



**International
Human Rights
Instruments**

Distr.
GENERAL

HRI/CORE/1/Add.22/Rev.2
21 March 2005

Original: ENGLISH

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

ZAMBIA*

[13 July 2004]

* This document replaces the core document transmitted by the Government of Zambia on 8 February 1993 and issued as document HRI/CORE/1/Add.22/Rev.1.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. THE LAND AND PEOPLE	1 - 15	3
A. The land	1	3
B. The people	3 - 15	3
II. THE ECONOMY	16 - 24	17
A. The economy	16 - 21	17
B. Measures taken to address economic decline	22 - 24	18
III. THE POLITICAL STRUCTURE	25 - 70	19
A. The general political structure	25 - 30	19
B. The Executive	31 - 37	21
C. The Legislature	38 - 42	22
D. The Judicature	43 - 68	23
E. Other entities involved in the administration of justice	69 - 70	28
IV. GENERAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED	71 - 73	28
V. INFORMATION AND PUBLICITY	74 - 77	29

I. THE LAND AND PEOPLE

A. The land

1. Zambia is a landlocked country covering an area of about 753,000 square kilometres. It shares borders with the Democratic Republic of Congo and Tanzania in the north, Malawi and Mozambique in the east, Zimbabwe and Botswana in the south, Namibia in the south-west and Angola in the west. Generally, Zambia lies on the great Central African plateau with an average altitude ranging between 1,000 and 1,300 meters. In the east (particularly the Muchinga Escarpment) the land rises to a height of about 2,000 meters above sea level. Broad depressions are to be found on the edges of the plateau, which form lakes Tanganyika, Mweru and Bangweulu in the north, the Luangwa River in the east, Kafue Basin and the alluvial plains of the Zambezi River in the south and west.

2. Lying between latitude 8° S and longitude 22° and 34° E, Zambia has a tropical climate and vegetation. There are three distinct seasons, the hot-dry season during September and October, the warm-wet season between November and April, and a dry winter, the mean temperature varying between 14° C and 30° C, from May to August.

3. Zambia's vegetation may be very broadly classified as woodland savannah, which is a mixture of various trees, tall grass, shrubs and other woodlands, which are mainly of the deciduous type usually found on the main plateau.

B. The people

4. The census of population and housing remains the main source of demographic data in Zambia, with the latest undertaken in 2000. Another important source of data that provides useful indicators included in this State report are demographic health surveys. The population¹ of Zambia recorded in the 2000 census was 9,885,591 with males accounting for 4,946,298 and 4,939,293 being females. The de facto² population however presented a higher female population: 4,743,135 as opposed to 4,594,290 males. This presented a sex ratio of 96.8 males per 100 females, slightly lower than that of 1990 (table 1).

Table 1
Sex ratio by province, 1990 and 2000

Province	1990 Males per 100 females	2000 Males per 100 females
Central	99.6	98.9
Copperbelt	102.9	105.6
Eastern	96.3	94.9
Luapula	97.2	95.1
Lusaka	101.3	100.4
Northern	92.1	95.3
North-Western	94.4	96.5
Southern	96.6	95.5
Western	90.1	90.3
Total Zambia	98.1	96.8

Source: CSO Census Reports, 1990 and 2000.

5. Administratively divided into nine provinces, the geographical distribution of the population in Zambia is largely in favour of rural areas, 65 per cent in 2000. Census results over the decades indicate an urban-rural migration trend, more significant in the most urbanized provinces of the country (Copperbelt, Lusaka, Southern and Central). The urban population was 40 per cent in 1980, reduced to 38 and 35 per cent in 1990 and 2000, respectively. The national population density was 13.1 persons per square kilometre in 2000 as compared to 9.8 persons per square kilometre in 1990. Zambia's provincial population distribution is such that the most urbanized and populated provinces (Lusaka and Copperbelt) hold the highest population densities of 50 and 64 persons per square kilometre, respectively (see table 2).

Table 2
Population density by province, 1990 and 2000

Province	Population ('000)		Area per square km ('000)	Population density per square km	
	1990	2000		1990	2000
Central	772	1 012	95	8.2	10.7
Copperbelt	1 458	1 581	31	46.6	50.5
Eastern	1 005	1 306	69	14.5	18.9
Luapula	564	775	51	11.2	15.3
Lusaka	991	1 391	22	45.3	63.5
Northern	926	1 259	148	6.3	8.5
North-Western	438	583	126	3.5	4.6
Southern	966	1 212	85	11.3	14.2
Western	639	765	126	5.1	6.1
Total Zambia	7 759	9 886	753	10.3	13.1

Source: CSO Census Report, 2000.

Note: De jure population figures used.

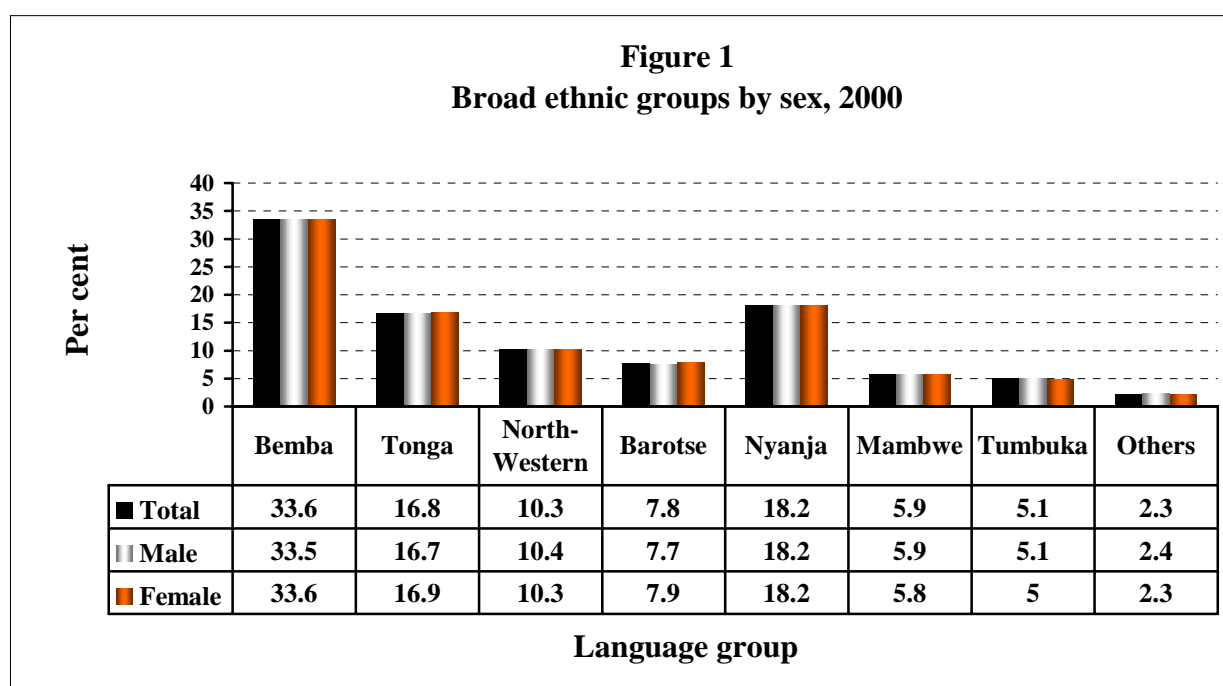
6. Zambia is a multiracial and multicultural country whose population mostly comprises persons of African origin, 99.5 per cent in 2000; an increase from 98.7 per cent recorded in the 1990 census. The non-African groupings comprise Americans, Asians, Europeans and the rest are classified as "Other", for statistical purposes only (see table 3). In Zambian censuses, ethnicity for non-Zambians refers to their continent of origin while for Zambians it implies indigenous Zambian tribes. Officially, there are 72 tribes in Zambia with each of them speaking a distinct language. While language is not habitually synonymous with tribe, a fair assumption is made that the number of languages in the country is equal to the number of tribes.

Table 3
Ethnic composition of population by sex, 2000

Sex	Ethnic group					
	African	American	Asian	European	Other	Total
Male	4 572 026	691	6 272	3 462	11 839	4 594 290
Female	4 722 128	507	5 576	2 720	12 204	4 743 135
Both sexes	9 294 154	1 198	11 848	6 182	24 043	9 337 425
Per cent of total population	99.54	0.01	0.13	0.07	0.26	100.00

Source: CSO, Census of Population and Housing National Analytical Report, 2000.

7. In Zambia, seven broad ethnic groups are identified, and all the tribes belong to one of these broad tribal groupings: Bemba, Tonga, North-Western, Barotse, Nyanja or Eastern, Mambwe and the Tumbuka groups (figure 1 and table 4). Tribes in the Bemba ethnic group account for more than two thirds of all tribes in Zambia. Additionally, 30.5 per cent and 39.1 per cent of the people belonging to the Bemba tribal group reside in rural and urban areas, respectively. Those categorized as “Others” include non-Zambian tribes/ethnic groups and accounted for 2.3 per cent in the 2000 census.



Source: CSO, Census of Population National Analytical Report, 2003.

Table 4
Broad ethnic groups by sex and residence, 2000

Ethnicity	Zambia			Rural			Urban		
	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female
Bemba	33.6	33.5	33.6	30.5	30.5	30.5	39.1	38.8	39.3
Tonga	16.8	16.7	16.9	20.0	20.0	20.1	11.0	10.8	11.1
North-Western	10.3	10.4	10.3	11.3	11.4	11.3	8.6	8.7	8.4
Barotse language	7.8	7.7	7.9	8.8	8.6	8.9	6.1	6.2	6.1
Eastern	18.2	18.2	18.2	16.9	16.9	16.9	20.5	20.4	20.5
Mambwe	5.9	5.9	5.8	5.3	5.4	5.3	7.0	7.0	6.9
Tumbuka	5.1	5.1	5.0	4.8	4.8	4.8	5.6	5.7	5.4
Others	2.3	2.4	2.3	2.4	2.4	2.3	2.3	2.4	2.2
Total per cent	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Total population	9 337 425	4 594 290	4 743 135	5 990 356	2 931 551	3 058 805	3 347 069	1 662 739	1 684 330

Source: CSO, Census of Population National Analytical Report, 2003.

8. Zambia is generally a very peaceful country. Despite the many tribes and ethnic groupings, Zambia has not suffered from any ethnic conflicts that have been witnessed in some African countries and other parts of the world. The existing peace in Zambia and its continued assurance could partly be attributed to the use of English as a neutral language of communication. Additionally, there are seven languages that are used in Zambia besides English for official purposes such as dissemination of information, radio and television broadcasting and literacy campaigns. These languages: Bemba, Kaonde, Lozi, Lunda, Luvale, Nyanja and Tonga, correspond to language clusters around which are found several dialects (see tables 5 and 6 for predominant language groups). Although, the official language of instruction in schools is English, these languages are taught in lower schools in specific provinces. It is apparent that local settlement of indigenous Zambians is not necessarily limited by one's ethnicity (see table 7).

Table 5
Predominant language groups, 1980-2000

Language group	Percentage of total population		
	1980	1990	2000
Bemba	39.7	39.7	38.5
Tonga	13.3	14.8	13.9
North-Western	7.7	8.8	7.7
Barotse	8.0	7.5	6.9
Nyanja	19.0	20.1	20.6
Mambwe	3.2	3.4	3.2
Tumbuka	3.2	3.7	3.2
English	4.6	1.1	1.7
Other	1.4	0.8	4.3
Total per cent	100.0	100.0	100.0
Total population	5 226 895	7 001 936	8 702 932

Source: CSO, 2000 Census of Population and Housing.

Table 6
Predominant language of communication by province, 2000

Predominant language of communication	Total	Central	Copperbelt	Eastern	Luapula	Lusaka	Northern	North-Western	Southern	Western
Bemba	30.1	25.4	69.4	1.1	56.6	14.5	55.3	2.0	2.8	0.4
Lala	2.0	17.1	0.8	0.0	0.1	0.2	0.4	0.0	0.0	0.0
Bisa	1.0	0.2	0.2	0.9	0.1	0.1	6.6	0.0	0.0	0.0
Lamba	1.9	2.5	8.9	0.0	0.0	0.2	0.0	2.0	0.0	0.0
Tonga	10.6	12.0	1.1	0.1	0.0	4.6	0.1	0.3	69.8	0.3
Lenje	1.4	11.7	0.2	0.0	0.0	0.8	0.0	0.0	0.2	0.0
Ila	0.8	2.9	0.0	0.0	0.0	0.2	0.0	0.0	3.8	0.0
Luvale	1.7	0.2	0.7	0.0	0.0	0.2	0.0	19.3	0.6	4.4
Lunda (N/Western)	2.2	0.1	0.9	0.0	0.0	0.2	0.0	33.9	0.1	0.4
Kaonde	2.0	1.0	1.3	0.0	0.0	0.4	0.0	27.1	0.1	0.4
Lozi	5.7	1.0	0.7	0.1	0.0	1.8	0.1	0.7	5.0	60.0
Chewa	4.9	0.6	0.4	33.8	0.0	2.4	0.0	0.1	0.4	0.1
Nsenga	3.4	0.9	0.6	20.6	0.0	3.1	0.0	0.1	0.4	0.0
Ngoni	1.2	0.5	0.3	6.6	0.0	1.0	0.0	0.0	0.5	0.0
Nyanja	10.7	8.6	1.1	9.6	0.1	52.8	0.2	0.3	5.5	0.4
Lungu	0.6	0.0	0.0	0.0	0.0	0.0	4.6	0.0	0.0	0.0
Mambwe	1.2	0.3	0.3	0.0	0.0	0.6	8.5	0.0	0.1	0.0
Namwanga	1.3	0.4	0.5	0.1	0.0	0.4	8.8	0.0	0.1	0.0
Tumbuka	2.5	0.3	0.7	14.8	0.0	0.9	2.4	0.0	0.2	0.0
Senga	0.6	0.1	0.1	4.6	0.0	0.1	0.0	0.0	0.0	0.0
English	1.7	0.9	2.5	0.2	0.1	6.6	0.2	0.3	0.8	0.2
Others	12.6	13.4	9.4	7.2	42.7	8.8	12.7	13.9	9.5	33.4
Total per cent	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Total population	8 702 932	890 370	1 439 298	1 134 948	674 049	1 259 258	1 088 565	500 939	1 051 663	663 842

Source: CSO, Census of Population National Analytical Report, 2000.

Table 7
Household heads by ethnicity and province, 2000

	Total	Central	Copperbelt	Eastern	Luapula	Lusaka	Northern	North-Western	Southern	Western
Total	1 884 741	9.5	15.4	13.5	8.7	14.4	13.7	5.9	10.8	8
Bemba speaking group	758 762	12.6	31.9	0.9	21.5	6.7	24.5	0.7	1.1	0.1
Tonga speaking group	240 934	20.8	1.8	0.2	-	10.2	0.1	0.2	66.4	0.3
North-Western group	157 171	2	8.5	0.1	0.1	2	0.1	64.4	2	20.9
Barotse language group	141 142	1.7	1.7	0.3	0.1	4.3	0.1	1	9.5	81.3
Nyanja speaking group	398 649	5.4	2.5	48.5	0.1	39	0.3	0.2	3.9	0.2
Mambwe language group	70 029	2.1	4.8	0.5	0.2	5	86.6	0.1	0.6	-
Tumbuka language group	66 284	1.3	4.8	78.1	0.1	5.3	9.4	0.1	0.8	-
English	42 817	6.6	23.2	2.2	0.8	55.4	1.7	1.7	7.1	1.2
Other languages	7 290	7.1	7	1.9	3.6	13.9	44.2	18.9	2.3	1.1
Africans	1 409	27	15	0.8	1.3	36.5	5.3	3.7	9	1.6
Americans	44	15.9	38.6	-	-	11.4	13.6	9.1	6.8	4.5
Asians	130	9.2	20	6.9	2.3	28.5	12.3	1.5	17.7	1.5
Europeans	80	8.8	20	2.5	2.5	40	12.5	3.8	10	-

Source: CSO, 2000 Census of Population and Housing.

9. The predominant religion in Zambia is Christianity, with the majority of people associating themselves with the two major groups - Catholics and Protestants. The rest of the population comprises Muslims, Hindus, Buddhists, Jews and Atheists (see table 8). There is freedom of religious practice in the country with a general pattern of association exhibited in all nine provinces, except for varying proportions (table 9).

Table 8
Population percentage distribution of religion by sex, 2000

Religion	Total population	Percentage	Male population	Percentage	Female population	Percentage
Zambia - total	9 337 425	100.0	4 594 290	49.2	4 743 135	50.8
Catholic	2 089 866	100.0	1 022 900	48.9	1 066 966	51.1
Protestant	6 025 915	100.0	2 910 315	48.3	3 115 601	51.7
Muslim	41 932	100.0	22 444	53.5	19 488	46.5
Hindu	5 442	100.0	2 769	50.9	2 673	49.1
Other	674 319	100.0	330 483	49.0	343 836	51.0
None	499 950	100.0	305 379	61.1	194 571	38.9

Source: CSO, 2000 Census of Population and Housing.

Table 9
Household heads by religion and province, 2000

Province	Religion						
	Total population	Catholic	Protestant	Muslim	Hindu	Other	None
Total	1 884 741	23.3	61.6	0.5	0.1	7.3	7.2
Central	178 820	16.8	69.3	0.4	-	8.3	5.2
Copperbelt	289 647	23.9	63.1	0.6	0.2	7.5	4.7
Eastern	254 603	25.8	52.1	1.1	-	12.5	8.5
Luapula	164 739	31.0	59.3	0.1	-	4.2	5.4
Lusaka	272 094	23.4	58.0	1.3	0.2	8.2	8.9
Northern	258 887	37.8	53.0	0.2	-	6.3	2.7
North-Western	111 133	13.2	68.5	0.1	-	7.6	10.6
Southern	204 398	14.8	73.6	0.2	0.1	3.2	8.2
Western	150 420	10.7	68.6	-	-	6.0	14.7

Note: Due to small numbers of some religious groups, they are sometimes combined and categorized as "Other".

Source: CSO, 2000 Census of Population and Housing.

10. The refugee population in Zambia is characterized mainly by persons or families that have fled neighbouring countries due to civil strife and wars. Past and recent data indicates that the majority of refugees are from Angola, Congo DR, Mozambique (during 1990s) and Zimbabwe, with Angola contributing the most in numbers. Most recent data shows that over half (57 per cent) of the refugee population comprises Angolans, who have mostly settled in refugee camps. The repatriation exercise being implemented by Zambia, following restored peace in Angola and Congo DR, has contributed to the overall reduction in refugee population in the country (see tables 10, 11 and 12).

Table 10
Zambia refugee population as at May, 2004

Location	Country of origin							Grand total
	Angola	Burundi	Congo DR	Rwanda	Somalia	Uganda	Others	
Meheba	22 428	1 065	3 272	4 100	35	19	56	30 975
Mayukwayukwa	20 017	13	149	58	-	1	39	20 277
Kala	-	-	25 374	-	-	-	-	25 374
Mwange	-	-	26 465	-	-	-	-	26 465
Ukwimi	2 379	99	-	72	-	-	-	2 550
Nangweshi	26 529	-	2	-	-	-	-	26 531
Total camps	71 353	1 177	55 262	4 230	35	20	95	132 172
Total urban	67	670	1 714	1 143	976	215	189	4 974
Self settled	49 000	400	15 000	900	700	500	8 500	75 000
Grand total	120 420	2 247	71 976	6 273	1 711	735	8 784	212 146

Source: Office of the Commissioner for Refugees, Ministry of Home Affairs, 2004.

Notes: (a) 18,140 Angolan refugees have been repatriated from Meheba Refugee Settlement and Mayukwayukwa Refugee Camp since the repatriation started on 11 July 2003.

(b) 102 and 98 self settled Burundian and Rwandese refugees respectively have been repatriated.

(c) Grand total of refugees who have since been repatriated is 18,684.

Table 11
Zambia refugee population as at December, 2003

Location	Country of origin							Grand total
	Angola	Burundi	Congo DR	Rwanda	Somalia	Uganda	Others	
Meheba	22 583	979	2 512	3 571	30	17	54	29 746
Mayukwayukwa	20 417	13	146	49	-	1	39	20 665
Kala	-	-	23 140	-	-	-	-	23 140
Mwange	-	-	25 897	-	-	-	-	25 897
Ukwimi	2 301	100	-	100	-	-	-	2 501
Nangweshi	26 688	-	-	-	-	-	-	26 688
Total camps	71 989	1 092	51 695	3 720	30	18	93	128 637
Total urban	67	663	1 659	1 119	976	214	160	4 858
Self settled	121 000	316	4 000	940	-	-	71	126 327
Grand total	193 056	2 071	57 354	5 779	1 006	232	324	259 822

Source: Office of the Commissioner for Refugees, Ministry of Home Affairs, 2004.

Table 12**Zambia refugee population as at December, 2002**

Location	Country of origin							Grand total
	Angola	Burundi	Congo DR	Rwanda	Somalia	Uganda	Others	
Meheba	41 361	717	2 306	3 379	8	15	139	47 925
Mayukwayukwa	21 316	12	131	39	-	1	10	21 509
Kala	-	-	18 295	-	-	-	-	18 295
Mwange	-	-	22 976	-	-	-	-	22 976
Ukwimi	2 196	105	-	91	-	-	-	2 392
Nangweshi	23 114	-	-	-	-	-	-	23 114
Total camps	87 987	834	43 708	3 509	8	16	149	136 211
Total urban	63	594	1 363	997	929	211	181	4 338
Self settled	121 000	400	4 000	1 000	-	-	71	126 471
Grand total	29 050	1 828	49 071	5 506	937	227	401	267 020

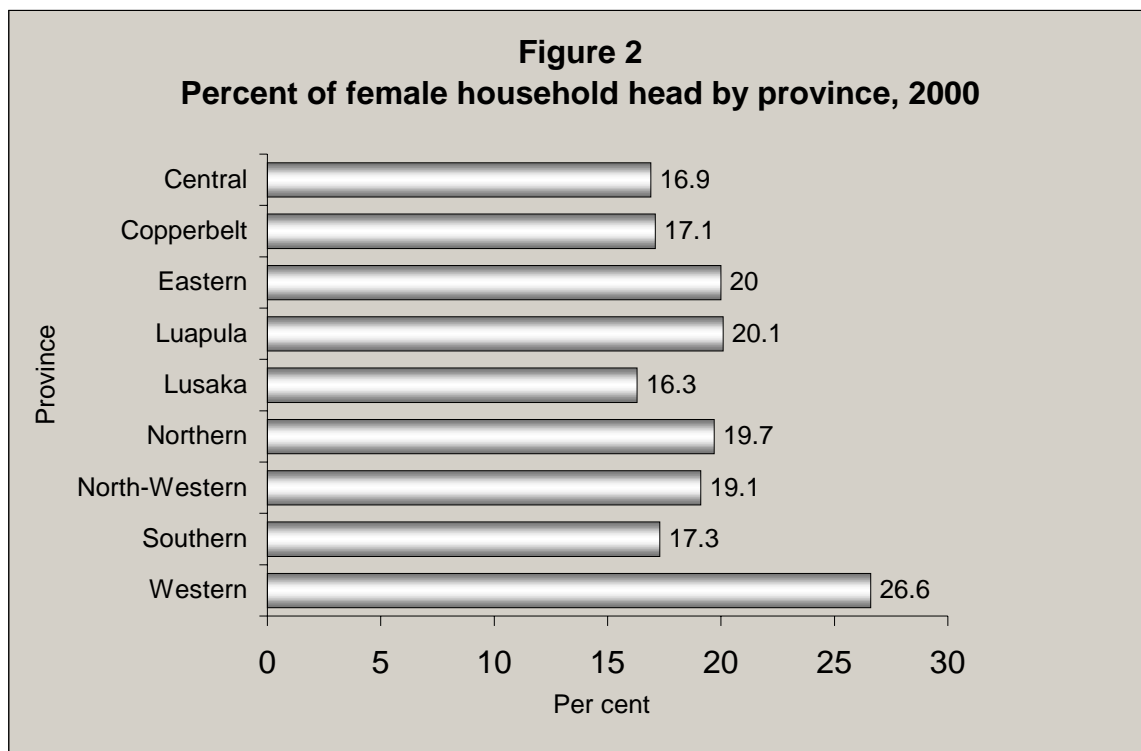
Source: Office of the Commissioner for Refugees, Ministry of Home Affairs, 2004.

11. Headship³ of households in Zambia is largely male-dominated. In 2000, only about a fifth (18.9 per cent) of all households were headed by females (see table 13). Given the predominance of the rural population in Zambia, the 2000 census recorded almost twice as many household heads in rural areas (1,241,534) as compared to urban areas (643,207). Provincial variations are apparent, with Western province exhibiting the highest proportion of female heads of households, while Lusaka hosting the capital city of the country has the least (see figure 2). Female headship of households is more apparent for those outside marital union: separated 65 per cent; divorced 72 per cent; and widowed 81 per cent. This is partly attributed to Zambia's strong cultural background (patriarchy) whose effects prevent women and other household members from accepting headship as defined in the census. Both government (through the national women's machinery) and non-governmental organizations have been addressing this issue, but notable success is yet to be determined.

Table 13**Household headship by sex, residence, 2000**

Residence	Number of household heads	Sex of household head	
		Male	Female
Total Zambia	1 884 741	81.1	18.9
Rural	1 241 534	80.5	19.5
Urban	643 207	82.4	17.6

Source: CSO Census Report, 2000.



Source: CSO, Census of Population and Housing National Analytical Report, 2000.

12. In spite of the declining annual average population growth rates, Zambia is placed as having one of the world's highest growth rates. The 2000 census shows that the total population grew at an annual average growth rate of 2.4 per cent during the period 1990-2000. In the previous intercensal periods, the population increased from 5,661,801 in 1980 by an annual average rate of 3.1 per cent during 1969-1980 to 7,759,161 with an average growth rate of 2.7 per cent from 1980 to 1990.

13. Zambia still has a young population given that it continues to bear a high proportion of persons below the age of 15 years; 45.3 per cent in 2000 (see table 14). This holds promise for continued increases in population as the young persons are expected to enter into reproductive ages (15-49 years) and contribute to the decreasing but high fertility levels of 7.2 in the 1980s to 5.9 in 2001/2002 (box 1). At national level, there is still a difference of one child between the wanted fertility rate and the actual total fertility rate; with provincial variations indicating lower ideal and actual fertility rates for most urbanized provinces - Lusaka and Copperbelt (refer to figure 3).

Table 14**Age-sex population distribution, rural/urban, 2000**

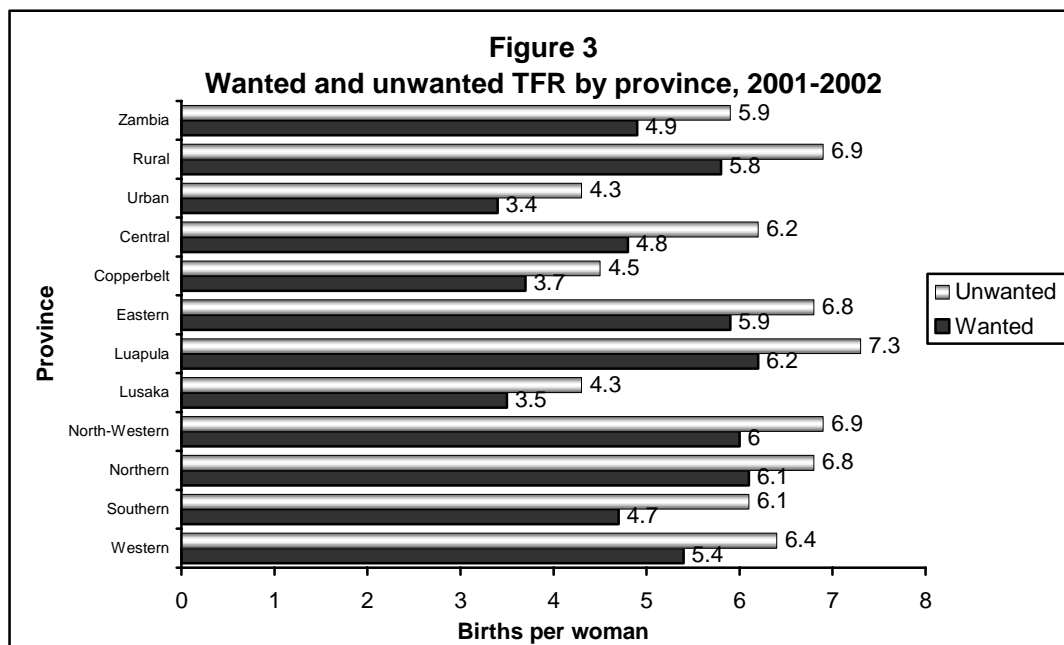
Age group	Zambia			Rural			Urban		
	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female
0-4	17.1	17.1	17.2	18.2	18.2	18.2	15.1	15.0	15.3
5-9	15.3	15.3	15.4	15.6	15.8	15.5	14.7	14.5	15.0
10-14	12.8	12.8	12.8	12.8	13.1	12.6	12.8	12.2	13.3
15-19	11.6	11.3	12.0	11.1	11.0	11.3	12.6	11.9	13.3
20-24	9.9	9.3	10.5	9.1	8.5	9.6	11.4	10.7	12.2
25-29	8.1	8.1	8.0	7.4	7.4	7.5	9.4	9.5	9.2
30-34	6.1	6.4	5.8	5.7	5.8	5.6	6.9	7.4	6.3
35-39	4.7	4.8	4.6	4.5	4.5	4.5	5.2	5.5	4.9
40-44	3.6	3.7	3.5	3.4	3.5	3.4	3.9	4.1	3.6
45-49	2.7	2.8	2.6	2.7	2.7	2.7	2.8	3.1	2.5
50-54	2.2	2.3	2.2	2.4	2.2	2.5	2.0	2.3	1.6
55-59	1.6	1.7	1.5	1.8	1.8	1.8	1.2	1.4	0.9
60-64	1.4	1.5	1.4	1.7	1.7	1.8	0.8	0.9	0.8
65-69	1.1	1.2	1.0	1.4	1.5	1.2	0.6	0.6	0.5
70-74	0.7	0.8	0.6	0.9	1.1	0.8	0.4	0.4	0.3
75-79	0.4	0.5	0.4	0.6	0.7	0.4	0.2	0.2	0.2
80-84	0.3	0.3	0.2	0.3	0.4	0.3	0.1	0.1	0.1
85+	0.2	0.2	0.2	0.3	0.3	0.3	0.1	0.1	0.1
Total per cent	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Total population	9 885 591	4 946 298	4 939 293	6 452 283	3 217 284	3 234 999	3 433 308	1 729 074	1 704 234

Source: CSO, 2000 Census of Population and Housing.

Box 1**Trends in total fertility rates, various sources**

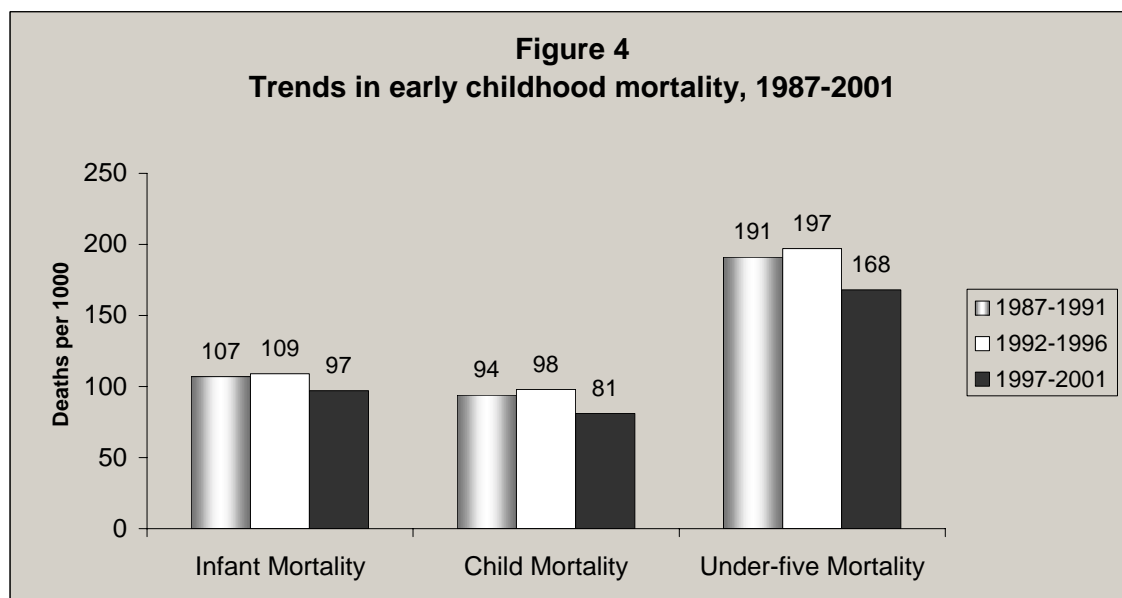
Census 1980	Census 1990	ZDHS 1992	ZDHS 1996	Census 2000	ZDHS 2001-2002
7.2	6.7	6.5	6.1	6.0	5.9

Source: CSO, Zambia Demographic Health Survey, 2001-2002.



Source: CSO, Zambia Demographic Health Survey, 2001-2002.

14. Infant and child mortality in Zambia remains high, a reflection of the poor health conditions in the country. Infant and child mortality rates increased in 1992-1996 but declined in the 0-4 year period preceding the recent demographic health survey, particularly so for the under-five mortality rates (see figure 4). The impressive coverage of vitamin A supplements for children in the recent past is a possible explanation for this notable decline in under-five mortality rates (U-5MR), amongst other contributing factors.



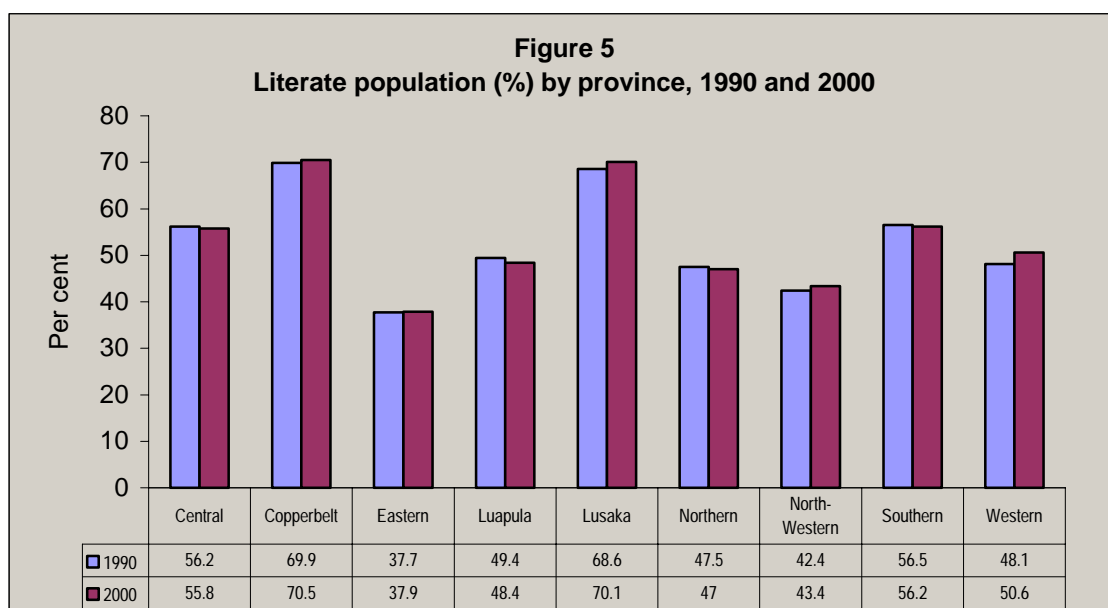
Source: CSO, Zambia Demographic Health Survey, 2001-2002.

15. The ability to read and write is regarded an important personal asset allowing women and men increased opportunities in life. Although English is the national official language of communication, literacy in Zambia is established by an individual's ability to read and write in any of the local languages. The literacy rate in 2000 for the population over five years remained stagnant at the 1990 level of 55.3 per cent. The problem of illiteracy has been more pronounced with females than males and also in rural as opposed to urban areas. Regional variations in literacy are apparent, with Eastern and North-Western Provinces showing the lowest even in 1990 (see table 15 and figure 5).

Table 15**Literacy by age group, sex, residence and province, 1990 and 2000**

Residence	1990				2000			
	5+	15-24	15+	Population	5+	15-24	15+	Population
Zambia - total								
Both sexes	55.3	74.9	66.0	6 181 285	55.3	70.1	67.2	7 680 705
Male	61.6	78.9	76.2	3 020 157	61.1	75.4	76.6	3 768 501
Female	49.2	71.2	56.3	3 161 128	49.8	65.5	58.3	3 912 204
Rural								
Both sexes	44.7	64.7	54.4	3 735 912	45.0	59.5	56.7	4 889 359
Male	52.0	70.3	66.7	1 795 668	51.7	66.5	68.1	2 382 948
Female	38.0	59.6	43.7	1 940 244	38.5	53.3	46.4	2 506 411
Urban								
Both sexes	71.5	88.7	83.6	2 445 373	73.5	86.3	84.8	2 791 346
Male	75.7	90.7	89.7	1 224 684	77.2	89.1	90.3	1 385 553
Female	67.3	86.9	77.5	1 220 689	69.8	83.9	79.3	1 405 793
Province								
Central	56.2	74.8	66.4	605 237	55.8	71.1	68.5	785 123
Copperbelt	69.9	88.2	82.1	1 206 682	70.5	84.6	82.4	1 287 161
Eastern	37.7	54.2	46.4	806 940	37.9	49.9	47.6	994 607
Luapula	49.4	69.5	61.6	439 397	48.4	62.3	61.5	590 464
Lusaka	68.6	85.5	80.7	827 425	70.1	82.0	81.1	1 125 985
Northern	47.5	68.0	59.1	707 424	47.0	62.3	60.1	952 185
North-Western	42.4	64.5	49.2	324 605	43.4	59.3	53.4	436 354
Southern	56.5	77.1	68.6	748 779	56.2	73.4	70.2	921 109
Western	48.1	70.4	54.9	514 796	50.6	66.8	59.6	587 717

Source: CSO, Census of Population and Housing National Analytical Report, 2000.



Source: CSO, 2000 Census of Population and Housing.

II. THE ECONOMY

A. The economy

16. The following indicators give an overview of the economic situation in 2003.

Targets and outturn in key macroeconomic variables, 2003

	2002 Outturn	2003 Target	2003 Outturn	Difference
Variable		A	B	C=B-A
Real GDP growth rate	3.3	4.0	4.3	0.3
Money supply growth (annual % change)	31.4	24.0*	13.8	(10.2)
Inflation rate (end year)	26.7	17.1*	17.2	0.1
Domestic fiscal deficit (% GDP)	(4.1)	(1.55)	(5.1)	(3.5)
Total external debt: \$7 billion				

Source: Ministry of Finance and National Planning.

* Revised targets.

17. The Zambian economy is heavily dependent on copper and cobalt mining. Copper and other metal exports account for about 75 per cent of the country's foreign exchange earnings.

18. Zambia's economic policies have faced a number of challenges in the past three decades. The last decade witnessed staggering increases in oil prices coupled with the fall of copper prices, which adversely affected the economy. The experiences of the past three decades show that sustained improvements in living standards require the country's economic policy to be set in a medium-term context, with appropriate consideration for the relative strengths of the different economic policies. The medium-term fiscal objectives aim to enhance domestic resource mobilization for the social and poverty programmes and for investment in infrastructure. These objectives are consistent with lowering inflation to the single digit level and to moving towards a sustainable external current account deficit.

19. The State party wishes to report that its economic performance in 2003 was favourable. Real gross domestic product (GDP) rose to 4.3 per cent in 2003 from 3.3 per cent in 2002. This expansion in growth was mainly attributed to the recovery of agricultural output from the effects of the 2001 drought. Annual inflation fell from 27.6 per cent at end-2002 to 17.2 per cent at end-2003, owing to the fall in food prices following a favourable food harvest. In the financial market, commercial bank average lending interest rates, though still prohibitively high, edged downwards from an average of 53.1 per cent in 2002 to 48.7 per cent in 2003.

20. In the external sector, merchandise exports rose by 24.0 per cent to reach US\$ 1,137 million with receipts from both metal and non-metal exports rising. Metal export receipts grew by 30.0 per cent to US\$ 730 million as export volumes increased and international metal prices picked up. Non-metal exports continued to record double-digit growth. Receipts from this source are estimated to have risen by 27.2 per cent from US\$ 237.3 million in 2002 to US\$ 301.9 million due to, among others, an expansion in markets following improved access to a number of countries under the regional trade initiatives. Improvements in the business environment as well as increased investment outlays especially in the agri-business sector also provided an impetus to growth in non-metal exports. The value of merchandise imports went up by 14.0 per cent from US\$ 1,204 million in 2002 to US\$ 1,388 million in 2003. Consequently, the trade balance improved to a deficit of US\$ 235 million in the review year from US\$ 288 million in 2002.

21. The domestic budget deficit widened to 5.1 per cent of GDP in 2003 from 4.1 per cent in 2002. This was due to higher than expected expenditures such as increased civil service personal emoluments as well as retrenchment packages paid to former Roan Antelope Mining Corporation of Zambia (RAMCOZ) employees. The widening budget deficit destabilized the macroeconomic environment as domestic borrowing rose sharply. This contributed to the continued prevailing high interest rates and the non-conclusion of a new economic programme with the International Monetary Fund (IMF) under the Poverty Reduction and Growth Facility (PRGF).

B. Measures taken to address economic decline

22. The State party's economic reform programmes recognize the need to diversify and expand the economic base, and increase agricultural production. Since 1992, the State party has initiated a series of ambitious market-orientated reforms aimed at reducing State participation in and control of economic activity. To date a large number (around 300) of State owned

enterprises have been commercialized or privatized including the Zambia Consolidated Copper Mines (ZCCM). The privatization of the ZCCM in March 2000, which proved to be a major political hurdle, improved the climate for private sector investments and helped boost Zambia's prospects for economic growth. The Zambian economy has begun to show some signs of recovery.

23. Zambia's economic policy objectives are anchored in the Poverty Reduction Strategy Paper (PRSP) whose overarching goal is poverty reduction through sustained economic growth and employment creation. In line with this goal, the State party in 2003 set out to pursue policies that were aimed at restoring and preserving macroeconomic stability, promoting efficiency as well as investing in human development. To this end, the State party set to attain the following broad macroeconomic objectives:

- (a) Achieve real GDP growth of at least 4 per cent;
- (b) Reduce the average annual inflation rate to 17.9 per cent and end-year inflation to 8 per cent;
- (c) Build up gross international reserves equivalent to 1.9 months of imports;
- (d) Ensure food security;
- (e) Raise priority poverty reducing expenditures to 2.2 per cent of GDP;
- (f) Reduce the domestic budget deficit to 1.55 per cent of GDP; and
- (g) Reach the Completion Point under the Enhanced HIPC Initiative.

24. In addition, Zambia continues to pursue a Structural Adjustment Programme (SAP) aimed at increasing the productivity and competitiveness of local industry. This has been a key part of policy in the last decade. Major reforms have been taken in the financial, transport, health, education and communication sectors. Efforts are still being made to reorient the economy from a copper based economy to a broader-based economy so as to enhance foreign exchange earnings.

III. POLITICAL STRUCTURE

A. The general political structure

25. Zambia attained her independence from Britain in 1964. At independence, Zambia adopted a Constitution that provided for a multiparty democratic system. In 1973 Zambia adopted a new Constitution, which introduced a one-party system of government. All political parties except the then-ruling United National Independence Party (UNIP) were proscribed. From the late 1980s Zambia experienced important political and constitutional developments. Those developments culminated in the amendment of the 1973 Constitution by the repealing of article 4, which provided for UNIP as the sole political party. On 31 October 1991, multiparty presidential and general elections were held which ushered into power the newly formed

Movement for Multiparty Democracy (MMD). The constitutional amendment also limited the presidential term of office to two terms of five (5) years each. In 1996, the Constitution was further amended making it mandatory that a presidential candidate should be a second generation Zambian. On 27 December 2001, presidential and general elections were held which gave MMD a fresh mandate of five years.

26. The Zambian Constitution expressly provides safeguards against violation of fundamental rights and freedoms of the individual by the State. A significant development is the creation of the Human Rights Commission established in 1996. The Commission is mandated, inter alia, to investigate human rights violations; maladministration of justice; and to propose effective measures to prevent human rights abuses. The creation of the Commission is clearly a milestone in Zambia's history and indicates the State party's willingness to promote the enjoyment of human rights by the Zambian people. Although the Commission has no enforcement powers its presence is noticeable in that it highlights abuses of human rights whether perpetuated by the State party or any other body and therefore discourages further abuses.

27. In addition to Part III of the Constitution, 1996 constitutional amendments introduced Directive Principles of State Policy. These principles are of particular significance in relation to economic, social and cultural rights and are intended to guide the Executive, Legislature and judiciary in developing and implementing national policies; in making and enacting laws; and in the application of the Constitution and any other law. Through these principles the State party endeavours to:

(a) Create an economic environment which shall encourage individual initiative and self-reliance among the people and promote private investment;

(b) Create conditions under which all citizens shall be able to secure adequate means of livelihood and opportunity to obtain employment;

(c) Provide clean and safe water, adequate medical and health facilities and decent shelter for all persons, and taking measures to constantly improve such facilities and amenities;

(d) Provide to persons with disabilities, the aged and other disadvantaged persons such social benefits and amenities as are suitable, just and equitable to their needs;

(e) Take measures to promote the practice, enjoyment and development of a person's culture, tradition, custom and language insofar as these are not inconsistent with the Constitution;

(f) Promote sustenance, development and public awareness of the need to manage the land, air and water resources in a balanced and suitable manner for the present and future generations; and

(g) Recognize the right of every person to fair labour practices and safe and healthy workers conditions.

28. The Committee may wish to note that the Directive Principles of State Policy may be observed when State resources are able to sustain their application or in instances where Cabinet determines that the general welfare of the public unavoidably demands their application. It should be noted that the Directive Principles of State Policy are not justifiable and cannot by themselves be legally enforced.

29. Part III of the Zambian Constitution contains the Bill of Rights, which makes provision for the fundamental rights and freedoms enjoyed by every person in Zambia. These rights and freedoms are entrenched in the Constitution and are as follows:

- Article 12 provides for protection of the right of life;
- Article 13 provides for protection of the right to personal liberty;
- Article 14 provides for protection from slavery and forced labour;
- Article 15 provides for protection from cruel, inhuman and degrading treatment;
- Article 16 provides for protection from deprivation of property;
- Article 17 provides for protection of privacy, home and property;
- Article 18 contains provisions to secure protection of the law;
- Article 19 provides for protection of freedom of conscience;
- Article 20 provides for protection of freedom of expression;
- Article 21 provides for protection of freedom of assembly and association;
- Article 22 provides for protection of freedom of movement;
- Article 23 provides for protection from discrimination on the ground of race, sex, tribe, etc.; and
- Article 24 provides for protection of young persons from exploitation.

30. The Constitution provides for a republican State with three arms of Government, viz., Executive, Legislature and Judicature, each forming a separate and distinct organ of the State.

A. The Executive

31. The executive power is exercised by the President who is elected for a term of five years by universal suffrage. Under article 34 (3), the Constitution states:

A person shall be qualified to be a candidate for election as President if:

- (a) He is a citizen of Zambia;

- (b) Both his parents are Zambians by birth or descent;
- (c) He has attained the age of 35 years;
- (d) He is a member of, or is sponsored by, a political party;
- (e) He is qualified to be elected as a member of the National Assembly; and
- (f) He has been domiciled in Zambia for a period of at least 20 years.

By constitutional limitation a President cannot retain office for more than two terms.

32. The Office of the President is established under article 33 of the Constitution. The President is both head of State and Government. The President presides over meetings of Cabinet. The powers of the President include:

- Appointing the Vice-President, Cabinet Ministers and Deputy Ministers;
- Dissolving the National Assembly.

33. The President is also Commander-in-Chief of the Defence Forces.

34. The President is deputized by a Vice-President whose office is established by article 45 of the Constitution. The Vice-President is appointed by the President from among Members of the National Assembly. The Vice-President performs such functions as are assigned him by the President and is also the leader of government business in the National Assembly.

35. Cabinet is established under article 49 of the Constitution and consists of the President, the Vice-President and Cabinet Ministers. Cabinet formulates the policy of the Government; is responsible for advising the President on national policy; and other matters that the President refers to Cabinet. Cabinet is responsible collectively to the National Assembly.

36. The Office of Minister is created under article 46 of the Constitution. Ministers are appointed from amongst members of the National Assembly and are responsible, under the direction of the President, for government business, including the administration of any ministry or government department, which the President may assign to them.

37. The Office of Deputy Minister is created under article 47 of the Constitution. Deputy Ministers are appointed by the President to assist Ministers in the performance of their functions and to exercise or perform such functions on behalf of Ministers as the President may authorize them to do.

B. The Legislature

38. The Legislature is established under article 62 of the Constitution. It consists of the President and the National Assembly (Parliament). Parliament is the supreme legislative authority in Zambia. The National Assembly consists of 150 elected members, 8 nominated

members and the Speaker of the National Assembly. Election of Members of Parliament is done by direct, universal adult suffrage and by secret ballot. The life of the National Assembly is five years although it may be dissolved at any time before the expiry of its legal term. If the National Assembly is dissolved, general elections will be immediately held.

39. The advent of pluralism in Zambia led to the re-emergence of organized political parties each laying its own policies before the electorate, thereby leading to well-developed diverse political views in the National Assembly, which are essential to democratic governance. Individual candidates from political parties or individuals in their own right are at liberty to contest any National Assembly elections. The candidate who polls the most votes is elected to the National Assembly.

40. The Party which polls one third of the seats in the National Assembly is officially recognized as “the Official Opposition”, with its leader recognized as opposition leader. However, the Speaker has the discretion to recognize a party as the official opposition even if it has polled less than one third of seats in the parliamentary elections. For instance, in 1991 UNIP was recognized as official opposition in the National Assembly even though it had less than one third of the seats in the National Assembly.

41. The ruling MMD has the majority share in controlling and arranging the business of the House. As initiator of policy, it indicates which action it wishes the National Assembly to take by explaining and defending its position in public debate.

42. The National Assembly has the power to establish select committees composed of members of the opposition and backbenchers whose functions are to scrutinize the work of public institutions. This affords the National Assembly the opportunity to scrutinize the performance of Government.

C. The Judicature

43. The judiciary is established by article 91 of the Constitution and consists of:

- (a) The Supreme Court of Zambia;
- (b) The High Court for Zambia;
- (c) The Industrial Relations Court;
- (d) The subordinate courts; and
- (e) The local courts.

44. The judges of the Supreme Court and the High Court, members of the Industrial Relations Court, magistrates and local court justices are independent, impartial and subject only to the Constitution and the law and are obliged to conduct themselves in accordance with the Judicial Code of Conduct promulgated by Parliament in 1999. The Judicature is autonomous and administered by an Act of Parliament.

45. The Supreme Court of Zambia is established by article 92 of the Constitution and the Supreme Court Act, chapter 25 of the Laws of Zambia. The Supreme Court is the final court of appeal in civil and criminal matters. It is the superior court of record and consists of the Chief Justice, the Deputy Chief Justice and Supreme Court judges whose number is prescribed by the Supreme Court Act and are appointed by the President. There are currently seven (7) serving Supreme Court judges out of an establishment of nine (9) judges.

46. The Office of the Chief Justice, Deputy Chief Justice and Supreme Court Judge is established by article 92 of the Constitution. The Chief Justice, Deputy Chief Justice and Supreme Court judges are appointed by the President subject to ratification by the National Assembly in accordance with article 93 of the Constitution. The Chief Justice is responsible for making rules with respect to practice, direction and procedure of the Supreme Court in relation to the jurisdiction and powers of that Court.

47. The High Court for Zambia is established by article 94 of the Constitution and the High Court Act, chapter 27 of the Laws of Zambia. The High Court has an establishment of 30 puisne judges in addition to the Chief Justice who is an ex-officio member. Currently there are 25 serving judges.

48. The High Court has unlimited and original jurisdiction to hear and determine any civil or criminal proceedings under any law and such jurisdiction and powers as may be conferred on it by the Constitution or any other law. This, however, excludes proceedings in which the Industrial Relations Court under the Industrial and Labour Relations Act, chapter 269 of the Laws of Zambia, has exclusive jurisdiction.

49. The High Court determines appeals from the lower courts and aggrieved parties may appeal from this Court to the Supreme Court.

50. The Industrial Relations Court is provided for under article 91 of the Constitution and is established by section 84 of the Industrial and Labour Relations Act, chapter 269 of the Laws of Zambia. This Court consists of a Chairman, Deputy Chairpersons, all of whom are appointed by the President on the advice of the Judicial Service Commission. Four other members are appointed by the Ministry of Labour and Social Services to serve on the Industrial Relations Court.

51. The Chairman and Deputy Chairman should be a person who holds or has held high judicial office or has practised as an advocate for a minimum period of ten (10) years.

52. The Industrial Relations Court has exclusive jurisdiction in labour related matters. The Industrial Relations Court has the jurisdiction to:

- (a) Examine and approve collective agreements;
- (b) Inquire into and make awards and decisions in collective disputes;
- (c) Inquire into and make awards and decisions in any matters relating to industrial relations which may be referred to it;
- (d) Interpret the terms of award and agreements;

(e) Commit and punish for contempt, any person who disobeys or unlawfully refuses to carry out or to be bound by an order made against him by the Court; and

(f) Generally to inquire into and adjudicate upon any matter affecting the rights, obligations and privileges of employees, employers and representative organizations.

53. The Industrial Relations Court is a quasi-judicial tribunal and does not follow strict rules of evidence. The procedure followed for the institution of legal proceedings before this Court is relatively simple as compared to that which is followed in the other Courts.

54. The subordinate courts are provided for under article 91 of the Constitution and are established by the Subordinate Courts Act, chapter 28 of the Laws of Zambia.

55. All magistrates are appointed by the Judicial Service Commission acting in the name of the President. The jurisdiction of a subordinate court depends on its class and the rank of the presiding magistrate. The jurisdiction in civil cases varies between classes in relation to the amounts at issue in matters brought before the courts and also as to the type of action triable. Criminal jurisdiction also varies according to the class of magistrate presiding and class of court. Subordinate courts are empowered to adjudicate on appeals from the local courts. An aggrieved party has the right to appeal against the decision of a subordinate court to the High Court.

56. The institution of local courts is provided for under article 91 of the Constitution. Local courts are established under the Local Courts Act, chapter 29 of the Laws of Zambia. These courts are at the base of the hierarchical judicial system. There are about 454 local courts in Zambia. The Judicial Service Commission appoints the local court justices. Local courts are divided into grades A and B and their jurisdiction is limited according to the grade which the court warrant assigns to them. A local court may only hear matrimonial or inheritance cases based on customary law where that law applies. Local courts are primarily authorized to apply and enforce customary law. The local court's criminal jurisdiction is limited to cases such as simple thefts and common assaults. Whenever a local court is seized with the conduct of a civil or criminal matter in which a party wishes to be represented by a lawyer, that matter is immediately transferred to the subordinate courts for trial because lawyers have no right of audience in the local courts.

57. The independence of the judiciary and its autonomy from the legislative and executive arms of the State party is of great importance in Zambia. As stated earlier, the President appoints Supreme Court judges. Puisne judges are appointed by the President acting on the advice of the Judicial Service Commission and are subject to ratification by the National Assembly. This requirement for ratification strengthens the independence of the judiciary in that it safeguards against the appointing authority exercising undue influence on the judiciary and its work. Judges of the Supreme Court and High Court enjoy security of tenure, which enables them to perform their functions without fear or favour. A judge can only be removed from office on grounds of inability to perform the functions of office whether arising from infirmity of body or mind, incompetence or misbehaviour, after a tribunal appointed to investigate the allegations confirms such allegations and recommends that a judge be removed. The judiciary's independence is further protected as the salaries payable to the judges and their terms of office may not be altered to their disadvantage after their appointment.

58. The laws, which are applied by the different courts, which form the Judicature, fall into three broad categories:

(a) Legislation

- (i) In the form of Acts of Parliament and subordinate legislation made under those Acts;
- (ii) English Laws (Extent of Application) Act, chapter 10 of the Laws of Zambia provides that all English statutes in force in 1911 are applicable in Zambia as long as the law is not inconsistent with existing Zambian laws, and the Act is to be applied in the light of prevailing local circumstances. In matrimonial cases English laws are still applicable;

(b) Judicial precedents, which are rules, derived from decisions of the High Court and Supreme Court of Zambia;

(c) Customary law, which is applicable insofar as it is not inconsistent with existing statutory laws or repugnant to the principles of natural justice, equity and good conscience.

59. The Office of the Attorney-General is established under article 54 of the Constitution. The Attorney-General is appointed by the President subject to ratification by the National Assembly and is the principal legal adviser to the State. The Attorney-General is not subject to the direction or control of any other person or authority in the discharge of duties. The Attorney-General is charged, inter alia, with representing the State in all civil proceedings to which the State is a party. The Attorney-General is also an ex officio member of Cabinet.

60. The Office of the Solicitor-General is established by article 55 of the Constitution. He is appointed by the President subject to ratification by the National Assembly. The Solicitor-General deputizes the Attorney-General and exercises any power or duty imposed on the Attorney-General by the Constitution or any other written law whenever the Attorney-General is unable to act owing to illness or absence or where the Attorney-General has authorized the Solicitor-General.

61. The Director of Public Prosecutions is appointed by the President subject to ratification by the National Assembly. The office of Director of Public Prosecutions is established by article 56 of the Constitution. The Director of Public Prosecution has the power:

(a) To institute and undertake criminal proceedings against any person before any court, other than a court martial, in respect of any offence alleged to have been committed by that person;

(b) To take over and continue any such criminal proceedings as have been instituted or undertaken by any other person or authority; and

(c) To discontinue at any stage before judgement is delivered, any such criminal proceedings instituted or undertaken by himself or any other person or authority.

62. The Director of Public Prosecutions is not subject to the direction or control of any other person or authority in the exercise of his duties. Where in the judgement of the Director of Public Prosecutions a case involves general considerations of public policy, the Director of Public Prosecutions may bring the case to the notice of the Attorney-General and will in the exercise of his powers in relations to that case, act in accordance with any directions of the Attorney-General.
63. The initial decision to institute a criminal investigation normally lies with the police. The police have the power to investigate all criminal offences. However, in terms of prosecuting an offender the police have the authority to initiate proceedings in accordance with the law (except for certain offences which require the consent of the Director of Public Prosecutions).
64. Under section 89 of the Criminal Procedure Code, chapter 88 of the Laws of Zambia, an individual may conduct a private prosecution with the consent of the Director of Public Prosecutions.
65. The presumption of innocence is cemented in the Constitution and an accused person is presumed innocent until proved guilty. Therefore, the onus is on the prosecution to prove its case beyond reasonable doubt.
66. An accused person may retain a lawyer of his or her choice. If remanded in custody, an accused person may be visited by his or her lawyer to ensure a well-prepared defence. Criminal trials are normally in open court and rules of evidence are vigorously applied (however, the court may sit in camera; in certain cases such as those involving juveniles). During the trial the accused has the right either personally or through his or her lawyer to cross-examine the prosecution witnesses. The accused also has the right to remain silent, testify on oath or make an unsworn statement in his or her own defence and may call witnesses in his or her defence.
67. In civil matters an aggrieved party is at liberty to institute proceedings before a court of competent jurisdiction. Normally civil proceedings are instituted by writ of summons, petition or notice of motion. In civil matters both the plaintiff and the defendant are at liberty to call witnesses.
68. The State party aims to provide access of legal services to the socially and economically disadvantaged persons in society. In this regard a person whose means are inadequate to enable him or her to engage a private legal practitioner may apply for and be granted legal aid in civil and criminal matters in terms of the Legal Aid Act, chapter 34 of the Laws of Zambia. A person charged with a serious criminal offence is automatically granted legal aid unless that person is able to retain the services of a private legal practitioner. In 2000, the Legal Aid Act was amended to provide for a Legal Aid Board and a Legal Aid Fund. Private legal practitioners may in addition undertake the representation of legally aided persons for a small fee. The fee is met under a Legal Aid Fund established for the purpose. This was done in an attempt to improve legal aid, due to various constraints experienced by the Legal Aid Department, which was unable to cope with the huge number of cases.

C. Other entities involved in the administration of justice

69. The Commission for Investigations is established under article 90 of the Constitution and the Commission for Investigations Act, chapter 39 of the Laws of Zambia. The President, in consultation with the Judicial Service Commission, appoints the Chairman of the Commission for Investigations. The Commission for Investigations is empowered to investigate and report to the President on complaints made to it about maladministrative actions taken by public authorities. The Commission has no power to question or review any judicial decisions. However, the Commission has formal powers to examine witnesses and to seek access to documents. It conducts investigations privately and usually works in an informal manner.

70. The role of the Investigator-General (the Ombudsman) is to determine whether there has been any maladministration on the part of a relevant agency to justify a complaint, or whether the agency has acted improperly or wrongly. Where it finds that a complaint has merit, the Commission may recommend to the President that remedial action be taken. A special feature of the powers of the Investigator-General is that the Investigator-General is required to consider whether a provision of the Act or a practice upon which a decision is based is unreasonable, unjust, oppressive or discriminatory. Thus, the Investigator-General can suggest that a decision is objectionable even if such a decision is not in itself invalid.

IV. GENERAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

71. Zambia has ratified and acceded to several human rights conventions, these include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. In addition the State party has ratified regional instruments for the protection and promotion of human rights and fundamental freedoms. However, international instruments are not self-executing and require legislative implementation to be effective in Zambia as law. Thus, an individual cannot complain in a domestic court about a breach of Zambia's international human rights obligation unless the right has been incorporated into domestic law. Nevertheless, courts in Zambia have in appropriate cases given judicial notice to international instruments which Zambia has ratified or acceded to even though these have not been reduced into domestic legislation.

72. The judiciary plays a prominent role in the protection of fundamental freedoms and human rights because a victim of any human rights violation has a right to institute proceedings and where appropriate, remedies are granted. The establishment of the Human Rights Commission has further added to the promotion of the enjoyment of human rights. Where a person's rights have been violated, that person may complain to the Human Rights Commission. As earlier stated the Commission may investigate such violations and if proved, recommend to the relevant authorities to redress the violation. Although the Human Rights Commission has been criticized because it does not have any enforcement powers, the Commission's ability to expose human rights violations tends to deter further abuses.

73. The media in Zambia enjoys an increasingly high degree of freedom, which allows the press, radio and television to play a significant role in exposing breaches of human rights and fundamental freedoms and exerting pressure for remedial action. The media is free to report on parliamentary proceedings as well as court proceedings relating to human rights matters and parliamentary questions are often prompted by media coverage of a particular matter. During the November 2001 National Assembly Session the State party for the first time in Zambia, introduced live coverage on National Assembly debates on radio.

V. INFORMATION AND PUBLICITY

74. In Zambia efforts are regularly made to acquaint the public and the authorities with rights provided for in the various international human rights instruments. Symposiums and lectures on human rights have been organized and seminars on human rights have been held for educators, the police and other public officers. Furthermore training in human rights is given in primary, secondary and higher institutions of learning within the framework of social studies and civics. The media also plays an important role in publicizing and educating people about their rights.

75. Churches and NGOs play a prominent role in the promotion and protection of human rights standards among members of the public and are involved in various human rights activities in order to achieve this. Non-governmental organizations involved in human rights include: Non-Governmental Organization Co-ordinating Committee (NGOCC), Zambia Civic Education Association (ZCEA), Foundation for Democratic Process (FODEP) and the Institute of Human Rights, Intellectual Property and Development Trust (HURID).

76. Mother bodies of faith-based organizations involved in human rights promotion include: Zambia Episcopal Conference, Christian Council of Zambia and the Evangelical Fellowship of Zambia.

77. The responsibility for compiling reports under the various international and regional human rights instruments falls under the Ministry of Justice in collaboration with the other line ministries and departments. It is worth noting that Zambian NGOs are invited to participate and do assist in compiling State reports. Reports prepared under the various instruments are public documents and can be made available on request.

Notes

¹ De jure population, which defines the usual number of household members *present* and usual household members temporarily *absent* at the time of the census (including institutional populations).

² De facto population refers to the usual household members and visitors who spent the census night at the household and as such excludes certain population outside the country at the time of the census.

³ The Zambian census defines a head of household “as a person who makes day-to-day decisions concerning the running of a household and is also considered as such by all household members”.