

ADVANCE QUESTIONS TO ZAMBIA

DENMARK

- Zambia has had a de facto moratorium on executions since 1997, but reports raise concerns about the high number of prisoners remaining on the death row. How will the issue of the death penalty be dealt with under the ongoing revision of the Constitution?
- Reports raise concerns about the high number of gender-based violence cases in Zambia. What policy measures is the Government of Zambia putting in place to reduce this? Can you provide any information about the status of the Gender-Based Violence Bill?
- Concerns have been raised about the high number of cases involving violence, and in some cases torture, by the police in its dealing with arrests and detention. What does the Zambian Government intend to do about these cases and what are the reasons that the Police Public Complaint Authorities so far have failed to prosecute officers alleged to have violated the human rights of detainees or prisoners?

GERMANY

- There are still a number of core human rights treaties to which Zambia has not yet become party, in particular ICCPR-OP 2, OP-CEDAW, OP-CAT, OP-CRC-AC, OP-CRC-SC. It appears from the compilation prepared by OHCHR (A/HRC/WG.6/2/ZMB/2), para 34, that the Zambian Government is willing to accelerate the process of signing the two optional protocols to the CRC and OP-CEDAW -- which is to be welcomed. When exactly will signing and ratification take place and which concrete measures are envisaged to be taken to better incorporate the provisions of CEDAW, CAT and CERD into domestic legislation?
- It also appears from the compilation prepared by OHCHR (A/HRC/WG.6/2/ZMB/2), para 25, that CESCR was deeply concerned that extreme poverty in Zambia has negatively affected the enjoyment of economic, social and cultural rights especially by the most disadvantaged and marginalized groups, including girl children and those affected by HIV. What measures envisages the Zambian Government to take to improve the situation of these most disadvantaged groups?

IRELAND

- Ireland welcomes the existence of the Zambian Human Rights Commission however we note concerns that a number of factors including budgetary constraints and lack of political support have adversely affected the effectiveness of the Commission. Have any measures been taken to improve the way in which the Commission carries out its work? Does the Commission have sufficient independence to address politically sensitive issues?

- In 2005-2006 the Government of Zambia informed the Special Representative of the UN Secretary General on Human Rights Defenders (HRDs) that it intended to develop a legally binding code of conduct to guide the activities of human rights defenders. Has this initiative been advanced and if so does it improve the enabling environment for human rights defenders?
- There have been reports that women human rights defenders in Zambia have been subjected to stigmatization, discrimination and intimidation. What measures are in place to support women human rights defenders?
- The Special Representative of the UN Secretary General on HRDs has noted that libel and security laws have reportedly been used to intimidate journalists. The Human Rights Committee has also noted that defamation against the President as well as publication of false news are still considered criminal offences under the Penal Code. Have these provisions in the Penal Code been repealed, as requested by the Human Rights Committee?
- The Human Rights Committee and the Committee Against Torture (CAT), among others, have expressed concern at poor conditions in places of detention, including prison overcrowding. The Committee on Economic, Social and Cultural Rights (CESCR) and CAT have also urged the Government to strengthen measures aimed at improving the living conditions of prisoners and detainees. Ireland notes that Zambia has acknowledged this situation and that some progress has been made. What measures have been taken to address the situation in prisons?

LATVIA

- According to the information of the Office of the UN High Commissioner for Human Rights 59 countries from different regions of the world have issued standing invitations to all special procedures of the Human Rights Council. Despite visits requested but not yet agreed (the Special Representative of the Secretary-General on the situation of human rights defenders and Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (2007)) – would your country consider extending a standing invitation to all special procedures of the Human Rights Council in the future?

NETHERLANDS

- The Netherlands commends Zambia for having acceded to and ratified several international conventions such as CAT, ICERD, ICESCR and ICCPR. Could you please give information about the steps Zambia is taking to incorporate these conventions into domestic law?
- Can you please clarify why Zambia has not yet signed the Second Optional Protocol to the International Covenant on Civil and Political Rights given that

the right to life is protected under Article 12 of the Zambian Constitution and Zambia has not carried out any executions for the past 10 years?

- We would be interested to hear if any consideration is being given to reforming the Penal Code with regard to the issue of consensual same-sex conduct?
- We commend Zambia for acknowledging the problems it is facing regarding the condition in the prisons and the dialogue Zambia has entered on this issue. We would welcome further information about the steps Zambia is taking to improve the conditions in the prisons in general and to reduce the amount of time spent in police custody by accused persons and in prison custody by those awaiting trial?

SWEDEN

- In its resolution 62/149 of 18 December 2007, the General Assembly called on states to establish a moratorium on executions with a view to abolishing the death penalty, and to respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty. In its national report to the 2008 Universal Periodic Review, the government of Zambia referred to the restrictions it has put in place with regard to the imposition of death sentences, as well to the fact that no executions have been carried out since 1997. Could the government of Zambia elaborate on the status of the death penalty in Zambia in relation to GA resolution 62/149?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Could you please elaborate further on the role civil society in Zambia played in the preparation of your national report for this process?
- We would be grateful for further information about the steps Zambia is taking to incorporate the CAT, ICERD, ICESCR and ICCPR into domestic law and what further measures are planned to ensure timely reporting.
- Could you tell us what Zambia is doing to strengthen the role of the Human Rights Commission and the Police Public Complaints Authority and to ensure that they are adequately resourced to perform their important functions.
- We would be grateful for an update on the Government of Zambia's views on abolition of the death penalty given that the right to life is protected and guaranteed under Article 12 of the Zambian Constitution and that no executions have been carried in the last 10 years
- We would be grateful for further information about the steps Zambia is taking to reduce the amount of time spent in police custody by accused persons and in prison custody by those awaiting trial.
- What measures are being considered to help reduce the prison population, in particular in relation to judicial reforms?

- What consideration is being given to reforming the Penal Code with regards to the issue of defamation and publication of false news?
- Could you please elaborate further on the role of the Human Rights Commission in Zambia and if it is in full compliance with the Paris Principles?