

**ZAMBIA'S RESPONSES TO THE LIST OF ISSUES FROM THE
HUMAN RIGHTS COMMITTEE RELATING TO THE PERIODIC
REPORT ON THE INTERNATIONAL COVENANT ON CIVIL AND
POLITICAL RIGHTS - ZAMBIA**

1. Zambia wishes to inform the Committee that it has a dual legal system and that international treaties are not directly applicable in its domestic law. The Covenant does not, therefore take precedence over domestic law. However, certain civil and political rights as explained in the periodic report have been incorporated into the domestic legal system; more particularly those civil and political rights contained in Part III of the Constitution (the Bill of Rights). The Committee will note that Article 28 of the Constitution allows individuals whose rights have been infringed to seek legal redress through the High Court.

2. In August 2003, the Zambian Government appointed a Constitutional Review Commission whose mandate was, inter alia, to collect views on the type of Constitution Zambia should enact, considering that the Constitution should exalt and effectively entrench and promote the legal and institutional protection of fundamental human rights; recommend appropriate ways and means of entrenching and protecting human rights, the rule of law and good governance in the Constitution; and examine and recommend the elimination of provisions which are perceived discriminatory in the Constitution. This culminated into a report on the constitution making process and a draft Bill which will be subjected to a

wider debate by individuals in Zambia. The mode proposed and accepted by Government for the purposes is through a Constituent Assembly bearing in mind the wide mandate of the inquiry on human rights as discussed above. Government is of the view that other rights in the Covenant will receive due consideration and possible incorporation into national legislation if the people of Zambia will so desire. As stated in the periodic report, Article 125 of the Constitution establishes the Human Rights Commission which is mandated to promote and protect human rights. Its functions are outlined in Sections 9 and 10 of the Human Rights Commission Act No. 39 of 1996. The Committee is thus referred to paragraph 29 of the State report.

Further, Zambia has in place a number of democratic and governance institutions such as the Electoral Commission of Zambia, the Police Public Complaints Authority and the Office of the Auditor General as discussed in the periodic report.

The Office of the Auditor General has a Constitutional mandate to ensure that public finances are applied to the purposes for which they were appropriated by the Appropriation Act or in accordance with the Excess Expenditure Appropriation Act and that the expenditure conforms to the law; audit the accounts relating to the general revenues of the Republic and the expenditure of moneys appropriated by Parliament, the National Assembly, the Judicature, the accounts relating to the stocks and stores of the Government and the accounts of such other bodies that may be established

by an Act of Parliament; to audit the accounts relating to any expenditure charged by the Constitution or any other law on the general revenues of the Republic and to submit a report to the President not later than twelve months after the end of each financial year. In addition, the Auditor-General and has access to all books, records, reports and other documents relating to relevant institutions.

In addition, the State party has created a conducive environment for the registration and continued operation of Civil Society Organisations within its territory in order to provide a balance in the promotion of human rights. Zambia recognizes the fact that CSOs are well placed to provide civic education and reach a broad spectrum of society.

3. ***Please indicate what action the State party has taken to give effect to the Committee's views regarding Communication No. 390/1999 (Benard Lubuto v Zambia) and Communication No. 856/1999 (Alex Soteli Chambala v Zambia).***

(Oral response will be provided)

4. The Committee is referred to the State party's response in paragraph 1 of the responses to the list of issues. Further, Zambia wishes to report that foreign nationals with Zambian spouses have equal opportunities regarding the application for and acquisition of Zambian citizenship. As such, a foreign national married to a Zambian national is free to apply for

citizenship after ten years of residence in Zambia. The State party further wishes to inform the Committee that the marriage of a woman to a foreigner does not adversely affect her ability to hold public office. The Constitution provides for equality before the law for persons resident in Zambia regardless of their race, sex, language, religion, political or other opinion. The Constitution guarantees fundamental rights and freedoms for all persons within the State party's territory.

5. The State party recognizing the need to examine and eliminate discriminatory practices in the current legislation commissioned through the Zambia Law Development Commission on the restatement of customary law in 2003. The general objective of the study was to ascertain the current customary laws and their conformity with the current socio-political and economic values of the State party. The study also aimed at harmonizing some customary laws through the identification of common customary law principles among various ethnic groups. The purpose of identifying these was to firstly, make a start towards harmonizing customary laws, usually referred to as unification, and secondly, to make an attempt at identifying conflict of customary laws. The State party is, further, of the position that the Constitution making process will also provide a platform for the discussion and opportunity to eliminate discriminatory provisions in the current Constitution during the Constituent Assembly debates.
6. The State party acknowledges that violence against women continues to be a challenge. In recognizing this concern,

Government has amended the Penal Code through the Penal Code (Amendment) Act No. 15 of 2005 which has introduced stiffer penalties for sexual offences. The State party invites the Committee to note that reported cases of violence against women have gone up significantly in the past eight years. This is attributed to awareness campaigns on the subject by Government, NGOs and faith based organisations.

The Zambia Police Service, through the VSU also carries out sensitization campaigns and provides specialised services to victims of violations, such as counseling. It has also created separate Victim Support Unit (VSU) offices from the main police stations so that the environment is not intimidating but more comfortable to victims. The VSU is present at some police stations and posts throughout the country. However, proposals have been made and are being considered to provide all police stations and posts with VSU staff; establish more community police posts in residential areas so that police services are brought closer to the community, especially for victims of violations; to expose VSU officers to specialized training in crimes against vulnerable persons, including counseling, investigations, prosecutions and courses in gender. A course entitled "Policing and Gender" was introduced at the police training institutions for all new recruits and in-service officers.

In addition, the State party wishes to inform the Committee that it is in the process of developing a Gender Based Violence Bill to ensure that cases of violence against women are dealt with in a systematic manner. Government in collaboration with the

United Nations Population Fund is facilitating the training of police officers, magistrates, prosecutors and local court justices on issues related to property grabbing, spouse battering, sexual abuse, defilement, and other forms of violence against women and girls.

7. Adoption of the National Gender Policy (2000)

The adoption of the National Gender Policy in 2000 has provided an enabling environment for women's participation in socio-economic development including decision making. Evidence shows that representation of women in politics has increased though at a slow pace. In the 2001 General Elections, there were eleven (11) Presidential candidates out of which two were women. Women representation in Parliament has increased from 10 percent to 14.6 percent in the current Parliament. At Cabinet level, there are five (5) female ministers out of twenty-three (23) cabinet portfolios representing 21 percent female representation.

Implementation of the Public Service Training Policy (1996)

In order to increase women's participation in decision making in the Public Service, Government adopted the Public Service Training Policy in 1996 which aims at providing guidelines for planning, conducting, following up, and evaluating training undertaken by public servants. One of the objectives of the training policy aims at addressing the observed gender imbalances in skills in the public service, especially at senior and specialist levels through affirmative action.

Implementation of this policy has contributed to increased representation of women in the Public Service. Currently, female representation in the Public Service at various levels is as follows: Permanent Secretary 19 percent; Director 23 percent; Deputy Director 43.66 percent; and Assistant Director 21 percent.

Implementation of the Equity and Gender Component

In the education sector, Government has introduced the Equity and Gender Component to address gender gaps and issues in general. The introduction of this measure has resulted in increased basic enrolment from 1,806,754 in 2000 to 2,522,378 in 2004, 48.3 percent of this increment was attributed to girls.

Introduction of Free Basic Education Policy (220)

The introduction of free primary education has significantly increased the enrolment and retention of girls in primary school with Government almost reaching gender parity in Grades 1-7 with girls representing 49.1 percent of total enrolments in 2004.

Implementation of the Re-entry Policy

The introduction and implementation of the Re-entry Policy which provides for the re-admittance of girls who fall pregnant into schools has contributed to increased re-admittance of girls in schools. For example, out of 6,528 girls who fell pregnant in 2003, 2,226 were re-admitted.

Amendment of the Penal Code Act No 15 of 2005

The Penal Code has been amended to provide for stiffer penalties for sexual offences. Previously those convicted were sentenced to not more than 5 years. However, this has since been reviewed and persons found guilty for such offences are sentenced to jail terms of not less than 14 years with hard labour.

8. According to the Ministry of Health Report it was estimated that over 16,000 maternal hospital admissions nationally are due to abortions and that 15% of all maternal deaths were due to abortions. Legal abortions are usually conducted on clients in the health facilities where the number of doctors to consent for an abortion procedure is adequate. In most cases these procedures are carried out on consenting pregnant women with medical conditions which threaten both the life of the mother and that of the child. The report also estimated that 23% of incomplete abortions were among women younger than 20 years while 25% of maternal deaths are due to induced abortions in girls younger than 18 years.

In order to reduce the high maternal mortality resulting from abortions, Government enacted the Abortions Act of 1972 but there are a lot of requirements for the procedure to be carried out and it can only be done when consent is obtained from the patient and 3 physicians supporting the procedure. Government introduced Emergency Obstetric Care which is rendered to any woman who develops pregnancy and child related

complications during abortions. This has been introduced in all nine provinces of Zambia.

Government has also embarked on sensitization on family planning services to the youths including use of condoms and introduction of youth friendly corners in family planning clinics. The State party has also introduced workshops and meetings on adolescent sexuality and reproductive health for health workers and the youths. Teen age fertility is one of the major concerns in Zambia and is compounded by the fact that contraceptive prevalence in teenagers is extremely low. On average, about 60% to 70% of Zambian females have either given birth to or are pregnant with their first child by the age of 20 years. Modern methods of family planning are free and were initially introduced as early as the 1960s.

However, contraceptive prevalence is very low in Zambia compared to other countries in the Sub Saharan region as 34% of married women in Zambia are currently using contraceptives. Some of the reasons for the low numbers of Zambians using contraceptives are attributed to traditional misconceptions, myths, distances to health facilities and low knowledge on who qualifies for family planning services. On the other hand, there is a lot of sensitization on spacing for all mothers at both the antenatal and under 5 clinics and also at community level by community health workers. The maternal mortality rate is at 729 per 100,000 live births while the infant mortality rate is 95 per 1000 live births. The average number of live births per woman is 5.9.

The aim of the State party's health policy of the State is to develop comprehensive policies, strategies, programmes and legislation which will help the country reduce the maternal and child mortality rates. The specialised health care services reserved for women are the reproductive health facilities, Obstetrics and Gynaecology. The family planning clinics are open to both the men and women. All patients have a right to their privacy and the Medical and Nursing Councils of Zambia have been given the mandate to handle cases of indiscipline in terms of health workers through medical regulations. All health facilities in the country offer both the pre natal and post natal care services. However there is inadequate education among the Zambian people and this makes it very difficult for them to understand the importance of these services.

9. The State party wishes to report that it does not have specific legislation dealing with counter terrorism measures. As such, it does not have a definition of the term "terrorism" within its laws. The State party invites the Committee to note that in cases of public emergency, the President has powers to declare a state of public emergency and pass regulations in accordance with the Constitution. The State party further wishes to state that its current penal laws and laws relating to the declaration of a state of emergency can adequately deal with acts or threats of terrorism.

10. The Zambia Prisons Service

The Constitution of Zambia prohibits torture and other forms of cruel and degrading treatment against any person. The Prisons Act Chapter 97 of the laws of Zambia also makes it an offence for any member of the Service to commit any act of violence against a prisoner. The Prisons Act furthermore provides for Judges and Magistrates (visiting justices) to visit and inspect prisons as well as listen to prisoner's complaints regarding their stay in prison. Prisoners are therefore free to complain about any ill treatment. It is a policy of the Zambia Prisons Service that a report of violence against a prisoner shall be thoroughly investigated and reported to the police. The Human Rights Commission also has unlimited access to prisons and has investigated cases of violence against prisoners reported to the Commission. It is also a policy of the Zambia Prisons Service to periodically sensitize serving members of staff on aspects of prisoners' human rights from the perspective of national legislation and international human rights instruments.

Zambia Police Service

All police recruits and officer cadets are trained in human rights before they complete their police entrance training (pass out). The State party wishes to acknowledge that most police investigators are not trained in techniques of investigations. The necessary tools needed for investigations are not sufficient in most police stations. As a result, it is common for some police officers to resort unethical methods in obtaining information from suspects. All police supervisors have been directed to discipline officers that abuse suspects by either

using the tribunal procedure in the Police Act or through the Police Professional Standards Unit.

Examples of Police Disciplinary Procedure

N'gombe shooting of 08/09/06: The officer who was involved in the said shooting has since been arrested and is waiting to appear in court for two counts of murder and one count of attempted murder.

Misisi Compound Incident of 16/09/06: A suspect picked by police officers for loitering was found dead the next morning. Residents rioted and destroyed the police post and one protestor was shot in the process. Investigations are continuing as to who shot the protestor. However, the officers and 2 members of the Neighbourhood Watch Association (NWA) who picked the loiterer that later died have since been arrested and charged with murder (full report available).

Matero shooting of 26/10/06: The reserve constable who shot and killed a person while quelling a riot in Matero has since been arrested and charged for murder.

Lufwanyama shooting of 11/11/06: In the course of arresting two youths from Hatembuka Youth Centre, a mob of youths advanced towards the police officers in a bid to free their colleagues. The officers fired on the ground to scare away the mob. In the process some youths were hit by fragments from

the ground. The officers have since been put on disciplinary charge for failing to take safety precautions.

11. The death penalty still exists in the State Parties' statutes. The judiciary has therefore continued to pronounce capital punishment although no person has been executed since 1997. Therefore, this exists as some form of moratorium on the death penalty. Be that as it may, the Committee may wish to learn that the Constitutional Review Commission of 2003 was also requested to collect public opinion on, inter alia, the abolition or retention of capital punishment in the statutes. So far, petitioners indicated that the death penalty should be retained. Since this is an issue that requires national consensus, Government cannot consider the ratification of the Second Optional Protocol to the Covenant.

The Committee may also wish to note that the Republican President, His Excellency Mr. Levy P. Mwanawasa SC has made a public declaration that no convicted person shall be executed during his tenure of office which expires in 2011. It is worth stating that the Republican President also commuted death sentences for 110 prisoners to terminable terms of imprisonment on the advice of the Prerogative of Mercy Committee between 2002 and 2004.

12. Following a court decision of the High Court in the case of Banda Vs the People HPA/6/1998, corporal punishment has been repealed by amendments to the Penal Code, Criminal Procedure Code, the Prisons Act, Juveniles Act and the

Education Act which hitherto provided for its' imposition. The imposition of corporal punishment stands abolished and will constitute an offence if imposed.

13. The State Party acknowledges the need to improve the poor conditions in places of detention by, among other means, reducing overcrowding, improving sanitation and access to clean water, food, clothing and medical care. The average population in prison stands at 145,000 inmates. Presently the rate of overcrowding is 163%. The State Party is determined to reduce the rate of overcrowding by building new prisons. In 2003, Government begun the construction of Mwembeshi Prison and it is expected that the project will be completed by the end of 2007. The Prison will accommodate 1000 inmates when complete.

The Fifth National Development Plan and the Vision 2030 (both National Planning instruments) have also factored in the construction of additional new prisons country wide. Another measure is rehabilitation of old prisons. In this regard Kamfinsa Prison has been rehabilitated with assistance form the Danish Government. Before rehabilitation, 60% of the prison was in disuse as a result of dilapidation. The rehabilitated wing will accommodate an additional 1000 inmates.

Furthermore, K2 billion has been set aside in the 2007 national budget for rehabilitating prison infrastructure. Government has continued to fund rehabilitation of water and sewerage infrastructure in order to improve sanitation and access to clean

water. In 2006, mattresses were procured for all prisons country wide. In 2004, a contract for the supply of blankets was entered into with a local manufacturer. The contract is still running. The Prisons Service has also permitted the involvement of Non Governmental Organisations (NGOs) and religious groups willing to compliment government effort in prisons.

It is worth stating that Government also partners with CSOs in prisons rehabilitation. In this regard a dormitory for women was constructed by a CSO in 2004 at a cost of K60 million. The dormitory accommodates 20 female prisoners. Other measures of equal importance are that the State Party is determined to reduce overcrowding by including community service sentencing and the use of parole. The State party has also enacted laws on community sentencing.

The Prisons Act has also been amended to provide for a parole board to consider parole matters. Efforts are being made to constitute the parole board. As long term measure the State party will endeavor to reduce the rate of re-offending through effective evidence based correctional programmes as well as addressing underlying causes for crime such as unemployment and poverty.

Furthermore, in order to improve service delivery, Government under the Administration of Justice priority area of the Governance Chapter of the Fifth National Development Plan (FNDP) is implementing a programme designed to improve

access to justice for all, including the poor and vulnerable, women and children.

This programme will be achieved through the development of an effective and accountable justice sector that is capable of meeting the needs and interests of the poor, vulnerable and marginalised people. The key Access to Justice Institutions involved in the programme include Zambia Police, Legal Aid Board, Director of Public Prosecutions (DPP), Judiciary and Prisons.

In line with the objectives the outputs of the Access to Justice Programme are:

- Improved communication, cooperation, and coordination among justice institutions and other stakeholders
- Increased competence and motivation of personnel in justice institutions
- Improved accessibility to justice institutions, especially by the poor and vulnerable, women and children
- Improved legislative process and policy framework affecting the administration of justice
- Increased public awareness of human rights and of judicial procedures and remedies
- Improved record keeping and information management within and across justice institutions

During the first year of implementation the Access to Justice Programme will include the following priority reforms:

Overcrowding of Prisons

- Identify prisoners held for a long time and make recommendations for their release from custody depending on the nature of the offence
- Develop guidelines for visits to places of incarceration including prisons and police cells
- Conduct visits to prisons and police cells by teams of justice sector institutions based on guidelines to be developed
- Develop system for classification of prisoners and take actions to reduce remand
- Strengthen records management systems within criminal justice institutions

Delays in Court

- Establish a co-ordinating mechanism among the offices of the Police, Prosecutions and Courts in order to strengthen investigations and prosecutions
- Develop best practice guidelines for the criminal justice process
- Develop backlog strategy based on best practice guidelines
- Develop and implement care of court users initiatives
- Improve on the current standards and formats used in record keeping

Lack of Mechanisms which Facilitate Access to Justice for the Poor and Vulnerable

- Organise open days on the criminal justice system

- Use the print media to disseminate information
- Conduct sensitisation and awareness campaigns

Out of Date Laws and Procedures

- Formulate DPP and Legal Aid Board Policy Framework
- Support legal framework and procedures for increased use of non-custodial sentences
- Support the issuing of practice directions, such as bail and expediting procedures

Pilot Areas

- Scope and establish opportunities for improved coordination, communication and co-operation between justice sector institutions in pilot areas to demonstrate benefits of a holistic approach to justice

Justice Sector Infrastructure and Equipment

- Commission major infrastructure projects, e.g., establishment of justice houses in selected provinces with no facilities for the DPP and Legal Aid Board (Chipata, Mongu, Solwezi, Kasama and Mansa), build approved and reformatory schools in selected provinces and rehabilitate local courts in selected areas
- Install and maintain a criminal case flow management system and update the existing databases (electronic and manual systems)

14. The State party has created a specific position of supervisor of the police cells at each police station called Custody Officer. The job description of the Custody Officer includes frequent

inspection of the cells to account for the detainees and verify with the Officer in Charge. The Officer in Charge carries out weekly accountability of all cases in the investigation process. All supervisors have been mandated to take immediate disciplinary action in the case of officers that arrest people for civil matters. The police service has re-introduced in-service courses for all ranks in the service which include supervisory and investigations courses in order to buttress the competencies and skills of all officers.

15. ***Please provide information on the measures taken by the state party to implement its previous concluding observations, paragraph 14, relating to the case of three journalists who were found in gross contempt of the National Assembly without any procedural guarantees of fair trial provided for by Article 9 and 14 of the Covenant and what measures has the State party taken to prevent recurrence of such violations?***

(Oral response will be provided)

16. Judges enjoy a constitutional security of tenure in Zambia. Normally they vacate office at the retiring age of 65 years. A Judge may only be relieved of duties by the President in accordance with Article 98 of the Constitution. A judge may be removed by the President for inability to perform the functions of the office arising from infirmity of body or mind, incompetence or misbehavior upon the advice of an independent tribunal. Article 98 (3) 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 into the alleged inability to perform by a judge.

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.

Other measures taken include the Judicial Complaints Authority which became operational in 2003, then as the Judicial Complaints Committee under the Judicial (Code of Conduct) Act No. 13 of 1999 (the Act). The Act was passed pursuant to Article 92 (2) of the Constitution which provides that the judges, members, magistrates and justices, as the case may be, of the courts shall be independent, impartial and subject only to this Constitution and the law and shall conduct themselves in accordance with a code of conduct promulgated by Parliament.

The mandate of the Judicial Complaints Authority is to objectively and thoroughly investigate allegations of misconduct against judicial officers in order to enhance and sustain public confidence in the judiciary. The Authority enforces the Judicial Code of Conduct (the Code) thereby giving substance to the right to 'a fair and public hearing by a competent, independent and impartial' courts and tribunals by giving the public the right

to lodge a complaint with the Authority if a judicial officer does not conduct her/himself professionally and ethically on the bench (i.e. in breach of the Code). The Code requires judicial officers to uphold integrity, independence and impartiality in their adjudicative responsibilities. While the Authority does not deal with criminal processes, it deals with complaints from the public against judicial officers emanating from the judicial process generally. To this end a complaint must be lodged with the Authority.

The Authority gives administrative relief to those who feel judicial officers have committed misconduct contrary to the Code in the performance of their judicial duties. Since its inception in 2003, the authority has received 104 complaints as follows:

		2002	2003	2004	2005	2006	2007	TOTAL
1.0	Complaints Received	2	6	22	22	45	7	104
2.0	Complaints Responded to by the Secretary	0	3	9	9	19	7	47
	- Misdirected	0	1	1	1	6	2	11
2.1	- No Judicial Officer named							
2.2								
3.0	Considered Complaints		5	12	10	25	0	52
3.1	- Decisions – Complainants		4	8	4	17	0	33

	unhappy with judgment							
	- Investigated	0	1	4	6	8	0	19
4.0	Recommendations Made	0	0	1	3	1	0	5

A recommendation is made when a complaint has been found ustified. The chart shows that out of 52 complaints properly lodged before the Authority, only 5 have been vindicated. Out of the five recommendations made, the Authority has received feedback that one recommendation has been implemented.

17. Zambia is committed to guaranteeing its citizens freedom of thought and expression. These are constitutional rights and the State party is obliged to promote and protect them. In ensuring that individuals enjoy their rights to expression, Government has created a conducive environment in which both private and public media operate freely without restraint or censorship. As a matter of policy, Government has also created an environment for the multiplicity for both print and electronic media, to ensure that people get a diversity of views.

Following the return to plural politics, Government also liberalized the media industry to allow as many players as possible. The liberalization of the airwaves has resulted in the participation of private investors in the industry, with broadcasting licenses issued to about 30 private television and radio operators. These private radio and television stations continue to play a role in the provision of a platform for

individuals to express themselves. For instance, during the 2001 Presidential and Parliamentary elections, political parties and their candidates were not only restricted to public, state owned media that is, the national broadcaster and two daily newspapers but could also access community radio stations in providing information about the candidatures and party manifestos.

Since 2001, the situation has even improved further. Today, the country has five television stations, besides the Zambia National Broadcasting Corporation (ZNBC) and 28 commercial and community radio stations, dotted throughout the country. The country therefore witnesses improved coverage of the elections with people being given a diversity of views and the necessary information needed for them to make informed choices.

Government also increased the capacity of public media by providing them with adequate transport, computers and other equipment like cameras. In order to ensure a level playing field for candidates, Parliament passed the Electoral Act No. 12 of 2006 and the Electoral (Code of Conduct) Regulations 2006. The Code regulates political parties and their candidates as well as the media. According to the Act, all print and electronic media are expected to provide fair and balanced reporting of all political parties including policies, meetings, rallies and press conferences of all registered parties and candidates.

The media also provided news of the electoral process up to the declaration of results. Further, the national broadcaster, under the auspices of the Southern African Broadcasting Association (SABA) also worked out guidelines that were followed and ensured equal air time for all. The guidelines were approved by Government and none of the political parties got an upper hand over others.

Through adherence to the Code and the Broadcasting guidelines, the 2006 elections were held on a level playing field in as far as access to the media was concerned and parties and their candidates were adequately marketed. Government, through the Ministry of Information also built up the public media capacity by equipping them with adequate transport, computers, video vans, cameras and public address systems. These enabled the public media to increase their outreach and increase capacity to enable them cover rallies and other activities.

In view of the many political parties that took part in the elections, there was need to provide them with security. This was done in conjunction with the Police Service. In instances where the Police Service could not meet the demand due to insufficient human resources, the Service requested for changes in the timing of rallies to enable it provide adequate security.

The ruling party did not have undue advantage over other political parties; especially that Cabinet was dissolved three

months before elections, thereby bringing Ministers and Deputy Ministers to the same political level as any other candidates. This eliminated the practice of using Government facilities for campaigning. The media remained accessible to all, which in the eyes of the election observers contributed to the free and fair elections. Police decentralized the processing of notifications for public meetings to officers in charge of police stations.

The processing of the notifications was done by the Police Headquarters and Divisional Commanders before 2006. Officers in charge of stations were trained before the September 2006 elections in the Public Order Act and Public Order Management during the period leading to the general elections in 2006. Further, no complaint relating to the denial by Police of permission to hold public rallies was received from any political party. This was evidenced by a press statement from SACCORD, a local NGO with a firm commitment to electoral dispute resolution, published in the local newspapers. SACCORD in particular paid tribute to the Police for handling the issue of notification professionally.

18. The State party wishes to inform the Committee that the Presidential election petition was concluded and Supreme Court delivered judgment in the matter in 2005. The Supreme Court in that case held that the current President of the Republic of Zambia was validly elected. A copy of the said judgment will be availed to the Committee.

The State party wishes to acknowledge the fact that the some delay did occur in the disposal of the case and the reasons were that firstly, the law at the time did not give a time frame within which election petitions must be dealt with and secondly, there were a lot of adjournments at the instance of both parties to the case. The Committee is invited to note that the section 102 (1) of the Electoral Act No. 12 of 2006 provides for a time frame within which contentious election matters should be heard and determined in the Courts of law by stating that an election petition shall be tried and determined by the High Court within one hundred and eighty days of presentation of election petition.

19. Despite the fact that the Penal Code states that an 8 year old child might be held criminally responsible for his actions under certain circumstances, the current Juveniles Act contains sufficient provision to safe guard the integrity and development of children aged between 8 to 12 years of age. Strict judicial standards are followed in this regard. Zambia has begun a legal reform exercise regrading child related legislation, and will be conducting an audit of all legal, administrative and judicial provisions, with a view to bringing national laws in conformity with international conventions, norms and standards. This process is being led by the Ministry of Community Development and Social Services.

The Committee is invited to note that following a study conducted in 2000 under the leadership of the Ministry of Home Affairs on Juvenile Justice in Zambia, a Child Justice

Programme was established which led to the establishment of a Child Justice Forum, a Child Friendly Court, Central Arresting Points for Juveniles and a Diversion Programme: The Child Justice Forum: The Zambia Child Justice Forum brings together role players in the Juvenile Justice arena, police and probation officers, prosecutors, and civil society organizations.

This forum oversees implementation of Juvenile Justice Programmes, and has been limited in the current years primarily to Lusaka, Livingstone, Kabwe, Choma, Kitwe, Chipata and Ndola. Within discussion in the child Justice Forum, there is recognition for the need to reform the Law. The stated section of the Penal Code is one of the sections under consideration. Zambia has a Child Friendly Court in Lusaka, which deals with juvenile cases with a view to delivering a child friendly service in all aspects of the judicial process. Three Police Stations in Lusaka have been designated as Central Arresting Points referred to as ARRS (Arrest, Reception, Referral, Services). Efforts are being made to ensure that juveniles are detained for a minimum period and to the extent possible, separated from adults.

Many of the police facilities and prisons in Zambia have limited space and were constructed more than 40 years ago. A Diversion Programme which allows a child who is a first offender a chance to learn skills has been established. In addition, UNICEF supported the Judiciary in training all Magistrates in Zambia on human rights and child justice in 2005. Further, an evaluation was undertaken in 2005 of the

Child Justice Programme. The findings of the evaluation guided the development of a strategy and action plan with a primary focus of strengthening, capacity in the administration of child Justice.

20. The media, both public and private are ready to disseminate information about Zambia's third periodic report and concluding observations on the second report. The media has carried stories concerning the Covenant and will indeed participate in raising of public awareness. The media campaign to create this awareness will involve radio and television programmes and community radio stations will help disseminate information to the rural populations.

It is also worth mentioning that the preparation of the periodic report involved extensive stakeholder consultation in that CSOs, Government institutions and Constitutional bodies such as the Human Rights Commission were involved in the preparation of the periodic report. Further, Government facilitated workshops in all nine provinces in order to generate a draft report and validate the same. The promotion and protection of human rights is a priority to Government and this is evidenced by the fact that it is one of the components of the Fifth National Development Plan. It is Government's intention to popularize human rights instruments, including the Covenant.

