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## Human Rights Council

Working Group on the Universal Periodic Review

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### Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

#### Zambia\*

The present report is a summary of 14 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles**

The Zambian Human Rights Commission did not make a submission.

## **II. Information provided by other stakeholders**

### **A. Background and framework**

#### **1. Scope of international obligations**

1. Joint Submission 1 (JS1) recommended the signing and ratification of the Optional Protocol of the Convention on Economic, Social and Cultural Rights.<sup>2</sup>
2. Centre for Human Rights, Faculty of Law, University of Pretoria (CHR) recommended ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, thus allowing victims access to the complaint mechanism in the Protocol.<sup>3</sup>

#### **2. Constitutional and legislative framework**

3. JS 1 stated that since Zambia's review "hardly any progress" has been made in incorporating the international human rights instruments to which Zambia was a party into its domestic legal framework.<sup>4</sup> Joint Submission 3 (JS 3) urged Zambia to fully domesticate the provisions of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).<sup>5</sup>
4. Centre for Reproductive Rights (CRR) stated that in 2011 concern was raised by the Committee on the Elimination of Discrimination against Women that CEDAW was not fully domesticated in to law.<sup>6</sup> It called on Zambia to fully domesticate this Convention.<sup>7</sup>
5. Joint Submission (JS 1) stated that in March 2011, the most recent attempt at constitutional review failed when parliamentarians rejected the Constitution of Zambia 2010 Bill.<sup>8</sup> It recommended expeditious finalization of constitutional reform.<sup>9</sup>
6. CHR recommended amending the Constitution to rectify the discriminatory provision of article 23(1) and (4) and unequivocally ensure women's equality in the new Constitution, as well as to abolish the death penalty.<sup>10</sup>
7. JS 1 recommended harmonizing the definition of a child in the penal code with that of the CRC. It noted that CRC defined a child as being under the age of eighteen.<sup>11</sup>
8. JS 3 recommended that Zambia expedite the revision of the "Intestate Act" to address discrepancies that disadvantage beneficiaries of estates in the event that a male spouse dies leaving no will.<sup>12</sup>
9. Article 19 expressed concern about the restrictions on freedom of expression in the Constitution and in criminal law. It made specific reference to Sections 57, 69, 71, 116A, and 117(1) of the Penal Code, as well as the State Security Act of 1969, Section 9 of the Anti-Terrorism Act of 2007 and Section 19 of the National Assembly Act.<sup>13</sup> Article 19 recommended that Zambia ensure that its new constitution guarantees the right to freedom of expression and freedom of information, and repeal all laws that unduly limit freedom of expression.<sup>14</sup>

### **3. Institutional and human rights infrastructure and policy measures**

10. JS 5 called on Zambia to create an enabling environment for civil society to operate in, pursuant to the rights enshrined in the International Covenant on Civil and Political Rights and the United Declaration on Human Rights Defenders.<sup>15</sup>

## **B. Cooperation with human rights mechanisms**

### **1. Cooperation with treaty bodies**

11. JS 1 urged Zambia to take its reporting obligations on economic, social and cultural rights seriously and to inform the public of the status of the country's second periodic report to the Committee on Economic, Social and Cultural Rights.<sup>16</sup> It recommended that the reporting process be conducted in a participatory and transparent manner.<sup>17</sup>

### **2. Cooperation with special procedures**

12. JS 5 called on Zambia to receive visits from United Nations Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, and Special Rapporteur on Freedom of Assembly and Association.<sup>18</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Equality and non-discrimination**

13. JS 3 stated that a strong patriarchal framework and the family structure favoured men over women at all levels and in all spheres of life, posing serious impediments to the advancement of women. Although social attitudes were gradually changing, women continued to occupy a subordinate position and remained economically dependent on a number of fronts.<sup>19</sup> JS 3 made recommendations which included allocating resources for strategies and the creation of incentives and quotas aimed at achieving equality between men and women.<sup>20</sup>

14. JS 3 stated that discriminatory laws negatively impacted on women.<sup>21</sup> It cited concerns raised inter alia by CEDAW in relation to Article 23 of the Constitution of Zambia. This provision permitted discriminatory practices emanating from customary laws.<sup>22</sup> JS 3 made recommendations which included amending Article 23 of the Constitution;<sup>23</sup> harmonizing customary law with the provisions of CEDAW;<sup>24</sup> and training judges, lawyers and prosecutors on the provisions of CEDAW.<sup>25</sup>

15. The University of Oklahoma College of Law – International Human Rights Clinic (UOCL-IHRC) stated that the recognition of women's rights to property, education, health and safety was yet to be fully realized. Women faced difficulty accessing and enforcing their rights, even those formally recognized under Zambian law. Property rights were impacted by customary law. The exercise of property rights for women was complicated by procedural and cultural impediments.<sup>26</sup>

16. CRR stated that the cultural preference for early marriage was widespread, particularly as girls were viewed as a source of income and wealth for payment of their dowries upon marriage. Married girls often receive little or no schooling and have limited autonomy and decision-making power within the marriage. CEDAW has identified eighteen as the appropriate legal age for marriage.<sup>27</sup>

## 2 Right to life, liberty and security of the person

17. Joint Submission 2 (JS 2) stated that the Zambian Constitution allowed for the death penalty and recommended that Zambia consider abolishing the death penalty.<sup>28</sup>

18. Southern African Centre for the Constructive Resolution of Disputes (SACCORD) stated that the death penalty did not serve as a deterrent to serious crimes and called for its abolition.<sup>29</sup>

19. SACCORD called for steps to be taken by Zambia to address extra judicial killings by police officers.<sup>30</sup>

20. Common Wealth Human Rights Initiative (CHRI) stated that despite Zambia's acceptance of the recommendation to take measures to eliminate torture, unlawful killings and torture by the police and authorities continued.<sup>31</sup> JS 2 made recommendations including enhanced human rights training for police officers and the strengthening of the mandate of the Police Public Complaints Authority.<sup>32</sup>

21. SACCORD stated that the police continued to use excessive force including torture when interrogating a suspect. SACCORD called for compensation and rehabilitation for victims of torture, prompt and decisive handling of torture cases.<sup>33</sup>

22. JS 2 stated that overcrowding in prisons were so severe that it posed a danger to the health of inmates. Inmates suffered from malnutrition, were exposed to inadequate medical care and risked rape and torture.<sup>34</sup> Also, the prison system did not provide adequate correctional and rehabilitative facilities.<sup>35</sup> JS 2 made recommendations including the urgent construction of new prisons and reforming the prisons to be correctional and rehabilitative centres.<sup>36</sup>

23. SACCORD also made recommendations including active investigations and monitoring of prison and detention centre conditions, the appointment of ombudsmen to act on behalf of prisoners and detainees, and to reform the prison system to serve as a correctional facility focused on the rehabilitation of prisoners, and to provide prisoners access to health services in every prison.<sup>37</sup>

24. CHR stated that children were kept in the same cells as adults; no adequate provision is made for women nursing children. Due to overcrowding, inmates slept in shifts and in very uncomfortable positions. Basic nutritional necessities were not afforded to inmates and this has led to cases of malnutrition and poor health conditions of the inmates. Inmates were denied basic sanitary installations and necessities such as soaps and clean water. Health care facilities in prisons were highly inadequate.<sup>38</sup> CHR made recommendations including providing health care for prisoners in compliance with international standards.<sup>39</sup>

25. JS 2 stated that the prevalence of HIV/AIDS in prisons have been attributed to a number of factors including men having sex with men, tattooing and intravenous drug use.<sup>40</sup> It made recommendations including addressing same sex activity through HIV/AIDS programmes and the recognition of conjugal rights for all married prisoners.<sup>41</sup> UOCL-IHRC made recommendations including the distribution of condoms in prison to reduce the transmission of HIV/AIDS.<sup>42</sup>

26. JS 6 stated that children are exposed to various form of violence including "defilement", commercial sex exploitation, early marriages, child labour, trafficking, and neglect.<sup>43</sup> It made recommendations including prohibiting violence against children in all settings, prioritising the prevention of violence against children, promoting non-violent values and awareness-raising, and enhancing the capacity of all who work with and for children.<sup>44</sup>

27. JS 3 stated that there was an increase in the “defilement” of girls and the perpetrators included fathers, uncles and grand-fathers.<sup>45</sup>

28. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment was lawful in the home. It was prohibited in private and public schools. In the penal system, corporal punishment was unlawful as a sentence for crime, while in alternative care settings, corporal punishment was lawful.<sup>46</sup>

29. JS 3 stated that in recent years there has been an increase in reported cases of gender based violence and that these cases included “defilement”, child marriage, rape, and spouse abuse.<sup>47</sup> UOCH-IHRC recommended amendment of the penal code to include marital rape.<sup>48</sup>

30. JS 3 stated that the the Anti-Gender Based Violence Act No 1 of 2011 provided good measures in dealing with the problem of gender based violence. However, the rules of enforcement were yet to be drawn up and the statutory instrument to operationalize the Act was yet to be issued.<sup>49</sup> JS 3 made recommendations which included prioritizing the full implementation of this Act.<sup>50</sup>

31. CRR called for the effective implementation of the Anti-Gender-Based Violence Act and also for the explicit criminalization of marital rape.<sup>51</sup> CHR made recommendations including, the creating of awareness of gender based violence.<sup>52</sup>

32. Joint Submission 4 (JS 4) stated that Zambia accepted six recommendations, which were directly or indirectly aimed at ameliorating the plight of children in street situations. In particular, the Government has agreed on a strategy of assistance and prevention for street children in order to protect and guarantee their rights, on allocating adequate financial resources to strengthen and protect the rights of children, and on improving access to anti-retroviral treatment for vulnerable groups. In general, Zambia has expressed its commitment on continuing efforts in economic, social and cultural rights to further build upon the progress it has already made.<sup>53</sup>

33. JS 4 expressed concerns that the approach adopted by Zambia was not tailored to respond to the needs of the children in street situations, in a holistic manner. Moreover, insufficient recognition was given to the role of the children in street situations when devising policies to improve their conditions, which only served to undermine their success.<sup>54</sup> JS 4 made recommendations including the adoption and implementation of a holistic national action plan to respond to the situation of children living and working on the streets.<sup>55</sup>

### **3. Administration of justice, including impunity, and the rule of law**

34. SACCORD stated that detainees were not often informed of the charges against them. It called for initiatives that would ensure the expedient disposal of cases and the introduction of “fast track courts” that will ensure that overflow cases were expediently handled.<sup>56</sup>

35. JS 6 stated that children had limited access to justice. Also, there was a lack of legal representation for children, an ineffective child friendly justice system, weak legal framework and a low age for criminal responsibility. The system did not take into account key factors such as participation of children in the process, acting in the best interest of the child, and equal treatment and the rule of law.<sup>57</sup> JS 6 made recommendations including strengthening the juvenile justice system by increasing the existing specialized child friendly courts and by making detention and custodial sentences initiatives of last resorts.<sup>58</sup>

**4. Right to privacy, marriage and family life (adjust the title, if relevant)**

36. CHR stated that homophobic statements from both political and religious leaders impacted negatively on the safety and welfare of gay persons due to their strong influence on the populace.<sup>59</sup> It expressed concern over, amongst others, a statement by the President that certain laws must be enforced against gay persons to preserve moral standards.<sup>60</sup> CHRI made recommendations which included repealing section 155 and section 158 of the penal code and an immediate end to arrests and prosecutions under these provisions, as well as the facilitation of constructive dialogue on LGBTI rights with stakeholders, including government ministries, civil society actors, religious leaders and the Zambian Human Rights Commission.<sup>61</sup>

**5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life (adjust the title, if relevant, to reflect the freedoms for which information is included)**

37. CHRI stated that Zambia accepted the recommendation to swiftly adopt the Freedom of Information Bill. However, this Bill was yet to be adopted.<sup>62</sup> It recommended the passing of this Bill without delay.<sup>63</sup> JS 2 also made recommendations which included the enactment of this Bill, and revision of the Official Secrecy Act.<sup>64</sup>

38. Article 19 stated that the Government controlled the *Zambia Daily Mail*, and the *Times of Zambia* which along with the state-run Zambia National Broadcasting Corporation's radio and television services, have the deepest and broadest penetration countrywide. These media providers were rarely critical of the Government with many of their journalists practicing self-censorship. The Government has continued to use means such as police raids and injunctions to control private radio and telephone stations.<sup>65</sup> Violence and intimidation of journalists and human rights defenders has become increasingly common and resulted in a culture of self-censorship.<sup>66</sup>

39. Article 19 stated that although the Constitution and the law protected the right to peaceful protest, *de facto* permits, which were required for rallies or demonstrations under the Public Order Act, were sometimes denied for politically motivated reasons.<sup>67</sup> Article 19 recommended reforming the law to protect against arbitrary denials of these permits.<sup>68</sup>

40. JS 2 stated that although the Constitution guaranteed the right to assemble, the Police and Government continued to use the Public Order Act to deny citizens the right to demonstrate and hold processions. The law has also been used against opposition political parties during political events.<sup>69</sup> JS 2 made recommendations including the revision of the Public Order Act.<sup>70</sup>

41. Joint Submission 5 (JS 5) cited cases of restrictions on freedom of expression, and attacks on, and arrests of, journalists.<sup>71</sup> It called for proper investigation into all cases of attacks on journalists and restrictions on press freedom, and also referral to the National Human Rights Commission.<sup>72</sup>

42. JS 5 stated that the Non-Governmental Organisations Act (2009) imperilled the freedom of association by creating a highly restrictive regulatory regime for NGOs that served to impede rather than enable freedom of association. It expressed concern about the registration procedures and accompanying criminal sanctions, the risk of excessive executive interference in NGO activities, and the imposition of a forced self-regulatory framework.<sup>73</sup> JS 5 recommended inter alia the repealing of this Act.<sup>74</sup>

43. Article 19 stated that legislation required all NGOs to register every five years, which can be denied on the basis of public interest, which is not defined in the law. Also, a government-dominated NGO Registration Board has broadly-defined powers to influence suspension and deregistration. JS 2 stated that this legislation aimed to restrict the work of

NGOs.<sup>75</sup> JS 2 and Article 19 make recommendations which included the repealing of this legislation.<sup>76</sup>

44. Joint Submission 6 (JS 6) stated that children's right to participation has not been effectively addressed. The legal framework provided limited opportunity for any meaningful engagement, particularly for children.<sup>77</sup> JS 6 made recommendations including that Zambia encourage children's participation in all levels of school life, and make children's school councils mandatory organs in schools' governance structures by 2013; that decision making powers should be devolved to existing community based structures such as Resident / Ward Development Committees which were easier for children to access; and the finalisation of the "child law review" aimed at ensuring that all child related legislation was aligned with the provisions of the CRC.<sup>78</sup>

## **6. Right to work and to just and favourable conditions of work**

45. JS 2 stated that the "labour movement" has instituted court proceedings against the Government for amending labour laws which were in contravention of ILO Convention 89 and Article 21 of the Constitution.<sup>79</sup> JS 2 recommended that the Industrial and Labour Relations Act amendment of 2008 should be reviewed so that it is brought in conformity with the ILO Convention 89 and article 21 of the Constitution.<sup>80</sup>

46. JS 2 stated that in 2009, nurses went on strike to protest against the poor conditions in hospitals and for improvement of their conditions of service. The Government responded by continuously intimidating the striking workers until they called off their strike.<sup>81</sup>

47. JS 2 stated that in 2010, workers at *Maamba Collum* mine were shot at by two supervisors for going on strike to protest poor working conditions. The Government did very little to protect workers interests.<sup>82</sup>

## **7. Right to social security and to an adequate standard of living**

48. UOCL-IHRC stated that the high poverty rate in Zambia was a pervasive problem, with sixty-four per cent of Zambians living in poverty. Zambia was implementing programmes to combat poverty through economic development, but it remained a struggle to lower the poverty rate and create a sustainable, healthy economy.<sup>83</sup> It made recommendations including the continuation of programmes designed to maintain and develop infrastructure and the providing of incentives and other benefits to those engaged in environmentally sustainable business practices and to new business owners.<sup>84</sup>

49. JS 4 stated that an increasing number of people depended on underground water. While regulations provided that bore holes for water were to be drilled a regulated distance from the nearest sewage pit, the small size of house blocks and lack of town planning supervision rendered compliance with this provision difficult.<sup>85</sup> The cost of noncompliance to Environmental Management Plans was currently not serious enough to warrant mining companies investing in pollution abatement.<sup>86</sup> JS 4 made recommendations including ensuring the development of adequate drainage and enforcement by local authorities of town planning regulations concerning the placement of bore holes and sewage outlets.<sup>87</sup>

## **8. Rights to health**

50. JS 1 stated that at its last review, Zambia accepted recommendations in relation to the right to health.<sup>88</sup> However, Zambia's health budget since 2008 has remained far below the required amount to achieve progressive realization of the right to health and the target of 15 per cent of the annual budget as provided for in the Abuja Declaration, has never been met.<sup>89</sup>

51. JS 6 made recommendations including that Zambia increase its national budgetary expenditure for health from eleven to fifteen per cent, four per cent of which to be allocated to maternal health and five per cent to be allocated to new born and child care. Also, that appropriate measures be taken to ensure nutritionists in rural health centres, by training 6,000 community health workers in basic nutrition by 2015.<sup>90</sup>

52. JS 1 stated that the health sector faced considerable challenges mainly accessibility to health infrastructure and essential medicines, insufficient quality of health care because of lack of human resources and lack of a coherent policy framework.<sup>91</sup>

53. JS 1 stated that medical facilities were poorly equipped and patients were not provided the required treatment and amenities. It urged Zambia to ensure that all its health facilities meet the requirements in terms of equipment and services in accordance with the Ministry of Health guidelines.<sup>92</sup>

54. JS 1 stated that there was an on-going human resource crisis in the health sector. Especially in rural areas, staff numbers were often significantly lower than the Ministry of Health provision for a given health facility. There were also high levels of absenteeism or lack of motivation among health personnel.<sup>93</sup>

55. JS 1 stated that there were significant challenges in accessing essential medication. Patients were often given a prescription for medication which they could not afford to purchase. Also, not all medical facilities provided Anti-Retroviral Therapy despite the seriousness of the HIV/AIDS epidemic.<sup>94</sup>

56. UOCL-IHRC stated that although Zambia has made significant progress in the treatment and prevention of HIV/AIDS, there was an increase in the infection rate among young women. Also, mother-to-child transmission rates continued to be high. Malaria was still the leading cause of child mortality. In rural areas, the lack of education and treatment contributed to malaria related deaths. UOCL-IHRC made recommendations including the taking of measures to guarantee the access to anti-retroviral treatment for vulnerable groups, including women especially pregnant women, and the implementation of a programme to provide formula for nursing mothers to prevent the spread of HIV/AIDS through breast-feeding.<sup>95</sup>

57. JS 1 stated that Zambia could significantly improve its service delivery in health if it put in place a sound and coherent policy framework grounded in a right to health-approach. Different approaches and policies have co-existed for the past years which have not been properly monitored and integrated into a consistent and aligned overarching strategy. JS 1 urged Zambia to finalize the review of the 1992 National Health Policy, to develop a comprehensive National Health Service Act and to finalize and adopt the Basic Health Care Package until 2015 at the latest.<sup>96</sup>

58. CHR stated that Zambia has made limited progress towards achieving its commitment to reduce maternal mortality by three-quarters by 2015, under the fifth Millennium Development Goal. Challenges in this regard included a severe shortage of qualified, skilled and competent nurses and mid-wives, limited access and unreliable transport for pregnant women in rural areas to enable them to deliver in health clinics, and unsafe abortions.<sup>97</sup>

59. CRR stated that there were “extraordinarily high levels” of maternal deaths, particularly among low income women and women who live in rural areas, which it attributed to insufficient resources and insufficiently enforced policies.<sup>98</sup> It made recommendations including the allocation of adequate resources.<sup>99</sup>

60. CRR stated that sexual and reproductive health information and services for adolescents remained inadequate.<sup>100</sup> It called for steps to be taken to increase knowledge



and awareness of, and access to, family planning services without discrimination, with a particular emphasis on adolescent and rural women.<sup>101</sup>

61. CRR stated that unsafe abortion was one of the most easily preventable causes of maternal death and disability. Lack of clarity and knowledge of the law coupled with procedural barriers impeded access to safe and legal abortion.<sup>102</sup> CRR made recommendations including that Zambia ensure that women and health care providers were aware of this law.<sup>103</sup>

62. Associazione Comunità Papa Giovanni XXIII (ACPG) stated that the Public Health System did not have the skills and tools necessary to prevent and treat malnutrition. There was a lack of specialized medical facilities for treatment of severe malnutrition and the shortage of health personnel. Overcrowding of the pediatric wards resulted in the increased spread of infectious diseases.<sup>104</sup> ACPG made recommendations including to provide adequate training to health personnel in the diagnosis and treatment of malnutrition.<sup>105</sup>

63. JS 4 expressed concern about alcohol abuse among underage drinkers, and that there were indications that the availability and sale of alcohol was not regulated in accordance with age restrictions.<sup>106</sup> It stated that there was a lack of implementation of the legal framework;<sup>107</sup> and made recommendations including the effective implementation of the “Liquor License Act”.<sup>108</sup>

## 9. Right to education

64. JS 1 stated that Zambia has taken some positive steps towards fulfilling the rights to education, especially at primary school level. Net enrolment rates have “reached very high levels” and gender equality, at least in primary education, has improved.<sup>109</sup>

65. UOCL-IHRC stated that Zambia was improving its primary education system, consistent with the recommendations made during its review. Zambia has, with the passage of the 2011 Education Act, instituted a national strategy to provide free, mandatory primary education.<sup>110</sup>

66. JS 1 stated the interpretation of what constituted free primary education continued to vary and that the state of affairs was far from providing free education. While the 2011 Education Act proclaimed that there shall be no admission and tuition fees in basic education, it also provided for the collection of general purpose funds and other fees and charges at public education institutions regardless of their level.<sup>111</sup> Also, costs associated with tuition, exam and uniforms could constitute disincentives to the enjoyment of the right to education.<sup>112</sup>

67. JS 1 stated while over the last four years there has been an increased budget for education, concerns remain that not enough funds were committed to progressively realize the right to education for all.<sup>113</sup> JS 4 called for concrete measures to ensure that funding for education continued to be a priority and not just political rhetoric.<sup>114</sup> It made recommendations including, the establishment of funding structures to ensure adequate and consistent funding to all schools and the allocation of extra funding for children with special needs.<sup>115</sup>

68. JS 1 stated that although significant progress in school infrastructure has been made since its review, this progress has been heavily skewed towards primary schools. Catering for those pupils wishing to progress to secondary school remained a challenge, especially in rural areas.<sup>116</sup> JS 1 stated that the pupil-teacher ratios remained unacceptably high and pupils did not benefit from quality teaching materials.<sup>117</sup>

69. JS 4 stated that the quality of education was negatively affected by the fact that: teachers were poorly paid, were insufficient in number to satisfy the number of pupils, and were not replaced when they took leave to further their own studies.<sup>118</sup> JS 4 made

recommendations, including providing teachers with competitive salaries and implementing better policy on teachers' study leave.<sup>119</sup>

70. JS 6 recommended that Zambia improve infrastructure in rural schools by providing them with electricity, safe water reticulation and sanitation. It also called for a reduction in the teacher-pupil ratio to 1 teacher to 40 pupils for basic school learners and 1 teacher to 35 pupils for high school learners, improved learning materials.<sup>120</sup>

71. UOCL-IHRC stated that the shortage of government run schools, particularly in the rural areas, has led to an increase in community based schools. These schools were dependent on NGO funding and fee collection and were vulnerable to financial constraints. UOCL-IHRC made recommendations including the developing of greater collaboration with community schools to develop financial security and resource assistance for those schools.<sup>121</sup>

72. ACPG stated that disabled children did not have equal access to education. They were denied access to education in most schools because of stigmatized and negative attitude of the school administration and staff members. Despite the initiative by the Ministry of Education to give an extra allowance to those schools with special education programmes, only a few schools have a special unit for those pupils with the various disabilities. Also, there were very few special schools for disabled children and schools with special education programmes.<sup>122</sup> ACPG stated that teenage mothers needed to be better informed about the reentry policy, because in many cases they were uninformed of the opportunity to return to school.<sup>123</sup> ACPG made recommendations including enhancing the special education programmes in schools and increasing the number of teachers trained in special education.<sup>124</sup>

73. JS 4 welcomed the inclusion of HIV and AIDS prevention in school curriculum. It called for additional measures to equip the guidance and counseling teachers with skills which will enable them to respond to the emotional and psychological needs of pupils with HIV and AIDS;<sup>125</sup> and recommended special training for guidance and counseling teachers.<sup>126</sup>

74. ACPG stated that the development of a national strategy for human rights education in the school system has been unsatisfactory. In some cases, teachers have no interest in teaching human rights or they simply do not know how or what to teach. Also, campaigns on the rights of the child and human rights in general have been inadequate.<sup>127</sup>

## **10. Environmental Issues**

75. JS 4 stated that forests and woodlands contributed significantly to the livelihood of people. Forests cover about sixty per cent of total land area but only about ten per cent was protected. Destruction of native forests led to soil erosion and a loss for agriculture. The practice of merely issuing licenses and collecting revenue from the forestry sector left the environment vulnerable. While the timber industry was valuable, there were limited strategies for making forestry sustainable.<sup>128</sup> JS 4 made recommendations which included the development and implementation of a national action plan to end indiscriminate deforestation.<sup>129</sup>

76. JS 4 stated that Zambia's environmental problems included the unsustainable utilization of natural resources, land degradation, and poor domestic and industrial waste management. There was also a lack of key stakeholders' participation in the governance of the natural resources, and widespread squatter settlements within which basic services and standards for a safe and healthy life were lacking.<sup>130</sup>

77. JS 4 stated that Zambia was particularly vulnerable to exploitation from transnational corporations.<sup>131</sup>

JS 4 expressed concern by the inadequate staff in the respective Government departments, which has contributed to the downward trend in environmental sustainability.<sup>132</sup> Also, while pilot projects in the area of Community Based Natural Resource Management (CBNRM)<sup>133</sup> have been realized, there was no policy or law to promulgate the practice.<sup>134</sup> JS 4 made recommendations including steps to help companies to invest in cleaner technologies and the adoption of CBNRM policy to ensure greater decision-making involvement of the local communities.<sup>135</sup>

78. JS 4 stated that waste management was a major problem and made recommendations including the implementation of a system of regular waste collection.<sup>136</sup>

#### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

##### *Civil society*

|            |   |
|------------|---|
| ACPG       | Associazione Comunità Papa Giovanni XXIII;  |
| Article 19 | ARTICLE 19: Global Campaign for Free Expression;  |
| CHR        | Centre for Human Rights, Faculty of Law, University of Pretoria, Pretoria, South Africa;  |
| CHRI       | Common Wealth Human Rights Initiative;  |
| CRR        | Centre for Reproductive Rights, New York, USA;  |
| GIEACPC    | Global Initiative to End All Corporal Punishment of Children;   |
| JS1        | The African Women Millennium Initiative in Zambia , Jesuit Centre for Theological Reflection , Treatment Advocacy and Literacy Campaign, Zambia Council for Social Development , Hope for Human Rights , Association for Land Development and Foundation for Democratic Progress, Zambia (Joint Submission 1);  |
| JS2        | Southern African Centre for the Constructive Resolution of Disputes , Hope for Human Rights , Anti-Voter Apathy Project , Transparency International Zambia , Federation for Trade Union in Zambia/Zambia Union of Financial Institutions and Allied Workers , Prisons Care and Counselling Association , Zambia Media Women Association, Zambia (Joint Submission 2);  |
| JS3        | African Women Millennium Initiative in Zambia , Women in Law and Development in Africa (Zambian Chapter) , National Legal Aid Clinic for Women , Young Women Christian Association , Justice for Widows and Orphans Project and Women for Change , Zambia (Joint Submission 3);   |
| JS4        | Edmund Rice International, Franciscan International, International Presentation Association, Istituto Internazionale Maria Ausiliatrice, VIDES International (Joint Submission 4);  |
| JS5        | CIVICUS: Alliance for Citizen Participation Web, xxx, and Zambia Council for Social Development (Joint Submission 5);   |
| JS6        | Advocacy for Juvenile Justice, African Network for Prevention and Protection against Child Abuse and Neglect (ANNPCAN), Action Aid, Campaign for Female Education (CAMFED) ZAMBIA, Childcare and Adoption Society of Zambia, Child Fund, Children Centenary Zambia, Children International Children In Need Network (CHIN), Christian Information Network, Community Based Intervention Association (CBIA), Forum For African Women Educationalist Zambia (FAWEZA), Full Proof Mission, Girl Guides Association of Zambia, Justice for Widows and Orphans, Lifeline Zambia, Media Network for Child Rights and Development (MNCRD), Plan Zambia |

Regional Pycho-Social Support Initiative (REPSSI), Room to Read, Rural Children's Hope, Save the Children, Sport in Action (SIA), Women and Development in Southern Africa, World Vision Zambia (WVZ), Youth Vision Zambia (YVZ), Zambia AIDS Research Advocacy Network (ZARAN), Zambia Civic Education Association (ZCEA), Zambia Deaf Vision, Zambia Interfaith Networking Group ON HIV and AIDS (ZINGO), Zambia National Education Coalition (ZANEC), Zambia Open Community Schools (ZOCS) (Joint Submission 6);  
SACCORD Southern African Centre for the Constructive Resolution of Disputes, Lusaka, Zambia;  
UOCL-IHRC University of Oklahoma College of Law – International Human Rights Clinic, USA.

- <sup>2</sup> JS 1, p. 5, para. 5.
- <sup>3</sup> CHR, p. 6. See also CRR, p. 8.
- <sup>4</sup> JS 1, p. 4, paras. 1, 2.
- <sup>5</sup> JS 3, p. 6, para. 9.
- <sup>6</sup> CRR, p. 2.
- <sup>7</sup> CRR, p. 8.
- <sup>8</sup> JS 1, p. 4, para. 3.
- <sup>9</sup> JS 1, p. 4, para. 4.
- <sup>10</sup> CHR, p. 6.
- <sup>11</sup> JS 1, p. 9, para. 18 (5).
- <sup>12</sup> JS 3, p. 10, para. 18 (9).
- <sup>13</sup> Article 19, para. 3.
- <sup>14</sup> Article 19, para. 17.
- <sup>15</sup> JS 5, p. 5, para. 5.1.
- <sup>16</sup> JS 1, p. 5, para. 4.
- <sup>17</sup> JS 1, p. 5, para. 4.
- <sup>18</sup> JS 5, p. 6, para. 5.4.
- <sup>19</sup> JS 3, p. 9, para. 17.
- <sup>20</sup> JS 3, p. 10, para. 18 (10).
- <sup>21</sup> JS 3, p. 5, para. 2.
- <sup>22</sup> JS 3, p. 5, para. 5.
- <sup>23</sup> JS 3, p. 9, para. 18 (1).
- <sup>24</sup> JS 3, p. 9, para. 18 (2).
- <sup>25</sup> JS 3, p. 9, para. 6.
- <sup>26</sup> UOCL-IHRC, p. 2.
- <sup>27</sup> CRR, pp. 5 -6.
- <sup>28</sup> JS 2, p. 7, paras. 10 – 13.
- <sup>29</sup> SACCORD, p. 4.
- <sup>30</sup> SACCORD, p. 9.
- <sup>31</sup> CHRI, para. 18.
- <sup>32</sup> JS 2, pp. 8-8, paras. 13, 14.
- <sup>33</sup> SACCORD, p. 5.
- <sup>34</sup> JS 2, p. 5, para. 3.
- <sup>35</sup> JS 2, p. 6, para. 5.
- <sup>36</sup> JS 2, p. 6, para. 6.
- <sup>37</sup> SACCORD, pp. 3-4.
- <sup>38</sup> CHR, para. 13.
- <sup>39</sup> CHR, para. 9.
- <sup>40</sup> JS 2, p. 6, para. 7.
- <sup>41</sup> JS 2, p. 7, para. 9.
- <sup>42</sup> UOCL-IHRC, p. 4.
- <sup>43</sup> JS 6, p. 7.
- <sup>44</sup> JS 6, p. 9.

- 45 JS 3, p. 7, para. 11.  
46 GIEACPC, p. 2 -3, paras. 2.1 – 2.5.  
47 JS 3, p. 6, para. 10.  
48 UOCL-IHRC, p. 3.  
49 JS 3, p. 7, para. 13.  
50 JS 3, p. 9, para. 18 (3).  
51 CRR, p. 8.  
52 CHR, p. 6.  
53 JS 4, p. 7, para. 31.  
54 JS 4, p. 9, para. 40.  
55 JS 4, p. 9, para. 41.  
56 SACCORD, p. 6.  
57 JS 6, pp. 4-5.  
58 JS 6, p. 6.  
59 CHR, para. 11.  
60 CHR, para. 10.  
61 CHRI, para. 16.  
62 CHRI, p. para. 3.  
63 CHRI, para. 6.  
64 JS 2, p. 10, para. 25. See also SACCORD, p. 7.  
65 Article 19, paras. 6 -7.  
66 Article 19, para. 8.  
67 Article 19, para. 13.  
68 Article 19, para. 17.  
69 JS 2, p. 8, para. 15.  
70 JS 2, p. 9, para. 20; See also SACCORD, p. 8.  
71 JS 5, p. 5, paras. 3.1 – 3.3.  
72 JS 5, p. 6, para. 5.3.  
73 JS 5, p. 2, paras. 2.1 – 2.5.2.  
74 JS 5, para. 5. 2.  
75 JS 2, p. 8, para. 16.  
76 JS 2, p. 9, para. 20; Article 19, para. 17; See also SACCORD, p. 9.  
77 JS 6, pp. 6-7.  
78 JS 6, p. 7.  
79 JS 2, p. 10, para. 27.  
80 JS 2, p. 10, para. 29.  
81 JS 2, p. 10, para. 28.  
82 JS 2, p. 10, para. 28.  
83 UOCL-IHRC, p. 1.  
84 UOCL-IHRC, p. 1.  
85 JS 4, p. 4, para. 58.  
86 JS 4, p. 13, para. 60.  
87 JS 4, p. 13, para. 63.  
88 JS 1, p. 5, para. 7.  
89 JS 1, p. 5, para. 7. JS 1 made recommendations (p. 13, para. 19).  
90 JS 6, p. 10.  
91 JS 1, p. 6, para. 8. JS 1 made recommendations (p. 13, para. 19).  
92 JS 1, p. 7, para. 9.  
93 JS 1, p. 7, para. 10.  
94 JS 1, p. 8, para. 11.  
95 UOCL-IHRC, p. 2.  
96 JS 1, p. 9, para. 12.  
97 CHR, para. 12.  
98 CRR, p. 2.  
99 CRR, p. 8.  
100 CRR, p. 3.

- 101 CRR, p. 8.  
102 CRR, p. 4.  
103 CRR, p. 8.  
104 ACPG, p. 5.  
105 ACPG, p. 6.  
106 JS 4, p. 5, para. 25.  
107 JS 4, p. 6, para. 26.  
108 JS 4, p. 6, para. 28.  
109 JS 1, p. 10, para 14.  
110 UOCL-IHRC, p. 3.  
111 JS 1, p. 12, para. 17.  
112 JS 1, p. 12, para. 17.  
113 JS 1, p. 10, para 14.  
114 JS 4, p. 3, para. 13.  
115 JS 4, p. 4, para. 15.  
116 JS 1, p. 11, para. 15.  
117 JS 1, p. 11, para. 16.  
118 JS4, pp. 4 – 5, paras. 19 – 22.  
119 JS 4, p. 5, para, 23.  
120 JS 6, p. 4.  
121 UOCL-IHRC, p. 3.  
122 ACPG, p. 3.  
123 ACPG, p. 3.  
124 ACPG, p. 4.  
125 JS 4, p. 4, para. 17.  
126 JS 4, p. 4, para. 18.  
127 ACPG, p. 4.  
128 JS 4, p. 12, paras. 53 – 55.  
129 JS 4, p. 12, para. 56.  
130 JS 4, p. 10, para. 42.  
131 JS 4, p. 10, para. 43.  
132 JS 4, p. 10, para. 45.  
133 The CBNRM involves local communities in decision making, and also ensures that benefits derived from the resource reach the communities.  
134 JS 4, p. 10, para. 47.  
135 JS 4, pp. 10-11, para. 48.  
136 JS 4, p. 11, paras. 49 – 52.
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