

Recommendations & Pledges

ZAMBIA

Second Review Session 14

Review in the Working Group: 30 October 2012
Adoption in the Plenary: 14 March 2013

Zambia's responses to recommendations (as of 22.05.2013):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
70 recs accepted, 1 rejected and 54 pending	The delegation stated being unable to agree to the ratification of the 2 nd Optional Protocol to ICCPR	Out of the 54 pending, the delegation rejected 33 without explaining which ones. After a request by the Human Rights Council President, the delegation enumerated them. The other recs are left pending	Accepted: 70 Rejected: 34 No clear position: 0 Pending: 21 Total: 125

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/22/13:

102. The recommendations listed below enjoy the support of Zambia:

A - 102.1. Put continue working on its capacity-building programme for good governance (Nicaragua);

A - 102.2. Continue to enhance its cooperation with development partners in order to improve its financial and technical capacity to implement the anti- trafficking law (Philippines);

A - 102.3. Maintain its positive efforts in the current process of reviewing its national laws with a view to bringing them in line with its international human rights obligations (Egypt);

A - 102.4. Lobby for and implement access to information legislation to encourage greater transparency and government ability (United States of America);

A - 102.5. Take every measure to ensure the effective implementation of CAT, particularly in detention centres (France)

A - 102.6. Increase its efforts to further strengthen the national mechanism for the advancement of women and to provide such mechanism with adequate resources (Malaysia);

A - 102.7. Facilitate the strengthening of cooperation and coordination among the various institutions and commissions with different mandates that will enable effective and comprehensive implementation of the recommendations of the UPR mechanism, treaty bodies and special procedures mandate holders (Indonesia);

A - 102.8. Provide sufficient funding for the National Human Rights Institution, enabling them to carry out its task as Human Rights watchdog (Norway);

A - 102.9. Continue its efforts in improving coordination among national institutions involved in the implementation of human rights programmes and recommendations of treaties bodies as well as those made by Human Rights Council special procedures mandate holders (Angola);

A - 102.10. Continue to consolidate the impressive gains that the country has thus far made in the promotion of Human Rights including in the sphere of health and social services (Zimbabwe);

A - 102.11. Take all necessary steps to honour its commitments under the Abuja Declaration (New Zealand);

A - 102.12. Establish or strengthen independent public accountability mechanisms which contribute with the fight against corruption (Nicaragua);

A - 102.13. Explore the possibility of utilizing human rights training and programmes, and other similar efforts to further mainstream the promotion of the rights of women and children (Philippines);

A - 102.14. Invest more on a workable programme that would ensure the smooth coordination and implementation of their own initiatives and the different recommendations by treaty bodies (Swaziland);

A - 102.15. Continue giving priorities to human rights education and awareness- raising in the Government's plans, strategies and programmes, and to enhance the participation of civil society and private sector, as appropriate, as a complementary driving force in this regard (Thailand);

A - 102.16. Strengthen its cooperation with the mechanisms of the United Nations system as well as the financial institutions in order to take up the multiple challenges (Benin);

A - 102.17. Continue its engagement with the United Nations Human Rights Office, as well as the human rights mechanisms and procedures for further enhancement of meaningful benefit (Kenya);

A - 102.18. Cooperate with the Special Rapporteurs visiting the country and take into account their views (Chad);

A - 102.19. Extend an invitation to the special procedures (Iraq);

A - 102.20. Undertake every effort to promote awareness of the rights of the child (France);

A - 102.21. Enact measures concerning women's and children's rights, with the view to addressing the current problems in these fields (Romania);

A - 102.22. Adopt plans and programmes to eliminate torture and other forms of inhumane treatment

and such education should be provided to prison authorities and wardens (Iraq);

A - 102.23. Adopt additional measures, including legislative, to eliminate the practice of child labour exploitation and the use of corporal punishment for children (Belarus);

A - 102.24. Adopt and implement appropriate measures to address the sexual abuse and exploitation of children as well as child labour (Slovakia);

A - 102.25. Prohibit corporal punishment of children in all settings (Slovenia);

A - 102.26. Review its legislation to prohibit and sanction corporal punishments of children in all areas (Mexico);

A - 102.27. Strengthen its efforts to combat violence against women, including by enacting and implementing necessary legislation and measures to ensure proper investigation and prosecution of sexual violence, thereby promoting access to remedy for victims (Japan);

A - 102.28. Continue to enhance, with the cooperation of the relevant United Nations agencies, its efforts to eliminate gender-based violence (Singapore);

A - 102.29. Ensure effective implementation of the Anti-Gender-Based Violence Act with particular focus on victims' access to justice (Slovakia);

A - 102.30. Take the necessary steps to ensure effective implementation of the Anti-Gender-Based Violence Act (Hungary);¹

A - 102.31. Establish the Anti-Gender-Based Violence Fund as provided for in the Act of 2011 (South Africa);

A - 102.32. Implement CEDAW's call to put in place a strategy to eliminate violence, harmful practices and stereotypes against women in line with the Convention (Slovenia);

A - 102.33. Address the continued high prevalence of violence against women and girls, including by strengthening training for the judiciary and law enforcement personnel to enhance their capacity to respond effectively to cases of violence against women and girls (Canada);

A - 102.34. Adopt prevention measures against sexual abuses (Iraq);

A - 102.35. Improve conditions in prisons and detention centres vis-à-vis their overcrowding, including inmates' access to food and hygiene (Slovakia);

A - 102.36. Keep on the current efforts to improve conditions of detention including limiting the overcrowdedness of prisons (Egypt);

A - 102.37. Bring conditions in detention centres in line with international standards (Hungary);

A - 102.38. Address prison overcrowding and separate children from adult prisoners (Iraq);

A - 102.39. Step up its efforts to address overcrowding in correctional facilities and to improve sanitary conditions in these centres (Italy);

A - 102.40. Pay attention to the rehabilitation of prisoners (Italy);

A - 102.41. Continue to improve its treatment of prisoners in keeping with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Japan);

A - 102.42. Seek the support of the relevant partners to pursue its efforts in its fight against trafficking in persons (Burkina Faso);

A - 102.43. Ensure thorough and impartial investigation into all allegations of attacks and threats against individuals targeted because of their sexual orientation or gender identity (Norway);

- A - 102.44. Ensure that the freedoms of assembly and expression are upheld and respect the 2003 Supreme Court ruling stating that these freedoms are fundamental (United States of America);
- A - 102.45. Continue to create just and favourable conditions of work (Namibia);
- A - 102.46. Provide adapted solutions to the problems identified in the rural areas (Senegal);
- A - 102.47. Ensure progressive enjoyment of the right to health (Togo);
- A - 102.48. Continue to implement measures which allow all people to have access to health-care service (Cuba);
- A - 102.49. Carry on with ensuring the reduction of HIV prevalence in Zambia (Egypt);
- A - 102.50. Continue to increase its inputs into health and strengthen HIV/AIDS control so as to reduce the incidents of HIV/AIDS (China);
- A - 102.51. Continue with efforts to combat HIV/AIDS (Sri Lanka);
- A - 102.52. Pursue efforts to combat the HIV/AIDS pandemic, particularly by the implementation of a national strategic plan to fight against this pandemic (Algeria);
- A - 102.53. Step up efforts in prevention and treatment of HIV/AIDS infections (Belarus);
- A - 102.54. Continue its programmes and interventions to reduce the HIV/AIDS infections among its people with the support of the World Health Organization (WHO) and other international organizations (Singapore);
- A - 102.55. Continue strengthening measures to address and lessen the HIV/AIDS impact on women and children, in particular the mother-to-child- transmission (Thailand);
- A - 102.56. Take more steps in the fight against HIV/AIDS by carrying out sensitization programmes and also learning from the best practices available in this area (Uganda);
- A - 102.57. Allocate specific funding within its health budget for child, maternal and reproductive health (New Zealand);
- A - 102.58. Increase its national budget in the areas of health to ensure that its health facilities meet the Ministry of Health's guidelines and requirements with regard to equipment and services (Malaysia);
- A - 102.59. Allocate adequate resources for the health sector as well as to ensure free access to health facilities to the needy (Namibia);
- A - 102.60. Remedy the lack of human resources in the area of health, the lack of medication and the lack of infrastructures (Congo);
- A - 102.61. Strengthen its efforts to reduce maternal mortality rates (New Zealand);
- A - 102.62. Pursue its efforts in the area of health and education (Senegal);
- A - 102.63. Improve school infrastructure in rural areas (Togo);
- A - 102.64. Continue efforts to ensure that human rights education is effectively included into the primary and secondary education curriculum (Paraguay);
- A - 102.65. Strengthen efforts to broaden access to education, in general, and to secondary and higher education in particular (Algeria);
- A - 102.66. Provide for adequate and consistent funding to all schools and learning institutions and ensure accountability and transparency in such funding (Hungary);

A - 102.67. Ensure that funding in the education sector is consistent and reaches children with special needs, as well as schools in rural areas (Mexico);

A - 102.68. Strengthen the governance of natural resources to ensure, amongst others, their sustainable utilization (Namibia);

A - 102.69. Adopt comprehensive measures to combat trafficking in human beings; organize a visit of the Special Rapporteur on trafficking in persons as well as of the Special Rapporteur on the sale of children, child prostitution and child pornography to the country (Belarus);

A - 102.70. Increase the capacity building and technical assistance to enable the country to implement its national priorities including the National Strategic Plan in the sphere of education (Zimbabwe);

103. The recommendations listed below will be further examined by Zambia and responses will be provided in due time, but no later than the twenty-second session of the Human Rights Council in March 2013. These responses will be included in the outcome report adopted by the Human Rights Council at its twenty-second session in March 2013;

R - 103.1. Consider the ratification of the following international instruments: the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP2); the Optional Protocol to the Convention on Economic, Social and Cultural Rights; and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Rwanda);

R - 103.2. Ratify all main international human rights treaties, especially ICCPR-OP2, Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), the Optional Protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflict (OP-CRC-AC) and on the sale of children, child prostitution and child pornography (OP-CRC-SC), and incorporate these treaties fully in the national legislation (Slovenia);

P - 103.3. Consider an early ratification of the third Optional protocol to the Convention on the Rights of the Child on a communications procedure (OPIC) (Slovakia);

R - 103.4. Ratify OP-CAT; ICCPR-OP2; the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (OP-CEDAW); the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CERD); OP-CRC-AC and OP-CRC-SC (Spain);

P - 103.5. Ratify OP-CEDAW (Togo);

R - 103.6. Ratify the remaining international human rights instruments and implement them and follow up on them (Benin);

P - 103.7. Consider ratifying OP-CEDAW (Brazil);

P - 103.8. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Indonesia);

R - 103.9. Consider acceding to ICCPR-OP2 (Italy);

R - 103.10. Consider ratifying the remaining instruments in a progressive manner and have them effectively incorporated in the national legislation for effective implementation (Kenya);

P - 103.11. Step up its efforts towards the full implementation of the Anti- Human Trafficking Act of 2008, and consider ratifying OP-CRC-AC and OP- CRC-SC (Cyprus);

R - 103.12. Enshrine the principle of equality and non-discrimination in the Constitution without qualifications by avoiding any discriminatory clauses as the draft is finalized (Ireland);

R - 103.13. Guarantee, within the framework of the Constitutional reform, both individual and

collective rights, under the principles of equality, taking into account its international human rights obligations (Nicaragua);

R - 103.14. Hold a transparent and inclusive Constitutional reform process and referendum by ensuring that consultative bodies, such as National and Sector Group Convention, are composed of a representative balance of civil society and government stakeholders (United States of America);

R - 103.15. Ensure that the provisions of CEDAW are reflected in the new draft constitution by, inter alia, retaining the removal of article 23 (Finland);

R - 103.16. Remove from the final version of the new Constitution all references to traditions or customary law in the field of family and private law which may be conducive to violations of human rights (Italy);

P - 103.17. Enact and amend legislation to ensure that the prohibition against discrimination is in line with CEDAW, especially with article 1 concerning direct and indirect discrimination in general, and article 16 relating to marriage and family relations (Finland);

P - 103.18. Complete the process of full alignment of its national legislation with all obligations under the Rome Statute of the International Criminal Court and accede to the Agreement on Privileges and Immunities of the Court (Slovakia);

R - 103.19. Harmonize traditional and legal regulations regarding the protection of women as well as the elimination of all exceptions based in traditional practices, to the principle of non-discrimination of article 23 of the Constitution (Spain);

R - 103.20. Eliminate criminalization of homosexual relations as well as the elimination of all discriminatory practice towards LGBT persons (Spain);

R - 103.21. Decriminalize same-sex relationships between consenting adults and strengthen efforts to address inequality and discrimination based on sexual orientation (Australia);

R - 103.22. Repeal laws that criminalize a person's sexuality (Canada);

R - 103.23. Repeal the law criminalizing same-sex relations among consenting adults (France);

R - 103.24. Review and repeal domestic law which criminalizes sexual orientation (Uruguay);

P - 103.25. Harmonize in the criminal code and in the consuetudinary law the definition of a minor with the Convention on the Rights of the Child (CRC) (Spain);

P - 103.26. Establish a definition of the child in accordance with article 1 and other principles and provisions of CRC; increase the legal age of majority of criminal responsibility; review legislation in force and customary law which establish different minimum ages in different sectors and which may not be in accordance with the relevant provisions of CRC (Uruguay);

P - 103.27. Adopt measures to guarantee that statutory law prevails in case of conflict with customary practices, especially in family relations; implement awareness campaigns to better inform persons regarding the rights enshrined in CEDAW; provide training for customary and traditional courts administrators regarding CEDAW as well as statutory law which promotes and guarantees the rights of women and girls, including with respect to marriage and family relations (Uruguay);

P - 103.28. Undertake efforts to ensure that the new draft constitution covers the equality of women condition (Chile);

P - 103.29. Incorporate CEDAW into the national legislation in order that its provisions could be invoked before the courts (Chile);

P - 103.30. Evaluate the possibility to incorporate the principle of non-refoulement into the refugees law (Argentina);

P - 103.31. Provide a mid-term update on the implementation of the recommendations of this UPR (Hungary);

R - 103.32. Extend an invitation to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (Belarus);

R - 103.33. Remedy the lack of coordination between the main human rights institutions (Congo);

R - 103.34. Apply special temporary measures in all areas where women are underrepresented or under unfavourable conditions (Chile);

R - 103.35. Study the possibility of strengthening measures to eliminate all discriminatory treatment based on sexual orientation and gender identity (Argentina);

P - 103.36. Take the necessary measures to eliminate all discriminatory treatment towards persons with disabilities including the ratification of OP- CERD (Argentina);

R - 103.37. Abolish the death penalty (Burundi, Namibia and Togo);

R - 103.38. Take steps to abolish the death penalty (New Zealand);

R - 103.39. Abolish the death penalty in the new Constitution and pending the abolition of the death penalty, establish an official moratorium on the use of the death penalty (Slovenia);

R - 103.40. Abolish definitely the death penalty as a culmination to the de facto moratorium which has been in place since 1997 (Spain);

R - 103.41. Restrict the application and to consider the possibility of abolition of the death penalty (Ukraine);

R - 103.42. Legislate to remove the death penalty from its statute and commute to custodial sentences those death sentences that have already been handed down (United Kingdom of Great Britain and Northern Ireland);

P - 103.43. Consider revising its legislation with a view to eliminating the death penalty (Brazil);

P - 103.44. Consider the possibility to establish a de jure moratorium with a view to abolishing the death penalty (Italy);

R - 103.45. Abolish the death penalty and accede to ICCPR-OP2 (Australia);

R - 103.46. Abolish the death penalty in law and consider ratifying ICCPR-OP2 (France);

R - 103.47. Adopt concrete measures to address violence against women, including by criminalizing marital rape and increasing public awareness of the problem, with a particular focus on religious and community leaders (Norway);

R - 103.48. Recognize marital rape as a criminal offence (Canada);

P - 103.49. Provide statistical data regarding convictions for reported incidents of rape and defilement at its mid-term review (Hungary);²

P - 103.50. Provide an update at its mid-term review on the number of detention centres in the country containing separate facilities for juvenile offenders (Hungary);³

R - 103.51. Repeal any law limiting the right to free expression in the media (Iraq);

P - 103.52. Take the necessary steps to ensure that its legal system and policies are in full compliance with its international obligations in respect of freedom of expression and that the media

and journalists are guaranteed the necessary freedoms to carry out their work independently and without fear of prosecution (Ireland);

R - 103.53. Make the necessary legislative changes, including restricting the scope of the Public Order Act, to ensure the fullest possible freedoms of association and expression; and to ensure the police enforce these and other laws in a proportionate manner, including in Western Province (United Kingdom of Great Britain and Northern Ireland);

P - 103.54. Adopt the necessary measures to guarantee easy and effective access to free birth registration (Mexico);

104. The recommendations below did not enjoy the support of Zambia

R - 104.1. Follow up on the recommendations by its National Aids Council, and include men having sex with other men in its HIV/AIDS policies (Netherlands);

Endnotes

1 The recommendation as made during the interactive dialogue was as follows: “Take the necessary steps to ensure effective implementation of the Anti-Gender Based Violence Act and provide statistical data regarding convictions for reported incidents of rape and defilement at its mid-term review (Hungary)”.

2 The Recommendation as made during the interactive dialogue was as follows: “Take the necessary steps to ensure effective implementation of the Anti-Gender Based Violence Act and provide statistical data regarding convictions for reported incidents of rape and defilement at its mid-term review (Hungary).”

3 The Recommendation as made during the interactive dialogue was as follows: “Bring conditions in detention centres in line with international standards and provide an update at its mid-term review on the number of detention centres in the country containing separate facilities for juvenile offenders (Hungary)”.

Disclaimer: This classification was made by UPR Info based on United Nations documents and webcast. For more information about this document, consult the “Methodology” on our website: www.upr-info.org. For questions, comments and/or corrections, please write to info@upr-info.org