



Commonwealth Human Rights Initiative

working for the practical realisation of human rights in the Commonwealth

**Submission of the Commonwealth Human Rights Initiative (CHRI) for the Universal Periodic Review of
Zambia
February 2008**

CHRI's work on Zambia is limited. This submission is based on information gathered CHRI's human rights monitoring section. Most of the information is from secondary sources.

A. The current normative and institutional framework of the country under review

During 2007, CHRI received information that Article 23 of the Zambian Constitution, which provides for exceptions to the principle of non-discrimination on matters of personal and customary law, does not comply with Article 1 of CERD. CHRI also received information that the Zambian Constitution allows fundamental rights enshrined in the ICCPR to be suspended during times of emergency.

CHRI is aware that insulting the head of state is a crime in Zambia punishable by a three year jail term. This arbitrary and draconian and gives a lot of space for the executive to violate the freedom of expression. It also appears that public confidence in the judiciary has eroded due to rampant corruption.

B. The implementation and efficiency of the normative and institutional framework for the promotion and protection of human rights

During 2006, CHRI received information that the Zambian Human Rights Commission is drastically understaffed and lacks the technical support needed for effective investigation and inspection visits. The Commission was also reported to have an enormous backlog of cases.

C. Cooperation of the country under review with human rights mechanisms

In its pledge to the Council Zambia emphasised on its support to liberation struggles in Africa and to countries emerging from conflict. Unfortunately, despite its long history of supporting freedom movements in the region, Zambia failed to take a strong stand on Zimbabwe. In the first year of the Council, Zambia usually preferred to remain cautious and silent. Zambia had also endorsed the Southern African Development Community's decision to mildly engage with Zimbabwe.

D. Human Rights instruments and documents

In its pledge to the Council Zambia pledged to "accelerate the processes" to adhere to the two Optional Protocols to CRC and the Optional Protocol to CEDAW. Zambia is yet to fulfill this pledge.