

UN submission to the Universal Periodic Review of Zambia

I. Background and Framework

This briefing note aims to provide input to the Universal Periodic Review (UPR) of Zambia at the Human Rights Council during the 14th session of the UPR Working Group, to be held in Geneva from 22 October to 5 November 2012.

A. Scope of international obligations

Zambia has ratified most of the International Conventions and generally without reservations. The Government of Zambia ratified the Convention on the Rights of Persons with Disability 1st February 2010, and has signed (2008) but not yet ratified the Optional Protocol to the Convention which establishes an individual complaint mechanism. Zambia signed (in 2008) but has not yet ratified both the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and the Optional Protocol to the Convention on the Involvement of Children in Armed Conflict. Zambia has also still not signed the Second Optional Protocol to the International Covenant on Civil and Political Rights concerning the abolition of the death penalty. Zambia is a State Party to the 1951 Convention relating to the Status of Refugees (“1951 Convention”) and its 1967 Protocol but has entered reservations in regard to the right to employment (Art. 17.2), education (Art. 22.1), freedom of movement (Art. 26) and travel documents (Art. 28). Zambia is also party to the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (“1969 OAU Convention”) and most refugees in Zambia have been recognized under its Article 1.2 on a prima facie basis. Zambia is party to the 1954 Convention relating to the Status of Stateless People but not to the 1961 Convention on the Reduction of Statelessness (“1961 Convention”). However, at the Ministerial Meeting held in Geneva in December 2011, in commemoration of the 60th anniversary of the 1951 Convention and the 50th anniversary of the 1961 Convention, the Zambian Government pledged *“to take all necessary measures to become party to the 1961 Convention on the reduction of statelessness”*. The 2008 review of UPR Working Group recommended that Zambia consider ratifying the International Convention on the Protection of the Rights of Migrant Workers and Members of their Families. Zambia has yet to ratify, the Convention. Zambia is party to the Transnational Organized Crime Convention and its supplementary protocols.

B. Constitutional and legislative framework

Zambia has a dual legal system of statutory and customary law which is applied inconsistently resulting in poor implementation of the rights of vulnerable groups, particularly women and children. Customary laws govern in areas of personal law that includes marriage and inheritance rights, which are usually adjudicated by traditional courts. The country has in place the Intestate Succession Act of Zambia. However there are challenges in administering the Act as it is applied according to customs and traditional norms prevailing in a particular area, which vary in a country of 73 tribes and 286 chiefs. The Act also greatly disadvantages widows and orphans with regard to their rightful inheritance shares from the estates of their husbands and fathers. A recent study by the Zambia Law Development Commission¹ showed that over 78 percent of widows and orphans continue to suffer injustices countrywide because of the Intestate Succession Act. Customary law ordinarily is only supposed to be applied where it is not repugnant to natural justice.

The current constitution was enacted in 1996, and whilst it guarantees rights to 'all persons' including children it does not define age of a child. Zambia has at least 26 pieces of legislation which provide for and regulate the rights of the child and legal anomalies lead to inconsistency in defining the age of the child. Therefore CRC has not yet been domesticated in full. Additionally, Article 23(4) of the current Constitution and Article 48 of Draft Constitution, rejected by Parliament in 2011, both permit discriminatory laws and practices in the area of personal and customary laws, despite the guarantee of equal status of women found in Article 11 of the current Constitution. In the case of conflict between customary and statutory laws, the former prevails, excluding the application of gender equality principle.

Zambia has adopted a number of laws and policies on persons with disabilities, including the Persons with Disabilities Act No. 33 of 1996, which also transformed the Zambia National Council for the Disabled into the Zambia Agency for Persons with Disabilities.

The Refugee (Control) Act of 1970 and other pieces of subsidiary legislation regulate the institution of asylum. The Refugee (Control) Act reflects the reservations made to the 1951 Convention, for example through an encampment policy and does not incorporate other international standards such as the principle of non-refoulement. A Refugee Bill intended to replace the Refugee (Control) Act is pending adoption by Parliament. Although the Refugee Bill is a great improvement compared to the Refugee (Control) Act, it retains the following restrictions: the encampment policy and restrictions on freedom of movement; limitations on refugees' right to work, restrictions on

refugees' freedom of association and expression and the requirement to submit an asylum application within seven days of entry into the country. It also lacks provisions on facilitated local integration. The new Immigration and Deportation Act adopted in 2010 is more in compliance with relevant international standards. The new Act has provisions aimed at discouraging corruption, abuse of power, xenophobia and dereliction of duties by immigration officers. The introductory Memorandum of the Act calls for the promotion of a human rights based approach. However, there is no concrete mention of migrants' rights in subsequent sections. Furthermore, the Act neither incorporates the principle of non-refoulement, as set out in Article 33 of the 1951 Convention, Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 7 of the International Covenant on Civil and Political Rights and Article 16 of the International Convention for the Protection of All Persons from Enforced Disappearance, nor provides for an effective remedy against deportation orders. Some provisions also do not consider the particular circumstances relating to prosecution, detention and deportation of vulnerable irregular migrants, which may include victims of trafficking, unaccompanied minors, asylum seekers, and lessens their access to protection and due process.

Zambia acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Supplementing the United Nations Convention against Transnational Organized Crime) in 2005. In September 2008, Zambia enacted the Anti-Human Trafficking Act. Among other things, the Anti-Human Trafficking Act specifically provides that "it shall not be a defence to charge for an offence under this Act to prove that the act constituting the offence is a customary practice", which is intended to address the challenge of the dual legal system (see above).

Zambia is currently undergoing the Constitutional review process and Government with support from various stakeholders' is supporting a process to have Article 23 (4) (referred to above) removed from the Constitution as well ensure the inclusion of the bill of rights.

C. Institutional and human rights structure

Zambia has a permanent Human Rights Commission (created under the 1996, Human Rights Commission Act No. 39) which was accredited with 'A' status (with reservation) by the ICC in 2003. However it has been noted by the Committee on the Rights of the Child that it is not yet fully in line with the Principles relating to the status of national institutions for the promotion and protection of human rights. Many positions do not receive regular and predictable allocation of financial or technical resources and it remains highly reliant on donor funding. Within Government, the Ministry

of Gender and Child Development is responsible for initiating policy for the protection and promotion of the human rights of women and children in Zambia.

The Office of the Commissioner for Refugees, headed by the Commissioner for Refugees, in the Ministry of Home Affairs (MHA) bears primary responsibility for the administration of refugee affairs in Zambia and The National Secretariat on Human Trafficking chaired by the Ministry of Home Affairs is the coordinating body for anti human trafficking activities.

Zambia has also created The National HIV/STI/TB Council (NAC) through an act of parliament in 2005 to set policy and strategic orientation of National response to HIV and AIDS, Sexually transmitted Infections and Tuberculosis. Using the ‘Three Ones’ principle, the Zambian government through NAC, has been coordinating all activities including stakeholder meetings, policy development and research in the fight against HIV and AIDS and related illnesses.

D. Policy measures

Zambia adopted a National Child Policy in 2006 and a National Plan of Action was subsequently developed. With the recent change in government there are plans to review and amend the policy. The Committee on the Rights of the Child expressed its concern that lack of sufficient human and financial resources would hamper implementation of the plan.

As of December 2011, Zambia hosted 46,653 refugees. The reservation on freedom of movement has been domesticated into an encampment policy which requires refugees to reside in one of the two designated settlements, Mayukwayukwa and Meheba, unless they qualify for a permit to reside in urban areas. Restrictive criteria for urban residency were introduced in 2000. The majority of refugees who lived in urban areas at that time did not meet any of the criteria, which resulted in the present day situation where thousands of refugees live outside the settlements without a permit, documentation and registration in the *proGres* database and equal access to services. As a result, these refugees, in particular the women and children, are at a heightened risk of exploitation and abuse.

Zambia has put in place a number of policy measures directed towards the fight against HIV and AIDS, STIs, TB, SGBV and Poverty among others. These have been structured in the form of Strategic Frameworks. In particular, the National HIV and AIDS Strategic Framework (NASF) has been structured to directly link and contribute to these broader policy documents, such as, Vision 2030, the Sixth National Development Plan and align with the MDGs. Zambia has further committed itself

and adopted the Human Rights approach and principle of Universal Access (UA). Among other stakeholders, IOM undertook a leading role in the development of the HIV and AIDS policy for the transport sector in Zambia. This policy aims at providing guidelines for the coordination, implementation, monitoring and evaluation of workplace programmes in the transport sector.

The National Anti-Human Trafficking Policy (2007) and National Action Plan(s) on trafficking (2010, 2011), and National Communication Strategy against Human Trafficking (2010) compliment and implement the National Anti-Human Trafficking Act mentioned above.

II. Promotion and protection of human rights on the ground

A. Cooperation with international human rights mechanisms

Zambia has submitted many of its earlier reports to the treaty bodies but has since lagged behind. The first report was submitted to the Committee on the Rights of the Child 2002 with the Concluding Observations issued in July 2003. It is late submitting its 2nd, 3rd and 4th periodic reports to the Committee on the Rights of the Child. The Committee has advised the government to submit a combined report (covering 2nd, 3rd and 4th submissions) which is currently under preparation and expected to be submitted by June 2012. Reports are also due for Convention Against Torture (2012), International Covenant on Civil and Political Rights (2011), Convention on the Elimination of Racial Discrimination (2009), International Covenant on Economic, Social and Cultural Rights (2010).

B. Implementation of international human rights obligations

i. Non-discrimination

The Constitution enshrines general provisions against discrimination (arts. 11 and 23) Right to life, liberty and security of the person. However, the Committee on the Rights of the Child² expresses concern that the principle of non-discrimination is not adequately implemented with respect to children belonging to the most vulnerable groups such as girls, children with disabilities, orphans, disadvantaged children, refugee and irregular migrant children and children born out of wedlock. The CEDAW Committee further notes the need to harmonize religious and customary law with the provisions of the Convention do prevent discrimination against women and girls. Whilst the Affiliation and Maintenance of Children Act covers provisions for children's inheritance it does not

² Recommendations of the Committee on the Rights of the child, 2002.

yet comply with *UPR recommendation (4)*, in that children not born within the marriage are not covered.

Zambia has adopted a number of laws and policies on persons with disabilities, including the Persons with Disabilities Act No. 33 of 1996. Recently, the Ministry of Community Development Mother and Child Health also formulated a national policy on disability. The Government has also drafted a new Bill on disability to domesticate the Convention. The Bill is expected to be enacted by Parliament by mid-year. The *Zambian vision 2030* recognizes streamlining provisions for the needs of the disabled in society as key to achieving the goals and objectives of the vision. In the SDNP governments key focus is to mainstream disability in all sectors. However, while plans and strategies are in place to address disability in most sectors, critical gaps exist in terms of the available information and systems supportive to effective coordination, programme design, budgeting and implementation.

ii. Life, liberty and security of the person

Child and infant mortality

Between the 2002 and 2007 Demographic Health Surveys, more than a 25% decline in under-five mortality rate (119) has been recorded, while the neonatal mortality rate (34) has remained consistently high with minimal decline. Nonetheless, the mortality rate among children remains unacceptably high. Zambia has responded to *UPR recommendation (16)*. The Ministry of Health developed the National Community Health Worker Strategy with the goal of having an adequately trained and motivated community-based workforce that will contribute towards improved health service delivery and the attainment of national health priorities.

Maternal mortality

Maternal mortality ratio (MMR) has reduced from 729 per 100,000 live births in 2002 to 591 in 2007 however remains high. The direct causes of maternal death include haemorrhage (34%), sepsis (13%), obstructed labour (8%), hypertensive conditions (5%) and abortion (4%). The main indirect causes are malaria (11%) and HIV (10%). The CEDAW Committee recommends Zambia strengthen its efforts to reduce the incidents of maternal mortality and to raise awareness of and increase women's access to health-care facilities and medical assistance by trained personnel, especially in rural areas.

Adolescent health

The Committee on the Rights of the Child expressed concern that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health concerns, and substance abuse. The Committee is also concerned at the particular situation of girls,

given, for instance, the very high percentage of early marriages and early pregnancies, which have a negative impact on their health and development. This is also a major problem among adolescent refugee girls

HIV and AIDS

Zambia has an HIV prevalence of 14.3%, one of the highest in the world. Sub-national variations exist with Northern Province having a prevalence of 6.8% and urban areas such as Lusaka Province having high prevalence at 21 %. Women (16.1 %) are more likely to be HIV positive than males (12.3 %) due to biological, economic and social factors. Perinatal transmission or Mother-to-Child Transmission (MTCT) accounts for approximately 10 % of new infections. The prevalence rate in prisons is 27%.³ Zambia has made progress in implementing *UPR recommendation (17)*, improve access to anti-retroviral treatment for vulnerable groups, including women. The government developed the PMTCT Scale-up Plan 2007-2010 which placed emphasis on male involvement and community engagement for facilitating access to ARVs especially by women and their children.

Violence against women and girls

More than half of Zambian women and girls (53%) report having experienced beatings or physical mistreatment since the age of 15, according to the Zambia Demographic and Health Survey. The Victims Support Unit of the Zambia Police reports that 60% of cases of sexual violence are against children below the ages of 16 years. The Gender Based Violence Act (2011) has criminalized acts of gender based violence and mandated the government to establish services for victims including One Stop Centres and Shelters although resource allocation remains low.

Freedom of Information:

Zambia has tabled two Bills on the Freedom of information, one in 2002 and one in 2007, but neither was passed. Currently, there is a Freedom of Information Bill which is with cabinet office and due to be tabled in Parliament. However, currently stakeholders do not know the content. (*UPR recommendation 59, no 6*) Reform of the penal code to protect journalists from prosecution is still necessary and the media are advocating for these within the context of the new Constitution (*UPR recommendation 59, no 11*)

Freedom of association, expression and participation:

Whilst there are reports that there are obstacles to freedom of association, expression and participation, the data is unavailable to corroborate this perception.

iii. Administration of Justice and rule of law

³ Unjust and Unhealthy, Human Rights Watch, pg 9.

*“Overcrowding, malnutrition, rampant infectious disease, grossly inadequate medical care, and routine violence at the hands of prison officers and fellow inmates make Zambian prisons death traps.”*⁴ Prisons built to accommodate 5,500 prisoners housed 15,300 in 2009. Some facilities in 2009 were filled at 573% and 622%⁵. Many serve more time than their sentences would be before they have even gone to trial. Sanitation and health in prisons is of concern. In 2009 only 14 health staff, including one physician, were employed to serve the 15,300 prisoners, TB rates were found to be ten times higher and HIV/AIDS prevalency rates twice those in the general population.⁶ Additionally, access to justice is an issue, with between 60-76% of prisoners never represented by a lawyer, with women (76%) and children (73%) seeming to be more negatively affected.⁷ Furthermore, Zambian prisons host large numbers of “immigration detainees”, including women and children. Many immigration detainees have served the entirety of their sentence but are forced to remain in detention because there are limited resources for their return to countries of origin. This contributes to overcrowding. Whilst Zambia has the Police Public Complaints Authority and a Victim Support Unit, their full implementation as mentioned in *UPR Recommendations 58, no 6*, is still an issue. According to VSU, there have been increases in the amount of reported cases undergoing court proceedings: 2008:20%, 2009:29% and 2010:32%. While this is positive, the amount of cases that remain outside the court system is considerably large. One of the reasons cited for this is the high level of withdrawal of cases by the victims or survivors of such violence who fear that they may lose their source of livelihood in the event that the perpetrator is convicted and given a custodial sentence. In addition, law enforcement agencies such as the VSU lack adequate resources and special equipment for forensic evidence collection, testing and support.

Justice for children

Efforts are being made to strengthen the administration of justice for children with the Child Justice Forum established at national level and in 40 districts. In 2009, 49 High Court and Supreme Court Judges, led by the Chief Justice, were trained in the handling of child witnesses/victims of crime and preparation of children for court. All magistrates receive training on juvenile matters with specific magistrates assigned to juvenile cases in Lusaka, Livingstone and Ndola. However the Child Justice Forum has not legal status and continues to be reliant on external resources to function. *UPR recommendation (5)* to train human rights judges in local courts, has not been fully implemented and a recent study on Access to Justice found a gap in capacity building at local court level

⁴ Unjust and Unhealthy, Human Rights Watch, 2010 pg 8

⁵ Unjust and Unhealthy, Human Rights Watch, 2010 pg 8

⁶ Unjust and Unhealthy, Human Rights Watch, 2010 pg 9

⁷ Unjust and Unhealthy, Human Rights Watch, 2010 pg 6

particularly in the area of human rights. *UPR recommendation (8)* related to improving the living conditions of detainees has in part been implemented for children. Separation of children from adults in custody has only been achieved in part with children still incarcerated in adult facilities, sharing the same bathing and exercise area and often transported with adults to and from court and police facilities. Prison congestion leads to children being held both pre and post trial in the same facilities. It should also be noted under this recommendation that migrants should not ideally be detained with individuals facing criminal penalties. It is quite important to establish specific facilities for migrants facing removal as Prohibited Immigrants (PI), and these facilities should take into account different requirements as established at the international level. *UPR recommendation (10)* has in part been implemented with juvenile courts established. Although specific court facilities do not exist for children in contact with the law, magistrate courts hold court proceedings on days allocated only for these cases or in camera. Concern remains though as the term 'child' is not defined in the Criminal Procedure Code and age of criminal responsibility remains low at 8 years of age.

iv. Right to privacy, marriage and family life

Child Marriage

Incidences of child marriage are high in Zambia with 42% of women aged 20 -24 years, married before age 18 compared to only 5% of men. Marriage is not defined in the Marriage Act, and whilst the Act establishes the legal age for marriage at 21 years of age, it leaves legal provision for marriage below this age with consent of an adult. Under customary law where most marriages take place, a child can be married at puberty. The same applies in the refugee community where early marriages and teenage pregnancy are common.

Children without parental care

Zambia has an estimated 1.2 million orphans. The Committee on the Rights of the Child⁸ recommends that the State party take all necessary measures to make institutional care a solution of last resort and to improve the quality of care, both in private and public institutions, via registration and enforcement of quality standards.

v. Right to social security and an adequate standard of living

Standard of living

⁸ Recommendations of the Committee on the Rights of the Child, 2002.

In 2010, Zambia ranked 150 out of 169 countries on the global Human Development Index. Poverty remains widespread in Zambia with a national poverty rate of 64 % (2006) which increases to 80 % in rural areas. *UPR recommendation (11)* related to assistance to street children has partially been implemented with government budget allocation provided under the Ministry of Gender and Child Development, Cabinet Office. Under the Ministry of Community Development, Mother and Child Health several centres for street children have been established, however integration of services with broader social welfare services remains weak and there is no national strategy for prevention. *UPR recommendation (12)* has in part been implemented with development of Social Protection services in particular the Child Grant, Provincial Welfare Assistance Scheme and other targeted social cash transfer programmes of the government. Disabled persons are also entitled to social protection assistance and specifically targeted, however, targeting and access to services remains weak.

Birth registration

Birth registration is compulsory under Section 5 of the Births and Deaths Registration Act, CAP 51. Yet rates of birth registration remain low at less than 14%. Wide disparity exists in registration rates with only 5% of the poorest 20% of children have their births registered, compared to 31% of the richest 20% of children. Amongst rural children only 9 have their births registered compared to 28% of children in urban areas. This is also a problem for refugee children.

vi. Right to education and to participate in the cultural life of the community

The recent amendment to the Education Act (2011) includes the introduction of Compulsory School Attendance for children of Basic Education, the legalization of the Community Schools, the ban on Corporal Punishment, the ban on marrying a school-going child. These measures, coupled with the budgetary increase to the education section in the 2012 budget, and on-going development of a policy on early learning, demonstrate the Government's commitment to implementing the *UPR recommendation: (13)* To continue its efforts to improve its educational system and seek international assistance in this regard. In addition *UPR recommendation (18)* to share the experiences and good practices which have enabled Zambia to obtain significant results in the field of education, particularly the access of girls to education and training, has been actively pursued with Zambia contributing to sharing of good practices in the area of universal access to education with the UNDG. Zambia has ratified the 1951 Convention relating to the Status of Refugees with a reservation on the right to elementary education (Article 22) *"The Government of the Republic of Zambia wishes to state that it considers article 22 (1) to be a recommendation only and not a binding obligation to accord to refugees the same treatment as is accorded to nationals with respect to*

elementary education.” To date, action has not been taken on lifting the reservations and it is noted that a corresponding reservation has not been made in respect of the Convention on the Rights of the Child. The Committee on the Rights of the Child⁹ noted its concern about the situation of refugee children particularly in relation to health and education.

However, *UPR recommendation (14)* related to developing a national strategy for human rights education in the school system has not been implemented to date. There is however, a Human rights component within the civic education course, an elective subject for Grades 10, 11 and 12. Challenges in the fulfilment of the right to education remain particularly in ensuring access to early learning and secondary education. In these sectors services are either limited or inaccessible to the poorest children due to user fees. Quality, infrastructure and resource allocation to the community level also remain challenges.

vii. Migrants, refugees and asylum seekers

Further efforts of government agencies, particularly Immigration Police to screen and identify individuals who are asylum seekers, victims of trafficking or vulnerable migrants need strengthening to ensure these persons, including migrant women and children, receive timely and appropriate services and are not unnecessarily detained for lengthy periods in criminal detention centres.

Legal integration is currently not facilitated under national law and refugees are not eligible for naturalization as they are not considered ‘ordinary residents’ under the Constitution in force. In this context, UNHCR supports the recommendation by the CERD, which encourages Zambia “...to review its current refugee policy with a view to enhancing prospects for local integration of long-term refugees.” At the Ministerial Meeting held in Geneva in December 2011 to commemorate the 60th anniversary of the 1951 Convention, the Zambian delegation presented a pledge of commitment to locally integrate some 10,000 Angolan refugees who have stayed in Zambia for decades, provided the international community supports certain host area infrastructural projects.

UNHCR supports the recommendation by the Committee against Torture¹⁰ that Zambia “...should ensure that the new Refugee Bill and the Immigration and Deportation Act fully comply with article 3 of the Convention. The State party should also provide the Committee with detailed information on

⁹ Recommendations of the Committee on the Rights of the Child, 2002.

¹⁰ Committee Against Torture, May 2008

cases of denial of extradition, return or expulsion owing to the risk that the person might be subjected to torture, ill-treatment or the death penalty upon return.”

A major obstacle to refugees' ability to enjoy their rights, access services and attain self-reliance are the reservations Zambia has entered to the 1951 Convention, on freedom of movement and the right to employment. Many of these refugees, particularly the women and children, are at heightened risk of exploitation and abuse due to their lack of documentation and difficulties in securing a livelihood.

UNHCR and IOM also support the recommendation by the Independent Expert on the question of human rights and extreme poverty, Ms. Magdalena Sepúlveda Carmona, that *“The Government must take all appropriate measures to modify social and cultural patterns that reinforce discriminatory practices against groups that are particularly vulnerable to poverty such as women, children, older persons, persons with disabilities, persons living with HIV/AIDS, migrants, asylum-seekers and refugees.”*¹¹

III. Achievements, best practices, challenges and constraints

Social welfare and Health

The UN acknowledges the Government of Zambia has made good progress in legislative reforms. The enactment of both the GBV and Education acts in 2011 made progress particularly in ensuring protection of women and children from violence and abuse including in education settings.

The country has developed a National Gender Communication Strategy as well as a Strategy to Engender the Public Service. The Sixth National Development Plan (2011-2015) has a strong focus on poverty reduction and equity although limited reference to the particular impact of poverty on children. The most recent government budget made significant increases in budget allocation to the health, education and social protection sectors however, challenges remain in ensuring budget allocations translate into actual budget expenditure in these areas.

Since last reporting to the Human Rights Council progress has been made in women and children's health as mentioned above. An adolescent health situation analysis was done in 2009 and a National Adolescent Health Strategic Plan 2011-2015 developed. Further the country is currently finalising guidelines and standards on adolescent health. However, Zambia remains challenged in reaching the

¹¹ A/HRC/14/31/Add.1, Report of independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, Human Rights Council, 14th Session, 11 May 2010, para. 111.

MDG targets (particularly those on extreme poverty, women's representation, access to health and sanitation) and effective service delivery remains one of the major bottlenecks.

Zambia's target towards the National HIV prevalence by 2015 is to keep the prevalence under 16%. With the current prevalence at 14.3%, this is already an achievement. With the creation of NAC, through act of parliament, Zambia has seen improvements in the coordination, service delivery and further policy formulations in the fight against HIV and AIDS, STIs and Tuberculosis.

Refugees and Migrants:

There is need for the formal implementation of the commitment made at the Ministerial Meeting in Geneva in December 2011, to locally integrate Angolan refugees with strong family, social and/or economic links to Zambia, and extend such local integration possibilities to refugees of other nationalities who meet the same criteria as well as take all necessary measures to become party to the 1961 Convention on the Reduction of Statelessness. Zambia should also ensure the speedy adoption of the Refugee Bill, enact implementing legislation, and engage in a review of the four reservations to the 1951 Convention. Pending a withdrawal of the reservation to Article 26 on freedom of movement in the 1951 Convention, a relaxation of its encampment policy, would at least allow for the registration and documentation of all refugees on its territory.

The definition of child victims in the Anti-trafficking Act includes the same three elements as adult trafficking (act, means and exploitation), rather than removing 'means' as per the TOC Palermo Protocol. This may have implications for the protection of child victims. The penalties for smuggled persons are also of concern, as although migrants agree to be smuggled, they should not be liable to penalties under national law, due to the vulnerabilities that led to their situation (i.e. displaced by conflict, natural disaster, asylum seekers, or victims of trafficking).

IV. Key national priorities, initiatives and commitments

The Government is committed to ensuring that the most vulnerable sections of the population including children have an adequate standard of living and enjoy their basic human rights. Government has therefore prioritized the strengthening of both the institutional and policy frameworks for the implementation of effective social protection programming. During the period 2010-2011 government introduced two social assistance (cash transfer) programmes targeting children. These are the OVC and the child grant schemes. These programmes are currently being implemented in five of the most impoverished districts in the country and are expected to be scaled up to five more districts.

A key priority for government for 2012 and 2013 will be the development of a comprehensive social protection policy. The lack of an established policy framework for the implementation of social protection programmes makes it difficult to coordinate, integrate and ensure adequate coverage for all vulnerable groups across different sectors. Zambia is committed to three policy and strategic areas under the UN Secretary General's Global Strategy for Women's and Children's Health, namely: (a) increase national budgetary expenditure on health from 11% to 15% by 2015 with a focus on women's and children's health; (b) strengthen access to family planning – including among adolescent girls; (c) scale up implementation of integrated community case management of common diseases of women and children. To raise awareness and political commitment around safe motherhood, the country has launched the AU sponsored Campaign for Accelerated Reduction in Maternal Mortality in Africa (CARMMA).

The National Health Strategic Plan 2011-2015 aims at improving the health status of the Zambian population, in line with the national, regional and global health objectives and targets, particularly the Vision 2030 for Zambia and the health related MDGs. The Ministry of Health has developed the National Health Policy which underscores Government's commitment to provision of equitable access to cost effective and quality health services as close to the family as possible in a caring, competent and clean environment.

The National Food and Nutrition Strategic Plan for Zambia (2011-2015) covers 12 key strategic directions related to improving food and nutrition and gives a major priority given to new multi sector, synergistic efforts to strengthen and expand interventions related to and promote "1,000 Critical Days" that prevent stunting in children under two years of age and bring added health and productivity to Zambian families and the productivity of the nation.

V. Capacity building and technical assistance

The UN, through a number of agencies, is providing technical and financial support to the Government of Zambia under five broad areas of collaboration: Health and Nutrition, HIV/AIDS, Water and Sanitation, Child Protection, Education and Social Policy including social protection. UNICEF continues to support legislative reform and is directly supporting the Zambia Law Reform Commission to amend necessary pieces of legislation in line with provisions of the CRC. Domestication of CRC is an on-going process and support is being provided to the Government of Zambia in both the legal reforms necessary along with the policy, standards and resource allocation

initiatives required to fully domestic CRC. UNDP is also working with government to provide support for the new constitutional reform process and coordinating input from the UN system.

In terms of institutional capacity, the government with support from partners, plans to undertake an institutional capacity and fiduciary risk assessment of social protection programmes. This assessment will effectively inform the development and implementation of capacity building plans to improve Social Protection service delivery and accountability. Government is also working on the development of a sector wide MIS system to strengthen programme planning and responsiveness. Another key priority in capacity building will be the review and redesign of the country's largest social assistance programme, the Public Welfare Assistance Scheme (PWAS) to ensure that adequate benefits reach the poorest and are efficiently delivered, the review and redesign of the PWAS also includes a large component of training at community, district and provincial level on social protection and programme implementation.

UNHCR plans to continue supporting the Government of the Republic of Zambia in its implementation of international and regional standards pertaining to the protection of refugees, including through the further development of a fair and efficient asylum procedure, pertaining to the prevention and reduction of statelessness and protection of stateless persons. Following adoption of the Refugee Bill, UNHCR stands ready to support the authorities in drafting implementing legislation and in developing the capacity of the new asylum system and bodies foreseen in the Bill. In support of Zambia's review of its reservations to the 1951 Convention, UNHCR has commissioned an independent study, which will be ready in 2012, to examine the compatibility of the respective reservations with Zambia's human rights obligations, and their relevance in the contemporary context. UNHCR is eager to continue capacity building and providing technical support in regard to birth registration and support to victims of gender-based violence in accessing justice, to ensure perpetrators are prosecuted and punished.

Furthermore, the GRZ is currently working with the United Nations Joint Programme on Human Trafficking (IOM, ILO and UNICEF) to enhance support for the implementation of the national anti-human trafficking policy and the national action plan, including: assistance to victims of human trafficking; the development and implementation of a series of training activities targeting law enforcement, prosecutors, social welfare, labour officers and the media; awareness raising activities; and improvements to the management of data on trafficking and crime statistics reporting.

The Government with support from its cooperating partners (UNDP, UNFPA, Ireland, Norway and Netherlands) has embarked on a programme to train Judges (both statutory and local) and Magistrates on CEDAW Provisions, Human Rights and the Anti Gender based Violence Law that was recently enacted. Zambia has embarked on domestication of CEDAW, beginning with a mapping exercise that has been conducted and has highlighted the pieces of legislation that are not in line with the CEDAW and need to be aligned or adapted. The UNDP also continues to support the capacity of the Human Rights Commission to advocate on all human rights provisions and fulfill their mandate for promoting and protecting the human rights of all Zambian citizens.