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HUMAN RIGHTS COMMITTEE

Ninetieth session

SUMMARY RECORD OF THE 2454th MEETING

Held at the Palais Wilson, Geneva,  
on Monday, 9 July 2007, at 3 p.m.

Chairperson: Mr. RIVAS POSADA

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The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS UNDER ARTICLE 40 OF THE COVENANT  
(agenda item 6)

Third periodic report of Zambia (CCPR/C/ZMB/3; CCPR/C/ZMB/Q/3;  
HRI/CORE/1/Add.22/Rev.2)

1. At the invitation of the Chairperson, the members of the delegation of Zambia took places at the Committee table.
2. Ms. IMBWAE (Zambia), introducing the third periodic report of Zambia, said that her Government welcomed the opportunity to discuss with the members of the Human Rights Committee the measures which it had taken to implement the International Covenant on Civil and Political Rights. A number of initiatives had been launched to improve the human rights situation, including a major review of the Constitution. Considerable progress had been made in the area of human rights education for the population. The Government had also taken the necessary steps to ensure that the reports which it must submit to all United Nations treaty bodies were produced on time, and the Committee could rest assured that it would do everything in its power to implement the recommendations of those bodies.
3. She would like to provide additional information to supplement the written replies to the list of issues provided by Zambia. With regard to the place of the Covenant in legislation (question 1), the Covenant did not take precedence over domestic legislation, but, as indicated in the third periodic report, some civil and political rights had been included in the national judicial system. The Bill of Rights and other legislative texts also incorporated the rights enunciated in the Covenant. Bearing in mind the need to protect and promote fundamental human rights, the Government had set up a Constitutional Review Commission to gather opinions on the type of Constitution which Zambia should elaborate.
4. The Committee had asked what action had been taken to give effect to its Views regarding the Lubuto case (communication no. 390/1999). Mr. Lubuto was still in prison, because the law had not been amended, and aggravated robbery still constituted a serious offence. The possession or use of a firearm was a very serious offence on account of the fear that it caused for the victim. The sentence handed down in the Lubuto case was thus compatible with article 6, paragraph 2, of the Covenant, because the offence fell within the category of most serious crimes.
5. A summit of heads of political parties held in late June 2007 by the Zambian Centre for Inter-Party Dialogue had concluded that a constitutional conference should be mandated to adopt a constitution in keeping with the wish expressed by the majority of Zambians who had petitioned the Constitutional Review Commission. The bill on the constitutional conference had made good progress and should soon be the subject of consultations with stakeholders.
6. With regard to the compatibility of customary law with the Covenant (question 5), Zambia recognized that some aspects of customary law were unfair and contrary natural justice and must be abolished. In 2003, the Law Development Commission had been asked to conduct a study with a view to overhauling customary law; its findings served to unify different forms of customary law and to identify inconsistencies between law and custom which must be overcome.

7. It was true that violence against women continued to be a problem. For that reason, act No. 15 amending the Penal Code, passed in 2005, provided for stiffer sentences for sexual offences. Zambia was also working to elaborate a bill on violence against women so that such acts could be dealt with systematically. The Government had taken a number of measures in favour of gender equality. It had adopted a national policy to promote the involvement of women in socio-economic development, implemented a policy for the training of civil servants in order to encourage the participation of women in the decision-making process in the civil service, introduced the concept of equity and gender equality in order to reduce gender disparities, established free primary school education, thereby increasing the enrolment and school attendance rates of girls, and set up a policy enabling young girls to return to school after an early pregnancy. Zambia had also launched an education and family planning programme for young people to encourage them to use condoms. "Youth offices" had been opened in family planning centres. Health care professionals continued to receive training in the sexuality and sexual health of adolescents and adults of reproductive age.

8. Zambia did not have specific legislation on counter-terrorism (question 9), and domestic law did not contain a definition of the word "terrorism", although a bill was currently under consideration.

9. The Constitution prohibited torture and other forms of cruel and degrading treatment. Chapter 97 of the Prisons Act made it a crime for members of the prison administration to commit any act of violence against an inmate. The Penal Code criminalized all forms of cruel and inhuman treatment, which were punished under the offence of assault causing real and serious physical injury. All police officers and members of the prison administration periodically attended human rights training courses in order to ensure that suspects and persons deprived of liberty were treated humanely. Capital punishment still existed by law, but there had been no executions since 1997. The Government had imposed a moratorium, although it had not yet ratified the Second Optional Protocol to the Covenant. It should be noted that public opinion was in favour of maintaining the death penalty, as evidenced by the number of petitions received to that effect during the constitutional review process. Following a ruling by the High Court (Banda v. the People case), corporal punishment had been prohibited, and the relevant provisions of the Penal Code, the Code of Criminal Procedure, the Prisons Act, the Youth Act and the Education Act had been amended.

10. The CHAIRPERSON thanked Ms. Imbwae for her introduction and invited the members of the Committee to ask questions.

11. Mr. KHALIL, noting the information provided by the delegation on the place of the Covenant in Zambian law and the fact that the country applied a dual system, asked whether a domestic appeal was possible in cases of violation of the rights guaranteed by the Covenant but not protected by the Constitution or domestic legislation. He would also like to know which articles of the Covenant had been incorporated into Zambian legislation.

12. With reference to paragraph 36 of Zambia's third periodic report, which indicated that the Constitutional Review Commission had been instituted in 2003, he asked why, over the past four years, it had elaborated only one bill, which had not yet been examined, and why it seemed to be the understanding that other rights embodied in the Covenant could be incorporated into domestic legislation only if the Zambian people so desired. Concerning the Zambian Human Rights Commission, which had been established in 1996, he pointed out that in her 2006 report,

the Special Representative of the Secretary-General on the situation of human rights defenders, Ms. Jilani, had noted with concern that the Commission lacked financial resources and had little power, since public bodies could ignore its recommendations. He also enquired whether the Commission published annual reports on its activities and whether its recommendations were made public or were sent only to the bodies concerned by personal mail. Lastly, he requested the delegation to provide the Committee with an overview of the reform proposals to strengthen the powers of the Human Rights Commission in the framework of the constitutional review process.

13. With regard to non-discrimination, the delegation no doubt recalled that during consideration of the second periodic report, the Committee had discussed at length the incompatibility of article 11 and certain provisions of article 22 of the Constitution with articles 3 and 26 of the Covenant, a problem also raised by the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights. It should therefore come as no surprise to the delegation that the Committee expected Zambia to take the necessary measures to address that situation.

14. He was pleased to learn that the objective of the harmonization process undertaken by Zambia was to codify only those provisions of customary law which were in conformity with the Covenant, and not the rest, and to remove traditions and customs which were at variance with it. However, the Government's written reply did not provide any more details than already in the report, which stated (para. 66) that the Law Development Commission was responsible for reviewing and codifying customary law. Although aware of the difficulty of the task, the Committee nevertheless hoped that further concrete measures would be taken to address the issue and thereby eliminate a major source of discrimination against women.

15. The Committee welcomed the considerable progress made with regard to the maternal mortality rate following voluntary termination of pregnancy (VTP), which was one of the highest worldwide. However, access to centres in which VTP could be performed in safe conditions remained a serious problem. It would probably be necessary to simplify the procedure (which required the consent of at least three physicians for a VTP to be performed) so as to facilitate the steps which women must take to obtain an abortion, because that was an essential service which it was incumbent on the State to provide.

16. On the question of terrorism, he said that the Committee had been concerned above all that provisions of the Penal Code were prejudicial to a number of rights and freedoms set out in the Covenant, but he was convinced that Zambian lawmakers would take the matter into account in the new bill.

17. Mr. SHEARER, noting that the delegation had provided additional information on the Lubuto case, asked what measures the Government had taken to give effect to the Views of the Committee, which had concluded that the mandatory imposition of the death penalty and the delay in the court proceedings instituted against the author had been incompatible with the provisions of the Covenant and that the sentence should therefore be commuted. The delegation had explained that the sentence could not be commuted because the law had not been amended. In principle, however, commutation of a sentence was discretionary and did not depend on the amendment of a text. He sought clarification in that regard. He also wished to recall, on behalf of the Committee, that its Views must be upheld and that in the event of a disagreement, States parties must explain what difficulties had been encountered in giving effect to them in the context of the follow-up procedure. The Committee had also asked for information on the

Chambala v. Zambia case and enquired whether the State party had acted on its recommendations and had paid compensation to the author of the communication.

18. According to the State party's written reply to question 10, the Prisons Act provided that judges and magistrates could visit and inspect prisons and listen to complaints from inmates. He would like to know whether the confidentiality of such complaints vis-à-vis the prison authorities was ensured and whether there were guarantees to protect the authors of complaints against subsequent reprisals. He welcomed the sincerity of the State party, which acknowledged deficiencies in the police services, including the inadequacy of investigative tools and the use by police officers of unethical interrogation methods. He asked what the State party meant by "the necessary tools needed for investigation": did it mean training programmes, official procedures or equipment, for example for the video-recording of interrogations?

19. Zambian legislation did not contain a definition of torture, although that was vital to ensure that acts tantamount to torture were judged and punished as such. For that reason, the Committee encouraged all States that had not already done so to explicitly include a definition of torture in their legislation. The written replies referred to four cases in which members of the police had been prosecuted, not for acts of torture but for excessive use of force. Perhaps police training was insufficient. It would be useful to obtain details on such training, including with regard to the use of firearms.

20. The 2004 report of Amnesty International had reported two cases of police brutality of unusual violence. He would like to know what action had been taken on those cases, whether the perpetrators had been subject to criminal prosecution and disciplinary sanctions and whether other cases of abuse had been reported and brought to justice. The Amnesty report also indicated that a Government representative had expressed concern at the high cost of compensation owed to victims of police brutality, which made him wonder whether the victims were really compensated and, if so, whether the funds allocated were sufficient. Was a special fund set aside for that purpose?

21. With regard to the death penalty (question 11), he was pleased to note that there had not been any executions since 1997. He would like to know how many persons were currently on death row in Zambian prisons. According to the written replies, 110 death sentences had been commuted to prison sentences, but although President Mwanawasa had decreed a moratorium on the death penalty until the end of his mandate in 2011, it was still unclear whether all death sentences had been commuted; if they had not been, the State party needed to explain why. The written replies also stated that the persons questioned in a poll on the abolition of the death penalty conducted by the Constitutional Review Commission were in favour of retaining capital punishment. An assessment at the end of the current presidential term of the impact of the moratorium on the number of violent crimes committed would provide a better basis for deciding whether to retain or abolish the death penalty. The Committee hoped that Zambia would eventually choose the latter option.

22. Mr. O'FLAHERTY, returning to the question of sexual and physical violence against women, asked whether the delegation could provide recent statistics covering several years on the number of complaints of sexual violence received by the police, the number of proceedings instituted on the basis of those complaints and the number of resulting convictions. He would also like to know the total number of Victim Support Units (VSU) – which were specialized in cases of marital and sexual violence – in the country and the percentage of police stations with

such a body. He asked whether it was true, as reported by a number of information sources, that funding for those units was inadequate and, if so, what measures were planned to address the problem. The inclusion in the police training programme of a section on violence against women was to be welcomed. It would be useful to know whether active police officers also received such training, whether training on sexual violence and violence against women was provided to the magistrates of courts of customary law, and if not, whether it was planned to do so. The delegation had referred to a bill on violence against women; according to some sources, it had not yet been submitted to Parliament. What was the bill's current status, and when was it likely to be passed?

23. On measures taken to ensure gender equality (question 7), he enquired whether public information campaigns had been conducted to promote the rights of women and their place in society, educate men and combat prejudices. He also asked when the codification process to bring customary law into line with international norms on gender equality would be completed and what measures the Government could take in the meantime to improve the situation of women. As already pointed out by the Committee, article 23 of the Constitution, which allowed for derogations from rules protecting women from discrimination, was a gross violation of the principle of equality of rights between men and women. What measures had been taken to guarantee that the constitutional reform succeeded in truly ensuring equal rights for men and women? Lastly, as Zambia took in large numbers of refugees, statistics would be welcome on the number of women refugees in the country; information was also requested on initiatives undertaken by the Government to ensure that those women had the same rights as the rest of the population.

24. The ruling in the Banda case condemning corporal punishment was very important in that it created a precedent. The delegation had indicated that a number of laws had been amended to take account of that decision, but according to several non-governmental organizations (NGOs), provisions allowing corporal punishment had not all been abolished, and in practice, corporal punishment was still very widely practised in families, at school and in institutions as a disciplinary measure. Hence the need to conduct awareness campaigns to change mentalities; perhaps that had already been done.

25. Mr. AMOR noted with concern that domestic law, including customary law, was not only incompatible in several respects with Zambia's international commitments, in particular those under the Covenant, but even took precedence. Moreover, although the Covenant had been partially incorporated into national legislation, the facts showed that there were many violations of its provisions, of which several examples were cited in a number of paragraphs of the report (in particular paras. 66, 77, 156, 240, 386 (e) and 436 (e)). On the other hand, the report did not provide any information on the role of magistrates in the implementation of the Covenant, although they had a vital role to play in that regard. In view of the above, there was every reason to have questions about the weight of the Covenant vis-à-vis domestic law. In that connection, he asked whether there was any mechanism pursuant to which the State party made sure in advance that its legislation was compatible with the international commitments which it planned to enter into or, alternatively, whether it had brought national legislation into line with its international commitments.

26. Ms. CHANET endorsed Mr. Amor's comments regarding the relation between the Covenant and domestic law as well as the concerns voiced by other Committee members about

discrimination and violence against women. In that context, the delegation had referred to stricter legislation and stiffer sentences for rape; existing legislative measures were not sufficient for dealing with the problem. It would be useful to hear what the delegation had to say about any other steps taken to address violence against women. Information on the extent and nature of the practice of genital mutilation and the Government's position in that regard would also be welcome.

27. With regard to the question of capital punishment, she was pleased that a moratorium had been decreed until 2011, but noted that the death penalty was still in force. How many persons were awaiting execution in Zambia? Returning to the Lubuto case (communication no. 390/1990), in which the Committee had concluded that there had been a violation of article 6, paragraph 2, of the Covenant, pursuant to which the sentence of death could only be imposed "for the most serious crimes", she noted that it was not so much the fact that aggravated robbery was sanctioned by the death penalty that had led to the Committee's decision, but rather the circumstance that the imposition of the death sentence had been automatic under the law, which had not allowed the judge any discretion in assessing the facts.

28. Mr. BHAGWATI shared Mr. Amor's concern regarding the place of the Covenant in domestic law. He would like to know what body was responsible for giving effect to the Committee's recommendations and whether there was an ombudsman in addition to the Human Rights Commission. Information on the mandate of the Commission would be welcome, and he also asked who appointed its members, what action was taken on its recommendations, whether they were published and what proportion of the recommendations were rejected by the Government and for what reason.

29. Sir Nigel RODLEY, referring to the fight against terrorism (question 9), expressed concern that the President of Zambia could proclaim a state of emergency and adopt special regulations that suspended rights from which article 4 of the Covenant did not permit any derogation. For example, during a state of emergency the rights recognized under article 18 of the Covenant would be suspended, as would article 23 of the Constitution, which prohibited discrimination, although article 4 of the Covenant clearly stated that there could be no derogation from the prohibition on discrimination. Moreover, the State party indicated that it had "inadvertently" neglected to notify the United Nations Secretary-General of the proclamation of the state of emergency in 1997, but the Secretary-General had not been notified either of the state of emergency proclaimed in 1993, as noted by the Committee in its concluding observations of 1996. The Committee had also pointed out that the derogations permitted in Zambia during the state of emergency had greatly exceeded those allowed under article 4 of the Covenant. Thus, it must be concluded that nothing had changed for more than a decade.

30. With regard to police brutality, the State party acknowledged that its police resorted to "unethical methods" when interrogating suspects, a euphemism that was hardly appropriate for describing what were clearly acts of torture or cruel, inhuman or degrading treatment. Although such frankness was laudable, it remained a cause for concern that such practices persisted, especially since, to put an end to them, it was not sufficient to institute disciplinary proceedings against the guilty parties. It would also be useful to know what recommendations had been made on the subject by the country's Human Rights Commission.

31. On the whole, the criteria in the Constitution authorizing the use of force were too broad. It was not enough to enumerate situations in which force was allowed, proportionality must also

be taken into account. That essential concept was set out in a number of important reference texts, such as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and should be systematically included in police training.

32. Ms. MAJODINA referring to the question of discrimination (question 4), noted that the Constitution ensured the exercise of fundamental rights and freedoms for all persons on the national territory, but that article 23 (4) authorized the use of discriminatory measures against refugees and foreign nationals, in violation of article 2 of the Covenant. Was the Constitutional Review Commission dealing with the problem? She also had doubts about the constitutionality of article 3 of the Immigration and Expulsion Act, which authorized the arrest and expulsion of illegal immigrants without a warrant.

33. Ms. MOTOC asked what measures had been taken to combat rape, a practice which, according to the NGOs, was exacerbating the spread of HIV/AIDS in Zambia. The victims needed to be better informed, since they preferred to report such acts as abductions in the context of civil proceedings rather than lodge a criminal complaint. In that connection, she enquired what percentage of cases was heard by ordinary courts and by courts of customary law and how the State party intended to ensure the independence and impartiality of the latter.

34. Mr. IWASAWA said that, although the Covenant did not have force of law under Zambia's dual system, some of the rights embodied in that instrument had been included in the Constitution. Accordingly, he asked whether individuals could invoke the Covenant in the courts and whether the courts could refer to the Covenant when interpreting the Constitution. In its core document (HRI/CORE/1/Add.22/Rev.2), the Government had indicated that an individual could not complain in a domestic court about a breach of an international human rights obligation unless the right had been incorporated into domestic law, but that "courts in Zambia have in appropriate cases given judicial notice to international instruments which Zambia has ratified or acceded to even though these have not been reduced into domestic legislation" (para. 71). He sought more information on those cases and asked whether they concerned civil or political rights.

35. Mr. SÁNCHEZ-CERRO reminded the delegation that States parties were required to take the requisite measures to give effect to the rights recognized under the Covenant. Even without going so far as to give constitutional ranking to the provisions of the Covenant, as some countries did, Zambia should at least recognize that they had the same value as national legislation. With regard to bringing the Constitution into line with the Covenant, he asked about the progress made in that connection by the Human Rights Commission, which had been working on the question for nearly four years already, and when it would complete its mandate. The Commission was to propose a text that would be debated by a constituent assembly, but he had doubts about the utility of such an exercise, since the Commission had been set up by the Government, whereas all legislative bodies should be independent and elected by the people. Lastly, the State party indicated in its written replies that other civil and political rights would be given consideration and might be incorporated into national legislation, "if the people of Zambia so desire". Bearing in mind the obligations of States parties, it would be useful to have an explanation of what was meant by that condition.

36. Ms. WEDGWOOD said it was surprising that the State party was treating the question of gender equality as a national priority now, although it had ratified the Covenant 23 years previously. For the Committee, promises and intentions were not sufficient, and only concrete



achievements were regarded as progress. She also wondered whether it had been necessary to set up the Law Development Commission, which was responsible for reviewing and codifying customary law. To address inequalities of which women were victims under customary law, the Government could simply introduce a rule prohibiting courts of customary law from treating men and women differently. The country's very prosperity depended on greater gender equality. According to economists, women were the driving force in economic development, but it was difficult to see how they could play that role if women could not even travel freely without the permission of their father or spouse. She suggested that decisions by the courts of customary law should be systematically submitted to an ordinary court for approval. It was obvious that women themselves would not appeal against those decisions, especially if they were victims of discrimination. An automatic appeal would thus be a good solution.

The meeting was suspended at 5.05 p.m. and resumed at 5.25 p.m.

37. The CHAIRPERSON invited the delegation of Zambia to reply to the questions asked by the members of the Committee.

38. Ms. IMBWAE (Zambia), replying to the questions on the constitutional review process, recalled that the Constitutional Review Commission had been put into place in 2003 and that its mandate had terminated at the end of 2005, when it had submitted its report and a bill recommending the adoption of a new Constitution by a constituent assembly or any other appropriate body which represented the views of the people. Meeting recently, representatives of all political parties had concluded that a constitutional conference needed to be convened. At the same time, the Government had committed itself to examining legislative amendments which were not within the purview of the Constitution and were thus not subject to a referendum. That way, it would consider a number of provisions on fundamental human rights and freedoms even before the end of the constitutional review process.

39. Ms. NHEKAIRO (Zambia), referring to the importance of customary law, pointed out that Zambia had 73 ethnic groups, each with its customary law and ancestral practices, which varied depending on whether the group was governed by a matrilineal or a patrilineal system or a combination of the two.

40. Local courts had jurisdiction for hearing cases involving customary law. In the event of a conflict between customary law and written law, Zambian jurists were of the view that written law should take precedence. On the whole, the courts considered that customary law was applicable as long as it was not at variance with the principles of natural justice. A number of questions relating to marriage, divorce and inheritance were governed by written law, and the current legislative review should make it possible to progress further in that direction.

41. Mr. KAONGA (Zambia) noting the special significance of cultural factors. For example, ethnic groups with a matrilineal system did not practice the payment of a dowry (lobola), because the women had the power, and the children belonged to them, whereas in the patrilineal system, the payment of a dowry was very important. If the many cultural influences arising from Zambia's geographical situation were also taken into account, it became clear that the consultation process was vital to the legislative review and must be based on positive cultural factors.

42. The practice of female genital mutilation did not exist in Zambia and was foreign to Zambian culture.

43. Ms. CHANDA (Zambia), referring to the implementation of the Covenant by magistrates, stressed that the Covenant did not take precedence over the Constitution. A person who had been the victim of a violation of a right embodied in the Covenant could not lodge a complaint unless that right was also included in the Constitution. However, the courts were encouraged to invoke the provisions of the Covenant and to draw on them in their rulings. To cite one example, the High Court, considering the case of a woman who had been refused entry to a hotel on the grounds that she was unaccompanied, had referred to the provisions of the Covenant in ruling that the hotel management had acted in violation of the Constitution.

44. Judges and magistrates who visited prisons normally met with inmates with no one else present, and the confidentiality of complaints was fully ensured. Inmates were free to submit any kind of complaint; the authorities were not aware of any case of reprisals.

45. With regard to the training of district magistrates on the question of violence against women, it should be pointed out that they could only hear cases concerning customary law. Thus, they did not have jurisdiction for cases of violence against women, which were criminal offences. However, a programme to train magistrates on issues involving violence against women had been conducted in June 2007 with the cooperation of an NGO. On the whole, although there was still no specific legislation on the subject, the provisions of the Penal Code were fully adequate for combating such violence. Victims could lodge a complaint, and perpetrators were liable to prosecution.

46. Ms. IMBWAE (Zambia) confirmed that the Human Rights Commission submitted annual reports which were made public. The Commission was an independent body which set its own operating rules. Its recommendations were not binding, but they had always enabled victims of human rights violations to have their case considered by the competent authorities. The members of the Committee had regretted that, like the Victim Support Unit, the Commission did not have an adequate budget. Admittedly, funds were lacking, but the situation was not unique to those two bodies, and Zambia sought to distribute its budgetary resources equitably. However, she would welcome it if the Committee could persuade the international financial organizations to help Zambia do more in that area. In addition to the Human Rights Commission, which investigated all cases of improper administration of justice, Zambia had an Investigator General who also held the office of Ombudsman and whose mandate was set out in the report under consideration. A body was also in place to investigate complaints lodged against the police; one of its members was in the delegation currently presenting Zambia's third periodic report to the Committee.

47. Mr. DAKA (Zambia), replying to the questions on cases of torture and abuse of suspects by the police, said that not all members of the police were trained in interrogation techniques. A training programme launched in 2006 for the entire police force had included questions relating to interrogation procedures. A number of police officers had already taken the training. By and large, one of the difficulties facing the police when conducting investigations was that of resource constraints, above all with regard to forensics. However, a programme had been put into place that should make it possible to improve the situation. It was worth noting that the authorities had been stepping up their efforts to discourage the use of unethical methods during police investigations.

48. Ms. ZIMBA (Zambia) said that the Police Public Complaints Authority was composed of five representatives of civil society and was chaired by a senior State official. Its members had been appointed in 2002 and had commenced their work in 2003. That same year, the authority had received 369 complaints. In seven cases, police officers had been incriminated but had been cleared. In eight other cases, police officers dismissed for making illegal arrests had lodged a complaint with the High Court, which in 2005 had ruled in their favour; the Police Public Complaints Authority had challenged the decision in an appeal to the Supreme Court. In 2004, the Authority had received 417 complaints, had considered 178 and had handed down rulings on 14. Three police officers had been dismissed and five others had been subject to disciplinary sanctions. In 2005, 380 complaints had been received, which had resulted in the dismissal of one police officer and disciplinary measures taken against eight others. In 2006, 267 complaints had been received, and action had been taken on 210. No complaint had resulted in dismissal or disciplinary measures. Persons whose rights had been violated by the police had entered claims in court for compensation.

49. Mr. DAKA (Zambia), referring to the excessive use of force and firearms by police officers, said that there had in fact been several cases, to which reference was made in paragraph 352 of the report. All police officers received training on the use of force and firearms. Measures were also taken to restrict the use of firearms to appropriately trained police officers and to punish excessive use of force. Violations were referred to the Police Public Complaints Authority. Like in many other areas, resource constraints were an obstacle to improving the situation. With regard to the case of the two persons cited in the report of Amnesty International who were alleged to have been victims of police brutality, the delegation had taken note of the Committee's questions and promised to provide information at a later date.

50. Cases of sexual violence were dealt with by the Victim Support Unit. Further information on the subject, including on the funding of the Unit, would be forwarded to the Committee at a later date, but the delegation could confirm that police officers received training on the question of sexual violence.

51. Ms. KAWIMBE (Zambia) said that the delegation had taken due note of the comments made by the members of the Committee on the extent to which the Constitution of Zambia permitted the full implementation of the provisions of the Covenant. Although the Covenant was not yet entirely included in Zambian legislation, the constitutional review process should make it possible to improve the situation. Nevertheless, the current Constitution already embodied a number of rights enunciated in the Covenant, including the right to life, liberty and security, protection of the law, freedom of conscience and religion, freedom of expression, freedom of assembly, freedom of movement, protection of privacy, and the prohibition of slavery and servitude.

52. Ms. IMBWAE (Zambia) said that a fund was in place that paid compensation to victims of human rights violations committed by State officials. It was her understanding that the fund had been used to pay compensation in the Alex Soteli Chambala case (communication no. 856/1999).

The meeting rose at 6 p.m.

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