



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
22 February 2019

Original: English
English, French and Spanish only

Committee on the Elimination of Racial Discrimination

Ninety-eighth session

23 April–10 May 2019

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

List of themes in relation to the combined seventeenth to nineteenth periodic reports of Zambia

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistics

2. Comprehensive and up-to-date statistical data on the demographic composition of the population, including ethnic groups, migrants, refugees and asylum seekers. Socioeconomic indicators related to these groups (HRI/CORE/1/Add.22/Rev.2, paras. 4–22).

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1–4 and 6)

3. Lack of a definition of racial discrimination in line with article 1 of the Convention. Full compliance of the Constitution and domestic laws with the Convention. Adoption and effective implementation of comprehensive anti-discrimination legislation (CERD/C/ZMB/CO/16, paras. 10–11; CERD/C/ZMB/17-19, paras. 8–10, 27 and 57–59).

4. Compliance with the Convention of articles 11 and 23 (4) of the new Constitution (CERD/C/ZMB/CO/16, paras. 9–11; CERD/C/ZMB/17-19, paras. 5, 7–8, 64–65 and 107; CCPR/C/ZMB/CO/3, para. 12). Alternative avenues for amending article 23 (4) of the Constitution following the failure of the 2016 referendum (CERD/C/ZMB/CO/16, para. 9; CERD/C/ZMB/17-19, paras. 4–5).

5. Full conformity of the Penal Code with article 4 (b) of the Convention (CERD/C/ZMB/CO/16, para. 16). Measures to establish racist motivation as an aggravating circumstance in the criminal legislation (CERD/C/ZMB/17-19, paras. 10, 28–29, 82 and 85).

6. Measures to facilitate the lodging of complaints about acts, events or situations of racial discrimination (CERD/C/ZMB/CO/16, paras. 17–18).



7. Updated information on cases relating to racial discrimination handled by national courts, the Zambia Human Rights Commission, the Police Public Complaints Commission or other relevant Zambian institutions, including information on complaints, investigations, prosecutions, convictions and sanctions imposed, and on the reparations provided to victims. Information on the number of persons who have benefited from free legal aid provided by the Legal Aid Board offices or the Legal Services Units to bring claims of racial discrimination (CERD/C/ZMB/CO/16, paras. 17–19; CERD/C/ZMB/17-19, paras. 30–33, 40, 42, 99, 108–109 and 111).

8. Further measures taken to raise the awareness of people about their rights under the Convention and available complaint mechanisms. Steps to provide the judiciary, law enforcement officials and legal practitioners with mandatory training on the provisions of the Convention (CERD/C/ZMB/CO/16, para. 19; CERD/C/ZMB/17-19, paras. 35–38, 41 and 43).

9. Steps taken to ensure that the Zambia Human Rights Commission is allocated adequate human and financial resources. Status of the decentralization of its offices. Details on the mandate of the immigration integrity committee, as well as on its financial and human resources (CERD/C/ZMB/CO/16, para. 20; CERD/C/ZMB/17-19, paras. 46–47, 52–53, 67, 97 and 113).

Situation of ethnic groups and indigenous peoples (arts. 1, 5 and 7)

10. Systematic participation of and consultation with ethnic groups in the policymaking process, in particular on issues affecting them. Specific efforts to ensure their representation in decision-making positions in political and public life, and data on such representation.

11. Update on the enjoyment of the rights under the Convention by ethnic groups and indigenous peoples, including women – in particular access to education, housing, employment, health care and birth registration (CRC/C/ZMB/CO/2-4, paras. 31–32; A/HRC/WG.6/28/ZMB/2, para. 78; A/HRC/WG.6/28/ZMB/3, para. 81).

12. Recognition of the ownership of indigenous peoples over the lands that they traditionally occupy or have occupied. Details on measures taken to preserve tribal ancestral land, to protect it from being sold or leased and to award appropriate compensation to those whose access has been impeded.

Situation of non-citizens, including migrants, refugees and asylum seekers (arts. 1–2 and 5–6)

13. Access by non-citizens, including migrants, asylum seekers and refugees, to health-care services, food, safe drinking water and sanitation, housing, education and employment (CRC/C/ZMB/CO/2-4, paras. 55–56; A/HRC/37/61/Add.1, para. 116; A/HRC/14/31/Add.1, paras. 35–43; A/HRC/WG.6/28/ZMB/2, paras. 70–77).

14. Compliance with the Convention of laws providing for differential treatment on the basis of citizenship or immigration, such as the Citizens Economic Empowerment Act, 2006, and the Zambia Development Agency Act, 2006, as regards the rights of non-citizens (CERD/C/ZMB/17-19, paras. 64–65).

15. Registration of, and provision of identity documents to, all children born in Zambia, including the children of migrants, refugees and asylum seekers (CRC/C/ZMB/CO/2-4, paras. 31–32; A/HRC/WG.6/28/ZMB/2, para. 78; A/HRC/WG.6/28/ZMB/3, para. 81).

16. Compliance of the Refugees Act, 2017 with the Convention, including refugees' and asylum seekers' right to work, access to health care and education, freedom of movement, non-refoulement and local integration. Steps to withdraw its reservations to the Convention relating to the Status of Refugees, of 1951, in relation to the rights to employment, education, free movement and travel documents of refugees (CERD/C/ZMB/CO/16, para. 14; CERD/C/ZMB/17-19, paras. 16–20; CRC/C/ZMB/CO/2-4, paras. 55–56; CAT/C/ZMB/CO/2, para. 6; A/HRC/37/61/Add.1, paras. 114–116; A/HRC/14/31/Add.1, paras. 36–39; A/HRC/WG.6/28/ZMB/2, paras. 70, 72 and 76–77).

17. The extent of human trafficking in the State party. Measures to facilitate the filing of complaints and to protect victims from reprisals. Application of the Anti-Human Trafficking Act, 2008, and other efforts to address trafficking in human beings, including the National Plan of Action on Trafficking. Information on complaints, investigations, prosecutions, convictions, sanctions, and redress and rehabilitation measures for victims (CRC/C/ZMB/CO/2-4, paras. 61–62; CEDAW/C/ZMB/CO/5-6, paras. 23–24; A/HRC/17/26/Add.4, paras. 27, 40 and 47; A/HRC/WG.6/28/ZMB/3, para. 6).

Education to combat prejudices and promote understanding (art. 7)

18. Public awareness-raising about racial discrimination and about the need for tolerance, with a view to combating racial stereotypes and prejudices. Details on the State party's civic education initiative, and on efforts to promote human rights and understanding between different groups in school curricula and vocational training programmes. Impact of the sensitization workshops for media professionals, aimed at discouraging stereotyping in the reporting of cases of racial discrimination (CERD/C/ZMB/17-19, paras. 41, 115 and 120–124).
