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The Office of the High Commissioner for Human Rights (OHCHR) presents its compliments to the Permanent Mission of the Republic of Zambia to the United Nations Office and Other International Organizations in Geneva and has the honour to transmit herewith a letter from the High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, to the Minister of Foreign Affairs, H E. Mr. Joseph Malanji.

The letter follows the adoption of the Universal Periodic Review (UPR) Working Group outcome document for Zambia by the Human Rights Council at its 37th session, following the participation of Zambia in the third cycle of the UPR. OHCHR would like to take this opportunity also to inform the Permanent Mission of the Republic of Zambia to the United Nations Office and Other International Organizations in Geneva that the High Commissioner will be sending similar letters to all Member States after they have undergone their respective universal periodic reviews in the third cycle and that all letters will be made available in the relevant country page on the OHCHR website.

The Office of the High Commissioner for Human Rights avails itself of this opportunity to renew to the Permanent Mission of the Republic of Zambia to the United Nations Office and Other International Organizations in Geneva the assurances of its highest consideration.



19 April 2018



13 April 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Zambia and welcome your constructive engagement and that of your Government during the 28th session of the UPR Working Group in November 2017.

As the final outcome report on the review of Zambia was recently adopted by the Human Rights Council at its 37th session, I take this opportunity to follow up on areas raised in the two reports that my Office prepared for the review – the compilation of UN information and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying these areas, I have also considered the statements and recommendations made by 78 delegations, the presentation and responses by your delegation and the action taken by your Government to implement the 91 supported recommendations from Zambia's second cycle of the UPR. These areas cover a range of issues and are set out in the annex to this letter.

Having taken good note of your delegation's statement at the adoption of the outcome of the review, I am encouraged by your Government's initiative to re-examine all of the recommendations received at the third cycle review in consultation with relevant stakeholders and the fact that your Government has expressed its support for a large number of recommendations that had been previously noted. I welcome your Government's pledge to continue to address the outstanding challenges that may inhibit the fulfilment of human rights through the Seventh National Development Plan (2017-2121) and its intent to supplement this Plan with the development and implementation of an action plan premised on those recommendations that enjoyed the support of Zambia. I sincerely encourage integrating into this action plan the areas mentioned in the Annex in order to achieve concrete results and to facilitate Zambia's preparation for the fourth cycle of the UPR. Such efforts should be undertaken in consultation with all stakeholders, particularly civil society organisations, and, where necessary, with the support of international organisations, including my Office and other United Nations entities under the leadership of the UN Resident Coordinator.

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H.E. Mr. Joseph Malanji
Minister of Foreign Affairs
Zambia

Positive note is taken of your delegation's statement that the process of establishing a permanent mechanism for monitoring and coordinating the implementation of recommendations from all human rights mechanisms has commenced. I strongly recommend establishing such a mechanism in line with the practical guide published by my Office in 2016, available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

In this context, in collaboration with the United Nations Country Team and your Government, my Office has undertaken a technical assessment mission in 2017, and stands ready to provide technical assistance to, inter alia, establish a national mechanism for reporting and follow-up.

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can positively contribute to follow-up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. In this regard, I encourage Zambia to submit a mid-term report in 2020.

As the Secretary-General stated in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals"*.

I look forward to holding discussions with you on ways in which my Office may best assist Zambia to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.



Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratify the Hague Convention on the Law Applicable to Maintenance Obligations of 1973, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, the Optional Protocol to the International Convention on the Elimination of all Forms of Racial Discrimination, the Optional Protocol to the Convention on the Elimination of Discrimination against Women, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

National human rights framework

- Complete the Constitution amending process by revising the 1996 Bill of Rights by inter alia holding a referendum on the proposed changes to the Bill of Rights.
- Undertake a comprehensive legislative review to fully harmonize the national legal framework with the provisions of the CRPD and with CAT
- Provide the Zambia Human Rights Commission with sufficient funds to ensure its effective operations.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Fully implement the principle of non-discrimination, particularly in relation to access to health and education, social and cultural practices, customary marriage disputes and inheritance, and also in relation to children belonging to the most vulnerable groups.
- Address the discrimination of persons with HIV/AIDS, persons with albinism and LGBTI persons.

Development, the environment, and business and human rights

- Give due consideration in all development plans of the effects of export orientated farming methods on human health, soil and water resources, as well as the impact of environmental degradation on future generations.

- Establish a regulatory framework for the mining industries to ensure that their activities did not negatively affect environmental and other standards.

B. Civil and political rights

Right to life, liberty and security of person

- Stimulate public debate on the death penalty with a view to its abolition.
- Ensure that children in pre-trial detention facilities and in prisons are separated from adult inmates; and provide children in custody with education, health and recreational facilities.
- Address the poor sanitation conditions in prisons and ensure that prisons cater for the needs of women.

Administration of justice, including impunity, and the rule of law

- While noting that progress had been made in reducing the backlog of cases in the Commercial and Supreme Courts, Zambia is urged to address the enormous backlog of cases that remained in the Magistrates Courts.
- Roll out the pilot courts established in 2016 in two provinces to fast-track the disposal of gender-based violence cases in all the provinces in the country.
- Guarantee the rights of children to legal representation by inter alia providing the Legal Aid Board with sufficient financial and human resources to establish a department for juvenile representation.
- Increase the minimum age of criminality; ensure that the detention of children was employed only as a measure of last resort; and provide children who are victims or witnesses with adequate and necessary protection during the trial.
- In light of the existence of a dual legal system comprising of customary and statutory law and that traditional courts were the main local and accessible mechanism for addressing disputes, Zambia is urged to continue to increase its efforts to ensure that traditional courts and Chiefs can effectively guide the communities on those provisions of statutory law that cross into tradition or customary jurisdictions.

Fundamental freedoms and the right to participate in public and political life

- Enact a law providing for freedom of information.
- Consider decriminalizing defamation and providing for such acts in the civil code.
- Increase the representation of women in leadership positions.

Prohibition of all forms of slavery

- Effectively implement the Anti-Human Trafficking Act No. 11 of 2008, particularly in light of the concern that there was an increase in the number of children who were victims of commercial exploitation, including prostitution.

Right to privacy and family life

- Eradicate the practice of informal adoption of children and in that context, promote formal domestic and inter-country adoptions.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- In conjunction with prosecuting alleged perpetrators of sexual harassment in the workplace, hold accountable employers in such cases for their failure to protect women employees from such harassment.

Right to an adequate standard of living

- With about 60 percent of the population living below the poverty line and 42 percent considered to be living in situations of extreme poverty, address the challenges ensuring access to adequate and nutritious food, particularly with regard to women and children in the rural areas who were most affected.
- Extend the home grown school feeding programme to cover the entire school population.

Right to health

- Strengthen efforts to reduce infant and child mortality, especially by focusing on preventive measures and treatment, improved nutrition and sanitary conditions, vaccination uptakes, and the management of preventable diseases.
- Address concerns relating to the high number of teenage pregnancies and the high number of unsafe abortions that have been administered, the lack of adolescent-sensitive and confidential counselling services and support, and the difficulties experienced by adolescent girls to accessing reproductive health care and information.
- Address concerns relating to at the high prevalence of HIV and AIDS among children, in particular adolescents, and that girls may be particularly susceptible to infection owing to the belief that intercourse with a virgin cures infection and the persistence of the unequal power relations between men and women which may hamper the ability of women and girls to negotiate safe sexual practices.

Right to education

- Address the challenges relating to the lack of access to education due to the limited places in schools and the back-log of children yet to enter the education system, particularly in rural areas.
- In light of the concern that parents were required to contribute to general purpose funds, school charges and other fees, ensure that primary education is free in practice and free of additional costs, and monitor teacher/parent associations to ensure that no costs were imposed on children.
- Address the challenges of the lack of access to education for girls due to early marriage, teenage pregnancy and discriminatory traditional and cultural practices.

D. Rights of specific persons or groups

Women

- Undertake serious efforts to tackle gender-based violence and sexual violence against women and girls and withdraw the appointment of Clifford Dimba as ambassador in the fight against gender based violence.

Children

- Eradicate the persistent practice of child marriage through the effective implementation of the new Constitution (Amendment) Act which defines a child as any person who has not attained the age of 18, and the Marriage Act which establishes the legal age for marriage as 21 years of age.
- End to all forms of child labour and take all necessary measures in relation to the protection, rehabilitation and reintegration of children.

Persons with disabilities

- Hold public awareness-raising campaigns on the rights of persons with disabilities and sensitize the media on the promotion of a positive image of disability.
- Implement an inclusive education system, through adjustments to the physical environment, adaptation of educational materials and learning methodologies and teacher training, and the provision of the necessary support and accommodation for all students with disabilities.
- Allocate sufficient funds for the implementation of social protection programmes for persons with disabilities and the mainstreaming of disability in all existing social protection programmes.

Migrants, refugees, asylum seekers and internally displaced persons

- Expedite the enactment of the 2016 Refugee Bill.
- Remove the various barriers in access to education for refugee children including the ever-rising cost of education and the need for children, particularly in secondary and tertiary education, to acquire an expensive study permit.
- Reconsider the encampment policy which required refugees to have an urban resident permit to live outside of the two designated refugee settlements.

Stateless persons

- Remove the lengthy and complex birth registration process which was slow and resulted in a backlog of applications.
- Strengthen efforts to develop and implement the free birth registration procedures and the issuance of birth certificates with a special focus on children in rural areas and children from marginalized groups, such as refugee children.