



**International Covenant
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HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

ZAMBIA

**Information received from Zambia on the implementation of the concluding observations
of the Human Rights Committee (CCPR/C/ZMB/CO/3)**

[9 December 2009]

MEASURES TAKEN BY ZAMBIA TO IMPLEMENT THE RECOMMENDATIONS OF THE HUMAN RIGHTS COMMITTEE

1. In reply to the Committee's letter dated 12 October 2009 pertaining to its concluding observations (CCPR/C/ZMB/CO/3), in which further information on the specific areas of concerns in its paragraphs 10, 12, 13 and 23 was requested, Zambia submitted the information below.

Zambia Law Development Commission

2. The Zambia Law Development Commission has embarked on consultations on legislation to govern customary marriages. It is envisaged that the proposed legislation will ensure that women are not discriminated against in the area of marriage and divorce. The proposed law will also deal with the issues of early marriages.

3. So far this year, the Commission has undertaken field research in all nine provinces of Zambia, as follows:

Province	Districts covered
Eastern	Chama, Lundazi, Katete and Chipata
Western Province	Mongu, Kaoma, Lukulu and Senanga
North-Western Province	Zambezi, Kabompo, Mwinilunga and Solwezi
Northern Province	Mbala, Nakonde, Mpika and Kasama
Luapula Province	Nchelenge, Chiengi, Mansa and Samfya
Central Province	Serenje, Mkushi, Chibombo and Kabwe
Southern Province	Kazungula, Sinazongwe and Namwala
Lusaka Province	Luangwa, Mumbwa, Chongwe, Kafue and Lusaka Urban

Copperbelt Province

Kitwe, Ndola, Mpongwe and

Lufwanyama

4. The Committee may wish to know that, during research, research officers talked to Chiefs, Induna (Governors) and members of communities. They also talked to Local Court Magistrates, civil society organizations and non-governmental organizations.

5. The Commission is now in the process of preparing a working paper that will be the basis for further consultations with stakeholders in the course of next year.

6. During the consultations, the Commission will ensure that there is wider participation of women as major stakeholders in the process. Further, in order to discourage the persistence of customary practices that are detrimental to women's rights, the Commission will target traditional leaders (Chiefs) who are the custodians of traditions and customs. The Chiefs will be engaged in this process so that they can discourage their subjects from practicing negative traditions and customs that have the tendency to suppress women's rights.

Zambia Prisons Services

7. Zambia acknowledges that it has been experiencing overcrowding in prisons, which has led to poor health conditions in places of detention in recent years.

8. The Government of Zambia, through the Zambia Prisons Service, has successfully undertaken effective intervention measures to address the problem of congestion and poor conditions in detention places. These measures include:

- (a) The establishment of about 30 open-air prisons around the country as compared to three at the time of independence. This intervention has helped to reduce congestion at Lusaka Central Prison and other prisons in the country;
- (b) The transfer of prisoners from overpopulated to less populated prisons, which has contributed to the reduction in overcrowding. For instance, a population of about 3,000

inmates at Lusaka Central Prison was reduced by transferring about 1,600 inmates to Kabwe and Kamfinsa prisons in November 2008;

(c) The Government has constructed a modern maximum-security prison at Mwembeshi which is already at completion stage. Livingstone Central Prison is being upgraded to a maximum-security prison. These measures will reduce dependence on Kabwe Maximum Security Prison. Kamfinsa Prison has also been rehabilitated and can accommodate a reasonable number of convicts.

(d) The exercise of the prerogative of mercy by the Republican President to pardon prisoners is one significant statutory measure that the Government has continued to use to reduce overcrowding in prisons. The power to pardon prisoners is vested in the President under Article 59 of the Zambia Constitution;

(e) The Government has also introduced a parole system following the enactment of the Statutory Instrument No.101 of 2008. The National Parole Board was constituted to spearhead the implementation process of parole programmes. This Board comprises key stakeholders in the Criminal Justice System. In 2009, the Zambia Prisons Service released a total of 85 prisoners on parole while 45 cases are still under consideration;

(f) The Government has embarked on a pilot project to develop and improve on alternative measures to imprisonment. To that effect, the Government has introduced community services for offenders convicted for misdemeanors. The Prisons Act, Chapter 97, the Penal Code 88 and the Criminal Procedure Code Chapter 89 of the Laws of Zambia were amended to allow the courts to order community service as an alternative punishment to imprisonment;

(g) The Prisons Service has embarked on holding workshops and refresher courses for officers on humane treatment of offenders in accordance with the international standard minimum rules.

9. The Government of Zambia is working hard to ensure that the Prisons Service becomes self-sustaining in terms of food security for the prisons. To that end, the Government is providing prisons service with adequate agricultural equipment and inputs.

Article 23 of the Zambian Constitution

10. As regards the Committee's concern relating to Article 23 of the Constitution (para. 12 of the concluding observations), Zambia is currently undergoing a Constitutional Review Process through the National Constitutional Conference (NCC), as such an informed response will be given once this process is finalized.
