

Human Rights Commission

ANNUAL REPORT
2007

Acknowledgement

The year 2007 marked the tenth anniversary of the Human Rights Commission. Through the years the Commission enjoyed the partnership with support by the Government of the Republic of Zambia. Which, even in the face of serious economic and development challenges, managed to ensure that the Commission was kept afloat and discharged its mandate as best as it could. The Commission looks forward to even better relations with the GRZ in the next decade

Last, but not the least, the Commission thanks the general public, civil society and every stakeholder for the confidence and support shown in the year 2007. It is only with the support of all these stakeholders that the Commission will succeed in its small and humble contribution to the promotion and protection of human rights in Zambia.

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OVERVIEW

Membership

The year 2007 marked the Tenth Anniversary of the Human Rights Commission. The Commission was established following the enactment of the Human Rights Commission Act No. 39 of 1996. It began its operations in April 1997 with the appointment of the first Commissioners led by Supreme Court Judge Lombe Chibesakunda. By April 2004, the Commission had a new set of Commissioners under the leadership of Mr. Mumba Malila, SC. Mr. Malila was later appointed as Attorney General for the Republic of Zambia in November 2006 and as a result stepped down as Chairperson of the Commission. In that same year, the Commission lost its longest serving member, Commissioner John Sakulanda, who died following a short illness on 30 October, 2006.

After the appointment of Mr. Malila as Attorney General, Mrs. Pixie Kasonde Yangailo a Legal Practitioner, then Vice Chairperson, took over leading the Commission in an acting capacity. She was later appointed and ratified as Chairperson in November 2007. Mr. Palan Mulonda, a legal practitioner and law lecturer, succeeded Mrs. Yangailo as Vice Chairperson. The process of replacing Mr. Malila and Mr. Sakulanda, however, took long and for most of 2007, the Commission only had four Commissioners.

2007 – 2011 Strategic Plan

During the year, the Commission adopted its second strategic plan for the period 2007 – 2011. The plan is founded on the following four strategic objectives:

- 1. Governance and Institutional Development (GID)** – By the end of 2011, the Human Rights Commission will be an accountable, transparent, efficient, effective and well coordinated institution with presence in every province.
- 2. Research, Advocacy and Planning (RAP)** – By the end of 2011 the Human Rights Commission will have positively influenced and monitored development and observance of key national and international human rights standards by all stakeholders.
- 3. Investigation and Rehabilitation (IR)** – By the end of 2011 the Human Rights Commission will have improved its capacity to effectively investigate and handle different forms of human rights violations and facilitate rehabilitation to victims of human rights abuses throughout the country.
- 4. Information Management, Education and Networking (IMEN)** – By the end of 2011 the Human Rights Commission will have empowered the majority of the people in Zambia with information, knowledge and skills in promoting and protecting human rights in Zambia

Complaints and Prison and Police Cells Inspection

The Commission recorded a total of **722**, representing a 31 percentage drop compared to 2006, when the Commission recorded 953 complaints. As in previous years, the majority of the complaints submitted to the Commission centred on socio-economic rights such as poor working conditions, unpaid benefits, housing and shelter and property grabbing.

From 25 March to 5 April, 2007, the Commission conducted a tour of detention facilities in the Copperbelt Province. The Commission observed the usual problems that it had found in Zambia's prisons over the years. The entourage noted that the prisons were congested, mostly housing more than their intended capacity. Most of the facilities had poor water supply, toilet and bathing facilities. Much of the food consisted of *kapenta*,

beans and nshima. There were hardly any proper recreation and rehabilitation facilities in most places and the provision of health care was not of the proper standard. In some cases, inmates with communicable diseases such as tuberculosis were not in isolation due to limited accommodation. Communication and transport facilities in some cases were inadequate or poor.

The inmates registered a number of complaints, including delayed disposal of cases, ill-treatment, poor ventilation and unsatisfactory health facilities.

Human Rights Education, Information and Research

A number of human rights education and sensitisation activities were conducted in 2007. The Commission made use of workshops, radio and television to interact with and educate the general public on various issues of human rights. Notably, plans were underway during the year to develop a programme through which community radio would be used to sensitise the general public in issues of human rights. A pilot exercise was planned for Eastern Province to commence during 2008.

During the year, the Commission began participating in a research being conducted by the International Labour Organisation (ILO) on forced labour and trafficking in Zambia. The first part of the research involved review of complaints received by the Commission to determine those that related to issues of forced labour and a review of the work and/or operations of recruitment agencies. The proposed study stemmed from concerns raised by the Ministry of Labour and Social Security to the International Labour Office (ILO) regarding possible forced labour conditions, including abusive recruitment practices in certain industrial sectors in Zambia. The ILO Special Action Programme – Forced Labour (SAP-FL) responded by sending a fact finding mission to Zambia in March 2007. The mission, together with the Ministry of Labour and Social Security, decided that research be conducted on forced labour and trafficking, with a particular focus in the first instance on recruitment agencies and practices.

Children's Rights

Activities relating to the establishment of the Office of Commissioner for Children continued during 2007. Following the holding of an orientation workshop for the Commission on the establishment of the office in October 2006, and study visits to countries with already established Ombudsman for Children such as Mauritius, Norway and Sweden in October and November, 2006, consultations between the Commission and its partners continued during the year.

Based on a memorandum of understanding (MOU) between the Commission and Save the Children Zambia, the Commission, through the Research and Planning Department (RPD), commenced work on a short term survey on organisations working with Children in Zambia. Six provinces were selected for this survey- Copperbelt, Eastern, Lusaka, Northern, Southern and Western Provinces. About 80 organisations working with children were covered in the survey. The main objective of the survey was, among others, to determine the general functioning of organisations working within Zambia for the promotion and protection of children's rights in order to inform the development of a long term proposal for the creation and support of an Office for a Commissioner for Children's Rights within the Human Rights Commission.

During the last quarter of 2007, the Commission, through the Research and Planning Department spearheaded the training of staff that had been attached to work under the Office of the Commissioner for Children's Rights. A one week training workshop on Children's Rights and on the Office of the Commissioner for Children was held from 28 October to 2 November, 2007.

Of significance to the Commission's efforts to build up the promotion and protection of children's rights, a workshop was held for Members of Parliament in Siavonga from 16 to 19 November, 2007. Thirty-three MPs

attended the meeting. The meeting discussed human rights in general and the rights of the child specifically.

Cooperating Partners' Support

The Commission continued to work with a number of key cooperating partners in the implementation of its activities and capacity building. The Commission was supported in key areas such as the development of a new Strategic Plan, training and attendance of relevant international conferences.

Challenges

The staff situation remained critical during the year with only 46 permanent staff out of the required 131. Positive developments however, included the recruitment of five new investigations officers, a new Deputy Director and new Principal Legal Counsel.

CHAPTER 1

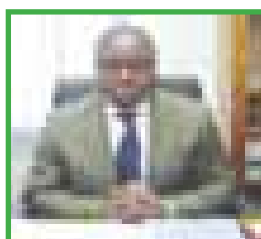
THE COMMISSION

A. ESTABLISHMENT

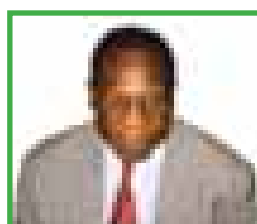
The year 2007 marked the Tenth Anniversary of the Human Rights Commission. The first members of the Commission were appointed in April 1997, headed by Justice Lombe Chibesakunda. Mr. Mumba Malila, SC, took over as Chairperson in April 2004 and served until his appointment as Attorney General of the Republic of Zambia in November 2006. The Vice Chairperson, Mrs. Pixie Kasonde Yangailo, presided over the Commission for most of the year following Mr. Malila's departure, until November when she was substantively appointed as Chairperson. Mrs. Yangailo had not yet taken the oath of office as Chairperson by 31 December, 2007. The appointment of Mrs. Yangailo to the Office of Chairperson of the Human Rights Commission left open space for the addition of a new face to the Commission, Mr. Palan Mulonda, a law lecturer and Legal Practitioner, who was appointed as Vice Chairperson in *November 2007*.



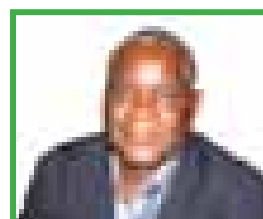
Mrs. Pixie Kasonde Yangailo
Chairperson



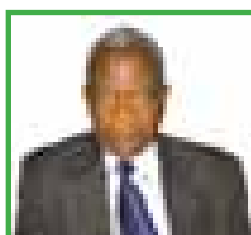
Mr. Palan Mulonda
Vice Chairperson



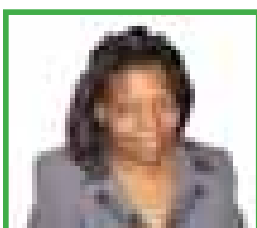
Mr. Kenneth Maduma
Commissioner



Mr. Alfred Sakala
Commissioner



Mr. Henry Katowola
Commissioner



Pastor Godfrida Sumaili
Commissioner



Mr. Enoch Mulembe
Director/Secretary

B. FUNCTIONS

The functions of the Commission, as set out in Section 9 of the Human Rights Commission Act No. 39 of 1996 (HRC Act), are to:

- investigate human rights violations;
- investigate any maladministration of justice;
- propose effective measures to prevent human rights abuse;
- 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;
- 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; and,
- do all such things as are incidental or conducive to the attainment of the functions of the Commission.

C. 2007 – 2011 STRATEGIC PLAN

In 2007, the Commission adopted a new Strategic Plan for the period 2007 to 2011. The strategic planning process was made possible with the financial, technical and material assistance of the Embassy of Finland and the United Nations Development Programme (UNDP). The Strategic Plan was developed with the intention of providing continuity in terms of the execution of the mandate of the Commission. The plan also provides space to the Commission to respond to emerging strategic issues which are important to ignore and may have an impact on its overall mandate.

The strategic directions articulated in the plan drew from the emerging critical issues that were identified by various stakeholders as requiring the immediate attention of the Commission as a human rights institution. The strategic directions were articulated in four strategic objectives:

- 1. Governance and Institutional Development (GID)** – By the end of 2011, the Human Rights Commission will be an accountable, transparent, efficient, effective and well coordinated institution with presence in every province.
- 2. Research, Advocacy and Planning (RAP)** – By the end of 2011 the Human Rights Commission will have positively influenced and monitored development and observance of key national and international human rights standards by all stakeholders.
- 3. Investigation and Rehabilitation (IR)** – By the end of 2011 the Human Rights Commission will have improved its capacity to effectively investigate and handle different forms of human rights violations and facilitate rehabilitation to victims of human rights abuses throughout the country.
- 4. Information Management, Education and Networking (IMEN)** – By the end of 2011 the Human Rights Commission will have empowered the majority of the people in Zambia with information, knowledge and skills in promoting and protecting human rights in Zambia

The vision and mission statements of the Commission were also developed to reflect the new realities and situations that the Commission had to deal with in the five years of the plan. Strategic Plan sets the following visions and mission statement:

Vision for Human Rights in Zambia:

A society that respects and upholds human rights for all persons in Zambia

Vision for the Human Rights Commission:

An effective, respected, responsive and independent guardian of human rights for all time.

Mission Statement:

To promote and protect human rights for all people in Zambia through investigations of human rights violations, rehabilitation of victims of human rights abuses, education of communities and advocacy for policy and legal changes influenced by evidence based research.

According to the new Strategic Plan, the promotion of human rights requires professionals and staff guided by strong shared values and ethics. In this context, the Commission in the implementation of the plan will be guided by the following **organisational values**:

- Respect for human rights
- Impartiality
- Integrity
- Independence
- Objectivity
- Gender sensitivity
- Transparency and accountability
- Team work
- Consistency

CHAPTER 2

COMPLAINTS AND PRISON INSPECTIONS

A. COMPLAINTS

The Human Rights Commission is a constitutional body established by Article 125 of the Zambian Constitution. Further the Human Rights Commission Act No. 39 of 1996 mandates the Commission to investigate all human rights violations in Zambia. Section 10(1) empowers the Commission to investigate any human rights abuses on its own initiative or upon the receipt of a complaint or allegation by:

- (i) an aggrieved person acting in the interest of its members;
- (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.

During the year under review, **722** complaints were recorded accounting for all the Commission's operational areas. In the first quarter, January to March, 2007, the Commission received 165 complaints of alleged human rights violations, 188 in the second quarter, 179 in the third quarter and 190 in the fourth quarter. The table below indicates the trend in complaints statistics for all the Commission's operational areas per quarter.

Table 1: Number of complaints per quarter

Office	First Quarter	Second Quarter	Third Quarter	Fourth Quarter
Chingola	4	17	19	12
Kaoma	2	4	11	13
Livingstone	22	19	17	19
Lusaka	42	54	57	101
Mongu	19	9	10	11
Panda	40	64	50	31
Total	165	188	173	186

Total Number of complaints per quarter Represented in Percentages

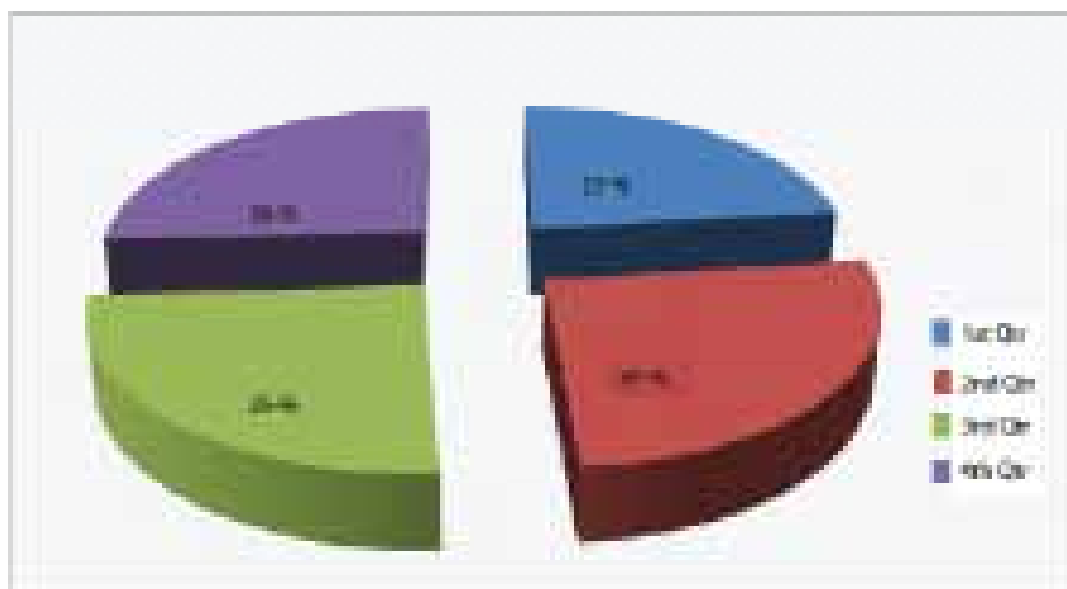


Table 2 below gives a breakdown of the nature of complaints received by the Commission.

Table 2: Nature of complaints

Nature of Complaint	First Quarter	Second Quarter	Third Quarter	Fourth Quarter
Unpaid Dues	34	66	37	50
Mal-administration	22	9	15	18
Employment	18	16	16	11
Victimisation	14	13	25	12
Delayed Justice	11	11	9	10
Compensation	10	6	7	8
Deprivation of Liberty/unlawful detention	9	2	6	13
Child Abuse	7	13	13	10
Property Grabbing	7	8	5	5
Housing Shelter	7	3	4	6
Land Dispute	6	4	4	9
Neglect (Marital)	3	4	2	1
Deportation	1	1	-	2
Poor Working Conditions	3	13	17	4
Discrimination	2	4	3	2
Life (Extra Judicial Killing)	2	-	-	3
Pension	2	2	2	3
Torture	2	5	6	6
Education	1	-	2	-
Health	1	2	2	-
Religion	1	-	-	-
Sexual Abuse	1	-	-	-
Terminal Benefits	1	3	2	6
Gender Violence	1	2	-	-
Succession	-	1	-	-
Unfair treatment	-	-	-	10
Total	165	188	179	190

It was noted that despite having opened offices in some provinces, Head Office continued to record complaints from the areas which now have offices. This may be attributed to low levels of awareness in the provinces. It is hoped that with the take off of the community radio stations awareness programme, more and more people in these areas will be aware of the existence of Commission offices near them.

B. PUBLIC HEARING

From 12 to 17 November, 2007, the Commission held a public hearing following allegations of human rights violations against a prominent Mkushi farmer. The hearing was held in order for the Commission to receive and consider oral evidence in relation to a group complaint that alleged among other things, detentions and ill-treatment of people. The hearing received favourable coverage in the media.

The Commission was not able to conclude the hearing in the scheduled time due to the many issues that arose during the hearing. A second session was scheduled for mid December, but before the Commission could embark on the same, it received information from the respondents' lawyers to the effect that the complainants had commenced legal proceedings on the same matter. Considering that the Commission cannot by law hear matters that are before the courts of law, the second session was cancelled and the matter discontinued.

C. FIWILA ORPHANAGE

The Commission took advantage of its presence in Mkushi to undertake a number of sensitisation activities, including an appearance on Mkushi Radio to discuss children's rights and a visit to Fiwila Orphanage to verify complaints of abuse and maltreatment of children. On 28 September, 2007, the Commission received fax messages from concerned Mission Medic Air (MMA) members. The MMA members were on a medical visit to Fiwila Mission on 11 August, 2007. During this tour, it was felt appropriate to pay a courtesy call on Rheoboth (Fiwila) Orphanage situated right next to Fiwila Mission. On arrival, the entourage was told that the two sisters in charge, Sister Jane and Sister Dorothy were not around. The absence of the sisters in charge did not stop the members from meeting the children and assessing their general welfare. The MMA members were shocked and disturbed to find, among other things, that:

- the orphans at Fiwila Mission were undernourished;
- the orphans lived in fear and were generally traumatized;
- the dormitories for the children were overcrowded and generally not of habitable standards;
- the orphans did not have adequate clothing;
- the food meant for children was being given to cats and dogs while the children starved; and,
- the children were being denied medical attention and two of them were, after medical examination, found with complications of gingivitis. These complications were as a result of poor diet and poor oral hygiene.

The contents of the fax messages prompted the Human Rights Commission to embark on a fact finding mission. The Commission visited the orphanage twice. The first visit was on 17 October, 2007, and the second was on 15 November, 2007. Preliminary investigations brought out the following findings:

General Welfare

The orphanage had 19 orphans, 5 girls and 14 boys. All the boys had no foot wear and were poorly dressed except for one who had slip-ons (*pata patas*) and another with worn out gum boots. The Investigators were informed that the boys last had a pair of shoes in 2005. The girls, except for a few, also had no shoes. There were no recreation facilities. After school, the children just sat around the orphanage.



The boys and girls at Fiwila Orphanage

Dormitories

The dormitories for both boys and girls were not good enough for the housing of children. Apart from being dirty and without proper ventilation, the rooms were overcrowded. The children only had one torn blanket each for cover, without one to spread down on the mattress.



Children's sleeping quarters at Fiwila Orphanage in Mkushi

Kitchen and Nutrition

There was an open structure (shed) with a thatched roof that was used as a kitchen. It was clear that it was not suitable for its purpose, particularly during the rainy season. Stuck on one of the poles in the “kitchen” was the daily menu indicating and acting as a guide as to what the children were to eat. Table 3 below illustrates the menu as captured on 17 October, 2007.

Day	Breakfast	Lunch	Supper
Monday	Egg + Tea	Rice + Tea	Porridge + Vegetables
Tuesday	Rice + Tea	Porridge + Vegetables	Porridge + Karpente
Wednesday	Rice + Beans	Rice + Tea	Porridge + Vegetables
Thursday	Sweet Potatoes	Porridge + Vegetables	Porridge + Beans
Friday	Rice + Beans	Sweet Potatoes	Porridge + Karpente
Saturday	Rice + Tea	Porridge + Vegetables	Porridge + Beans
Sunday	Cornflakes + Milk	Rice + Tea	Porridge + Beans/Pole

Allegedly, when the children were fed on a bun and tea, the cats and dogs were given cornflakes and milk. Sisters Violet and Prudence confirmed that the cornflakes and milk donated for the consumption of orphans was instead given to Sister Jane and Sister Dorothy's pets.



The Commissioners with the Sisters and children at Fiwila Orphanage

The investigations team also found that one of the local sisters, Sister Violet Nyirenda was sick. Sister Nyirenda suffered a stroke in 2003. From 2003 to 2005 she was receiving malaria treatment prescribed by the two sisters but without medical attention. According to Sister Nyirenda, she had never attended hospital since 2005 and her condition had deteriorated. She was in need of medical attention but this had been denied to her by Sisters Dorothy and Jane.



Commissioners make donations of some essential items to Fiwila Orphanage

D. INSPECTION OF DETENTION FACILITIES

In 2007 the Commission inspected facilities in the Copperbelt Province from 25 March to 5 April, 2007. Besides the prisons and police cells the Commission also visited the Mitanda Home for the Aged and the Insakwe Juveniles Safety Home, both in Ndola, and made some donations of essential items, including maize meal, footballs and exercise books.



(Top and bottom) Then Human Rights Commission Acting Chairperson, Mrs. Pixie Yangailo, presenting some donations at Insakwe Juveniles Safety Home.

Insakwe Juveniles Safety Home was established to rehabilitate juvenile offenders, under the age of 19 years, who were placed on probation by the juvenile courts of law. On the date of the Commission visit (27 March, 2007), there were four inmates, all of them girls, between the ages 14 to 17 years. The Officer-In-Charge of the hostel complained of lack of specialized training for the staff, explaining that there was need for qualified staff in order to handle the inmates professionally.

The general findings of the Commission were as follows:

- a) Accommodation was adequate to take on more inmates.
- b) There were no Casual Daily Employees to clean the surroundings and the rooms. As a result the inmates undertook the chores themselves.
- c) There were no recreational facilities except for a television set. There was room for other recreational activities but lack of equipment such as chess and draft boards, footballs and netballs.
- d) The kitchen and dinning facilities were excellent.
- e) Toilet and bath facilities are standard.
- f) There was no transport or telephone receivers for landline communication.
- g) Office accommodation for the four officers, looking after the inmates was inadequate, as they shared one office.

KANSENJI STATE PRISON

On 28 March, 2007, the Commission visited Kansenji State Prison in Ndola. The entourage was received by the Officer-In-Charge of the prison, Assistant Superintendent Chisanga with his deputy, Sub Inspector Mendulo. The Officers could not remember when the Prison was established. There were a total of 361 inmates at the time. Table 3 gives the breakdown.

Table 3: Breakdown of inmates at Kansenji as of 28 March, 2007

Type	Male	Female	Total
Convicts	341	8	351
Remands	2	7	9
PI's	1	-	1
Total	346	15	361

The only prohibited immigrant (PI) was brought into the prison a week before the Commission visited the establishment. The Commission was informed that the Immigration Department had removed all the PIs, including those who had stayed there without attention for 2 years prior to the visit.

The general findings for Kansenji were as follows:

- a) There were enough mattresses but not enough blankets.
- b) Water reticulation was bad. Boreholes needed constant cleaning as they broke down frequently.
- c) At the time of the visit one inmate was hospitalized. Others were taken for basic treatment to the clinic within the premises.
- d) The sewer system was reported to have improved. This was attributed to the good working relationship with Kafubu Water Works Company which repaired and unblocked the system occasionally.
- e) The Prison had no station vehicle.
- f) Communication was poor. The only landline was on and off due to irregular payment of bills arising

from inadequate funding.

- g) At the time of the visit 15 inmates were undergoing tailoring training.
- h) Some inmates were enrolled in special academic classes from grades 7 to 12. They depended on the nearby Chifubu Secondary School for chalk, exercise books and pens.
- i) The Prison had a good vegetable garden.
- j) There was one small library without valuable books or literature.
- k) Food was mainly of maize meal, grown and ground locally. Inmates were fed on a diet of nshima with beans or kapenta, spaced with own grown vegetables.
- l) The storeroom had adequate rice, beans and kapenta supplies.
- m) The Officer-in-charge reported that there were enough uniforms for both staff and inmates.

In terms of staff strength, the Commission was informed that the establishment was for 100 staff but only 51 were at the station.

Kitchen

There were 4 electric pots in place bought by the Ministry of Home Affairs. Two of the pots were broken down. It was reported that the Prison administration was not allowed to contract independent contractors to repair the broken pots.

Workshop and Metal Fabrication

The workshop manager reported that the workshop lacked materials to make it a viable economic entity. Customers had to take their own materials whenever they required services from the section. The workshop had a rolling machine donated in 1993 from The Republic of South Africa. There was machinery for cutting and bending wood and for making door frames. Other items such as welding machines were not operating.

Tailoring

The tailoring programme was being sponsored by the Prisons Fellowship. There were 35 sewing machines and 15 prisoners on training. Materials for training were reported to be difficult to obtain due to inadequate financial resources.

Female Section

There were 15 inmates at the Female Section comprising 8 convicts and 7 remandees. The surroundings were generally clean all round including toilets, rooms for sleeping and bathrooms. There were adequate mattresses and blankets. It was reported that church organizations visited and usually provided for the basic needs of the inmates. An inmate who spoke on behalf of all stated that they were kept very well.

The Commission found that the kitchen had been extended. There were two two-plate stoves. Inmates who mothers complained of lack of balanced food such as milk, sugar for their babies that were incarcerated with them. The inmates requested for a television set and mosquito nets.

Penal Block

The Kansenji Penal Block accommodates long term serving convicts. There were 71 inmates on the date of the Commission visit (28 March, 2007). Inmates in this section were usually escapees and those condemned (on death row). They had one toilet in each of the ten cell rooms. They used plastic containers to pour water in the toilets.

The inmates expressed a number of complaints to the Commission, some of which are listed below:

- a) Francis Chembo, a suspected escapee complained of pains in the legs and chest arising from police beatings, and that he was never taken to the hospital since 2006 despite requesting for treatment.
- b) Kelly Mulesha revealed that prison authorities charged inmates to pay certain amounts of money as contribution towards transport but that even when they did the transport was not made available.
- c) Joseph Bakina, a Congolese national claimed he had served his prison sentence but Immigration authorities were not releasing him and deporting him. They were not willing to release his passport.
- d) Joseph Gama was given referral letter on 5 March 2007 to remove his bad tooth but as of 28 March, 2007, he had not been taken to the dental clinic or hospital for medical attention.
- e) Kapambwe Nkonde had 6 different cases upon which he had been convicted and sentenced with various terms. He complained that his personal clothes were given to other inmates by prison authorities to use without his authority.
- f) Gideon Ilunga cited lack of water, blankets and salt.
- g) Lucky Chitayi, serving a 9 year jail term, complained of congestion in the prison and that he had not been considered for release on parole despite exhibiting good behaviour.
- h) Mwansa Kapeya complained that he was released by the court after the Immigration had arrested him but they rearrested him and were not prosecuting him at the same time.
- i) Dawson Ngosa complained that the food (nshima and kapenta every time) was unbalanced and monotonous.

NDOLA REMAND (PETER SINGOGO) PRISON

The Commission visited Ndola Remand Prison on 28 March, 2007, and was received by Assistant Superintendent Joseph Nkonde, the Officer-In-Charge. The prison was assumed to have been established in 1940. At the time of the visit, it was manned by 28 staff against the official establishment of 50. There were 368 inmates, all male. This is against a recommended capacity of 90 inmates, thus indicating heavy congestion. Table 4 illustrates.

Table 4: Breakdown of inmates at Ndola Remand Prison as of 28 March, 2007

Type	Male	Juveniles	Total
Convicts	98	09	107
Remands	240	21	261
Total	338	30	368

The general findings for this facility were as follows:

- a) The prison had one truck used for conveying inmates to and from court.
- b) It had no utility vehicle
- c) There was one landline and radio communication
- d) The Council had disconnected water supply long ago, but the prison maintains its own borehole.
- e) Inmates fed on 1 meal per day. Food was said to be inadequate and unbalanced.
- f) There were enough mattresses but no blankets.
- g) Firewood was used for cooking but results in soot on the walls and roof.
- h) It had a clinic and also provided with a mobile health care service by church fellowship. They also used the nearby Ndola General Hospital.
- i) They had a prison chaplain in place who provides spiritual guidance.

- j) Staff accommodation was inadequate and where available it was shared irrespective of whether married or single.
- a) Ventilation was very poor as windows were only on one side of the four walls.
- b) There was good water supply.

Complaints by inmates

The inmates had the following complaints:

- i) Cases took too long to conclude in courts. 40 defilement cases handled by magistrates in the subordinate court passed on to the High Court for confirmation of judgement sentences were still being awaited. Some took 6 months or even over 1 year.
- ii) Remand warrants were issued without the court physically seeing the suspects. The police took suspects up to court cells but they came with remand warrants without suspects appearing in the dock.
- iii) Representation of suspects by Legal Aid Board left much to be desired. When suspects were committed to the High Court, it was alleged that Legal Aid Counsel often asked for K50,000.00 payments which suspects did not have because they were vulnerable.
- ii) Legal Aid Counsel did not visit suspects in the cells to obtain full instructions from them as their clients in accordance with their calling. They only tended to meet suspects in the High Court at very short periods during which they could not manage to obtain full instructions.
- iii) Convicts were made to work for long hours.
- iv) Suspects took long to be heard after they have been committed to the High Court.

Juvenile Section

There were 30 inmates at the time of the Commission visit on 28 March, 2007, against the recommended capacity of 15. Ventilation was very poor. The juveniles also complained of delays in taking them to either Nakambala Approved School in Mazabuka or Katombora Reformatory School in Livingstone. Other complaints included lack of parental or Social Welfare representation, frequent adjournments, delayed judgements (for as long as 1 year or over) in the subordinate courts and inadequate food.

Cell for short-term convicts

The Commission was informed that the cell for convicts with short term sentences was built by the Catholic organization in 1990 as an extension to the original building meant to help decongest the main prison. At the time of the visit by the Commission, there were 87 Inmates. The cell had a waterborne toilet. However, inmates complained of poor clothing, lack of blankets and soap for washing and bathing. There was also a lot of lice in the cell.

CHONDWE OPEN AIR PRISON

Chondwe Open Air Prison is located about 36 kilometres from the City of Ndola. The Commission was received by Chief Inspector Noel Chisala, the Officer-In-Charge, on 28 March, 2007. There were 130 male convicts remaining to serve their last periods before being released. The cells were congested, with Cell 1, having 40 instead of 30 inmates; Cell 2, with 42 instead of 30 inmates; and Cell 3 had 48 inmates instead of a recommended 30. All the cells had an inside waterborne toilet each. Mattresses were adequate but blankets were not enough.

The prison was previously a farm owned by a European Settler and taken over by the Government. It was manned by 15 members of staff out of the normal establishment of 32. The officers were well accommodated

in a camp and did not share houses. The prison produced maize and even supplied to other prisons in town. Electricity supply was good. However, the ablution block was very old and the only recreation was a small football team. There was a prison clinic for minor treatments. The kitchen was a shelter and firewood was used for cooking.

The inmates registered a number of complaints, including:

- a) Inadequate Blankets.
- b) Insufficient Water supply.
- c) Firewood was being collected from afar and the problem became unbearable during the rainy season.
- d) The toilets were filthy. The Officer-In-Charge indicated that they occasionally used disinfectants obtained from Kansenji Prison.
- e) There were no recreation activities due to lack of facilities.

LUANSHYA STATE PRISON

On 29 March, 2007, the Commission was received by the Officer-In-Charge, Chief Inspector F.M. F. Milambo at Luanshya State Prison. This facility was established in 1968. It caters for Mpongwe and other districts as well besides Luanshya.

The Prison was originally meant to accommodate 100 but had 338 inmates at the time of the visit by the Commission. Table 5 gives the breakdown.

Table 5: Breakdown of inmate population at Luanshya State Prison as at 29 March, 2007

Type	Adults		Juveniles		Total
Convicts	162	7	-	-	169
Remand	146	5	6	-	157
PI	1	-	-	-	1
OAP (Open Air Prison)	11	-	-	-	11
Total	320	12	6	-	338

The specific findings by the Commission were as follows:

- a) There were adequate blankets but no mattresses.
- b) There was no transport for both prisoners and officers.
- c) There used to be a clinical officer visiting twice a week but was withdrawn due to shortage of staff at the main hospital.
- d) There were no cooking pots, but just improvised drums.
- e) Water was in abundance, even wasted because some stopper valves could not be replaced due to lack of funds to purchase new ones.
- f) The prison experienced staff shortage. There were 33 uniformed staff in place instead of the 80 required.
- g) The menu was unbalanced, consisting of maize meal with *kapenta*, beans and vegetables.
- h) Tuberculosis (TB) patients were not isolated because of lack of accommodation
- i) The telephone landline was only for receiving calls. This service was opened two weeks before the Commission visited after many years of closure due to non settlement of bills.
- j) There was a library with outdated books
- k) The sewer system needed some attention. There were four communal toilets but all with broken seats.

- l) Prison fellowship periodically visited to conduct prayers and help undertake cleaning activities.
- m) A football team comprising officers and inmates was the only recreational activity.

Female and Juvenile Inmates

At the female section, the Commission found that the original capacity for the cell was 10 but there were 12 inmates, including two with babies. The two babies were 6 and 10 months old born outside prison before their mothers were arrested. Ventilation was good with five windows. Cooking was by use of firewood which was difficult to obtain. There were no pots and inmates used improvised cooking utensils.

There were 6 juveniles in remand aged between 16 and 18 years.

Complaints by inmates

The Inmates had the usual complaints of delayed justice particularly due to adjournments. The most common reason for adjournments was that complainants did not go to court to attest against the suspects. Another reason given was that cases that had been handled by magistrates who had left the judiciary but went up to trial were not processed. The inmates also alleged that prosecutors had the tendency of processing court appearances for those who admitted to having committed the offences and neglected to do the same for those who had denied the charges. The inmates also complained of false detention orders by police purporting to have been made by the courts to extend period of incarceration.

Other complaints included lack of social welfare officers for juvenile offenders and also ignorance of their basic rights.

CHITWI OPEN AIR PRISON

At the time of the visit by the Commission, Chitwi Open Air Prison had 11 male inmates. The prison had two grass thatched houses but only one was being used. It was noted that the village style of living was convenient for prisoners to prepare for reintegration into the communities once discharged. The prison had 18 goats, 2 pigs and 29 village chickens being reared. Cultivation of maize was not on large scale because of lack of equipment and adequate manpower.



Commissioners inspecting facilities at Chitwi Open Air Prison



Commissioners inspecting facilities at Chitwi Open Air Prison

The inmates were happy about their stay at the prison. They, however, complained about the long distance to the clinic and also the inadequacy of blankets.

KAMFINSI STATE PRISON

Assistant Superintendant Wilson Mbewe, the Officer-in-Charge, received the Commission entourage at Kamfinsa State Prison. He reported to the visiting team that the prison was established in 1957 and that it was the biggest prison on the Copperbelt, with a holding capacity of 2000 inmates. Information relating to inmates at the time of the visit by the Commission is indicated in the table below.

Table 6: Breakdown of inmate population at Kamfinsa State Prison

TYPE	MALE	FEMALE	TOTAL
Remand	440	17	457
Convicts	371	23	394
Ph	6	-	6
Juveniles	14	2	16
Total	831	42	873

The Prison had various sections such as the Penal Blocks 2A and 2B for juveniles which had 7 cells each, the Penal Section for serious offences which also had 7 cells; the Remand Section; the Male Convicts Section; and the Female Section. All the sections highlighted related problems but in certain cases they were of distinct nature.

The prison administration gave an overview of the prison and a list of general problems. According to the Officer-in-Charge the problems mainly arose because of inadequate funding. The Officer-in-Charge mentioned poor diet, lack of transport, poor health and communication as the major problems. The Commission documented the following general findings:

- (a) Lack of fuel due to inadequate fund allocation.
- (b) No utility vehicle
- (c) Frequent power blackouts which made security operations difficult and negatively affected vital equipment such as the grinding mill used for producing prisoners' mealie meal.
- (d) Buildings for staff were old and needed painting and renovation.
- (e) Officers were not receiving their entitlement of rural hardship allowance. The Police and Prison Commission was reminded about this the previous year (2006) when they visited the prison but nothing had been done about it.
- (f) Some church organisations had provided a few colour television sets which were rotated for use in the cells.
- (g) The Prison Fellowship had provided rations before the spread of the word of God.
- (h) The water situation was fair since there was a borehole.
- (i) Food was obtained through grinding of maize by a hammer-mill. Relish was mostly *kapenta* and beans.
- (j) Cutlery was received the previous year. There were Plastic plates and cups for use.
- (k) There were adequate mattresses but no blankets.
- (l) Communication was by a landline which was only three weeks old at the time of the Commission visit.
- (m) There was a clinic inside the premises with some prison personnel.
- (n) Common diseases included Tuberculosis, Malaria, HIV/Aids.
- (o) The prison also had isolation cells.
- (p) There was a Library but it lacked suitable books for academic classes.
- (q) For rehabilitation, there was a carpentry workshop and four sewing machines donated by the Lottery Club of Kitwe. Inmates were also engaged in making ceramic plates.
- (r) Juveniles were separated from adults but cases took long to be disposed off, causing some juveniles to become adults before transfer to reformatory centres.
- (s) There were four electrical pots but only two were operational.
- (t) Football was the only recreational activity but the balls were hard to acquire. There were no other recreational activities due to lack of facilities.

Juvenile Remand and Penal Block Cells 2A and 2B

The Juvenile Remand and Penal Blocks 2A and 2B had 7 cells each. They were congested, each with 10 inmates instead of 2 prisoners. The inmates complained of not being taken to hospital when they fell sick. Other complaints were:

- a) Congestion in the dormitories.
- b) Overstaying due to delayed justice. Some inmates lived in prison as long as 15 months without being committed to the High Court.
- c) One inmate complained of ill-treatment by fellow inmates, especially captains who bullied others and were cruel to those who were perceived to be weak.
- d) An escapee from Kasenji Prison who was awaiting to be transferred back to Ndola, revealed that inmates brewed beer out of left over porridge and nshima which they fermented by mixing it with some ingredients such as yeast smuggled into the cells.
- e) Another inmate complained of beatings by police officers at the court cells whenever they appeared before

courts and presented problems relating to their rights. He also claimed to have anal sores (piles), which also affected other inmates but their agony was aggravated by lack of medicines at the clinic and poor diet.

Penal Adult Section

The section for serious offenders had 7 cells with a toilet in each of them. Here, the inmates registered the following complaints:

- (a) Overcrowding in the cells.
- (b) One inmate complained that he was committed for trial to the High Court in 2004 but his trial was yet to commence at the time of the visit by the Commission.
- (c) Inmates were dumped in the cells by police without taking them to court.
- (d) Besides lack of trial for those committed, the inmates awaiting judgment had anxieties of delayed justice since judgments took long to be passed.

Male Convicts Section

At the Male Convicts Section, the Commission documented the following observations:

- (a) The kitchen was very clean both inside and outside. It had 2 electric pots both in good working order.
- (b) The dining hall was also very clean both inside and outside.
- (c) There was plenty of running water.
- (d) Cells were well ventilated.
- (e) Academic and vocational training was being provided and inmates were happy.
- (f) Nearly all inmates had personal mosquito nets.
- (g) Prison authorities were highly praised by inmates for keeping them well.

Despite the positive observations, the inmates still registered the following complaints:

- (a) Frequent power blackouts led to lack of water.
- (b) Amnesty was previously granted to deserving well behaved inmates on 25 May, Africa Freedom Day and 24 October, Zambia Independence Day, but this was not happening any more.
- (c) There were mattresses but no blankets.
- (e) One inmate complained of a Magistrate being a sadist for adding 6 months to the 5 years sentence he pronounced against him on 14 February, 1997 for simple assault. He claimed to have kept quiet, meditating for a time, and sought leniency from the Magistrate, reminding him that it was Valentine's Day. The Magistrate was infuriated and in addition did not backdate the sentence to consider the period he was in remand.
- (f) Another inmate complained of being chastised for being an HIV/Aids patient.
- (g) Appeals took too long to be heard. One inmate claimed to have appealed in 2003 and his appeal was due to be heard in September, 2007.
- (h) Denial of the right to religion. An inmate stated that there was no spiritual freedom at the prison.

Table 7: Prohibited Immigrants detained in Penal Block

NO.	NAME	AGE	NATIONALITY	DATE OF DETENTION	REMARKS
1.	Isaac Paul Chibah	34	Nigerian	January 2004	Teacher - Children Peace Limited, Katsina. Self employed with valid passport.
2.	Musaigi Nigalawa	43	Cameroon	1971/07	Claimed to have valid papers.
3.	Abdullah Hassan	41	Cameroon	January 2007	Claimed to have valid papers which the Immigration Department collected from him and lost or misplaced them.
4.	Matthew Chiamang	31	Nigerian	November 2006	Papers were valid at time of detention but now invalid.
5.	Isaiah Okunade	32	Nigerian	21/05/07	Claimed to have valid papers as a visitor.
6.	Osita Okunwa	31	Nigerian	October 2006	Claimed to have had papers but validity expired. Claimed to have been badly beaten by officers (David and Isaac) of Koro Immigration Office.

Female Section

At the Female Section, the Commission found that all the cells and a female juveniles cell were impressive and conducive for human habitation. They had inside toilets and the bathrooms were in good condition with running water. National Pension Scheme Authority (NAPSA) female members of staff were found donating food and groceries. The female juvenile cell had two inmates, one aged 18 years who appeared in court a month previously, and a 15 year old who was said to have been jointly charged with her mother for being in possession of drugs. They were both remanded on 13 February, 2007.

The inmates registered the following complaints:

- Poor diet. Those on ARVs were particularly at great risk.
- Court cases did not move according to expected process unless one bribed some court officials.
- Lack of transport.
- Requested for workshops and literature in human rights.
- No recreation activities because of lack of facilities.

Table 8: Female Remandees on delayed justice

NO.	NAME	COURT CASE NO.	DATE OF ARREST	ALLEGED OFFENCE	COURT
1.	Nelly Karama	13671/05	24/1/05	Child destruction	3
2.	Enoma Makura	13650	05/12/05	Murder	High Court
3.	Victor Okunwa	34046	05/12/06	Conspiracy to defraud	4
4.	Isaiah Okunade	97176	12/08/06	Murder	2
5.	Musaigi Chibah	141466	08/12/06	Murder	1

Table 9: Male Remandees on Delayed Justice Kitwe

NO.	CASE NO.	NAME	DATE OF ARREST	ALL-ARREST OFFENCES	COUNT
1.	KAM/104/05	Kalvin Makaya	20/09/2005	Breaking into a building	1
2.	KAM/114/05	Esau Sata	28/09/2005	Theft	2
3.	KAM/214/06	Poser Kasona	01/09/2005	Breaking into a building	5
4.	KAM/264/06	James Kabaya	16/01/2006	Breaking into a building	5
5.	KAM/274/06	Sipho Mhango	20/03/2006	Breaking into a building	5
6.	KAM/281/06	Francis Kasona	20/03/2006	Burglary and Theft	2
7.	KAM/281/06	Patrick Mubumba	20/03/06	Theft	1
8.	KAM/340/06	Esau Mubumba	20/03/06	Theft	1
9.	KAM/340/06	Mphahlele Chikwanda	20/03/2006	Theft	5
10.	KAM/474/06	Mphahlele Mubumba	15/04/06	Breaking into a building	1
11.	KAM/474/06	Patrick Chikwanda	15/04/06	Burglary and Theft	5
12.	KAM/474/06	Esau Mhango	15/04/06	Unlawful Wounding	5
13.	KAM/1087/06	Patrick Chikwanda	15/04/06	Breaking into a building	5
REMANDERS					
1.	KAM/144/06	Amos Mubumba			
2.	KAM/154/06	Esau Mubumba	20/03/2006	Burglary and Theft	7
3.	KAM/174/06	Amos Mhango	01/03/2006	Drunkness	7
4.	KAM/194/06	Esau Chikwanda	20/03/06	Drunkness	7
5.	KAM/1115/06	Patrick Kasona	14/04/06	Burglary and Theft	7
6.	KAM/1514/07	Esau Chikwanda	08/01/2007	Breaking into	7

CHINGOLA STATE PRISON

It was not indicated when Chingola State Prison was established, but it was said to be one of the oldest in the country that dates back to the colonial days. The prison was managed by an Officer-in-Charge who complained that he had been left out on promotions as he ran an establishment equivalent to all others which were handled by officers of the rank of Superintendent. On the date of the Commission's visit on 3 April, 2007, a woman Police Inspector from Chingola Police District Public Prosecution Office offered to accompany the entourage to answer immediate queries that inmates were to raise about the prosecution process in her area.

The prison was overcrowded by one and half times the normal intake. Its normal capacity was put at 150 but there were 333 inmates on the day the Commission visited. Table 10 below illustrates.

Table 10: Inmate population at Chingola State Prison as at 3 April, 2007

TYPE	MALE ADULTS	MALE JUVENILES	FEMALES	TOTAL
Remand	119	3	5	127
Convict	197	-	8	205
P.I	1	-	-	1
Total	317	3	13	333

Chingola State Prison had various sections- a female section, a male juveniles section, Cells 1 and 2 for male adult convicts and remandees and PIs and an Isolation Ward for serious and terminally ill inmates. Cell 1 had 133 inmates comprising 76 male convicts, 56 male remandees and 1 prohibited immigrant. It had 8 windows and ventilation was good during the hot season though not conducive in rain weather because the windows had no proper shutters.

Cell 2 had 136 inmates comprising of 80 male convicts and 56 male remandees. Cell 2 was similar to Cell 1. It also had 8 windows providing good ventilation, but not enough protection against rain due to lack of shutters.

On this particular facility, the Commission documented the following findings:

- a) There was one limping vehicle. Otherwise the authorities used public transport to conduct their duties.
- b) The only 32 members of staff were so inadequate that they represented a ratio of about 11 prisoners to one member of staff.
- c) There was enough maize but no grinding mill.
- d) Water was inadequate despite well wishers having provided a water tank.
- e) Staff were not properly accommodated. Some members of staff lived in dilapidated structures which were formerly prison cells. The administration had applied for a plot from the council to build staff houses about one kilometre from the prison.
- f) Pots were made out of drums.
- g) There were enough mattresses but no blankets.
- h) Toilet facilities were adequate and clean.
- i) Outside washing bays, and bathing facilities were in fairly good condition.
- j) The surrounding areas were generally clean.

Isolation Ward

The Isolation Ward had 22 inmates who were closely attended to. They had such ailments as TB and HIV/ Aids. They were on medication and had to be monitored to ensure that they took their prescribed medicines. At the time of the Commission visit, one 33 year old inmate on a three year sentence for assault was seriously ill.

Female Section

The Female Section had 13 inmates comprising 5 remandees and 8 convicts. One inmate, serving a 10 year sentence wondered whether as prisoners the inmates had no rights as regards kitchen facilities considering that they had no proper pots, inadequate plates and no cutlery. Another inmate with a baby aged 1 year 8 months alleged that she had been to court several times just to have her case adjourned each time because the presiding magistrate was said to be studying at the Zambia Institute of Advanced Legal Education (ZIALE) in Lusaka.

Juveniles Section

There were 2 cells at the Juveniles Section, with 3 inmates at the time of the Commission's visit. The only toilet in the cell had a broken pan. There was enough water for bathing.

Complaints from Inmates

- a) Inmates complained that most of the times prosecutors merely brought remand warrants into prison

extending periods of stay for remandees.

- b) Prosecutors harassed families of remandees who were breadwinners by evicting them from rented houses and conniving with landlords to lock up the houses and confiscate property. An inmate, Julius Mulenga, 52 years old, gave a list of property he lost as personal goods through actions of an arresting officer namely Mr. Kazungu of Chiwempala Police Station.
- c) After the death of a Magistrate in Chililabombwe arrangements for a visiting magistrate failed to work out. The visiting magistrate from Kitwe proposed two days in a week to take up cases in Chililabombwe but the programme was not followed accordingly.
- d) Patrick Siame claimed to have been in remand for 2 years allegedly because a Magistrate was on study leave at the University of Zambia and later at the Zambia Institute of Advanced Legal Education in Lusaka.
- e) Inmates indicated that they should be accorded a chance to apply for bail through court appearances where they could produce sureties.
- f) The kitchen used by Cell 1 and Cell 2 inmates was heavily infested by cockroaches. The walls and roof of the kitchen had too much soot.
- g) No education materials and facilities for inmates to advance their levels of academic achievements.
- h) No activities to advance various vocational skills.
- i) No recreational activities because of lack of facilities.

Apart from the major tour to the Copperbelt, the Commission also visited Mwembeshi Open Air Prison on 7 June, 2007 to assess and determine how the pronounced programme of decongestion of prisons was being conducted. A fact finding visit to Mufulira State Prison was also undertaken in May following a reported misunderstanding of what the Commission found during its visit to the prison earlier during its tour of Copperbelt Province facilities. This followed a press report which alleged that during its visit to Mufulira State Prison, the Commission witnessed the flogging of some inmates. This prompted the Zambia Prisons Service to react, condemning the Commission of false allegations. The actual position was that the Commission did not witness any flogging but that some inmates complained of having been ill-treated by prison officials at some earlier date. In order to clear the air, various correspondence were exchanged and during the fact finding mission, full video footage was taken to ensure that the proper version of the story was recorded. This is available for inspection.

CHAPTER 3

HUMAN RIGHTS EDUCATION, INFORMATION AND RESEARCH

A. COMMUNITY RADIO PROGRAMMES ON HUMAN RIGHTS

Working together with the United Nations Development Programme (UNDP), a plan of action was worked out and agreed upon for the conduct of human rights sensitization through the use of community radio. The programme to be piloted at two radio stations in the Eastern Province during 2008 would see the use of participatory approaches among selected communities to disseminate human rights messages that are relevant to them through locally based radio stations. A plan of action was worked by the end of the year.

B. SENSITISATION THROUGH LIVE RADIO

The Commission participated in the following radio programmes:

- The Chairperson, Mrs. P. Yangailo appeared on Radio Phoenix Face the Media to discuss gender based violence as part commemoration of International Women's Day
- The Director, Mr. E. Mulembe appeared on Zambia National Broadcasting Corporation (ZNBC) Television to discuss human rights and discipline in schools.
- The Chairperson, Mrs. P. Yangailo and Chief, Information, Education and Training, Mr S. Kasankha appeared on Radio Zambezi and Radio Musi Utunya in Livingstone as part of the Day of the African Child commemorations in Livingstone.
- Chief, Information and Education, Mr. S. Kasankha was a regular guest on the Police and You radio programmes on ZNBC Radio 2 (Nyanja). The programme was a live phone-in every Sunday morning from 07:15 hours to 08:00 hours and was hugely followed by the public, with people calling from all parts of the country.
- Thirteen Nyanja drama programmes on human rights were recorded and weekly broadcasts commenced in July, 2007. The focus was on the simplification of the concept of human rights to a level where the common person could understand and appreciate what human rights were about. The following topics were covered:
 - Human Rights Commission and its mandate
 - gender based violence
 - equality of sexes and the need to accord equal opportunities
 - freedom from slavery, servitude and forced labour
 - labour related rights (discouragement of casualisation of labour; the need to sign work contracts and understand one's conditions of service as one enters employment; and the right to decent wages and just conditions of service)
 - the right to property
 - internal displacement, especially orchestrated by overzealous traditional rulers who evict subjects on flimsy grounds
 - human trafficking
 - police overzealousness (e.g., detention of innocent family members of suspected criminals; beatings and other inhuman treatment while in police custody; and illegal and unfounded monetary demands by officers, like the infamous "cell fee" to be released from a cell)
 - the mandate and work of the Human Rights Commission

C. INFORMATION AND EDUCATION MATERIALS

New information and education materials, such as leaflets, brochures and desk calendars were produced and distributed to all the Commission's offices during the year. Scrolling messages on some selected rights were displayed for thirty days during ZNBC prime television news. A further fifteen adverts on children's rights were run over fifteen days, also on ZNBC television.

D. WEBSITE

During the year, the Commission commenced the reconstruction of its website. The existing website was considered shallow in content and unable to host larger volumes of material. The Commission advertised in the print media for a consultant to redesign it. Afri-Connect were contracted to redesign the website. Work on the website reached an advanced stage and various consultative meetings and demonstrations were held during the period under review. The plan was that before the website was launched, it was to be observed as to its performance for a period of three to six months. The idea was to allow the site to become a fully fledged one before making it known to the general public.

As with most institutional websites, the Commission intends to use its website extensively in its information and human rights education activities. Some of the key documents that would be posted on the site include annual reports, prison inspection reports and annual state of human rights reports. The website will also contain news on the daily activities of the Commission and upcoming events.

E. HUMAN RIGHTS EDUCATION

A meeting between the Commission, the Curriculum Development Centre, the Ministry of Education and Zambia Civic Education Association to follow up on the workshops held in 2006 on the advancement of teaching of human rights in schools was held during the fourth quarter of 2007. With Civic Education becoming a compulsory and examinable subject in secondary and high schools, the Commission undertook to work closely with the above named institutions in re-orienting the teaching personnel in human rights through workshops, and participating in the development of teaching and reading materials.

F. RESEARCH ON FORCED LABOUR AND TRAFFICKING IN ZAMBIA

During the year under review, the Commission began participating in a research being conducted by the International Labour Organisation (ILO) on forced labour and trafficking in Zambia. The first part of the research involved review of complaints received by the Commission to determine those that related to issues of forced labour and a review of the work and/or operations of recruitment agencies. The Commission also requested to sit on the Steering Committee for the Study on Private Recruitment Agencies. The Committee held its first meeting on 25 September 2007. The Research and Planning Department represented the Commission at this meeting, which was opened and chaired by the Ministry of Labour Permanent Secretary. The stakeholders were encouraged to participate fully in the research on forced labour in Zambia.

The proposed study stems from the concerns raised by the Ministry of Labour and Social Security to the International Labour Office (ILO) regarding possible forced labour conditions, including abusive recruitment practices in certain industrial sectors in Zambia. The ILO Special Action Programme – Forced Labour (SAP-FL) responded by sending a fact finding mission to Zambia in March 2007. The mission, together with the Ministry of Labour and Social Security, decided that research be conducted on forced labour and trafficking, with a particular focus in the first instance on recruitment agencies and practices.

The aim of the proposed study is to find out how recruitment agencies operate in Zambia, specially identifying which sectors/segments of the labour market they operate in, how they deal with job seekers and whether

the relationship normally ends once the client has found a job, or whether the agency continues to ‘employ’ the client on behalf of an employer (thus operating as a broker). The study will also aim at shedding light on whether any *prima facie* evidence exists to suggest that some (illegal) agents might be acting as a front for trafficking for labour or sexual exploitation either within or outside Zambia. As well as focusing on the agencies, the research also aims to contact and interview clients who have been placed into employment by recruitment agencies and employers who have made use of their services. In addition, labour officials with responsibility for monitoring and regulating Private Employment Agencies (PEAs) will be contacted. The research will take into account current legislation relating to employment agencies, and the revocation of their licenses in early 2006 following complaints of abusive practices.

The overall objective of the study is to enrich the knowledge base relating to forced labour and trafficking in Zambia and enable the ILO and Government of the Republic of Zambia follow – up action.

G. ANNUAL STATE OF HUMAN RIGHTS REPORT

In pursuance of the Commission’s 2007-2011 Strategic Plan’s 2nd Strategic Objective, to have positively influenced and monitored development and observance of key national and international human rights standards by all stakeholders by 2011 and in line with *Operational Objective 1*- to advocate for policy and legislative reforms related to the protection and promotion of human rights in Zambia and *Operational Objective 3* - to monitor, assess and evaluate the performance of government in the domestic implementation of its international obligations for the protection and promotion of human rights in Zambia, the Commission commenced the collection of data for the compilation of its first state of human rights report.

The state of human rights report is intended to help the Commission in articulating and keeping track of key human rights issues in Zambia. It is also intended to be an information tool to ensure that the Commission structures its annual activities around issues that are on the ground and need to be addressed. The report is expected to be completed and launched by the end of February, 2008.

H. COMMEMORATION OF 10 YEARS OF THE HUMAN RIGHTS COMMISSION

The year 2007 marked the Tenth Anniversary of the Human Rights Commission. A number of activities were carried to publicise the Commission’s one decade of existence, juxtaposed with the celebration of International Human Rights Day on 10 December. The commemoration activities were spread over a ten-day period from 1 December to 10 December, 2007. Each day’s activities were guided by a specific theme mainly set around the Commission’s various thematic committees to allow each committee an opportunity to carry out activities relating to its mandate. The overall theme was Human Rights (Entitlements and Responsibilities) and the Human Rights Commission (Achievements and Challenges).

Friday 30 November, 2007: Launch

The Commission commenced the commemorative activities with a breakfast meeting with the press at the Taj Pamodzi Hotel at which the Chairperson, Mrs. Pixie Yangailo, outlined the Commission’s challenges and achievements over the preceding ten years.

Saturday 1 December, 2007: World AIDS Day

The Director, Mr. Enoch Mulembe, appeared on the Zambia National Broadcasting Corporation’s (ZNBC) Kwacha Good Morning Zambia Programme, where he discussed the Commission and its ten years of operations. It being World AIDS Day, a brief discussion was also made on the link between human rights and HIV/Aids.

The Commission also participated in the World AIDS Day commemorative activities that were organized by

the National AIDS Council and the Ministry of Health. The activities included a march past and various drama and other activities. A radio discussion programme on the theme Leadership-Stop AIDS, Keep the Promise was pre-recorded at ZNBC Studios and was aired on the day and also sent to the Commission's provincial offices for airing on the local community radio stations.

Monday 03 November 2007

Day's Theme: The Rights of the Child (Are we going in the Right Direction?)

Visitations were undertaken to three orphanages housing children to determine the realization of the rights of the children housed there. The visiting team, which comprised members of the Commission's Children's Rights Committee, Commission staff, and members of the press, was led by Commissioner Godfridah Sumaili. Three orphanages were visited.

(a) Kabwata Orphanage, Lusaka

The orphanage, which at the time was 10 years old, was found in an acceptable state. It housed 72 children most of whom were orphans aged from 3 to 22 years. The orphanage worked closely with the Ministry of Community Development and Social Services (MCDSS), the Zambia Police Victim Support Unit (VSU) and also with the Ministries of Health and Education. The orphanage also took in children that were born in prisons.

The orphanage worked at reintegrating the children back into their communities and made provision for necessities to assist needy families. Placing the children back with their 'natural' larger families was a preferred choice and on doing this the orphanage considered, among other things, the family set up and environment to ensure that it was the best environment for any particular child. The children all attended public schools within the neighbouring community.

The challenges faced by the orphanage included erratic funding received from government, accommodation, the impact of HIV/Aids on the children and moulding so many children from different backgrounds.

(b) City of Hope, Lusaka

Like Kabwata Orphanage, City of Hope, which was 13 years old, was also found in an acceptable state with most of the children either having left or preparing to leave for school holidays. It housed about 100 children and worked closely with the MCDSS, the Ministry of Youth, Sport and Child Development (MYSCD) and also with the Ministries of Health and Education. In addition to reintegrating the children back into their communities the orphanage placed children with selected Christian families during school holidays to allow them experience and enjoy some family life. The Catholic Church that ran the orphanage also ran a school at the same premises that the children attended. Their extracurricular programmes included sports, gardening, looking after poultry, pigs and goats.

The challenges faced by the orphanage were generally similar to those faced by Kabwata Orphanage.

(c) Bethel Orphanage, Kafue

This was the last orphanage to be visited by the Commission. It is located in Kafue and housed about 60 children, although the number could not be verified as some children had gone on holiday and no one was present to avail the Commission with information owing to the problems the orphanage was facing. At the time of the Commission's visit Bethel Orphanage was not in the most satisfactory of conditions. The

Commission found that the Department of Social Welfare had taken over the running of the orphanage following the commencement of court proceedings against the institution and members of the board for various human rights abuses. The children at the orphanage were not willing to speak to the Commission at the time of this visit. Subsequently, the Commission received a distress call from the children at the orphanage requesting the Commission's intervention. Commission staff visited the orphanage again and found that there was a *prima facie* case of abuse of the children and, further, that the manner in which the Department of Social Welfare had been managing the orphanage was questionable. Meetings were held with officers of the Department of Social Welfare and the area Member of Parliament in an attempt to determine the truthfulness of the allegations. Unfortunately, no satisfactory finding was arrived at. The Commission initiated investigations in the matter. The Permanent Secretary at the MCDSS was written to and the response was being awaited by the end of the year.

(d) Open Forum Discussion

On the evening of 3 December 2007 a forum was held at Chrismar Hotel at which a film on trafficking and other violations that women and children suffer was shown. It was followed by a discussion led by Commissioner Sumaili, Ms Pamela Chisanga of Children in Need Network (CHIN) and Mr Ernest Mwenya of Save the Children, Norway.

Tuesday 4 December, 2007

Days Theme: Economic Social and Cultural Rights

A meeting on Human Rights and Business was held at Sandy's Creation Conference Centre. This was an attempt at tackling human rights issues from a new perspective of corporate responsibility. Unfortunately attendance at the meeting was poor with less than 25% of the business houses invited attending.

However, the meeting, with its few participants, was still fruitful and the participants present undertook to consider the issues discussed. The Commission also resolved to consider further exploration of the issues. The meeting was opened by Commissioner Alfred Sakala, Chairperson of the Commission's Economic, Social and Cultural Rights Committee. Commissioner Sumaili, the Director and a few other members of staff were also in attendance.

In the afternoon of 4 December, spot visitations to selected industries were carried out by some Commission staff and members of the press led by Commissioner Alfred Sakala.

Wednesday 5 December, 2007

Day's Theme: Civil and Political Rights

A radio discussion programme was held on Radio Phoenix to discuss the issue of unlawful detentions. The Director appeared on this programme and discussed the Commission generally, highlighting its achievements and challenges over the last ten years.

Thursday 6 December, 2007

Day's Theme: Women, Gender and Equality (Are we achieving equality? Where are we?)

A radio discussion programme was held on Radio Phoenix to discuss the theme. Commissioner Sumaili, Brother Kufa (A Seventh Day Adventist Evangelist) and a representative from Young Women's Christian

Association (YWCA) participated in the discussion. Community drama performances were also held on this day in Chazanga, Ng'ombe and Mtendere townships.

Friday 7 December, 2007

Day's Theme: Human Rights and Persons with Disabilities

A scheduled meeting with persons living with disabilities did not take off and was rescheduled to a date early in 2008. The meeting was meant to discuss possible collaboration between the Commission and persons living with disabilities with a view to highlighting their concerns and the newly adopted United Nations Convention on the Rights of Persons with Disabilities (UNCPD).

Saturday 8 December 2007

Day's Theme: Human Rights Entitlements and Responsibilities: The Human Rights Commission – Achievements and Challenges

No activities were scheduled for this day. However, the Director, Mr. Mulembe, appeared on Kwacha Good Morning Zambia on which he discussed the Commission's activities around the 2007 International Human Rights Day theme The Start of a Special Campaign. This is a year-long campaign that was declared by the United Nations Secretary General to celebrate 60 years of the Universal Declaration of Human Rights (UDHR), to culminate on 10 December, 2008.

Monday 10 December 2007

Day's Theme: The Rights to Protection from Torture and Other Cruel, Inhumane or Degrading Treatment and Punishment

A live television discussion programme on Protection from Torture was graced by the Commission's Senior Investigations Officer, Mr. Peter Kanunka, a representative from the Zambia Police, a representative from the Zambia Prison Service and Major Bilex Mutale, a victim of torture.

In the evening a cocktail was held, graced by the Commission's partners who included UNDP, Save the Children Zambia, representatives from the various NGOs that the Commission worked with, the former Commission Chairperson and now Attorney General, Mr Mumba Malila SC, Commissioners and staff of the Commission. The UNDP Deputy Resident Coordinator, Mr. Abdul Hanan graced the function as its Guest of Honour and he read out the United Nation's Secretary General's statement. The occasion launched a special campaign for 2008 on various education and sensitization activities to mark the 60th anniversary of the Universal Declaration of Human Rights (UDHR).

CHAPTER 4

CHILDREN'S RIGHTS

A. ESTABLISHMENT OF AN OFFICE FOR A COMMISSIONER FOR CHILDREN'S RIGHTS

Activities relating to the establishment of the Office of Commissioner for Children continued during 2007. Following the holding of an orientation workshop for the Commission on the establishment of the office in October 2006, and study visits to countries with already established Ombudsman for Children such as Mauritius, Norway and Sweden in October and November, 2006, consultations between the Commission and its partners continued during the year.

Short Term Survey on Organisations Working With Children in Zambia

Following the signing of a memorandum of understanding (MOU) between the Commission and Save the Children Zambia, the Commission, through the Research and Planning Department (RPD) commenced work on a short term survey on organisations working with Children in Zambia. Six provinces were selected for this survey- Copperbelt, Eastern, Lusaka, Northern, Southern and Western Provinces. About 80 organisations working with children were covered in the survey.

The main objective of the survey was to determine the general functioning of organisations working within Zambia for the promotion and protection of children's rights in order to inform the development of a long term proposal for the creation and support of an Office for a Commissioner for Children's Rights within the Human Rights Commission; to avoid duplication of work in the area under study on the part of the Human Rights Commission, and to help determine the best interventions and/or functions for the Office of the Commissioner for Children's Rights to carry out to best meet the needs of the Zambian child vis-à-vis implementation of the Convention on the Rights of the Child (CRC).

The information derived from this survey is intended, together with that gathered on the study visits to Mauritius, Norway and Sweden, to be the basis for a long term proposal for collaboration in the area of children's rights between the Commission and Save the Children. The ultimate objective is to establish an office of Commissioner for Children within the ambit of the Commission.

Children's Rights Committee Retreat Workshop 9 - 12 September

The Commission's Children's Rights Committee convened a meeting at Chaminuka Lodge from 9 to 12 September 2007, to study the survey report and get reactions from members as well as to input into the draft long term proposal and to finalise and agree on the activities leading to the establishment of the Office for Commissioner of Children within the Human Rights Commission.

The workshop was officially opened by the Acting Chairperson Mrs. Pixie Yangailo. The Chief of Research and Planning, Mrs. Hope Chanda, presented an *Overview of the Human Rights Commission*, a brief on activities of the Children's Rights Committee, activities for the setting up of the Office of the Commissioner for Children's Rights. This was followed by a presentation on the *Concept of the Ombudsman for Children* by the Assistant Research and Planning Officer, Ms. Sinyama Simui. The Chairperson for Children's Rights, Commissioner Godfridah Sumaili, briefed the participants on the study visits to Mauritius, Norway and Sweden undertaken to familiarize the Commission with the operations of established offices for Ombudsman for Children in those countries. The tour was done in November 2006.

The findings of the Short Term Survey Report on Organisations working for the promotion and protection of Children's Rights in Zambia were also presented to the Children's Rights Committee Members by the Consultant, Mrs. Sandra Ndemonga– Wamulume.

The workshop organisers took advantage of the meeting to show the committee members a film on *Children and Human Trafficking*. This was done in order to prepare the participants come up with activities for the long term proposal for the Office of the Commissioner for Children's Rights that will operate within the existing framework of the Human Rights Commission.

B. CHILDREN'S RIGHTS PROGRAMMES

Human Rights Commission- Save the Children Agreement

The Human Rights Commission and Save the Children Zambia, represented by Save the Children Norway and Save the Children Sweden, agreed to enter into another agreement covering the period September to December 2007 on partnership. The purpose of the partnership was to further contribute to the establishment, support and functioning of the office of the Commissioner for Children which will execute the function of Ombudsman for Children in the Human Rights Commission.

The project's specific objectives were:

- Establishment of a special focal point for children's rights within HRC;
- Strengthened capacity of the HRC to receive, process, and resolve complaints relating to violations of children's rights;
- Improved visibility and accessibility of the Commission leading to enhanced realisation of children's rights;
- To make children and their rights more visible and promote a higher political and social priority for children through:
 - Increased knowledge of children's rights;
 - Enhanced observation of children's rights;
 - Increased accountability on issues relating to children's welfare and rights;
 - Improved quality of children's lives resulting from asserting their rights and/or asserting of children's rights by communities and individuals concerned with the welfare of children.

The activities planned for implementation under this agreement were:

- (a) Workshop for Human Rights Commission's Children's Rights Committee
- (b) Workshop with Members of Parliament on the Commission and Children's Rights
- (c) Training and Planning Workshop for Human Rights Commission Staff
- (d) Drafting of Statutory Instrument; setting up the Office of Commissioner for Children's Rights
- (e) Commemoration activities (Children's days)
- (f) Experts Meeting (Violence Against Children)
- (g) Public Hearing on violence against children

Staff Training in the Rights of the Child and on the Office of the Commissioner for Children's Rights

The Commission, through the Research and Planning Department spearheaded the training of staff that had been attached to work under the Office of the Commissioner for Children's Rights. A one week training workshop in Children's Rights and on the Office of the Commissioner for Children was held at Chaminuka Lodge from 28 October to 2 November, 2007. Ten members of staff were trained – 7 from head office and 3 from the provincial offices.

Workshop for Members of Parliament on Children's Rights and the Budget

A workshop was held with Members of Parliament in Siavonga from 16 to 19 November, 2007. Thirty-three of the 40 invited MPs attended the meeting. The meeting discussed human rights in general and the rights of the child specifically. It also covered issues of the budget and children's rights and was a first effort by the Commission to lobby Parliament for additional funding for the Office of the Commissioner for Children's Rights and for any other government ministry or department dealing with issues of children.



Commissioner Godfridah Sumaili (right) with Honourable Request Muntanga, MP, and Mrs Hope Chanda at the Parliamentarians Workshop in Siavonga

C. DAY OF THE AFRICAN CHILD 16 JUNE

In 2007, the theme for the Day of the African Child was “Combat Child Trafficking”. For this year, the Commission decided to focus its commemoration activities in Livingstone, not only because it came to learn that Livingstone was the first town in Zambia to prosecute child trafficking cases, but also because Livingstone was being used as a transit point for trafficking. Another reason was to enhance the commission’s visibility in Livingstone and Southern Province in general. The Commission also took advantage of the commemoration to educate stakeholders on the rights of the child in light of the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), and also to inform them of the Commission’s efforts to establish a Commissioner for Children’s Rights.

The following were the activities that the Commission carried out to commemorate the Day of the African Child:

- Community sensitization through drama on child trafficking was carried out on 12 and 13 June 2007 at Libuyu and Linda Townships, Maramba and Dambwa South Market.
- While in Livingstone, the Commission paid three courtesy calls on the Resident Judge, Provincial Minister and District Commissioner’s offices.
- 14 June 2007, the Commission featured on radio Musi-O-Tunya and Zambezi FM to discuss Child Trafficking. On the same day the Commission hosted an evening Open Forum where the Commission showed a video on human and child trafficking and then after an open discussion followed on the same at Victoria Hall from 17:45 to 20:00 hours.
- 15 June 2007, the Commission held a one day stakeholders workshop to discuss Children’s Rights and Child Trafficking at Zambezi Lodge Conference Hall. About 32 people from different organisations attended the workshop.
- 16 June 2007, the Commission participated in the publicity walk that started at 09:30 hours from Mukuni Park to Civic Centre in Livingstone.
- The Commission in Lusaka organised the “Let the People Talk” and “Face the Media” radio programmes to commemorate the Day of the African Child.
- Mongu office organised a radio discussion programme on Radio Liseli that featured a panel of youths who discussed children’s rights and combating child trafficking issues.
- The Kasama, Ndola and Chipata offices joined the provincial activities organised by the Ministry of Youths, Sport and Child Development at provincial level.

From the community drama, radio discussions, stakeholders’ workshop and an open forum, the Commission learnt that the public are now aware of human rights violations but some people have no idea as to where the Commission offices are found in Livingstone. There was a concern raised by some participants during the commemorations in Livingstone that the Commission should consider to establishing desk offices in each district for people living in remote places to report the violations of people’s rights that took place in Southern Province. There was also need for frequent sensitisation by the Commission on human rights abuse because not so many citizens knew what human rights violations were.

CHAPTER 5

COLLABORATION AND NETWORKING

A. STATE REPORTING

United Nations Committee on the Elimination of All Forms of Discrimination against Women

On Thursday, 1 February, 2007, the Commission through the Director, Mr. Enoch Mulembe, made a key note lecture on the *Reporting Guidelines under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* to the Validation Workshop on Zambia's Combined 5th and 6th State Report to the United Nations Committee on the Elimination of All Forms of Discrimination against Women. The workshop was organized jointly by the Gender in Development Division (GIDD) and the Ministry of Justice (MOJ) and was held at the Mulungushi International Conference Centre (MICC).

Preparatory Meetings for the Presentation of Zambia's Report on Implementation of the International Covenant on Civil and Political Rights (ICCPR) to the Human Rights Committee

The Commission also participated in a number of preparatory meetings on Zambia's State report to the United Nations Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR). The report was eventually considered by the Committee.

B. LAUNCH OF HUMANITARIAN LAW COURSE AT THE NATIONAL INSTITUTE FOR PUBLIC ADMINISTRATION (NIPA)

The Acting Chairperson, Mrs Pixie Yangailo, was the Guest of Honour at the Launch of the Humanitarian Law Course at the National Institute for Public Administration (NIPA) on Friday 2 February, 2007. The three months long course was intended to equip participants on human rights principles in general and humanitarian law in particular. Mrs. Yangailo made a key note speech on the importance of human rights and humanitarian law in the general framework of the world socio-economic and political order.

C. PRESENTATION ON BLOODLESS MEDICINE

The Commission played host to the Hospital Liaison Committee for Jehovah's Witnesses to discuss the issue of *Bloodless Medicine* on Thursday 8 February, 2007. The Jehovah's Witnesses doctrine does not allow for such things as blood transfusions and since this has consequences vis-à-vis human rights, in particular the rights to life and health of children, the two parties shared their views on the matter. The Hospital Committee left a number of materials for the Commission to make reference to. This was the second time in the life of the Commission that such a meeting had been held.

D. LAUNCH OF REINTEGRATION OF STREET KIDS PROGRAMME

The Director, Mr. Enoch Mulembe, was an invited guest at the Launch of the Reintegration of Street Kids Programme by the Ministry of Community Development and Social Services (MCDSS). The programme was launched by Honourable Catherine Namugala, MP, Minister of Community Development and Social Services on Friday 9 February, 2007. The launch took place in Lusaka at the junction of Church Road and Cairo Road opposite the Lusaka Main Post Office and adjacent to Central Park.

E. COMMONWEALTH NATIONAL HUMAN RIGHTS INSTITUTIONS CONFERENCE

Mrs Pixie Yangailo, Acting Chairperson, and Mr. Enoch Mulembe, Director, attended the *Commonwealth National Human Rights Institutions Conference* which took place in London from 26 to 28 February, 2007. The Conference discussed various areas of common interest, particularly how NHRIs can collaborate with the Commonwealth Organisation to ensure the effective promotion and protection of human rights in Member States. The participants also agreed to form a Forum for Commonwealth National Human Rights Institutions to act as a coordinating body.

F. MEETING WITH THE SAVE THE CHILDREN SWEDEN GOVERNING BOARD

On Thursday 15 March, 2007, the Commission hosted a delegation from Sweden, the Governing Board of Save the Children Sweden. The meeting discussed various areas of cooperation in the area of children's rights. Save the Children Zambia has been assisting the Commission in the process leading to the setting up of the Office of Commissioner for Children's Rights.

G. TOUR OF UNITED KINGDOM PRISONS AND RELATED INSTITUTIONS

The British High Commission in Zambia sponsored a tour of prisons and other facilities in the United Kingdom in April/May, 2007. The Director, Mr. Enoch Mulembe, was in a delegation of three, the others being then Commissioner of Prisons, Mr. Jethro Mumbwa and Mr. Mwanakatwe, Principal State Advocate in the Office of the Director of Public Prosecutions.

The delegation visited a number of high, medium and low security prisons in a number of cities in England, a prison officers training college, a juvenile prison for boys and a women's prison. The delegation also visited and talked to senior officials in various administration of justice institutions and made a courtesy call on the Zambian High Commissioner to the United Kingdom.

H. PARLIAMENTARY LIAISON

The Commission appeared before some Parliamentary Committees to present its position on a number of matters that came before the Committees for consideration. The Director made the following submissions:

- (i) Memoranda of the Director, Human Rights Commission, to the Committee on Legal Affairs, Governance, Human Rights and Gender Matters, on the following:
 - *Criminal Justice System and Congestion in Zambia's Prisons* - Monday 21 May, 2007
 - *Penal Code (Amendment) Bill (NAB 19/2007) and the Matrimonial Causes Bill (NAB 21/2007)* - Monday 23 July, 2007
- (ii) Memorandum of the Director, Human Rights Commission, to the Committee on Estimates on the Consideration of the Excess Expenditure Appropriation (2004) Bill (NAB 13/2007) - Wednesday 25 July, 2007
- (iii) Memorandum of the Director, Human Rights Commission, to the Committee on National Security and Foreign Affairs on the *Anti-Terrorism Bill (NAB 24/2007)* - Tuesday 31 July, 2007.

I. INAUGURAL MEETING OF THE NATIONAL COORDINATING MECHANISM (GREAT LAKES REGION)

Zambia is a Member State of the International Conference on the Great Lakes Region (IC/GLR). It was formed in 2004 to respond to problems of conflict in the Great Lakes Region. The body is made up of Angola, Burundi, Central African Republic, Democratic Republic of the Congo, Kenya, Republic of Congo, Rwanda, Tanzania, Uganda, Sudan and Zambia. The vision of the Member States is to transform the Great Lakes Region into a space of sustainable peace and security for the States and peoples, political and social stability, shared growth and development.

An inaugural meeting of the National Coordinating Mechanism (NCM) was convened on Tuesday 14 August, 2007. The Commission is represented on the NCM by the Director under the thematic area “Democracy and Good Governance”, specifically for the area in Human Rights. The meeting was followed by a Strategic Planning Workshop at Lilayi Lodge held from Monday 19 to 22 August, 2007. Several meetings of the NCM followed during the course of the year.

J. NATIONAL CONSTITUTIONAL CONFERENCE

Following the enactment of the National Constitutional Conference Act No. 19 of 2007 (NCC Act), the Human Rights Commission was included as a member pursuant to Section 4(1)(g)(vii). The Commission submitted the names of the Acting Chairperson, Mrs. Pixie Kasonde Yangailo and the Director, Mr. Enoch Mulembe, as its representatives on the NCC.

K. AFRICAN PEER REVIEW MECHANISM (APRM) BRAINSTORMING SESSION

The Commission participated in a brainstorming session of the African Peer Review Mechanism (APRM) held at Mulungushi international conference centre from 22 to 24 August 2007.

African Peer Review Mechanism is an instrument voluntarily acceded to by Member States of the African Union as an African self-monitoring mechanism. Its primary purpose is to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration through sharing of experiences and reinforcement of successful and best practice, including identifying deficiencies and assessing the needs of capacity building. Across the African continent, participants in workshops have listed the following as benefits of African Peer Review Mechanism:

- Improving the quality of governance
- Finding solutions to problems that might be neglected or marginalised
- Deepening democracy and strengthening national institutions
- Building national consensus and political trust needed to find new solutions
- Boosting the image of the nation and continent with investors and development partners

The Commission was also represented at the Civil Society Organisations APRM (CSO-APRM) Secretariat launch held on 31 August 2007 at the Forum for Democratic Process (FODEP) offices. The Secretariat would facilitate the sharing of experiences among stakeholders in order to foster good governance in the country. At the same occasion, the Transparency International Zambia (TIZ) representative told the guests that this process Zambia had started was a testimony of stakeholders’ desire to engage fully with the APRM process. It would review what was working and what could not work concerning the situation on the ground.

The CSO APRM Steering committee is a consortium of nineteen (19) non-partisan, non-profit making civil

society organisations, private sector and professional bodies whose mandate includes the promotion of good governance and democratic governance, development, economic growth, human rights protection and open participation in the implementation of the APRM process. Membership to the CSO Steering committee is open to civil society organisations that promote democracy and good governance.

The Minister of Justice, Mr George Kunda SC, MP, officially launched the CSO APRM Secretariat on Friday 31 August 2007. In his opening remarks, he thanked all the cooperating partners present for their time and support rendered to Zambia in the struggle for economic, political and social development. The Minister narrated to the invited guests his experiences during his time as a civil society advocate some years back.

The Minister also thanked the organisations that participated at the brainstorming workshop held at Mulungushi International Conference Centre from 22 to 24 August 2007. The brainstorming workshop allowed all stakeholders to chat the way forward in coming up with objectives of APRM in Zambia. There was need for structured dialogue during the APRM process in Zambia. The APRM Secretariat was urged to work closely with Civil Society to ensure a successful process. The Minister further stated that the Ministry of Justice would remain as a focal point until a National Governing Council was formed. He urged all stakeholders to fully participant in the APRM process in Zambia and Africa at large.

The Civil Society APRM Secretariat had been established to compliment the work of the National ARPM Secretariat hosted by the Governance Secretariat in the Ministry of Justice. Its main aim was to harness the joint efforts of CSO participation and input in the APRM process.

L. WORKSHOP/TRAINING FACILITATION FOR OFFICE OF THE PRESIDENT SPECIAL DIVISION 28 AND 29 MARCH, 2007

The Chief of Research and Planning, Mrs. Hope Chanda, facilitated at a training workshop for officers of the President's Special Division Office on issues of human rights in general in March 2007. The presentation covered the general principles and concepts of human rights, the mechanism for human rights protection at the international level, i.e. the Bill of Rights and the six major treaties, and human rights protection at the domestic level.

Issues that arose during the discussions following the presentation included:

- i) A request and need for increased sensitisation of the public on issues of human rights
- ii) Issues of rights and related responsibilities;
- iii) Issues of the 'perceived' negative consequences of women and children's rights

It was observed, however, that the time set for the presentations was limited and it was recommended that for better impact and understanding a longer period be set in future for similar exercises.

M. CHILD RIGHTS PROGRAMMING (CRP) COURSE

The Commission participated in a four day training workshop on Child Rights Programming held at Kafue Gorge from 18 to 21 June 2007. The course was organised by Save the Children Norway to introduce child rights programming in order for the partners to use the approach in child programs. The objectives of the course were as follows:-

1. To achieve a common understanding of the key principles and characteristics of child rights programming (CRP).
2. To develop knowledge, understanding and confidence in integrating a CRP perspective throughout the

programme cycle, including familiarisation with core CRP tools.

3. To identify the practical implications for integrating CRP across the programme cycle, with commitments made by each participant to taking CRP forward within their organisation.

N. PROTECTION OF WHISTLE BLOWERS

Commissioner Alfred Sakala and then Principal Legal Counsel, Mr. Ju Lungu Matenda, represented the Commission at a two-day workshop on 11 and 12 January, 2007 at the Holiday Inn Hotel on the Protection of Whistleblowers. The workshop was organized by Transparency International Zambia (TIZ). Commissioner Sakala presented a paper on the *Role of the Human Rights Commission in the Protection of Whistleblowers*.

O. LAW ENFORCEMENT, JUDICIARY AND HUMAN RIGHTS

On 20 June, 2007, Mr Jew Monde, Principal Investigations Officer, was a Resource Person at a law enforcement officers' sensitization workshop where he made a presentation on *Human Rights* to 98 police officers, ranging from the rank of Sergeant to Senior Superintendent, in relation to their promotion examinations as law enforcement officers. The workshop was held at Sondela, now known as Godfrey Mukuma Paramilitary Camp.

Mr. Monde was also one of the Resource Persons at an In-house Training Workshop for the Judiciary on *Sexual Harassment in the Work Place*. The training was a joint initiative between the Judiciary, the Gender in Development Division (GIDD) and the Zambia Police Service Victims Support Unit (VSU). Mr Monde's presentation was on the main international human rights instruments, specifically the rights of women and non-discrimination. The Commission was invited to provide resource persons through GIDD.

On 19 September, 2007, Mr. Monde was a resource person at an Anti-Corruption Commission workshop. He delivered a lecture on the following topics:

- Historical background of human rights
- Key international human rights instruments and their relevance to the Anti-Corruption Commission
- Zambian Constitution and human rights
- Mandate of the Human Rights Commission and possible areas of collaboration with the Anti-Corruption Commission

CHAPTER 6

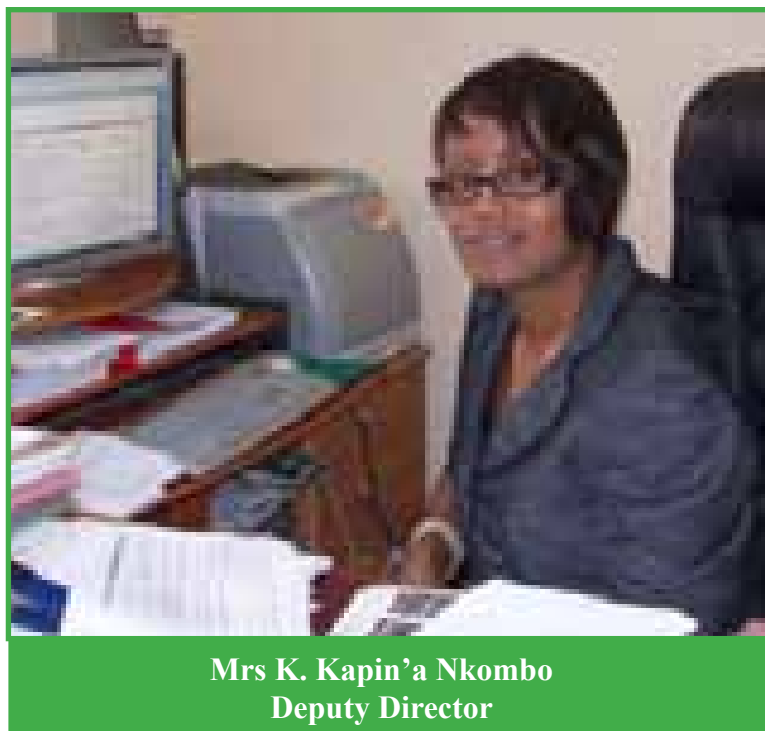
STAFF AND OPERATIONS

A. STAFF

During the year 2007, the Commission continued to experience the usual limitations in terms of its operations. The staffing position improved a little, with 46 permanent staff as opposed to an approved establishment of 131. Eighty-four positions could not be filled due to limitations on the 2007 budget and, thus, remained vacant.

Early in the year, the contract of Mr. Oswald Y. Katakwe, Deputy Director, came to an end on 30 April 2007 and was not renewed. Mrs Hope M. N. Chanda, Chief of Research and Planning, was appointed to act as Deputy Director for administrative convenience. The position was then advertised and the successful candidate, Mrs K. Kapin'a Nkombo, was appointed as the new Deputy Director. She reported for duty on 17 December, 2007.

Interviews for the positions of Investigations Officer (4) and Senior Investigations Officer (1) were conducted between 18 and 23 July, 2007. The successful candidates reported for duty on various dates in September and October, 2007. The Commission also welcomed the new Principal Legal Counsel, Miss Rumbidzai Mutasa, who reported for duty on 15 October, 2007.

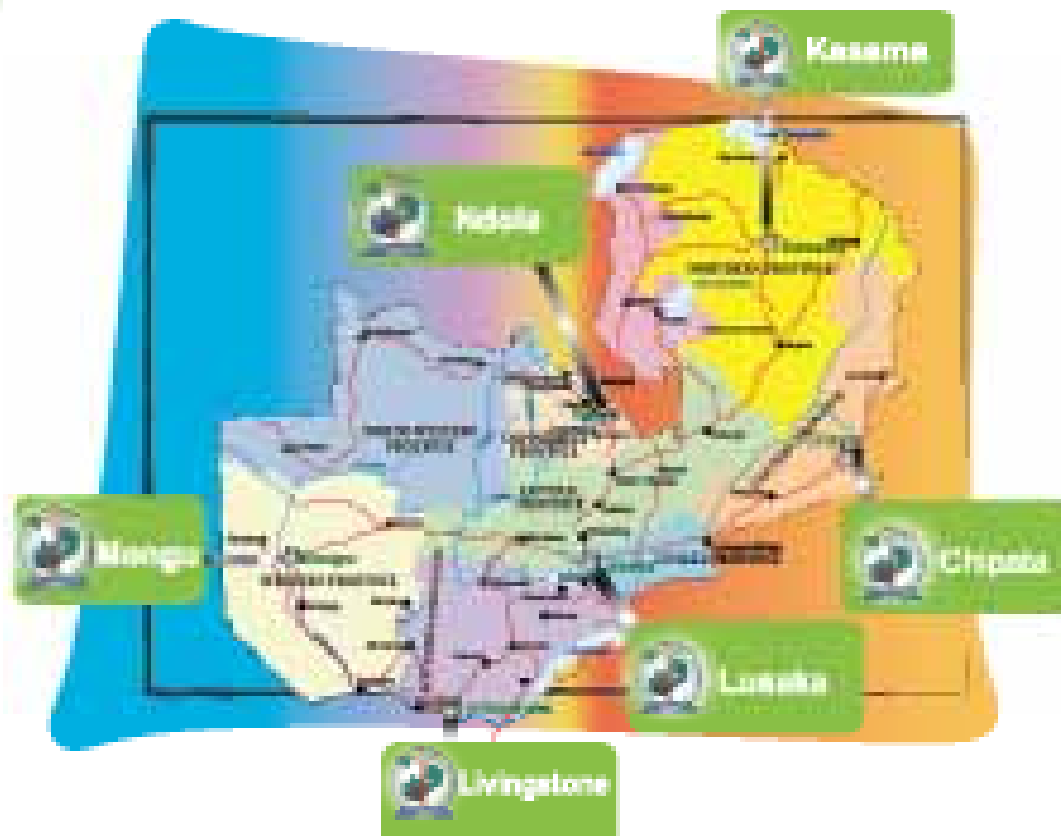


Mrs K. Kapin'a Nkombo
Deputy Director

B. DECENTRALISATION

As has been reported before, in the year 2003 the Commission embarked on a decentralisation programme aimed at establishing offices in Zambia's provinces outside Lusaka. By 31 December, 2006, the Commission had five provincial offices located in Chipata (Eastern Province), Kasama (Northern Province), Livingstone (Southern Province), Mongu (Western Province) and Ndola (Copperbelt Province). The decentralisation of the Commission is aimed at enhancing the Commission's visibility and accessibility countrywide and bringing its services closer to the rural communities.

The decentralisation process drew financial and material support from the Royal Norwegian Embassy, the United Nations Development Programme (UNDP) and the Government of the Republic of Zambia. In 2007, the Commission concentrated on consolidating its existing offices and did not spread to the remaining provinces, i.e., Central, Luapula and North Western Provinces. The Commission, however, intends to revive its expansion when the staffing levels improve and funding for decentralisation is secured.



Map of Zambia showing location of Human Rights Commission offices as at 31 December 2007

C. TRAINING, MEETINGS AND CONFERENCES

During the year under review, the Commissioners and staff of the Commission took part in the following trainings, meetings and conferences:

- Mr. Enoch Mulembe, the Director attended a *Capacity Development Workshop on International and National Human Rights Frameworks relating to HIV/AIDS* organized by United Nations Development Programme (UNDP). The workshop was held in Johannesburg South Africa from 19 to 20 April 2007.
- Mr. Samuel Kasankha, the Chief Information, Education and Training officer and Mrs. Elizabeth Chileshe, Head Human Resources and Administration attended a workshop on the *Human Rights Based Approach to Development for African National Human Rights Institutions*. The workshop was held in Nairobi Kenya from 25 to 29 April 2007.
- Mr. Jew Moonde, Senior Investigations Officer, attended a regional workshop on *Children's Rights to a Life Free from Corporal Punishment*. The Workshop was held in Capetown, South Africa from 14 to 17 May 2007.
- The Commission held an all- staff workshop at Chaminuka Nature Reserve on Team Building from 13 to 17 May 2007. Mind Solutions, a human resource consultancy was contracted to conduct the workshop.
- The Director Mr. Enoch Mulembe attended a Policy Advisory Group seminar entitled *Africa's Evolving Human Rights Architecture*. The seminar was convened in Cape Town, South Africa from 28 to 29 June 2007.

- Mr. Enoch Mulembe, Director, Mrs. Hope Chanda, Acting Deputy Director and Chief of Research and Planning, and Mr. Samuel Kasankha, Chief of Information, Education and Training, attended a training Meeting on *Colloquium on Dialogue on International Human Rights* from 16 to 19 September, 2007, in Nairobi, Kenya. The meeting, organised under the auspices of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law of Sweden, brought together a few representatives of regional national human rights institutions.
- Commissioner Alfred Sakala attended the *Sixth Conference of African Human Rights Institutions*, from 8 to 10 October 2007 and organized by the National Commission for Human Rights of Rwanda and United Nations High Commissioner for Human Rights in cooperation with United Nations High Commissioner for Refugees in Kigali Rwanda.
- The then Acting Chairperson, Mrs Pixie Yangailo, attended the *Commonwealth National Human Rights Institutions Meeting* held in Kampala Uganda from 18 to 21 November 2007. Mrs. Yangailo also attended an International Conference organized by the Egyptian National Council for Human Rights in conjunction with UNESCO in Cairo Egypt from 3 to 4 December 2007.
- During the course of the year, members of staff participated in HIV/Aids Preventive Training Sessions every Friday as part of activities in the HIV workplace programme. The sessions were facilitated by Kara Counselling, and a Mr. A. Howard, a gentleman that had been living with HIV/Aids for 10 years. The sessions involved motivational talks and talks on positive and healthy living, confidentiality, stigma and discrimination and prevention. The Commission also purchased books and other readings for use by staff.

Table 11: Number of Staff as at 31 December 2007

	POSITION	APPROVED ESTABLISHMENT	ACTUAL
1	Director	1	1
2	Deputy Director	1	1
3	Chief Information and Education	1	1
4	Chief Research and Planning	1	1
5	Chief Investigations and Legal Services	1	1
6	Head, Human Resource & Administration	1	1
7	Head, Finance and Accounting	1	1
8	Principal Legal Counsel	1	1
9	Principal Investigations Officer	1	1
10	Principal Research & Documentation Officer	1	-
11	Principal Planning & Collaboration Officer	1	-
12	Principal Information Officer	1	-
13	Principal Education Officer	1	-
14	Legal Counsel	2	-
15	Senior Investigations Officer	2	1
16	Investigations Officer	7	4
17	Planning & Programme Development Officer	2	-
18	Research and Collaboration Officer	1	-
19	Information Officer	2	-
20	Education & Training Officer	2	-
21	Materials Production Officer	1	-
22	Photographer	1	-
23	Camera Person	1	-
24	Visual Aids Technician	1	-
25	Administrative Officer	1	1
26	Purchasing & Supplies Officer	1	-
27	Human Resources Officer	1	-

28	Personal Assistant	1	1
29	Personal Secretary	1	1
30	Secretary	2	2
31	Stores Officer	1	-
32	Accountant	1	1
33	Internal Auditor	1	1
34	Assistant Accountant	2	2
35	Accounts Assistant	2	2
36	Provincial Co-ordinator	2	-
37	Provincial Education & Information Officer	2	-
38	Senior Investigations Officer (provinces)	2	-
39	Investigations Officer (provinces)	2	-
40	Registry Officer	1	-
41	Librarian	1	-
42	Registry Clerk (Investigations)	3	3
43	Committee Clerk	3	2
44	Registry Clerk (Policy)	2	2
45	Telephonist/Receptionist	1	1
46	Receptionist/Typist (Provinces)	2	
47	Driver/Mechanic	11	11
48	Classified Daily Employee	4	4
49	Office Orderly/Cleaner (provinces)	2	-
	TOTALS	129	48

CHAPTER 7

NATIONAL AND INTERNATIONAL COOPERATION

As stated earlier in this report, the year 2007 marked the Tenth Anniversary of the Human Rights Commission. The Commission began its operations in 1997. In all that time, it has benefited from support made available by a number of cooperating partners. This support provided an important supplement to the Government funding and enabled the Commission to undertake a number of important activities and to acquire important equipment such as motor vehicles, computers and other office and field equipment. During 2007, the Commission received support from the Embassy of Finland, Save the Children Sweden and Norway and the United Nations Development Programme (UNDP).

A. FINNISH SUPPORT

During the year, the Commission continued to make use of support from the Embassy of Finland to complete the strategic planning process. As indicated in the 2006 Annual Report, the development of the Strategic Plan was made possible by the Embassy of Finland in conjunction with the UNDP.

B. SAVE THE CHILDREN ZAMBIA SUPPORT

During the year, the Commission continued to cooperate with Save the Children Norway and Save the Children Sweden (together referred to here as Save the Children Zambia) in activities towards the promotion and protection of children's rights. The cooperation between the partners is aimed at enhancing the Commission's capacity to protect the rights of children. In particular, the Commission and Save the Children Zambia continued working towards the establishment of the Office of Commissioner for Children's Rights. This office will operate within the general framework of the mandate of the Human Rights Commission, with a special focus on the rights of children. The activities sponsored under this support have been outlined earlier in the report.

C. UNITED NATIONS DEVELOPMENT PROGRAMME SUPPORT

The United Nations Development Programme (UNDP) continued its support to the Commission in 2007. The UNDP supported the Commission in a number of activities, including support to the Commission's development of its first ever Annual State of Human Rights Report and sponsoring a number of trips to important regional meetings and conferences. The UNDP also supported, in conjunction with the Finnish Embassy, the development of a new Strategic Plan for the Human Rights Commission.

CHAPTER 8

SELECTED PRESS STATEMENTS

REMARKS MADE BY THE ACTING CHAIRPERSON OF THE HUMAN RIGHTS COMMISSION AT A PRESS BRIEFING HELD IN THE COMMISSION BOARDROOM ON THURSDAY, MARCH 22, 2007.

My Esteemed Colleagues from the Press, Ladies and Gentlemen

We have invited you here today so that we share the Human Rights Commission's views with you, and through you, with the rest of country, on a few matters of public interest, which have direct or indirect bearing on people's human rights. There have been a lot of events and occurrences within Zambia lately which have aroused serious public debate.

Illegal Detentions and the Right to Personal Liberty

The Commission shares the concerns of the Inspector General of Police, Mr. Ephraim Mateyo, on the practice of illegal arrests and detentions by police. The right to personal liberty is a fundamental human right enshrined in Article 13 of the Constitution of Zambia and in the international human rights instruments that Zambia has ratified or acceded to. It must be realized by all, and the police in particular, that the liberty of a human being must not be taken lightly. Deprivation of liberty must be based on a well founded suspicion that the person being deprived of his or her liberty is reasonably suspected to have committed an offence or was about to engage in criminal activity which warrants such deprivation.

When executing its mandate to inspect prisons and other places of detention like police cells, the Commission has usually come across numerous cases of persons being held by police often on grounds that cannot be explained or even justified. People are detained for lengthy periods of time without charge or being brought promptly before a court of law to allow the due process of law to take its course. In some cases, the detainees have complained that while they were initially charged with a particular offence, the police later dubiously change the charge, usually to a more serious one such as armed robbery, in order to ensure the prolonged detention of a person. This is not only illegal but is also of the utmost cruelty.

While the police have the duty to ensure that they protect society from criminal elements, this is not a licence to blatant abuse of people's fundamental rights. In saying so the Commission will not accept the accusation often labelled against it that it condones crime by speaking out on the treatment of suspects, who, admittedly often commit grievous crimes such as armed robbery and murder. That is far from the truth. The Commission's interest and duty is to ensure that human rights standards are respected regardless of who is involved. The rule of law must be upheld without compromise. Ultimately, a culture of respect for human rights, even rights that accrue when a person comes into conflict with the law, is in the best interest of every person who lives in this country, regardless of the status they occupy. At one time, each one of us may require the protection of the law in the event that we come into conflict with the law for one reason or another. If we let lawlessness to prevail, we are all in danger of being abused by those who have the power of arrest and detention. This includes police officers themselves and they must not forget that.

The police and other law enforcement authorities must be professional and show an example that they respect and observe the law. The Commission understands the pressure that is on these bodies to perform and show good results. However, cutting corners in investigations and using illegal means is a sign that the police have failed in their duty to do a professional job and want to resort to breaking the same law they are supposed to uphold. It is a sign of professional incapacity. Top among the priorities of the police in their efforts to maintain law and order is the need to respect and observe human rights as enshrined in the National Bill of Rights. Any

limitations on the enjoyment of the rights in that Bill must be within the confines of the law and should be judicially sanctioned.

We urge the Zambia Police to support the Inspector General in his effort to correct the situation. As the Inspector General said, detentions should not exceed the period required by law. That is why before an arrest is made the police must be sure that they have a good case.

Prison Congestion

Ladies and gentlemen, the Commission takes note that the Government is trying to put in measures to help decongest the prisons. Congestion in prisons has plagued this country for a long time, resulting in the violation of the rights of those who are kept in those facilities. Often, the conditions in prison are far below the standards required for human habitation. The deplorable conditions are a direct assault on human dignity. Although the Commission is cognizant of the fact that advocating improvement of prison conditions often does not go down well with the public generally, especially in the face of so many other socio-economic challenges, we cannot avoid the fact that those are human beings that are being kept in those dilapidated facilities. Calling for better conditions should not be viewed as a desire to have convicted criminals live in luxury at the expense of the community they have offended. It is simply an acknowledgement that human dignity must be respected and the minimum requirements for its promotion maintained.

The Commission is, therefore, happy that the Government has this issue on its table to try to find solutions. The issues that the Commission would like to see addressed include, among others:

- the problem of dispatching prohibited immigrants;
- expedition in trials to avoid prolonged stay in detention;
- expansion and improvement of prison facilities and diet;
- the problem of young children and babies in prison;
- separation of juveniles from adult inmates;
- provision of suitable detention facilities for female suspects at police stations and posts;
- improvement of medical facilities; and
- improvement of rehabilitation and recreation.

In the same vein, the Commission continues to urge the Government to give the improvement of conditions of service for police officers and prison officers the urgency it deserves. In its tours of prisons and police cells round the country, the Commission has come across a sorry state of affairs with regard to the conditions under which our officers serve and live. The job they do is a difficult but noble one and their conditions of service must be commensurate with the dictates of their employment. It has been our long held belief at the Human Rights Commission that a contributing factor to the abuse and torture of suspects is the lack of morale among the officers and also frustration. They tend to let out steam on those that cross their path in the form of criminal suspects.

Though we trust and believe the relevant authorities are attending to the matter, we urge expedition. Our officers also need to enjoy their employment and living conditions. That way, we will also be able to attract more young people to this noble and useful profession to help fight crime.

Illegal Allocation of Plots and Construction of Houses

The Commission, ladies and gentlemen, has noted with regret the current widespread practice of individuals, political parties and other unqualified agents allocating residential and other types of plots. There has been a corresponding increase in houses and other structures being constructed without due regard to legally constituted regulations that govern these activities.

These practices have resulted in unplanned development, which aside to adding no beauty to our towns and cities,

also raises grave environmental concerns. A lot of our people are engaged in these activities for monetary gain, but also because there has not been adequate sensitization on the need to follow the law regarding distribution of land and construction of buildings.

Every effort must therefore be made by those concerned to properly and effectively teach the people what the regulations state. We strongly urge all Zambians to aspire to own land and other property but to do so legally.

Some of these structures are reported to have been constructed in places where they pose a potential danger to human lives and must necessarily be demolished. For instance, some houses are built on top of sewer and other lines servicing the very people inhabiting the city. We can only urge the relevant authorities to give ample notice for such people to vacate the buildings and find alternatives.

We are mindful of the potential violations of rights where our own people can become internally displaced and in need of assistance to have shelter and food in the event of hurried demolitions done without ample warning. These potentially devastating consequences can be avoided if there is cooperation among all involved. We therefore urge a calm and well coordinated plan to rectify a wrong that was left unchecked over a long period of time. It is a reminder to the authorities that what we are seeing are the consequences of lack of care for regulated development. The authorities stood by and let the situation unfold to uncontrollable levels.

We similarly urge a very cautious approach to the removal of street vendors. It cannot be denied, ladies and gentlemen, that street vending is a direct product of harsh economic realities with a lot of our people managing their lives without steady jobs and other sources of income. The State is obligated to ensure its people have sources of income and as many outlets, such as markets, shopping malls and complexes should therefore be made available to as many people as possible and should be fairly distributed.

Despite the foregoing, the Commission does not condone street vending. Apart from the fact that it makes our cities and towns dirty and ugly, there are other risks. For instance, the situation along Freedom Way in Lusaka had grown to such a level that there was a direct danger to the lives of those found trading on that road. People were literally sitting in the road itself, some with babies and very young children accompanying them. That is a busy road and it is only a matter of time before a major disaster occurs.

The Commission supports the efforts of the Ministry of Local Government and Housing and the local authorities in trying to correct the situation but urges the implementation of a well coordinated plan which will bring a long term solution. Furthermore, this is not the time to take measures that are merely politically expedient but are in the interest of all the citizens and residents of this country. The Commission also urges the public to cooperate even in these difficult circumstances. Enjoyment of human rights, including the right to pursue happiness and economic and social wellbeing does not entail the promotion of lawlessness.

Matters Affecting Children

Children remain a vulnerable group requiring constant and special nurturing and attention. There can be no denying the potential damage to children's lives if they are left without due care and attention. They can be taken advantage of by adults just as they can be misdirected through peer and other influences.

The Commission urges a commitment to upholding the requirements of the Convention on the Rights of the Child, of which Zambia is a signatory. The Government must expedite the domestication of the CRC to effectively protect the rights of children. Zambia ratified this instrument more than a decade ago. By now, we should have assessed, as a country, how best to incorporate the Convention into our national legal system.

We wish to make specific reference to the following matters that concern children:

Street Children: We applaud some of the measures undertaken by the State to rehabilitate street children and give them life saving skills. This nevertheless has affected but a fraction of the total population of children making life in the streets. We urge for a more coordinated approach which will harness the efforts of the State,

the NGOs, the Church, orphanages, and the general citizenry. Although the State is primarily responsible for ensuring the welfare of children, the problems are such that more concerted effort should be made to help alleviate the problem of street children.

Defilement of Children: Reported cases of children being defiled by full grown adults continue to fill the pages of our newspapers and make lead news stories. Defilement is a serious violation of child rights, which mostly affects their right to health just as it has long lasting psychological effects on the victims. While calling for vigilance against such criminally minded persons, we urge parents and other guardians of children not to neglect them in any way as that makes them vulnerable to criminally minded persons. Parents and guardians who are known to have willfully neglected their children should be prosecuted accordingly.

Of particular concern to the Commission is that children are often defiled by persons they should trust the most such as fathers, uncles and grandfathers. This is tragic.

However, even as we recognize the seriousness of the situation, we still urge respect for human rights even in this situation. It is understandably difficult but the Commission urges level headedness. The Commission, therefore, has reservations on calls for defilement to be non-bailable. We reiterate that as we advocate for a culture of respect for human rights, it must not result in the erosion of some rights. As I have said earlier, the right to liberty is a critical human right and must not be deprived unless in circumstances which are extremely compelling. This is not the time to be emotional when dealing with an issue like defilement. We must instead concentrate our efforts on strengthening the law to such a level that it will deter would be offenders.

Child Labour: Children must be protected from such assignments as will take them away from their academic and other school pursuits. The primary concern of every parent and guardian should be to ensure that their children and wards attain universal education, not to preoccupy them with activities that constitute child labour. Parents, guardians and other adults must be sensitized to understand what constitutes child labour. They must also understand that sending children to do tasks like selling in the streets makes them vulnerable to vices like prostitution, prohibited drugs and even defilement. The Commission will, on its part, take every opportunity to educate the public on the dangers of child labour.

Free Education up to Grade 12: The Commission would like to add its voice to the Honourable Members of Parliament, both on the front and back benches who spoke favourably for free education to Grade 12 level. Education for all is a must towards the fulfilment of all human rights. Much as we realize there are serious financial bottlenecks standing between this ideal and its realization, we urge that everything be done to achieve it. We particularly urge parents and guardians to enrol girl children in schools and totally eliminate the gender imbalances that have previously dominated the formal education system.

Access to education ensures access to a whole range of human rights. In today's world, a child needs education to improve his or her chances of finding suitable employment and thereby improve their standard of living. Education enhances human dignity and respect to which we are inalienably entitled. Education improves one's ability to access information and thus helps them participate in decision making processes. In today's complex and inter-connected world, it is good education which helps run the affairs of any country. Education improves one's ability to understand the many issues that affect us and to find solutions to problems. The list of the benefits of education is, indeed, long.

The Commission welcomes this development and urges the Government to ensure that every child in Zambia benefits.

Child Trafficking: This problem is very real in Zambia today as it is in many parts of the world. However, our people are largely ignorant of its existence and will therefore easily fall prey to traffickers. The Commission will join hands with other interested parties to ensure that people are sensitized about human trafficking and can counter it wherever it occurs. We urge other concerned parties to join hands in ensuring that we combat this vice.

Let it also be known that trafficking does not end at children but that adults have also been duped into going abroad or overseas in the belief that they are going for studies or to take up lucrative jobs when they will end up as slaves. Our people must be wary of attractive offers of scholarships and jobs abroad and overseas. While it is the aspiration of every human being to better their education or to find a good job here or abroad, the Commission urges caution as traffickers are exploiting the vulnerability of most people, especially girls and young women, to lure them into slavery.

The Fight against Corruption

We fully applaud every effort that is made to halt corrupt practices and to bring its perpetrators to book. Corruption retards development. It negates virtually all the rights of the people and therefore should be dealt with ruthlessly.

As a Commission we agree on the need for Government to enact a Whistleblowers Act which will shield whistle blowers on corrupt practices and encourage more people to report the vice.

We hope, nevertheless, that those alleged to be involved in corruption will be allowed to appear before courts of law so that the full judicial process is exhausted before we can declare people guilty or not. The Commission urges everyone to desist from trying people through the press because none is guilty until so proven by the courts. While it is not the intention, nor the place of the Commission to unduly inhibit the freedom of the press, we are concerned with the manner certain stories portray situations. If we are crying for freedom of the press and of expression, we must not in the process violate the right to a fair trial and other relevant rights of those accused of crimes. It does not do us any good to insist on the State upholding certain rights while we ignore, or are insensitive to, the erosion of other fundamental rights and freedoms. True advocates of human rights should not be selective and emphasise only those rights that suit their situation. If we do that, we risk going into the realm of hypocrisy.

The Flood Situation in Zambia

Ladies and gentlemen, you will be aware that the rains have this year come with a ravage, destroying crops, infrastructure and generally causing harm in many parts of the country. This situation has the potential to affect the right to food, the right to shelter, the right to education, the right to health and many others.

The Commission is particularly concerned that the affected populations are some of the most vulnerable in the country. They already live in difficult rural conditions and they risk being subjected to more difficult situations. We urge a quick and sustained response, not only by Government but all those that have the capacity to make a difference, including Zambia's cooperating partners.

Political Stability in the Country

Zambia is a multiparty democracy. This calls for a multiplicity of ideas and views on all aspects of governance. It calls for tolerance of the many alternative views and opinions in every sphere of our lives. There cannot be any single individual or groups of persons that have the exclusive right to interpretation of matters affecting the people of Zambia.

Those in Government must play their roles totally mindful that they will be opposed and that alternatives will be offered. Those in opposition, those in NGOs, the Church and interested parties will look out for areas where they disagree and make themselves heard. As long as the criticism is constructive and devoid of ulterior or sinister motives, this is as it should be if we are to safeguard Zambia's fledgling democracy. There is no room in our system of governance for physical confrontation, abusive and obscene language to describe one another. After close to sixteen years of experimentation with the multiparty system, we believe that political parties should be mature enough to not view one another as ENEMIES but mere OPPONENTS on the other side of the political divide. Some must run Government while others wait for their turn.

We therefore urge a more mature and more cordial approach to the way our political parties deal with each other. The culture of tolerance must be nurtured fully. It must be remembered that all the people of Zambia have the right to directly or indirectly participate in the public affairs of the country and in its governance. It is the

vehicle through which the people chart their destiny. Our politicians should ensure that they debate issues and not personalities. They will not be here forever and should provide a good example to our youth. We can be firm but respectful when we advocate a cause. There is no need for name calling which does not add any value to the confrontation of the country's many problems, but instead just causes aggressive and defensive reactions in the other party.

My Esteemed Colleagues from the Press, Ladies and Gentlemen, it is not my intention to keep you here for unduly long. May I end by stating that the Commission views you as valuable partners in the fight to create a Zambia that is free of human rights violations, a Zambia where the inhabitants understand their rights and responsibilities. We urge you to soldier on and fearlessly bring out instances of rights abuse as and where they occur.

Thank you and God bless you all.

20 June 2007

DISPLAY OF DEAD BODIES AND ARREST OF DOCTORS

Pixie Yangailo

Acting Chairperson

The Human Rights Commission is concerned at the manner in which the slain suspected criminals' bodies were displayed before the press as seen in The Post Newspaper of Tuesday 19 June 2007. While the circumstances as reported seem to have justified use of deadly force by the police, it is absolutely not in good taste and not in line with the respect due to human beings to display them in the manner shown. The Commission appeals to the police to develop the practice of covering dead bodies and not to expose them anyhow. The Commission does not in any way condone criminal activities, especially where criminals use fire arms. However, in the event that lethal force is used and results in death, it is imperative that human bodies be properly covered in interest of human decency and dignity.

In the same vein, the Commission reminds the police that the only time they have the authority to deprive someone of his or her liberty is when there is reasonable suspicion that they have committed or are about to commit an offence. Being annoyed about someone's disagreement about an issue does not justify deprivation of liberty and it is illegal. The Zambia Police should be the first institution to observe the law they are charged to enforce. Zambia is governed by laws which require strict adherence to properly laid down procedures and rules, including respect for human rights and fundamental freedoms. Police officers have no legal licence to pick up anyone arbitrarily. It is paramount that the police observe the law even as they demand the same from the public. The Commission is, however, pleased that the matter seems to have been amicably resolved between the affected doctors and the police officers.

9 January 2007

TRAGIC DEATH OF PROF. ALFRED CHANDA

Enoch Mulembe

Director

The Human Rights Commission would like to express its profound shock on the occasion of the tragic death of Professor Alfred Chanda in a road traffic accident. The Commission joins all the other Zambians who have rightly expressed the magnitude of the loss Zambia has suffered on Professor Chanda's death.

Professor Chanda has associated with the Commission from its early days including carrying out various assignments on behalf of the Commission. Professor Chanda was one of the experts that drew up the Commission's National Plan of Action for 1999 – 2009. Professor Chanda also expertly chaired the only International Conference for National Human Rights Institutions that the Human Rights Commission hosted in

2002. The late Professor was also a frequent resource person at many Commission workshops and seminars at which he provided teaching and guidance in human rights.

The nation has lost a true expert in human rights and governance issues and it will be hard to fill the vacuum. The challenge falls on the upcoming young human rights law experts to emulate Professor Chanda's example in teaching, guidance and openness on many issues that were dear to his heart.

The Human Rights Commission hereby conveys its most sincere condolences to Professor Chanda's wife and family. We pray that God will provide comfort in this very trying moment.

13 March 2009

KILLING OF POLICE OFFICER

Enoch Mulembe

Director

The Human Rights Commission is saddened by the death of yet another police officer in the line of duty. At a time when the country desperately requires critical human resource in the Zambia Police Service, it is sad the service continues to lose officers through exchange of fire with armed robbers.

The Commission wishes to reiterate its call on Government to expedite in the planned acquisition of bullet proof vests for police officers. It is imperative that the issue of bullet-proof vests is given the utmost priority to help lessen the chances of officers dying on duty.

The Commission also extends its heartfelt condolences to the family of the late officer and the Zambia Police Service.

12 March, 2007

YOUTH DAY

Pixie Yangailo

Acting Chairperson

The Human Rights Commission would like to join the rest of the country in commemorating Youth Day on 12 March 2007. Youth Day is a very critical day in our annual calendar as a country. It is the day when we reflect on the well being of our youth and, indeed, on the future of the country.

The youth are a very important group in our society. It is no secret that it is during a person's youth that they are able to contribute the most to the development of the country and also to lay a good foundation for their own future. It is from the youth that the country develops a nursery of future political and business leaders. That is why Zambia, like any other country, needs to invest heavily in the youth.

The Human Rights Commission, however, would like the country to take the opportunity created by the Youth Day celebrations to look at all the problems that Zambia's youth are experiencing. This includes lack of jobs, abuse, destitution and the ravages of the HIV/AIDS pandemic. These and many more are very serious problems and unless we tackle them with the seriousness the situation calls for, we will plunge the country down an irreparable road to destruction. The future of the country depends on a healthy, literate and vibrant crop of youths. This is because it is inevitable that they will one day take over the leadership of the country. It is therefore imperative that we enhance access to education, health and work for our youth in order to assure for ourselves a bright future for Zambia.

The Human Rights Commission wishes all the youths of Zambia successful Youth Day celebrations.



REPUBLIC OF ZAMBIA

HUMAN RIGHTS COMMISSION

**Financial Statements for the Period
1st January to 31st December 2007**

**THE AUDITOR GENERAL
P.O. BOX 50071
LUSAKA - ZAMBIA**

HUMAN RIGHTS COMMISSION

Financial Statements for the Year Ended 31st December 2007

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HUMAN RIGHTS COMMISSION

Financial Statements for the Year Ended 31st December 2007

Report of the Auditor

In accordance with the provisions of Article 121 of the Constitution of Zambia, Public Finance Act No: 15 of 2004, Public Audit Act of 1980, Cap 378, I have audited the financial statements on pages 3 to 10, which were prepared under the historical cost convention.

Responsibilities of Management

Management of the Human Rights Commission is responsible for the preparation of the financial statements for each year which presents a true and fair view. In preparing the financial statements, management select suitable accounting policies and then applies them consistently, makes adjustment that are reasonable, prudent and follows generally accepted accounting principles.

The Human Rights Commission management is also responsible for the system of internal controls, safeguarding of the assets and taking reasonable steps for the prevention and detection of errors, fraud and other irregularities.

Responsibility of the Auditor General

It is my responsibility to form an independent opinion, based on my audit, on those financial statements.

Basis of Opinion

The audit was conducted in accordance with the Office of the Auditor General Auditing Standards and generally accepted auditing standards. It included examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also included an assessment of the significant estimates and judgments made by the Commission in the preparation of the financial statements and whether the accounting policies are appropriate to the Commission circumstances, consistently applied and adequately disclosed.

The audit was planned and conducted so as to obtain all the information and explanation, which were considered necessary in order to provide sufficient evidence to give reasonable assurance that the financial statements are free from material misstatements, whether caused by error, fraud or other irregularities. I consider that my audit procedures were appropriate in the circumstance to support my opinion presented below.

Opinion

In my opinion, the financial statements on pages 3 to 10, give a true and fair view of the financial position of the Commission as at 31st December, 2007 and of its surplus of income over expenditure for the year ended.


Anna O. Chifungula (PCCA, FZICA)
AUDITOR-GENERAL

DATE

10/9/2008

Human Rights Commission

Financial Statements for the year ended 31st December 2007

Statement of Management's Responsibilities

1. It is the responsibility of Management of the Commission to maintain or cause the records and accounts maintained to reflect adequately, in accordance with sound accounting practices, operations and expenditure of the Commission.
2. The Management of the Commission is also responsible for safeguarding the assets of the Commission and hence for taking reasonable steps for the prevention and detection of errors, fraud and other irregularities.
3. The Management of the Commission is further responsible for the preparation of Financial Statements that give a true and fair view.
4. The Income and Expenditure accounts are drawn up in accordance with accounting principles generally accepted by Government.
5. There are reasonable grounds to believe that the Commission will be able to pay its debts as, and when they fall due.
6. The accounting records, other relevant documents and registers required by Act No. 39 of 1996 have been properly kept in accordance with the act.
7. In the opinion of management, the financial statements are drawn so as to give a true and fair view of:
 - The Excess of income over expenditure for the year ended 31st December 2007, and,
 - The financial position as at the end of year 2007.

Signed on behalf of management by:

Name PIKE A. YONGAHO

Designation CHAIRPERSON

Date 28/8/8

Name ENOCH MULENGA

Designation DIRECTOR

Date 28/8/8

HUMAN RIGHTS COMMISSION
BALANCE SHEET AS AT 31ST DECEMBER 2007

	Notes	2007 K	2006 K
NON CURRENT ASSETS	12	1,929,883,803	1,517,518,377
CURRENT ASSETS			
Bank	13	310,070,242	187,940,654
Debtors	14	393,300,044	345,002,329
		<u>1,013,376,286</u>	<u>532,942,883</u>
CURRENT LIABILITIES			
Creditors	15	479,233,413	816,884,814
Net Current Assets		<u>526,928,873</u>	<u>(283,941,931)</u>
		<u>2,464,826,786</u>	<u>1,233,576,346</u>
FINANCED BY			
Opening Balance		1,233,576,346	954,355,862
Surplus of Income over Expenditure		<u>1,230,450,360</u>	<u>279,220,384</u>
		<u>2,464,826,786</u>	<u>1,233,576,346</u>


 Patsy K. Yunguito
 Chairperson

Date 28/5/8


 Enoch Molelele
 Director

Date 28/8/8

Human Rights Commission
Income Statement for the year ended 31st December 2007

	Notes	2007 R	2006 R
INCOME			
Government Grant	01	6,404,911,541	5,419,894,876
Other income	02	<u>379,679,306</u>	<u>820,973,262</u>
TOTAL INCOME		6,784,590,847	6,240,868,138
EXPENDITURE			
Salaries, Wages & Other Emoluments	04	4,345,028,423	3,910,991,667
Allowances	05	489,096,171	379,008,688
Office Materials & Stationery		169,290,221	49,720,468
Repairs, Oil & Lubricants		336,808,750	214,430,324
Spares Parts		41,437,390	890,000
Library (Periodicals & Publications)		40,267,800	26,348,000
Travel Expenses	06	136,479,948	62,329,733
Telephone & Postage	07	111,888,363	48,779,828
Electricity & Water	08	39,079,691	8,879,886
Official Entertainment		12,374,000	1,880,000
Public Functions & Conferences		5,340,000	36,917,250
Shows & Exhibits		48,496,000	73,362,640
Conferences, Workshops and Seminars		230,077,432	13,627,860
Finding (Hire) Charges		84,287,308	81,349,000
Insurance		100,387,298	62,889,230
Maintenance of Plant, Equipment & Material	09	212,155,948	66,884,421
Consultancy, Legal, Medical & Other Fees		20,500,000	43,449,289
Labour Day Awards		25,690,000	10,980,000
Depreciation		814,802,209	389,174,106
Bank Charges	10	32,493,299	31,862,409
Maintenance of Motor Vehicles		83,368,477	81,394,337
Advertising and Publicity		110,833,067	59,579,895
Project Expenditure	11	187,656,761	409,430,000
Security and Clean Tiding Charges		23,643,661	-
Research & Fraternity Studies		28,000,000	-
Consultancy Fees		126,963,080	-
Subscription- Professional Bodies		18,529,802	-
Accounts and Audit Service Expenses		42,812,020	-
Training		6,361,614	-
Protection Wear		821,000	-
Licenses and Taxes		3,486,000	-
Hand Tools and Equipment		24,804,900	-
TOTAL EXPENDITURE		7,613,110,667	6,875,646,799
Surplus of Income over Expenditure		1,238,458,360	279,220,339

NOTES TO THE ACCOUNTS

01. Accounting policies

The accounts have been prepared under the historic cost convention method.

Non-Current Assets

It is the policy of management to ensure that non-current assets are depreciated at rates that reflect the economic useful life of assets in order to reflect a true and fair view of the assets in the period being reported. During the financial year ended 31st December, 2007, Motor vehicles were depreciated using the straight line method for five years. Office equipment, furniture and fittings were depreciated at 15%. The buildings were depreciated at 2% and no depreciation is charged on land.

02. Government Grant

The income represents the grant received on monthly basis from the Government of the Republic of Zambia as shown below:

	2007	2006
Month	K	K
January	395,670,704	796,610,691
February	1,156,764,983	616,742,437
March	765,345,312	265,639,483
April	864,563,345	726,215,226
May	517,454,897	644,713,226
June	313,600,343	270,783,240
July	849,384,902	270,783,240
August	799,175,356	270,783,240
September	790,740,155	406,622,972
October	848,663,807	413,797,974
November	607,757,487	475,406,905
December	553,291,888	270,783,240
TOTAL	8,464,911,841	5,428,893,876

B3. Other Income

	2007	2006
	K	K
NORAD FUND-Dollar Account	-	362,466,217
Interest Earned (Household Loans)	14,634,942	8,178,644
FINNISH FUND	-	18,762,004
General Ledger	80,062,816	44,565,219
Value of Motor Vehicle from UNDP	-	140,000,000
Japanese Grant	-	241,000,083
Save the Children- Sweden	281,977,548	-
TOTAL	376,675,296	823,975,267

B4. Salaries, Wages & Other Emoluments

This item includes, salaries, wages & all allowances related to the basic salary/ wages

	2007	2006
	K	K
Salaries, Wages & Other Emoluments	3,589,347,758	3,632,671,787
Gratuity, Leave Pay & Repatriation	534,013,042	238,373,660
Settling-in- Allowance & Other Allowances	166,167,623	31,594,220
Leave Travel benefits	47,500,000	8,000,000
TOTAL	4,335,028,423	3,910,551,667

B5. Allowances

This comprises the following:

	2007	2006
	K	K
Board & Committee Allowances (Attendance)	175,026,815	90,910,600
Subsistence & Upset	160,266,300	33,750,580
Meal	37,586,806	14,783,070
Investigations	86,328,250	76,585,000
TOTAL	460,156,171	218,029,650

06. Travel Expenses

This comprises expenditure for both local & foreign travel.

	2007 K	2006 K
Local Travel	-	1,495,000
Foreign Travel	<u>136,478,546</u>	<u>99,334,733</u>
TOTAL	<u>136,478,546</u>	<u>92,829,733</u>

07. Telephone and Postage

This comprises expenditure for both telephone and postage charges.

	2007 K	2006 K
Telephone	108,838,833	46,901,823
Postage	<u>3,019,300</u>	<u>1,878,000</u>
TOTAL	<u>111,858,133</u>	<u>48,779,823</u>

08. Electricity and Water

This comprises expenditure for both electricity and water charges.

	2007 K	2006 K
Electricity	21,348,063	5,690,687
Water	<u>17,731,039</u>	<u>3,389,248</u>
TOTAL	<u>39,079,102</u>	<u>9,079,935</u>

09. Maintenance of Plant, Equipment, Materials & Furniture and Fixings

	2007 K	2006 K
Maintenance Material	-	12,799,500
Maintenance of Plant & Equipment	179,672,422	14,568,800
Maintenance of Buildings	82,266,111	71,776,137
Maintenance of Office Furniture & Fixings	<u>26,247,433</u>	<u>-</u>
TOTAL	<u>288,185,966</u>	<u>99,144,437</u>

10. Bank Charges

	2007	2006
Month	K	K
January	1,695,853	1,812,212
February	1,599,314	1,743,096
March	1,504,153	1,355,171
April	1,143,673	1,971,925
May	2,288,401	1,589,687
June	2,133,649	1,381,333
July	2,499,707	1,983,253
August	2,373,793	2,227,164
September	2,391,891	1,845,361
October	1,907,436	2,435,810
November	1,857,437	1,738,971
December	1,138,187	2,133,876
TOTAL	22,453,296	21,582,409

11. Project Expenditure/Foreign Exchange Loss

This is expenditure incurred during the execution of the projects and the foreign exchange loss incurred due to the fluctuations of the Kyacha against the United States dollar from the inception of the projects up the time the projects came to an end.

	2007	2006
	K	K
NORAD Fund Expenses	118,703,021	228,216,300
FUNDSH Fund Expenses	3,917,754	616,230
JAPANESE Fund Expenses	-	241,093,083
Save the Children - SWEDEN	65,237,996	-
TOTAL	187,858,761	469,835,633

12. Non-Current Assets

	Buildings	Motor Vehicles	Office Equipment	Communication Equipment	Furniture & Fixings	Cash & Fixed Assets	Total
At Cost as at 01/01/2007	609,274,463	2,011,784,568	128,247,936	-	134,562,067	-	3,383,869,034
Additions	-	237,000,810	280,677,705	80,000,000	18,354,810	42,130,000	578,165,385
Cost as at 31/12/2007	609,274,463	2,248,818,438	608,925,641	80,000,000	152,916,877	42,130,000	3,962,054,419
Accumulated Depreciation as at 01/01/2007	27,492,978	1,960,133,162	103,258,417	-	26,318,610	-	1,517,518,177
Depreciation for the year	16,185,489	401,354,914	54,732,208	-	20,175,313	-	493,454,924
Additional depreciation during the year	-	2,395,190	-	5,000,000	538,095	4,211,000	21,147,285
Accumulated depreciation as at 31/12/2007	43,678,467	1,769,883,466	158,095,625	9,000,000	47,248,028	4,211,000	2,012,120,586
Net	165,595,996	478,934,972	450,829,996	71,000,000	125,667,849	37,917,000	1,949,833,833

13. Cash and Bank

Closing bank balances as at 31st December

	2007	2006
	K	K
BZC's Account	109,506,308	6,379,807
Salaries Account	119,629,762	15,803,810
Revolving Account	24,896,372	3,064,879
ZANACO Street's	262,177,112	9,877,126
NORAD Fund	-	134,250,007
FDNISHI Fund	-	18,143,754
Global Fund	3,869,500	-
TOTAL	218,878,242	187,548,654

14. Debtors

	2007	2006
	K	K
Salary Advances	21,436,173	30,953,333
Staff Loans	481,869,913	369,569,336
Other Staff Debtors	-	3,674,897
Suspense Account	-	804,653
TOTAL	503,306,044	345,893,229

15. Creditors

This includes hire and purchase of motor vehicles on credit

	2007	2006
	K	K
Talwar Car Hire	359,132,171	309,152,171
Marambaichi Motors	120,081,242	120,081,242
Office of the Auditor General	-	10,000,000
Staff Creditors	-	298,045,351
All Terrain Motors	-	11,491,500
Southern Cross Motors	-	10,892,650
Zambia National Broadcasting Corporation	-	7,323,000
TOTAL	479,213,413	816,984,914

