

# ZAMBIA

**NGO PROGRESS REPORT  
ON THE FOLLOW-UP TO THE  
CONCLUDING OBSERVATIONS  
(CCPR/C/ZMB/CO/3)**

AWOMI

WILDAF

ZCEA

With the support of:

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# ZAMBIA

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## Concluding Observations Selected for the Follow-up Procedure

### Paragraph 10:

The Committee notes with concern that the Zambian Human Rights Commission lacks funds to carry out its activities in an appropriate manner, and that it cannot receive financial support from international institutions or any other source unless expressly approved by the President. The Committee also regrets that it did not receive sufficient information on whether the Commission can make public and disseminate its reports and recommendations. (art. 2)

**The State party should make all possible efforts to increase the budgetary resources of the Zambian Human Rights Commission to permit it to discharge its functions effectively. It should ensure that the Commission is able to seek and receive funds from international institutions or any other source as it deems appropriate. The State party is encouraged to enhance the powers and the status of the Commission. It should ensure that the rules governing the Commission are in full compliance with the Principles relating to the Status of National Institutions (The Paris Principles, adopted by the General Assembly resolution 48/134 of 20 December 1993).**

### Measures by the Authorities to Implement the Recommendation

There has not been any effort done by the State to implement the recommendation with regard to enhancing the powers and status of the Commission.

There has not been any efforts done by the State to increase the budgetary resources to the Human Rights Commission hence the institution's operations are limited.

The State with the Commission to access funding from the International sources is still hampered by the State's strict rules which are actually not in compliance with the Paris Principles

Paragraph 12:

The Committee reiterates its concern that the exceptions taken to the right not to be discriminated against, as provided for in article 23 of the Constitution, are not in compliance with articles 2, 3 and 26 of the Covenant. The Committee is concerned, in particular, at exceptions relating to (a) non-citizens; (b) adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law; and (c) the application of customary law.

**The State party should review article 23 of the Constitution in order to bring it in line with articles 2, 3 and 26 of the Covenant.**

**Measures by the Authorities to Implement the Recommendation**

There is yet no significant commitment shown towards revising article 23 of the Constitution as recommended by the Committee. Currently the Country has the National Constitution Conference (NCC) process going on; the aspect of revising article 23 of the Constitution is not a hot issue of discussion.

Paragraph 13:

The Committee notes with interest the steps undertaken by the State party to review and codify customary laws. It remains concerned by the persistence, in the meantime, of customary practices that are highly detrimental to women's rights, such as discrimination in the area of marriage and divorce, early marriages and child bearing, bride price and polygamy, and reported restrictions on women's freedom of movement. (arts. 2 and 3)

**The State party should strengthen its efforts to ensure compliance of customary laws and practices with the rights provided for in the Covenant, and consider this issue as a high priority. It should pay particular attention to ensuring the full participation of women in the ongoing review and codification process of customary laws and practices. It should adopt immediate and concrete steps to discourage the persistence of customary practices that are highly detrimental to women's rights.**

**Measures by the Authorities to Implement the Recommendation**

The State through the Ministry of Justice has been dragging its feet to raise this issue to the parliament. It's with great concern that we note that the government has taken too long with its codification process which was stated way back in 2001. Acknowledging the fact that the State reported that there is a proposed Law which will deal with early marriage, it would have been of importance if the State considered taking urgent action on this matter so as to put an end to the persistent cases of early marriage as well as gender based violence that take the form of child defilement cases. The State should take advantage now to constitute this Law while the NCC process is underway and not when the process is finished. Therefore we recommend that the process be revised to make it more inclusive and participatory.

Paragraph 23:

The Committee expresses concern at the intolerable rate of prison overcrowding and the very poor conditions in places of detention. It notes however that the State party has acknowledged this situation and adopted some measures to address it. The Committee is also concerned that the length of pretrial detention is in many cases excessive. (arts 7, 9 and 10)

**The State party should develop alternative measures to imprisonment. It should take measures to ensure that the accused awaiting trial are not kept in custody for an unreasonable period of time. It should significantly increase its efforts to guarantee the right of detainees to be treated with humanity and dignity, by ensuring that they live in healthy conditions and have adequate access to health care and food. To the extent that the State party is unable to meet the needs of detainees, it should immediately take action to reduce the prison population.**

**Measures by the Authorities to Implement the Recommendation**

With regard to providing alternative measure to imprisonment, the State party has embarked on a process of opening up new stations. However the State should step up efforts to find better solutions, e.g there is need to look into issue of female prisons being guided by males who in some cases have bee report to have been abusing them, issue of food capacity and proper diet still remains critical issues. Concerning issues of health, there is a quite big number of prison inmates dying from curable diseases (e.g, sexually transmitted infection, TB. e.t.c) due to lack of proper health facilities measure in the prisons. Therefore more needs to be done. To this end we feel that nothing much has changed except the opening of one prison station.