



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eighty-eighth session.

**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE THIRD PERIODIC REPORT OF ZAMBIA
(CCPR/C/ZMB/3)**

**Constitutional and legal framework within which the Covenant is implemented
(art.2)**

1. Please specify whether the Covenant takes precedence over domestic legislation in case of conflict between the two. Can the Covenant be directly invoked before the courts? If so, please provide examples.
2. Please indicate whether the State party has taken any steps to harmonize the Constitution with the Covenant and whether it has developed democratic institutions and human rights machinery for better implementation of the Covenant (previous concluding observations, para.7).
3. Please indicate what action the State party has taken to give effect to the Committee's Views regarding Communication no. 390/1990 (*Bernard Lubuto v. Zambia*) and Communication no. 856/1999 (*Alex Soteli Chambala v. Zambia*)

**Equal rights of men and women, measures to prevent discrimination (arts. 3
and 26.)**

4. Please provide information on steps taken by the State party to make section 11 of the Constitution and the non-discrimination clause in

section 23 in relation to non-citizens, compatible with articles 3 and 26 of the Covenant (previous concluding observations, para. 8 and State report, para.39).

5. What steps has the State party undertaken to make customary law compatible with the provisions contained in the Covenant, which has the tendency of suppressing women's rights (State report, para.77)?
6. It is reported that women are subjected to physical or sexual abuse. Please indicate whether measures have been adopted to adequately address problems raised with regard to violence against women (previous concluding observations, para.9).
7. Please give concrete examples of results so far achieved in ensuring gender equality in practice , in the light of the legislative, judicial and administrative measures that have been put in place (State report, para 41}
8. Please provide information on measures taken by the State party to reduce high maternal mortality resulting from abortion (previous concluding observations, para.9)

Counter terrorism measures and respect of Covenant guarantees

9. Please provide information on existing or proposed counter-terrorism related laws in the State party and their compatibility with the Covenant. Information should include, inter alia, the definition of terrorism, any derogations from ordinary law which are enacted in existing or proposed counter-terrorism legislation.

Right to life and prohibition of torture (arts. 6 and 7)

10. Please provide information on the measures adopted in law and in practice to put an end to reported torture and ill-treatment of persons deprived of their liberty and on abuses allegedly committed by police officers and members of security forces. Have perpetrators been prosecuted? If so, please provide information on their outcome. Has compensation been granted to the victims and their families? (previous concluding observations, para.12)
11. Has the State party considered the abolition of death penalty in its legislation and the ratification of the Second Optional Protocol to the Covenant? (previous concluding observations, para.23)

12. Has the State party abolished corporal punishment in accordance with article 7 of the Covenant? (previous concluding observations, para.27).

Security of the person and the right not to be subjected to arbitrary detention (art.9)

13. Please indicate what action has been taken by the National Committee on Penal Reform to improve poor conditions in places of detention in the State party and to ensure the implementation of article 10 of the Covenant as well as the United Nations Standard Minimum Rules for the Treatment of Prisoners (previous concluding observations, para. 13).

Prohibition of imprisonment for failure to discharge Contractual obligations (art.11)

14. What measures has the State party taken to eliminate arbitrary arrests of persons who fail to fulfill contractual obligations (previous concluding observations, para.26 and State report, para. 242)

Right to a fair trial (art.14)

15. Please provide information on the measures taken by the State party to implement its previous concluding observations, paragraph 14, relating to the case of three journalists who were found to be in ‘gross contempt of the National Assembly’ without any of the procedural guarantees of fair trial provided for by articles 9 and 14 of the Covenant. And what measures has the State party taken to prevent recurrence of such violations?
16. Please list circumstances in which judges may be relieved of their duties and provide information on cases on such dismissals, if any. What guarantees are in force to ensure security of tenure of office for judges? Has the State party provided better service for magistrates? (State report, para.220).

Freedom of thought and expression (art.19)

17. It is reported that some opposition parties were denied permits to hold rallies by the police and that opposition officials were also unable to gain the same level of access to the state-controlled media as the ruling party. Please comment in light of article 19 of the Covenant.

**Right to take part in the conduct of public affairs without any discrimination
(article 25 and article 2)**

18. It is reported that a petition to the Supreme Court challenging the results of the 2001 presidential elections has still not been heard to date by the Court. Please indicate any recent developments in this regard and in particular the reasons for such a delay.

Protection of children (art.24)

19. According to the State party report, the Penal Code states that “an 8 year old child is criminally responsible for his actions”. Please comment on the compatibility of this provision with article 24 of the Covenant as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System (State report, para. 392(d))

Dissemination of information regarding the Covenant (art.2)

20. Please indicate what the State party has done to disseminate information about the submission of its third periodic report, its examination by the Committee and the Committee’s previous concluding observations on the second periodic report. Please also provide information about steps currently being taken to raise public awareness of the Covenant and its Optional Protocol as well as among judges, public officials, police and law enforcement officers, legal advisers and teachers (State report, para.37)