap Analysis Matrix

Area of Law	Provision in the Act (Part/Section)	International Standard (ICCPR / Mandela Rules)	Level of Compliance	Gap Identified
Dignity & Humane Treatment	Part II (Functions of the Service)	Mandela Rule 1; ICCPR Art. 10	Partial	Principle stated but lacks operational detail
Non-Discrimination	Implied (Part III – inmate management)	Mandela Rule 2; ICCPR Art. 2	Partial	No explicit anti-discrimination provision
Freedom from Torture	Part V (Discipline of inmates)	ICCPR Art. 7; Mandela Rules 36–46	Partial	No explicit prohibition or strong safeguards
Conditions of Detention	Part III (Correctional centres management)	Mandela Rules 12–21	Partial	No enforceable minimum standards
Health Care	Part III (Inmate welfare provisions)	Mandela Rules 24–35	Partial	Limited rights-based guarantees
Accountability & Oversight	Part II (Administration of the Service)	Mandela Rules 83–85	Partial	Weak complaint and monitoring systems
Use of Force	Part V (Disciplinary control)	Mandela Rules 36–46	Partial	Insufficient safeguards and review mechanisms
Rehabilitation	Part II (Functions of the Service)	Mandela Rules (Reintegration focus)	Yes	Implementation not clearly structured

The analysis reveals that while the Zambia Correctional Service Act No. 37 of 2021 incorporates key human rights principles, significant legal and structural gaps limit full compliance with international standards. A major weakness lies in the lack of detailed and enforceable provisions across several areas. Although the Act recognises principles such as dignity and humane treatment under Part II, these are not supported by clear operational standards, in contrast to the Mandela Rules, which provide detailed and measurable requirements for prison management (UNODC, 2015). As a result, many provisions remain normative rather than legally enforceable, reducing their practical effectiveness. The analysis also highlights the absence of explicit human rights guarantees, particularly in relation to non-discrimination and protection from torture and degrading treatment. While these rights may be implied, the lack of clear legal articulation weakens compliance with Articles 2 and 7 of the International Covenant on Civil and Political Rights (ICCPR) (United Nations, 1966), creating ambiguity

and limiting accountability. In addition, the Act lacks robust accountability and oversight mechanisms, as complaint procedures are not clearly defined, independent oversight bodies are not explicitly established, and access to remedies is limited. This is compounded by inadequate regulation of conditions of detention, as the Act does not set minimum standards for accommodation, hygiene, and nutrition in line with Mandela Rules 12–21, making it difficult to assess or enforce compliance.

Further gaps are evident in disciplinary procedures and rehabilitation provisions. The regulation of discipline and use of force under Part V reflects only partial compliance with international standards, as it lacks independent review mechanisms, clear limits on the use of force, and adequate procedural safeguards, thereby increasing the risk of abuse and arbitrary decision-making. Similarly, although the Act emphasizes rehabilitation and reintegration, it does not provide clear implementation strategies, defined programmes, or monitoring mechanisms, resulting in a disconnect between policy intention and practice. Overall, these findings demonstrate that the Zambia Correctional Service Act No. 37 of 2021 is a progressive but incomplete legal framework. While it reflects a strong commitment to human rights principles, it is weakened by gaps in legal clarity, enforceability, accountability, and alignment with international standards. Consequently, the Act can be understood as a transitional framework that has not yet achieved full rights-based compliance. Addressing these shortcomings will require strengthening legal specificity, enhancing enforcement mechanisms, and establishing effective accountability structures to ensure the full protection of human rights within correctional facilities.

Analyze governance, oversight, and accountability mechanisms provided in the Zambia Correctional Service Act No. 37 of 2021 for the protection of prisoners’ rights.

Data Presentation: Governance and Accountability Matrix

Governance Element	Provision in the Act (Part/Section)	Description	Compliance Level	Gap Identified
Institutional Framework	Part II (Establishment & Functions of the Service)	Establishes Zambia Correctional Service and its mandate	Yes	Focus on administration rather than rights protection
Leadership & Administration	Part II (Commissioner-General & Officers)	Defines roles and authority of correctional leadership	Yes	Limited accountability checks on authority
Oversight Mechanisms	Implied within administrative structure	Internal oversight through chain of command	Partial	No independent external oversight body
Complaint Mechanisms	Not clearly specified	No detailed inmate complaint procedures	No/Partial	Lack of accessible grievance mechanisms
Monitoring & Inspection	Not explicitly detailed	No clear provisions for independent inspections	No/Partial	Absence of external monitoring systems
Access to Justice	General legal framework (outside Act)	Inmates rely on broader justice system	Partial	No specific legal aid or remedies within Act
Transparency & Accountability	Implied in administrative provisions	General accountability through leadership structures	Partial	No clear reporting or transparency obligations

The analysis of the Zambia Correctional Service Act No. 37 of 2021 reveals that governance and accountability mechanisms are present but largely administrative in nature, with limited emphasis on rights-based oversight. The Act establishes a clear institutional framework under Part II, including the Zambia Correctional Service and the office of the Commissioner-General, demonstrating strong compliance with governance requirements

through a structured management system (Republic of Zambia, 2021). However, this governance model is predominantly hierarchical, concentrating authority within the correctional system and raising concerns about the adequacy of checks and balances. Oversight mechanisms are largely internal and based on administrative supervision, which, although useful for organisational control, fall short of international standards that require independent monitoring. The Mandela Rules (Rules 83–85) emphasise the need for both internal and external inspection systems (UNODC, 2015), yet the Act does not explicitly provide for independent oversight or inspection. Similarly, the absence of clearly defined complaint and grievance procedures—such as formal complaint processes, protection against retaliation, and timelines for resolution—further weakens accountability and limits prisoners’ ability to seek redress.

Furthermore, the Act does not adequately address access to justice, transparency, and external accountability. While inmates may rely on the broader legal system, the lack of dedicated legal aid provisions, internal review mechanisms, and clearly defined rights to challenge decisions restricts effective access to remedies, creating a gap in relation to ICCPR Article 2 (United Nations, 1966). In addition, the absence of provisions for public reporting, transparency mechanisms, and external accountability frameworks reduces public oversight of correctional institutions. Overall, the findings indicate that although the Act provides a strong administrative and institutional framework, it remains weak in ensuring accountability. The lack of independent oversight, formal grievance systems, and transparent processes suggests that the framework is only partially aligned with international human rights standards. Consequently, strengthening independent monitoring, complaint mechanisms, access to justice, and transparency is essential for transforming the Act into a fully rights-based governance system that effectively protects prisoners’ rights.

Assess the extent to which specific human rights are protected within the Zambia Correctional Service Act No. 37 of 2021, including protection from inhumane treatment, access to services, and conditions of detention.

Data Presentation: Specific Human Rights Protection Matrix

Human Right	Provision in the Act (Part/Section)	Description	Compliance Level	Gap Identified
Freedom from Inhumane Treatment	Part V (Discipline of inmates)	Regulates treatment and discipline of inmates	Partial	No explicit prohibition of torture or degrading treatment
Conditions of Detention	Part III (Correctional centres management)	Governs custody and general management of inmates	Partial	No clear minimum standards for living conditions
Access to Health Care	Part III (Inmate welfare provisions)	Provides for inmate welfare including health services	Partial	Lack of detailed and enforceable health rights
Access to Basic Services	Part III (Welfare provisions)	Addresses general welfare and services	Partial	No guaranteed minimum entitlements
Legal Safeguards	Implied within administrative framework	General reliance on national legal system	Partial	No explicit procedural safeguards within Act
Protection from Abuse of Force	Part V (Use of force provisions)	Regulates use of force by correctional officers	Partial	Weak safeguards and lack of independent review
Rights of Vulnerable Groups	Not explicitly detailed	Limited recognition of special categories	No/Partial	No specific protections for women, juveniles, disabled persons
Rehabilitation Rights	Part II (Functions of the Service)	Emphasises rehabilitation and reintegration	Yes	Implementation mechanisms unclear

The analysis of the Zambia Correctional Service Act No. 37 of 2021 reveals that, although the Act incorporates several provisions relevant to the protection of specific human rights, the level of protection remains partial and uneven across different categories. With regard to freedom from inhumane treatment, the Act regulates inmate treatment under Part V, indicating recognition of the need to prevent abuse; however, it does not contain an explicit and comprehensive prohibition of torture or degrading treatment as required under Article 7 of the International Covenant on Civil and Political Rights (ICCPR) (United Nations, 1966). This omission weakens the legal protection framework and creates ambiguity in enforcement. Similarly, while Part III addresses the management of correctional facilities, it does not establish specific and enforceable minimum standards for accommodation, sanitation, or nutrition, creating a gap in relation to Mandela Rules 12–21 (UNODC, 2015). Provisions on access to health care and basic services further reflect only partial compliance, as they lack explicit recognition of health care as a right, defined standards for service delivery, and guarantees of accessibility and quality, thereby limiting alignment with Mandela Rules 24–35. In addition, the Act does not provide clear legal safeguards against abuse of power, as it lacks internal review procedures, explicit rights to challenge decisions, and protections against arbitrary actions, while weak regulation of the use of force increases the risk of abuse.

Further weaknesses are evident in the protection of vulnerable groups and the implementation of rehabilitation rights. The Act does not include specific provisions for women, juveniles, or persons with disabilities, despite international standards requiring differentiated treatment and protection for such groups, indicating low compliance in this area. Although the Act demonstrates strong alignment in principle by promoting rehabilitation and reintegration under Part II, the absence of clear implementation mechanisms limits the practical realisation of these rights. Overall, the findings indicate that while human rights are broadly recognised within the Act, their protection is only partially implemented due to insufficient legal detail, weak enforcement mechanisms, and inadequate safeguards. This suggests that the Act provides a general human rights framework but lacks the specificity and enforceability required for full protection. Consequently, strengthening explicit legal provisions, establishing detailed standards, and enhancing safeguards and enforcement mechanisms are essential to ensure full compliance with international human rights standards within correctional settings.

Proposed Evidence-Based Recommendations for Strengthening Zambia’s Correctional Legal and Policy Framework in Line with International Human Rights Standards.

Data Presentation: Reform Recommendations Matrix

Identified Gap	Evidence from Analysis (Act Provision)	Recommended Reform	International Standard Reference
Lack of explicit human rights guarantees	General provisions under Part II & III	Insert a Bill of Rights for inmates within the Act	ICCPR Arts. 2, 7, 10
Weak anti-discrimination provisions	Implied equality (Part III)	Introduce explicit non-discrimination clause with enforcement measures	Mandela Rule 2
No clear prohibition of torture	Discipline provisions (Part V)	Include explicit prohibition of torture and degrading treatment	ICCPR Art. 7
Absence of minimum detention standards	General management provisions (Part III)	Define minimum standards for accommodation, sanitation, nutrition	Mandela Rules 12–21
Limited health care guarantees	Welfare provisions (Part III)	Establish rights-based health care provisions	Mandela Rules 24–35
Weak accountability mechanisms	Administrative oversight (Part II)	Create independent oversight body and inspection system	Mandela Rules 83–85
No formal complaint system	Not clearly provided	Introduce accessible grievance procedures for inmates	Mandela Rule 56
Weak safeguards on use of force	Discipline provisions (Part V)	Strengthen regulation and independent review of force	Mandela Rules 36–46

Lack of protection for vulnerable groups	Not explicitly addressed	Include specific provisions for women, juveniles, disabled persons	Mandela Rules, international HR law
Weak implementation of rehabilitation	Part II (Functions of Service)	Develop clear rehabilitation programmes and monitoring systems	Mandela Rules (Reintegration focus)

The analysis of findings from Objectives 1–5 indicates that, although the Zambia Correctional Service Act No. 37 of 2021 reflects a shift toward a rights-based framework, it contains significant legal and structural gaps that limit full compliance with international human rights standards. Addressing these shortcomings requires strengthening the clarity, enforceability, and effectiveness of the legal framework. A key recommendation is the explicit incorporation of a human rights framework within the Act, such as a codified “Bill of Rights” for inmates. While principles such as dignity and rehabilitation are recognised, they remain largely implicit, thereby limiting enforceability. Explicit legal recognition would enhance accountability and align the Act with obligations under the International Covenant on Civil and Political Rights (ICCPR), particularly Articles 2, 7, and 10 (United Nations, 1966). In addition, the law should be amended to improve specificity and legal clarity by providing clear definitions of rights, measurable standards for conditions of detention, and explicit obligations for authorities, in line with the Nelson Mandela Rules (UNODC, 2015). Strengthening accountability is also essential, including the establishment of an independent correctional oversight body, supported by regular inspections and reporting systems, as well as the introduction of formal and accessible complaint mechanisms for inmates to ensure effective remedies for rights violations.

Further reforms should focus on strengthening protection against abuse, promoting inclusivity, and enhancing the practical implementation of rehabilitation. The Act should include an explicit prohibition of torture and degrading treatment, clear safeguards governing the use of force, and independent review of disciplinary actions to align with ICCPR Article 7 and relevant international standards. It is also necessary to incorporate provisions that address the needs of vulnerable groups, including women, juveniles, and persons with disabilities, to ensure compliance with principles of equality and non-discrimination. Although rehabilitation and reintegration are central objectives of the Act, these must be operationalised through structured programmes, skills development initiatives, and effective monitoring and evaluation mechanisms. Overall, these recommendations reflect the need for a transition from general principles to specific legal guarantees, from administrative control to rights-based governance, and from implicit protections to enforceable safeguards. Implementing these reforms would provide a comprehensive and evidence-based pathway for strengthening Zambia’s correctional legal and policy framework, thereby enhancing alignment with international human rights standards and ensuring more effective protection of the rights and dignity of persons deprived of liberty.

DISCUSSION OF FINDINGS

To examine the extent to which Zambia’s correctional legal and policy framework aligns with international human rights standards, particularly the Nelson Mandela Rules, ICCPR, and other relevant instruments.

The discussion of Objective One reveals that the Zambia Correctional Service Act No. 37 of 2021 represents a notable shift toward a human rights–based correctional framework, demonstrating alignment in principle with key international standards such as the International Covenant on Civil and Political Rights (ICCPR) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). This alignment is particularly evident in the Act’s emphasis on humane treatment, rehabilitation, and reintegration, signaling a transition from historically punitive approaches to incarceration toward a more progressive, rights-oriented model. Such a framework is consistent with ICCPR Article 10, which requires that all persons deprived of liberty be treated with humanity and respect for their inherent dignity (United Nations, 1966), as well as the Mandela Rules, which position imprisonment within a broader rehabilitative and social reintegration context (United Nations Office on Drugs and Crime [UNODC], 2015). Furthermore, the Act incorporates the principle of dignity and humane treatment as a foundational element, aligning with Mandela Rule 1, and implicitly reflects the principle of non-discrimination in line with ICCPR Article 2 and Mandela Rule 2. Provisions regulating

discipline and the use of force also suggest partial alignment with ICCPR Article 7 and Mandela Rules 36–46, while sections addressing the management of correctional facilities and inmate welfare indicate an intention to regulate conditions of detention in accordance with Mandela Rules 12–35. However, despite this broad and progressive orientation, the discussion highlights that such alignment remains largely conceptual and normative. The Act predominantly articulates general principles without translating them into detailed, enforceable standards, thereby limiting their practical application. This reflects a common challenge in legal reform, where the formal recognition of human rights does not necessarily result in their effective realization in practice (UNODC, 2015).

A deeper analysis of specific thematic areas further underscores the partial nature of this alignment. While dignity and humane treatment are clearly recognized, the absence of operational guidelines—such as minimum standards for living conditions, staff conduct, and daily treatment of inmates—means that their implementation is left largely to administrative discretion, creating potential inconsistencies. Similarly, the principle of non-discrimination, though implied, lacks explicit legal articulation, definitions, and enforcement mechanisms, weakening its effectiveness and falling short of international expectations that require clear and enforceable protections, particularly in custodial settings where vulnerability is heightened. The Act's treatment of protection from torture and inhumane or degrading treatment also reveals significant gaps; although discipline and use of force are regulated, the absence of an explicit prohibition of torture, coupled with weak safeguards and lack of independent oversight, limits compliance with ICCPR Article 7 (United Nations, 1966). In relation to conditions of detention and access to essential services, the Act demonstrates intent but lacks specificity, as it does not provide measurable standards for accommodation, sanitation, nutrition, or health care, thereby weakening alignment with the detailed requirements of the Mandela Rules (UNODC, 2015). Moreover, accountability and oversight mechanisms remain largely internal and administrative, with no provision for independent monitoring bodies or clearly defined complaint and grievance procedures, which are essential components of international human rights frameworks. Collectively, these gaps point to a recurring pattern in which broad human rights principles are acknowledged but not operationalised through enforceable legal mechanisms. Consequently, the Zambia Correctional Service Act No. 37 of 2021 can be characterised as demonstrating moderate but incomplete alignment with international human rights standards. While it marks an important step toward a rights-based correctional system, its effectiveness is constrained by limited legal specificity, weak enforcement structures, and insufficient accountability mechanisms. Addressing these shortcomings will require comprehensive legal reforms that embed explicit rights, establish clear standards, and strengthen oversight systems to ensure that human rights are not only recognized in law but fully realized in practice.

To identify and analyze key human rights provisions contained in the Zambia Correctional Service Act No. 37 of 2021, particularly regarding dignity, non-discrimination, and humane treatment.

The discussion of Objective Two focuses on identifying and analyzing the key human rights provisions contained in the Zambia Correctional Service Act No. 37 of 2021, particularly in relation to dignity, non-discrimination, and humane treatment. The findings indicate that the Act incorporates several core human rights principles, reflecting a deliberate shift toward a more rights-oriented correctional framework. These principles are embedded within the functional and administrative provisions of the Act, especially those governing the functions of the Correctional Service, the management of inmates, and disciplinary procedures (Republic of Zambia, 2021). This structural approach suggests that human rights are recognized as guiding principles of correctional administration rather than as clearly defined, standalone legal rights. While this demonstrates an effort to align with international human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the Nelson Mandela Rules, it also raises concerns regarding the clarity, visibility, and enforceability of these provisions in practice (United Nations, 1966; United Nations Office on Drugs and Crime [UNODC], 2015).

A central strength of the Act lies in its recognition of dignity and humane treatment as foundational principles of correctional services. The Act emphasizes that inmates should be treated with respect for their inherent dignity, reflecting alignment with ICCPR Article 10 and Mandela Rule 1, which establish dignity as a fundamental standard in the treatment of persons deprived of liberty (United Nations, 1966; UNODC, 2015). However, the analysis shows that this recognition is largely declaratory, as the Act does not provide detailed

guidance on how dignity should be operationalized in practice. There are no clearly defined standards for living conditions, staff conduct, or daily interactions with inmates, leaving implementation largely dependent on administrative interpretation. This creates the potential for inconsistencies across correctional institutions and highlights a critical gap between the formal recognition of rights and their practical realization.

Similarly, the principle of non-discrimination is implicitly reflected in provisions that promote equal treatment of inmates, suggesting partial alignment with ICCPR Article 2 and Mandela Rule 2 (United Nations, 1966; UNODC, 2015). However, the absence of explicit anti-discrimination clauses, clearly defined protected grounds, and enforcement mechanisms significantly weakens this alignment. The Act does not specify protections for groups that may be particularly vulnerable, such as women, persons with disabilities, or individuals from disadvantaged socio-economic backgrounds. Moreover, there are no formal procedures for addressing discriminatory practices or holding authorities accountable. This lack of legal clarity and enforceability limits the effectiveness of the non-discrimination principle and falls short of international standards, which emphasize the need for explicit and enforceable safeguards in custodial environments.

In relation to humane treatment in custody, the Act includes provisions on inmate welfare and the management of correctional facilities, indicating an intention to regulate conditions of detention and ensure access to basic services (Republic of Zambia, 2021). These provisions broadly align with the Mandela Rules, which require adequate living conditions, health care, and overall well-being for inmates (UNODC, 2015). However, the analysis reveals that these provisions are general and administrative in nature, lacking detailed and enforceable standards. For example, the Act does not specify minimum requirements for accommodation, sanitation, nutrition, or health care services. The absence of measurable benchmarks limits the ability to assess compliance and enforce improvements, thereby weakening the practical protection of inmates' rights and resulting in only partial alignment with international standards.

The regulation of disciplinary procedures and the use of force further illustrates both alignment and limitation within the Act. While provisions governing discipline are intended to maintain order and security, they also reflect partial compliance with Mandela Rules 36–46, which require that disciplinary measures be lawful, proportionate, and respectful of human dignity (UNODC, 2015). However, the Act does not provide comprehensive safeguards against abuse, such as independent review mechanisms, procedural protections, or clearly defined limits on the use of force. This creates a risk of arbitrary or excessive application of disciplinary measures, undermining the protection of inmates' rights and indicating that the legal framework does not fully meet international standards for rights-based disciplinary systems.

A notable strength of the Act is its emphasis on rehabilitation and reintegration as central objectives of the correctional system. This reflects a modern and progressive approach that aligns with international human rights standards, which emphasize the importance of preparing offenders for successful reintegration into society (UNODC, 2015). By prioritizing rehabilitation, the Act acknowledges the broader human rights dimension of correctional services and recognizes inmates as individuals capable of reform. However, as with other provisions, the absence of clear implementation frameworks, structured programmes, and monitoring mechanisms limits the effectiveness of this principle in practice.

Overall, the discussion indicates that the Zambia Correctional Service Act No. 37 of 2021 incorporates key human rights provisions, particularly in relation to dignity, humane treatment, and rehabilitation. However, these provisions are predominantly general, principle-based, and implicitly expressed, with limited legal specificity and weak enforcement mechanisms. This results in a framework where human rights are recognized in theory but not fully guaranteed in practice. The absence of explicit rights, detailed operational standards, and robust accountability mechanisms significantly limits the effectiveness of the Act in protecting inmates' rights.

In conclusion, while the Act represents an important step toward integrating human rights into Zambia's correctional legal framework, it remains incomplete and insufficiently operationalized. To enhance its effectiveness, there is a need to strengthen the legal framework through the inclusion of explicit rights-based provisions, clearly defined standards, and enforceable accountability mechanisms. Such reforms would ensure that human rights are not only acknowledged as guiding principles but are fully realised and protected within correctional settings.

To identify and critically analyse legal and policy gaps and inconsistencies within the Zambia Correctional Service Act No. 37 of 2021 in relation to international human rights standards.

The discussion of Objective Three focuses on identifying and critically analysing the legal and policy gaps and inconsistencies within the Zambia Correctional Service Act No. 37 of 2021 in relation to international human rights standards. The findings reveal that, despite the Act's progressive orientation and its incorporation of key principles such as dignity, humane treatment, and rehabilitation, significant gaps persist that limit its effectiveness in fully protecting human rights. These principles are often expressed in broad and general terms, without the necessary legal precision or enforceability required to translate them into practical protections. This reflects a broader challenge in legal reform processes, where human rights language is adopted at a normative level but not adequately operationalised through clear and binding provisions (United Nations Office on Drugs and Crime [UNODC], 2015). When assessed against international benchmarks such as the International Covenant on Civil and Political Rights (ICCPR) and the Nelson Mandela Rules, which provide detailed and enforceable standards for the treatment of persons deprived of liberty, these gaps become particularly evident (United Nations, 1966; UNODC, 2015).

One of the most significant legal gaps identified is the lack of specificity and enforceable standards within the Act. While the legislation recognises key human rights principles, it does not provide clear definitions, measurable benchmarks, or explicit obligations for authorities. For instance, provisions relating to humane treatment and inmate welfare do not specify minimum standards for accommodation, sanitation, nutrition, or access to health care. This lack of detail contrasts sharply with the Mandela Rules, which establish comprehensive standards for prison conditions, including requirements for space, hygiene, and medical services (UNODC, 2015). The absence of such standards limits the ability to assess compliance, monitor implementation, and enforce improvements, resulting in a legal framework that remains largely normative rather than operational. Closely related to this is the absence of explicit human rights guarantees within the Act. Although principles such as dignity and equality are implied, the legislation does not clearly articulate fundamental rights such as freedom from torture and degrading treatment, protection against discrimination, or access to effective legal remedies. This omission weakens alignment with ICCPR Articles 2 and 7, which require states to provide explicit legal protections and ensure effective remedies for rights violations (United Nations, 1966). The lack of clear legal articulation creates ambiguity and limits the enforceability of these rights, particularly in correctional settings where individuals are inherently vulnerable.

Further analysis reveals weaknesses in accountability and oversight mechanisms, which are essential for the protection and enforcement of human rights. Although the Act establishes administrative structures for the management of correctional services, it does not provide for independent oversight bodies, clearly defined complaint and grievance procedures, or accessible mechanisms for redress. International standards emphasise the importance of independent monitoring and inspection systems to ensure transparency, accountability, and compliance with human rights norms (UNODC, 2015). The absence of such mechanisms significantly undermines the Act's capacity to prevent, detect, and address human rights violations. In addition, inconsistencies are evident in the regulation of disciplinary procedures and the use of force. While the Act includes provisions intended to maintain order within correctional facilities, it does not provide comprehensive safeguards against abuse, such as clear limitations on the use of force, procedural protections for inmates, or independent review of disciplinary decisions. This creates a risk of arbitrary or excessive use of power, which is inconsistent with Mandela Rules 36–46 requiring that disciplinary measures be lawful, proportionate, and respectful of human dignity (UNODC, 2015). These inconsistencies highlight a gap between the intention to regulate conduct and the need to ensure rights-based disciplinary practices.

The analysis also identifies significant gaps in the protection of vulnerable groups. The Act does not include specific provisions addressing the needs of women, juveniles, or persons with disabilities, despite international human rights standards emphasising the importance of differentiated treatment for such groups. The absence of targeted protections limits the inclusivity of the legal framework and undermines compliance with principles of equality and non-discrimination. Additionally, while the Act places strong emphasis on rehabilitation and reintegration as central objectives of the correctional system, there is a clear implementation gap. The legislation does not provide structured rehabilitation programmes, clear guidelines for implementation, or mechanisms for

monitoring and evaluation. As a result, rehabilitation remains more of a policy aspiration than a practical reality, reducing its effectiveness in achieving long-term reintegration outcomes. International standards underscore that rehabilitation must be supported by concrete programmes and institutional capacity rather than being treated as a general objective (UNODC, 2015).

Overall, the findings suggest that the Zambia Correctional Service Act No. 37 of 2021 represents a transitional legal framework characterised by strong recognition of human rights principles but significant gaps in legal clarity, enforceability, and institutional support. A recurring pattern emerges in which broad principles are articulated without corresponding operational detail, limiting the effectiveness of the legal framework in practice. Weak accountability mechanisms, insufficient safeguards, and limited protection for vulnerable groups further compound these challenges. Consequently, the Act falls short of fully aligning with international human rights standards, despite its progressive intent.

In conclusion, while the Act represents a commendable effort to align Zambia's correctional system with international human rights norms, its effectiveness is constrained by substantial legal and policy gaps. Addressing these shortcomings requires a shift from principle-based legislation to rights-based implementation, through the introduction of explicit rights provisions, detailed and enforceable standards, and robust accountability mechanisms. Such reforms are essential to ensure that human rights are not only recognised in law but are effectively protected and realised within Zambia's correctional system.

To analyse governance, oversight, and accountability mechanisms provided in the Zambia Correctional Service Act No. 37 of 2021 for the protection of prisoners' rights.

The discussion of Objective Four examines the extent to which governance, oversight, and accountability mechanisms within the Zambia Correctional Service Act No. 37 of 2021 support the protection of prisoners' rights. The analysis indicates that the Act establishes a well-defined administrative and institutional framework for the management of correctional services. It provides for the creation of the Zambia Correctional Service, outlines its core functions, and clearly defines the roles and responsibilities of key officials, including the Commissioner-General (Republic of Zambia, 2021). This demonstrates a strong foundation in terms of organisational structure and aligns with general principles of public sector governance, particularly in ensuring coordination, authority, and operational control within correctional institutions. However, despite this institutional strength, the governance framework is largely hierarchical and control-oriented, with limited integration of human rights-based accountability mechanisms. International standards emphasise that effective correctional governance must extend beyond administrative efficiency to include independent oversight, transparency, and accessible remedies for rights violations (United Nations Office on Drugs and Crime [UNODC], 2015). In this regard, the Act reflects only partial alignment with global human rights expectations, as it prioritises administrative order over rights-based governance.

A closer examination of institutional governance reveals that authority within the correctional system is highly centralised under the leadership of the Commissioner-General. While such centralisation may enhance efficiency and consistency in decision-making, it also raises concerns regarding the absence of adequate checks and balances. The Act does not provide sufficient mechanisms to review or limit the discretionary powers exercised by correctional authorities, which is a critical requirement in human rights-based governance systems. In custodial environments, where individuals are inherently vulnerable and subject to institutional control, the absence of safeguards against abuse of power poses significant risks (UNODC, 2015). This concentration of authority therefore reflects a governance model that emphasises administrative control but does not adequately incorporate institutional protections necessary for safeguarding prisoners' rights.

One of the most significant gaps identified in the analysis relates to the absence of independent oversight and monitoring mechanisms. Although the Act implies internal oversight through administrative hierarchies, it does not establish external or independent bodies responsible for inspecting correctional facilities. This omission represents a major deviation from the Nelson Mandela Rules (Rules 83–85), which require both internal and external inspection systems to ensure transparency and accountability (UNODC, 2015). Independent oversight plays a crucial role in identifying human rights violations, ensuring compliance with established standards, and promoting public confidence in correctional institutions. Without such mechanisms, the ability to monitor

conditions and hold authorities accountable is significantly weakened, thereby limiting the effectiveness of the legal framework in protecting inmates' rights.

The analysis further highlights the absence of clear and accessible complaint and grievance mechanisms within the Act. There are no detailed provisions outlining procedures for lodging complaints, safeguards to protect inmates from retaliation, or defined timelines for resolving grievances. This represents a critical gap, as international standards emphasise that prisoners must have access to confidential and effective complaint systems as a fundamental component of accountability (UNODC, 2015). In the absence of such mechanisms, inmates are left with limited avenues to report abuses or seek redress, and the enforcement of human rights becomes heavily dependent on administrative discretion. This not only undermines accountability but also increases the risk of unaddressed violations within correctional settings.

In addition, the Act does not adequately address access to justice and legal remedies for inmates. While prisoners may theoretically access the broader judicial system, the absence of explicit provisions within the Act—such as legal aid services, internal review mechanisms, or clear rights to challenge administrative decisions—creates practical barriers to justice. This limitation is inconsistent with ICCPR Article 2, which requires states to ensure effective remedies for violations of rights (United Nations, 1966). Given the restrictive nature of correctional environments, access to justice must be actively facilitated through clear and accessible legal provisions. The failure to do so significantly weakens the protection of prisoners' rights and limits their ability to challenge unlawful or arbitrary actions.

Furthermore, the governance framework established by the Act lacks explicit provisions promoting transparency and public accountability. There are no clear requirements for public reporting on prison conditions, disclosure of inspection findings, or engagement with external stakeholders such as civil society organisations. Transparency is a critical element of accountability, as it enables public scrutiny and supports the enforcement of human rights standards. The absence of such mechanisms restricts external monitoring and reduces the visibility of correctional practices, thereby weakening overall accountability and limiting opportunities for reform.

Overall, the findings indicate that the governance and accountability framework within the Zambia Correctional Service Act No. 37 of 2021 is characterised by a strong administrative and institutional structure but significant weaknesses in rights-based oversight and accountability. The absence of independent monitoring bodies, formal complaint systems, accessible justice mechanisms, and transparency provisions highlights a clear imbalance between administrative control and human rights protection. While the Act provides a functional framework for managing correctional services, it does not fully support a rights-based governance system capable of effectively safeguarding prisoners' rights.

In conclusion, although the Act establishes a solid institutional foundation for correctional governance, it falls short in providing the accountability mechanisms necessary to ensure effective human rights protection. Strengthening independent oversight, introducing comprehensive complaint and grievance procedures, improving access to justice, and enhancing transparency are essential steps toward aligning the correctional system with international human rights standards. Such reforms would not only improve accountability but also ensure that the rights and dignity of persons deprived of liberty are adequately protected in practice.

To assess the extent to which specific human rights are protected within the Zambia Correctional Service Act No. 37 of 2021, including protection from inhumane treatment, access to services, and conditions of detention.

The discussion of Objective 3.5 focuses on assessing the extent to which specific human rights are protected within the Zambia Correctional Service Act No. 37 of 2021, particularly in relation to protection from inhumane treatment, access to essential services, and conditions of detention. The analysis demonstrates that the Act incorporates several provisions relevant to the protection of prisoners' rights, including those addressing inmate welfare, discipline, rehabilitation, and the general management of correctional facilities (Republic of Zambia, 2021). These provisions collectively indicate an intention to align the correctional legal framework with international human rights standards governing the treatment of persons deprived of liberty. However, the

findings reveal that the protection of specific rights remains partial and uneven, as most provisions are broadly framed, implicit in nature, and lack enforceable standards. When assessed against international benchmarks such as the International Covenant on Civil and Political Rights (ICCPR) and the Nelson Mandela Rules, the Act demonstrates limited operationalisation of key human rights protections (United Nations, 1966; United Nations Office on Drugs and Crime [UNODC], 2015).

With respect to protection from inhumane or degrading treatment, the Act addresses aspects of inmate treatment through provisions regulating discipline and the use of force. These provisions suggest an awareness of the need to regulate the treatment of inmates and maintain humane standards within correctional facilities. However, the analysis identifies a critical gap in the absence of an explicit and comprehensive prohibition of torture and other forms of cruel, inhuman, or degrading treatment, as required under ICCPR Article 7 (United Nations, 1966). Furthermore, the Act does not provide sufficient safeguards—such as independent monitoring mechanisms, procedural protections, or clear limitations on the use of force—to prevent abuse. As a result, while the principle of humane treatment is implicitly recognised, its legal protection remains weak and only partially aligned with international standards.

In relation to conditions of detention, the Act includes general provisions governing the management and custody of inmates, which suggest an effort to regulate living conditions within correctional institutions. These provisions broadly reflect the standards set out in the Nelson Mandela Rules, which establish minimum requirements for accommodation, sanitation, and overall living conditions (UNODC, 2015). Nonetheless, the Act does not specify clear and enforceable minimum standards for these conditions. There are no detailed legal requirements concerning space allocation, sanitation facilities, nutritional standards, ventilation, or hygiene. This lack of specificity significantly limits the ability to ensure humane conditions of detention and undermines effective monitoring and enforcement. Consequently, the protection of this right remains general and non-binding rather than clearly guaranteed in law.

Regarding access to health care and basic services, the Act provides for inmate welfare, including access to services such as medical care (Republic of Zambia, 2021). This reflects an attempt to align with the Mandela Rules, which require that prisoners receive health care services equivalent to those available in the wider community (UNODC, 2015). However, the analysis reveals that these provisions are not framed as enforceable rights. The Act does not explicitly recognise health care as a legal entitlement, nor does it establish defined standards for quality, accessibility, or continuity of care. Additionally, there are no clear mechanisms for monitoring compliance or ensuring accountability in the provision of such services. As a result, access to health care remains inadequately protected in practice, reflecting only partial compliance with international standards.

The analysis further highlights gaps in legal safeguards designed to protect inmates from abuse of authority. Although the Act outlines disciplinary procedures, it does not provide comprehensive protections such as internal review or appeal mechanisms, access to legal representation within correctional processes, or safeguards against arbitrary punishment. Similarly, provisions regulating the use of force lack essential accountability measures, including independent oversight and mandatory reporting requirements. These omissions create a significant risk of abuse and undermine compliance with international standards that require procedural fairness, transparency, and accountability in custodial settings.

A notable weakness in the Act is the absence of specific provisions addressing the needs of vulnerable groups, including women, juveniles, and persons with disabilities. International human rights standards emphasise the importance of differentiated treatment to ensure equality and protect individuals who may be at greater risk of harm in correctional environments. The lack of explicit recognition and tailored protections for these groups indicates a failure to fully incorporate principles of inclusion, equality, and non-discrimination. This represents a critical gap in the legal framework and limits its capacity to provide comprehensive protection for all inmates.

One of the more progressive aspects of the Act is its emphasis on rehabilitation and reintegration as central objectives of the correctional system. This aligns with international standards, which recognise rehabilitation as a key component of humane and effective correctional practices (UNODC, 2015). However, the analysis reveals that this emphasis is not supported by clear implementation frameworks. The Act does not provide for structured rehabilitation programmes, adequate resource allocation, or monitoring and evaluation mechanisms to assess

effectiveness. As a result, rehabilitation remains largely aspirational, with limited practical impact on the reintegration of offenders.

Overall, the findings indicate that the Zambia Correctional Service Act No. 37 of 2021 provides only partial protection of specific human rights. While it recognises key rights in broad and general terms, it lacks explicit legal guarantees, detailed standards, and robust safeguards necessary for effective implementation. Weak enforcement mechanisms, inadequate accountability structures, and significant gaps in the protection of vulnerable groups further undermine the effectiveness of the legal framework. This suggests that the Act establishes a normative foundation for human rights protection but does not fully translate these principles into enforceable legal obligations.

In conclusion, although the Act incorporates important provisions related to the protection of specific human rights, these provisions remain incomplete and insufficiently operationalised. Strengthening the legal framework requires the introduction of explicit rights-based guarantees, clearly defined standards, and comprehensive safeguards supported by effective monitoring and enforcement mechanisms. Such reforms are essential to ensure that human rights are not only recognised in principle but are fully protected and realised within Zambia's correctional system.

CONCLUSIONS

Introduction

This chapter synthesises the principal findings of the study and advances theoretically grounded and policy-relevant conclusions regarding the adequacy of Zambia's correctional legal and policy framework. Drawing on a doctrinal human rights-based analysis, the chapter distils the extent to which the Zambia Correctional Service Act No. 37 of 2021 aligns with established international standards, notably the International Covenant on Civil and Political Rights and the United Nations Standard Minimum Rules for the Treatment of Prisoners. The conclusions are framed in relation to the study objectives and are intended to contribute to scholarly discourse and evidence-based legal reform.

Summary of Key Findings

The study establishes that the Zambia Correctional Service Act No. 37 of 2021 constitutes a progressive normative shift from a predominantly punitive penal regime toward a rehabilitative and rights-oriented correctional model. The Act symbolically incorporates core human rights principles, including dignity, humane treatment, and offender reintegration, reflecting convergence with contemporary international correctional standards.

However, the analysis demonstrates that this alignment remains largely formalistic and aspirational, rather than substantively operational. While the Act recognises foundational rights, it does not consistently translate these into clear, enforceable, and justiciable legal obligations, as required under international human rights law. Consequently, critical deficiencies persist in relation to legal specificity, institutional accountability, conditions of detention, protection of vulnerable groups, and the operationalisation of rehabilitation programmes. These structural limitations constrain the transformative potential of the Act and undermine its effectiveness as a rights-based legal instrument.

Conclusions

Alignment with International Human Rights Standards

The study concludes that Zambia's correctional legal framework exhibits moderate but incomplete alignment with international human rights standards. Although the Act incorporates core principles consistent with the ICCPR and the Nelson Mandela Rules, this alignment is predominantly normative rather than substantive, as many provisions lack the precision, enforceability, and procedural safeguards required for full compliance.

Accordingly, the Act functions more as a declaratory framework of intent than as a fully operationalised human rights instrument.

Human Rights Provisions within the Act

It is further concluded that the human rights provisions embedded within the Act are broadly articulated and largely implicit, rather than explicitly codified. The absence of clearly defined legal guarantees—particularly in relation to non-discrimination, freedom from torture, and minimum standards of treatment—significantly weakens their normative force and enforceability. As a result, the legal framework recognises rights at the level of principle but falls short of institutionalising them as binding and actionable entitlements.

Legal and Policy Gaps

A central conclusion of the study is the existence of systemic legal and policy gaps that undermine the realisation of human rights within correctional settings. These include the absence of detailed and measurable standards for detention conditions, insufficiently articulated rights protections, weak procedural safeguards in disciplinary regimes, and limited provisions addressing the needs of vulnerable populations. Collectively, these deficiencies reflect a broader structural limitation in the legal framework, namely the failure to transition from general normative commitments to precise and enforceable regulatory standards.

Governance and Accountability

The study concludes that while the Act establishes a coherent administrative and institutional structure, it remains deficient in mechanisms of accountability and oversight. The absence of independent monitoring bodies, effective complaint and redress systems, and enforceable transparency provisions results in a governance model that is institutionally centralised but insufficiently accountable. This imbalance constrains the enforcement of rights and perpetuates a system in which administrative control may supersede human rights protection.

Protection of Specific Human Rights

Finally, the study finds that the protection of specific human rights—particularly freedom from inhumane or degrading treatment, access to healthcare, and adequate conditions of detention—is fragmented and inconsistently articulated within the legal framework. The lack of explicit, rights-based provisions and enforceable minimum standards limits the capacity of the Act to guarantee substantive protection. Consequently, the legal regime provides only partial and uneven safeguards, falling short of the comprehensive protection envisaged under international human rights law.

Reform Recommendations

Building on the doctrinal analysis, this study advances a set of integrated, rights-based reform recommendations aimed at strengthening the normative clarity, enforceability, and institutional effectiveness of the Zambia Correctional Service Act No. 37 of 2021. While the Act reflects a paradigmatic shift toward a rehabilitative and human rights-oriented correctional system, its current formulation remains constrained by legislative ambiguity, limited justiciability of rights, and weak accountability mechanisms. Accordingly, the proposed reforms are grounded in binding and persuasive international standards, particularly the International Covenant on Civil and Political Rights and the United Nations Standard Minimum Rules for the Treatment of Prisoners, and are designed to facilitate a transition from formal recognition to substantive realisation of rights.

Codification of a Justiciable Inmate Bill of Rights

The study recommends the explicit codification of human rights within the Act through the introduction of a legally enforceable “Bill of Rights” for inmates. The current reliance on broadly framed principles of dignity and humane treatment should be replaced with clearly articulated and justiciable rights, including an express prohibition of torture and other cruel, inhuman, or degrading treatment, as well as comprehensive anti-discrimination provisions with defined protected grounds and enforcement mechanisms. This reform addresses

the identified gap in legal specificity and aligns the framework with Articles 2, 7, and 10 of the ICCPR, thereby strengthening legal certainty, accountability, and access to effective remedies.

Establishment of Enforceable Minimum Standards for Detention Conditions

The legal framework should be amended to incorporate detailed and enforceable minimum standards governing conditions of detention and access to essential services. The absence of measurable benchmarks for accommodation, sanitation, nutrition, and healthcare undermines compliance with international obligations and permits excessive administrative discretion. It is therefore recommended that the Act adopt standards-based regulation aligned with the Nelson Mandela Rules (particularly Rules 12–35), to ensure consistency, transparency, and the progressive realization of socio-economic rights within correctional settings.

Institutionalization of Independent Oversight and Accountability Mechanisms

The study underscores the necessity of institutionalizing robust accountability and oversight mechanisms. The existing governance architecture, while administratively structured, lacks independence and effective enforcement capacity. It is recommended that the law establish an independent correctional oversight body with statutory powers to conduct inspections, receive complaints, and issue binding recommendations. This should be complemented by accessible, confidential, and legally protected grievance procedures for inmates, consistent with Mandela Rule 56, in order to enhance procedural justice and safeguard against retaliation.

Strengthening Safeguards Against Abuse and Arbitrary Treatment

The Act should be strengthened to include comprehensive safeguards against abuse, particularly in relation to the use of force and disciplinary procedures. Current provisions lack sufficient procedural guarantees and independent review mechanisms, thereby creating a risk of arbitrary or disproportionate treatment. Reform should therefore focus on introducing clear legal thresholds for the use of force, due process protections in disciplinary proceedings, and mandatory external review, in line with ICCPR Article 7 and Mandela Rules 36–46. These measures are essential to ensuring proportionality, legality, and accountability in the exercise of correctional authority.

Mainstreaming Protection for Vulnerable Groups

The study recommends the mainstreaming of protections for vulnerable groups within the legal framework. The absence of explicit provisions addressing the specific needs of women, juveniles, and persons with disabilities reflects a significant gap in equality and non-discrimination protections. The Act should therefore incorporate targeted legal safeguards, including gender-sensitive services, age-appropriate detention regimes, and accessibility measures, to ensure compliance with international human rights principles and promote substantive equality.

Operationalization of Rehabilitation and Reintegration Frameworks

While the Act places considerable emphasis on rehabilitation and reintegration, these objectives remain insufficiently operationalized. It is recommended that the legal framework provide for structured rehabilitation programs, vocational training, educational initiatives, and reintegration support systems, supported by clearly defined monitoring and evaluation mechanisms. This would transform rehabilitation from a declaratory goal into a measurable and enforceable outcome, consistent with the reintegration-focused orientation of the Nelson Mandela Rules.

In summary, these recommendations collectively advocate for a systemic recalibration of Zambia's correctional legal framework, moving from generalized normative commitments toward precise, enforceable, and rights-centered legal standards. Their implementation would not only enhance alignment with international human rights obligations but also strengthen institutional accountability, improve conditions of detention, and ensure the effective protection of the dignity and rights of persons deprived of liberty.

Areas for Further Research

While this study provides a rigorous doctrinal assessment of the Zambia Correctional Service Act No. 37 of 2021, its exclusive reliance on legal text and normative analysis limits its capacity to evaluate the practical realisation and lived impact of the framework. Accordingly, future research should adopt empirical and socio-legal methodologies to interrogate the extent to which statutory provisions are implemented within correctional institutions. In particular, there is a need for systematic empirical studies examining actual conditions of detention, including infrastructure, sanitation, healthcare access, and overcrowding, in order to assess compliance with international standards such as the United Nations Standard Minimum Rules for the Treatment of Prisoners. Furthermore, implementation-focused research should evaluate the institutional, administrative, and resource constraints affecting the operationalization of the Act, including governance effectiveness and accountability mechanisms. Equally important is the incorporation of qualitative, rights-based inquiry into the lived experiences of inmates and correctional officers, which would provide critical insight into issues of dignity, treatment, access to justice, and the functionality of complaint systems. Such multi-dimensional research would bridge the gap between law in the books and law in action, thereby enabling a more comprehensive and evidence-based evaluation of Zambia's correctional system and informing contextually grounded legal and policy reforms.

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Appendix I: Human Rights Compliance Checklist (Correctional Legal Framework)

Human Rights Principle	Key Analytical Questions	Yes / No / Partial	Evidence from the Act (Section/Provision)	Alignment with International Standards	Gap Identified
Dignity & Humane Treatment	Does the law guarantee respect for dignity and humane treatment of prisoners?			Mandela Rules 1, 43	
Non-Discrimination	Does the law prohibit discrimination (e.g., gender, disability, status)?			ICCPR Art. 2, Mandela Rules 2	
Freedom from Torture / Inhumane Treatment	Are there clear prohibitions of torture and degrading treatment?			ICCPR Art. 7, Mandela Rules 1	
Conditions of Detention	Does the law provide minimum standards for accommodation, sanitation, and nutrition?			Mandela Rules 12–21	
Access to Health Care	Are prisoners guaranteed access to adequate health services?			Mandela Rules 24–35	
Legal Safeguards / Access to Justice	Does the law provide mechanisms for complaints and legal redress?			ICCPR Art. 10	
Accountability Mechanisms	Are oversight bodies and monitoring systems clearly established?			Mandela Rules 83–85	
Rehabilitation & Reintegration	Does the law promote rehabilitation and social reintegration?			Mandela Rules 4, 87	
Separation of Prisoners	Are categories of prisoners (e.g., juveniles, women) treated separately?			Mandela Rules 11	
Use of Force & Discipline	Are limits and safeguards on use of force clearly defined?			Mandela Rules 36–46	

APPENDIX II: Legal Gap Analysis Matrix

Legal Provision (Act Section)	Human Rights Standard (ICCPR / Mandela Rules)	Level of Compliance (Full / Partial / None)	Nature of Gap	Implications for Human Rights Protection
			Missing provision / weak enforcement / ambiguity	

APPENDIX III: Thematic Analysis Matrix

Theme	Legal Provisions Identified	Key Findings	Compliance Level	Observed Gaps
Dignity & Humane Treatment				
Non-Discrimination				
Freedom from Inhumane Treatment				
Conditions of Detention				
Health Care Access				
Governance & Accountability				
Rehabilitation & Reintegration				

APPENDIX IV: Compliance Rating Scale

To ensure consistency in analysis, the following scale will be used:

Rating	Description
Yes (Full Compliance)	Legal provision fully aligns with international human rights standards
Partial Compliance	Provision exists but is incomplete, weak, or lacks enforcement
No (Non-Compliance)	Provision is absent or inconsistent with human rights standards