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NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)
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Zambia

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I. METHODOLOGY

1. The National Report on the Universal Periodic Review (UPR) was prepared by the Government of the Republic of Zambia through the Ministry of Justice. Gazette Notice No. 543 of 2003 mandates the Ministry of Justice to deal with matters related to human rights and governance. The Ministry appointed an inter-ministerial committee on human rights comprising relevant ministries and departments, the Judiciary, and Human Rights Commission whose mandate was to coordinate the preparation of the report. Among its tasks the Committee ensured that national consultation was undertaken and input from stakeholders including Civil Society were incorporated into the draft report and thereafter validated through the same process.

2. In line with the guidelines of the United Nations Human Rights Council adopted at its Sixth Session in September, 2007, Government held nine consultative workshops in all the nine provinces of Zambia. The purpose of the workshops was to, firstly, familiarise the participants with Zambia's obligations under international human rights law and the Universal Periodic Review and, secondly, to gather information on the situation of human rights for inclusion in the national report. Participants in the provincial workshops were drawn from Government institutions, Civil Society Organisations and the Human Rights Commission. The UPR process was highly publicised in order to raise awareness and assure public participation in the Country.

II. BACKGROUND

3. Zambia is a landlocked country covering an area of about 725,614 square kilometres. It has 72 districts and 9 provinces. Generally, Zambia lies on the great Central African plateau with an average altitude ranging between 1,000 and 1,300 meters. Zambia's vegetation may be broadly classified as woodland savannah, which is a mixture of various trees, tall grass, shrubs and other woodlands, which are mainly of the deciduous type usually found on the main plateau.

4. The census of population and housing remains the main source of demographic data in Zambia. Censuses are conducted every ten years, the last one having been undertaken in 2000. The population of Zambia recorded in the 2000 census was 9,885,591 with males accounting for 4,946,298 and 4,939,293 being females. The Central Statistical Office will conduct the next census in 2010.

5. The national normative framework in which human rights are protected consists of the Republican Constitution, other pieces of legislation, court decisions or precedents, customs and traditional practices. In addition, Zambia has ratified or acceded to some of the major international human rights treaties, which include the Covenant on Civil and Political Rights, Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Racial Discrimination, Convention Against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Elimination of All Forms of Discrimination against Women and Convention on the Rights of the Child.

6. Further, Zambia has ratified regional instruments for the protection and promotion of human rights and fundamental freedoms. It is worth noting that international instruments are not self-executing and require legislative implementation to be effective in Zambia as law. Thus, an individual cannot complain in a domestic court about a breach of Zambia's international human rights obligation unless the right has been incorporated into domestic

law. Nevertheless, courts in Zambia have in appropriate cases given judicial notice to international instruments which Zambia has ratified or acceded to even though these have not been reduced into domestic legislation.¹

7. The Zambian Constitution is the supreme and basic law of the country and expressly provides for general principles upon which the State is organised. It also provides for the establishment, mandates, powers and separation of the three arms of State that is, the Executive, Legislature and Judiciary. It further makes provision for the Bill of Rights in Part III upon which every individual in Zambia can claim or enjoy their human rights and fundamental freedoms.²

8. Furthermore, Part IX of the Constitution contains directive principles of State policy that are intended to guide the Executive, Legislature and Judiciary in developing and implementing national policies; in making and enacting laws; and in the application of the Constitution and any other law as far as economic, social and cultural rights are concerned.

9. Zambia has also established other national human rights institutions. The Human Rights Commission established in 1996 under the Constitution. The Human Rights Commission is mandated, *inter alia*, to investigate human rights violations; maladministration of justice; and to propose effective measures to prevent human rights abuses.³

10. The Commission for Investigations was also established under the Constitution. It is headed by the Investigator General (Ombudsman) who is empowered to investigate and report to the President complaints made to him/her about mal-administrative actions taken by public authorities.⁴

11. In 1999, Zambia established the Police Public Complaints Authority (PPCA) which commenced its operations in 2002. The PPCA addresses public complaints against police misconduct in order to secure individual fundamental rights and freedoms and achieve professionalism in the Zambia Police Force.⁵

12. Government further strengthened the Gender in Development Division (GIDD) by creating a portfolio for a Cabinet Minister of Gender and Women in Development in 2006 to ensure that there is representation of gender and development issues at the highest level of government. In 2000, the Zambian Government created a Gender in Development Division under Cabinet Office.

13. Government has initiated the Access to Justice Program to ensure access to justice by vulnerable people.⁶ As part of the justice reforms, the Legal Aid Act was amended in 2005 to provide for a legal aid fund and to enable the Legal Aid Board to carry out its operations in an efficacious manner. Key initiatives under the Access to Justice programme include improving communication, cooperation and coordination among justice institutions and other stakeholders; increasing competence and motivation of personnel in justice agencies and institutions; improving accessibility of justice agencies and institutions, especially by the poor and vulnerable women and children; improving the legislative process and policy and framework affecting the administration of justice; increase public awareness of human and civil rights and of judicial procedures and remedies; and improving record keeping and information management within and across justice agencies and institutions.

14. In recent years, human rights' training has been incorporated in the training syllabi of law enforcement personnel and recruits. Plans are underway to review the current human rights syllabi in order to make its content more responsive to the needs of the trainees on interrogation methods, rights of suspects, treatment of persons in custody and guidelines on the use of force (including firearms). The Human Rights Commission is also occasionally invited by the law enforcement agencies to conduct lectures in human rights. Human rights training programmes are also conducted by non-governmental organisations.

15. Zambia has a robust civil society which plays an essential role in the promotion of human rights standards through several community based initiatives.

III. CIVIL AND POLITICAL RIGHTS

16. As already indicated above, the domestic human rights regime in Zambia is centred on Part III of the Constitution entitled "*Protection of the Fundamental Rights and Freedoms of the Individual*", also referred to as the National Bill of Human Rights. This part has been a feature of every constitution of Zambia since 1964.

17. According to Article 11 of the Constitution, every person in Zambia is entitled to all fundamental rights and freedoms provided in the Constitution, without any distinction based on race, place of origin, political opinions, colour, creed, sex or marital status. Article 11 summarises the rights and freedoms contained in Part III for every person as:-

- (a) life, liberty, security of the person and the protection of the law;
- (b) freedom of conscience, expression, assembly, movement and association;
- (c) protection of young persons from exploitation; and
- (d) protection for the privacy of his home and other property and from deprivation of property without compensation.

18. The enjoyment of the rights and freedoms guaranteed in the Constitution are subject to limitations that are necessary for the maintenance of public order, public security, public safety, public health or public morality, as well as for ensuring the protection of the rights and freedoms of others.

19. Articles 28 of the Constitution gives the right to any person who feels that his or her rights, as guaranteed under the Constitution, have been or are about to be violated, to seek legal redress in the High Court. The Court has power to award the following remedies:

- (a) Damages;
- (b) Declaration;
- (c) Mandamus;
- (d) Habeas corpus; or
- (e) Any other remedy.

20. The following civil and political rights are protected as follows:

A. Right to life

21. The right to Life in Zambia is considered as the most important basic human right deserving utmost guarantee and protection.

22. It is protected and guaranteed under Article 12 of the Constitution.⁷ In Zambia life is considered to start from conception and thus it is prohibited to terminate a pregnancy except as provided for under the Termination of Pregnancy Act⁸. The right to life is also supported by other legal and institutional mechanisms relating to environmental protection, public health and nutrition.⁹

23. Zambia still maintains the death penalty and has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights. The death penalty is only imposed where there is a conviction of treason, murder or aggravated robbery involving the use of a firearm. These offences are regarded as the most serious crimes in Zambia.

24. It is worth noting, however, that although the death penalty is still legal and that courts have continued to impose it in appropriate cases, the State has not carried out any executions since 1997. Further, Zambian criminal law prohibits the imposition of capital punishment on a pregnant woman or on a person who, at the time of the commission of the offence, was under the age of 18 years.

B. Right to liberty

25. Article 13 of the Constitution guarantees the right to liberty. A person cannot be arbitrarily deprived of his personal liberty. A person's liberty can only be deprived in execution of a sentence or order of a court; in contempt of court; upon reasonable suspicion of commission of a criminal offence; to ensure the welfare or education of a minor (person below 18 years); or for the purpose of preventing the spread of an infectious or contagious disease.

26. A person may also be deprived of his liberty when he is or suspected to be of unsound mind, addicted to drugs or alcohol or a vagrant, for the purpose of care, treatment or the protection of the community. Under the *Mental Disorders Act*¹⁰ a person's liberty can be deprived under the authority of a warrant or order of the Minister, a Judge or a Magistrate.

27. A person may also be detained to prevent unlawful entry or for the purpose of effecting the expulsion, extradition or other lawful removal. The *Immigration Control and Deportation Act*¹¹ gives the Immigration Department the power to detain any person who upon reasonable suspicion and grounds is a prohibited immigrant for a period not exceeding 14 days.

28. Article 18 (1) of the Constitution is instructive on the conditions that apply to persons deprived of their liberty. When an individual is arrested, his rights will be explained and the offence read out to him by the arresting officer. Further, Section 33 (1) of the Criminal Procedure Code obliges the arresting officer to present an accused person within 24 hours to court. However, at times it is difficult to ensure the 24 hour time limit because of logistical problems such as transport, court infrastructure and human resource. As such most accused persons are not taken to court in time.

29. Furthermore, when a person has been detained, such person is allowed access to his lawyer, family or friends. This acts as a safeguard against the danger of enforced disappearances. The length of time in which a person can be detained while awaiting trial depends on the courts and is not defined by law. The only requirement is that a detained person must appear in court fortnightly subsequent to his initial appearance.

30. Through the Judiciary, government has introduced Obligatory Periodic Returns which are submitted monthly by all magistrates in order to assess the rate at which cases are disposed of. To reduce the length of pre-trial detention, Government has also embarked on constructing new district courts.

C. Slavery, servitude and forced labour

31. In Zambia slavery and servitude are prohibited in absolute terms under Article 14(1) of the Constitution. Further, Article 14(2) proscribes forced labour, except under the situations prescribed in Article 14(3), which allow for hard labour as a form of punishment,¹² provided such labour is not performed on Sundays, public holidays or other times that may conflict with the faith of a prisoner.¹³

32. Under Zambian law only male prisoners can perform hard labour. However, both convicts and non-convicts are required to keep their cells, clothing and utensils clean.¹⁴ A prisoner may, under supervision, be hired out or placed at the disposal of a parastatal organisation, a public company, a statutory corporation or a public institution.¹⁵ Where a prisoner is hired out he is entitled to be paid wages. Persons on conditional release may be subject to community service.¹⁶ Article 24 of the Constitution prohibits the exploitation of young persons. It defines a young person as a person below the age of 15 years. Article 24(1) provides that a young person shall not be employed in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development.¹⁷

33. The Penal Code¹⁸ prohibits practices such as trading, accepting, receiving or detaining a person as a slave; procuring or attempting to procure a woman below the age of 21 as a prostitute in a brothel in Zambia or elsewhere either through the use of threats or other means. Owners of premises are also prohibited from using such premises for men to have unlawful carnal knowledge of girls under 12 years, an offence which attracts a term of 5 years imprisonment.¹⁹

34. Zambia ratified the protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol), supplementing the United Nations Convention Against Transnational Organised Crime (Palermo Convention) on 24th April, 2005.

35. In 2004 Government established an *Inter-ministerial Committee on Trafficking* under the Ministry of Home Affairs. The mandate of the Committee is to respond to the problem of human trafficking and to develop a national policy on trafficking and a preliminary national plan of action. It is also mandated to raise public awareness amongst individuals about the vices of trafficking.

36. In addition, the Zambia Police Service established the Sex Crimes Unit in 2003 to deal with cases of sexual assault, defilement and rape.

37. The practice of compulsory military service does not exist in Zambia. Enlistment into the defence forces is voluntary.²⁰ A recruiting officer cannot enlist any person in the Regular Force unless he is satisfied that the person intending to be enlisted understands the general conditions of engagement and wishes to be enlisted. In addition a recruiting officer cannot enlist a person under the apparent age of 18 unless consent to the enlistment has been given in writing by his parent or guardian or where the parents or guardian are dead or unknown, by the Town Clerk or Council Secretary of the district in which the recruit resides.

D. Freedom of expression and the press

38. The right to freedom of expression is guaranteed in Article 20 of the Constitution. Article 20, prohibits the hindrance of the enjoyment of freedom of expression and opinion, including the right to receive and impart ideas and information. It also prohibits interference with one's correspondence and enactment of laws derogating from freedom of the press. Necessary limitations are applicable based on considerations that are reasonable and justifiable in a democratic society. These include protecting the reputations of others and disclosure of other privileged information.

39. The *Defamation Act*²¹ regulates matters relating to civil defamation of character of an individual. The Penal Code criminalises defamation of the President of the Republic²². Zambia remains committed to the creation of a conducive environment for the media to operate freely and to ensure a free flow of information. To this effect, Government intends to re-introduce the freedom of information bill in Parliament.

E. Freedom of assembly and association

40. Individuals in Zambia have the right to assemble freely and associate with other persons, including the right to form or belong to any political party, trade union or other association for the protection of their interests as provided by Article 21(1) of the Constitution.²³ Necessary limitations apply, which take into account the interests of defence, public safety, public order, public morality or public health.

41. The *Societies Act*²⁴ regulates the registration of political parties, non-governmental organisations (NGOs), clubs and other forms of associations. There are currently 39355 Registered Associations in Zambia.

42. The *Public Order Act*²⁵ regulates the conduct of assemblies, rallies and processions. Police notification is required for the holding of public assemblies, with an undertaking that peace and order will be maintained by the organisers.

F. Freedom of conscience and religion

43. The preamble of the Zambian Constitution declares Zambia a Christian nation while upholding the right of every person to enjoy freedom of conscience or religion. The preamble has no legal effect and by no means does it imply that Christianity is a State religion although it is the dominant religion, broken down in different denominations. Other religions include Islam, Hinduism, Buddhism and the Bahai Faith. Members of these religions are free to exercise their freedom of worship without undue interference.²⁶

44. Religious denominations are free to provide religious instruction to anyone enlisted in their communities. Some of these denominations have established their own places of

worship throughout the country and are also free to establish educational institutions such as schools, colleges and universities. Individuals are free to attend educational institutions of their choice, including those not of their faith. A minor attending any place of education is not required to receive religious instruction or to take part in any religious ceremony or observance except with the consent of his parent or guardian, especially where the instruction or religious ceremony is different from his own.

45. In order to enhance freedom of conscience and religion, the *Penal Code* creates various offences relating to religion. These include the prohibition of destruction, damage or defilement of any place of worship with the intention of insulting the religion of any class of persons. It is also prohibited to disturb any religious assembly and to intentionally wound the feelings of any person by insulting their religion or to commit any trespass on such religious establishment.

G. Political rights

46. Zambia is a multiparty democracy allowing for the expression of different political views. According to Article 1 (2) of the Constitution, all power resides in the people who have the power to exercise their sovereignty through the democratic institutions of the State. All Zambians aged 18 years and above have the right to vote, and it should be noted that Article 113 (e) of the Constitution makes it a duty for every citizen to vote in national and local government elections. Article 113 (d) of the Constitution further makes it a duty of every citizen to promote democracy and the rule of law.

47. Elections in Zambia are by direct universal adult suffrage and secret ballot.²⁷ The *Electoral Act*²⁸ makes provision relating to elections to the office of the President and National Assembly; empowering the Electoral Commission to make regulations providing for the registration of voters and for the manner of conducting elections. Any Zambian who meets the stipulated conditions can stand for public office at presidential, parliamentary and local levels.²⁹

48. Article 41(2) of the Constitution provides for the determination of election petitions on the election of a President by the full bench of the Supreme Court. Section 18 of the Electoral Act provides an opportunity to losing candidates in a National Assembly election to petition the High Court over electoral disputes. The High Court is obliged to dispose off a petition within a period of 180 days. Since 1964, Zambia has held peaceful presidential and general elections.

H. Independence of the judiciary

49. The Judiciary in Zambia is guaranteed its independence by law.³⁰ Judges enjoy a constitutional security of tenure. A Judge may only be relieved of duties by the President in accordance with Article 98 of the Constitution due to inability to perform the functions of the office arising from infirmity of body or mind, incompetence or misbehaviour upon the advice of an independent tribunal. Article 98 (3) of the Constitution obliges the President to appoint an independent tribunal consisting of a Chairman and not less than two members who hold or have held high judicial office to investigate the alleged inability to perform by a judge.³¹

50. Out of 72 districts in Zambia, only 54 have subordinate courts. Magistrates are classified into two main categories; professional and lay. Professional magistrates are law graduates who are admitted to the Bar after training at ZIALE. They start from the rank of

Resident Magistrate. Lay Magistrates are not lawyers. They undergo a two (2) year training course at NIPA after which they are awarded a Diploma. They start from the rank of Magistrate Class III and end up at Magistrate Class I. The jurisdiction of magistrates depends on their class ranking, with those in the higher classes having greater jurisdiction. There are presently 136 magistrates out of an establishment of 242. Professional magistrates are in short supply. For example, there are only 8 Resident Magistrates out of 48, and only 4 Senior Resident Magistrates out of 15. Most of the criminal trials are conducted by Magistrates, who are appointed by the Judicial Service Commission, an independent body chaired by the Chief Justice.

51. The Local Courts administer Zambian Customary Law and handle almost exclusively civil cases of personal law and some minor criminal cases (mostly contempt of court). There are 405 local courts in Zambia, making them the most accessible courts to the majority of the people. They are inexpensive and their procedures are simple, allowing for quick dispensation of justice. Local Court justices are appointed by the Judicial Service Commission. The justices are persons of mature age, almost exclusively retirees, who are assumed to have profound knowledge of customary law. It is consistently reported that the local courts cater for around 90 per cent of all adjudications in the country, while the available number of justices is around 900.

52. Apart from the Courts there are tribunals which specialise in particular types of cases, such as the Lands Tribunal, the Revenue Appeals Tribunal and the Town and Country Planning Tribunal.

53. Zambia established the Judicial Complaints Authority, under the *Judicial (Code of Conduct)*³². This Authority is mandated to objectively and thoroughly investigate allegations of misconduct against judicial officers in order to enhance and sustain public confidence in the Judiciary. The public has the right to lodge a complaint with the Authority if a judicial officer does not conduct himself professionally and ethically on the bench, that is, in breach of the Judicial Code of Conduct. The Code requires judicial officers to uphold integrity, independence and impartiality in their adjudicative responsibilities.

IV. ELIMINATION OF RACIAL DISCRIMINATION

54. Zambia has committed herself to international standards on the prohibition of Elimination of All Forms of Racial Discrimination. This is further supported by Article 11 of the Constitution which prohibits racial discrimination. In addition, section 70 of the Penal Code criminalises certain acts of racial discrimination.

55. Although the population in Zambia is predominantly black African, Zambia is a multi-racial, multi-cultural and multi-ethnic country. The non-African groupings comprise of Americans, Asians, Europeans and persons of Arab Origin. Also resident in Zambia are persons from other African countries. Officially, there are 72 tribes in Zambia with each of them speaking a distinct language. While language is not habitually synonymous with tribe, a fair assumption is made that the number of languages in the country is equal to the number of tribes.

56. In Zambia, seven broad ethnic groups are identified, and all the tribes belong to one of these broad tribal groupings: Bemba, Tonga, North-Western, Barotse, Nyanja or Eastern, Mambwe and the Tumbuka groups. Most languages are considered dialects of the broad

tribal groupings and local settlement of indigenous Zambians is not limited by one's ethnicity.

57. Despite the many tribes and ethnic groupings, Zambia has not suffered from any ethnic conflicts that have been witnessed elsewhere. The existing peace in Zambia and its continued assurance could partly be attributed to the use of English as the official and neutral language of communication. Additionally, the seven major local languages are also used to disseminate information and conduct literacy campaigns on both radio and television. Further, the local languages are also taught in lower public schools in some provinces.

V. TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

58. Zambia acceded to the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)* in 1998. Article 15 of the Constitution prohibits torture and other inhuman or degrading treatment or punishment in absolute terms. The Constitutional prohibition of torture is not yet supported by the creation of a specific offence of torture under the country's criminal law. However, some provisions in the Penal Code can, and have been, used to punish acts that cause harm on a person. In this regard, assault occasioning actual bodily harm, grievous harm, attempting to injure by explosive substances, maliciously administering poison with intent to harm and common assault are punishable in criminal legislation.

59. Zambia also outlawed corporal punishment through amendments to the *Criminal Procedure Code, the Penal Code, and the Education Act. The People Vs John Banda (HPA/6/1998)* provided a landmark decision regarding the prohibition of corporal punishment.

60. In addition Community service was introduced through the amendment of the *Penal Code* and the *Criminal Procedure Code* in order to reduce on custodial sentences and thereby reduce congestion in prisons.

Poor prisons conditions

61. Zambian prisons have for a long time experienced enormous problems. The problems associated with prisons in Zambia include poor state of infrastructure, congestion, poor diet, poor health care, poor sanitation and water supply and a general lack of rehabilitation facilities. Prisons have a large average population which stands at 145,000 inmates, a figure that cannot be sustained by the current prison infrastructure.

62. In order to address these concerns the FNDP and the Vision 2030 have prioritised the construction of additional prisons countrywide to address problems of overcrowding.

63. Furthermore, K2 billion was set aside in the 2007 national budget for rehabilitating prison infrastructure. Another K26 billion in the 2008 national budget has been allocated to prisons. Government has continued funding rehabilitation of water and sewerage infrastructure in order to improve sanitation and access to clean water.³³

VI. ANTI-TERRORISM MEASURES

64. Zambia enacted the Anti-Terrorism Act in 2007. The Act has, among its primary objectives, the prevention of the carrying out of any act of terrorism; and the provision of measures for the detection and prevention of terrorist activities. It is also concerned with respect for and preservation of the right to life.

VII. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

65. Zambia is fully committed to the promotion and protection of economic, social and cultural rights. Zambia's economic policy objectives are anchored in the FNDP whose main goal is to accelerate pro-poor growth and to ensure that the growth process rapidly reduces poverty. According to the Human Development index Report Zambia is ranked 65.

66. Statistics from the Living Conditions Monitoring Survey of Central Statistics Office of 2006 indicate that poverty levels dropped to 64 percent in 2006 from 68 per cent in 2004. The statistics also show that during this period, urban poverty dropped from 54 percent to 34 percent while there was an increase in rural poverty from 78 percent to 80 percent. Zambia is therefore aware of the need to redouble efforts to arrest and reduce the high levels of rural poverty.

67. The 2008 national budget has ensured that expenditure in the social sectors, particularly on Health and Education remain high. This is evidence of government's commitment to the promotion and protection of the right to health and the right to education. In this regard over 30 percent of the 2008 national budget will be spent on social sectors.

68. While it is Government policy to promote and protect all economic, social and cultural rights, this section of the report will mainly focus on the following areas:

A. Education

69. Zambia's education system consists of pre-schooling, basic, secondary and tertiary levels. The formal education system is in transition, moving from seven years of primary; five years of secondary; and four years of tertiary education to nine years of basic; three years of high school; and four to five years of university. The system is governed by the *Education Act*³⁴ which provides for the promotion, development and control of schools, educational institutions and services.

70. Zambia acknowledges that there are more boys than girls accessing education and training. However, there has been an increase in the gross enrolment ratio for girls and the country is now close to reaching gender parity in grades 1 to 7 with girls representing 49 per cent of total enrolment.³⁵

71. During the period 2001 to 2004 there was a steady increase in student enrolment in Technical Education and Vocational Entrepreneurship Training (TEVET) institutions. This was largely due to the general policy direction by the Government to provide education for all by 2015.

72. The enrolment of females in colleges increased by 53 percent between 2003 and 2004, while between the years 2004 and 2005 the increase was recorded at 42 percent. On the other hand, enrolment for males increased by 51 percent between 2003 and 2004 while it

increased by 30 percent between 2004 and 2005. However, despite the increase of enrolment in this sector, the number of females has been relatively low compared to that of males in most of the disciplines except for service oriented fields such as secretarial training.

73. Enrolments at the public universities increased from 11,005 in 2003 to 12,774 in 2005 representing a 16 percent increase. There is a recorded increase in the number of female enrolments from 3,059 in 2003 to 4,179 in 2005 representing 18 percent compared to a 13 percent increase among their male counterparts.

B. Housing

74. Zambia has been facing a very critical shortage of housing since independence. The lopsided pattern of development between rural and urban areas has resulted in very high rural–urban migration, without a corresponding effort to provide appropriate housing. Consequently the proliferation of unplanned settlements in almost all urban centres continues with civic authorities failing to provide social amenities such as water, roads and sanitation facilities.

75. The main problem in the housing sector is lack of adequate finance. However, in order to address these concerns, government has continued with its national housing policy (adopted in 1996) to provide adequate and affordable housing to all income groups in the country. In addition, through the presidential housing initiative of the mid 90s, Government constructed a number of medium to high cost houses in Lusaka and Ndola.* As part of Zambia's key reforms in the housing sector, Government will continue to undertake the building of housing stock in all districts under the national housing development programme; upgrade unplanned settlements; promote local building materials and technology development; encourage housing bonds programmes and develop housing schemes for the poorest of the poor.

76. In order to improve sanitation and access to safe drinking water, Government has put in place programmes to operationalise water sector policies. The overall guiding principles in the water sector are that of promoting sustainable water resource development with a view to facilitating an equitable provision of an adequate quantity and quality of water to all users. As part of the key reforms, Government will implement programmes that aim at providing adequate, safe, cost effective water supply and sanitation services to more people in urban and peri urban areas through support to its core programmes and where possible the involvement of private sector participation up to eighty percent of the population by 2010. Further under the rural water supply and sanitation programme, Government will focus on investing in capital programmes consisting of projects for construction of new facilities, related hygiene education, extension of water and sanitation facilities and investing in boreholes. (See economic report.)

C. Health

77. The overall health goal is to improve the health status of the people in Zambia in order to contribute to socio-economic development in line with the Millennium Development Goals and to provide equitable access to cost effective and quality health care. The country has a decentralized approach to planning and provision of health services which broadens the scope for all individuals to access health services. Priority areas focus on improving reproductive health for women, men and adolescents, increasing child survival and providing better quality of life for men and women, including the use of family planning services.

78. Zambia continues to face challenges in the provision of health care services in that the Maternal Mortality Ratio (MMR) remains high due to a high percentage of unskilled home deliveries and limited access to facilities. Although the overall Infant Mortality Rate (IMR) and the Child Mortality Rate (CMR) have declined, they remain a concern to Government. Malaria, HIV and AIDS are a major public health concern in Zambia.

79. Government, through the National Health Policy and the FNDP continues to undertake measures aimed at improving health standards in the Country. These include improving child health and reducing child mortality. In this regard the Ministry of Health has continued to undertake massive nation-wide health campaigns for children under the age of five, on radio and national television. The campaigns have included giving vaccinations and medicines to children below the age of five, free of charge at all Government health centres. In addition, Child health weeks are held every six months to boost the immunization of children and to provide free intervention for the prevention of malaria.

80. In an effort to protect the life a child at birth, provides free antenatal care services for pregnant women. Women are advised on the nutritional standards to adhere to during pregnancy. This measure helps to increase the chances of child survival at birth and a child's good health during the first five years of its life. All pregnant women are free to visit their local antenatal clinics during their pregnancy.

81. Safe motherhood is addressed by providing affordable quality care for the mother and the new born baby as close to the family as possible. Intervention includes the putting in place of measures to improve maternal and neonatal deaths.

82. Zambia acknowledges the fact that adequate quality and equitable dispensation of reproductive health services is basic in ensuring safe motherhood, guaranteeing child health and reducing maternal and child mortality. As a means of lowering maternal mortality, child mortality and increasing life expectancy, Zambia has through the Ministry of Health Integrated Health Project increased family planning services among the young rural population in order encourage families and couples, to child space.

83. Government also established the National AIDS Council (NAC) in 2002 as the national mechanism for coordinating and supporting the development, monitoring and evaluation of a multi-sectoral national response to HIV and AIDS. NAC is a broad based body with government, private sector, and civil society representation. In addition Government has put in place measures such as free Voluntary, Counselling and Testing (VCT), and free Anti-Retroviral Therapy (ART) at all public health centres. These VCT sites and ART centres can be accessed by the public. There are also programmes such as the Zambia National Response to HIV/AIDS (ZANARA) and Community Response to HIV/AIDS (CRAIDS) which have been introduced to scale up HIV/AIDS activities at work places.

D. Employment

84. Zambia recognises the equal rights of men and women to participate in the national development process on an equal basis. In order to further women's participation in employment, Zambia encourages all employers to practice affirmative action when advertising for jobs and when employing. The *Industrial and Labour Relations Act*³⁶ proscribes discrimination in places of work on the grounds of race, sex, marital status, religion, political opinion or affiliation, tribal extraction or social status.

85. In an effort to improve its service delivery, the Government embarked on reforms of its public service in order to be more responsive to the needs of the population. The implementation of these reforms and the accompanying strategies has had differential implications for men and women.

86. According to the 2005 Labour Force Survey Zambia's total Labour force stood at 4,918,788 and the employment to population ratio was 77 per cent, indicating that a substantial proportion of the population was involved in labour related activities. Males had a higher employment population ratio at 82 percent compared to that of females (73 percent). The overall unemployment rates increased from 15 per cent in 1990 to 16 percent of the labour force in 2005 of which 14 and 17 percent were male and female respectively. Youth unemployment stood at 25 per cent of all the persons in the labour force in the age group 15 to 19 years while it was 22 per cent for the age group 20 to 24. Among the unemployed youths 4 per cent were male while 22 per cent are female.

Employment in the formal and informal sector by residence and province, 2005

<i>Residence and Province</i>	<i>Formal Sector</i>		<i>Informal Sector</i>		<i>Total persons 15 years and above employed</i>
	<i>Number of persons</i>	<i>Per cent</i>	<i>Number of persons</i>	<i>Per cent</i>	
Zambia	495,784	12	3,635,747	88	4,131,531
<i>Residence</i>					
Rural	60,398	2	2,959,033	98	3,019,421
Urban	389,239	35	722,872	65	1,112,110
<i>Sex</i>					
Male	330,109	17	1,611,710	83	1,941,820
Female	131,383	6	2,058,329	94	2,189,711

Source: Ministry of Labour and Social Security

87. Of the 4,131,531 persons reported to be employed, a total of 3,635,747 persons (88 percent) were in informal sector employment, compared to 495,784 persons (12 percent) who were in formal sector employment. This accounts for 10.4 percent of the total labour force. Thus the formal sector has steadily diminished as the main source of employment in Zambia. Women have been the most affected by the erosion in employment opportunities especially in the formal sector. A large number of women are thus engaged in low paying and less productive jobs in the informal sector in urban areas, while another large group of women are engaged in small scale farming in rural areas.

88. The distribution of employed female persons by industry indicates that most of them were engaged in agriculture, forestry, and fisheries accounting for 76 percent of all female employed persons. The second industry for females is trade, wholesale and retail accounting for 11 percent of all female employed persons. Community social and personal services were the third most popular industry among females, representing 7 percent of all employed female persons.

E. Social Security and Economic Benefits

89. Social security in Zambia is generally tied to formal employment. With the reduced employment opportunities in the formal sector referred to above, the majority of the population in the informal sector have little or no social security in most cases.

90. Government has nevertheless initiated measures to address problems related to social security for the vulnerable and rural population. These include:

(a) Free medical care for children under the age of 5, pregnant women and persons above 65 years in all public health institutions.

(b) The redesigning of the Public Welfare Assistance Scheme (PWAS) to provide for the protection of vulnerable persons through the provision of various services such as bursary schemes for children whose families are unable to send them to school, medical schemes and food security packs. Under the same programme, Government embarked on a Cash Transfer Scheme. The project aims at reducing poverty and hunger.

(c) In the 2008 budget, Zambia has prioritised the settlement of pension arrears in order to alleviate the poor circumstances in which most pensioners find themselves in. As such our allocation of K435.9 billion has been set aside to complete payment of pension arrears and meeting current obligations to the Public Service Pension Fund. The balance of K141.8 billion will go towards investments for the social protection programmes for the aged, orphaned and vulnerable children.

(d) The establishment of an inter-ministerial working group in the Ministry of Labour and Social Security to research on alternative socio - security programs with a view to extending social security to the informal sector.

F. Culture

91. Zambia recognises that culture is one of the fundamental dimensions of development. Cultural development constitutes one of the essential instruments of the improvement of the quality of life of individuals.

92. The Constitution of Zambia in Article 112(g) recognises the right of a person to participate freely in one's cultural life. Article 112 (g) provides that the State shall take measures to promote the practice, enjoyment and development by any person of that person's culture, tradition, custom or language in so far as these are not inconsistent with the Constitution.

93. The National Arts Council Act No. 31 of 1994, gives the Council responsibility for developing, promoting and regulating, performing, literary and visual arts; and organising competitions to enhance performance and production standards at national level in the arts.

94. Zambia has a National Cultural Policy (2003) whose salient features include the following:

(a) Cultural Identity

(b) Cultural Heritage

- (c) Artistic, Intellectual Creation and Art Education
- (d) Culture and Development
- (e) International Cultural Cooperation

95. The components of National Cultural Policy are coordinated by the Ministry of Community Development and Social Services through the Department of Culture and an Inter-Ministerial Committee comprising the following key stakeholder line Ministries and Institutions:

- (a) Ministry of Local Government and Housing;
- (b) Ministry of Home Affairs;
- (c) Ministry of Justice; and
- (d) University of Zambia

96. Other institutions include:

- (a) Cultural associations responsible for organising cultural events, rituals and cultural expressions amongst Zambians, different ethnic groups which are under the leadership of traditional rulers and structures, e.g. Alangizi Cultural Association whose aim is to teach initiates responsibilities and duties of adult life; and
- (b) Traditional health practitioners of Zambia.

G. Measures against Corruption

97. Zambia recognises the negative impact that corruption has on the enjoyment of economic social and cultural rights. In this regard, Zambia is in the process of preparing a national anti-corruption policy. Further, Integrity Committees have been established to institutionalise the prevention of corruption in ministries, government departments and public institutions.

VIII. ELIMINATION OF DISCRIMINATION AGAINST WOMEN

98. Zambia is a party to the Convention on the Elimination of All Forms of Discrimination against Women.³⁷ Although it does not have specific legislation to deal with the elimination of discrimination against women, it has domesticated some key elements of the Convention. Article 23 of the Constitution prohibits the enactment of discriminatory laws.³⁸

99. The Penal Code, contains provisions which protect women and children from indecent assault, sexual harassment, defilement and trafficking. It proscribes trafficking in women and children and the exploitation of women for the purpose of prostitution. The law provides for stiff penalties in cases of defilement, rape and sexual harassment of children.

100. The *Intestate Succession Act*³⁹ provides a uniform intestate succession law. It makes adequate financial and other provisions for the surviving spouse, children, dependants, and

parents of an intestate. The *Wills and Administration of Testate Estates Act*⁴⁰ provides for adequate financial and other provisions to be made for dependants in a will.

101. The *Citizens Economic Empowerment Act, 2006*,⁴¹ established the Economic Empowerment Commission⁴² whose functions include the provision of gender equality in accessing, owning, controlling, managing, and exploiting economic resources and the promotion of employment of both gender by recommending to appropriate authorities the removal of structural and discriminatory constraints and practices that hinder any particular gender from employment opportunities.

102. The *Zambia Development Agency Act, 2006*,⁴³ established the Zambia Development Agency one of whose functions is to recommend to the Minister of Commerce, Trade and Industry coherent trade and industry development strategies which promote gender equality in accessing, owning, managing, controlling and exploiting economic resources.⁴⁴

103. The *National Constitutional Conference Act, 2007*⁴⁵, provides that in the membership of the Conference (established as a forum for the examination, debate and adoption of a new national Constitution), where an institution is required to nominate three representatives, one shall be a woman, or three or more representatives, thirty per centum shall be women.

104. Zambia adopted the National Gender Policy in 2000 and launched the Strategic Plan of Action on Gender 2004. At the provincial and district level, gender sub-committees were established as part of the process of strengthening the institutional framework of the national Gender Strategic Plan in 2005.

105. The priority sub-sectors in the gender policy are as follows:

(a) In the area of water and sanitation, Government promotes and encourages the involvement of women in the decision making process in the provision of safe and clean water and improvement of facilities. It also ensures use of gender friendly technology in water supply and sanitation to all members of the community especially persons with disabilities;

(b) In order to make land more accessible to the majority of the people especially women, Government is simplifying all procedures for land acquisition and ownership, encouraging women's access to and control over land and sensitising traditional rulers to equitably allocate land to women and men and facilitating the allocation of at least 30 percent of available land to women as an affirmative action;

(c) In the agricultural sector, Government is strengthening the provision of agricultural services (credit, extension and research) to smallholder farmers particularly women farmers, encouraging the training of more female extension workers resident in the local communities in assisting small holder farmers especially women to acquire inputs and market their produce on time, facilitating the formation of women farmer groups so that they can benefit from agricultural programmes and other rural community based programme;

(d) In the environment and natural resources sector Government is carrying out environmental impact assessment of proposed and existing industries and their effect on the needs of women and children, facilitating and disseminating of information in rural area to enlighten women on environmental issues, promoting women's knowledge on utilization and reservation of traditional medicinal and nutritional plants and facilitating involvement of

women in decision making at all levels in institutions dealing with the environment and natural resources;

(e) In the energy sector, Government is implementing the Rural Electrification Programme to reduce the burden of providing household energy on women, facilitating and supporting private sector driven initiatives aiming at extending credit to women for the procurement of renewable sources of energy.

IX. CHILDREN'S RIGHTS

106. Children are entitled to the human rights guarantees stipulated in Part III of the Constitution. Several statutes make provision for the promotion of the rights of children and protection namely *Adoption Act*⁴⁶, Juveniles Act, Affiliation and Maintenance of Children Act, Employment of Young Persons and Children Act, Apprenticeship Act, Penal Code, Wills and Administration of Testate Estate Act, Intestate Succession Act, Zambia Police Act⁴⁷, Defence Act, Births and Deaths Registration Act, Day Nurseries Act, Probation of Offenders Act, Liquor Licensing Act; and Termination of Pregnancy Act.

107. These statutes are undergoing revision in order to strengthen them and bring them into compliance with the Convention on the Rights of the Child (CRC).

108. In August 1994, Zambia adopted the National Child Policy, the National Plan of Action and the National Youth Policy. The National Child Policy constitutes core guidelines for improving the welfare and quality of life of children as well as for protecting their survival and developmental rights. Survival and development of children are major objectives of the National Child Policy, which aims at reducing moderate to severe malnutrition in children, and expanding early childhood care and development programmes throughout the country.

109. The National Youth Policy covers children and young persons in furthering survival and developmental rights.

110. The policies aim at providing guidelines for improving the welfare and quality of life of children by consolidating all existing and proposed legislation pertaining to children.

111. On the other hand the National Plan of Action (NPA) provides guidelines for achieving total development of children through various survival, developmental and protective rights.

112. Zambia has been going through the process of making the principles and provisions of the CRC widely known to adults and children. A popularized version of the CRC has been translated into seven major local languages.

X. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS THAT THE STATE INTENDS TO UNDERTAKE TO OVERCOME THOSE CHALLENGES AND CONSTRAINTS

113. Zambia has put in place programmes aimed at enhancing the promotion and protection of human rights, as guided by the FNDP.

114. In addition Zambia adopted the National Plan of Action on the human rights in 1999. The ten year plan provides guidance and a framework for the effective promotion and protection of human rights in the country.

115. In terms of its national key priorities, in the FNDP, a Chapter has been devoted to a number of governance and human rights initiatives, these being:

- (a) Access to Justice;
- (b) Human Rights;
- (c) Accountability and Transparency;
- (d) Constitutionalism and Democratisation.

116. Further, the FNDP prioritises other important national programmes relating to health, education, labour and social security, water and sanitation, housing among others. In addition, as earlier indicated, Zambia is undertaking the review of its Constitution through the N.C.C. which is an important milestone in Zambia's democracy.

117. More specifically, reform initiatives and programmes are being undertaken in the following areas:

- (a) Improving the legislative process and policy framework affecting the administration of justice;
- (b) Reviewing, amending and enacting legislation to enable the implementation of governance and human rights priorities;
- (c) Domesticating international conventions and covenants;
- (d) Developing courts and other infrastructure;
- (e) Strengthening the autonomy, effectiveness and efficiency of the Judiciary;
- (f) Increasing public awareness of human rights and the criminal justice system;
- (g) Developing frameworks and policy for public participation in political, social, economic and cultural decision making;
- (h) Enhancing freedom of the press;
- (i) Establishing rehabilitation centres for victims of human rights violations.

118. All these priorities are aimed at according Zambians opportunities to become resourceful and prosperous.

119. As Zambia continues to strengthen its human rights standards, it will continue to engage in global human rights issues through participation in different international fora. Zambia will also continue to pursue the promotion and protection of human rights as part of its foreign policy. Zambia will continue to participate and promote constructive dialogue and

cooperation within the Council as a current member and after the expiration of its mandate within the Council.

Notes

¹ Sara Longwe V. Intercontinental Hotels (1993) 4 LRC 221; Attorney General V. Roy Clarke, Appeal No. 96A/2004

² It should be noted that currently, the Constitution is undergoing review under the National Constitutional Conference which has been given a mandate under Act No. 19 of 2007 to adopt a new Constitution that should be representative of peoples views, more inclusive, broad based, gender representative and encourage the participation of citizens in order to give the constitution making process legitimacy.

³ In 2006, HRC received 482 complaints of which 78 (representing a percentage of 16.2) were investigated and concluded. In 2007, 42% of 120 complaints (which number includes a backlog from 2006) were successfully investigated and concluded. The backlog was caused by law staffing level at HRC. HRC has since made submissions to the National Constitutional Conference regarding measures that have to be undertaken to scale-up its operations.

⁴ The Commission for Investigations (CFI) received 584 complaints in 2006 and 480 of the same (representing 82% of the total) were investigated and concluded. The Commission recorded 506 complaints (which number includes backlog for 2006) in 2007 and investigated and concluded 311 (thereby representing 65% of the complaints recorded for that year.

⁵ 267 complaints were received by PPCA in 2006. 70 of the said complaints were resolved in that year. In 2007, 41 complaints out of 250 were resolved.

⁶ The Republican President in his speech at the Official opening of the Second Session of the Tenth National Assembly on 11th January 2008 emphasised of the need to strengthen good governance in the country by enhancing access to justice. The Republican President highlighted the need to decentralize the operations of the Legal Aid Board and the Office of the Director of Public Prosecutions which will be monitored in the next 5 years.

⁷ In Zambia, the right to life may lawfully be terminated under exceptional situations resulting from the use of force as is reasonably justifiable in the circumstances. In this regard, the constitutional guarantee of the right to life is not contravened where death (a) for the defence of any person from violence or the defence of property; (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; (c) for the purpose of suppressing a riot, insurrection, mutiny or if one dies as a result of a lawful act of war; and, (d) in order to prevent the commission of a criminal offence. The Zambia Police Act and the Prisons Act stipulate rules that are applicable for the use of deadly force, which should normally be the last resort.

⁸ Cap 304 of the Laws of Zambia.

⁹ Public Health Act, Chapter 295 of the Laws of Zambia; Environmental Protection and Pollution Control Act, Chapter 204 of the Laws of Zambia

¹⁰ Chapter 305 of the laws of Zambia

¹¹ Chapter 123 of the laws of Zambia

¹² Section 26(1) of the Prisons Act, Chapter 97 of the Laws of Zambia, allows the court, at its discretion, to impose hard labour upon imprisonment, unless the imposition of imprisonment only without hard labour is expressly prescribed by law. In determining the imposition of hard labour, the court will take into account the severity of the offence, its prevalence and whether the accused is a first offender or not. Hard labour will not be imposed on a person who is physically challenged.

¹³ Section 156, Prisons Act. According to this provision, no prisoner shall be required to do any labour on Sundays or public holidays except such labour as may be necessary for keeping the prison premises clean and for cooking prisoners' rations. Prisoners of the Jewish faith are not compelled to work on Saturdays if they make a claim for such exemption. Prisoners of the Orthodox Muslim faith are allowed to observe the fast of Ramadan and during such fast such prisoners work in reduced tasks. In addition, the Commissioner of Prisons may issue other religious holidays for prisoners who are members of other religious communities as he thinks fit.

¹⁴ Section 76(1), Prisons Act

¹⁵ Section 154(2) and (3), Prisons Act

¹⁶ Provided for in Section 4 of the *Penal Code (Amendment) Act No. 12 of 2000* and Section 306A and B of the *Criminal Procedure Code (Amendment) Act No. 13 of 2000*. A Court may, on recommendation of a superior police officer, make an order for community service where, in the case of an adult, the offence is a misdemeanour and is punishable by imprisonment. An order for community service shall specify:

- (a) The number of hours to be worked;
- (b) The days on which the work is to be performed;
- (c) The period of community service;
- (d) The place where the offender is to perform community service;
- (e) That the offender shall, during the period of community service, be under the supervision of an authorized officer; and any other special terms and conditions of the order.

¹⁷ The *Employment of Young Persons and Children Act* also prohibits children from being employed in any type of work which, by its nature or the circumstances in which it is carried out, constitutes a worst form of labour. The State has also put in place the *Employment of Young Persons and Children's (Amendment) Act No. 10 of 2004* to implement the *International Labour Organisation Convention on the Minimum Age and the International Labour Organisation Convention on the Worst Forms of Child Labour*.

¹⁸ Chapter 87

¹⁹ Section 142 of the Penal Code

²⁰ Section 14 Defence Act, Chapter 106 of the Laws of Zambia

²¹ Chapter 68 of the Laws of Zambia

²² Fred M'membe and Bright Mwape vs. The People, Appeal No. 87 and 197 of 1995; Zambia Daily Mail Limited vs. Charles Banda, SCZ Judgment No. 35 of 1999

²³ Article 21(1), Constitutional of Zambia

²⁴ Chapter 119 of the Laws Zambia

²⁵ Chapter 113 of the Laws of Zambia

²⁶ Article 19, Constitution of Zambia. Article 19 also protects a person's freedom to change religion or belief and the freedom.

²⁷ Article 34 of the Constitution stipulates that the election to the office of the President is by direct universal adult suffrage and secret ballot.

²⁸ Chapter 13 of the Laws of Zambia

²⁹ Article 34 (3) of the Constitution provides that a person shall be qualified to be a candidate for election as President if by birth or decent, has attained the age of thirty-five years, is qualified to be elected as a member of the National Assembly, is a member of, or is sponsored by, a political party, and has been domiciled in Zambia for a period at least twenty years. Further Article 64 provides that a person shall be qualified to be selected as a member of the National Assembly if he is a citizen of Zambia; has attained the age of twenty-one.

³⁰ Article 92(2) of the Constitution which provides that the judges, members, magistrates and justices of the courts shall be independent, impartial and subject only to the Constitution and the law and shall conduct themselves in accordance with a code of conduct promulgated by Parliament.

³¹ The tribunal reports to the President and advises him as to whether the judge ought to be removed from office. Recommendations for disciplinary action are made to the Chief Justice as far as judges of the High court and Supreme Court are concerned, but a recommendation against the Chief Justice is made to the President.

³² Act No. 13 of 1999

³³ Zambia allocated the Prisons Service K3.7 billion in 2002. The funds provided were mainly targeted towards prisons infrastructure construction and rehabilitation, and water supply and sanitation. In 2003, the Prisons Service received K2.5 billion from the State for the same purpose. Further, K2.7 billion was allocated and released to the Prisons Service in 2004 to continue the rehabilitation of prisons infrastructure.

More specifically, the Government procured electric pots for installation in prisons kitchens in all the nine main provincial prisons. The construction of two dormitories at Mwembeshi Prison to accommodate 200 inmates at a cost of K4 billion was undertaken;

- With the assistance of cooperating partners, the Government in procured electric posts for some of the country's major prisons (Katombora, Lusaka Central, Mukobeko Maximum and Kansenshi Prisons);
- The State party is also collaborating with the International Committee of the Red Cross in improving ventilation in two of the most congested prisons, that is, Lusaka Central and Lusaka Remand Prisons;
- In order to speed up the disposal of cases by the Judiciary and thereby reduce congestion in prisons a Magistrates Court Complex has been constructed in Lusaka with the assistance of the Norwegian Government. The complex comprises of 12 court rooms;

³⁴ *Chapter 134 of the Laws of Zambia*

³⁵ Ministry of Education Statistics 2005 - 2007

³⁶ *Chapter 269 of the Laws of Zambia*

³⁷ Ratified in 1985

³⁸ This does not apply to a law that makes provision for, the appropriation of the general revenues of the Republic, with respect to persons who are not citizens of Zambia, with respect to adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law, for the application in the case of members of a particular race or tribe, of customary law with respect to any matter to the exclusion of any law with respect to that matter which is applicable in the case of other persons; or whereby persons of any such description as is mentioned in clause (3) may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description is reasonably justifiable in a democratic society.

³⁹ *Chapter 59*

⁴⁰ *Chapter 60*

⁴¹ Act No. 9 of 2006.

⁴² Section 4

⁴³ Act No. 11 of 2006

⁴⁴ Section 12(1)

⁴⁵ Act No. 19 of 2007.

⁴⁶ Chapter 54

⁴⁷ Chapter 107.
