

UPR MONITOR

International Service for Human Rights



Human Rights Monitor Series

UNIVERSAL PERIODIC REVIEW, 2ND SESSION ZAMBIA (FINAL) REVIEWED ON 9 MAY 2008, MORNING

Overview	1
General information on State under review.....	3
Information submitted to the Working Group	3
State report.....	3
Official UN documents.....	3
Other relevant stakeholders	4
Interactive dialogue.....	6
Presentation by the State	6
Table on the interactive dialogue	7
Adoption of the report [date/time].....	28

Overview

The delegation of Zambia was headed by Ms Gertrude Imbwae, the Permanent Secretary of the Ministry of Justice and consisted of 15 representatives from Zambia's capital. The delegation spent almost 30 minutes on its initial presentation.

39 delegations took part in the interactive dialogue. As nearly half of the time allocated to the State under review had been taken up by the initial presentation, Zambia's delegation could not cover adequately all pending issues by its three interventions and there was considerable overlap with the issues raised in the introductory statement

During the interactive dialogue most of the States commended Zambia's efforts to improve its human rights record by underlining its comprehensive State report, the establishment of the national Human Rights Commission, the ratification of major human rights instruments, and the announcement to issue a standing invitation to all special procedures. A reasonable number of questions were posed and recommendations for improvement provided. The issues discussed included, among others:

- gender equality and women's rights,¹ including measures against discrimination of women² and gender based violence;³
- improvement of the education system⁴ and the problem of illiteracy;⁵
- the poor state of the prison infrastructure and overcrowding,⁶ the living conditions of detainees;⁷
- improvement of health services⁸, including measures taken against malaria and HIV/AIDS⁹ and access to anti-retroviral drugs for vulnerable groups;¹⁰
- protection of children's rights,¹¹ including registration of children,¹² the establishment of juvenile courts,¹³ child labour,¹⁴ and the problem of street children;¹⁵
- improvement of access to safe drinking water¹⁶ and housing;¹⁷
- protection of rights of persons with disabilities,¹⁸ including the protection of the most disadvantaged;¹⁹
- criminalisation of same-sex activities;²⁰
- strengthening of the Zambian Human Rights Commission;²¹
- abolishment of the death penalty;²²
- torture²³ and violence by police forces,²⁴
- freedom of expression and the media;²⁵
- the justice system, including training of judges on human rights,²⁶ improved access to justice,²⁷ and measures against discrimination on grounds of customary and personal law;²⁸
- high levels of maternal and child mortality;²⁹
- measures against corruption³⁰ and trafficking.³¹

¹ Algeria, China, Austria, Slovenia, Chile, Cuba, Italy, Angola, South Africa.

² Austria, United Kingdom, Italy, Morocco.

³ France.

⁴ Algeria, Malaysia, Italy.

⁵ South Africa.

⁶ Russia, Nigeria.

⁷ Algeria, United Kingdom, Ireland.

⁸ Russia, New Zealand.

⁹ Russia, Syria.

¹⁰ Canada.

¹¹ Austria, France, Lybia, Republic of Korea, Angola.

¹² Austria.

¹³ Austria.

¹⁴ France.

¹⁵ Netherlands.

¹⁶ Democratic Republic of Congo, Tunisia.

¹⁷ Nigeria.

¹⁸ Slovenia.

¹⁹ Germany, Libya.

²⁰ Canada, Netherlands, Ireland.

²¹ France, Azerbaijan.

²² France, Netherlands, Chile, United Kingdom, Holy See.

²³ Mexico.

²⁴ Denmark.

²⁵ Mexico, United Kingdom, Norway, Ireland.

²⁶ Mexico.

²⁷ Ghana.

²⁸ Austria.

²⁹ Malaysia, New Zealand (child mortality).

³⁰ United States, South Africa.

At the end of the review, Zambia stated that it took note of the recommendations made by the delegations during the interactive dialogue and that it will convey them to the relevant authorities.

General information on Zambia

Membership of the Human Rights Council

Zambia is a member of the Human Rights Council from 2006 to 2008.

Members of the troika

Senegal, Switzerland, the Philippines.³²

National consultation

The State report was prepared by an inter-ministerial committee on human rights which comprised relevant ministries and departments, the judiciary and the national Human Rights Commission, and included consultations with civil society. Nine consultative workshops were held in all the nine provinces of Zambia.

Information submitted to the Working Group

State report³³

Zambia's State report is organised in ten chapters. The first chapter treats the methodology and the consultation process regarding the State report's preparation. The second chapter gives brief background information about Zambia and its relevant legal and institutional framework, including, among others, the establishment of the Zambian Human Rights Commission. Chapters three to nine assess Zambia's achievements and challenges regarding the promotion and protection of human rights, focussing on civil and political rights, elimination of racial discrimination, torture, economic social and cultural rights, elimination of discrimination against women, and children's rights. Major challenges include, among others, maintenance of the death penalty (although subject to a State moratorium since 1997), poor prisons conditions, critical shortage of housing, sanitation, access to safe drinking water, and provision of health care services. Chapter ten focuses on Zambia's efforts to overcome those challenges and constraints, including Zambia's *Fifth National Development Plan* (comprising governance and human rights initiatives as well as national programmes relating to health, water and sanitation, and housing, among others), the review of Zambia's Constitution by the National Constitutional Council and other legal reform initiatives and programmes.

Official UN documents³⁴

³¹ United States

³² Zambia requested that a member of its regional group be among its troika. Regional groups selected: African Group, Asian Group, WEOG. There were no objections by Zambia or by the members of the troika to the selection. For a full summary of the selection of troikas, see http://www.ishr.ch/hrm/council/councilalert/council_update_7session.pdf

³³ A/HRC/WG.6/2/ZMB/1, available at <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/ZMSession2.aspx>

³⁴ A/HRC/WG.6/2/ZMB/2, available at <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/ZMSession2.aspx>

Zambia³⁵ was encouraged to ratify certain human rights instruments³⁶ and to withdraw its remaining reservations.³⁷ While concern was raised³⁸ that Zambia has not yet fully incorporated some of its international obligations³⁹ into domestic law, the establishment of several national institutions, such as the Zambian Human Rights Commission and the Constitutional Review Commission, were appreciated.⁴⁰ While Zambia's policy measures were appreciated (on women's rights⁴¹ and under the *Fifth National Development Plan* on various issues⁴²), the lack of resources and will to address politically sensitive issues were reasons for concern.⁴³ Specific concerns were raised about: discrimination and violence against women and children,⁴⁴ torture and ill-treatment by police,⁴⁵ severe prison overcrowding combined with very poor conditions of detention,⁴⁶ absence of juvenile courts and judges,⁴⁷ lack of precedence given to statutory law over customary law in practice due to a low level of human rights awareness,⁴⁸ high level of unemployment,⁴⁹ child labour,⁵⁰ extreme level of poverty,⁵¹ and inadequate access to health-care services.⁵² Furthermore lack of free and compulsory primary education, high illiteracy rates, and the decreasing budget allocation to education was of concern.⁵³ Nevertheless, Zambia's achievements in promoting and protecting human rights were acknowledged, and its commitments to further accelerate the implantation of its human rights obligations were noted.

Other relevant stakeholders⁵⁴

³⁵ Core universal human rights treaties to which Pakistan is a party: *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), *International Covenant on Economic, Social and Cultural Rights* (ICESCR), *International Covenant on Civil and Political Rights* (ICCPR), *Optional Protocol to the International Covenant on Civil and Political Rights* (ICCPR-OP1), *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT), *Convention on the Rights of the Child* (CRC).

³⁶ *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women* (OP-CEDAW), *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (CRC-OP-SC), *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (CRC-OP-AC), the *Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption* of 1993.

³⁷ CAT, 1951 *Convention relating to the Status of Refugees*.

³⁸ Human Rights Committee, CERD, the Committee on Economic, Social and Cultural Rights (CESCR), CAT, CEDAW.

³⁹ CAT, ICERD, ICESCR, ICCPR.

⁴⁰ CRC, CESCR, United Nations Children's Fund (UNICEF), UN-Habitat, CERD.

⁴¹ CEDAW.

⁴² UNICEF.

⁴³ Special Representative of the Secretary-General on human rights defenders, CERD, Human Rights Committee, CESCR, CRC.

⁴⁴ CESCR, CRC, United Nations High Commissioner for Refugees (UNHCR), Human Rights Committee, CAT, CEDAW, UNICEF.

⁴⁵ Human Rights Committee, Special Rapporteur on torture, CRC.

⁴⁶ Human Rights Committee, CAT, CESCR.

⁴⁷ CRC.

⁴⁸ Human Rights Committee, CRC, CERD.

⁴⁹ CESCR, CEDAW.

⁵⁰ CESCR, CEDAW.

⁵¹ CRC, CESCR.

⁵² CRC, CESCR.

⁵³ CRC, CEDAW.

⁵⁴ A/HRC/WG.6/2/ZMB/3, available at <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/ZMSession2.aspx>.

This summary report compiles information submitted by eight Civil Society organisations.⁵⁵ Regarding the scope of international obligations, Zambia's non-fulfilled pledge to adhere to the Optional Protocol to the *Convention on the Rights of the Child* (CRC) on the sale of children, child prostitution and child pornography, to the Optional Protocol to the CRC on the involvement of children in armed conflict and to the Optional Protocol to the *Convention on the Elimination of All Forms of Discrimination against Women* was noted⁵⁶ and Zambia was called upon to ratify the two optional protocols to the CRC immediately.⁵⁷ Regarding the Constitutional and legislative framework, provisions of the Constitution regarding derogation of fundamental rights in times of emergency,⁵⁸ exceptions to the principle of non-discrimination regarding matters of personal and customary law,⁵⁹ the lack of a definition and criminalisation of torture⁶⁰, the ineffective legal protection of women's property rights,⁶¹ and the slow process of child-related legislative reform⁶² were criticised. While Zambia's policy measures to strengthen human rights implementation were noted, the lack of resources and consequent inefficiency of the Zambian Human Rights Commission raised concerns.⁶³ Regarding the promotion and protection of human rights on the ground, specific issues gave raise to concern and recommendations, namely discrimination and violence against women and children,⁶⁴ torture and ill-treatment inflicted by State agents, endemic overcrowding in prisons,⁶⁵ poorly implemented reform of the juvenile justice system,⁶⁶ restrictions on freedom of expression under the *Defamation Act*,⁶⁷ poverty, high number of HIV infections, and the persistence of poor health-care, education, housing and other social services.⁶⁸ Regarding Zambia's achievements, its considerable progress in promoting and implementing the right to education was noted⁶⁹ as was Zambia's massive roll-out of HIV treatment. No information was included under the sections on key national priorities, initiatives and commitments, and capacity building and technical assistance.

⁵⁵ Child Rights Organisations: Children in Need Network (CHIN), Zambia Civic Education Association, Plan-International, Save the Children Norway and Sweden in consultation with Child Care and Adoption Society of Zambia, Sport in Action (SIA), Mulumbo Early Childhood Care and Development (MECCDF), Christian Children's Fund (CC), African Network for the Prevention and Protection of Children Abuse and Neglect (ANPPCAN), Forum for African Women Educationalists in Zambia (FAWEZA), REPSSI, Catholic Relief Services-RAPIDS, Young Women Christian Association (YWCA), OVC-Media, Zambia AIDS Research and Advocacy Network (ZARAN), Zambia National Education Coalition (ZANEC), Project Support Zambia (PSZ), Commonwealth Human Rights Initiative (CHRI), Franciscans International and Edmund Rice International (FI-ERI), Global Initiative to End All Corporal Punishment of Children (GIEACPC), Global Rights and International Gay and Lesbian Human Rights Commission (GR – ILGHRC), Human Rights Watch (HRW), ILGA and other NGOs International Lesbian and Gay Association, ILGA-Europe, Pan Africa ILGA, Coalition of African Lesbians, Behind the Mask, The Rainbow Project, International Gay and Lesbian Human Rights Commission, ARC International, World Organisation against Torture (OMCT).

⁵⁶ CHRI.

⁵⁷ Child Rights Organisations.

⁵⁸ CHRI.

⁵⁹ CHRI.

⁶⁰ OMCT.

⁶¹ HRW.

⁶² Child Rights Organisations.

⁶³ CHRI, OMCT, Child Rights Organisations.

⁶⁴ HRW, OMCT.

⁶⁵ OMCT.

⁶⁶ OMCT.

⁶⁷ CHRI.

⁶⁸ FI-ERI.

⁶⁹ FI-ERI.

Interactive dialogue⁷⁰

Presentation by the State

The review of Zambia began on 9 May 2008 with an introduction by Ms Gertrude Imbwe, the Permanent Secretary of the Ministry of Justice. After laying out the preparation process of Zambia's State report which included broad national consultations, Ms Gertrude Imbwe addressed the questions by States submitted to the troika:

- The issue of the death penalty⁷¹ is currently under review by the National Constitutional Council and will therefore depend on its findings.
- Regarding gender based violence⁷² a committee (including government and civil society representatives) has been set up to elaborate a new bill on gender based violence.
- The issue of violence inflicted by police forces⁷³ is addressed through amendment of the relevant legal instruments (i.e. the *Police Act*), promoting human rights awareness and training as well as the establishment of the Police Public Complaints Authority.
- The issue of women human rights defenders being subject to discrimination and stigmatisation⁷⁴ is addressed in accordance with existing constitutional and criminal provisions.
- Libel and security laws are not aimed at intimidating the media or restricting freedom of expression,⁷⁵ but to protect the public. Likewise, the *Defamation Act* is aimed at protecting the office of the President and is not targeted against the media.
- To address the issue of overcrowded prisons,⁷⁶ prisoners are being transferred to prisons with higher capacity, funds are being allocated to the creation of more prison space, detention conditions are improving, and the criminal justice system is being streamlined to reduce custody time.
- A standing invitation is to be issued to all special procedures⁷⁷ to visit Zambia.

Furthermore, Ms Gertrude Imbwe reaffirmed Zambia's commitment to human rights and to the cooperation with the Universal Periodic Review (UPR).

⁷⁰ Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at www.un.org/webcast/unhrc/index.asp.

⁷¹ Denmark, United Kingdom, Sweden.

⁷² Denmark, United Kingdom, Sweden.

⁷³ Denmark, United Kingdom, Sweden.

⁷⁴ Ireland.

⁷⁵ Ireland.

⁷⁶ Ireland.

⁷⁷ Latvia.

Table on the interactive dialogue

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
Algeria	<p>Welcomed the comprehensive State report.</p> <p>Commended Zambia for the establishment of the national Human Rights Commission according to the Paris Principles.</p>			<p>Encouraged Zambia to strengthen its efforts on gender issues.</p> <p>Recommended to continue the efforts to improve the education system.</p> <p>Recommended to continue to improve the living conditions of detainees in prisons.</p>	<p>CRC welcomed the establishment of several institutions.</p> <p>CEDAW welcomed the efforts to strengthen the gender mainstreaming machinery.</p> <p>The Human Rights Committee welcomed the number of women in parliament.</p> <p>OHCHR Compilation para. 11</p>	
China	<p>Welcomed the Human Rights Commission, and the Inquiry Commission.</p> <p>Noted multiple efforts to ensure a range of rights including economic, social and cultural rights.</p> <p>Noted that Zambia as a developing country is seeking to overcome its</p>		<p>The minimum for integration of women has been established, but what further measures have been taken to ensure women's rights?</p>			<p>Regarding the improvement of women's rights: Awareness-raising campaigns for women on their rights are being undertaken, a national policy on gender has been developed, CEDAW will be incorporated into domestic law soon, specific legislation on gender-</p>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	challenges.					based violence is being developed, a joint gender support programme has been developed and there is ongoing planning with partners and government to tackle the suffering of women.
Latvia	<p>Welcomed the efforts towards gender mainstreaming and ensuring equality for women.</p> <p>Welcomed the increasing media freedom.</p> <p>Welcomed that a standing invitation to all special procedures will be issued and called on other countries to follow Zambia's example.</p>					
Brazil	Commended the comprehensive State report.	Gender-based violence continues to be a problem.	What measures are being taken to prevent gender-based violence?	Recommended that Zambia adhere to the optional protocol to CEDAW .		The issue of gender-based violence has been covered in the introduction, namely the implementation of a committee that is to

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
						elaborate a new gender-based violence bill. The Victim Support Unit is primarily dealing with gender-based violence cases and providing for rehabilitation.
Russian Federation			<p>Noted that 72 tribes officially exist in Zambia: Do all of them have equal access to participation in elections and to education? Are local tribal languages taught in schools?</p> <p>What is the state of conditions in prisons? What steps have been taken to address malnutrition, lack of medical care, water supply, and the number of prisoners exceeding prison capacity?</p> <p>How are the high levels of maternal mortality, malaria and HIV/AIDS tackled?</p>			<p>To improve the conditions in the prisons, additional facilities are being provided through construction programmes. The issue was also covered in the initial statement. Furthermore, many donors are supporting a programme on rehabilitation of prisons.</p> <p>The seven local languages are being taught in school and English is the official language and is the language of instruction in private schools.</p> <p>In order to reduce the level of maternal</p>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
			<p>Has Zambia sought technical cooperation to improve the situation with respect to its treaty reporting obligations.</p>			<p>mortality several strategies under the Ministry of Health are being pursued.</p> <p>With regard to technical support for the treaty reporting obligations, Zambia is almost up to date with all State reports and has created internal capacity to fulfil its reporting obligations.</p>
Austria		<p>Article 23 of the constitutions provides for exclusions and exceptions to the prohibition against discrimination, including in matters of civil and customary law.</p>	<p>Asked for more information on measures to ensure gender equality.</p> <p>Requested more information on registration of children.</p>	<p>Recommended to strengthen the prohibition of discrimination against women and ensure full implementation of CEDAW.</p> <p>Recommended the establishment of juvenile courts in conformity with the rights and interests of children.</p>	<p>Several treaty bodies have expressed concern about continued customary practices.</p>	<p>The issue of exceptions to the prohibition against discrimination is currently being reviewed by the National Constitutional Council. The current draft Constitution before the National Constitutional Council contains a progressive provision regarding the issues of discrimination on grounds of customary and personal law.</p>
Democratic Republic of Korea	<p>Welcomed that Zambia is party to many international human</p>		<p>Asked for detailed explanations on specific measures to</p>	<p>Recommended that Zambia speeds up its incorporation of</p>		

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	<p>rights conventions.</p> <p>Welcomed that many essential national institutions have been set up.</p> <p>Assured Zambia of its support.</p>		<p>improve access to drinking water.</p>	<p>treaties into domestic law.</p>		
Slovenia	<p>Welcomed Zambia's standing invitation to all special procedures.</p>	<p>Concerned about the societal discrimination of people living with HIV/AIDS.</p> <p>No law prohibits discrimination against people with disabilities.</p> <p>Found inadmissible that non-unionised workers do not enjoy protection under the law.</p>	<p>Asked for more information on the envisaged adoption of appropriate legislation to protect the rights of persons with disability.</p> <p>What has Zambia done to integrate a gender perspective in the preparation of UPR and in follow up?</p>			<p>Regarding discrimination against people with disabilities, a disability policy is in place, addresses all forms of discrimination against people with disabilities.</p>
Canada	<p>Welcomed Zambia's standing invitation to all special procedures.</p>			<p>Recommended to bring laws in conformity with article 26 of the ICCPR.</p> <p>Recommended to decriminalise same sex activity and to respond</p>	<p>The Human Rights Committee has noted the lack of clarity in legal provisions concerning states of emergency.</p> <p>The Human Rights</p>	<p>The issue of the state of emergency is being considered by the National Constitutional Council.</p> <p>Discrimination against women under</p>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
				<p>to HIV/AIDS related needs of gay men.</p> <p>Recommended to improve access to anti-retroviral drugs for vulnerable groups, including women.</p> <p>Recommended to improve the situation of widows and girl orphans.</p>	<p>Committee has expressed concern about the criminalisation of same sex activity.</p> <p>The Committee on Economic, Social and Cultural Rights has expressed concern about discrimination against women under traditional laws and practices.</p>	<p>customary law is being addressed by the Access to Justice Programme which provides human rights training for local justices. Customary law is un-codified and administered by local courts in civil matters. A study is being undertaken to codify the customary law of the 72 tribes where relevant.</p>
France			<p>Asked for more information on the mandate of the national Human Rights Commission.</p> <p>Does Zambia intend to formally abolish the moratorium on the death penalty or to transform the <i>de facto</i> moratorium into a <i>de jure</i> moratorium?</p> <p>Asked for more detail on Zambia's measures to combat gender-based violence.</p>	<p>Recommended to strengthen the Zambian Human Rights Commission in accordance with the Paris Principles.</p>		<p>The national Human Rights Commission is autonomous. However, it relies on financing from the treasury, which has limited resources and consequently full funding cannot be provided.</p> <p>The issue of the death penalty is being considered by the National Constitutional Council. It will be subject to a referendum.</p>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
			<p>Asked about measures taken to guarantee the rights of the child in relation to child labour.</p>			<p>Regarding the rights of the child and child labour, ILO Convention No. 182 has been ratified and the Children and Young Persons Act has been revised to ensure its conformity. Furthermore, the cabinet is considering a draft document on child labour and a body has been set up in the Ministry of Labour and Social Security to monitor child labour and to develop a multifaceted approach. A national steering committee and district child labour committees have been set up, focussing on awareness-raising and child labour mitigation programmes.</p>
<p>Netherlands</p>	<p>Appreciated the openness of the national report.</p> <p>Appreciated the replies</p>		<p>Asked if Zambia intends to sign the second Optional Protocol to ICCPR.</p>	<p>Called upon the government to abolish the death penalty.</p> <p>Recommended that</p>	<p>The Committee on the rights of the Rights of the Child raised concern regarding the abuse of children.</p>	<p>The issue of same sex activity is being considered by the National Constitutional Council. However,</p>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	<p>to the written questions.</p> <p>Welcomed the <i>de facto</i> moratorium on the death penalty.</p>		<p>Asked if Zambia considers amending its penal code to decriminalise same-sex activity.</p>	<p>Zambia reports back on its concrete steps taken to incorporate its ratified international treaties into domestic law.</p> <p>Recommended that Zambia decriminalises same-sex activity as recommended by the Human Rights Committee.</p> <p>Recommended the development of a strategy of prevention to tackle the problem of street children.</p>		<p>consultations have showed that people are adverse to de-criminalisation.</p>
Mexico	<p>Welcomed a number of national institutions, programmes and policies, including the national Human Rights Commission and the Commission for Investigations.</p> <p>Welcomed the standing invitation to special procedures.</p> <p>Welcomed the <i>de facto</i></p>		<p>Requested more information on the criminalisation of torture.</p>	<p>Recommended the training of judges on human rights and gender issues.</p> <p>Recommended to revise the offence of defamation and to bring it in line with international law with respect to freedom of expression.</p> <p>Recommended to</p>		

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	<p>moratorium on the death penalty.</p> <p>Welcomed the efforts to harmonise traditional measures and practices with international law.</p>			<p>develop a culture of tolerance in relation to criticism of public officials.</p> <p>Recommended to consider ratifying the <i>Convention on the Rights of Persons with Disability</i> and the <i>Convention on the Rights of Migrant Workers</i>.</p>		
Ghana	<p>Welcomed the high quality State report and the very consultative process that involved awareness-raising.</p> <p>Commended for the establishment of a national institution and the Commission for Investigations.</p> <p>Noted the Access to Justice Programme.</p>		<p>Requested more information on the Access to Justice Programme and how it is being made effective.</p>			<p>The Access to Justice, programme focuses on criminal justice, but the Government intends to extend it in the future to other areas, such as civil and administrative justice. The decentralisation of the legal aid board is one of the initiatives already taken; and lawyers have been recruited and are being posted in the nine provinces. So-called justice houses, will be constructed in five provinces.</p>
Egypt	<p>Welcomed the</p>		<p>Requested more</p>			

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	<p>comprehensive process for preparation of the State report.</p> <p>Noted that Zambia is one of the leading African countries in the promotion of democracy.</p>		<p>information on the efforts to promote a multi-party system and freedom of assembly.</p> <p>What are the obstacles to the implementation of freedom of assembly and how can they be overcome?</p>			
Chile	<p>Welcomed the preparation process for the State report.</p> <p>Welcomed the standing invitation to special procedures.</p>	Gender and women rights.	<p>Is there any planning on a tangible legislation on gender equality?</p> <p>Has an evaluation of the strategic action plan on gender been undertaken?</p> <p>Urban poverty has declined but rural poverty has increased - what measures are being taken to address this?</p>	Recommended that <i>de facto</i> moratorium on the death penalty be transformed into a <i>de jure</i> moratorium.	State report, para. 66 (on poverty)	
Chad	<p>Noted the excellent national State report.</p> <p>Welcomed the programmes for the promotion and protection of human</p>		<p>What is being done to address traditional practices, polygamy and dowry and access to courts?</p>			<p>Polygamy is allowed under customary laws- According to a survey some people were against and others in favour of it, but not all tribes</p>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	<p>rights. Welcomed the National Development Plan priorities on, among others, health, education, work social security, water and housing.</p> <p>Welcomed the commitment to strengthen freedom of the press.</p>					<p>practice polygamy.</p>
Denmark	<p>Commended the participation of the civil society in the preparation of the national report.</p> <p>Welcomed the extensive answers to the written questions.</p>	<p>Police violence and torture are of great concern.</p>	<p>Asked Zambia to elaborate on why the Police Public Complaints Authority has failed to prosecute perpetrators.</p>	<p>Recommended that all possible measures are taken to eliminate torture.</p> <p>Recommended that each case of torture and ill-treatment is seriously investigated and that reparations are provided to the victims.</p>		<p>The mandate of the <i>Police Public Complaints Authority</i> allows for recommendation to the relevant authority but not for prosecution. 14 officers have been dismissed so far under the Police Public Complaints Authority.</p>
Germany	<p>Commended Zambia's openness in addressing challenges</p> <p>Welcomed the standing invitation to special procedures.</p>		<p>When will signing and ratification of further human rights treaties take place and what measures will be taken to better incorporate the ratified instruments into domestic law?</p>		<p>OHCHR Compilation para. 34: willingness to accelerate accession to the two Optional Protocols to CRC and the Optional Protocol to CEDAW</p> <p>OHCHR Compilation,</p>	

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
			What measures will be taken to address the situation of the most vulnerable and disadvantaged in relation to economic, social, and cultural rights?		para 25: The Committee on Economic, Social and Cultural Rights is deeply concerned about the extreme poverty and its impact on the most vulnerable groups.	
Tunisia	<p>Welcomed the excellent State report.</p> <p>Commended the efforts and the determination to provide clean drinking water to the entire population.</p>	Water is an endemic problem in Africa, including Zambia.	Requested more detailed information on private-public partnership in ensuring access to drinking water.			
United Kingdom	<p>Thanked for the answers to the questions posed to Zambia in advance.</p> <p>Commended the extensive consultations that took place in the provinces in preparation of the State report.</p> <p>Welcomed the Zambian National Constitutional Conference, revising</p>	Prison conditions		<p>Recommended to take further steps in relation to abolishing the death penalty.</p> <p>Recommended to sign the OP-CAT at the earliest possible opportunity.</p> <p>Encouraged the reform of the penal code in relation to the prosecution of journalists.</p>		

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	the Constitution.			Recommended that further measures be put in place to ensure that traditional beliefs do not lead to discrimination against women in locals courts		
Cuba	<p>Welcomed the high quality of the national report.</p> <p>Welcomed the national human rights institutions, including the Human Rights Commission.</p> <p>Noted with admiration the progress made in the area of economic, social and cultural rights, including education and health.</p> <p>Welcomed the positive results in enrolment of girls in schools (as an example of good practice).</p>		What measures have been taken to achieve results in the area of enrolment of girls in schools?	Recommended continued efforts to ensure economic, social, and cultural rights.		
Malaysia	Recognised Zambia's progress despite the challenges and constraints it faces.		What measures are being taken to address the high level of maternal and child			The goal is to reduce maternal mortality by three quarters by 2015. Strategies include

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	Welcomed the policy measures to advance the right to health.		mortality? Requested more information on measures taken to ensure free and compulsory education by 2015.			strengthening the quality of post-natal services and family planning services with a special focus on rural districts. Nursing schools have been opened to enhance the availability of human resources, especially of midwives. Appropriate training tools have been developed. A country-wide child health programme is supported by the Government.
Italy				Recommended to take all appropriate measures to improve women's rights and to prohibit sexual discrimination Recommended to develop a national action plan on human rights education, training of teachers and development of curricula.	National report: increasing public awareness on human rights. HRC and CESCR have expressed concern about discriminative practices.	
Norway	Commended open and inclusive process for	Limited engagement of national media in	Why has the Bill on Freedom of	Recommended to consider revising the		The freedom of information bill will be

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	<p>preparation of the State report.</p> <p>Welcomed the standing invitation to all special procedures.</p>	<p>political reporting; the political discourse is almost absent in public; this is in part linked to the Defamation Law.</p> <p>Concerned about registration and restrictions on NGOs in the new NGO bill.</p>	<p>Information been stalled?</p> <p>What is the status of the NGO bill and has civil society been consulted in its development?</p>	<p>defamation provision.</p> <p>Recommended a swift adoption of the freedom of information bill.</p>		<p>before parliament before the end of 2008. Regarding the NGO bill, a consultation process with NOGs has been undertaken and the bill will be presented to parliament.</p>
New Zealand	<p>Commended the quality of the well-balanced State report.</p> <p>Welcomed the standing invitation to special procedures.</p>	<p>Child and infant mortality remain a problem.</p>		<p>Recommended to consider developing a strategy to take into account the views of community health practitioners in developing plans and policies on health services.</p>	<p>State report, para. 79-84: maternal and child health.</p>	<p>Regarding child and infant mortality, see response to Malaysia.</p>
Ireland	<p>Welcomed the standing invitation to special procedures.</p> <p>Welcomed the answers provided to the written questions.</p>			<p>Recommended to continue the reform of the penal code in relation to prosecution of journalists.</p> <p>Recommended the improvement of conditions of detention in prisons.</p> <p>Recommended to continue to keep an</p>		

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
				open mind regarding the decriminalisation of same-sex acts.		
Syria	<p>Welcomed the efforts to develop a plan for the implementation of recommendation by treaty bodies.</p> <p>Welcomed Zambia's major achievements in combating corruption.</p>		What measures are in place to raise awareness about HIV/AIDS and address the situation of people living with HIV/AIDS?	Appealed for the strengthening of development assistance and for the provision of medicine at affordable prices to treat HIV/AIDS.		There are a lot of measures in place to raise awareness about HIV/AIDS, including training.
Morocco	<p>Welcomed the large number of achievements made in the areas of health and housing.</p> <p>Commended the efforts to fight corruption</p>		Does Zambia intend to adopt legislation to combat discrimination against women?			Regarding the legislation to combat discrimination against women, consultations have taken place with traditional leaders to obtain recommendations regarding the development of the law on gender-based violence.
Botswana	<p>Commended the open and inclusive manner of preparing the State report.</p> <p>Welcomed the efforts to strengthen access to justice for the vulnerable and the</p>					

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	<p>poor.</p> <p>Noted Zambia's robust civil society and media.</p> <p>Noted the impressive record of ratification of international human rights treaties.</p>					
Azerbaijan	<p>Welcomed the establishment of the Human Rights Commission</p> <p>Welcomed the efforts to combat trafficking in persons.</p> <p>Welcomed the efforts taken to eradicate extreme poverty.</p>		<p>How does Zambia intend to strengthen the national Human Rights Commission?</p> <p>Does Zambia intend to revise article 23 of its Constitution regarding discrimination?</p>		<p>Many treaty bodies have welcomed the creation of the Human Rights Commission but have expressed concern about its limited resources.</p>	<p>The strengthening of the national Human Rights Commission is connected to the economic development and to the fact that all areas of the economy must be developed, so that the Commission and other institutions can access adequate funding.</p>
Libya	<p>Thanked for Zambia's replies to questions.</p> <p>Noted that Zambia is party to CRC since 1991.</p>			<p>Recommended to continue its efforts to strengthen and protect the rights of the child.</p> <p>Resources should be allocated for assistance to the most vulnerable, in particular disabled persons.</p>		

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
				Support should be requested from UNICEF.		
USA	Commended the efforts to focus on anti-corruption.	Trafficking is a serious problem.	What anti-corruption plans and measures are planned? Regarding trafficking, what steps are taken to bring perpetrators to justice?			Regarding the issue of human trafficking, the offence of trafficking has been criminalised through the 2005 amendments to the criminal code, and the Government is currently working on a comprehensive human trafficking law and policy.
Republic of Korea	Welcomed the national Human Rights Commission.		What special measures have been taken to protect juveniles?		The CRC has expressed concern about the lack of juvenile courts.	
Slovakia	Commended the comprehensive national report.	Noted restrictions on forming trade unions.	Further information of the constitutional guarantee of the freedom of association. More information on the restrictions of foreign trade unions and about non-unionised workers and their enjoyment of rights. To clarify the report		Stakeholders summary, para 29: noted that an organisation working on discrimination based on sexual orientation and gender identity was warned not to seek registration.	

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
			that an organisation working on sexual orientation was warned not to seek registration.			
Nigeria	<p>Noted the ratification of some major international and regional human rights instruments.</p> <p>Encouraged by the establishment of the Public Police Complaint Authority</p> <p>Has noted the frank admission of problems in prisons, in particular the congestion.</p>		Asked if congestion in prisons is a result of inmates awaiting trial or of the high rate of convictions?	Recommended to continue the laudable initiative of constructing adequate housing for people.		<p>There are several reasons for prison congestion, one of them being that prisons date from colonial times and therefore lack capacity. Moreover, for a long time, the human resources necessary to deal with cases were not available, in particular due to lack of lawyers in relevant institutions, which is being dealt with through decentralisation. Coordination between the justice institutions is being improved through the Access to Justice Programme, which also reduces prison congestion.</p>
Angola	Congratulated Zambia's accession to major treaties at		What steps have been taken to ensure that the legal system observes			Concerning the rights of the child, a child law reform secretariat

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	<p>international and regional level.</p> <p>Welcomed the efforts to protect the right of refugees.</p>		<p>the rights of women and children?</p>			<p>within the Ministry of Community Development has been set up with the purpose of reviewing all child-related legislation to bring it into conformity with CRC and the African Charter on the Rights of the Child. The legal reform involves other ministries, UN agencies as well as NGOs. Furthermore, a legislative audit has been completed and a National Plan of Action for Children has been developed to sensitise all stakeholders working in the area.</p>
<p>South Africa</p>	<p>Welcomed the strengthening of the national human rights system.</p> <p>Commended efforts to promote the empowerment of women.</p>		<p>What programmes are in place to deal with the challenges of illiteracy and which are the successes of such interventions?</p>	<p>Recommended to intensify the efforts to empower women.</p> <p>Recommended to accelerate to finalise the anti-corruption policy and the mechanisms for its monitoring.</p>	<p>Referred to the national report regarding corruption.</p>	<p>An inter-ministerial committee is looking at the issue of illiteracy.</p>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
Holy See	Appreciated the detailed national report. Noted the protection of the right to life			Recommended to abolish the death penalty in order to realise the right to life.		
Bangladesh	Welcomed national human rights institutions. Welcomed Zambia's laudable efforts to ensure the right to education.		What expectations does Zambia have for international support?	Noted that Zambia needs further international support to overcome its challenges.	CEDAW welcomed the strengthening of the national gender machinery. CRC has noted the negative impact of HIV/AIDS on economic, social and cultural rights.	

DON'T DELETE SECTION BREAK

Adoption of the report [14 May, am]

The report of the Working Group was considered and adopted as scheduled at midday on 14 May 2008. The process went smoothly and lasted about 15 minutes.

Before the adoption of the report, the Ambassador of Switzerland made a short statement on behalf of the troika. He briefly outlined the structure the draft report and informed the Working Group that out of the 32 recommendations contained therein, Zambia recognised 19, rejected two, and will further consider 11.⁷⁸ The Ambassador thanked Zambia and the other members of the troika for the ‘very constructive dialogue’ and the ‘objectiveness and transparency that prevailed during the drafting of the report’. He also recognised the ‘substantial work’ carried out by the secretariat.

The Permanent Representative at the Ministry of Zambia, Ms Gertrude Imbwae, also spoke before the adoption of the report. She thanked the members of the troika, the secretariat, the Working Group, and the President of the Working Group for their contribution to the review. She expressed her belief that the UPR and its follow-up ‘will go a long way’ in improving human rights in Zambia, and also stressed that the Government will continue to consult stakeholders in the follow-up process to the UPR. Ms Imbwae also took the opportunity to briefly comment on some of the key issues that had been raised during the interactive dialogue.⁷⁹ She concluded by reiterating Zambia’s commitment to the promotion and protection of human rights and to cooperating with the UPR mechanism both during and after the review.

After these two short statements, the report of the Working Group on Zambia was adopted by consensus. The President reminded the Working Group that that editorial changes must be submitted not later than 28 May 2008, to ensure that the document will be ready for consideration in the plenary in June.

⁷⁸ Zambia will submit its position on the last set of recommendations during the 8th session of the Human Rights Council in June 2008.

⁷⁹ Registration of trade unions; right to vote and be elected to office; sanitation and safe drinking water; extreme poverty and enjoyment of economic, social and cultural rights; training of magistrates; juvenile justice.

COUNCIL MONITOR STAFF

Paul Dziatkowiec, Human Rights Officer
Eléonore Dziurzynski, Communications Officer
Chantal Mutamuriza, Human Rights Officer
Michael Ineichen, Human Rights Officer
Vanessa Jackson, Human Rights Officer
Yuri Saito, Fellow
Gareth Sweeney, Deputy Manager
Katrine Thomasen, Manager

Author of this report

Aljaz Galof, Intern

ABOUT THE PUBLICATION

The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Daily Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at www.ishr.ch

SUBSCRIPTION

If you wish to receive the Council Monitor Daily Updates by e-mail during the Council session, please e-mail information@ishr.ch with 'subscribe' in the subject line. Your e-mail address and personal information will not be shared or sold to any third parties. We may from time to time send you a notification about other publications in the Human Rights Monitor Series that you may be interested in downloading or subscribing to.

COPYRIGHT, DISTRIBUTION AND USE

Copyright © 2008 International Service for Human Rights

Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders.

ISHR accepts no responsibility for any inaccuracies arising from or connected to unapproved or unofficial translations of its publications or parts thereof.

DISCLAIMER

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on, or any use of this publication. We are however happy to correct any errors you may come across so please notify information@ishr.ch.