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**Working Group on the Universal Periodic Review**  
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Geneva, 6-17 November 2017

### **Draft report of the Working Group on the Universal Periodic Review\***

#### **Zambia**

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\* The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-eighth session from 6 November to 17th November 2017. The review of Zambia was held at the 12<sup>th</sup> meeting on 13 November 2017. The delegation of Zambia was headed by the Minister of Justice, His Excellency Mr. Given Lubinda. At its 17<sup>th</sup> meeting held on 16 November 2017, the Working Group adopted the report on Zambia.
2. On 13 February 2017, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Zambia: China, Kenya and Switzerland.
3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Zambia:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/28/ZAM/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/28/ZAM/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/28/ZAM/3).
4. A list of questions prepared in advance by: Brazil, Germany, Liechtenstein, Norway, Portugal, Slovenia, Sweden, the United Kingdom of Great Britain And Northern Ireland and the United States Of America was transmitted to Zambia through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation of Zambia stated that Zambia upheld the principles of the universal periodic review mechanism, and did not spare any effort to promote and protect human rights through its response to the recommendations arising from this mechanism.
6. Recalled that at the previous review, Zambia had stated that the Constitutional Review Process was being finalized, the delegation stated that an amended Constitution was enacted on 2nd January, 2016. The Constitution has enhanced the mandate of the Human Rights Commission which, together with the Law Development Commission was working with the Government in the review a draft Human Rights Commission Act for possible enactment in 2018. The Government will take all possible measures to maintain the “A-status” of the Human Rights Commission.
7. The Constitution establishes key institutions which effectively facilitate the country’s compliance with obligations arising from human rights instruments, which include the Constitutional Court, the Court of Appeal and the Family Court; the Police Public Complaints Commission; Judicial Complaints Commission, and the Gender Equity and Equality Commission.
8. Amendment to the Bill of Rights which was subjected to a referendum did not pass as the required threshold as prescribed in the Constitution, had not been satisfied.

Outstanding challenges which inhibit the fulfilment of human rights will be addressed through the Seventh National Development Plan (2017-2121).

9. The Social Cash Transfer Programme had targeted the extremely poor and destitute households. With the budgetary commitments that had been made, the Programme was expected to target 700,000 households in 2018.

10. The Home Grown School Feeding Programme was currently supporting 1,052,760 learners in 38 districts and preparations are in place to scale up to 55 districts targeting 1,500,000 in January 2018.

11. With regard to the implementation of relevant supported recommendations from the second review, the delegation stated that Zambia has amended the Constitution and has enacted the Persons with Disabilities Act No. 6 of 2012, the Higher Education Act, No. 4 of 2013, the Gender Equity and Equality Act No. 22 of 2015, the Public Protector Act No. 15 of 2016, the Passports Act No. 28 of 2016 and the Refugees Act No. 1 of 2017. Also enacted was the Ratification of International Agreements Act No. 34 of 2016, which provides for the procedure for ratification and domestication of international agreements.

12. In relation to the advancement of women, Zambia has put in place appropriate legal, administrative and policy measures such as inclusion of relevant progressive clauses in the Constitution and the enactment of enabling legislation which domesticated CEDAW and relevant regional instruments. Also, the National Gender Policy was adopted and gender focal points had been introduced in all Ministries, Provinces and Spending Agencies.

13. With regard to public accountability and combating corruption, since the previous review, measures have been put in place to strengthen existing institutions, which include the re-instatement of the offense of Abuse of Office in the Anti-Corruption Act No. 3 of 2012, the establishment of Integrity Committees in public institutions, the commencement of the decentralization of the Office of the Public Protector, and the strengthening of the Public Accounts Committee of the National Assembly. The efficiency in the prosecution of crimes have been improved by the decentralization of the National Prosecution Authority. The study of ethics and good governance and human rights education has been introduced in the school curriculum.

14. With regard to the investigation of alleged attacks on individuals because of their sexual orientation or gender identity, the delegation stated that all such allegations were investigated without discrimination.

15. Despite having retained the death penalty in its statute books, Zambia is a '*de facto abolitionist State*'.

16. The Constitution prohibits torture and an Anti-Torture Draft Bill as well as a Correctional Services Bill which addresses torture in correctional facilities was before the National Assembly.

17. During the period under review, a total of four correctional facilities were constructed catering for over 1,050 inmates. Further, two correctional facilities with holding capacities of 2000 each, were currently under construction. Efforts were being made to renovate existing correctional facilities. Regular inspections were carried out on access to food and the Correctional Services now have staff who were specializes in environmental health and nutrition. The penal system has been transformed for punitive to correctional and activities.

18. The delegation stated that the Anti-Human Trafficking Act of 2008 was being implemented through inter alia the National Policy to Combat Human Trafficking. Zambia's relationship with the United Nations system on the implementation of the legislation has been outstanding.

19. Measures have been put in place to increase the coverage of birth registration which included decentralizing the birth registration services, and holding nationwide awareness campaigns.
20. In order to promote employment and uphold workers' rights, relevant policies such as the National Employment and Labour Market Policy and Zambia Decent Work Country Program (2013-2016) have been reviewed and re-formulated. In addition, the legislative framework on the protection of workers' and employers' rights has been strengthened through the amendment of the Employment Act Chapter 268 of the Laws of Zambia and the Minimum Wages and Conditions of Employment Act, Chapter 276.
21. HIV/AIDS was being combated through efforts which included the revision of National HIV and AIDS Strategic Framework (R-NASF) 2014 – 2016; the launch of a campaign for routine HIV testing; counselling; and treatment in all public health institutions in response to the government's agenda of ending HIV by 2030. The National Health Strategic Plan 2017 to 2021 which outlines strategies to combat various diseases also includes strategies to combat HIV/AIDS.
22. In relation to the lack of human resources in the health sector, the delegation provided a detailed account of the significant recruitment of personnel that had been undertaken in 2015 and 2016. It also stated that the newly established Copperbelt University School of Medicine will be producing 250 doctors and 50 dentists on an annual basis.
23. In relation to education, during the period under review, Zambia had endeavoured to honour the Dakar Declaration twice with regard to its budgetary allocation to the education sector.
24. In the case of conflict between statutory law and customary law, the Constitution provides that it is the supreme law and any law including customary law and customary practice that is inconsistent with its provisions is void to the extent of its inconsistency. Local Court Justices have been trained to uphold the supremacy of the Constitution over customs and customary law.
25. In relation to the representation of women in decision making, the Constitution set out an affirmative framework for elective and appointive positions. In addition, the Gender Equality and Equity Act No. 22 of 2015 empowered the Minister responsible for gender affairs to put in place affirmative actions to eliminate all barriers which prevent women from meaningful participation in all spheres.
26. There was an improved awareness among victims of rape and defilement which has resulted in more cases being reported and determined by the courts. The rape of a spouse was not excluded from prosecution. Amongst other initiatives for victims of gender based violence, there were three shelters and a "One-Stop-Centre" for providing comprehensive services.
27. The Anti-Human Trafficking Act, the National Child Labour Policy and the National Child Policy have been put in place to protect children from economic exploitation including child labour. Also, Statutory Instrument No. 121 of 2013 prohibits employment of young persons in any type of hazardous labour.
28. A number of detention centres now contain separate facilities for juvenile offenders. There were also two reformatory schools for incarcerated juveniles.
29. The Persons with Disabilities Act No. 6 of 2012, which domesticates provisions of Convention on the Rights of Persons with Disabilities, promotes respect for the inherent dignity of persons with disabilities and ensures the equal enjoyment of human rights and freedoms by persons with disabilities. Progress has been made to enact the Mental Health

Bill which will repeal the Mental Disorders Act in order to promote progressive assistance and reasonable accommodations for persons with cognitive disabilities.

30. The principle of *non-refoulement* has been incorporated into the domestic legal framework through the enactment of the Refugees Act No. 1 of 2017.

31. Due to national competing needs, the 15 percent budgetary allocation to the health sector, pursuant to the Abuja Declaration, had not been reached. Also, the Human Rights Commission had been insufficiently funded.

32. There were no restrictions in law or in practice towards the acceptance of visits by the Human Rights Council's Special Procedures Mandate Holders.

33. Zambia was yet to revise the legal age for criminal responsibility. The Rome Statute of the International Criminal Court had been ratified but was yet to be domesticated. Zambia was committed to ratifying Kampala Amendments to the Rome Statute on the Crime of Aggression.

34. A mid-term report on the implementation of recommendations will be initiated under the Seventh National Development Plan and will also include recommendations from treaty bodies.

35. Zambia was committed to developing a national action plan to strengthen the protection of human rights in business. An assessment on the domestication of the United Nations Guiding Principles on Business and Human Rights was being conducted.

36. In October, 2016, the Commission of Inquiry on Voting Patterns and Electoral Violence was appointed to ascertain the causes of political violence.

37. Financing challenges restricted access to sexual and reproductive health and services and the Government was in the process of drafting a Health Care Financing Strategy to address issues of resource mobilization, allocation for sexual and reproductive health and services.

38. Maternal mortality remained high and Zambia was not able to achieve the relevant MDG target by the end of 2015.

39. In relation to the relevant voluntary pledges that had been made at the previous review, the delegation stated that a national strategy had been developed to reduce child marriage by 40 percent by 2021 and that the Freedom of Information Bill had been prepared. The Government was in the process of consulting stakeholders on amending the Public Order Act to accommodate the interest groups.

40. Support of the international community was required for establishment of an inter-ministerial and stakeholder UPR coordination mechanism; on combating maternal mortality; and on decentralizing the Human Rights Commission and the Office of the Public Protector. The Human Rights Commission requires support in mainstreaming the United Nations Guiding Principles on Business and Human Rights into its work.

## **B. Interactive dialogue and responses by the State under review**

41. During the interactive dialogue, 78 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

42. Venezuela (Bolivarian Republic of) highlighted the efforts of Zambia to align its national laws with international human rights obligations. It commended Zambia for the various awareness raising campaigns to promote human rights.

43. Yemen noted the progress made by Zambia to promote the rights of women and children, as well as to combat human trafficking and include human rights education in schools and in the community.
44. Zimbabwe praised Zambia for the adoption of the 7th National Development Plan, the Persons with Disabilities Act, the Higher Education Act, Gender Equity and Equality Act and the Public Prosecutor Act. It noted that human rights had also been included in the school curriculum and training modules for defence and security personnel.
45. Algeria welcomed the integration of a number of international norms in the domestic legal framework regarding persons with disabilities, gender issues and refugee rights. It praised the measures undertaken to combat corruption, to develop a national judicial system, to improve the rights of women and children, to combat human trafficking and protect the environment.
46. Angola commended the adoption of the Constitution Act 2016 and Zambia's engagement with human rights mechanisms on the promotion and protection of human rights. It encouraged Zambia to continue to implement measures to improve the social conditions of its people.
47. Argentina welcomed the delegation of Zambia and thanked them for their detailed presentation of the national report.
48. Armenia commended Zambia for the establishment of the Ministry of Gender and the formulation of the National Gender Policy. It encouraged Zambia to facilitate birth registration, especially in rural areas, to ensure effective investigations into cases of sale, trafficking and abduction of children and to prosecute the perpetrators.
49. Australia encouraged the Government to engage in constructive dialogue with all political parties and welcomed the release from prison of opposition leader Hakainde Hichilema. It encouraged all parties to work together to entrench respect for democracy and human rights.
50. Azerbaijan recognized the strong commitment of Zambia to the UPR and to the protection and promotion of human rights. It stated that the National Development Plan 2017-2021, outlined ambitious goals relating to economic development and human rights.
51. Benin congratulated Zambia for its efforts to implement the recommendations made during its previous UPR. It praised the initiatives taken in relation to development and education for young children.
52. Botswana welcomed the enactment of the Gender Equity and Equality Act and the ratification of the SADC Protocol on Gender and Development. It recognized the persistent challenges particularly in relation to child marriage, child labour, protracted pre-trial detention, high infant mortality rate and high levels of poverty.
53. Brazil commended Zambia for the revised National HIV and AIDS Strategic Framework, the National Campaign for routine HIV testing, counselling and treatment, the Gender Equity and Equality Act and the Persons with Disability Act.
54. Burkina Faso praised Zambia's national report providing detailed information about the progress made on human rights, for the last five years. It noted however that there were shortcomings in a number of areas.
55. Burundi highlighted the creation of educational and training programmes on human rights at the primary and secondary schools and in the division of Defence and Security of the Government. It praised the positive measures taken to combat gender based violence.
56. Canada commended Zambia's national and international commitment to ending child, early and forced marriage.

57. Chad noted with appreciation the progress made by Zambia to respond to the recommendations of the second cycle of UPR. It praised the inclusion of the civil society and the independent organisations in the consultative process to prepare the national report. Chad welcomed the various steps taken to strengthen the promotion and protection of human rights.
58. Chile congratulated Zambia for the adoption of the law 22 of 2015 that created the Commission on Gender Equality and Equity and included the provisions of CEDAW in the domestic legislation. It also praised the progress made in the area of public health particularly in the fight against HIV/AIDS.
59. China noted the laws and national plans adopted by Zambia to promote and protect human rights. It referred to the progress made in the areas of gender equality, education and health care, rights of women, children and persons with disabilities and combat against sexual violence and human trafficking.
60. Congo encouraged Zambia to implement its legislative reforms to effectively combat trafficking and commercial sexual exploitation of children, improve protection of persons with albinism, to prevent and punish all forms of discrimination against persons with disabilities.
61. Côte d'Ivoire commended Zambia for the reform of its legal and institutional framework with the aim of aligning it to its international obligations and welcomed the procedures initiated to become a party to a number of international human rights instruments.
62. Cuba commended Zambia for its progresses in the promotion and protection of human rights, including the establishment of the National Gender Policy. It also acknowledged Zambia's efforts to improve the educational level in urban and rural areas.
63. Denmark commended Zambia for signing of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, but noted that Zambia had not yet ratified it.
64. Djibouti welcomed the inclusive process implemented by Zambia to elaborate its national report. It also commended Zambia for the progresses achieved in integrating several international human rights instruments into its national legal framework.
65. Egypt valued Zambia's efforts to promote and protect human rights and implement the recommendations received during its previous UPR review. In this regard, it commended Zambia for undertaking several legislative and policy initiatives and for its cooperation with the Human Rights Council and its mechanisms.
66. Ethiopia commended Zambia for implementing the recommendations it accepted during the previous UPR cycles and noted with appreciation the efforts to enhance its Constitutional and legislative framework, in particular by adopting comprehensive legislation aimed at ensuring an effective and sustainable environmental management.
67. Finland noted Zambia's commitment to support the socio-economic empowerment of women as well as the measures taken to promote gender equality. It commended Zambia on the launch of the 7<sup>th</sup> National Development Plan, which established commitments in the areas of human rights and the rule of law.
68. France welcomed the positive developments in Zambia, including, among others, the inclusion of human rights and the rule of law in the 7<sup>th</sup> National Development Plan and the revision of the normative framework on prisons and on political parties.



69. Georgia welcomed the new Constitution of Zambia and its provision on non-discrimination. It encouraged the Government to accelerate efforts to prevent gender-based violence and sexual abuses.
70. Germany commended Zambia for its cooperation with international human rights mechanisms. It also highly appreciated Zambia's commitment to alleviate the refugee crisis on the border with the DRC and praised the announced approval of a moratorium on the use of death penalty.
71. Ghana noted with satisfaction Zambia's harmonisation of its domestic laws with international human rights obligations. It also welcomed the formulation of the National Gender Policy and the strengthening of the national mechanism for the advancement of women.
72. Guatemala noted the positive work of the National Human Rights Commission. It was concerned about the information on restrictions on freedoms of expression and peaceful assembly, including under the law against defamation and the law on public order.
73. Honduras acknowledged the progresses in the legislative and constitutional reform in Zambia. It highlighted that, despite the reformed Constitution maintained the death penalty, Zambia did not carry out executions in the last 20 years.
74. India commended Zambia for the harmonisation of its legislative framework with international instruments in the area of gender equality and rights of persons with disabilities. It also noted Zambia's efforts towards improving access to integrated health care services.
75. Indonesia welcomed the formulation of the seventh National Development Plan 2017-2021 on strategies to strengthen the promotion and protection of human rights. It also commended Zambia for establishing the Gender Equity Commission and enacting the Gender Equity and Equality Act No. 22 of 2015.
76. Iraq welcomed Zambia's efforts to implement constitutional and legislative amendments aimed at promoting human rights protection in the country and to improve the justice service. It also commended Zambia for its successful economic policies.
77. Ireland welcomed Zambia's efforts to advance human rights in the country and acknowledged the progresses made. It was however concerned about the negative developments regarding freedoms of assembly and expression.
78. Italy welcomed the progress made in aligning legislation with international human rights obligations, especially those related to persons with disabilities, education, gender equity and equality. It commended Zambia for implementing initiatives to raise HIV awareness, especially among young people.
79. Kenya commended Zambia for its efforts to implement relevant human rights-related legal and administrative measures despite resource constraints. It called on the international community to support Zambia in this endeavour.
80. Libya welcomed the measures taken to strengthen human rights, the rule of law and national mechanisms for the promotion and protection of women's rights. It noted initiatives for improving infrastructure, especially in health and education.
81. Lithuania welcomed the new constitutional provisions on non-discrimination and looked forward to their implementation. It observed that use of criminal defamation laws and harassment practices against independent media restricted freedom of expression.
82. Madagascar welcomed the positive steps taken by Zambia, including its commitment to protect victims of human trafficking, to ensure the right to education and to

integrate into domestic legislation the Convention on the Rights of Persons with Disabilities.

83. Malaysia welcomed the progress in education, health, women's and children's rights. It commended Zambia for efforts to address gender-based violence through the Anti-Gender-Based Violence Act, and for the establishment of One-Stop-Centre shelters for victims.

84. The Maldives commended Zambia's enactment of the Gender Equity and Equality Act No. 22 and its establishment of the related implementation commission. It welcomed its establishment of the National Prosecution Authority and its implementation of the Anti-Gender-Based Violence Act.

85. Mauritius welcomed the pledges that had been made under the 7th National Development Plan 2017-2021, including its environmental priority. Mauritius was encouraged by its efforts to improve the rights of women through its Gender Equity and Equality Commission and the Anti-Gender-Based Violence Fund.

86. Mexico welcomed the fact that Zambia receives migrants from neighbouring countries and encouraged it to continue fulfilling its international human rights obligations. It congratulated it for increasing access to primary education and healthcare, for raising life expectancy and for curtailing child mortality.

87. Mongolia welcomed Zambia and thanked it for presenting its national report.

88. Montenegro regretted that the Bill of Rights was not adopted but commended the preparation of the Anti-Torture Draft Bill. Montenegro also welcomed the progress made in prevention of gender based violence.

89. Morocco welcomed the constitutional consecration of the prohibition of torture and the drafting of a law on the fight against torture and congratulated Zambia for the implementation of measures to combat discrimination and violence against women and girls.

90. Namibia took note of the establishment of the Gender Equity and Equality Commission and the domestication of the CEDAW but was disappointed by the fact that the amendments to the Bill of Rights could not be adopted through referendum and that the death penalty was retained in the constitution.

91. Netherlands commended Zambia for the adoption of the National HIV/AIDS Strategic Framework for 2017-2020 but regretted that the country did not accept any recommendations made related to same-sex relations of protecting the rights of LGBTI people in previous UPR cycles.

92. Nigeria welcomed the formulation of the National Child Policy, the National Gender Policy and the Freedom of Information Bill by Zambia. Nigeria also welcomed the legislative measures and plans put in place to protect children from economic exploitation, including child labour.

93. Norway welcomed the domestication of the Convention on the Elimination of All Forms of Discrimination Against Women but Norway's primary concerns related to the deteriorating space for freedom of assembly and speech, rights of child and follow-up of UPR recommendations.

94. Pakistan appreciated the efforts made regarding Gender Equity and Equality, Persons with Disabilities, Education and Refugees but efforts of Zambia to ensure equal access, for the poor and the vulnerable, to economic resources, basic services, natural resources and financial services are commendable.

95. Paraguay welcomed the progress noted by UNESCO in terms of development in national legislation in the education sector.
96. Philippines commended the steps taken to uphold the promotion and protection of Human Rights and the efforts in empowering women through the program called Girls Education and Women's empowerment and Livelihood (GEWEL).
97. Portugal welcomed the audit and review of all child related legislation and customary law through the Zambia Law Development Commission.
98. The Republic of Korea commended Zambia for the enactment of the amended Constitutional Act 2016, and for providing protection for vulnerable groups, particularly children and persons with disabilities. It welcomed the establishment of the Commission of Inquiry to address political violence during 2016 elections.
99. Russian Federation took note of efforts to eliminate violence against women and children and to fight discrimination against persons with disabilities, welcoming the draft law on criminal responsibility for use of torture by law enforcement.
100. Rwanda praised Zambia's efforts to fight sexual and gender-based violence, encouraging it to strengthen the implementation of the legislation on gender violence and to ensure justice for victims.
101. Senegal welcomed the adoption of the amended Constitution and legislative measures, stressing that it contributed to the elimination of discrimination and gender violence and promotion of the right to health and education. It urged the international community to assist Zambia.
102. Sierra Leone applauded Zambia for the implementation of the 7<sup>th</sup> National Development Plan, enactment of the Gender Equity and efforts to address trafficking, encouraging Zambia to increase representation of women in decision-making and adopt comprehensive nutrition policies.
103. Slovakia welcomed the review of child-related legislation and customary law, expressing concern over high rates of child labour, child and early marriages.
104. Slovenia commended Zambia for introduction of policies on education and women's empowerment, encouraging to abolish the death penalty. It noted with concern high rates of child mortality, child marriages, prostitution and exploitation along with the prevalence of HIV/Aids among children.
105. South Africa welcomed broad consultations to prepare the national report for the UPR as well as establishment of the Ministry of Gender, gender focal points in ministries and elaboration of the National Gender Policy.
106. Spain appreciated Zambia's efforts in promoting and protecting human rights but stated that there were margins for improvement.
107. The State of Palestine praised Zambia for the efforts in childhood development education and progress within the Social Cash Transfer Programme, noting with concern undernourishment of children and women, particularly pregnant and breastfeeding.
108. Sudan commended Zambia for steps taken to promote and protect human rights, in particular the enactment of many legislation such as Person with Disabilities Act of 2012, Higher Education Act 2013 and Gender Equity and Equality Act of 2015.
109. Sweden acknowledged the continued work of the Government of Zambia to fulfil its obligations with regard to human rights and encourages further efforts.
110. Switzerland welcomed the efforts made in the area of education. However, Switzerland recalls that the Committee on the Rights of the Child expressed its concern on

the fact that the principle of non-discrimination was not properly applied to children belonging to the most vulnerable groups.

111. Timor-Leste welcomed the efforts made by Zambia to address the conditions of its prison and detention centres, including the construction of new correctional centres. It noted with the appreciation the efforts made to promote women empowerment.

112. Togo welcomed the policies to facility the access of population to health care and to increase access to quality education. Togo welcomed the steps taken to improve the functioning of the labour market, with particular emphasis on the elimination of the worst forms of child labour.

113. Tunisia welcomed the amendments to the Constitution, concerning the prohibition of discrimination. It encouraged Zambia to spread the culture of human rights through the Development Plan for 2017-2020, which will guarantee better economic and social rights.

114. Uganda noted the absence of a national stakeholder coordination mechanism for effective implementation of recommendations. It urged Zambia to prioritise the implementation of the Agenda 2030 to address poverty.

115. Ukraine stated that the Constitution-amending process remained incomplete with the failure to adopt a new Bill of Rights through national referendum in 2016. It was concerned by the prosecution of those exercising their freedoms of assembly and expression pre and post -election in 2016.

116. United Kingdom of Great Britain and Northern Ireland looked forward to further progress in improving the human rights record following challenges around the election in 2016; the adoption of a merit-based selection process for national candidates for UN Treaty Body elections; and a review of the legislation establishing the minimum age for marriage.

117. United States of America expressed concern about the political environment since the election in August 2016, including the restrictions of the freedoms of speech and assembly and the deliberate misapplication of the Public Order Act to block gatherings by opposition parties.

118. Uruguay welcomed the initiatives that had been taken in relation to the rights of the child, including prohibition of corporal punishment in all spheres, and the creation of the Commission for Gender Equity and Equality. The persistent discrimination and violence against women was caused by inconsistencies in the legal framework.

119. Central African Republic welcomed the delegation of Zambia and praised its efforts in implementing the recommendations accepted during the previous UPR. It called on the international community to support these efforts.

120. The delegation of Zambia stated that the Zambia Law Commission, in consultation with the Government, has developed the Children's Code Bill. When enacted, this will domesticate the Convention on the Rights of the Child as well as relevant regional instruments. In 2015, various policies were adopted, including the National Child Policy, to improve the welfare of children.

121. As expressly provided in the Constitution, Zambia is a Christian nation. The right to life of an unborn child is protected and such life begins at conception. In this regard, safe abortions must be carried out in very specific circumstances, which are provided for in the Termination of Pregnancy Act and the Penal Code.

122. The death penalty is provided for in the Bill of Rights in the Constitution, which can only be amended by way of a referendum. Strides have been made since 1997 to try and abolish the death penalty and this is a reason why we never had any execution since 1997. In 2016, we conducted a referendum, which could possibly have led to the abolition of the

death penalty. The referendum rejected the motion and the Bill of Rights remained unchanged. The President commuted all the sentences of all the inmates on death row in 2016 and, currently, we have about 174 death row inmates, of which only 13 have processed their appeals.

123. In its efforts to abolish the death penalty, the Government of Zambia is currently working on ways to amend the Penal Code so that death penalty sentences can be pronounced at the discretion of judges rather than as a mandatory sentence. In addition, the Government was carrying out awareness-raising campaigns and in due time people would be ready to abolish the death penalty.

124. Efforts were being made to expedite the ratification of those treaties to which Zambia was not a party which include the establishment of a data base and the enacted a law on the ratification of international agreements.

125. The delegation stated that there was negative publicity, particularly by the international media which conveyed the perception of deteriorating space for freedom of assembly and expression, and requested the international partners to assist in reversing such perception.

126. The claim that the Public Order Act was used to curtail opposition parties or dissenting voices was far from the truth. In the run up to 2016 elections the number of ruling party meetings that had been stopped under the Public Order Act exceeded the total number of all opposition party meetings that had been were stopped. Several meetings had to be put on hold by the Minister of Justice because the police did not have the appropriate capacity to ensure peaceful assembly. The Government had a responsibility to maintain peace and order.

127. There were 123 private radio stations and 26 television broadcasting houses, which represented a significant increase over the last few years. The Independent Broadcasting Authority revoked the licences of three broadcasting houses to investigate allegations of hate speech. These broadcasting houses apologised for the use of hate speech. Another incident concerned the Post newspaper, which was closed by a court order due to its failure to meet its debts and tax obligations.

128. The delegation stated that that over a period of 12 months there were incidents of arson, which led to electricity disruptions and the destruction of markets. Article 31 of the Constitution of Zambia provides measures to curtail such incidents. The application of this provision resulted in a reduction of such incidents.

## II. Conclusions and/or recommendations\*\*

129. **The following recommendations have been examined by Zambia and enjoy the support of Zambia:**

129.1. **Accelerate the process of domestication of international human rights instruments to which it is a party (Zimbabwe);**

129.2. **Amend its national legislation to be in conformity with the provisions of CEDAW, including when revising the Bill of Rights and the Political Parties Bill, in order to protect and promote women's rights and gender equality (Finland);**

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\*\* The conclusions and recommendations have not been edited.

- 129.3. **Redouble efforts in order to ensure the full incorporation of the provisions of CEDAW into domestic legislation (Uruguay);**
- 129.4. **Reform the Public Order Act and that law enforcement agencies are instructed to uphold the Act without political bias (Norway);**
- 129.5. **Continue the efforts to widen the scope of the 1996 Bill of Rights to include economic, social and cultural rights (Republic of Korea);**
- 129.6. **Assign the human, technical and financial resources necessary for the proper functioning of the Office of the Children Commissioner and for the sexual and reproductive health care of women and girls (Honduras);**
- 129.7. **Grant sufficient means and resources to the National Commission on Human Rights (Algeria);**
- 129.8. **Provide the National Human Rights Commission with sufficient financial resources to carry out its activities more effectively (Guatemala);**
- 129.9. **Consider ways to strengthen the National Human Rights Commission in line with the Paris Principles (Australia);**
- 129.10. **Strengthen the capacity of the National Human Rights Commission by allocating sufficient resources for its activities (Uganda);**
- 129.11. **Adopt a national human rights action plan (Sudan);**
- 129.12. **Expedite the formulation of a national action plan on human rights (Uganda);**
- 129.13. **Finalize an Action Plan to guide the implementation of all UPR recommendations (South Africa);**
- 129.14. **Adopt the National Action Plan “on Children” (Benin);**
- 129.15. **Implement the Convention on the Rights of Child in the context of its national policy on children (Benin);**
- 129.16. **Implement the Seventh National Development Plan (2017-2020), in order to address the human rights challenges that it recognizes as pending (Cuba);**
- 129.17. **Strengthen coordination and follow-up to the implementation of the UPR recommendations (Morocco);**
- 129.18. **Consider the establishment of a, or the strengthen of, the existing national mechanism for coordination, implementation, reporting and follow-up, in line with elements arising from good practices identified in the OHCHR Study/Guide of 2016 concerning NMRF’s (Portugal);**
- 129.19. **Continue its efforts to include human rights issues in the training programmes for military personnel and security personnel (Russian Federation);**
- 129.20. **Intensify efforts on the development of legal framework aimed at elimination of discrimination based on sex, race, disability, status or any other ground (Ukraine);**
- 129.21. **Adopt effective measures so as to put an end to discrimination based on gender, to put an end to violence against women as well as child marriage. This would include awareness-raising campaigns and trying to bring in local authorities and traditional leaders into the process (Spain);**

- 129.22. Continue efforts to combat discrimination against women and eliminate all forms of violence against them, in particular domestic violence (Tunisia);
- 129.23. Adopt specific legislation to provide women sufficient protection against all discriminatory practices (Lithuania);
- 129.24. Take the necessary measures to put an end to discrimination against those who are HIV/AIDS positive and those suffering from albinism (Burkina Faso);
- 129.25. Continue to promote economic and social sustainable development, raise people's standard of living and lay a solid foundation for the enjoyment of all human rights by its people (China);
- 129.26. Redouble its efforts for effective governance of its natural resources in line with the environmental Management Act No. 12 of 2011 (Pakistan);
- 129.27. Take further measures to protect human rights and environment in mining areas (Algeria);
- 129.28. Establish regulatory framework for mining companies present on the territory in order to ensure that their activities should not harm the immediate environment (Senegal);
- 129.29. Take more efforts to preserve the environment when applying agricultural development and not to use internationally banned pesticides (Iraq);
- 129.30. Continue to adopt effective measures to prevent and eradicate violence against women, children and adolescents and provide protection and assistance to the victims (Chile);
- 129.31. Continue its efforts to tackle gender-based violence and sexual violence against women and girls (Timor-Leste);
- 129.32. Continue with the implementation of national policies against gender-based violence (Cuba);
- 129.33. Adopt a comprehensive policy that effectively combats gender-based violence against women and girls (Honduras);
- 129.34. Strengthen measures to prevent and combat gender-based violence, including the representation of women in positions of responsibility (Paraguay);
- 129.35. Pursue the effective implementation of measures aimed at combating discrimination and violence against women (Djibouti);
- 129.36. Undertake effective measures to combat violence against women (Georgia);
- 129.37. In combating violence against women and girls, Zambia should swiftly and fully implement the Convention on the Elimination of All Forms of Discrimination against Women. This also includes the full implementation of the "Anti-GBV Act" of 2011 and the allocation of adequate budget resources for an "anti-GBV fund" (Germany);
- 129.38. Address the situation of persons with albinism, assuring them protection against attacks and killings (Portugal);

- 129.39. **Take vigorous measures to protect people suffering from albinism against different forms of violence which they are victims of (Central African Republic);**
- 129.40. **Strengthen national policies to ensure that persons with albinism are fully protected from attacks and implement awareness-raising programmes which also promote their social integration in rural areas (Sierra Leone);**
- 129.41. **Adopt as soon as possible a draft law, introducing criminal responsibility for the use of torture by law enforcement officers (Russian Federation);**
- 129.42. **Strengthen legislation on the prohibition of torture and improve conditions of detention in prisons (France);**
- 129.43. **Strengthen efforts to improve the conditions of prisons and guarantee the rights of detainees (Italy);**
- 129.44. **Improve conditions of life of detainees and take appropriate steps to reduce long terms of preventive detention (Senegal);**
- 129.45. **Ensure separation of children from adults detained in police stations and prisons (Slovenia);**
- 129.46. **Redouble its efforts to improve the living conditions in the prisons and reduce the overcrowding (Burundi);**
- 129.47. **Complete the process of renovating correctional facilities and ensure that they adhere to approved international standards (South Africa);**
- 129.48. **Meet international standards in ensuring adequate living conditions for inmates (Ireland);**
- 129.49. **Engage civil society, activists, NGOs and the media in dialogue to seek common ground on the draft Access to Information bill and governance issues, such as corruption (United States of America);**
- 129.50. **Continue intensifying its efforts in combating human trafficking (Ethiopia);**
- 129.51. **Continue efforts to combat human trafficking (Tunisia);**
- 129.52. **Continue to work with development partners in order to improve its capabilities in implementing its anti-trafficking law (Philippines);**
- 129.53. **Continue with the policies to strengthen and protect human rights in favour of people working in the mining sector (Bolivarian Republic of Venezuela);**
- 129.54. **Continue to develop its social protection policy and continuously monitor and evaluate its social cash transfer programme in this regard (State of Palestine);**
- 129.55. **Enhance its targeting mechanisms, with regards to the delivery of social assistance, to ensure that children and women, particularly pregnant and breastfeeding women are not left behind (State of Palestine);**
- 129.56. **Continue promoting the national human rights policies, especially in the field of economic, social and cultural rights in order to improve the quality of life of its population, to alleviate the standard of living of the most vulnerable (Bolivarian Republic of Venezuela);**



- 129.57. **Increase funding to the health sector to the levels committed to in the Abuja Declaration and particularly increase the general health infrastructure, the patient to medical staff ratio and improve healthcare access for women from poor and/or rural backgrounds (Kenya);**
- 129.58. **Improve the health care institution with the aim of reducing maternal mortality (Angola);**
- 129.59. **Continue its efforts to reduce maternal mortality and strengthen the health care system (Sudan);**
- 129.60. **Intensify its efforts to alleviate remaining obstacles to access to health care for pregnant women and mothers, in order to decrease significantly the rate of maternal mortality (Burkina Faso);**
- 129.61. **Do not further liberalize abortion and instead implement laws aimed at protecting the right to life of the unborn, recognizing that life starts at conception, and further, affirm that there is no international right to abortion (Kenya);**
- 129.62. **Ensure that access to HIV treatment is accessible to all who need it without any discrimination (Chile);**
- 129.63. **Ensure the national health and HIV policies and strategies are inclusive and accessible to all vulnerable groups, including adults and children with disabilities (India);**
- 129.64. **Continue to develop its health care undertakings and further strengthen its work on HIV/AIDS prevention and treatment (China);**
- 129.65. **Develop adolescent-sensitive and confidential counselling services, in the area of sexual and reproductive health care and information, with particular regard to adolescent girls (Portugal);**
- 129.66. **Improve availability and access to information about mental health programmes and services which are based on the respect for human rights, including for adolescents (Portugal);**
- 129.67. **Strengthen the sector of children's health with adequate resources (Central African Republic);**
- 129.68. **Pursue its efforts so as to improve health services and education (Libya);**
- 129.69. **Increase consequently resources devoted to the health and education sectors to population living in rural areas (Togo);**
- 129.70. **Strengthen efforts to broaden access to education in accordance with the revised Education for All National Policy and increase allocation to the education sector (Pakistan);**
- 129.71. **Pursue further reforms in the education sector to improve availability, accessibility, affordability and quality of education for all (Brazil);**
- 129.72. **Further ensure access to compulsory education and equal learning opportunities for all children (Indonesia);**
- 129.73. **Make education reforms to increase the quality of education, make it more accessible and facilitate re-entry of adolescent mothers back to school (Kenya);**

- 129.74. Continue its efforts to provide universal access to education (Mongolia);
- 129.75. Work to extend its efforts regarding free primary education to all (State of Palestine);
- 129.76. Continue efforts to improve the situation of women (Egypt);
- 129.77. Further promote women's empowerment by increasing the number of women representation in leadership positions in all spheres of life (Indonesia);
- 129.78. Further strengthen the policies to protect children's rights (Georgia);
- 129.79. Include child participation in formal consultative processes that require citizen's contribution (Slovakia);
- 129.80. Enhanced protection of the rights of the child, including abolishing child labour, combating malnutrition and shielding child perpetrators during detention (Norway);
- 129.81. Take all necessary measures to accelerate the adoption and implementation of the Marriage Bill (2015) to help end child marriage in Zambia (United Kingdom of Great Britain and Northern Ireland);
- 129.82. Continue and strengthen efforts to prevent and eliminate child marriage (Maldives);
- 129.83. Continue efforts to combat child marriages (Morocco);
- 129.84. Take additional steps aimed at addressing the high rate of child marriages including by fully implementing the National Strategy aimed at reducing child marriage by 2021 (Namibia);
- 129.85. Improve the situation of persons with disabilities (Egypt);
- 129.86. Undertake more efforts to protect persons with albinism (Iraq);
- 129.87. Ensure that the laws relating to persons with disabilities are consistent with international standards (Madagascar);
- 129.88. Continue its efforts to address the rights of persons with disabilities and to update the national legal framework in order to harmonize it with the provisions of the Convention on the Rights of Persons with Disabilities (Yemen);
- 129.89. Expand the programme to boost birth registration to cover more outlying areas (Zimbabwe);
- 129.90. Further continue boosting birth registration rate by the existing nation-wide awareness campaigns among the citizens (Ethiopia).

**130. The following recommendations will be examined by Zambia and responses will be provided in due time, but no later than the thirty-seventh session of the Human Rights Council in March 2018:**

- 130.1. Continue its efforts to incorporate and harmonize its internal national legislation with the main international human rights in the most expeditious way (Chile);
- 130.2. Provide refugee children with access to social services, such as health and education (Portugal); (Timor-Leste).

**131. The following recommendations have been examined by Zambia and have been noted:**

**131.1. Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Lithuania);**

**131.2. Consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Mauritius);**

**131.3. Ratify the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of Persons with Disabilities, as well as the two Optional Protocols to the Convention on the Rights of the Child (Guatemala);**

**131.4. Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and further strengthen efforts on gender issues (Italy);**

**131.5. Ratify the Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty (Angola); (Montenegro);**

**131.6. Ratify, without reservation, the 2nd Optional Protocol to the International Covenant on Civil and Political Rights and take necessary measures so as to commute the sentences of those under death penalty (Mexico);**

**131.7. Formalise abolition of the death penalty and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia);**

**131.8. Abolish the death penalty in law and Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (France);**

**131.9. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Sweden); (Togo);**

**131.10. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women as well as the three Optional Protocols to the Convention on the Rights of the Child (Spain);**

**131.11. Ratify the Optional Protocols to the Convention on the Right of the Child (Angola);**

**131.12. Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Togo);**

**131.13. Ratify 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 Rights of the Child on the involvement of children in armed conflict (Armenia);**

**131.14. Ratify the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Benin);**

- 131.15. Ratify the Optional Protocol to CRC on the involvement of children in armed conflict and the Optional Protocol to CRC on the sale of children, child prostitution and child pornography (India);
- 131.16. Ratify the Optional Protocol to CRC on the involvement of children in armed conflict and the Optional Protocol to CRC on the sale of children, child prostitution and child pornography (Botswana);
- 131.17. Ratify the First and Second Optional Protocols to the Convention on the Rights of the Child (Iraq);
- 131.18. Ratify the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);
- 131.19. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the three Optional Protocols to the Convention on the Rights of the Child (Burkina Faso);
- 131.20. Ratify all three CRC optional protocols (Slovakia);
- 131.21. Ratify the first and second optional protocols to the Convention on the Rights of the Child (Rwanda);
- 131.22. Ratify the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (Congo);
- 131.23. Continue its efforts to sign and ratify the Optional Protocol to the Convention on the Rights of Children (Chile);
- 131.24. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Congo); (Honduras);
- 131.25. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ghana);
- 131.26. Promptly ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Guatemala);
- 131.27. Accelerate the formulation of the Labour Migration Policy and consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);
- 131.28. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark); (Ghana);
- 131.29. Consider ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Georgia);
- 131.30. Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Ghana);
- 131.31. Expedite the process to ratify important international instruments relevant for the advancement of human rights in Zambia including the Optional Protocol to CRPD, the Optional Protocol to CEDAW, the two optional protocols to CRC (Uganda);

- 131.32. **Ratify the Convention against Discrimination in Education (Portugal);**
- 131.33. **Ratify the ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries (Guatemala);**
- 131.34. **Sign the Treaty on the Prohibition of Nuclear Weapons (Guatemala);**
- 131.35. **Ratify all the different conventions and protocols relating to human rights to ensure their enjoyment by its citizens (Chad);**
- 131.36. **Ratify those international human rights instruments which have not been ratified (Mongolia);**
- 131.37. **Continue engagement with the United Nations Human Rights Mechanisms and other relevant UN bodies to implement the recommendations put forward today (Azerbaijan);**
- 131.38. **Continue its fruitful cooperation with the UN mechanisms, in particular those related to human rights (Côte d'Ivoire);**
- 131.39. **Present a standing invitation to UN Special Rapporteurs, including the Special Rapporteur on freedom of expression and the Special Rapporteur on torture to visit Zambia (Republic of Korea);**
- 131.40. **Intensify its efforts in implementing the pending recommendations (Nigeria);**
- 131.41. **Implementation of the recommendations of the Commission of Enquiry on Voting patterns and Electoral Violence (South Africa);**
- 131.42. **Continue efforts to establish efficient and transparent public service in line with relevant UN resolutions (Azerbaijan);**
- 131.43. **Utilize human rights training and education as a way to mainstream the promotion of the rights of women and children (Philippines);**
- 131.44. **Develop a National Action plan on Business and Human Rights and implement it together with the UN Guiding Principles on Business and Human Rights (Kenya);**
- 131.45. **Take concrete steps towards the abolition of death penalty (Norway);**
- 131.46. **Continue the public political debate that would allow to go from the current de facto abolition to the definitive abolition of the death penalty in the country (Spain);**
- 131.47. **Calls upon the Government of Zambia to endeavour to abolish the death penalty (South Africa);**
- 131.48. **Take measures to introduce a de jure moratorium on executions and take concrete steps towards the abolition of the death penalty (Rwanda);**
- 131.49. **Consider taking steps to establish a de jure moratorium with a view to abolishing the death penalty (Italy);**
- 131.50. **Continue with the moratorium on the death penalty and continue making efforts towards abolishing it (Namibia);**
- 131.51. **Apply the principle of non-discrimination to the most vulnerable groups, such as girls, children with disabilities, children of religious minorities, children living with HIV/AIDS, migrant and refugee children, orphans and**

children born out of wedlock, so that they should have access to healthcare and education (Madagascar);

131.52. Promote non-discrimination and inclusion campaigns with particular attention to migrants and people with albinism (Mexico);

131.53. Protect ethnic and religious minorities in the country and provide effective reparations, when their rights are undermined (Mexico);

131.54. Adopt legislation that combats discrimination based on sexual orientation and gender identity and protects the rights of LGBT people (Honduras);

131.55. Take steps to decriminalize homosexuality and promote respect for the principles of equality and non-discrimination against LGBTI persons (France);

131.56. Undertake actions aimed at putting an end to discrimination based on sexual orientation, beginning by eliminating the criminalisation of consensual sexual relationships among adults of the same gender (Spain);

131.57. Engage in consultations with the concerned communities and ensures their participation in the decision-making process affecting them, through their direct involvement in the formulation and implementation of mining projects (Netherlands);

131.58. Abolish the death penalty (Central African Republic); (Paraguay); (Portugal);

131.59. Take necessary public and legislative steps in order to abolish death penalty (Ukraine);

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

131.61. Consider the abolition of death penalty, in accordance with the Second Optional Protocol to the International Covenant on Civil and Political Rights (Honduras);

131.62. Strengthen its efforts in abolishing death penalty in law (Mongolia);

131.63. Intensify the efforts to criminalize and diminish all types of violence against women (Montenegro);

131.64. Raise minimum age of criminal responsibility and provide adequate protection of children victims and witnesses of crime during trial (Slovenia);

131.65. Consider reviewing of the legal age for criminal responsibility , in view of ensuring full protection for juveniles in conflict with the laws (Bolivarian Republic of Venezuela);

131.66. Raise the minimum age of criminal responsibility above 8 (Sierra Leone);

131.67. Ensure that freedom of association and right to peaceful assembly are respected and protected, to include promoting better implementation of the Public Order Act (United States of America);

131.68. Create and maintain, in legislation and practice, an enabling environment that guarantees freedom of expression and peaceful assembly (Guatemala);

- 131.69. **Improve and make clearer the legislation to support the freedom of assembly (Ireland);**
- 131.70. **Reform the current Public Order Act to include measures that fully uphold the rights to freedom of expression and peaceful assembly, making it more conducive to political participation by all Zambians and ensure that enforcement of the Act is consistent with Zambia's human rights obligations, including through training of its security forces (Canada);**
- 131.71. **Make the necessary legislative changes, including restricting the scope of the Public Order Act, to ensure the freedoms of association and expression are protected; and to ensure the police enforce these and other laws in a proportionate manner (United Kingdom of Great Britain and Northern Ireland);**
- 131.72. **Make efforts to ensure access to information of public interest to citizens and guarantee the rights of freedom of assembly (Paraguay);**
- 131.73. **Guarantee respect for the rights of the opposition, in particular the freedom of assembly and demonstration, the freedom of the press and the media, by making the necessary corrections to the Constitution, the electoral commission, the status of the parties, as well as to the legal framework on the maintenance of the public order (France);**
- 131.74. **Ensure media freedom by providing full editorial independence to publicly –owned media. Ensure the impartiality of the Independent Broadcasting Authority and enact legislation to facilitate access to information (Canada);**
- 131.75. **Continue its efforts to implement programmes and activities aimed at adjusting Zambia's Correctional Service to the UN Standard Minimum Rules for the Treatment of Prisoners, including by adequate funding and training of officers (Brazil);**
- 131.76. **Make efforts to minimize overcrowding, improve sanitation and separation of juveniles from adults in prisons (India);**
- 131.77. **Ratify the Optional Protocols of the Convention of the Rights of the Child, raise the age of criminal responsibility to 18 years, ensure the adequate separation of children and adults in penitentiaries and jails, and ensure due legal representation for children and persons under 18 years of age within the judicial system (Paraguay);**
- 131.78. **Ensure that necessary reforms are undertaken to guarantee the effective protection of the rights to freedom of expression, assembly and association. This includes enacting without delay an expanded Bill of Rights and Access to Information Bill and ensuring that the Public Order Act is implemented objectively and with professionalism by the police (Sweden);**
- 131.79. **Live up to the highest standards of international law by repealing or amending the criminal defamation clauses in its Penal Code (Lithuania);**
- 131.80. **Engage in constructive dialogue and reconciliation with the main opposition party to diffuse lingering tensions from the August 2016 general election (United States of America);**
- 131.81. **Guarantee that journalists and other media workers can carry out their work independently and without fear of persecution, including by**

reviewing its defamation laws to make sure they are in full compliance with international human rights law (Finland);

131.82. Comply with its obligation under international law to guarantee that human rights defenders, journalists and activists can carry out their work independently and free from attacks, harassment or intimidation (Netherlands);

131.83. Fully implement the Anti-Human Trafficking Act No.11 of 2008 and ensure effective investigations into the cases of sale, trafficking and abduction of children to protect them from commercial exploitation (Republic of Korea);

131.84. Take appropriate steps to prohibit and combat child labour and the worst forms of exploitation of children (Senegal);

131.85. Continue efforts to consolidate the rights of the child, protecting from sexual exploitation and to combat trafficking in children and combat child marriage (Tunisia);

131.86. Strengthen the implementation of measures taken to fight against child labour and trafficking of children (Djibouti);

131.87. Fully implement the Anti-Trafficking Act No.11 of 2008 (Timor-Leste);

131.88. Review the Employment of Young Persons and Children's Act with an aim to include domestic labour and family based enterprises and improve its data collection mechanisms on its violations (Slovakia);

131.89. Step up its efforts to bring an end to all forms of child labour (Timor-Leste);

131.90. Modify its national and customary laws in order to prevent child, early and forced marriage (Sierra Leone);

131.91. Set a minimum age for leaving school which would provide incentives for addressing early marriages and child labour (Slovakia);

131.92. Set a minimum age for marriage under customary law to be in line with the legal age of marriage determined by the statutory law (Slovakia);

131.93. Ensure country-wide implementation of the Marriage Act establishing the legal age for marriage as 21 years of age (Slovenia);

131.94. Decriminalize same-sex relationships between consenting adults (Sweden);

131.95. Repeal laws that criminalize same-sex conduct between adults and review all legislation, policies and programs to foster equality and prevent discrimination on the basis of sexual orientation or gender identity (Canada);

131.96. Decriminalize same sex relationships between consenting adults and strengthen efforts to address inequality and discrimination based on sexual orientation and gender identity (Australia);

131.97. As recommended during UPR in 2012, respect the rights and fundamental freedoms of the LGBTI people through the repeal of all norms that criminalize and stigmatize the LGBTI person (Argentina);

131.98. Review and repeal the legislation that criminalizes consensual sexual behaviour between people of the same sex; and prohibit degrading practices



imposed on people of the LGBTI community, such as forced anal examinations (Uruguay);

131.99. Comply strictly with the normative provisions regarding the minimum age for marriage as well as prevent and investigate cases of forced marriages, prosecuting the authors and ensuring assistance to victims (Argentina);

131.100. Fully fund and implement the Anti Gender Based Violence Act, the Gender Equity and Equality Act, and other legislation and policies to protect girls from child, early and forced marriage and other forms of abuse (Canada);

131.101. Consider adopting additional measures to promote and protect the rights of persons with disabilities (Maldives);

131.102. Adopt and implement improvements in the legislation relating to the child, in particular: increase the minimum age of criminal responsibility to an internationally acceptable level; address the high rate of child labour; prohibit the forced marriage of the child; end violence and sexual exploitation, including abuse, neglect and ill-treatment (Uruguay);

131.103. Guarantee access to health and education services for migrant children, eliminating administrative obstacles in this area (Paraguay);

131.104. Since Zambia has one of the highest birth rates in the world, Germany recommends to Zambia to develop and implement a comprehensive strategy on population and education policies, in line and respect with economic, social and cultural rights (Germany);

131.105. Strengthen public policies to address economic and social challenges, particularly in the area of health such as access to drinking water (France);

131.106. Make primary education free throughout the territory (Central African Republic);

131.107. Make efforts to reverse the down-ward budgetary allocations to the education and health sectors in order to meet the African thresholds on health and education, respectively set in the Abuja and Dakar declarations (Namibia);

131.108. Take measures to strengthen efforts in the reduction of infant and child mortality, including through focusing on preventative measures and treatment, improved nutrition and a structured vaccination process (Botswana);

131.109. Seek the necessary technical, material and financial assistance in order to implement the recommendations it has endorsed (Côte d'Ivoire);

131.110. Continue to mobilize resources and seek necessary support to enhance its capacity to fulfil its human rights obligations (Nigeria);

131.111. Intensify efforts, including seeking technical assistance, wherever required, to meet its human rights targets (Sierra Leone).

132. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Zambia was headed by Honourable Given Lubinda, Minister of Justice, and composed of the following members:

- Abraham Mwansa, SC, Solicitor General, Ministry of Justice, Zambia;
  - Mrs. Natasha B. Museba, Ag. Principal Counsel, Ministry of Justice, Zambia;
  - Mr. Vanny Hampondela, Monitoring and Evaluation Specialist, Ministry of Justice, Zambia;
  - Mr. Iven M. Sikanyiti, Assistant Director-Social Statistics, Central Statistical Office, Zambia;
  - Mr. Joseph Chifulo, Economist, Ministry of Finance, Zambia;
  - Mr. Stephen Chiwele, Chief Social Welfare Officer, Ministry of Community Development and Social Services, Zambia;
  - Mrs. Margaret Kaemba, Charge D' Affaires, Permanent Mission for Zambia in Geneva;
  - Mr. Inyambo Liboma, Counsellor – Legal, Permanent Mission for Zambia in Geneva;
  - Mr. Samson Lungo, First Secretary-Consular/Political, Permanent Mission for Zambia in Geneva.
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