

United Nations High Commissioner for Refugees

Zambia

We would like to bring your attention to the following excerpts of Treaty Body Concluding Observations and Special Procedure reports relating to issues of interest and concern to UNHCR with regards to Zambia.

Treaty Body Concluding Observations

**CCPR/C/ZMB/CO/3 90th Session
20 July 2007**

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.

**CERD/C/ZMB/CO/16 67th Session
27 March 2007**

9. The Committee, while welcoming the establishment of a Constitution Review Commission in 2003, reiterates its concern that article 23 of the Constitution, which allows for extended restrictions to the prohibition of discrimination with respect to non-citizens, matters of personal law and of customary law, is not in compliance with the Convention (art. 1).

The Committee recommends to the State party that it facilitate the constitutional review process and amend article 23 (4) of the Constitution so as to ensure the full implementation of the prohibition of racial discrimination. The Committee draws the attention of the State party to its general recommendation XXX (2004) on non-citizens. It also stresses that respect for customary law and practices should not be ensured through a general exception to the principle of non-discrimination, but should rather be implemented through positive recognition of cultural rights.

14. The Committee notes the efforts made by the State party to address the demands in the sphere of education, health care and food in regions hosting a large population of refugees, in particular through the Zambia Initiative. It remains concerned, however, about the fate of thousands of long-term refugees who are unable to return to their countries of origin, in particular Angolans, in a context where the 1970 Zambian Refugee Control Act does not encourage their local integration (art. 5).

The Committee encourages the State party to review its current refugee policy with a view to enhancing prospects for local integration of long-term refugees. To this end, the Committee recommends to the State party that it review the Refugee Control Act and consider withdrawing its reservation to the 1951 Convention relating to the Status of Refugees.

CRC/C/15/Add.206

2 July 2003

Right of non-discrimination

21. The Committee notes that the Constitution enshrines general provisions against discrimination (arts. 11 and 23), although it does not always apply to foreigners, and that further legislation and policies are not in line with the general principle of non-discrimination. The Committee is concerned, however, that the principle of non-discrimination is not adequately implemented with respect to children belonging to the most vulnerable groups such as girls, children with disabilities, orphans, disadvantaged children, refugee children and children born out of wedlock.

22. The Committee recommends that the State party:

(a) Make greater efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2; and

(b) Prioritize and target social services for children belonging to the most vulnerable groups.

Refugee children

58. The Committee welcomes the efforts undertaken by the State party to integrate refugee children into the society in spite of the difficult economic situation. It nevertheless remains concerned about the difficult situation encountered by child refugees and their families, e.g. in the areas of health care and education.

The Committee recommends that the State party strengthen the legal protection of refugee children. The Committee encourages the State party to continue and expand its cooperation with international agencies such as, UNHCR and UNICEF.

- End of excerpts -

Protection Operation and Legal Advice Section

Division of International Protection Services

UNHCR

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