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COMMITTEE ON ECONOMIC, SOCIAL
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Item 6 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES IN
ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPLIES BY THE GOVERNMENT OF **ZAMBIA** TO THE LIST OF ISSUES
(E/C.12/Q/ZMB/1) TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION
OF THE INITIAL REPORT OF ZAMBIA CONCERNING THE RIGHTS REFERRED TO
IN ARTICLES 1-15 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS (E/1990/5/Add.60)

HR/CESCR/NONE/2004/8

I. GENERAL LEGAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

1. Please provide detailed information on the status of the autonomous human rights board referred to in chapter XII of the Constitution, particularly as regards its membership, the appointment of its members and its methods of operation, in light of the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex).

General Background

The Human Rights Commission (HRC) was established following the 1996 constitutional amendments and is provided for in Part XII of the Constitution of Zambia. It is provided there in Article 125 that “there is hereby established a Human Rights Commission.” Article 125(2) says the HRC shall be autonomous.

The functions and powers of the HRC are provided for in the Human Rights Commission Act No. 39 of 1996. The establishment of a permanent human rights institution was recommended by the Human Rights Commission of Inquiry (popularly referred to as the Munyama Commission after its Chairperson Mr. Bruce Munyama), which was appointed in 1992 to examine the human rights situation in the First, Second and Third Republics. The Munyama Commission stated the case for the establishment of a permanent human rights commission in Chapter 6 of its report. The Munyama Commission noted that many witnesses who testified to the Commission appreciated the appointment of the Commission of Inquiry and expressed the need for government to establish a permanent institution.

The Human Rights Commission Act No. 39 of 1996

The Human Rights Commission Act No. 39 of 1996 (HRC Act), *inter alia*, provides for autonomy, appointment and composition, tenure of the commissioners, functions and powers, complaints mechanism and meetings of the Commission.

Autonomy of the Commission

Under Section 3 of the HRC Act, the HRC is established as an autonomous body, which, in the performance of its duties, is not subject to the direction or control of any person or authority.

A critical aspect of independence and autonomy is the ability of the Commission to exercise independent decision-making power in its day-to-day work. Independent legal status should be of a level sufficient to permit the institution to perform its functions without interference or obstruction from any public or private entity. In the case of Zambia, the HRC is not placed under the control of any ministry. Pursuant to Section

25(1) of the HRC Act, the Commission tenders its report concerning its activities during the financial year to the President.

Composition

Section 5(1) of the Human Rights Commission Act provides for the following composition:

- (a) the Chairperson
- (b) the Vice Chairperson
- (c) not more than five other Commissioners

The Chairperson and Vice Chairperson must be persons who have held or are qualified to hold high judicial office (Section 5(3)). The appointment of the commissioners is vested in the President of the Republic, subject to ratification by Parliament. For informative and historical purposes, it is worth noting what was proposed by commissions constituted under the Inquiries Act with respect to the establishment of a permanent human rights commission. The matter was addressed to some extent by the Munyama Commission of Inquiry and also the Mwanakatwe Constitutional Review Commission. The Munyama Commission recommended a pluralist representation of civilian society and suggested a list including:

- (i) non-governmental organisations responsible for human rights;
- (ii) trade unions
- (iii) concerned social and professional organisations, for example, associations of lawyers, doctors, journalists and eminent scientists;
- (iv) universities; and
- (v) Parliament.

The Munyama Commission also took cognisance of and cited the composition for the Human Rights Commission proposed by the Mwanakatwe Constitutional Review Commission. The Mwanakatwe Commission had suggested seven members with the following composition:

- (i) one person with expertise in human rights nominated by the President;
- (ii) two representatives with expertise in human rights nominated by women organizations;
- (iii) one person nominated by religious organizations;

- (iv) one person, a human rights activist, nominated by the Law Association of Zambia; and
- (v) one person nominated by the trade unions.

Apart from the Chairperson and Vice Chairperson who must be lawyers, Section 5 of the Human Rights Commission Act leaves it open to the appointing authority to pick the other five commissioners from any background. The proposals given by the Munyama and Mwanakatwe Commissions seemed to suggest a mandatory inclusion of persons of certain backgrounds as commissioners (trade unionists, academics, women's rights activists, etc). Arguably, the proposals could be said to have been more in line with the Paris Principles and sought a more representative Commission. Under the head "Composition and Guarantees of Independence and Pluralism", the Paris Principles provide as follows:

The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective co-operation to be established with, or through the presence of, representatives of:

- i. Non-governmental organisations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organisations, for example, associations of lawyers, doctors, journalists and eminent scientists;
- ii. Trends in philosophical or religious thought;
- iii. Universities and qualified experts;
- iv. Parliament;
- v. Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

An appointments process that is transparent and consultative with civil society groups in the country is obviously preferable to maximise the likelihood of committed and active appointees to the Commission. Whether or not the current system of appointment of commissioners under the HRC Act is transparent and acceptable is a matter for open debate. On the other hand, it seems Parliament left it to the wisdom of the President (as appointing authority) to select a good mix of Commissioners. The first Commissioners, appointed in April 1997 by then President F.T.J. Chiluba included:

- Lombe Chibesakunda (Supreme Court Judge; former diplomat)
- Lewis Changufu (businessman and former Government Minister)
- Lavu Mulimba (former Government Minister)
- Foston Sakala (Reverend, religious leader)
- Francis Nsokolo (lawyer and former Principle Resident Magistrate)
- John Sakulanda (ex-political detainee and former member of the Munyama Commission)

The new Commissioners similarly have diverse backgrounds including lawyers, a religious leader, and former civil servants and media personalities. The limited number of seven commissioners obviously means that not everybody can be represented at any one time.

Further on the question of composition, the Paris Principles state that in order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act, which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured. As stated earlier, here in Zambia the Commissioners are appointed by the President, subject to ratification by the National Assembly (Section 5(2)). They are appointed for a term of three years renewable. Vacancy or removal from office may occur through the following reasons:

- Non-renewal of tenure
- Inability to perform the functions of the Commissioner's office due to infirmity of body or mind, incompetence or misbehaviour
- Resignation
- If
 - (a) the Commissioner is absent without reasonable excuse from three consecutive meetings of the Commission of which the Commissioner has had notice;
 - (b) the Commissioner is a declared bankrupt; or
 - (c) the Commissioner dies.

The Mwanakatwe Constitutional Review Commission had recommended that the Judicial Service Commission be accorded the power to appoint the members of the Human Rights Commission, subject to ratification by the National Assembly. While it recognised that the Mwanakatwe Commission had suggested a composition which was in line with the international guidelines, the Munyama Commission disagreed with the proposal that the commissioners be appointed by the Judicial Service Commission. The Munyama Commission reasoned that part of the mandate of the Human Rights Commission should

be to investigate mal-administration of justice. While the principle of the independence of the judiciary is one of the pillars in the promotion and protection of human rights and fundamental freedoms, meaning that the judiciary at all levels should be left to discharge its functions and powers without undue interference or pressure from any quarter, it is still prudent in any democratic society that in those special circumstances where the judiciary or its members are found wanting in the discharge of their duties resulting in the violation of individual rights and freedoms, someone should be able to investigate and ensure that redress for victims of mal-administration of justice is accorded. The independence of the judiciary goes only as far as the proper administration of justice is concerned. This is essentially why, for example, under the Constitution of Zambia, a judge can be removed from office for misconduct or some such other serious abuse of office. The power to investigate mal-administration of justice is not meant to review the decision of a court of law but to review whether the judicial process in a particular matter or case fell in line with the requirements of the right to a fair trial and other relevant human rights standards.

A similar argument could be put forward where the Executive (President) is the appointing authority. Concern has been expressed from many quarters that appointment of the Commissioners by the president compromises their independence, especially when dealing with cases that raise politically sensitive issues. However, although it is important to provide for legislative and administrative structures that would help the Commissioners maintain independence in discharging their mandate, ultimately the character of the individuals appointed determines how effective and independent they will be.

Ultimately, therefore, it is not who or how the Commissioners are appointed that really matters. The quality, integrity and forthrightness of the individuals is a key factor in the success of their work.

THE ROLE OF THE COMMISSION IN PROMOTING AND PROTECTING HUMAN RIGHTS

The role of the Human Rights Commission in promoting and protecting human rights in Zambia is spelt out in its functions as given in the Human Rights Commission Act. The Act stipulates the functions of the Commission in Section 9. Section 9 provides the functions as:

- a) investigate human rights violations;
- b) investigate any mal-administration of justice;
- c) propose effective measures to prevent human rights abuse;
- d) visit prisons and places of detention or related facilities with a view to assessing and inspecting conditions of the persons held in such places and make recommendations to redress existing problems;

- e) establish a continuing programme of research, education, information and rehabilitation of victims of human rights abuse to enhance the respect for and protection of human rights;
- f) do all such things as are incidental or conducive to the attainment of the functions of the Commission.

It is clear that the mandate is quite wide and all encompassing as recommended in the Paris Principles. To discharge this mandate, the Commission has established three departments around the core activities of promotion and protection: the Investigations and Legal Department, the Information and Education Department and the Research and Planning Department. Soon after coming into existence, the Commission also set up committees to assist it in the discharge of its functions. Under Section 15 of the Act, the Commission can establish committees to whom certain functions can be delegated. In that regard, the Commission established nine Provincial Committees and five Thematic Committees. The nine committees were in accordance with the nine provinces. The Thematic Committees centred around a number of priority areas or themes. Thus, the Commission set up the Children's Rights Committee, the Committee Against Torture, the Economic, Social and Solidarity Rights Committee, the Civil and Political Rights Committee and the Constitutional and Legal Issues Committee. Both the thematic and provincial committees were mainly composed of people from civil society who served as volunteers. A commissioner represented the Commission itself on each committee. This inclusion of members of the public in the work of the Commission was hailed as a model and a good practice at the international level. Even within the framework of the Paris Principles, commissions are encouraged and expected to collaborate with civil society, who are usually at the grassroots level when it comes to important human rights issues and problems affecting the communities. With support from civil society, the Commission will be well informed of the critical human rights issues to enable it plan well and, thus, not risk pursuit of illusory objectives.

Primarily, the Commission must ensure respect for human rights as provided in the domestic law, notably Part III of the Constitution of Zambia, which protects the fundamental human rights and freedoms of every person in Zambia.

Ideally, and in accordance with the Paris Principles, the Commission must promote the domestication and application of international human rights standards as well. This is done through the Commission's advisory role to Government and also its participation in the State reporting process required under the various human rights instruments.

Investigation of Alleged Human Rights Violations

An important role and function of the Commission in promoting and protecting human rights is spelt out in Section 10 and other subsequent provisions of the Act. Under Section 10, the Commission has powers to investigate any human rights abuses:

- (a) on its own initiative; or
- (b) on receipt of a complaint or allegation under the Act by-
 - (i) an aggrieved person acting in such person's own interest;
 - (ii) an association acting in the interest of its members;
 - (iii) a person acting on behalf of an aggrieved person; or
 - (iv) a person acting on behalf of and in the interest of a group or class of persons.

The receipt and investigation of individual complaints is by far the most important day-to-day preoccupation of the Commission. This is the power that enables the Commission to tackle problems affecting people at individual level. Although under *Zambian law* the Constitution vests primary jurisdiction of human rights issues in the High Court under Article 28, the mechanism provided under Section 10 of the Human Rights Commission Act has, since the inception of the Commission, proved to be an important complement to the judicial process. Despite its limitations, such as the lack of a mandate to issue binding orders, the process under the Human Rights Commission Act does have certain advantages to that provided for in Article 28 of the Constitution for the courts of law, including:

- apart from the individual cost of coming to the Commission offices to lodge a complaint, the process costs virtually nothing;
- there are no stringent rules and procedures as those found before the High Court;
- the atmosphere is less intimidating;
- unlike under Article 28, anyone can complain on behalf of a victim of human rights abuse under the Human Rights Commission Act, provided they have evidence;
- the commission, unlike the courts, has a mandate to go out and investigate and collect vital information other than that provided by the complainant.

Under Section 10(2) the Commission has powers to issue summons or orders requiring the attendance of any authority before the Commission and the production of any document or record relevant to any investigation by the Commission. The Commission can also question any person in respect of any subject matter under investigation before the Commission or require any person to disclose any information within such person's knowledge relevant to any investigation by the Commission. The legal authority to compel co-operation of others, particularly government agencies, is a prerequisite for full

operational autonomy of a national human rights institution such as the Commission, especially since it is vested with the power to investigate complaints.

With regard to the receipt and processing of complaints, the Commission drafted its own rules of procedure pursuant to Section 14(1) of the Act. These rules are contained in Statutory Instrument No.22 of 2002. The statutory instrument includes a specimen complaints form. The form assists complainants in filling out details regarding their case.

The Commission can recommend various forms of action to be taken or redress in the event of a violation. It can recommend:

- (a) the punishment of any officer found by the Commission to have perpetrated an abuse of human rights;
- (b) where it considers necessary-
 - (i) the release of a person from detention;
 - (ii) the payment of compensation to a victim of human rights abuse, or to such victim's family;
 - (iii) that an aggrieved person seek redress in a court of law; or
 - (iv) such other action as it considers necessary to remedy the infringement of a right.

The fact that the Commission is only able to recommend action to be taken by other appropriate authorities has been criticised as a major weakness. Critiques have said this lack of "teeth to bite" defeats the whole purpose of protecting human rights. Although it is desirable to accord the Commission more effective powers to act on violations, it is not unusual for national human rights institutions not to have power to issue legally binding orders. However, this does not mean that the settlement or appropriate remedial steps recommended by the Commission can and should be ignored.

It is important to note that under Section 10(5), the Commission has no power to act on a matter that is pending before a court.

Section 11(3) requires a complaint to be made within a period of two years from the date on which the facts giving rise to any such complaint or allegation become known to the person making the complaint or the allegation. The rationale behind the two-year rule is to ensure that the matter is dealt with while it is still fresh, which makes it easy to put together the available evidence and witnesses.

Pursuant to Section 11(4) the Commission may refuse to conduct, or may decide to discontinue an investigation where it is satisfied that the complaint or allegation is

malicious, frivolous, vexatious or the particulars accompanying it are insufficient to allow a proper investigation to be conducted, and shall indicate accordingly in the report.

Since its inception in 1997, the Commission has received more than 6,000 complaints from the public.

Public Hearings

Where the Commission considers that, in order to properly determine whether or not there was a violation of human rights in a particular case, it may decide to hear oral evidence from the parties to the case. The parties are summoned to a public hearing and the Commission sits as a quasi-judicial tribunal to consider the matter. Members of the public are welcome to come and observe the public hearings.

Education and Information

Apart from the important function of receiving and investigating complaints, the Commission has the mandate to provide human rights education and information to the public. As already identified above, one of the functions of the Commission in Section 9(e) of the Act is, *inter alia*, to establish a continuing programme of education and information.

In its information and education activities, the Commission collaborates with other bodies and institutions such as the media, NGOs and even international organisations such as the United Nations. The Commission is also expected to organise and/or facilitates the holding of seminars and workshops to train people in human rights, especially those directly involved in human rights through their work. The Human Rights Commission has in this regard, whenever resources are available, organised and held a number of workshops for law enforcement agents, teachers and education authorities, NGOs, political parties and others. The workshops are tailored according to the needs of the target audience. In 2002, the Commission also conducted a series of radio programmes to sensitise the public. The radio programmes were held over 13 weeks in English and the 7 main vernacular languages. Following the radio programmes, the Commission noted an increase in the lodging of complaints. This indicates that people must be made aware of their rights and the mechanisms available to seek redress in order to ensure protection.

Advising and Assisting Government

As already seen above, the Commission, as a national human rights institution, is expected to advise and assist government on human rights issues. The Paris Principles provide that a national institution may “submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights...”.

Government has on some occasions requested the Commission to provide information on a number of issues in its capacity as a national human rights institution.

2. Please clarify whether the State party intends to adopt a national plan for the protection of human rights in accordance with the Vienna Declaration and Programme of Action of 1993.

3. Please indicate which of the rights set forth in the Covenant are justifiable, and provide examples of existing case law.

4. Please indicate the position of the State party on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights.

5. Please indicate whether non-governmental organisations were consulted in the preparation of the report.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (art. 1-5)

Non-discrimination (art2. para. 2)

6. The Committee requests information on measures the State party has taken to combat discrimination against elderly persons accused of witchcraft.

The Government is working towards the formulation of a national policy on aging, which will provide guidance on such matters including the establishment of a national body to deal with issues relating to aging. In the meantime, it is continuing with sensitisation activities on the plight of the aged, including the commemoration of the International Day for the Older Person.

7. Please provide information on the results of measures that the State party has taken to combat discrimination against persons with disabilities.

Following the enactment of the Persons with Disabilities Act, No. 33 of 1996, there has been an increased reduction in the number of persons with disabilities being discriminated against on the grounds of disability. This is because of the increased awareness among the disabled themselves as well as among the general public that discrimination on the basis of disability constitutes a punishable offence under the law.

Equality between men and women (art. 3)

8. Please indicate policies adopted by the State party to reduce the flagrant inequalities resulting from cultural and traditional factors and their impact on the equality of opportunities for men and women.

In as far as gender inequalities are concerned, in traditional society, gender roles and ties are understood in terms of sexual functional responsibilities. While the woman's role is to attend to household chores, the man's role is to fend for the family. In view of this, the role of the Government is to promote shared responsibilities among women and men.

9. Please provide information on the results of the National Gender Policy adopted in March 2000, particularly with respect to the review of legislation that discriminates against women on the issue of ownership of land and in the context of the family.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

The right to work (art.6)

10. According to paragraph 14 of the report, the current law in the State party does not recognise the right to work, the right to equal opportunity in employment, the right to fair conditions at the workplace or the right to leisure time or to working hours. Please provide detailed information on the steps taken to ensure the enjoyment of these rights.

11. The Committee would like to receive up-to-date unemployment figures disaggregated by sex, age and urban/ rural areas.

Table 1.0

Current Unemployment Rates by Age, Sex And Residence in Zambia									
Age Group	Zambia-Total			Rural			Urban		
	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female
Total	12.9	14.1	11.3	6.6	7.8	5	26.5	25.2	29.2
12-14	19.9	19.7	20.1	13.1	13.1	13	52	52	52.1
15-19	22.6	24.5	2.9	11.7	13.6	10	55.5	53.7	57.4
20-24	20.8	22.9	18.1	9.4	11.8	6.6	42.1	40.7	44.5
25-29	13.9	15.6	11.2	6.7	8.4	4.4	25.6	25.4	26.1
30-34	9.7	11.2	7.1	5.1	6.5	3.1	17.2	17.6	16.3
35-39	7.9	9.4	5.4	4.3	5.5	2.6	14.2	15	12.3
40-44	6.8	8.4	4.4	3.7	4.9	2.1	12.4	13.4	10.1

45-49	6.6	8.3	3.9	3.3	4.4	1.9	12.8	14.1	9.6
50-54	5.5	7.3	3	2.7	3.8	1.4	12.5	13.3	10.2
55-59	5	6.7	2.7	2.5	3.3	1.5	14.1	15.3	10.3
60-64	3.9	5.2	2.2	2.2	2.9	1.3	13	14.4	9.3
65-69	3.5	4.3	2.2	2.1	2.6	1.4	12.5	13.6	9.7
70-74	2.9	3.4	2	1.9	2.1	1.4	11.3	12.1	8.9
75+	2.8	2.9	2.6	2	2	2	11.2	11.6	10.1

12. Please provide information on what measures have been taken to create employment opportunities especially for women.

To begin with, government implemented a National Gender Policy in 2000 and it is aimed at empowering women in all sectors. This can be noted in the employment opportunities that now emphasise the encouragement of women applicants, though its limitation rest with the fact that this is often done at the employer's discretion.

The Ministry of Community Development and Social Services encourages women to form cooperatives in communities where they produce and sell their products then share the profits.

Taking into consideration that liberalisation as well privatisation had a negative effect particularly in increasing unemployment in the economy, the government established organisations that facilitate in providing a conducive environment for retrenched employees.

Future Search-this is a social security scheme that assists retrenched employees by providing them with training or skills for them to become Small Scale Entrepreneurs.

National Social Safety Net- This organisation subcontracts training institutions to provide training or other relevant skills to retrenched employees i.e. in resettlement, farming, as well as setting up of small-scale businesses.

Another aspect that one might endeavour exploring includes the non-governmental organisations such as Women for Change and NGOCC. These have programmes targeted towards enabling women create income-generating activities and further the cause of women empowerment.

As an indirect approach, one can note the lower cut-off point that allows for girls/women to enhance their educational career hence, facilitating their improved employment opportunities in the future.

13. Please indicate the recent results to date of the State party's policy to combat child labour.

To begin with, Zambia has ratified Convention 182 under the elimination of the worst forms of child labour.

Secondly, it has been running a national programme whose main aim is targeted towards the elimination of the worst forms of child labour.

Thirdly, the law that relates to the Employment, Children and Young Persons Act Cap. 274 has been revised to include child labour issues.

Fourthly, the Ministry of Labour has finalised a draft National Employment and Labour Market Policy (NELP) where issues of child labour are adequately addressed. Furthermore, there are moves to have a policy that particularly and singularly addresses issues on child labour.

Fifthly, in terms of institutional arrangements, a National Steering Committee has been constituted. This Committee meets quarterly to discuss issues on child labour.

Sixthly, the department of Labour established a Unit to deal with issues on child labour.

Lastly, Government has introduced a specific budget line to support the fight and scourge against child labour.

Right to just and favourable conditions of work (art.7)

14. According to the report, the efforts to ensure just and favourable conditions of work currently concern only the public sector. Does the State party envisage measures to extend those efforts to the private sector?

The above item in the report is not true. In fact both the public and private sector employees are protected by the legislation pertaining to the right to just and favourable conditions of work. Employees in both sectors are citizens of the Republic of Zambia and therefore are all equal and have equal rights. They have the right to form unions and the fact that they can do that, is proof enough that there is collective bargaining taking place between the unions and managements. The unions bargain for and in the best interests of their members.

The State party encourages a free and fair collective bargaining process through which social partners agree on the terms and conditions of employment. To ensure equity in this arrangement, copies of the agreement are sent to the Ministry of Labour and Social Security for affirmation to ensure that necessary statutory clauses that guarantee fair conditions are enshrined in the agreement.

15. Please indicate what concrete steps have been taken to give effect to the principle of equal pay for equal value, in accordance with International Labour Organisation Convention No. 100, which the State party has ratified.

Zambia ratified the International Labour Organisation Convention no. 100 on June 20 1992. The provisions of this convention are applied in Zambia through the Minimum

Wages and Conditions of Employment, Cap. 274 of the Laws of Zambia. Zambia is duty bound in terms of article 22 of the ILO Constitution to report periodically on the application of the Convention in Zambia.

Determination of rates of wages and salaries including other emoluments payable by the employer to the worker and arising out of the worker's employment irrespective of sex distinction is as follows:

- Through the process of collective bargaining between trade unions and employer's organisations or individual employers. Section 66 of the Industrial and Labour Relations Act, as amended by Act no. 30 of 1997 specifies that employers or their organisations and trade unions concerned shall enter into collective bargaining within three months from the date of registration of a recognition agreement. The bargaining is either at industrial or enterprise level. However, industrial collective agreements have legal effect only on members of the employer's association and do not have general application to embrace all employers in a particular industrial sector.
- Through a determination in a statutory instrument by the Minister of Labour and Social Security in terms of Section 3 of the Minimum Wages and Conditions of Employment Act, Cap. 274 for employees not covered by any collective agreement or where collective bargaining is absent due to lack of trade union representation or for any other reason.
- By mutual agreement between an employer and individual employee. In short, through free collective bargaining, social partners, ensure the issues of gender are taken on board and salary scales agreed upon with no discrimination.

16. Please provide information on the results of the State party's national policy to promote equality of opportunity and treatment in employment with a view to eliminating all discriminating in respect thereof, as required by International Labour Organisation Convention No. 111.

The basic aim of this Convention is to eliminate any distinction, exclusion or preference made on the basis of race, colour, religion, political opinion, national extraction or social origin which impair equality of opportunity or treatment or occupation including access to vocational training and terms and conditions of employment.

The provisions of this Convention continue to be applied by the following legislation:

Constitution of the Republic of Zambia
Employment Act, Cap. 268
Employment of Young Persons Act, Cap. 505
Factories Act, Cap 514

The Government's policy on discrimination endeavours to promote equality of opportunity and treatment in employment and this is enforced through the provisions of the above named legislation. The establishment of the Permanent Human Rights Commission has also gone a long way in the elimination of discrimination.

Employees are at liberty to lodge complaints before the Industrial Relations Court on matters relating to discrimination in the work place.

17. According to paragraph 119 of the report, there is no written policy on the system of the minimum wage. Please provide detailed information on how the minimum wage is established and on whether the level of the minimum wage provides for a decent living of workers and their families.

In Zambia, minimum wages are established through the Minimum Wage and Conditions of Employment Act, Cap 276 of the Laws of Zambia.

A tripartite committee comprising the labour movement, employer's organisations and the government meet and come up with terms and conditions of employment for "unprotected workers" which are later referred to a full tripartite labour consultative council for scrutiny before the Minister of Labour and Social Services comes up with a statutory instrument which are enforceable by law.

Currently, the State party has two statutory instruments covering general application and unorganised shop workers. These instruments are renewable every two years or as and when the need arises. However, the level of minimum wage is barely enough to provide for the basic needs for the employees and their families. This is due to the harsh economic conditions that the country is undergoing.

18. Please state whether the investigations into occupational accidents to in the report have been made and, if so, what were the results.

Unfortunately, only three accidents out of the total number of occupational accidents reported were investigated. This was due to logistical problems such as transport problems.

The three accident victims died as a result of the injuries sustained in the accidents.

At Wood Processing Limited in Ndola where a worker was scalded by hot water, investigations revealed that hot water had been trapped in the chamber of the four-inch valve.

Investigations into the fatal accident that occurred at Namwala water works of the Southern Water and Sewerage Company Limited revealed that insulation on the electric wires supplying power to the pump was worn out resulting into discharge of the electric current to both the pump and the ground. It was after coming into contact with the current that the worker got electrocuted.

At INDENI Petroleum Company limited, a fire erupted at the flare. Investigations revealed that this was due to the spillage of heavy hydrocarbons, which went into the system, and the inoperational state of the control gadgets in the drain vessel.

Trade union rights (art. 8)

19. Please specify what categories of workers are prohibited by law from forming or joining trade unions.

Freedom of association is an essential human right that constitutes the fundamental basis for sound labour relations. It is a basic principle of civil liberty that is expressed in our Zambian Constitution and other legislation. In Zambia, the legal framework has provided workers with the right to organise and bargain collectively. This has been particularly been done under the Industrial and Labour Relations Act.

In Zambia, the law prohibits the armed forces and the police from forming or joining trade unions. This is due to the sensitive nature of their operations.

Management employees in both public and private institutions cannot join trade unions. Management is the senior decision making authority within the undertaking in financial, operational, personnel or policy matters, which represents and negotiates on behalf of the undertaking in the bargaining negotiations with any trade union.

If management employees were permitted to join unions, they would not operate in the interest of the undertaking. They are likely to work only in their own interests and award themselves huge salary increases

20. Does the State party envisage measures to further protect workers' right to strike as a means to ensure job security and just and favourable working conditions?

Freedom of association, which Zambia exercises implies the freedom of collective bargaining and at least to a certain extent, the right to strike.

This freedom continues to be expressed in our Zambian and some legislation as a means to ensure job security and just and favourable conditions of employment.

Right to social security (art. 9)

21. Please indicate what measures are being taken to combat inefficiencies in the processing and payment of pension benefits, especially for pensioners living in remote or isolated areas.

In addressing issues pertaining to efficiency and effectiveness delivering pension benefits in Zambia, it is important to note the policy and supervisory framework currently obtaining in the nation. Currently, the Ministry of Labour and Social Security, through the Department of Social Security, is only responsible for the National Pension Scheme Authority and the Workers Compensation Fund Control Board in terms of policy and supervision, while other major pension institutions such as the Public Service Pension Fund and the Local Authorities Superannuation Fund fall under the Ministry of Finance and National Planning and Ministry of Local Government and Housing, respectively.

Thus, in light of the two pension institutions whose jurisdiction falls under the mandate of the Ministry of Labour and Social Security, the following measures have been taken to ensure sustainable efficiency and effectiveness:

- Setting of limit for receipt and processing of pension claims in respect of all available forms of pension benefits. The time limit range from 14-28 days for both institutions;
- Decentralisation of benefit pay points to district level;
- Enhancement of customer care as an integral part of the pension delivery system; and
- Computerisation of all major operations, especially data management and retrieval on both local area networks and wide area networks.

22. The Committee requests detailed information on the results of the State party's food-for-work programme and on whether the State party intends to extend the programme to all 73 districts (E/1990/5/Add.60, para.156).

As already alluded to in the preliminary remarks on the policy and supervisory framework, the food-for-work programme, despite being a social protection intervention in the broadest sense of social security, does not fall under the jurisdiction and mandate of the Ministry of Labour and Social Security. Thus, details relating to the same can only be obtained from the Ministry of Community Development and Social Services.

23. Please provide information on how effective the National Pensions Scheme Authority has been in providing better services and wider coverage to include the informal sector (ibid., para.159).

The issue of efficiency and effectiveness in service delivery with regards to NAPSA has already been dealt with under point number 1. However, in addition to point 1, you may wish to note the following:

- The NAPSA pension funds are invested in a number of viable money market instruments with strict guidelines provided for in a statutory instrument on investments;
- NAPSA currently has a sound financial base resulting mainly from positive investment returns and improved coverage, hence has the capacity to pay out claims within the shortest time possible;

- The operational costs of NAPSA have consistently been within or about the 10% expenditure cap allowed by the Board. In fact, over the years, the expenditure cap has drastically reduced to at least 5%, which is in an international accepted standard for pension houses; and
- The Pension coverage for the informal sector (defined here as the small scale, disorganised and low income i.e. Less than K15, 000 business) is very poor in NAPSA. Roughly, less than 10% of players in the informal sector are covered under NAPSA.

Protection of the family, mothers and children (art.10)

24. Please indicate whether and what progress has been made in revising legislation relating to child rights, in compliance with the Convention on the Rights of the Child.

The Ministry of Sport, Youth and Child Development has embarked on the process of reviewing legislation pertaining to children so that maximum protection is given to children. A position paper on the review of the Juvenile Act, Cap.53 and the Penal Code, Cap 87 has been worked on in collaboration with the Ministry of Justice. This will ensure that there is deterrence and stiffer punishment for abusers, neglecters and exploiters.

To date a Cab Memo on the review of pieces of legislation relating to children has been prepared by the Ministry of Justice and will be jointly presented to Cabinet by the Ministers of Justice, Sport, Youth and Child Development and Social Services and Home Affairs.

The pieces of legislation under review are as follows:

- Penal Code, Cap. 87
- Juvenile Act, Cap. 53
- Legitimacy Act, Cap. 52
- Adoption Act, Cap. 54
- Affiliation and Maintenance of Children Act, Cap. 64
- Evidence Act, Cap. 43

25. Please provide information on steps taken to combat the traditional practices, which permit the marriage of children from the onset of puberty.

Advocacy

The Ministry of Sport, Youth and Child Development has continued to create awareness and mobilise communities on the need for the nation to respect the provisions in the Convention on the Rights of the Child to which Zambia is State party.

Lobbying

- The Ministry of Youth, Sport and Child Development has continued to lobby relevant authorities on the need to respect the Convention on the Rights of the Child in the execution of their duties e.g. the Police Service, Civil Society Organisations, the Judiciary, the Budget Office, traditional leaders and political leaders.
- The Ministry is also working with the Ministry of Justice on the need for the Government to put in place an enabling Act, which will ensure that the Convention on the Rights of the Child is domesticated thereby enforceable just like the other pieces of legislation.

Policy and Legislation Review

The National Child Policy and other pieces of legislation pertaining to children are being reviewed and amended so that they are in line with the provisions of the Convention on the Rights of the Child.

The GRZ/UNICEF Programme of Cooperation

This programme is an agreement under which the United Nations is assisting our nation to fulfil our plans in the promotion of children's rights. Under this programme technical assistance, funding and other materials are made available under three-project areas, namely:

- Mainstreaming Women and Children's Rights;
- Institutional Capacity Building; and
- Children in Need of Special Protection.

26. Please provide information on the legislative and other measures, referred to in paragraph 173 of the report, to protect the family.

27. Please indicate what measures the State party is undertaking to deal with the growing number of orphans whose parents die from HIV/AIDS.

Protection of the Family, Mothers and Children (art.10)

The Government intends to provide improved care and support services for the orphans, vulnerable children (OVC) and other vulnerable groups either affected or at risk such as refugees, prisoners and disabled by the year 2005.

HIV/AIDS is Zambia's most challenging development problem with an estimated prevalence rate of 16%. Undoubtedly, children continue to bear an unfair impact of the

HIV epidemic. Very young children carry the burden of the disease directly passed on from their parent or through the loss of their parent or caregiver.

Currently, Zambia's has nearly 1.2 million orphan children. Increasingly, families are being stretched to the point of buckling with the absorption of additional children into their households. Children's guardians are unable to meet the costs of basic necessities such as food, school fees and health services. Grandparents are looking after a large percentage of orphans and great concern arises over what may transpire as the grandparent's age.

The increasing number of street children seen in urban centers may be providing an early warning that Zambian households and the Zambian extended family system have almost been pushed to the brick of collapsing. In 1999, there were about 520, 000 orphans as a result of AIDS and it is projected that the number will rise to 885, 000 by 2009 and 974, 000 by 2014. Therefore, the cumulative number of children orphaned by the epidemic and other causes is much higher than can be seen at any one point in time.

Measures undertaken by the Government

Given the magnitude of the OVC situation in Zambia, as well as the current level of high HIV infection rates and the increasing death rate, it has been inevitable for the Government to engage other stakeholders in providing interventions to mitigate the growing number of orphans. One such key player has been the SCOPE (Strengthening Community Partnership for the Empowerment of OVC) Project that strives to mitigate the impact of HIV/AIDS on children through mobilizing, scaling up and strengthening community-based and community led responses to the needs of OVC. The SCOPE Project aims to create linkages and partnerships to assist Government, faith based organizations and civil society to unite together.

One organization reports having reached over 150,000 orphans and vulnerable children in 2 provinces while the SCOPE Project has reached about 400,000 children in 12 districts through a household and community based approach. The social welfare under the Ministry of Community Development and Social Security has also just established a mechanism to provide foster-parent households allowances of K50,000 per child for providing a home to an orphan or any other vulnerable child.

Additionally, in 2002, community schools, according to the Ministry of Education enrolled 176,629, while the public schools in the same period enrolled 1,731,579.

One NGO partner had disbursed funding to 41 community schools for interventions to provide or improve the quality of education delivery to OVC. Funding was used for desks, books, learning materials and other teaching items. Furthermore, 13,038 OVC from street children centers in Lusaka alone received education support.

The strategies used to assist OVC and vulnerable groups provide the following interventions that are simple and yet complimentary:

- Household Economic Security provides enough food and other resources enabling children to attend school.
- Psychosocial Support creates awareness in communities and households on the importance of providing for both psychological and social needs of children, equipping both the adults and the children with coping and negotiating skills.
- Education provides an environment to allow children attend both conventional and community school and has been created to open opportunities for children to move on to secondary and higher education.

Right to Physical and Mental Health (art.12)

32. According to the report (para 25), health legislation provides neither for the enjoyment of the highest attainable standard of physical and mental health nor for the creation of conditions that would ensure to all medical service and medical attention in the event of sickness. Please indicate the measures taken to implement the guidelines of State Policy set out in the Constitution (Ibid).

In line with the above, the Government through the Ministry of Health has made the following achievements:-

1. The Mental Health Policy has been develop and presented to Cabinet. It is receiving comments from relevant ministries. Once approved the policy will facilitate further development of guidelines and standard operating procedures in mental health for lower levels.
2. The Mental Health Act has been reviewed and a new mental health bill is in place but before this bill is presented to Parliament, the mental health policy has to be approved. The focus on community-oriented mental health service in the new Act should facilitate improvement in access to these services. It would suffice to say that the present Act was enacted in 1951 and is out of touch with current concepts in mental health services delivery.
3. Mental Health has been incorporated into the Basic Health Care Package at all levels. This is in recognition by the Government that mental illness needs to be dealt with in the same manner as other non-mental health disorders, within what the Government can afford to pay for its citizens.
4. Mental health has been integrated into the new edition of the technical guide for operational level health workers entitled the “Integrated Technical Guidelines for Frontline Health Workers”. This means that the health workers with little or no training in mental health will now have a reference book to consult in times of need. This is likely to contribute towards improved access to mental health services.

5. Mental health has also been integrated into the training manual for Community Health Workers. This will help de-stigmatize mental illness once community health workers begin to talk about mental illness in their community.
6. In order to address the human resources problem, the Ministry of Health through the Central Board of Health has started the process of introducing the direct entry 3-year diploma course for Registered Mental Health Nurses and Clinical Officers in Psychiatry. This means that candidates for the training will be drawn from school leavers.

Development of mental services in Zambia is an on-going process requiring the involvement of all the stakeholders. So far, guidelines have been given to the provinces and districts to include mental health in their plans especially that the Government's inspired 3 years plans (MTEF) has been adopted.

33. Please provide information on the results of the measures undertaken by the Government to combat the spread of HIV/AIDS, given the fact that the Government is one the countries worse affected by HIV/AIDS in Sub-Saharan Africa and projections indicate that the mortality rate is still increasing and will peak by the year 2005.

The Government has mandated the National AIDS Council (NAC) to provide leadership for a coordinated fight against HIV/AIDS in order to eliminate HIV/AIDS and associated opportunistic infections for the benefit of society. NAC has developed a National HIV/AIDS/STI/TB Intervention Strategic Plan (2002-2005) that aims to reduce the HIV prevalence rate among Zambians from 19% to 11% and improve the health status of people living with HIV/AIDS by 2005.

The Government through NAC has put a number of measures in place in order to achieve this target:

Promotion of Safe Sex Practices: To promote the implementation of multi-sectoral behaviour change communication campaigns that encourage safe sex practices and good health seeking behaviours so as to reduce HIV/AIDS prevalence in the age group 15-19 from 15% to 11% by 2005.

Prevention of Mother to Child Transmission of HIV: To minimize the transmission of HIV from mother to child by increasing access to quality prevention of mother to child transmission (PMTCT) services in all the districts so as to reduce mother to child transmission from 39% to 28% by 2005.

A PMTCT pilot program covering six sites was launched in Zambia in 1999, and by the end of 2002 extended to 64 sites. Currently PMTCT is offered as an integral part of maternal and child health services in 83 sites across the country. The expansion of PMTCT sites from 43 in 2002 to 83 currently has translated into about 5,000 of HIV

positive women receiving a complete course of antiretroviral therapy for PMTCT, an increase from 1,968 in 2002.

Safe Blood, Blood Products and Body Parts and Infection Control: To make all blood, blood products safe for transfusion and to promote the use of sterile syringes, blades, needles by strengthening 100% of blood screening centres and adopting infection control measures by 2005.

Despite the HIV/AIDS epidemic, Zambia has been able to maintain an effective mechanism for obtaining supplies of safe blood by

- a. Increasing the number of facilities involved in safe blood transfusion, from the 33 HIV screening centres in 1987 to 90 blood transfusion facilities, including provincial blood transfusion centres (provincial centres) and 81 district hospital blood banks;
- b. Reduction in HIV prevalence in the donated blood, from over 25% in the 1990s to 5% in 2004;
- c. Mandatory laboratory screening for HIV, Hepatitis B and Syphilis;
- d. Significant increase in the proportion of voluntary non-remunerated blood donors; and

Improvement of the Health Status of Symptomatic Sero-positive People: To improve the quality of life of HIV/AIDS infected persons by encouraging positive living, good nutrition, prevention of opportunistic infections and avoiding high risk behaviour.

Promotion of Positive Living and Prevention of Opportunistic Infections among the HIV Positive: To provide appropriate care, support and treatment to HIV/AIDS infected persons and those affected by HIV/AIDS, TB, STIs and other opportunistic infections by the year 2005.

There are 42 centers under the public and private sector providing ART services with trained health care givers in the provision of ART i.e. some districts, all the 9 provincial hospitals and the initial 2 pilot sites.

The ART services have been implemented in phases and currently the implementation is in phase 3 where this is being scaled up to 50 ART centers countrywide.

In 2001, there were 46 sites, mid-2003, 101 sites were operational and 176 by April 2004. This has translated into 386,000 people visiting a Voluntary Counselling and Testing site between October 1999 and May 2003, over 266,000 of these being tested. The overall HIV prevalence rate of those who were tested was 34%.

As a way of improving the quality of life of HIV/AIDS infected persons, the Government is encouraging positive living, good nutrition, prevention of opportunistic infections and keeping away from high-risk behaviour.

Mainstreaming of HIV/AIDS and Workplace Programmes: Roles that could be played by different partners in the fight against HIV/AIDS have been identified that require broad implementation interventions. It remains for the various stakeholders like the Government and Cooperating Partners, NGOs and Religious Groups, and the Business Community, to translate these interventions into concrete activities according to the best of their competencies and mandates. As such, all stakeholders are encouraged to mainstream HIV/AIDS in all developmental efforts, both in the short term and long term.

HIV/AIDS Information Network and Monitoring System: To improve HIV/AIDS information management and decision making by developing well coordinated databases by 2005

Coordination: To ensure that coordination of the implementation of multi-sectoral interventions at national, provincial and district levels are impartial, transparent and effective. This will be done to ensure impartial, transparent and effective programme operations by coordination of multi-sectoral implementation of interventions.

NAC has provided leadership in four areas: 1) national level strategic planning and visioning, 2) technical and logistical support to an array of stakeholders, 3) monitoring the course of the epidemic and programmes, and 4) resource mobilization.

Management and Institutional Issues: The Government through NAC has coordinated and supported the development of various guidelines/policy documents, monitoring and evaluation tools, finalization of sentinel surveillance data strategic plans, development of NAC Bill, Global Fund proposals & finalisation of work plan and budget for HIV/AIDS TB & Malaria, multi-sectoral response initiatives etc. This has led to the development of the following documents:

- Draft HIV/AIDS Policy,
- Facilitator's Manual on Planning for Gender sensitive multi-sectoral response to HIV/AIDS Initiatives.
- Facilitator's Manual on Workplace HIV/AIDS Programmes
- Facilitation Manual on Integrating Gender into HIV/AIDS Programmes
- National Guidelines on Management and Care for HIV/AIDS
- World AIDS Day Tool Kit

34. Please indicate what recent measures have been taken by the Government to ensure basic food for the population as well as progress made in providing safe drinking water to rural communities.

In Zambia a high proportion of both rural and urban households are vulnerable to food insecurity. Both chronic and transitory food insecurity are prevalent. For rural

households, food entitlement is linked to agriculture, while crop production risk is a primary determinant of food insecurity. Insufficient food production capacity, lack of income diversification and unfavourable climatic conditions are therefore, the main causes of food insecurity for rural households. Urban households on the other hand, depend on a wage or self-employment and as they purchase their food needs, are more susceptible to insufficient income and price increases for food and other basic necessities such as fuel and housing. As a consequence to food insecurity, consumption and nutrition status are also affected. In recent years there has been an increase in urban malnutrition.

The food production at household level has also been affected by inadequate labour due to the impact of HIV/AIDS, which is affecting the most productive age group. Other contributing factors are inappropriate technologies, especially for female-headed households. High post harvest losses due to poor practices during preservation, processing and storage further aggravate the situation. Limited markets also constrain food availability and accessibility with the majority of rural households exhausting their food stocks before the next harvest.

Nutritional care is one of the important factors that can influence an individual's health and nutrition status and encompasses all measures and behaviour that translate available food and resources into good health and nutrition status. Thus the Government has put in place contingency measures such as the Programme Against Malnutrition (PAM) and the Disaster Mitigation and Management Unit (DMMU) to alleviate the impact of food emergencies and epidemics. International organizations and NGOs complement the Government's efforts at this level.

Government efforts to facilitate institutional feeding include regular financing of the institutions and in case of schools and prisons; the establishment of production units and farms is encouraged.

The Ministry of Health (MoH) plays an important role in effecting improvements in nutrition. A lot of nutrition programmes are implemented directly by the ministry or through it. These include primary health care activities like immunizations, growth monitoring and promotion, micronutrient supplementation, inspection of the fortification of sugar and iodisation of salt, breastfeeding, complementary and supplementary feeding. The MoH has several statutory bodies under its jurisdiction including the NFNC.

The National Food and Nutrition Commission (NFNC) established by an Act of Parliament in 1967 is mandated to promote food and nutrition activities and to advise the Government accordingly. In pursuance of this mandate, the NFNC has since inception, undertaken several activities aimed at nutritional improvement with varying degrees of success. The Government through MoH has developed the National Food and Nutrition Policy (NFNP) that has since been submitted to Cabinet office for approval.

The Ministry Agriculture and Cooperatives is one of the key ministries directly responsible for food and nutrition improvement. It covers the production of food and to

some extent its utilization, storage and preservation. Over the years, efforts have been made to incorporate nutrition components and considerations in agricultural development programmes with some success. These activities have been implemented mainly through the departments of Women and Youth and the Farming Systems Research. The incorporation of nutrition into mainstream agricultural sector objectives is still far from being achieved.

The Ministry of Community Development and Social Services (MCDSS) is responsible for the general welfare including food and nutrition security of the vulnerable groups which include the aged, the disabled, the chronically ill, the displaced/refugees/disaster victims, orphans /street kids and infants, young children and women of child bearing age and single/female-headed households.

It also runs the Public Welfare Assistance Scheme (PWAS) through which financial/material assistance is provided to the needy. Others are public works programmes through which communities/individuals perform some community work in exchange for food.

The Ministry of Commerce, Trade and Industry plays a part in the importation of foodstuffs. However, there should be strong links with MoH – Food and Drugs Laboratory, the Bureau of Standards and the NFNC to ensure that all imported foods meet the set nutritional standards and safety regulations.

Ministry of Local Government and Housing (MLGH) is involved in the provision of essential social services such as housing, health, education, water and sanitation. These services have a strong bearing on health and nutritional status. However, the performance of this Ministry especially as regards to the provision of adequate safe water and sanitation has been weak. Also, its public health inspectorate is weak particularly in the areas of food inspection and environmental sanitation.

The Ministry of Environment and Natural Resources although mandated to ensure efficient and sustainable utilization of natural resources to avoid environmental degradation, which is detrimental to the long-term integrity of food supplies and hence nutritional status.

Ministry of Youth, Sport and Child Development is the executing Ministry for the National Plan of Action for Children, which was prepared in 1993 as a follow-up to the World Summit for Children of 1990.

The DMMU under the Office of the Vice President (OVP) was established to ensure expediency in disaster response systems including food distribution. However, food distribution has focused more on cereal provision without taking into account nutritional requirement of beneficiaries.

There are many Non-Governmental Organizations (NGOs) involved in food and nutrition work in Zambia. Among these, PAM, World Vision and Lutheran World Federation are

among some of the leading NGOs involved in relief food distribution and food security for the vulnerable. There is apparent lack of effective coordination mechanisms between these NGOs and the NFNC on nutrition matters.

United Nations, Bilateral and Multilateral Systems are among the many institutions in this category involved in nutrition activities such as relief food mobilization and distribution, food production, basic health care, health and nutrition education.

Water and Sanitation

Overall access to safe water and sanitation is generally poor in Zambia. Poor access to adequate quantity and quality of domestic water and poor sanitary conditions contributes to outbreaks of water borne and other diarrhoeal diseases that are closely associated with malnutrition. About 55% of the households have access to safe water and about 77% have access to convenient sanitary facilities.

Other salient statistics on housing from the 1996 Demographic Health survey include 35% of the housing stock use piped water supply, 38% draw water from wells and boreholes whilst 2% depend on surface water from rivers and streams; 17% of households use flush toilets, about 54% use pit latrines and the remaining 29% do not have toilet facilities.

- Adequate planning and development of water supply and sanitation systems.
- Use of appropriate technology,
- Adequate disposal of wastes (solid, domestic, industrial and particularly human),
- Development of water supply monitoring and surveillance measures,
- Control of mosquitoes and other vectors' breeding,
- Establish and conduct training programmes, community participation and health education aspects.

Environmental health issues and concerns in Zambia are multi-sectoral and institutionalised with different sector agencies of the Government, private organisations, and parastatals with distinctive values and perspectives.

The Ministry of Health is a major player in policy formulation, planning and co-ordination in respect of environmental health issues. The Central Board of Health is responsible for implementation of environmental health policies through the collective support of the provincial, district health centre environmental health personnel and their respective Health Management Boards.

The Ministry of Health and the Central Board of Health through its National Water Supply, Sanitation And Health Education committee (N-WASHE) have encouraged similar committees at the district level (D-WASHE) and village level (V-WASHE) so that environmental health issues can be attended to effectively. Such issues would include water supply, sanitation, hygiene education, Participatory Hygiene and Sanitation Transformation (PHAST) and Village Level Operation and Maintenance (VLOM) methodologies that are now being considered in most environmental health programmes.

The Ministry of Environment and Natural Resources has the responsibility for the environmental protection and natural resources management. The Ministry through the Environmental Council of Zambia addresses the issues of water, air, waste, noise, ionising radiation and environmental impact assessments studies as reflected in the Environmental protection and Pollution control Act Cap. 204. the Ministry published its National Environmental Action Plan in December 1994. this plan and a proposed environmental policy will provide a framework for collaboration and co-ordination of environmental health activities especially with the Ministry of Health.

The Ministry of Local Government and Housing is mandate to carry out the decentralisation process, i.e. handling over powers of management and administration to the local authorities from the central Ministries. The 72 local authorities are presently of varying coverage and quality.

The Ministry of Energy and Water Development, through the Department of Water Affairs, administers the national and Sanitation Act No. 28 if 19897 that establishes the National Water Supply and Sanitation Council (NWASCO). The Council's mandate provides for establishment by local authorities of water supply and sanitation utilities/companies and services handed over by the Department of Water Affairs.

Other stakeholders involved in environmental health interventions in Zambia are the Ministry of Works and Supply; Labour and Social Security (Factories Inspectorate) Community Development and Social Services; Agriculture Food and Fisheries (Veterinary Services Department); Education; finance and Economic Development.

A number of inter-ministerial committees also exist that include the project Co-ordination Unit (CPU), and its Secretariat the Reform Support Unit (RSU), the National Water Supply and Sanitation and Hygiene Education (WASHE) Co-ordination and Training Teams. The MoH/CBoH is a permanent member of over 30 national standing committees that attend to a wide variety of environmental health issues.

There are various programmes that deal with the welfare of orphans in general, for example:

- The Government has established the National Steering Committee on Orphans and Vulnerable Children (NSCOVC). This is an advisory body to Government on all matters pertaining to orphans and vulnerable children whose composition is multisectoral.

- The Government has established the National AIDS Council, which has a sub-Committee on Orphans and Vulnerable Children.
- The Government has put in place the Public Welfare Assistance Scheme, which provides orphans with support to access education, health care, food and clothing. Although the programme is not specifically targeted at the HIV/AIDS orphaned children but to orphans generally, it pays particular attention to those orphaned by HIV/AIDS. In the recent past, there has been an increase in the amount of resources for this programme and emphasis is now more on the orphans regardless of the status.

28. Please state what has been done to create institutions for juvenile delinquents that, according to paragraph 184 of the report, the country lacks.

- Establishment of reformatories and probation hostels, e.g. Nakambala Approved School in Mazabuka and Nsakwe in Ndola.
- Setting up of pilot Police Stations to deal with Juvenile Justice i.e. Matero, Kabwata and Central Police Stations.
- Establishment of the Child Justice Forum which spearheading the Diversion Programme targeting Juvenile Offenders.

29. Please provide detailed information on the scale and nature of domestic violence in the State party, and on measures taken to combat this problem.

Right to an adequate standard of living (art. 11)

30. The Committee would like to receive information on the results achieved by the Agriculture Sector Investment Programme (ASIP) mentioned in paragraph 192 of the reports as well as on concrete measures that have been taken in pursuit of the objectives referred to in paragraph 197 of the report.

A. ACHIEVEMENTS BY THE AGRICULTURAL SECTOR INVESTMENT PROGRAMME (ASIP)

Achievements made under ASIP with respect to providing an adequate standard of living can be classified as follows:

1. Agricultural Extension and Information
2. Agricultural Research-Soils and Crops Research
3. Seed Multiplication and Distribution
4. Rural Investment Fund

5. Soil Fertility Initiative (SFI/Conservation Farming (CF)
6. Policy and Planning

1. Agricultural Extension and Information

During ASIP implementation, extension priorities were established for the major agro-ecological zones and for each major type of farmer category. The priorities indicated which types of crops and/or livestock, together with associated technologies, were to be promoted or encouraged. The number of farmers adopting the use of improved seed, which was one of the important factors to increased production, grew from 1,236 per year in 1996 to over 6,000 per year in 2001. Yields of crops fluctuated due to weather conditions, although the total cultivated area showed a slight increase from 959 hectares in 1996 to 1,160 hectares in 2000. While the area under maize showed a decline from about 675,000 hectares in 1996 to 588,000 hectares in 1999, that of crops like cotton grew from 66,000 hectares in 1996 to 105,612 in 1999 with a corresponding increase in production of over 100,000 tones.

2. Agricultural Research-Soils and Crops Research

The SCRB contributed towards increased productivity and crop diversification by releasing 34 crop varieties. These were multiplied and sold to farmers by the private sector. The SCRB produced high quality, appropriate and cost effective irrigation technologies like treadle pumps and artisan drip and bucket irrigation systems. Other technologies produced included the Magoye Ripper for conservation tillage, legume inoculants and appropriate agro forestry species for soil fertility improvement. The SCRB also conducted a significant number of on farm and on station demonstrations on generated adaptable soil, crop and plant protection technologies. The private sector involvement in research was achieved through the creation of the Golden Valley Agricultural Research Trust (GART) and the Cotton Development Trust (CDT).

3. Seed Multiplication and Distribution

Government, along with various co-operating partners (Donors and NGOs) developed the capacity of 43,250 small-scale farmers in rural areas to produce and market seeds of improved varieties.

Seed multiplication programs increased seed availability. This was strengthened by the decentralization of seed quality control services and the formulation of Quality Declared Seed class (QDS), which regulates seed production among smallholder farmers. The number of seed testing laboratories increased from 1 to 5 with the licensing of private laboratories and establishment of satellite seed testing laboratories. The number of licensed seed inspectors had increased to 50 in 2001 against 0 in 1995. The provision of improved seed to small scale farmers increased from 1% in 1996 to about 5% in 2001. The seed growers managed to sell most of their seeds and achieved profits of over K2million from 0.25ha of seed. Seed growing became a major source of income for smallholder seed growers in rural areas. The profits obtained were seen to be strengthening entrepreneurship and hence sustainability of the seed provision in rural areas.

The formulation of the national seed policy and Quality Declared Seed class strengthened the cause of strengthening seed provision to smallholders in rural areas. The two pieces of work have continued to generally provide more room for growth of the seed sector.

4. Rural Investment Fund

Under ASIP, the sub-programme constructed a total of 1,756 projects. Table 7 below shows type, number and cost of projects undertaken during ASIP.

Table 7: Type and Number of RIF Projects Funded

PROJECT TYPE	NO. OF PROJECTS
Dams	123
Irrigation/Furrows/Canals Boreholes/Well	139
Market /Storage Sheds	673
Dip-Tanks	278
Fish Ponds	74
Roads and Bridges	69
Animal Production Sheds	341
Afforestation	52
Other Costs	7
Total	*

*Other Costs include, project appraisals, project surveys, technical supervision, community sensitisation and project launches.

Other achievements of the sub-programme were

- Improvement in quality of life from clean water which reduces diseases while providing opportunities for vegetable, fruits and fish farming which in turn improves the diet;
- Improved quality of life has also been achieved through increased cash incomes from the creation and improvements of storage and market sheds, roads and bridges and also fish farming and vegetable gardening;
- Community empowerment has been mentioned as a big benefit, indeed, the most often cited benefit of RIF supported projects. This empowerment takes two forms; better community organization and acquisition of technical skills for relatively simple constructions and repairs;
- Majority of the farmer groups willingly contributed the 25% counterpart funding because among other things, it created a sense of ownership over facilities being provided and also because it took the form of labour which was shared by many people to make it less burdensome.

5. Soil Fertility Initiative (SFI) Conservation Farming (CF)

More than 1,200 frontline extension workers were trained in SFI/CF technologies and they, in turn, trained more than 40,000 small-scale farmers. Throughout the country more than 2,500 demonstration plots were set up to enhance adoption.

The number of practising farmers between 1999 and 2001 was about 90,000. The result of practising SFI/CF technologies included an increase in maize yield from 16 by 90 kg bags per hectare since 1981 to 26.5 kg bags by 90 kg in agro-ecological region II. In region III, it was observed that a small-scale farmer was able to be food secure using Sunhemp only and had surplus when he used inorganic fertilizer as a basal dress with Sunhemp as a top dress. Spot application of lime with some inorganic fertilizer increased maize and cotton output far above inorganic fertilizer application only, in region II on farms of smallholders.

6. Policy and planning

During ASIP, development of a Management Information System commenced in order to improve information flow between the implementation and management levels. To improve stakeholder participation in agricultural development, the budgeting process was decentralised down to the district level.

Further, various surveys and studies were conducted during the period 1996 to 2001. The data collected was used by the Ministry to maintain an annually updated Agricultural Statistics Bulletin that provided vital agricultural statistics.

B. PROGRESS IN IMPLEMENTING THE PRSP TO IMPROVE THE STANDARD OF LIVING OF THE POPULATION LIVING IN ABJECT POVERTY

Under the Poverty Reduction Strategy Paper, the Ministry of Agriculture and Cooperatives has been implementing a number of programmes aimed at improving the standard of living of the population living in abject poverty. The programme include the.

1. Animal Draught Power
2. Agro Research and Technology Development
3. Programmes under Soils and Crop Research
4. Animal Disease Control
5. Livestock Production
6. Agriculture Input Support Programme
7. Seed Multiplication
8. Dairy Out-Grower Scheme

1. Animal Draught Power

In order to eliminate labour constraints in timely tillage operations, increase in area cultivated per household, the animal Draught Power Program embarked on a donkey and power equipment acquisition program under the Poverty Reduction Programme (PRP). Two groups of farmers in the districts of Monze, Chikuni and Sefula were selected to benefit from this fund. The programme is managed by the Micro Bankers Trust (MBT) on behalf of the sub programme. The Micro Bankers Trust facilitates the loan disbursement and monitoring of the recoveries in the Poverty Reduction Programme.

In the 2003, 60 donkeys 25 power tillers and 80 oxen were procured, outreach activities and monitoring activities were conducted.

2. Agro Research and Technology Development

The ministry continues to seek better farming methods and crop varieties. In this funds released were centrally managed by the agricultural research unit at Mt. Makulu Research Station and disbursed in line with approved experiments at different research stations around the country.

3. Programme under Soils And Crop Research

In order to enhance the seed supply system of smallholder farmers and provide agro forestry tree seedlings to farmers to enable them establish improved follow plots, funds were allocated in the 2002 budget.

4. Animal Disease Control

In 2002, funds were released towards the end of the year for rehabilitation of cordon lines in Western and Northwestern Provinces.

5. Livestock Production

The 2002 K200 million was released and used for preparation of livestock extension manuals, training of farmers in goat and sheep production, distribution of goats to resource poor families, establishment of parent dairy goats at Batoka Livestock Center in Choma and training of farmers in dairy management.

6. Agriculture Input support Programme

The Agricultural Input support Program aims at supporting vulnerable households through the provision of agricultural inputs. Generally, the vulnerable include female and child headed households. Funds were allocated for this program in 2003.

The Program Against Malnutrition (PAM) has been subcontracted to manage the program.

In the 2003 a diversified range of agro-inputs were procured and distributed to 150,000 beneficiaries, of which 130,000 did rain fed and 20,000 did wetlands (winter) agriculture.

7. Seed Multiplication

Provision of good seed remains a problem and a critical element in the achievement of the objective of food security through increased agricultural production. The Seed Control and Certification Institute was tasked to oversee seed multiplication activities that encompass seed inspections to ensure farmers' accessibility to good seed. In order to increase food security of smallholders and contribute to the reduction of poverty levels, funds were released in 2002 and used to support seed multiplication activities in various districts.

In 2003 the funds were distributed to 11 districts for seed multiplication activities. Further some money was transferred to Mt Makulu for Foundation seed production, and the other funds were used for seed inspections and monitoring, yield estimates and sampling of seed by the seed inspectors.

8. Dairy Out-Grower Scheme

This scheme was designed to reduce poverty, through income generation, for small-scale farmers in Lusaka, Kabwe, Ndola and Luanshya. Funds released for the program were used for Monitoring and Evaluation, purchase and distribution of cross bred dairy animals, purchase of Dairy breeding stock, multiplication and training, preparation of dairy extension manuals and packages, purchase and distribution of milk bulk tanks and borehole, installations of the water reticulation system at milk centres. In addition, farmers in the southern region were trained in dairy husbandry.

Right to education (arts. 13 and 14)

35. Does the State party intend to withdraw its reservations to article 13, paragraph 2 (a), of the Covenant concerning free and compulsory primary education, in accordance with the Committee's general comments Nos. 11 (1999) on plans of action for primary education and 13 (1999) on the right to education.

36. Please indicate what concrete measures the State party has initiated to free girls from household chores in order to enable them to attend school.

37. Please provide information on the proportion of the State party's budget that has been allocated to free primary education and public secondary education during the last five years.

38. The Committee would like more detailed information on the proposed income-generating activities for schools referred to in paragraph 220 of the report.

39. Please indicate how the Public Service Reform Programme, referred to in paragraph 241 of the report, has improved the conditions of teaching staff.

Cultural Rights (art. 15)

40. Please provide information on progress achieved with regard to the drafting of a national cultural policy (para. 249).

A new National Cultural Policy was put in place and launched in October 2003. The overall objective of the policy, is to foster the preservation, development and promotion of culture for sustainable development