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Report of the Working Group on the Universal Periodic Review*

Zambia

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.

I. Introduction

1. This document is submitted in accordance with Human Rights Council Resolution 5/1 and Presidents Statement 9/2. The document contains issues that were not sufficiently addressed during the interactive dialogue of the UPR Working Group. The document also highlights the views of Zambia on some of the recommendations that were made during the interactive dialogue.

II. High mortality rate

2. Zambia has made progress in reducing maternal mortality, with a clear indication that maternal mortality had decreased from 729/100,000 live births in 2001 to 591 per 100,000 live births in 2007. Institutional deliveries have increased from 43% in 2001 to 48% 2007. It is anticipated that the results of the next Demographic Health Survey to be concluded soon will indicate further reductions in maternal mortality.

3. The Government has put in place policies and strategic plans including the National Reproductive Health Policy; Maternal Newborn and Child Health Roadmap; Countdown Recommendations for Zambia; Maternal Neonatal & Child Health communication Strategy; Comprehensive Abortion Care guidelines; Safe-motherhood Guidelines; Family Planning Guidelines; Sexual and Gender Based Violence guidelines and the mainstreaming of the Maputo Plan of Action.

4. **Infrastructure Development:** In dealing with the infrastructure challenge, Zambia is in the process of upgrading some clinics into district hospitals in Lusaka and Copperbelt Provinces and is building twenty six (26) hospitals in other districts. The new hospitals will mean availability of maternity wings and theatres. Therefore women with pregnancy related complications will have improved access to emergency services.

5. **Human Resource:** Other measures include the Zambia Health Workers Retention Scheme which is a programme that gives more incentives to health workers in remote or hard to reach areas. Through this programme, almost all the district hospitals have doctors.

6. **Community Groups:** The Government has encouraged Safe Motherhood Action Groups (SMAG) which are oriented to sensitise the community on the danger signs in pregnancy and the importance of delivering in the health facilities.

7. **Maternal Death Review (MDRs):** The Government is also strengthening MDRs at all levels from the community to health facilities. MDRs involve the construction of events that lead to the death of a pregnant woman from the community to the health facilities.

8. **Reproductive Health Commodity Security:** Zambia has formed the Reproductive Health Commodity Security Committee. This Committee plans and makes resources available to ensure that reproductive health commodities such as family planning methods, equipment, drugs and other supplies are available.

9. **Emergency Obstetric and Neonatal Care (EmONC):** The Ministry of Health is strengthening EmONC and is thus making selected facilities in a district respond effectively in managing complications of pregnancy. Programs to strengthen Emergency Obstetric and Neonatal Care includes making equipment available for managing complications in selected health centers and at hospitals, training of health providers in managing complications, rehabilitation of infrastructure to make deliveries in health facilities possible and the building of mothers shelters.

10. **Campaign to Accelerate Reduction in Maternal Mortality (CARMMA):** Zambia launched a Campaign to Accelerate Reduction in Maternal Mortality (CARMMA) and

follow up activities to sustain life saving interventions have since been developed. This initiative is meant to allow for a focused approach to mainstream women's survival, and utilize a multi-sectoral approach, with involvement of Private Public Partnerships and civil society.

III. Ratifications and domestication of international treaties

11. Zambia remains committed to ratifying all human rights instruments and a process of internal consultations have already started as part of this process. Zambia is also currently in the process of carrying out a mapping exercise of all human rights treaties to which Zambia is party with a view of domesticating the same.

IV. Fight against corruption

12. The Government has continued to support the work of the Anti-Corruption Commission. During the year 2012, the Commission received 2,337 reports in total as compared to 1,228 reports in 2011. Out of these cases, 1,596 reports did not have elements of corruption as compared to 919 in 2011. Of these cases advice was given to all those that provided the information on how best to pursue the matters.

13. In 2012, 741 reports contained elements of corruption and of these reports 484 were authorised for investigations. 257 reports did not have sufficient details of the corruption offence to warrant investigations to be conducted and therefore no further action was taken on them and advice was given accordingly. However, some of these cases were referred to relevant institutions for administrative action.

14. By the close of the year, there were a total of 733 cases under investigations and a total of 89 prosecution cases were before the courts of law. The Commission recorded 31 arrests country-wide during the year while 13 convictions and 9 acquittals were also recorded. In addition a total of 44 cases were at trial stage while 9 cases were at appeal stage, 8 cases were awaiting judgment, 4 were at defence stage and only 1 case was awaiting ruling. Only 2 withdrawals were made during the year.

15. From the foregoing, it is clear that the Commission is working tirelessly to protect the public from corruption and will continue to do so.

V. Customary law and the rights of women

16. The relationship between customary law and the rights of women has been the subject of discussions during the on-going constitutional reform process. All stakeholders are generally agreed that all persons should have the same rights without any discrimination. Consequently, the draft constitution has proposed to completely eliminate all forms of discriminations including under personal law that is provided for under article 23 of the current Constitution of Zambia.

17. In addition, the Zambia Law Development Commission embarked on a project to regulate the area of customary law relating to marriage. It was recognised that the area of traditional marriage was fertile ground for discrimination against women and children, because of the different approaches by different ethnic groups in contracting as well as dissolving them. This fluidity meant that marriages were influenced by whether an ethnic group was matrilineal, patrilineal or bilateral. The lack of uniformity was a major factor in the failure by customary law to protect parties to these marriages, in particular women.

18. The aim of the project was to draw common threads that run through the procedure for contracting customary marriage, as well as harmonizing different formalities in order to provide a uniform code across the country. This involved an audit of practices of the major ethnic groups, which would inform the form and content of a statute to regulate customary marriages. The area of intestate succession was also identified as a factor for the perpetuation of discrimination, hence a review of the Intestate Succession Act (Chapter 59 of the laws of Zambia) was embarked upon. The aim of the review was to assess how the law had cured previous defects under customary law in the area of succession. Changes are expected to be made soon.

VI. Poverty

19. The Government has put in place several measures to provide assistance to vulnerable families who are among the core poor. In particular, the Public Welfare Assistance Scheme (PWAS), introduced in 1999, has increased the number of beneficiaries from the time it was introduced until now. The PWAS is one of Government's major social assistance programmes. The objectives of the programme are:

(a) to assist the most vulnerable in society to fulfill their basic needs particularly health, education, food and shelter; and,

(b) to promote community capacity to develop local and externally supported initiatives to overcome the problems of extreme poverty and vulnerability.

20. The Government has also put in place the Social Cash Transfer Scheme (SCT), which are non-contributory payments of money provided to individuals or households. The SCT targets the 10 percent core poor households in a given community who fulfill the eligibility criteria. The SCT scheme has been operational since 2003 and there is evidence to show that it has been helpful in reducing poverty.

VII. HIV/AIDS

21. Measures have also been put in place to prevent HIV/AIDS and other sexually transmitted diseases. Zambia has further put in place measures to educate high risk groups, children and adolescents as well as the general public on the transmission of HIV/AIDS. Some of the measures that the Government has put in place to prevent HIV/AIDS are prevention of mother to child transmission of HIV which is the screening of mothers during antenatal care visits to prevent mother to child transmission and pediatric HIV testing. The Government also conducts antenatal syphilis testing and other STIs testing of pregnant women to prevent a child from being infected. The Government has further increased sensitisation in public places and through the media of the dangers of HIV/AIDS and how it is transmitted. Currently, the Government distributes free condoms and provides treatment of STIs and HIV as a preventive measure. There are various anti-AIDS clubs that have been formed in schools. The Government has also created 990 toll free helpline to discuss HIV/AIDS issues.

22. The Government has put in place measures to ensure affordable access to anti-retroviral medicines. Currently there is a policy in place on free Anti-Retroviral drugs in public institutions which enables people to access free Anti-Retroviral drugs as user fees are no longer charged. There is also a memorandum of understanding between Ministry of Health and the Private Sector to provide free Anti-Retroviral drugs to patients.

23. The Government has also intensified its efforts to control the spread of HIV/AIDS and has also strengthened the policy of both providing and encouraging the use of condoms.

The Government has been providing condoms for free in public health facilities and has also been encouraging male circumcision through radio and television programmes in order to control the spread of HIV/AIDS.

24. Zambia has also taken measures to combat HIV/AIDS through public information programmes. The Government through the Ministry of Health has been conducting sensitisation programmes and has intensified campaigns for voluntary counseling. The Anti AIDS clubs in schools have also been useful in ensuring that information on HIV/AIDS is provided to the young people who are in schools. The introduction of 990 toll free help lines on HIV/AIDS issues has been effective in ensuring that people are given information on HIV/AIDS.

25. Zambia is also currently providing adequate health care for people suffering from HIV/AIDS and particularly takes in account the needs of widows and orphans suffering from HIV/AIDS. The measures include training of home based care providers and health workers who provide home based care and support services. These services are free for everyone without any discrimination.

VIII. Birth registration

26. Zambia notes the concerns raised on birth registration. Zambia remains committed to promoting birth registration in the country and that, already, some measures have been put in place to promote this. These are:

(a) Increased awareness campaigns on birth registration countrywide, with support from cooperating partners such as UNICEF and Plan International;

(b) Involvement of traditional leaders in birth registration of children in their communities through the reintroduction of village registers in chiefdoms; and

(c) Capacity development of the Department of the Registrar of Births and Deaths through training and provision of computers and transport.

27. The Department of National Registration, Passport and Citizenship under the Ministry of Home Affairs which is charged with birth registration, is currently in the process of re-engineering its business processes in order to improve service delivery. To this effect an Integrated National Registration System is being developed under the Support to the Electoral Cycle in Zambia.

28. Birth registration is one of the key sub-systems to be developed and feed into the integrated one. This sub-system will be designed to link with the Ministry of Health for birth record. As the integrated system is developed, rural registration will be enhanced since officers will be collecting this information on a regular basis to update the main system. More officers have been recruited to improve staffing levels in the district and an officer in each district has been assigned to deal with rural registration.

29. Further, the Zambia Law Development Commission, in its review process, has considered the Births and Deaths Registration Act. Particular attention was given to provisions that relate to financial obstacles for late registration of births.

30. Furthermore, among the proposals being considered in the constitution review process is one on birth registration. In this regard, the draft Constitution provides in Article 55(5) (a) for every child's right to a name and a nationality from birth and to have the birth registered.

IX. Freedom of information bill and press restrictions

31. The Access to Information Bill (formerly referred to as Freedom of Information Bill) was prepared by the Ministry of Information and Broadcasting in consultation with stakeholders who included media practitioners, Civil Society Organisations, the World Bank, academia and other Government Ministries. In October, 2012, the draft Bill was cleared by the Ministry of Justice. The Ministry of Information and Broadcasting is currently undertaking further consultations with the stakeholders on the contents of the draft Bill before it is finally submitted to Parliament for enactment. It is envisaged that the Bill will be submitted to parliament within the coming few months.

32. As regards press restrictions, the Government wishes to make it clear that it recognizes and accepts the principle of media self regulation and maintains no press restrictions. Consistent with this commitment, the Zambia Media Council (ZAMEC), a self regulating media body was launched in July 2012 by the Minister of Information and Broadcasting. The Government has no role in the operations of ZAMEC and will not interfere with the operations of the Council. The media institutions have been meeting and they agreed that they will finance the Council.

X. Explanatory statement on the recommendations that have not enjoyed the support of Zambia

33. Zambia will remain committed to protecting the rights of all citizens without any form of discrimination. It is important, therefore, to provide some explanatory note on why then Zambia has rejected some of the recommendations which may be argued as aiming to enhance the equal treatment all persons without any discrimination. Zambia has rejected some of the recommendations not because of any lack of commitment to protect the human rights of its citizens but because the acceptance of those recommendations is in some cases dependant on the outcome of the constitutional review process that is currently on-going. For example, it has become clear as consultations have progressed that the majority of Zambians want the death penalty to be part of the penal system of Zambia. The Government believes in democracy and is eager to respect the wishes of the people in this regard despite the fact the position of the Government may be different on this issue.

34. Additionally, Zambia is currently unable to agree to the ratification of some of the International human rights treaties such as the second optional protocol to the ICCPR due to reasons given above.
