

Human Rights Commission

ANNUAL REPORT
2008



HUMAN RIGHTS COMMISSION

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Human Rights Commission

Acknowledgements

The Human Rights Commission (HRC) acknowledges the support of the Government of the Republic of Zambia.

In 2008, the Commission marked 11 years of operations. It is noteworthy that through Government support, the Commission was able to recruit additional staff and to continue crucial undertakings like the investigation of violations and inspection of prisons and police cells.

The Commission also appreciates the financial and material support from cooperating partners during the year under review. The Commission received support from UNDP, Save the Children Norway and Save the Children Sweden, the Office of the United Nations High Commissioner for Human Rights and several embassies.

The Commission also acknowledges the support of Civil Society and the general public for their partnership and support to the cause of the Commission's work.

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CHAPTER 1

THE COMMISSION

A. FUNCTIONS AND POWERS

The Human Rights Commission, established under Article 125 of the Zambian Constitution, is mandated to ensure that the enjoyment of human rights and fundamental freedoms is a reality for all persons in Zambia. Its functions and powers are enshrined in the Human Rights Commission Act no. 39 of 1996, which provides for:

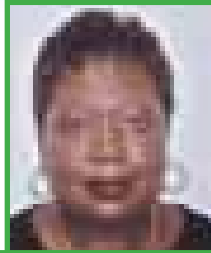
- Investigation of human rights violations
- Investigation of any maladministration of justice
- Recommendation of effective measures to prevent human rights abuse
- Visitation of prisons and places of detention to assess and inspect conditions of persons held in such places and make recommendations to redress existing problems
 - Establishment of programmes of research, education, information and rehabilitation of victims of human rights abuses to enhance the respect for and protection of human rights

It is within the powers of the Commission to:

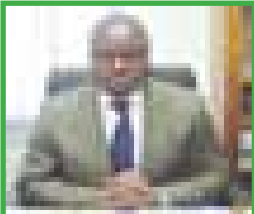
- Investigate any human rights abuses on its own initiative, or upon receipt of a complaint or allegation by any aggrieved person, associations acting in the interest of its members, or anyone representing an aggrieved person or the interests of a particular group.
- Solicit evidence relevant to any investigation by the Commission from any person
- Recommend actions to remedy the infringement of human rights such as the release of a person from detention; payment of compensation to victims of human rights abuse, and facilitating a aggrieved person to obtain redress in a court of law.

B. COMMISSIONERS AND SENIOR STAFF

In 2008, the Human Rights Commission marked its 11th year of existence. In January, the Commission's third Chairperson, Mrs. Pixie Kasonde Yangailo was sworn in, taking over from Mr. Mumba Malila who had accepted appointment as Attorney General of the Republic of Zambia in November 2006. Until then, Mrs. Yangailo had been Acting Chairperson since late 2006. Also sworn in was the new Vice Chairperson, Mr. Palan Mulonda. Commissioners Kenneth Maduma, Alfred Sakala and Godfrida Sumaili continued to serve during the year. Commissioner Henry Katawola left the Commission later in the year after he accepted a full time appointment at the Public Service Commission.



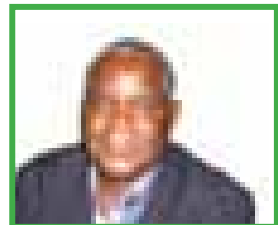
Mrs. Pixie Kasonde Yangailo
Chairperson



Mr. Palan Mulonda
Vice Chairperson



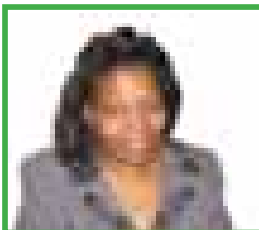
Mr. Kenneth Maduma
Commissioner



Mr. Alfred Sakala
Commissioner



Mr. Henry Katowola
Commissioner

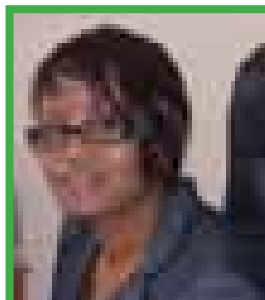


Pastor Godfrida Sumaili
Commissioner

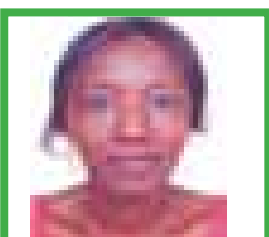


Mr. Enoch Mulembe
Director/Secretary

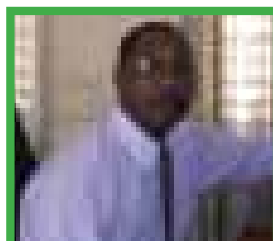
Below are the rest of the senior members of staff that served the Commission in 2008.



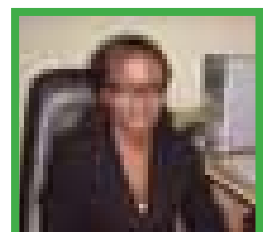
Mrs K. Kapin'a Nkombo
Deputy Director



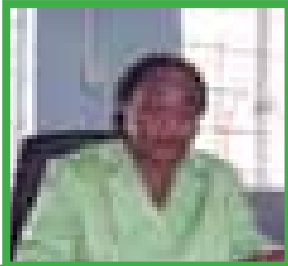
Hope Ndhlovu Chanda
Chief Research and
Planning



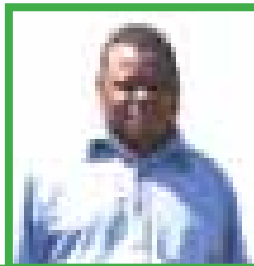
Samuel Kasankha
Chief Information,
Education and Planning



Rumbidzai Mutasa
Principal Legal Counsel



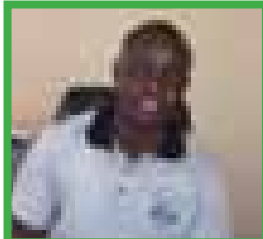
Elizabeth Chileshe
Head Human Resource and
Administration



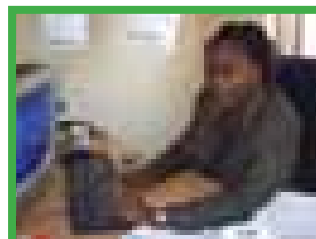
Siatakwi Shakespeare
Provincial Coordinator
(Copperbelt)



Inambao Kabandala
Head Finance and Accounting

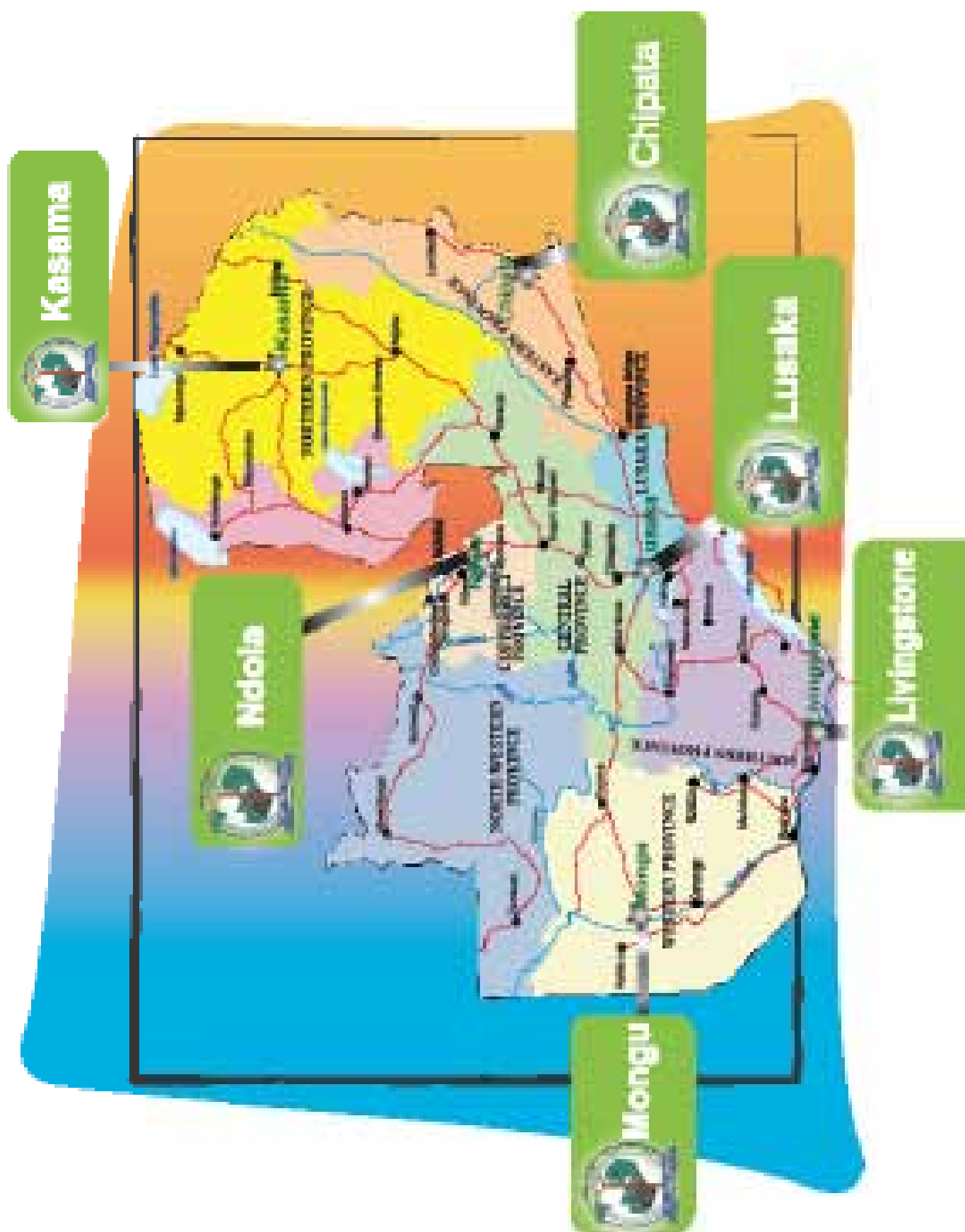


Jew Moonde
Principal Investigations Officer



Irene Kalunga
Internal Auditor

Map of Zambia showing location of Human Rights Commission offices as at 31 December 2008



CHAPTER 2

INSPECTION OF DETENTION FACILITIES AND INVESTIGATION OF HUMAN RIGHTS COMPLAINTS

A major part of the mandate of the Human Rights Commission is to continually inspect prisons, police cells and other places of detention with a view to ensuring that the conditions there are as humane as possible and that the applicable human rights standards for persons held in detention are upheld. In doing so, the Commission keeps in mind the national and international standards such as the Prisons Act and the United Nations Standard Minimum Rules for the Treatment of Prisoners.

When inspecting these facilities, the Commission is not only concerned with the welfare of the inmates. The inspections also include the living and working conditions of police and prison officers. The Commission believes that improvements in the treatment and welfare of inmates can only be achieved if the welfare of those who look after them is also taken into account.

Since its establishment, the Commission has investigated several prisons and police cells covering nearly all the provinces in Zambia. The task to inspect prisons and police has, over the years, proved to be an expensive undertaking for the Commission. In recent years, the Commission has only managed to do one province at a time. Zambia is a vast country and, usually, it takes about ten to fourteen days to carry out a comprehensive inspection of facilities in a particular province.

A. NORTH WESTERN PROVINCE PRISON AND POLICE CELLS INSPECTION

In 2008, the Commission carried out an inspection of the detention facilities in North Western Province. A total 5 State prisons, 6 Open Air prisons and 15 police stations were inspected in the period 4 to 12 June, 2008. The prisons visited were Solwezi State Prison, Kasempa State Prison, Mwinilunga State Prison and Zambezi State Prison. The Open Air Prisons inspected were Lwamakanda Open Air Prison, Dengwe Open Air Prison, Kapwacha Open Air Prison, Litoya Open Air Prison and Mufumbwe Open Air Prison. The police stations inspected were Solwezi Police Station, Kyawama Police Station, Mutanda Police Station, Maheba Police Station, Kakayindu Police Station, St Dorothy Police Station, Kasempa Police Station, Kankolonkolo Police Station, Mwinilunga Police Station, Ikelenge Police Station, Zambezi Police Station, Kabompo Police Station, Mayinga Police Station, Mufumbwe Police Station and Chavuma Police Station.

Prison population

The Commission found that North Western Province had 700 inmates in its facilities at the time of its visit. The overwhelming majority of prisoners were male with 684 or 96.3%, while female prisoners accounted for 3.7% of the inmate population. The Commission was informed that there had been a growth in the prison population and that the available prison capacity was not adequate to cater for the growing population.

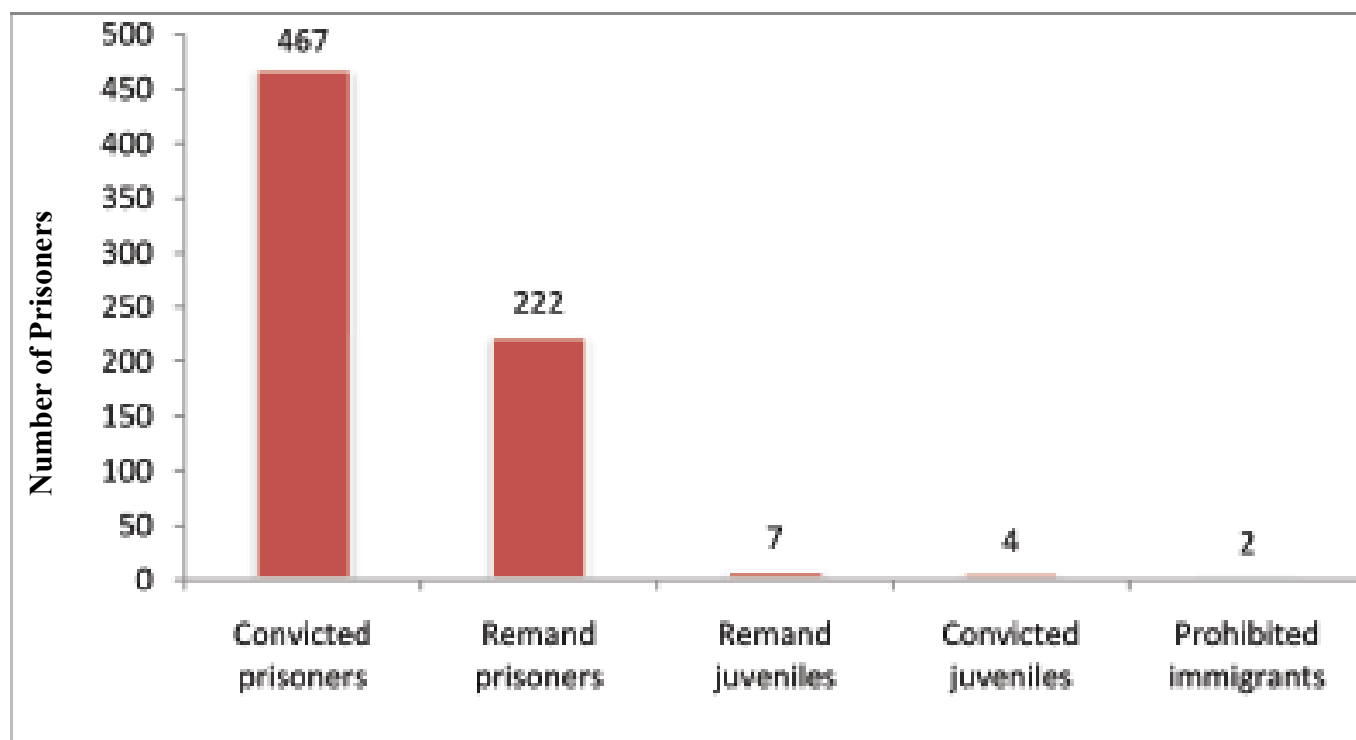
The Commission found that though the prison population has grown immensely, this growth was not matched by an extension of the physical structures and capacity of the prisons to accommodate the increased numbers. The result has been overcrowding.

Figure 1: Prison Population size per prison



Out of the 684 male prisoners, 458 were adult convicts, 4 were juvenile convicts, 215 were adults on remand and 7 were juveniles on remand. All the 16 female inmates were adults- 9 convicts and 7 remandees. The total number of prisoners on remand constituted about 32.4% of the total prison population.

Figure 2: Breakdown of Prison Population



At Solwezi State Prison, prisoners on remand were almost half the total prison population with 155 remandees while convicted prisoners were 179. The high number of remand prisoners was mostly attributed to the slow disposal and adjournment of cases in the courts of law. Twelve prisoners on remand at Solwezi State Prison informed the Commission that delays in disposing off cases had caused them to undergo long detentions ranging from 3 to 4 years. There was also a general complaint from the detainees that they did not have access to legal aid representation to help them with their trials.

Prison Accommodation

During the tour, the Commission found that the accommodation facilities were old and there had been no improvement of these facilities since their establishment. The Commission further found that whilst all the prisons had cells for adult male prisoners, only Solwezi State Prison, Kasempa State Prison, Zambezi State Prison and Mwinilunga State Prison had cells for female prisoners. Among the four State prisons with female cells, only the cell at Solwezi State Prison was fit for human habitation. The female cells at the other three prisons were improvised and not fit for human habitation. Solwezi State Prison was the only prison with a juvenile cell.

Table 1: No. of Cells per State Prison

Prison	No. Of cells for male prisoners	No. Of cells for female prisoners	No. Of cells for male juveniles	No. Of cells for female juveniles	Total No. Of cells
Solwezi State Prison	2	1	1	0	4
Kasempa State Prison	2	1	0	0	3
Kabompo State Prison	1	1	0	0	2
Mwinilunga State Prison	1	1	0	0	2
Zambezi State Prison	1	1	0	0	2

Zambezi Prison had two cells for adult male prisoners but only one was being used for accommodating the prisoners. The second cell had been turned into a warehouse by the prison authorities.

All the open air prisons only had facilities for male prisoners. Lwamakanda Prison had three grass thatched cells, Dengwe Prison had two grass thatched cells while Namwanza and Litoya Prisons had one grass thatched cell each. Kapwacha Prison had one cell which was formerly a tobacco barn and Mufumbwe Prison had one cell which was part of a disused station of the defunct United Bus of Zambia Company.

Police Cells

Kakayindu Police Station, Kyawama Police Station and Kasempa Police Station were the only stations with good modern cells built with the assistance of Lumwana Mine and Zambia Social Investment Fund (ZAM-SIF). Solwezi, Kankolonkolo and Mayinga Police Stations did not have any operating cells. The rest of the police stations had cells which were not appropriate for use as detention facilities as they provided terrible living conditions for detained suspects. Some of these cells had indoor pit latrines situated right in the middle of the cell and without any provision for privacy.



Commissioners inspecting a police cell during the tour of North Western Province



Chairperson Mrs. Yangailo and Commissioner Sakala inspecting a cell

Table 2: Statistics of Intended prison capacity and actual number of prisoners

Prison	Prison capacity	Total Population between the 5 th and 12 th of June 2008	Congestion percentage
Mufumbwe Open Air	10	31	210%
Solwezi Prison	135	339	151.1%
Kabompo Prison	50	77	54%
Zambezi Prison	65	89	36.9%

Separation of different categories of Prisoners

All the State Prisons mixed the different categories of prisoners in the cells. Convicted prisoners, prisoners on remand and juveniles were found sharing the same cells. This is in contradiction to Rule 162 of the Prison Rules which provides that “No civil or unconvicted prisoner shall be confined in association with convicted prisoners” and Section 60 of the Prisons Act which requires, among other things, that young prisoners be kept apart from adults and other classes of prisoners.

Juvenile inmates at Solwezi State Prison and Zambezi State Prisons were mixed with adult convicts. The juvenile cell at Solwezi State Prison was found with 37 male prisoners who comprised of 8 juvenile on remand, 3 juvenile convicts, 24 adult convicts and 1 adult on remand. Zambezi State Prison had the worst scenario of mixing different categories of prisoners. At this prison, 82 prisoners comprising 15 adult males on remand, 64 convicts, 1 juvenile convict and 2 mentally ill patients were found sharing one cell. Section 60 of the Prisons Act classifies persons of unsound mind on their own and these must be accommodated separately. Rule 82(1) of the Standard Minimum Rules for the Treatment of Prisoners (SMR) provides that persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.



Commissioners with juvenile inmates in North Western Province

Food

The Commission observed that the quality and quantity of food provided to the prisoners was not in strict compliance with the prescribed diet scales provided in the First Schedule of the Prison Rules. The prisoners were fed a regular diet of kapenta with maize meal. The prisons also did not have food supplements for prisoners taking Anti-Retro Viral (ARVs) and Tuberculosis (TB) drugs.

The failure to feed the prisoners a diet which is in accordance with the prescribed scale of diets is in contradiction of Rule 17(2) and Rule 65(2) of the Prison Rules. Rule 17(2) of the Prison Rules requires the Officer-in-Charge to ensure that the rations supplied to prisoners are of good quality and that every prisoner receives the rations to which he is entitled in accordance with the First Schedule and, subject to Rule 44, no deviation from the authorised scale of rations shall be permitted unless the medical officer or the Commissioner has given his written authority to do so. Rule 44 requires every prisoner who is admitted to a civil hospital to receive the normal hospital diet. Rule 65(2) also dictates that the rations issued to the prisoners should be strictly in accordance with the prescribed scale of diets



Food being prepared for inmates at a prison in North Western Province

Health

All the prisons visited did not have a hospital or clinic or sick bay. They all relied on government clinics situated near the prisons. Some of the prisons had drug kits for emergencies. Unfortunately, these drug kits were not well stocked and lacked even the basic medicines. This is contrary to Rule 24(1) of the Prison Rules which require the Officer-in-Charge to maintain a properly secured hospital, clinic or sick bay within the prison. None of the prisons visited had isolation wards for inmates with communicable diseases. This, coupled with the high levels of congestion, created a conducive environment for the spread of contagious diseases.

Uniforms and Bedding

The prisoners were found with only one pair of uniform each which was not sufficient as the prisoners had to wear the same pair of uniform every day. Most of the uniforms were old, worn out and very dirty due to lack of a regular supply of detergent. Most of the prisons had enough blankets and mattresses for the prisoners. However, in prisons with high congestion levels, prisoners were forced to share mattresses and blankets because of inadequate sleeping space. The lack of washing soap also affected the state of the blankets. In most prisons, the blankets were dirty.

Water Supply

The Commission found that most of the prisons had no clean drinking and bathing water. This led to prisoners not regularly having baths and not being able to keep their surroundings clean. At the time of the visit, Zambezi State Prison and Kasempa State Prison were found without running water. The Commission was informed that the water supply to Kasempa State Prison and Zambezi State Prison had been disconnected due to non

payment of bills amounting to K15.3 million and K12.4 million respectively. The lack of running water caused prisoners not to have regular baths leading to regular outbreaks of skin ailments.

Table 3: Water Supply between 5th and 12th June 2008

	Solwezi State Prison	Kasempa State Prison	Kabompo State Prison	Mwinilunga State Prison	Zambezi State Prison	Lwamakanda Open Prison	Dengwe Air Open Air Prison	Mufumbwe Open Prison	Litoya Air Open Air Prison	Namwanza Open Prison	Kapwacha Air Open Air Prison
Running Water	Yes	No	Yes	Yes	No	No	No	No	Yes	No	No
Borehole	Yes	No	No	No	No	Yes but Broken down	No	No	Yes	No	No
Current water supply	Borehole	Nearby Stream	Water From NWWS	NWWS	Nearby Stream	Nearby Stream	Nearby Stream	Makeshift well	Borehole	Well	Nearby River

Sanitation

Most of the toilets in both the prisons and the police cells were found to be dirty and without any provision for privacy. These toilets were also found to be inadequate for the number of prisoners held in these detention facilities. In addition some State prisons and all open air prisons had no indoor toilets forcing the prisoners to either use their uniform tops or improvised chambers to relieve themselves. This is contrary to Rule 12 of the Standard Minimum Rules which states that “the sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner”

Table 4: No. of toilets per prison

	Solwezi State Prison	Kasempa State Prison	Kabompo State Prison	Mwinilunga State Prison	Zambezi State Prison	Lwamakanda Open Prison	Dengwe Air Open Air Prison	Mufumbwe Open Prison	Litoya Air Open Air Prison	Namwanza Open Prison	Kapwacha Air Open Air Prison
Male	1	1	1	1	1	1	1	1	1	1	1
Female	1	1	1	1	1	1	1	1	1	1	1
Children	1	1	1	1	1	1	1	1	1	1	1
Police Cells	1	1	1	1	1	1	1	1	1	1	1
Police Stations	1	1	1	1	1	1	1	1	1	1	1

Transport and communication

Most of the prisons and police stations were found without reliable transport. Only Solwezi State Prison and Mwinilunga State Prison had vehicles in good condition. The other prisons and police stations with vehicles had problems with fuel supply and vehicle spare parts.

With regards to communication facilities, most of the prisons and stations did not have reliable communication facilities and relied on officers' personal mobile phones for official communication.

Recreation and Rehabilitation

The prisons had limited recreational and rehabilitation facilities. The Commission found that the open air

prisons mostly engaged in farming and animal husbandry activities. These prisons did not have any educational activities as compared to State prisons that had literacy classes. Some State Prisons were found in the process of creating libraries. None of the prisons had educational facilities to cater for any circumstantial children that may live with their mothers in the prisons.

Working Conditions of officers

The Commission found that most of the prison officers and police were working in unfavourable conditions which included lack of institutional accommodation, inadequate transport, safe drinking water and lack of basic utilities. Most of the houses occupied by these officers were in a dilapidated state and shared by at least two families. Most institutional houses had no running water or indoor toilets.

The Commission also found that all the prisons and some of the police stations had a shortage in manpower. The low staffing levels made the operations of the prisons and police cells a difficult task for prison and police officers

Table 5: Examples of officer to prisoner ratios in three of the prisons inspected

Prison	No. of officers	No. of prisoners	Calculated ratio	Recommended ratio
Solwezi State Prison	37	339	1-9	1-5
Zambezi State Prison	7	88	1-11	1-5
Kabompo State Prison	10	77	1-8	1-5

At a media briefing held after an extensive tour of the province, the Commission's Chairperson, Mrs. Pixie Yangailo, summed up the findings of the Commission in regard to the state of the prisons and police cells in North Western province. She bemoaned the lack of facilities for incarceration of both juvenile and women offenders and suspects. She indicated that the Commission had noted with concern the absence of well defined women and juvenile cells in most prisons visited and that the mixing of adult offenders or suspects with juveniles was commonplace. She also said the prisons also did not have facilities to separate inmates suffering from communicable disease and mental illnesses.



Commissioners talking to female inmates at Solwezi State Prison

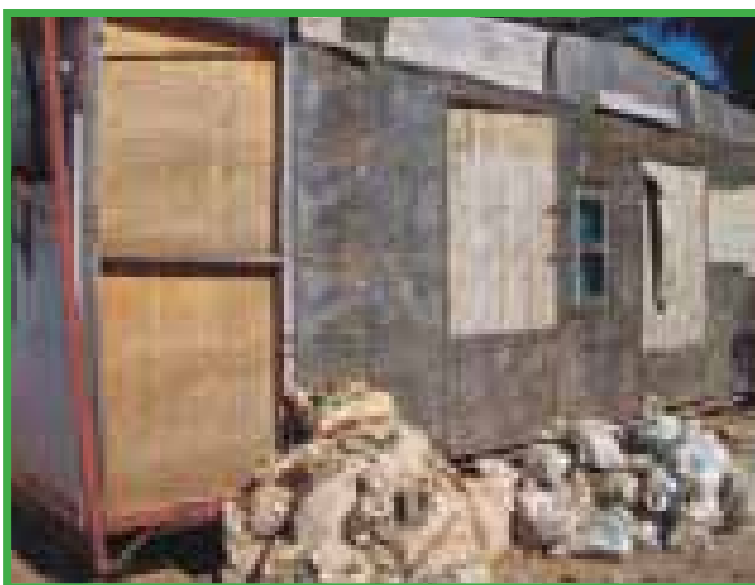
Mrs Yangailo explained to the media that the congestion in the main prisons was high because of the slow judicial process. Inmates were kept without trial for a long time and that the facilities had limited capacity besides being old and dilapidated. Mrs. Yangailo revealed that lack of access to clean water continued to be a problem for the prisons posing a serious health hazard to inmates. She said the absence of health facilities in prison premises was a source of serious concern in that inmates had to cover long distances on foot or were carried on the backs of fellow inmates to access treatment.

The Chairperson was, however, pleased to note that there were improvements in prisons and police establishments following the Commission's recommendations in past inspections. She cited transport as one area where there was an improvement, with many of the facilities visited having at least one vehicle. She was impressed that the authorities had addressed the shortage of food, uniforms, blankets and mattresses in prisons where inmates previously starved and slept on the floor without anything to cover themselves.

On the Zambia Police, the Chairperson said that the Commission had noted that, though there still remained a lot to be done, positive strides had been made in the provision of transport and introduction of Victim Support Units at police stations in view of the need to address human rights issues more effectively.

On the right to health, Mrs. Yangailo said the Commission was generally impressed with the quality of health care in the three hospitals visited, but expressed concern that such facilities were difficult to access due to poor roads and transport problems. She observed that the sudden increase in population due to the boom in the mining industry in Solwezi was already straining the available health facilities to the limit. With respect to the right to education, a major concern was the growing incidences of early marriages, a situation that prevented girls from accessing higher education. Another was the negative cultural practices which also hindered girls' education and usually infringed on the right to education for children.

During the North Western tour, the Commission also took time to visit Lumwana Mine. The Chairperson stated that the Commission's investigations revealed that there was growing recognition of the respect for both employee and employer's rights and human rights in general. She said the Commission wanted to develop good working relationships with the mines and all other employers in such a way as takes care of human rights interests and concerns of both worker and employer. Mrs. Yangailo explained that that approach was in line with the functions of the Commission as it had the mandate under the Human Rights Commission Act to propose effective measures to prevent human rights abuses and this could only be achieved through investigations, education, sensitisation, visiting and inspecting places where human rights abuses were alleged.



Shown above is a container used as an office by Zambia Police at Zambezi Police Station

B. INSPECTION OF DETENTION CENTRES BY PROVINCIAL OFFICES

Apart from the major inspection carried in North Western Province, the Commission, through its provincial offices, also inspected some detention facilities during the year under review.

Eastern Province

The Commission's Chipata office carried out an inspection of Namuseche State Prison during the first quarter of the year under review. The prison was found to be congested, with an actual population of 500 inmates against a recommended 350. Despite the congestion, the cells were found to be clean and each prisoner had a mattress and a mosquito net. However, the sanitation system was not in good condition, with some toilets blocked and poor water supply.

Western Province

Between 15 and 21 August, 2008, the Commission in Mongu conducted police and prison cells inspections at various facilities. The problems observed during the inspections cut across all the police posts and stations, including inadequate staffing, lack of female and juvenile cells and poor or lack of proper sanitation. At Mongu Prison, the only one in the district, the problems observed included lack of adequate holding cells, inadequate food rations and many more. Below are the general findings of the facilities visited.

a) Mongu Central

The cell was found relatively clean but too small for a big station, a situation which leads to overcrowding at times as suspects are brought there from other police posts for detention. During the inspection, however, there was a small number of suspects.

The second issue of concern was the toilet. It was situated right in the middle of the cell with no walls around it for privacy when answering the call of nature. The cell and toilet also had no running water. A drum was used to draw water for use in the cell, a situation that is not conducive when the cell is overcrowded. This situation is a catalyst for outbreaks of waterborne diseases.

It was further observed that the station did not have female or juvenile cells. The Station Inspector explained that juvenile and female offenders were transferred to Litulelo Police Post about two kilometers away.

b) Limulunga Police Station

Limulunga Police Station is located in the vicinity of Lumulunga Palace about 20 kilometres from Mongu. There was one cell with no toilet. Instead there was a hole in one corner of the cell leading to a pit dug outside. Water was poured in the hole after using the "toilet" and the waste flowed into the pit outside. Water supply was erratic and the cell itself had no running water. No suspects were found in the cell at the time of the visit.

Like Mongu, Limulunga did not have juvenile and female cells. The Officer in Charge explained that these were detained at the inquiries office.

c) Namushakende Police Post

The cell at Namushakende had a similar toilet setup with that of Limulunga and there was no running water. Water was drawn from a school about 200 meters away. The cell was very dirty with human waste in the hole meant to be the toilet. There were no suspects in the cell at the time of the visit. The cell was located over 400 meters away from the post.

Namushakende also had no juvenile or female cells. The Officer in Charge narrated that juveniles and females facing minor cases were bonded or charged and asked to report to court where necessary. Those facing felonies were transferred to Mongu Central. He further lamented the lack of transport and communication facilities at the post. This situation sometimes led to illegal detention of suspects because the post did not have its own transport or found it difficult to communicate with the main station, Mongu Central. The post was located about 40 kilometers outside Mongu off Senanga Road.

d) Sefula Police Post

Sefula Police Post was located about 15 kilometres off Senanga Road, servicing the Sefula Secondary School Community. The infrastructure there was in a deplorable state with broken window panes, very old structures and it was evident that it had not been renovated in a very long time.

The cell was very dirty. Only one suspect was found in the cell. The cell had neither toilets nor running water. Suspects had to be escorted to a grass thatched pit latrine about 300 meters away to relieve themselves and water was drawn about 100 meters away. There was no provision for juveniles and females and they were detained at the inquiries office before being transferred to Mongu.

The Officer in Charge also complained of lack of transport and communication facilities and accommodation for the officers was very poor and inadequate.

e) Town Center Police Post

This post is located right in the centre of Mongu near a market and is quite a busy post. The post had a small cell with a holding capacity of about 10 people but the Officer in Charge stated that sometimes it contained over 20 at a time. There was no toilet; the inmates had to be escorted to a council toilet almost 500 meters away. The infrastructure was not up to date with a lot of broken window panes. The post had no transport of its own and had to rely on Mongu Central. There was no juvenile or female cell; these were transferred to Litulelo Police Post.

f) Litulelo Police Post

This is a Post located at the main bus station and near the main market. It is housed in a modern building. The post cells have mainly been reserved for juveniles and females. There is water borne toilet and the general outlook of the premises is satisfactory. The only complaint registered by the officer in charge, Sub. Inspector Goma is lack of transport and inadequate manpower at the post.

g) Airport Police Post

This post is situated at Mongu Airport. The use of cells at the post was discontinued after an inmate committed suicide in 2007. The Commission expressed concern at the unsuitability of the cells as they are located about 70 meters away from the post building making it difficult for the officers to monitor the suspects from time to time. Suspects from the post were transported to Mongu Central for detention.

Copperbelt Province

The Ndola office visited Mwinilunga Open Air Prison and Solwezi State Prison following a report that prisoners were victimized after the Commission's visit to the province earlier in the year. The office also inspected five police station's cells where there were allegations of unlawful detentions. These are Kitwe Central Police, Luanshya Central Police, Chifubu Police Post, Chililabombwe Central Police and Garnerton Police Post.

Northern Province

Inspection of Detention Facilities

During the period under review, Kasama Office visited and inspected two prisons and two police stations. These are Milima State Prison, Chinsali Prisons and Nakonde and Kasama police cells. Milima Prison was found not to have remand cells and convicts shared space with remandees. The prison was congested, made worse by the closure of Luwingu Prison some years back. Convicts committed for sentencing from Nakonde and Mbala/Mpulungu are also kept at Milima Prison.

Chinsali Prison was relatively decongested but did not have a juvenile cell where juvenile convicts could be kept pending dispatch to designated juvenile detention centres. Juveniles were mixed with adults in the same cells. The Commission found that Nakonde Police Station needs rehabilitation and expansion. The current cells do not have the capacity to hold the suspects as well the convicts before they are taken to Isoka Prison.

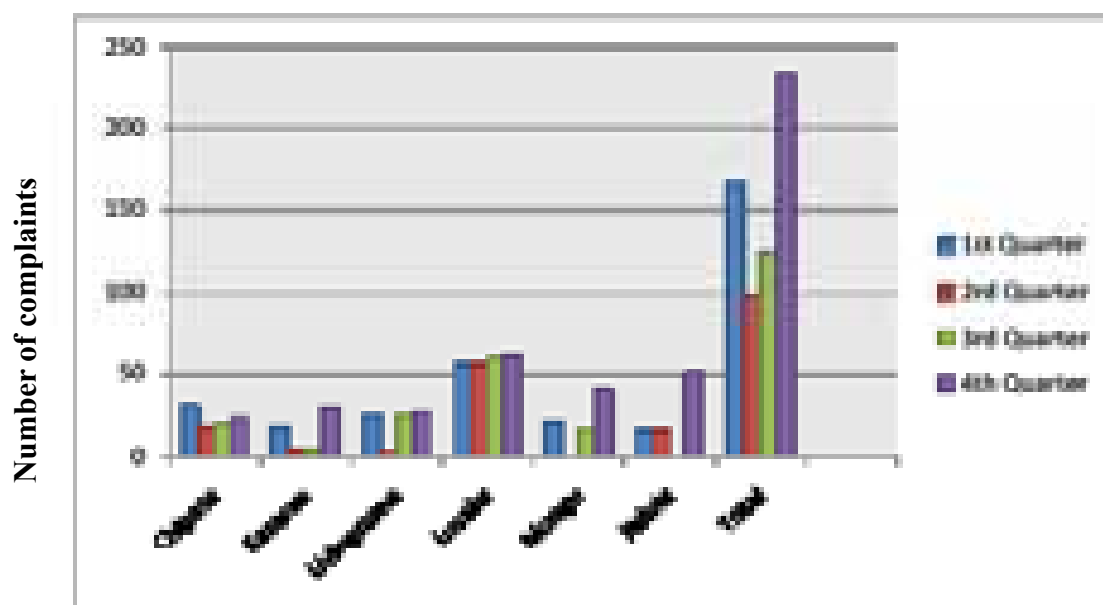
C. COMPLAINTS

During the year under review, 622 complaints were recorded accounting for all the Commission's operational areas. In the first quarter (January to March), the Commission received 167 complaints of alleged human rights violations, 97 in the second quarter (April to June), 125 in the third quarter (July to September) and 233 in the fourth quarter (October to December). Table 1 below indicates the trend in complaints statistics for all the Commission's operational areas per quarter. In addition 116 complaints were carried forward from the last quarter of 2007, bringing the total of complaints for consideration in 2008 to 738.

Table 1: Number of complaints per quarter

Office	First Quarter	Second Quarter	Third Quarter	Fourth Quarter
Chipata	31	18	19	23
Kasama	18	4	4	29
Livingstone	25	3	25	27
Lusaka	56	56	60	62
Mongu	21	-	17	41
Ndola	16	16	-	51
Total	167	97	125	233

Figure 1: Number of complaints per quarter



Selected Complaints

(a) Child Abuse and Torture

The Commission received a complaint from the Young Women Christian Association (YWCA) that an 11 year old boy, now under its care, had for the last three years been physically abused by his father, Weston Mboza. The Commission's investigations revealed a very sad state of affairs. The boy had torture marks al over his body Investigation and Legal Department immediately went to the SGBV centre to investigate and the boy was found to be in a very sad state as can be seen in the picture below. The child, named Isaac Mboza, had been taken to the SGBV centre by his aunt, Adess Mboza, on 28 January 2008.



Top and bottom, Isaac Mboza showing scars resulting from years of abuse at the hands of his own father.

The Commission, teamed up with the YWCA and the Kabwata Zambia Police Service Victim Support Unit to ensure that the alleged culprit was brought to book.

In his statement to the Commission taken at the SBGV centre on 31 January 2008, Isaac informed the Commission that his father started beating him when he was about 8 years old and had not yet started school. The child further narrated that his father would use anything from his teeth, sandals, cables, fists and whips to inflict injuries on him. At times the father would hit Isaac's head against the wall. Isaac sustained extensive injuries including a deformed right arm above the elbow. The child informed the Commission that his father had ordered him not to tell anyone at school about the beatings and threatened to throw him in the toilet if he told anyone. The child further narrated that some of his early beatings were inflicted in the presence of his mother, Memory Mboza. His mother, who had also suffered brutal physical assault, run away from the matrimonial home in an effort to save her life. Below is a picture showing scars from the beatings she suffered.



Mrs. Memory Mboza showing scars resulting from spousal abuse

Isaac narrated that on 28 January, 2008, when his father sent him to buy drinks, his aunt Adess Mboza went to inform the police at Linda Police Station about the abuse and later on the same day, she took him to the SBGV centre. The father immediately went on the run. After giving Isaac shelter at the SGBV centre, the YWCA made efforts to contact his mother and later also gave her shelter at the SBGV centre.

On 9 February 2008, Weston Mboza was picked up by the police in Kapiri Mposhi and he appeared in court on 14 February.

(b) Workplace Beating

On 10 January 2008, Kawewe Kawewe lodged a complaint with the Commission in which he stated that he was brutally assaulted by security guards employed by Zambia Sugar Plc (respondent company) during the course of their duties. The complainant stated that he was an employee of the respondent company and his duties included, among others, packaging 10 kg packets of sugar.

Kawewe alleged that on 7 December 2007, he reported for work in the morning and knocked off at 21:30 hours. Upon knocking off, the complainant decided to go to the cane yard to see his friend who wanted to sell him a plot. On his way to the cane yard, the complainant met security guards who accused him of stealing sugar cane and selling it to truck drivers. The guards searched the complainant but did not find anything on him.

The security guards then started beating him. They later dragged him to a dark place where they continued to beat him. However, when some on lookers asked them why they were beating the complainant, the two guards ran away. After a few minutes, the two guards came back with about five more people and severely beat the complainant who at this time had been stripped naked.

Some union members who witnessed the beating took pictures of the complainant naked and also of the scene of the crime. The union members also reported the matter to Zambia Sugar management. The complainant was taken to Mazabuka Hospital and a medical report was issued. The matter was reported to Mazabuka Police Station and the culprits were arrested and later dismissed by management.

However, the complainant was surprised at how the matter was being handled by the police and the court. He was also shocked to see all the guards who beat him reinstated by Zambia Sugar Plc. The complainant further alleged that prosecutors wanted to make some of his assailants State witnesses against the complainant's wishes. He also alleged that the respondent company had stopped paying his medicals and refused to pay for a spinal operation that the complainant was supposed to undergo at Italian Orthopaedic Hospital in Lusaka. At the time of lodging his complaint with the Commission, the complainant could hardly walk and had his back bent. He submitted photographs showing that he had been stripped naked.

On 17 January 2008, the Commission's investigations officers travelled to Mazabuka to investigate the complaint. The investigators also met with the police who assured that the matter would proceed in the right manner but that the complainant had been uncomfortable with the public prosecutors. It was also revealed that the matter would come up on 21 January 2008. The matter failed to take off as scheduled on 21 January as the complainant did not have transport to take him to court.

On 5 February 2008, the Investigation and Legal Department of the Human Rights Commission decided to refer the matter to the Legal Resources Foundation so that they could represent the complainant in court for both the criminal matter and the civil matter for compensation.

(c) Forced Abortion

This complaint came through the Commission's Mongu office in collaboration with the YWCA. The complainant lodged a complaint against the above named doctors in which she alleged that the doctors unlawfully performed a criminal abortion on her in a room at Sir Mwanawina Motel.

The complainant explained that she had been having an affair with Dr. C. Sikambale from 2005 until June 2006 when she discovered that she was pregnant. The doctor was not happy about the new development and their relationship soured. The doctor did not want to have anything to do with the pregnancy. On 12 January, 2007, Dr. Sikambale called the complainant around 20.00 hours and said he wanted to have a meeting with her. The complainant agreed and met Dr. Sikambale in the presence of his friend Dr Kayunga. Dr Kayunga then excused himself and left the complainant and Dr Sikambale talking. Dr Sikambale promised to support the complainant and promised to call her as soon as he got paid.

On 13 January, 2007, the complainant received a call from Dr Sikambale around 07.00 hours in the morning requesting her to see him at Sir Mwanawina Motel. He later changed the venue to Ngulu Hotel. At Ngulu Hotel, Dr Sikambale refused to sit at the bar and suggested that they discuss from a room where the complainant would be more comfortable. The complainant was led to a room where she found another doctor by the name of Ngwata drinking beer. The group was later joined by Dr Kayunga.

The complainant recalled that around 12 hours, she began feeling hungry and asked for a Sprite. While consuming the Sprite, the complainant excused herself to use the bathroom as the room was self contained. Upon returning she took a sip of the drink and realized that it tasted sour. Within minutes, the complainant started feeling dizzy. She started crying and requested for her phone but Dr Sikambale refused to give it to her. She felt abdominal pains until she lost consciousness. She only regained her consciousness at around 17:00 hours and discovered that she was near the bath tub and that there was some blood coming out of her private parts.

The complainant narrated that she lost consciousness again and only became fully awake around 20:00 hours. She immediately felt excruciating pain. She saw a silver paper next to her and Dr Sikambale informed her that he had inserted the medicine in her to reduce the pain. The complainant then started fitting and she was put in a vehicle and taken to the hospital using a discreet route.

On 17 January 2007, the complainant delivered a baby son who unfortunately passed away on 6 February 2007. For the whole of 2007, the complainant continued to experience heavy bleeding accompanied by a heavy pus discharge. The doctors at Lewanika Hospital treated her “suspiciously” and later referred her to Senanga Hospital which is a smaller hospital. With the assistance of the YWCA, the complainant was moved to Lusaka and housed at the SGBV centre.

On arrival in Lusaka, the complainant was admitted to the University Teaching Hospital where a catheter was removed from her cervix. However, there seemed to be a plot to destroy evidence as the doctor at the University Teaching Hospital (UTH) did not indicate that he had removed a catheter on the hospital file. The Commission and the VSU officers had to follow up with the doctor for him to give a statement. Collaboration efforts made it possible for the complainant to receive medical attention from a specialist doctor and a letter was written to the Medical Council of Zambia.

In March 2008, YWCA presented Mwangala’s case to women parliamentarians who immediately went to see the Inspector General of Police. The Inspector General has since commissioned a team of police officers to travel to Mongu to carry out further investigations.

(d) Chieftdom Evictions

On 27 March, 2008, Commissioner Pastor Godfrida Sumaili and Commissioner Alfred Sakala travelled to Chief Chitimukulu’s Palace to investigate two cases in which the complainants alleged that the chief had evicted them from the Chieftdom.

The Chief denied issuing any eviction threats or orders against the two complainants. In the case of Bornface Mulenga, he indicated that there were a lot of complaints against him from the village where he is head man and that there was to be a meeting on April 18, 2008 at his palace to hear the matter. He stated that whatever the outcome of the case, Mulenga would not be sent away from the village and that he may only be stripped off his headmanship if the allegations against him were proved to be true.

In the case of Loveness Chewa, the Chief stated that he had only asked her for part of the 40 hectares of land on which she is settled so that other people may settle there. Currently, the chief noted, the complainant was not utilizing the land but was merely using a small portion of it.

The meeting was very fruitful and the Chief stated that the complainants would not be evicted from the chieftdom. He also encouraged the Commission in Kasama to partner with other traditional leaders in the Northern Province to educate the people on their rights as well as obligations.

(e) Headman Chifita

The Legal Resource Foundation referred a complaint to the Commission concerning a group of individuals. The complainant complained on behalf of 19 other villagers from the same area. They complained against Headman Chifita who threatened to grab land and chase them away. They claimed that at a meeting held on 27 February, 2008, Headman Chifita grabbed their fields and chased them away from Chifita village. The complainants stated that they were told not to bury the dead in the village since they were chased from the village. They stated that Chief Mumba instructed Headman Chifita to grab land from them. The complainants further stated that Headman Chifita had already started giving out the land that was grabbed from a P. Chikwangala and Erness Nakulumbwe. They claimed that other tribes were not welcome to live in the village apart from Kaondes.

(f) James Daka vs. Headman Shimukuwaila

On 15 November, 2007, Mr. James Daka of Itezhi-tezhi complained to the Commission against Headman Bagile Shimukuwaila of Namaula Village for discrimination.

The particulars of the complaint were that in December 2005 the complainant went to settle at Namaula Dam 7 and in February 2006 he was called by the Acting Headman, village secretary and the Headman himself who registered him in the village register book. In March 2006, he was allocated land for him to open a small shop. In November 2006 more land was allocated to him near Lusaka Road for his poultry farming. However, in July 2007, the Headman ordered that all the land given to the complainant be repossessed and that anyone who would be seen or heard to be accommodating him would also be chased together with him from the area. But the complainant did not give reasons why such action was taken against him.

The complainant further explained that the Headman gave him two weeks to vacate his area. The complainant felt that his right to own land had been discriminated against and his rights to participate in any community programmes had been violated.

(g) Unlawful Detention

A Lundazi man of Ngalanda Village in Mwase Chiefdom was detained and fined K25,000 and an ox for allegedly defying the Chief's order. Peter Nyirenda, a peasant farmer, felt his rights were violated and asked the Commission to help. He says he was locked up and released only after paying K25,000 on condition that he would give to the Chief an ox for alleged insubordination, which he did. He stated that it was all because he did not appear before the Chief when summoned to the palace in a case where he was claiming damages after cattle belonging to a Mr. Julius Chikwekwe of Mkamilile Village ate his crops.

Nyirenda said that as the matter was before court, he opted to attend to court officials who were assessing the damage caused to his crops for fear of being sighted for contempt. His father represented him at the Chief's palace instead. The Chief was upset with his non-attendance at the Palace and ordered his detention until the stipulated fine was paid.

The Commission investigated the matter and assisted both Mr. Nyirenda and the Chief to resolve the matter amicably, which was done.

Traditional Dancers "whip" Chipata Man to Death

A man in his 40s was found dead after he was allegedly "whipped" by traditional dancers popularly known as Vilombo in Chief Chinunda's area in Eastern Province.

Following a tip off from the public, Isaac Mulilo of Chipata was found dead in the vicinity of St. Margaret School, lying approximately 200 meters away from Vilombo Dancers' Camp called Dambwa.

A Police source told Chipata Human Rights Commission Investigations Officer, Lisbon Chaamwe, that the deceased was last seen on Wednesday 18 June, 2008, in the company of two men from Vilombo Dancers Group who escorted him after drinking beer.

When he was found the following day, his body had cuts and bruises suspected to have been caused by the beating and whipping normally inflicted by Vilombo Dancers.

In Chief Chinunda's areas and some parts of Eastern Province, there is a myth that traditional dancers are not supposed to be seen when in camp. If caught near the dancers' camp, one pays a heavy toll for contempt. The dancers are known to be aggressive and violent and, as a tradition, they would whip anyone found near the camp. It is alleged that the deceased could have been a victim of such circumstances.

Mr. Chaamwe confirmed that the two suspects including the leader of Vilombo Dancers Group were picked up by the Police to help with further investigations into the alleged murder. The Human Rights Commission is following up the case with the police.

(h) Shooting of 12 Year Old Girl in Chipata

Several days after a 12-year-old girl was shot by a neighbor in Chipata's Hollywood area on 20 April, 2008, no arrest was made. The Police at Chipata Central Police had no clue as to where the suspect was. Meanwhile the family of the victim anxiously waited for the day when justice would prevail as they nursed the poor girl in the University Teaching Hospital (UTH).

On the fateful day, Ruth Kamanga, aged 12, was hit by a bullet at her home when her neighbor, Bestone Nyondo, fired a gun in what was reported as an attempt to kill a stray cat in his yard. The victim suffered a wound on the back of her neck and was rushed to Chipata General Hospital and later to the University Teaching Hospital (UTH) in Lusaka for specialist treatment. In a surprise turn of events, Radio Breeze FM carried a story to the effect that the suspect was seen by the bedside in the company of Chipata Mayor who visited UTH in sympathy with the aggrieved family. Apparently, the suspect was just on a routine visit to Lusaka.

These circumstances prompted the Commission to step in and facilitate the course of justice for the aggrieved and prevent any further violation of human rights. Through the Chipata Office, the Commission carried out its own investigations while collaborating with the police and the aggrieved family. Earlier, the police were indisposed to the disappointment of the aggrieved family. Annie Mtonga, the auntie to the victim, of house No. 106 Hollywood, Chipata, expressed disappointment that no arrest had been made since the shooting incident took place. Mtonga charged that the police were not doing their job as they had failed to trace the suspect despite the matter having been reported promptly to Chipata Central Police. She also refuted claims that the suspect had accompanied the victim to Lusaka for specialist medical attention at UTH.

A check at the police revealed that the matter was brought to the attention of the police but an arrest had not yet been effected. When asked why the suspect was not arrested, the police said the suspect had not been summoned as he was believed to have accompanied the victim for specialist treatment in Lusaka. On the contrary, the police believed the shooting of the girl was an accident even before the suspect was questioned to give a statement on the matter. This forced the Commission to mount pressure on the police leading to the arrest of the suspect who was charged with attempted murder. On 30 April, the suspect appeared in court and was granted constitutional bail. The suspect was re-arrested on 5 May for another charge of murder.

The Human Rights Commission has kept a close eye on this case to ensure the rights of both the accused and the aggrieved are respected.

CHAPTER 3

HUMAN RIGHTS EDUCATION AND INFORMATION

Human rights education, sensitisation and information activities are critical to the promotion and protection of human rights. Not very long ago, the United Nations itself dedicated a whole decade (1995-2004) to the subject of human rights education. The Human Rights Commission has a mandate to put in place a continuing programme of human rights education, information and sensitisation activities. During 2008, the Commission continued to carry out activities in the area of human rights education, information and sensitisation through the use of various media. These included workshops, talk shows, theatre and television and radio.

A. HUMAN RIGHTS EDUCATION IN SCHOOLS

As reported for 2007, the Commission undertook to work closely with the Curriculum Development Centre (CDC), Zambia Civic Education Association (ZCEA) and the Ministry of Education (MoE) to follow up on the workshops held in 2006 on the advancement of teaching of human rights in schools. With civic education

becoming an examinable subject in secondary and high schools, more human rights workshops for teachers of civic education were planned for 2008.



Through its Information, Education and Training Department, the Commission liaised with Nkrumah College of Education in Kabwe, central Zambia, on the possibility of holding one workshop for teachers of civic education. This was initially agreed for the school holidays of April/ May but could not materialise as it coincided with the workshop for community media in Chipata and became logistically impossible to conduct. Secondly, Nkrumah expressed the need to include other components of the civic education syllabus

like corruption and drug abuse. However, due to limited funds budgeted for this activity the Commission could not undertake to bring other organisations on board. Fortunately, the Anti-Corruption Commission (ACC) accepted a proposal to pool resources together and conducted a training workshop for teachers in Kasama, Northern Province. Other stakeholders included the Drug Enforcement Commission (DEC), the CDC and the Examinations Council of Zambia (ECZ).

B. TELEVISION, RADIO AND THEATRE

Television

During the period February/March 2008, the Commission, through the Information, Education and Training Department (IETD), conducted a series of eight television discussion and phone-in programs on Zambia National Broadcasting Corporation (ZNBC) Television. The programs, which were broadcast every Sunday between 09:30 hours and 10:30 hours, went under the title “Human Rights Focus”. The discussions covered a wide range of topical issues as indicate below:

- Sunday February 3: The Role of a National Human Rights Institution- The Zambian Human Rights Commission. Panelists: Mr Enoch Mulembe, Director and Mrs Hope Chanda, Chief, Research and Planning (CRP)

- Sunday February 10: Fulfilling the Mandate of the Human Rights Commission Programs and Operations. Panelists: Mr Samuel Kasankha, Chief of Information, Education and Training (CIET), and Mrs Chanda.
- Sunday February 17: The Complaints Handling Procedure. Panelists: Mrs Pixie Yangailo, Chairperson and Mr Jew Moonde, Principal Investigations Officer (PIO).
- Sunday February 24: This Sunday, the panelists attended to questions that had been sent by Short Message Service (SMS) in all previous weeks and which could not be answered for lack of time. Panelists: Mr Kasankha, and Mr Moonde.
- Sunday March 2: Financing for Gender Equality. Panelists: Mr Mulembe, Ms Christine Kalamwina, Acting Permanent Secretary, Gender in Development, and Ms Juliet Chibuta, Publicity Secretary, Non Governmental Coordinating Committee (NGOCC).
- Sunday March 9: The Christian Faith and Gender Equality. Panelists: Pastor Mrs Godfridah Sumaili, Commissioner, and Pastor Charles Kufa, Evangelist, Seventh Day Adventist Church.
- Sunday March 16: The Christian Faith and Gender Equality (Continued). Panelists: Mrs Sumaili, Pastor Kufa and Mr Kasankha
- Sunday March 30: Workers' Rights. Panelists: Mr Mulembe, Mr Mtumbi Goma, Trustee, Zambia Congress of Trade Unions, and Mr Chola Chabala, Assistant Labor Commissioner.

Radio

During the first quarter of 2008, the Chief of Information, Education and Training (CIET), Mr. Samuel Kasankha, resumed participation in the Police and You radio programme on Zambia National Broadcasting Corporation (ZNBC) Radio 1 (Nyanja). As reported in the previous year's report, the programme was a live phone-in which came every Saturday morning from 07:15 hours to 08:00 hours. Callers discussed police operations and how they were affected. Mr. Kasankha was required to comment on and give the Commission's stand-point on those matters that directly affected human rights.

Mr. Kasankha was also twice a guest on Talking Point, a ZNBC Radio 4 discussion and phone-in programme. The first one looked at human rights in general while the second looked at "instant justice", with the recent killing of two suspected thieves in Lusaka's Misisi compound being the focal point of debate.

(i) Pilot Community Radio Programmes on Human Rights

As has been reported before, the community radio project is intended to build capacity in community radio to develop and broadcast programmes with a human rights theme. This is part of the Commission's mandate to educate and inform the local communities on various aspects of human rights through partnering with community radio stations. During the year under review, a consultancy firm, One World Media, was identified to lead the piloting of the community radio programmes project in the Eastern Province. This involved facilitating at the human rights orientation workshop for community radio personnel and also developing a training manual for future orientation workshops. During the third quarter of 2008, thirteen radio programmes were developed with the assistance of a consultancy firm One World Africa. The programmes were done in Nyanja and Tumbuka and broadcast was expected during the month of October on Radio Chikaya in Lundazi and Radio Maria in Chipata.

Addressing participants at a five day workshop for community radio broadcasters held in the provincial capital of Eastern Province, Chipata, from 12 to 16 May, United Nations Developing Programmes (UNDP) Assistant Resident Representative for Governance in Zambia Jeremias Blaser said Radio is the most effective form

of informing and educating the public especially those in the rural parts of the country, hence the need for them to be evenly distributed. Mr. Blaser said that the Government should not concentrate on the issuing of broadcasting licenses for community radio on the line of rail but look also in the outlying areas of Zambia. He added that community radios were a necessary tool for sensitising people on their rights. And speaking earlier Mr. Samuel Kasankha said that the workshop was the first of many to come. Mr. Kasankha urged the participants to open up and participate fully if they were to walk out with the desired knowledge on human rights which could be a stepping stone in their human rights campaign.

Eastern Province Permanent Secretary, Kelvin Kamuwanga, said that it was commonly held that violations of human rights thrived on ignorance. In a speech read on his behalf by the Provincial Education Officer, Mrs. Pilila Jere, the Permanent Secretary said after the first serious efforts at defining human rights and finding ways of ending atrocities by man on man and the 60 years of the existence of the Universal Declaration of Human Rights, it was inexcusable that people must suffer human rights abuses for lack of knowledge. The Permanent Secretary added that every effort in the direction of sensitising people at all levels of their rights and, in so doing, promoting a sustainable culture of respect for human rights was most laudable and worthy to be encouraged.

And passing a vote of thanks a veteran broadcaster, Grayson Mwale, thanked the Commission for having selected Chipata as the pilot project centre for the project. He said as community stations they would join together and form a sensitisation committee to help educate the people on their human rights. Five community radio stations participated in the workshop, these being Radio Chikaya, Radio Maria, Radio Breezi, Radio Pasme and Radio Explore.



A presenter at Kabwe's Radio Maranatha Community Radio Station

(ii) Universal Declaration of Human Rights on Radio Christian Voice

Working in collaboration with Radio Christian Voice, the Commission educated the public on the contents of the Universal Declaration of Human Rights. The Director, Mr. Enoch Mulembe, made brief explanations of each of the thirty articles of the UDHR. Each day, for thirty days, Radio Christian Voice broadcast the messages in the beginning in December, 2008.

Theatre

The Information, Education and Training Department also organised sensitisation through community theatre during the year, mostly as a supplementary activity to other ongoing activities. In Chipata, Eastern Province, shows were held in nine different communities when the Commission was conducting a workshop for community media personnel. The messages were on basic human rights, publicising the existence and activities of the Commission, as well as the location of the Chipata Human Rights Commission Office. In the North Western Province, shows were held in Mwinilunga, Solwezi and Zambezi during the Commission's tour of prisons, police cells and other facilities.

C. HRC SENSITISES SESHEKE RESIDENTS ON THE WITCHCRAFT ACT

In July 2007, the Commission's Southern Province Office confirmed reports of harassments, victimization, discrimination and persecution suffered by people of Sesheke District who were accused of practices in connection with witchcraft or sorcery. According to the Commission's investigations, men, women and children were disposed of property, had homes set ablaze, were rejected and isolated by their own communities as some form of punishment for being named or having a relative named as a witch, wizard or satanist.

Those named by witch finders were actually subjected to instant justice and the waste forms of abuse which stole away their dignity. At stake were their lives and a lot of human rights issues arose as the victims were grossly exploited and abused. The Commission found with disappointment that most communities in Sesheke had a fixed mindset on matters of witchcraft where they shamelessly encouraged the dubious practices of witch finders. Sadly, the witch finders targeted seemingly successful individuals in the district such as those owning herds of cattle and doing well in business who, despite their innocence, ended up being punished for wrongful reasons, losing property and having their families traumatised and face all sorts of discrimination from their communities. It was found that this pattern of events discourage people in the district from venturing into productive income-generating activities and taking up opportunities that would lift them from the harsh realities of poverty.

In a determined attempt to stop the human rights violations, the Commission responded with a specific programme of activities designed to raise the level of awareness of human rights and stimulate action from the communities themselves to ensure respect for the rights and freedoms of every person and restore the dignity accorded to those who were victims of abuse and exploitation. From 21 to 24 May, 2008, the Commission's Department of Information, Education and Training working hand in hand with the Commission's Committee on Economic, Social and Cultural Rights, the Livingstone Office and the Mongu Office, undertook a sensitisation campaign for law enforcement officers, witch finders, victims of witchcraft practices, and the communities. The delegation on the sensitization programme was led by Commissioner Alfred Sakala, Chairperson of the Economic, Social and Cultural Rights Committee. The delegation paid courtesy calls on the District Commissioner, the magistrate and traditional rulers, and organised a community theatre on human rights issues.

As part of the sensitisation, the Commission conducted a one day workshop for law enforcement agents titled Police and Human Rights. Forty-six police officers from around Sesheke attended the workshop. The workshop addressed the contents of the Witchcraft Act, with the objective of determining how it could effectively help the police stem the reported high rate of injustices committed as a result of witch-finding and naming in the district. By the end of the workshop, several human rights abuses which occurred as result of witch-finding

and naming were clearly identified as crimes which could lead to arrest even without reference to witchcraft, which appeared to be a very sensitive subject. The workshop gave police more impetus to act according to the dictates of the law. The identified abuses were, among others, arson, criminal trespass, murder, assault and battery.



Head of the Commission's Information, Education and Training Department, Samuel Kasankha, holding an artifact during sensitisation on witchcraft in Sesheke

Other activities included systematic distribution of information, education and communication (IEC) materials in outlying areas of Sesheke district and holding of a human rights talk at Sesheke High School. As a follow-up, the Commission would undertake similar interventions in other parts of the country in its quest to shed light on human rights issues and educate those communities affected by the problem of witchcraft. This is in keeping with the Commission's commitment to build a sustainable human rights culture in Zambia.

D. HUMAN RIGHTS COMMISSION DIRECTOR CHAIRS NCC COMMITTEE

During the year under review, Human Rights Commission Director, Mr. Enoch Mulembe was elected as Chairperson of the Human Rights Committee of the National Constitutional Conference (NCC). Mr. Mulembe said in an interview that the election of the Commission's Director to lead the NCC Human Rights Committee was an opportunity for the Commission to provide leadership on human rights issues in the constitution making process.



Director Enoch Mulembe

Mr. Mulembe stated that as an institution charged with the responsibility to promote and protect human rights, it is key that the Commission participates in the NCC to ensure that the NCC came up with a suitable and workable Bill of Rights for Zambia. He expressed happiness that the Commission's role and participation in the NCC was greatly appreciated.

The Commission's Chairperson, Mrs. Pixie Yangailo and Mr. Mulembe are members of the NCC on behalf of the Human Rights Commission.

E. NATIONAL CONSTITUTIONAL CONFERENCE BRINGS HOPE ABOUT THE FUTURE OF HUMAN RIGHTS IN ZAMBIA

Mrs. Mwangala Zaloumis, spokesperson of the National Constitutional Conference (NCC) is optimistic that the new constitution will protect fundamental rights of the people. An ordinary Zambian does not care about the constitution as long as all he or she needs is provided, says Zaloumis. If those needs are not included, qualified and protected in the constitution, she believes it could be difficult to have the government do the things it should to meet people's demands. Mrs. Zaloumis speaks on behalf of the NCC which is charged with the responsibility to enact a new constitution based on recommendations contained in the Draft Constitution commonly known as the Mungo'mba Draft Constitution. She gave this interview to the Human Rights Commission's Information Officer, Simon Mulumbi, on 20th May 2008 at the NCC Secretariat housed in Mulungushi International Conference Centre.

Q. As spokesperson of the National Constitutional Conference, what are your general impressions of the constitutional making process?

A. Firstly I wish to welcome you to the NCC. To me I am delighted that I am talking to Human Rights Commission through you and that you found time to come and seek an audience with the NCC through me. To me this is part of consultation and I am pleased that we talking today with one of the biggest stakeholders in the constitution making process.

My impressions are that it is very encouraging. We have got the majority support. I don't think in any natural process you are going to get a situation where it is 100 percent. I think the process has been sharpened by the interactive method of communication where even those who were not talking to the NCC but chose to talk through the press are now talking to NCC. I earnestly hope that we are going to have more of those views on real issues that affect the constitution.

To me, the constitution making process within the NCC and outside the NCC is very important but it has to be interactive. We hear what they are saying, the committees are hearing and it is up to the committees to address those concerns.

Is this the right time for Zambia to enact a new constitution?

This is a very right time for us to go into constitution making because we are not addressing anybody's issues. We are not being individualistic or addressing ourselves because we are going to have an election tomorrow. The worst thing in a constitution making process is to enact a constitution so that it can cure a certain defect or an immediate need.

Q. Why should it be done now?

A. The constitution has been talked about all the time. Where we have come from, we have always talked about enacting a new constitution. If you remember, the first amendment to the one-party constitution was through the Mvunga Commission. That introduced multipartyism. When the MMD came into power in 1991, they said they were going to enact a new constitution.

A very serious engagement into constitution making was led by the Mwanakatwe Commission. Unfortunately,

Government accepted only 30% of the recommendations by the Mwanakatwe Commission. Because of that, Oasis Forum was born and political parties started meeting. At that time, I co-chaired the inter-party dialogue with Mr. Sata who was from the ruling party and I was from the opposition. The major discussion was that we needed a new constitution.

Then came a discriminatory provision that was introduced in 1996 where Zambians were being classified into first, second and third generations, and being told who was entitled to stand in an election. These are issues of the electoral process, which also came up through the interparty dialogue.

It is from that background that the constitution has been a very topical issue. To me, this is the opportune time to address the constitution because we have three years to go before the next general election. We have the president who is in his last term and I am certain he wants to leave a good legacy and has nothing to hold him back because all he wants is Zambia after him to be governed properly. So I believe that you could not do it at a better time than now because you are being guided properly.

Q. What is the potential for success of the constitutional making process and the NCC in particular?

A. The success of the NCC emanates from its membership. The stakeholders who are represented here have come from a wider selection. I cannot think of anybody who has been left out. Political parties are here. Most of the mother bodies whether professional, church, or NGO are all here. When you talk about the church especially the evangelical, they are so many here. The Seventh Day Adventist and other churches are all here. The Catholics officially are not here, but if you come in the conference and ask how many Catholics are there you will be shocked. There are so many Catholics and so many of us there. I am catholic, a very serious and committed catholic. I am not representing the Catholic Church, but I can assure you I want something to go according to my faith. Nothing compromises that.

Q. What is the NCC doing to promote a culture of respect for human rights in Zambia?

A. First and foremost, when we met we had regulations agreed upon by all the members. We said this is the way we are going to conduct ourselves so that everyone can be listened to and have their views respected. To me, that is human rights and it starts from the conference itself.

We have a human rights committee that has been established. The issues the committee is going to address are contained in the draft constitution popularly known as the Mungo'mba draft. Nonetheless, they are required to look at other constitutions, such as the Northern Rhodesia constitution, the independence constitution, the 1973 constitution, and all those constitutions that have been enacted to date including their reports.

To help the NCC members, we have had experts like your Human Rights Commissioner, Mr. Palan Mulonda who came to talk about the history of human rights, the UN charter and the global picture. He articulated these issues so that the members can make informed decisions. There were also other experts who came to orient members of the NCC. Mr. (John) Sangwa was here, the former Chief Justice Ngulube was here, and Dr. Mutukwa from the SADC Parliamentary Forum was also here sharing the SADC experience.

Q. In this process, are the interests of ordinary people being taken into account?

A. I am sure the committee on human rights will consider the concerns of the ordinary person. The committee hasn't sat yet to look at their terms of reference in accordance with the draft constitution. I don't believe that the committee will leave any stone unturned. Just looking at the composition of the committee and the issues they will be looking at, I think they are going into an exciting time.

Q. What issues is the committee going to address?

A. The committee is expected to look at the fundamental rights and freedoms, the duty of the state to promote these rights and freedoms, the application of the Bill of Rights and its interpretation, the right to life and human dignity. The issues are so many. The list goes up to 63.

Others include rights of suspects, arrested people and persons detained in custody. In 1996, there was an amendment to the constitution and very few people saw that except those who were active in the electoral process. Prior to that, when you are detained or held in custody, and there is an election, you can actually stand for election if you request somebody to file a nomination on your behalf because your detention is not supposed to be permanent. But, that was amended to take away that right. What it meant is that you could be detained on flimsy charges so that you are not able to file and be released after the filing of nominations. This affects the fundamental rights.

Further rights for women, children, young people, and persons with disabilities must also be codified and protected. These are all rights that are going to be looked at.

The committee will also look at issues of child labour and slavery. Some people might ask how can we talk about slavery this time. Unfortunately, this is emerging in other jurisdictions. People have been abducted, the youth and children are missing. It is not a serious problem if you don't know anything about it or if you haven't been affected. In the last three weeks I have known about four cases of children who have been abducted. Where are they ending up? Are they ending up in forced labour, are they ending up as slaves in other countries or in our country, we just don't know.

Q. You must have the leadership that will see the committee address all these issues...

A. Well as you know, Mr. Enoch Mulembe (Human Rights Commission Director) is the Chairman of the human rights committee. The Vice Chairperson is Pastor Godfridah Sumaili from the church (who is also serving as Commissioner for the Human Rights Commission). This is really under Human Rights (Commission) ... it is the human rights portfolio. It couldn't be well catered for than having the two as Chairperson and Vice Chairperson.

Q. There are fears that the NCC may not adopt the inclusion of economic, social and cultural rights in the new Bill of Rights as recommended by the Mung'omba Draft Constitution. What is your opinion?

A. It is really up to the members to see the merits and demerits. I will give you an example of the citizenship issue that has been discussed. The citizenship committee which has just finished sitting has made recommendations on whether Zambia should be for dual (citizenship) or not. I am sure even in the nation there are people who believe that we should have a dual citizenship. There are also people who believe that dual citizenship is not good for the country. You can see merits and demerits in both, but you have got to take a lot of things into consideration.

Economic rights, take for example, if you make it justiciable that a state will be compelled to do certain things to meet the demands for economic rights, you have also got to consider other issues. Is the state able to meet these demands or how is the state going to meet these demands if they become justiciable? Which other jurisdictions have made social, economic and cultural rights justiciable? All these are issues to be considered and, as I said, Zambia is not alone in this global village, there have to be a comparison process.

Sometimes, with these fundamental rights, you have to consider the cultural aspects because people are coming from a certain background. Can you say that somebody has a right to have the same sex marriage in Zambia today or in 50 years to come? Do you want to be so permissive that anybody can do anything without facing any consequences? Is your freedom so free that you can cough at other people's faces because you want to cough? Sometimes your right can be a hindrance and a nuance to other people.

Q. As we conclude the interview, do you have anything to add?

A. All I can say is that we are going into a very exciting time. The public have to be open-minded and discuss these issues in a rational, mature and well-informed manner. Whatever we do, we don't want to promote one side against the other. We have to maintain the balancing act for the country to forge ahead. I know there are serious issues to look at, but they shouldn't be so contentious as to divide us as a nation.

Q. Well, I can only thank you for the opportunity to talk to you about human rights and the NCC process.

A. I hope in my humble submission you will find this interview useful.

F. HUMAN RIGHTS MONTH

A month of human rights activities was planned to commemorate the 60th anniversary of the Universal Declaration of Human Rights (UDHR). Following the presentation and approval of the proposed activities at the planning and review meeting held in early September the activities stated below were planned. With the unexpected death of His Excellency the President of the Republic of Zambia, Dr. Levy P. Mwanawasa, SC., and the subsequent Presidential Elections, some of the activities particularly the information and education related activities were adjusted to accommodate the elections.

- The Commission designed billboard messages around the UDHR, the theme for the 60 years and the forthcoming elections. The billboards were expected to be erected in each provincial capital.
- Working with UNDP and the Zambia Association for the Deaf, the Commission organized two election, human rights and voter education training workshops for members of the Zambia National Association for the Deaf in Lusaka (26-27 September) and Ndola (29-30 September).
- The Research and Planning Department, working with the Commission's Livingstone office, organized and held a two day training workshop for Commission staff, Commissioners and representatives of civil society within Livingstone on 'human rights' elections monitoring on 10-11 October, 2008, at Wasawange Lodge in Livingstone. The participants included three Commissioners, 20 staff drawn from all of the Commission's offices and 8 representatives of civil society organizations in Livingstone. The objectives of the training were:
 - To share with and sensitizes selected stakeholders and Human Rights Commission staff on the human rights related to elections and the electoral process;
 - To equip participants with the knowledge and skills required to be an effective 'human rights' election monitor and thus prepare them to monitor the 2008 Presidential Election;
 - To draw up and design as a team a 'human rights' election monitoring tool.

CHAPTER 4

RESEARCH AND ADVOCACY

Under its mandate to undertake a continuing programme in research, the year 2008 marked a turning point in the Commission's 10 year existence. It marked the launch of the Commission's 2007 Annual State of Human Rights Report (ASHRR) with the support of the United Nations Development Programme (UNDP). The report was the first of its kind produced by the Commission.

The ASHRR is an invaluable tool in monitoring, reporting and drawing the nation's attention to human rights challenges and how they are being addressed. The report is intended to be an annual publication that will serve the Commission's objective of promoting and protecting human rights by monitoring and influencing the development and observance of key national and international human rights standards by all stakeholders.

A. 2007 ANNUAL STATE OF HUMAN RIGHTS REPORT

The launch of the ASHRR, which was attended by more than 100 invited guests and members of the public, was successfully held on 3 April 2008 at the Taj Pamodzi Hotel in Lusaka. The Chief Guest was the then UNDP Resident Coordinator, His Excellency Mr. Aeneas Chuma. Also in attendance were the Ambassadors of Cuba, Denmark, Finland, South Africa and Sweden, and also high level representation from the Norwegian Embassy. The activities at the launch included the presentation of an Engagement Plan by the Commission Director, Enoch Mulembe, the screening of a brief documentary centred round the production of the report, and exhibitions by a number of civil society organisations and the Human Rights Commission. The launch received favourable response, including subsequent media coverage of various aspects of the report and also interviews and courtesy calls on the Director.

Speaking at the launch of the report held on 3 April, 2008, at the Taj Pamodzi Hotel, Vice Chairperson of the Human Rights Commission, Mr. Palan Mulonda, acknowledged that the report signified the Commission's commitment to advance the domestication of international human rights standards in Zambia. He said that the epoch of human rights standard setting, both universally and regionally, though continuing, was substantially over. The challenge was now the implementation of these standards at the domestic level. Mr. Mulonda noted that, happily for Zambia, the State for the first time, since independence, had expressly provided for domestication of international human rights standards in the Fifth National Development Plan (FNDP) running from 2006 to 2010. Mr. Mulonda said the launch of the report marked the beginning of the Commission's constructive engagement process with the government and other stakeholders in Zambia aimed at collectively achieving the full expression of international human rights standards embraced by the state domestically.



HRC Vice Chairperson Mr Palan Mulonda speaking during the launch of the state of the human rights report

The Vice Chairperson stated that the report would be used to evaluate government's strides or the lack of them and re-evaluate benchmarks for human rights protection and promotion in the FDNP. He said human rights monitoring and reporting had long been one of the tools identified for the enhancement of the protection and promotion of human rights worldwide. The Commission was hopeful that the report would be used as a guide or indicator and would be the Commission's contribution in accordance with the Paris Principles on national human rights institutions to government's self evaluation process and to its various reporting processes.

Mr. Mulonda went on to advise that the report should be seen not as a critique of government but rather as an indispensable step towards identification and, subsequently, prevention and correction of human rights wrongs in the country. The monitoring and advisory function of the Commission was not to show the government in a bad light but that the process should be perceived as an opportunity for achieving a variety of objectives that encompass that of continuing the process of promoting and enhancing respect for human rights, and adoption of measures to remedy any short comings that are identified.

And presenting the Commission's engagement plan, Human Rights Commission Director, Mr. Enoch Mulembe, said the Commission would join hands with different organisations to address the gaps identified in the State of Human Rights Report. Mr. Mulembe said in fulfilling its mandate to promote and protect human rights for all persons in Zambia, the Commission had devised an engagement plan in an endeavour to address the gaps identified in the report. The Commission intended as much as possible to partner and collaborate with various government departments, non-governmental organisations, community based organisations and other institutions in the implementation of the plan. Mr. Mulembe said the State of Human Rights in Zambia 2007 Report highlighted the status of human rights in the FNDP sectors of education and skills development, gender and development, governance, health, public safety and order, water and sanitation, and youth and child development.

With respect to the right to education, the report found that equitable access to quality education was still a pipe dream for many young people. More males than females accessed higher education and training while the numbers of children attending lower grades were still low.



UNDP Resident Representative, Mr. Aeneas Chuma, at the launch of the State of Human Rights Report

On the right to health, the report observed that the status of the right to health in Zambia as still below what was required for the majority of the people to fully enjoy the right. It revealed that child mortality and maternal mortality resulting from poor access to health care, especially in the rural areas, remained a major challenge. The report further noted that the right to water was still not enjoyed by a significant proportion of the Zambian population.

According to the report, incidents of arbitrary killing by law enforcement agents such as the police still existed while conditions in prisons and places of detention continued to be inhuman and degrading. Further, the report indicated that the death penalty was still applicable when a person was found guilty of a most serious crime like murder despite the reluctance of the incumbent Republican President, Dr. Levy P. Mwanawasa, SC, to sign any death warrants. Despite efforts to address inadequacies in the fulfilment of women's rights, the report observed that gender-based violence, especially against women and children, continued to be a major source of concern.

Consistent with the government's responsibilities expressed in the FNDP to ensure the enjoyment of human rights by the people in Zambia, the report recommended that critical rights such as the rights to life, health and education should be prioritised and secured.

To this end, the report showed that there was need for the government to scale up measures that would improve access to education, improve quality of and access to health care services and safe water. Furthermore, the report recommended the need for enhanced status of women's and children's rights, and adequate protection of individuals against arbitrary or unlawful deprivation of life, protection from torture, inhuman treatment, arbitrary arrests and detention. It also strongly recommended that the Bill of Rights in the constitution should be broadened to include economic and social cultural rights.



A guest Mrs Sindiso Kankasa from the Ministry of Justice making a contribution on the findings of the report

B. ENGAGEMENT PLAN

Following the findings in the State of Human Rights Report, the Commission has put in place an engagement plan designed to bring about change and significant impact on the culture of human rights in the country. The engagement plan is grounded in the current 5-year strategic plan for the Human Rights Commission running through to 2011. This document amplifies on the issues raised in Zambia's first ever National Plan of Action (NPA) on human rights which resulted from a National Vision Conference for stakeholders to identify priority areas in response to the human rights challenges that the country faced since independence.



Director, Enoch Mulembe, being assisted by Chief of Research and Planning, Hope Chanda during the presentation of the Engagement Plan.

The NPA is rooted on the provisions in Universal Declaration of Human Rights (UDHR) and other international human rights instruments, the African Charter on Human and Peoples Rights (ACHPR) and other regional instruments, the Zambian Constitution and other relevant legislation, as well as progressive constitutions and laws of other countries. In fact, it forms a type of a broad engagement plan at national level setting out strategies, actions and measurable goals for the period 1999-2009.

The Human Rights Commission's engagement plan is primarily aimed at addressing the issues brought up by the State of Human Rights in Zambia report, which is a result of the Commission's research function, and an activity planned for in the strategic plan. The plan outlines what each department in the Commission would do to address the human rights challenges identified in the report. It would be intimately connected to the Annual State of Human Rights in Zambia Report and would seek to advance human rights issues and address the gaps highlighted in the report.

The Commission Director indicated that initially, the engagement plan was to be fixed to a one-year time frame at the end of which there would be a review feeding into the next report. Implementation of the engagement plan depended, in part, on active participation of stakeholders in different sectors. As it provides a concrete plan of action for consolidation of resources and efforts of the public and private sectors, civil society and other human rights activists, the engagement plan also allows for multi-sectoral approaches to human rights issues in the country.

C. PREPARATION OF STATE OF HUMAN RIGHTS REPORT

The process leading to the production of the report involved the participation of a number of key stakeholders including UNDP, United Nations Children's Education Fund (UNICEF), Transparency International Zambia (TIZ) the Ministry of Justice (Governance Secretariat) and the general public. A focus group discussion was held in January 2008 at which the organisations mentioned were represented and raised some important observations on the draft.

The meeting:

- Highlighted some of the limitations the process was facing such as access to information;
- Re-emphasised the need for the report to be drafted in simplified language;
- Indicated the limited information that had been received and utilised from the Commission itself;
- Emphasised the need to popularise and package specific sections of the report for specific target groups; and
- Re-set the timetable for the completion and publication of the report.

Study Tour to South African

In an effort to strengthen the Commission's activities following the production of the report and in accordance with the Annual Work Plan drafted between the Commission and UNDP, the Commission's Research and Planning Department arranged and organised a study tour that was carried out in South Africa. The institutions visited during the tour were the **Centre for Conflict Resolution based in Cape Town, the Centre for Human Rights and Centre for the Study of AIDS both based at the University of Pretoria, the South African Human Rights Commission (SAHRC), and the Southern Africa Regional Office of the High Commissioner for Human Rights.** The team that conducted the tour comprised the Commission's Deputy Director Mrs. K. Kapin'a Nkombo, Chief of Research and Planning Mrs. Hope M.N. Chanda, Principal Legal Counsel Ms. Rumbidzai Mutasa, Research and Documentation Officer Ms. Sinyama Simui and Mr. Luca Bruceri, Programme Officer from the UNDP.

The general objectives of the tour were to inform the Commission's engagement plan and activities following the production and publication of the report and to exchange and learn best practices from the institutions visited for the Commission's various operational areas.

D. ACTION RESEARCH ON EMPLOYMENT AND LABOUR RELATED RIGHTS

On 30 May, 2008, the Research and Planning Department held a stakeholders' consultative meeting at Lusaka's Intercontinental Hotel on employment, labour and other related rights. Participants were drawn from civil society, the employer and employee associations and government. The following were the objectives of the meeting:

- To share with and sensitise selected stakeholders on the current status of employment, labour and other related rights;
- To share with stakeholders the research concept of an employment, labour and other related rights that the Commission intends to undertake.
- To draw proposals from stakeholders on what sectors the Commission should focus on in mentioned research;
- To draw up a draft advocacy plan that the Commission together with identified stakeholders can undertake to advocate legislative, policy, and administrative changes to employment, labour and other related laws, policies and practices.

Presentations and discussions included an overview of employment and labour related rights, current labour laws and the proposed changes and the importance of HIV/Aids policies in the workplace. The meeting concluded by proposing sectors in which the research should be conducted and the organisations the Commission could collaborate with on the activity.

Following the consultative meeting, the Commission's Research and Planning Department commenced its field research in respect of the employment and labour related rights research. The department sampled Southern, Copperbelt, North-western, Northern, Eastern (Lower Zambezi) and Lusaka Provinces. The sectors that the Commission looked at were the mines, tourism (hotel and restaurant), fishing industry and small traders.

E. HUMAN RIGHTS AND BUSINESS CONFERENCE

Workshop for media persons on Human Rights and Elections

As part of the October month activities to commemorate 60 years of the UDHR, the department conducted a one day workshop on human rights, with some emphasis on elections as it was close to the Presidential Election. Twenty five participants from both the print and electronic media attended. Mr. Kasankha and Mr. Peter Kanunka, Senior Investigations Officer, were the resource persons.

Commemoration of the 60th Anniversary of the Universal Declaration of Human Rights (UDHR)

As part of the engagement plan activities, a month of human rights activities was planned to commemorate the 60th anniversary of the UDHR.

i) Putting up of billboards (with Human Rights (the UDHR) & Elections Messages)

The RPD and the IETD worked closely with UNDP to design billboard messages around the UDHR, the theme for the 60 years and the 2008 Presidential Elections. The billboards were erected in the second to third week of October around the country.

ii) Training of ‘human rights’ election monitors

The department, working with the Commission’s Livingstone office, organised and held a two day training workshop for Commission staff, Commissioners and representatives of civil society within Livingstone on human rights and elections monitoring on 10 and 11 October, 2008 at Wasawange Lodge in Livingstone. The participants included three Commissioners, 20 staff drawn from all of the Commission’s officers and 8 representatives of civil society organisations in Livingstone.

The objectives of the training were:

- To share with and sensitise selected stakeholders and Human Rights Commission staff on the human rights related to elections and the electoral process;
- To equip participants with the knowledge and skills required to be an effective ‘human rights’ election monitor and thus prepare them to monitor the 2008 Presidential Election;
- To draw up and design as a team a ‘human rights’ election monitoring tool.

iii) Human rights and business management conference

The department, working with the Ndola office, organised and held a ‘Human Rights and Business Management’ Conference in Ndola on 21 and 22 October 2008. The conference participants were drawn from the private sector within the Copperbelt Province, UN Agencies (UNDP, UN Global Compact, ILO), civil society, government institutions and academia. The main objective of the conference was to highlight issues of human rights in the business arena and share how business entities can better protect the rights of both their employees and those that access their goods and services.

CHAPTER 5

CHILDREN'S RIGHTS

Since its inception in 1997, the Human Rights Commission has regarded the issue of children's rights as one of its top priorities. As has been indicated before, one of the first acts of the Commission was to create thematic committees centred around its priority areas as identified in the National Plan of Action 1999-2009. One of these committees was the Committee on the Rights of Children. The committee was meant to assist the Commission in identifying critical issues affecting children in Zambia and to structure programmes tailored on addressing those issues.

During the year under review, the Commission continued its partnership with Save the Children Norway and Save the Children Sweden aimed at establishing a special office within the ambit of the Commission to focus on children's rights. During the year, preparations reached an advanced stage. However, even before the launch of the office, the Commission and its partners agreed to implement a number of activities aimed at the promotion and protection of children's rights. One notable activity held during the year was the public hearing on violence against children.

A. PUBLIC HEARING ON VIOLENCE AGAINST CHILDREN

Every child has a right to his or her physical and personal integrity. Every child has a right to protection from all forms of violence. As human beings, children are entitled to enjoy all the rights guaranteed by the various international human rights instruments that have been developed from the Universal Declaration of Human Rights. Although protection for children is provided in general by a number of human rights instruments, the international community recognized that children needed specific human rights protection.

The Convention on the Rights of the Child adopted by the United Nations General Assembly in 1989 and ratified by Zambia in 1991, clearly signals that children are holders of human rights and have a distinct legal personality and evolving capacities. The Convention on the Rights of the Child sets up a framework of legal principles and detailed standards which should govern all laws, policies and practice affecting children. The Convention espouses the promotion of prevention of violence and responses to protect all children from all forms of violence.

The problem of violence against children cuts across geographical, religious, class, racial and cultural backgrounds. Children in most parts of the world are exposed to all forms of violence and the situation in Zambia is not an exception. Government and all sectors of the Zambian society must fulfil their responsibilities to protect children and hold accountable all those who put children at risk.

The Convention on the Rights of the Child establishes high standards for child protection both in the public and private spheres. Article 28(2) sets forth the child's right to be protected from corporal punishment in schools, while Articles 32 through to 36 articulate the child's right to protection from exploitation, whether economic or sexual. Other articles protect children from torture, capital punishment or life imprisonment, while still others promote the physical and psychological recovery of child victims of violence.

At National level, the Bill of Rights is contained in Part III of the Constitution and in particular Article 24 of the Constitution protects young persons (any person under the age of 15) from exploitation and against physical or mental ill-treatment, all forms of neglect, cruelty or exploitation, including trafficking. The Juveniles Act, the Penal Code and the Employment of Young Persons Act, among others, all contain provisions that protect children from all forms of violence.

In September 2008, the Human Rights Commission, with Support from Save the Children, conducted a Public Hearing on Violence against Children. The purpose of the Public Hearing was to listen to the concerns of

children, organisations and persons working with children and the general public on violence against children in Zambia. The Public Hearing was inspired by the fact that all children are at risk of, and vulnerable to, violence. Violence against children should never be justified; it can and must be prevented.

The Public Hearing was further inspired by the fact that children with respect to their evolving capacities; can make valuable contributions that would ultimately help policy makers, implementers and law enforcers understand the violence they experience and the effects of the various forms of violence on children.

The Public Hearing was chaired by the Chairperson of the Human Rights Commission Commissioner, Mrs. Pixie K. Yangailo.



Chairperson of the Human Rights Commission, Mrs. Pixie Kasonde Yangailo, making a point during the Public Hearing on Violence against Children

The Hearing was conducted for a period of five days from the 15th to the 19th of September 2008. During this period, a total of 58 submissions were received from children, organisations working for the protection and promotion of children's rights, Government Ministries and Departments as well as individual adult members of the public concerned with the plight of children in Zambia. Of the 58 submissions received during the Hearing, 17 were made by children who, in one way or the other, had suffered violence.

The submissions made revealed and confirmed the fact that violence against children occurs in all settings where children are expected to enjoy their childhood. The submissions further revealed that most cases of violence against children occur in the home, a place expected to be the safest for any child. It further came to light that the majority of children who suffer violence in the home, or anywhere else are orphans or children being kept by the extended family. The Hearing further revealed that apart from being exposed to violence in the home, children were also exposed to violence in schools, institutions of care and correctional facilities as well as within the general community. Submissions also revealed that violence against children occurs on the streets and the most affected in this case are children living and working on the streets. The Human Rights Commission further learnt that the plight of children in the custody of police and prison officials (children in conflict with the law) also leaves much to be desired.

Furthermore, the Hearing revealed that children in Zambia are exposed to violence ranging from, but not limited to, physical and psychological abuse, sexual abuse, child neglect and violence from authority figures. The submissions further revealed that only a few cases of violence against children were reported and investigated, and few perpetrators held to account. It was further established that in most cases reported cases of violence against children are withdrawn by the child victim's family.

During the Hearing, the Commissioners received a number of recommendations directed at the various

stakeholders in the child protection sector including the Human Rights Commission, Government Ministries/ Departments and Civil Society Organisations. To the Human Rights Commission it was generally recommended that the Commission should undertake more educational and awareness raising activities, make follow-ups on cases of violence that were submitted during the hearing. It was further recommended that the Commission should enhance its collaborations with government and other organisations working with children. It was also recommended that the Commission should hold more public hearings and these should be held within the local communities.

Recommendations directed to Government Ministries and Departments stated that Government should ensure that all practitioners are adequately trained in issues relating to respect, promoting and protection of children's rights. It was further felt that Government being the main duty bearer in so far as the rights of children are concerned, should ensure that social protection measures are adequately provided.

To the Government it was recommended that Government should ensure protection of all children from violence against children and ratify and domesticate or incorporate provisions of international instruments that relate to children. It was further recommended that Government should ensure that the child friendly concept should be enhanced especially in the administration of justice. It was also recommended that Government should undertake awareness raising programmes and strengthen departments and public institutions established to enhance the rights of the child.

To Civil Society Organisations it was recommended that awareness raising programmes by Civil Society Organisations should not only concentrate on the rights of the child but the corresponding duties as well. It was also recommended that Civil Society Organisations should include programmes that are aimed at empowering children with skills to protect themselves from all forms of violence. It was further recommended that Civil Society Organisations should ensure that child victims are provided with the relevant psychosocial counselling services.

B. CELEBRATING DAY OF THE AFRICAN CHILD

June 16 is commemorated as the Day of the African Child. Every year in Africa, this day is commemorated to draw the world's attention to the welfare of the African child and issues of children's rights.

In 2008, the Day of the African Child was celebrated under the theme: "Children's participation –children to be heard and seen." It was time for Africa to look again at the African child afflicted by disease, hunger, poverty, child-trafficking, illiteracy and worst forms of child labour and exploitation. The theme was a timely call for action to ensure that children have a voice and a part to play in issues affecting them. The fact that elders know the good and the bad does not exclude totally children's opinions and feelings on what concerns them.

It has often been said that children are the leaders of tomorrow. No doubt, this is a reflection of widespread recognition that children are equal members of society and have a role to play in shaping their destiny. This means the world has to take immediate and effective action to ensure children's involvement and representation in decision-making and matters to do with their wellbeing and full enjoyment of their rights. It also means listening to children on issues affecting them and how they feel and want certain things in society can be done better to accommodate their interests.

For the Human Rights Commission, the issues of children's rights have always been top priority in the promotion and protection of human rights for all persons in Zambia. This is why the Commission joined concerned Zambians and stakeholders in commemorating the 2008 Day of the African Child to draw more attention to the issues of children's rights and demand a stop to child abuse and exploitation. The Commission in the provinces worked hand in hand with the Department of Child Development under the Ministry of Youth, Sport and Child Development, NGOs, the media, faith-based and community-based organisations, in organising activities to mark the Day of the African Child.

In Chipata, Kasama, Livingstone, Mongu and Ndola, the Commission supported children's participation in the

activities that were lined up in celebrating the Day of the African Child. These included match pasts and drama performances. In selected schools, public debates were organised for children to raise issues that concern them. The Commission also assisted children to speak out on their rights and communicate a message to the public through speeches, and poems. The physically challenged were not ignored. In Chipata, Mabvuto Daka from Magwero School of the Blind read a moving speech in Braille about how society had turned its back on children with disabilities.

The children were also featured in radio discussion programmes where they highlighted the challenges that the Zambian Child is faced with including the HIV and AIDS pandemic that has brought a tragic dimension to the wellbeing of millions of children.

The issues affecting children are so critical that they can no longer be ignored. This is why the Human Rights Commission, since 1997 when it was founded, has always integrated issues on children's rights in its human rights programmes. Within its broad mandate of human rights promotion and protection, the Commission investigates child abuse and exploitation to protect the rights of children, promotes education on children's rights through sensitization and awareness programmes, and works with concerned stakeholders to safeguard children's rights within the education system in Zambia.

The Commission already has in place a thematic Committee on Children's Rights dealing exclusively with children's rights. With assistance from Save the Children Norway and Save the Children Sweden, an Office of the Commissioner for Children is being set up within the existing mandate of the Human Rights Commission to focus massively on issues of children's rights on a daily basis. These initiatives are vital to get serious attention on issues affecting child development more than it has been in the past.

There is still a long way in ensuring that millions of children at risk have access to good health care, food and clean water, attain basic education, live in a healthy environment, and are free from child abuse, child trafficking, child labour and other worst forms of child exploitation. As a constitutional body promoting human rights issues, the Commission is in the forefront of this struggle for promotion and protection of children's rights. In fulfilling this role, the Commission has engaged authorities within the Zambian education system to ensure human rights issues are recognised and included in the school curriculum. Inclusion of the human rights issues in the education curriculum is most crucial if children have to know their rights and responsibilities in society. This also entails promoting a culture of respect for human rights as enshrined in the Zambian constitution.

The education system has caught the eye of the Human Rights Commission because it still presents a big problem of corporal punishment something that parents and guardians have been doing to their children at home for a while. Corporal punishment as a way to instill discipline in children at home and school has certainly not stopped, and still is an issue not just for Zambia but for the whole world. That is why the Commission through its various programmes is raising public awareness and reaching out to parents, teachers and authorities in education to ensure that the rights of children always exist and are respected at home and school. To this end, during the year under review, the Commission carried out sensitisation workshops for different stakeholders to shed light on the rights of children that need to be safeguarded consistent with the requirements of the United Nations Convention on the Rights of the Child (CRC) to which Zambia is party.

During the year under review, the Commission also used community radio to send the message on the rights of the child to those communities in the rural areas where the culture of child abuse and children's rights violations is rife. But these efforts have not been without resistance from those who see the promotion and protection of children's rights as encouraging indiscipline in children and contradicting traditions and cultural values. Such a mindset undermines the work of the Commission and other concerned stakeholders to end the vicious cycle of disease, illiteracy, hunger, poverty, abuse and exploitation in which millions of children throughout the country have been trapped without help for a long time. However, despite all that, there are also encouraging signs: issues affecting children are now being taken seriously. As the Commission's Director, Mr. Enoch Mulembe, noted in his message for the 2008 Day of the African Child, people no longer shy away from talking about violations of children's rights. The open debate on children's rights and issues affecting children in general was mainly as a result of positive contributions by the Commission and other children's rights advocates.

CHAPTER 6

NATIONAL AND INTERNATIONAL COOPERATION

Since its inception, the Human Rights Commission has collaborated and cooperated with various actors in the human rights field both at the national and international levels. The Commission considers networking as a vital aspect of its work and has made it a key objective in its 2007 – 2011 Strategic Plan.

A. HUMAN RIGHTS COMMISSION AND PARLIAMENT- NEED FOR COLLABORATION

Early in the second quarter of 2008, on 8 April, the Human Rights Commission paid a courtesy call on the Speaker of the National Assembly, Mr. Amusaa Mwanamwambwa. The Commission team was led by Chairperson Pixie Yangailo, accompanied by Vice Chairperson Palan Mulonda, Director Enoch Mulembe and Chief of Information, Education and Training, Samuel Kasankha. Clerk of the National Assembly, Doris Mwiinga, joined the Speaker in welcoming the Commission to Parliament Buildings.

Speaking during the meeting, Mrs. Yangailo emphasised the need for Parliament and the Commission to work together in the promotion and protection of human rights. Mrs. Yangailo noted that Members of Parliament were closest to the people they represented and that virtually all the issues they wanted addressed on behalf of their constituencies were human rights matters. She said when MPs debated health care, they were dwelling on the right to health. When they debated agriculture, they are concerned with the right to food. And when they debated education, they were addressing the right to education. It was, therefore, a matter of fact that Parliament was a major stakeholder in matters of human rights.



Left to Right: HRC Director Mr. Enoch Mulembe, Speaker Hon. Amusaa Mwanamwambwa, HRC Chairperson Mrs Pixie Yangailo and HRC Vice Chairperson Mr. Palan Mulonda.

Mrs. Yangailo expressed hope that the Commission and Parliament would work together to conduct human rights sensitisation workshops for the MPs so as to enhance their understanding of human rights. She noted that one workshop on children's rights was held in Siavonga in 2007 and was attended by over 30 MPs. Mrs. Yangailo informed the Speaker that the Commission and MPs had a very fruitful interaction during the workshop and the parliamentarians expressed the desire for more workshops and meetings of that kind to address the many human rights issues that affect Zambia.

And contributing to the discussion, Commission Vice Chairperson Palan Mulonda said the elaborate committee system at Parliament could also be utilised effectively in addressing the many human rights issues that the Commission dealt with on a daily basis. He observed that the committees had the capacity to cause culprits

of human rights abuse to be brought to book and had gained the respect of the public because they were independent. As such they had come to be seen as effective watchdogs on behalf of society against excesses by those tasked to handle public matters. He said the Commission would like to contribute by making regular submissions to the various committees on various issues including legal reforms. Mr. Mulonda added that MPs should add their voices to the cry for the domestication of those international instruments which Zambia had ratified because only then could they become enforceable within the domestic legal system.

In response, the Speaker assured the Commission of Parliament's cooperation in the quest to promote and protect human rights. He agreed that MPs, as people's representatives, needed to work closely with the Commission to sensitise them on human rights. The Speaker said the Commission could go to Parliament any time it felt like to engage MPs or any of the other offices of Parliament. He further noted that through the Parliamentary reforms, Parliament had opened up to the public and that deliberations of committees had been opened to the public except for a few that were held in camera. He encouraged the Commission to make submissions as need arose. The Speaker thanked the Commission for visiting him saying as far as he could remember, it was the first time that the Commission had paid a courtesy call on his office.

B. AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS VISIT TO HRC

In pursuit of monitoring and integrating with human rights organisations on the continent, the Commission received a delegation from the African Commission on Human and Peoples' Rights. The team paid a courtesy call on the Human Rights Commission on 14 April 2008. Leading the team was Commissioner Advocate Pansy Thakula, who is a Special Rapporteur on Freedom of Expression in Africa, accompanied by African Commission's Legal Officer (Protection) Mr. Robert Eno. The African Commission on Human and Peoples' Rights is based in the Gambia. The two officials had a meeting with the Human Rights Commission Chairperson, Mrs. Pixie Yangailo, and the Director, Mr. Enoch Mulembe at the Commission offices.

Commission Advocate Pansy who is responsible for four countries namely Swaziland, Zambia, Gambia and Namibia, informed the Chairperson and the Director that they were in the country on a promotional visit/fact finding mission and the purpose was to talk to various institutions responsible for human rights to find out what positive aspects of implementation of the African Charter. The team also wanted to know what challenges these institutions were facing. Among the institutions targeted were the Police Public Complaints Authority, Jesuits' Centre of Theoretical Reflection, Human Rights Commission and the Ministry of Justice.

C. THE UNIVERSAL PERIODIC REVIEW

In 2006, the United Nations replaced the Commission on Human Rights with a new institution, the Human Rights Council. The Council is meant to bring about improvements to the international human rights promotion and protection system. It is hoped that through the Council, the UN will be able to make UN Member States more accountable towards their human rights obligations as required by the Charter of the United Nations, the Universal Declaration on Human Rights and international treaties promulgated by the UN which countries have ratified. In particular, the new Council would make use of the Universal Periodic Review mechanism by which all countries would be reviewed regarding their performance in assuring human rights and fundamental freedoms for their citizens.

In 2008, Zambia was scheduled to appear before the United Nations Human Rights Council (UNHRC) under the new Universal Periodic Review (UPR) Mechanism. As a serving Member State of the UNHRC, Zambia was expected to report on its human rights situation in terms of the terms agreed by the General Assembly which set up the Human Rights Council to replace the old Commission on Human Rights.

The Governance Secretariat in the Ministry of Justice (MoJ) coordinated the preparation of Zambia's report under the UPR and the Human Rights Commission was an active participant. Some of the Commission's provincial offices also participated in the provincial data collection workshops and the National Validation Workshop held in Lusaka on 4 March, 2008, at Mulungushi International Conference Centre. The Validation Workshop was called for stakeholders who had participated in the provincial workshop to consider an initial

draft report. The Human Rights Commission Director, Mr. Enoch Mulembe, chaired the proceedings of the National Validation Workshop.

Considering that a number of countries from the Commonwealth were scheduled to appear before the UPR in 2008, the Commonwealth Secretariat facilitated discussions aimed at helping countries prepare human rights reports for the UPR as mandated by the United Nations General Assembly. The meeting, organised by the Commonwealth Secretariat in collaboration with the United Kingdom Foreign and Commonwealth Office, took place on 17 and 18 March, 2008, at Marlborough House in London. It was facilitated by the Human Rights Unit with the support of Guiliano Comba, Head of the UPR Section, and Ibrahim Salama, Chief of the Treaties and Councils Branch, of the Office of the High Commissioner of Human Rights (OHCHR).

Invitations were given to State representatives as well as national human rights institutions from the countries due to appear. The Chairperson, Mrs. Pixie Yangailo, and the Director, Mr. Enoch Mulembe, represented the Human Rights Commission at the meeting. Twenty-five representatives from governments, national human rights institutions and NGOs from nine Commonwealth member countries attended the two-day meeting. Presentations were made by government officials from the UK and Zambia, as well as experts from the OHCHR, to help countries improve their understanding of the UPR process.

The Human Rights Council's UPR mechanism was designed to explore the human rights situation in all UN member countries, regardless of size or wealth. The review allows human rights records of all countries, including all 53 members of the Commonwealth, to be examined regularly. The first batch of Commonwealth countries were due to be reviewed in April 2008 in Geneva.

The review, based on objective and reliable information, aims to ensure universal and equal coverage of human rights in all countries. Because it was a new, unfamiliar process and may be a challenge for some countries, those present at the meeting shared experiences and knowledge, looking at the best ways for governments and stakeholders to prepare their reports.

D. COMMEMORATIONS

During the year under review, the Commission took part in the following commemorations: International Women's Day, which fell on 8 March, 2008, and Youth Day on 12 March, 2008; Day of the African Child; and, International Human Rights Day.

(a) International Women's Day

The Commission participated in activities to commemorate International Women's Day under the national theme "Financing for Gender Equality in Zambia". In the week preceding the International Women's Day, the Commission undertook the following activities:

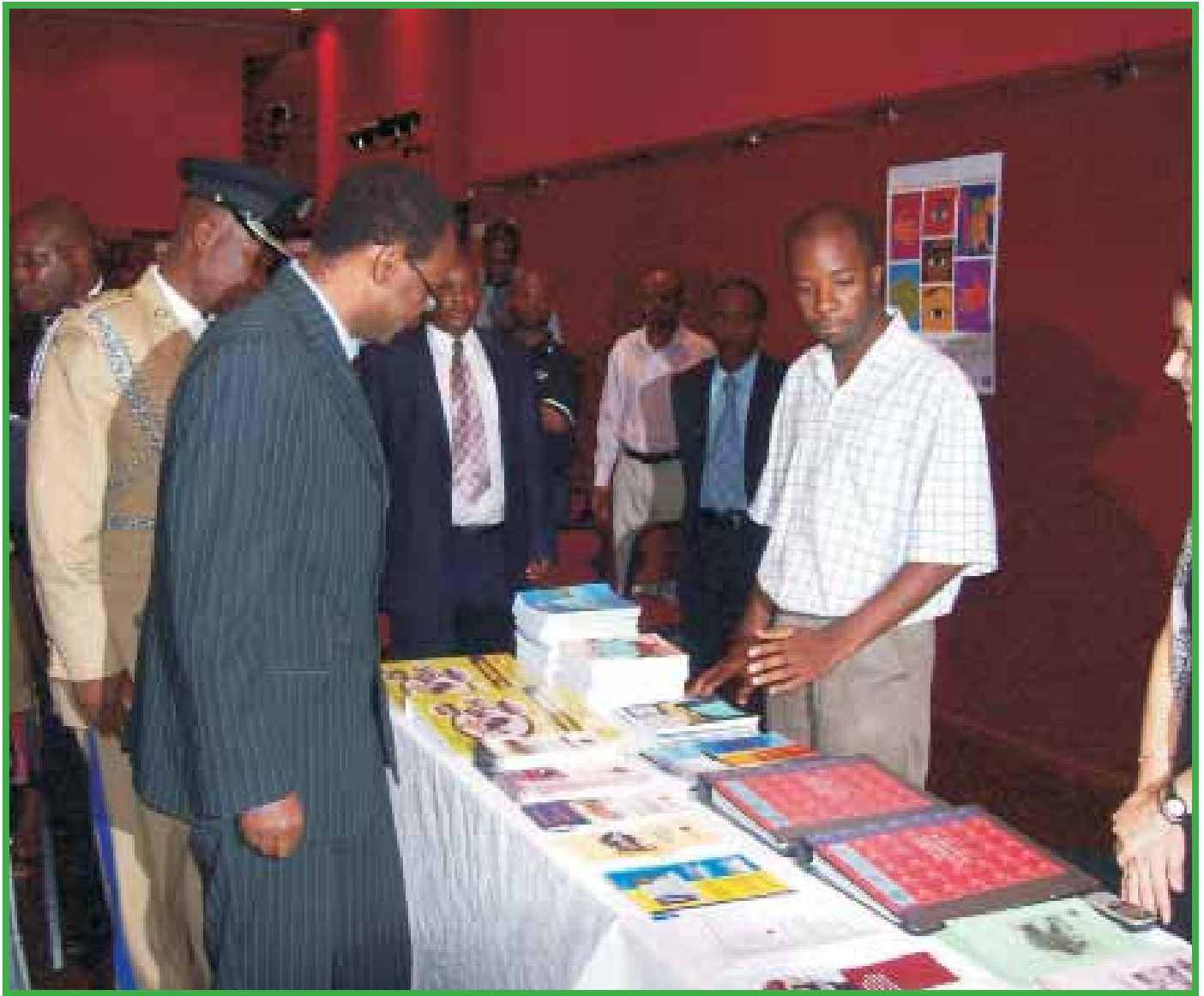
	DATE	ACTIVITY
1.	Sunday 2 March, 2008	Live Phone-in Discussion Programme on ZNBC TV. Featured HRC Director Mr. E. Mulembe and other panelist from GIDD and NGOCC
2.	Wednesday 5 March, 2008	The Commissioners and Staff visited the Young Women Christian Association (YWCA) and Chainama Hills Hospital (Mental Wing) and donated foodstuff, detergents and sanitary ware.
3.	Friday 7 March 2008	Live Phone-in Discussion Programme on Radio Phoenix's "Let the People Talk", which featured Principal Legal Counsel Ms. R. Mutasa and panelist from GIDD and WILSA
4.	Friday 7 March 2008	Issued a Press Statement on International Womens's Day.
5.	Saturday 8 March, 2008	The Commission participated in a march past starting from Cabinet Office to the Freedom Statue.



Human Rights Commission Staff during the commemoration of International Women's Day in 2008

(b) Commemorating 60 years of the Universal Declaration of Human Rights (UDHR)

The Human Rights Commission joined the international community in celebrating the 60th Anniversary of the Universal Declaration of Human Rights (UDHR), a common standard of achievement in human rights protection and promotion to which Zambia subscribes. On 10th December, in commemoration of both the Human Rights Day and the 60th UDHR Anniversary, the Commission organised a symposium in Lusaka at Alliance Francaise which was graced by His Honour the Vice President, Mr. George Kunda, SC, and attended by the cooperating partners, government agencies and civil society organisations. The Vice President's speech reaffirmed the Government's commitment to the declaration by including in Zambia's Vision 2030 and the Governance Chapter of the Fifth National Development Plan (FNDP) strategic goals essential to the fulfilment of the human rights espoused in the UDHR. The Human Rights Day was commemorated under the international theme for the declaration's commemoration, *"dignity and justice for us all."*



Vice President George Kunda, SC, takes a look at exhibitions by civil society organisations during celebrations of the UDHR 60th Anniversary.

More importantly, the commemoration of 60 years of the UDHR was incorporated in all the activities carried out by the Commission in 2008, which were organised or undertaken in a manner that reflected its relevance to the present day societies. On the eve of the Human Rights Day, a discussion forum jointly organised by the Commission and the University of Zambia (UNZA) School of Law was held at the university premises in commemoration of the 60th Anniversary, at which academicians presented papers and engaged students in open discussions which centered on the theme of the declaration's commemoration and what Zambia had done to realise the human rights contained in it. Presentations were made by the Commission's Vice Chairperson and the Director, UNZA Acting Vice Chancellor and a UN representative.



Human Rights Commission Director, Mr. Enoch Mulembe (2nd from right), presenting a paper at a public discussion forum at the University of Zambia.

The discussion forum was preceded by a musical concert in Chawama Compound where prominent Zambian musicians communicated human rights messages through songs and dancing. The concert was attended by residents of Chawama Compound and the HRC members of staff led by the Director. During the concert, HRC staff made brief comments about the 60th UDHR Anniversary and talked about the inalienable rights and fundamental freedoms set out in the UDHR that should be enjoyed by every person.



Part of the crowd that attended a musical concert in Chawama Compound during celebrations of 60th UDHR Anniversary

In raising awareness on the UDHR, the Commission reproduced the declaration into pocket-size booklets and A3 posters which were printed in English and seven local languages - Bemba, Kaonde, Lunda, Luvale, Nyanja, Tonga and Silozi. These educational materials were widely disseminated in the Commission's operational areas, which include Copperbelt, Eastern, Lusaka, Northern, Southern and Western Provinces. In addition, the Commission mounted billboards at strategic points in all the provincial capitals displaying messages extracted from the UDHR. The messages were coined also to educate the public about those rights that relate to the electoral process as the nation prepared itself to hold presidential and parliamentary by-elections during the year.

The Commission also held awareness-raising workshops targeted at various stakeholder groups. In October, 25 journalists from print and electronic media in Lusaka were sensitised on the provisions of the UDHR which were discussed in relation to elections. Early in September, the business community and civil society on the Copperbelt were invited to a conference on human rights and the private sector, where aspects relating to the UDHR were also highlighted. Another training workshop was conducted for persons with disabilities (PWDs) from all the nine provinces of Zambia who were brought together in Ndola.

(c) Youth Day

The youth of the Human Rights Commission participated in a march past at the Freedom Statue on Wednesday 12 March, 2008. The activities were coordinated by the Ministry of Sport, Youth and Child Development.

E. SAVE THE CHILDREN NORWAY PARTNERS FORUM

The Commission participated in the Save the Children Norway Partners' Forum held at Kozo Lodge in Choma from 5 to 8 February 2008. The Forum is held three times in a year in February, July and November. The February Forum was focused on the partners' 2008 activities and budgets.

The following were some of the meeting expectations from the participants:-

- To develop networking relations with other stakeholders;
- To understand fully the work of Save the Children Norway;
- To learn and share information with other participants;
- To complete the 2008 budget planning and activities.

F. HUMAN RIGHTS, CONSTITUTIONALISM AND DEMOCRATISATION COMMITTEE

The Human Rights Commission is the current Chair of the Human Rights, Constitutionalism and Democratisation Committee. This Committee is made up of a number of institutions which, under the Governance Sector Advisory Group (GSAG) of the Fifth National Development Plan (FNDP), are supposed to implement activities towards human rights and good governance. It is supposed to meet once every month.

During the year, the Commission met and worked with the other member institutions of the committee to chart the way forward in implementing aspects of the Governance Chapter the FNDP. One activity involved a meeting hosted by Commission Director, Enoch Mulembe, attended by staff from the Governance Secretariat of the Ministry of Justice to discuss various activities including possible amendments to the Human Rights Commission Act.

G. MEETING WITH INTERNATIONAL INSTITUTE FOR DEMOCRACY AND ELECTORAL ASSISTANCE

During the year, the Commission, represented by the Chief of Research and Planning, Mrs. Hope Chanda, held a meeting with Ms. Keboitse Machangana, an Advisor on Democracy Assessment and Analysis and Mr. Joram K. Rukambe, both of International Institute for Democracy and Electoral Assistance

International Institute for Democracy and Electoral Assistance is an international institute headquartered in Sweden with a regional office in Pretoria, South Africa. Ms. Machangana and Mr. Rukambe were on a mission to Zambia to sell the idea of civil society and public institutions adopting and making use of their Democracy/Governance Assessment Tool. This tool had been applied worldwide and was intended to be used to assess the quality of a country's democracy. It examined all aspects from legislation, its application, and international and foreign influences on the process.

The team advised that they had had discussions with, among others, the University of Zambia (UNZA), FODEP, and the Civil Society Africa Peer Review Mechanism (APRM) Secretariat. UNZA and FODEP expressed an interest to lead this process. International IDEA does not itself drive the process but empowers local actors to do so. International IDEA also wished to know what the Commission had done in the last few years and was particularly interested in the State of Human Rights Report and the process behind it. The Mrs. Chanda explained both the process, the rationale of the report, the contents and the engagement plan. They were also informed that the Commission would be more than happy to participate in the assessment process especially in light of the fact that it is trying to devise its own assessment tools. Ms. Machangana and Mr. Rukambe also came bearing a gift of books which were handed over to the Commission's Documentation and Information Centre.

H. NAIROBI CONSULTATIVE MEETING ON BUSINESS AND HUMAN RIGHTS

The Commission was represented at a consultative meeting on the establishment of an Institute for Business and Human Rights under the United Nations during the year under review. Mrs. Hope Chanda, Chief Research and Planning, attended on behalf of the Commission. The meeting which was hosted by the Kenyan National Commission on Human Rights in collaboration with the Institute for Business and Human Rights was attended by representatives from commissions within the region and members of the Kenyan business community. Presentations at the meeting included:

- (1) What the various commissions represented are doing to promote human rights in the business arena;
- (2) Presentations on what businesses in Kenya have done to promote human rights in their daily work;
- (3) An overview of the consultation process so far on the establishment of an Institute for Business and Human Rights under the United Nations.

I. ILO COUNTRY REPORTS

During the year under review, the Commission took part in an International Labour Organisation (ILO) Country Reports Preparatory Meeting hosted by the Ministry of Labour and Social Security at Palmwood Lodge in Lusaka from 23 to 25 August 2008. The meeting was convened due to the backlog on a number of ILO reports that Zambia as member country is obligated to submit under Article 22 of the ILO Constitution. The Ministry was supposed to deal with most outstanding reports for the period 1 June to 1 September 2008. Further, the ILO requested the government to provide reports containing responses to comments and observations made by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) on the under listed categories of ratified conventions as obligated under Article 22 of the ILO Constitution.

1. Freedom of Association, Collective Bargaining, and Industrial Relations

- i. C11 Right of Association (Agriculture) Convention, 1921
- ii. C98 Right to organize and collective bargaining convention, 1949
- iii. C151 Labour Relations (Public Service) Convention, 1978
- iv. C154 Collective Bargaining Convention, 1981

2. Forced Labour

- i. C29 Forced Labour Convention, 1930
- ii. C105 Abolition of Forced Labour Convention, 1957

However, the CEACR requested that the Human Rights Commission of Zambia should provide or submit cases received concerning discrimination in employment and occupation dealt with by the institution. The Commission submitted to the Ministry of Labour and Social Security a report on discrimination cases that the Commission received since 2006 to February 2008.

J. HUMAN RIGHTS AND CONFLICT MANAGEMENT CAPACITY BUILDING WORKSHOP FOR AFRICAN HUMAN RIGHTS INSTITUTIONS

The Commission was represented at a workshop on Human Rights and Conflict Management hosted by the Centre for Conflict Resolution of Cape Town, South Africa, from 27 to 29 August, 2008. The workshop, which drew 25 participants from the African Commission and the African Court on Human and People's Rights, experts of the African Committee on the Rights and Welfare of the Child and selected national human rights institutions and civil society organisations across Africa was aimed at building capacity of African human rights mechanisms and organisations to address in a constructive way, conflicts and potential conflicts related to human rights across the continent. The specific objectives of the workshop were:

- To strengthen participant's knowledge and skills of conflict, peace and conflict management; explore the potential for conflict management of continental and national human rights mechanisms and resolution; and
- To equip the represented institutions with conflict resolution skills and techniques to enable them to constructively handle conflicts emerging from the enforcement or the violations of human rights.

K. CHIEFS AND EVICTIONS

During the year under review the Commission received several complaints alleging that some people had been evicted from their land or villages by a chief or headman. In attempt to resolve these matters the Commission determined that it was critical to engage traditional leaders considering the important role they play in Zambian Society. If one believes in the respect for fundamental human rights, one cannot ignore the role of traditional rulers and customs. One's understanding of human rights cannot exclude the fact that many people have had their rights taken away under the guise of exercising traditional authority and respecting customs.

An important fact to remember is that it still is today as centuries ago an abomination in traditional societies for a person to complain against a chief. Where this has been for a long time, it cannot be imagined that subjects could even have the courage to report or speak against human rights violations because they are afraid of victimisation, expulsion from chiefdoms or going against customs they have been brought up to accept. With regard to eviction, this is a practice that is known to not only discriminate against an individual, but also has the potential to affect a whole family. With eviction, a person's right to property and housing is taken away. The enjoyment of other rights such as the right to security, decent living and inheritance, while undermining the dignity accorded to every person, is also threatened.

The law that provides for the recognition, appointment and functions of Chiefs does not prescribe any usurping powers for the Chiefs to take away the rights of their subjects. Section 10 of Chiefs Act CAP 287 of the Laws of Zambia states that "a Chief shall discharge the traditional functions of his office under African Customary Law in so far as the discharge of such functions is not contrary to the Constitution or any written law and is not repugnant to natural justice or morality." Even the Registration and Development of Villages Act CAP 289 of the Laws of Zambia does not stipulate eviction from chiefdom as a penalty for any offence committed by subject.

There is the argument that Chiefs derive authority from Customary Law to take certain decisions and perform traditional functions bestowed upon them. In as much as customs come into play in the discharge of traditional functions, the law of the land is supreme and, therefore, a Chief cannot rely solely on customs to force an eviction of a subject from his or her chiefdom. Any custom that promotes forced eviction violates the right to security of tenure and so is repugnant to written laws and natural justice.

This is a view shared by the Human Rights Commission. Mr. Enoch Mulembe, Director of the Human Rights Commission, is of the view that Chiefs need to do more to bring to an end repugnant traditional practices that infringe on the rights of people in chiefdoms. Mr. Mulembe is of the view that as the highest in authority, Chiefs are supposed to practice good governance principles including the principles of fair play in their chiefdoms. Mr. Mulembe says that advocating for a culture of respect for human rights should not be perceived as encroaching on traditional authority and breaking with cultural traditions. He indicates that the Commission's sensitisation efforts were targeting chiefs so that they become more aware and more committed to the issue of human rights.

L. CONFERENCES/MEETINGS/WORKSHOPS

During the year, the Commission, through its Commissioners and staff, took part in a number of other important gatherings. These meetings enhanced the Commission's perspective on a number of current and topical issues in the human rights field. The following were some of the activities:

- The Vice Chairperson Mr. P. Mulonda attended the 20th Session of the International Coordinating Committee of National Human Rights Institutions for the Protection and Promotion of Human Rights held in Geneva Switzerland from 12 to 18 April 2008. During the same period, he attended a side meeting of the African Group of National Human Rights Institutions.
- The Director Mr. Enoch Mulembe attended a meeting on the Regional Network to End Violence against Children that was held at RAPCAN office, Cape Town South Africa from 16 to 17 April 2008.
- The Deputy Director Ms K. Kapin'a Nkombo and Principal Legal Counsel Ms Rumbidzai Mutasa attended a Regional Training Programme in Human Rights for Representatives from National Human Rights Institutions in Africa from 21 to 30 April 2008 in Kampala Uganda.
- The Vice Chairperson, Mr. Mulonda, and Chief Research and Planning Mrs. Hope Chanda attended the 40th session of the United Nations Committee Against Torture held in Geneva Switzerland from 5 to 19 May 2008. The Committee was, among others, considering Zambia's periodic report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. During the same period, Mr. Mulonda and Mrs. Chanda attended the consideration of Zambia's report under the Human Rights Council's Universal Periodic Review mechanism.
- The Principal Investigations Officer Mr. Jew Moonde attended training on the Role of the Ombudsman in Improving Public Services held in London England from 12 to 24 May 2008
- The Chief Research and Planning Mrs. Hope Chanda attended a Public Sector Leadership Course in Copenhagen Denmark from 2 to 27 June 2008.
- The Investigations Officer Mr. David Kalindi attended training at the Austrian study center for peace and conflict resolution in Child Protection, Monitoring and Rehabilitation held in Standtschlaining Austria from 8 to 20 June 2008.
- Commissioner Kenneth Maduma attended a Workshop on HIV/AIDS in Lilongwe Malawi from 6th to 12th July 2008.
- Commissioner Godfriday Sumaili attended the Human Rights Institutions Durban Review Conference in Abuja Nigeria from 24th to 26th August 2008.
- Chief of Information Education and Training Mr. Samuel Kasakha attended a workshop on Human Rights and MDGs Initiative Regional Dialogue in Johannesburg, South Africa from 8th to 11th September 2008.
- The Vice Chairperson Mr. Palan Mulonda attended the Commonwealth Forum of National Human Rights



Commissioner Pastor Godfrida Sumaili (left) and Commissioner Alfred Sakala (right) paid a courtesy call on Paramount Chief Chitimukulu (second left) of the Bemba People in Kasama to reconcile the chief and his subjects on matters regarding human rights violations.

Institutions and the International Conference of National Human Rights Institution in Hilton Nairobi, Kenya from 21st to 24th October, 2008.

- Senior Investigations Officer, Mr. Peter Kanuhka, Provincial Investigations Officer. Mr. Lisbon Chaamwe, Information Officer Mr. Simon Mulumbi and Children's Rights Programme Officer Mrs. Elizabeth Mubukwanu undertook a five day study visit to Abuja, Nigeria, from 24th to 28th November 2008. The team also visited the Nigerian Human Rights Commission.
- Chairperson Mrs. Pixie Yangailo attended the International Conference on the 60th Anniversary of the Universal Declaration of Human Rights from 1st to 2nd December, 2008, in Cairo, Egypt.

ANNEXES

ANNEX A : FINANCIAL STATEMENTS FOR THE PERIOD 1 JANUARY TO 31 DECEMBER 2008



HUMAN RIGHTS COMMISSION

FINANCIAL STATEMENTS

For the year ended 31st December 2008

**THE AUDITOR GENERAL
P.O. BOX 58071
LUSAKA - ZAMBIA**

HUMAN RIGHTS COMMISSION

FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2008

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HUMAN RIGHTS COMMISSION

Financial statements for the year ended 31st December 2008

Report of the Auditor

In accordance with the provisions of Article 123 of the Constitution of Zambia, Public Finance Act No. 15 of 2004 and Public Audit Act of 1990, I have audited the financial statements on pages 3 to 12, which were prepared under the historical cost convention.

Responsibilities of Management

The 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 judgment that are reasonable, prudent and follows generally accepted accounting principles.

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

Responsibility of the Auditor

It is my responsibility to form an independent opinion, on the 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 Management in the preparation of the financial statements and whether the accounting policies are appropriate to the Commission's circumstances, consistently applied and adequately disclosed.

The audit was planned and conducted so as to obtain all the information and explanations, 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. In forming my opinion, I also evaluated the overall adequacy of the presentation of information in the statement.

Opinion

In my opinion, the financial statements on pages 3 to 12 give a true and fair view of the financial position of the Human Rights Commission as at 31st December 2008 and of its surplus of income over expenditure for the financial year then ended.


Anna D. Chilungula (FCCA, FZICA)
AUDITOR GENERAL

DATE 31.05.2010




HUMAN RIGHTS COMMISSION


Financial statements for the year ended 31st December 2008

STATEMENT OF MANAGEMENT RESPONSIBILITIES

1. Management of the Human Rights Commission is required to ensure that the financial statements for each financial year are prepared which give a true and fair view of the state of affairs of the Commission and of the excess or deficit of the income and expenditure for the period. In preparing the financial statements, management is required to:
 - a) Select suitable accounting policies and then apply them consistently;
 - b) Make judgments and estimates that are reasonable and prudent;
 - c) State whether applicable accounting standards have been followed and;
 - d) Prepare financial statements on the going concern basis unless it is inappropriate to presume that the Commission will continue with its activities.
2. Management of the Human Rights Commission is responsible for the keeping of proper accounting records which disclose with reasonable accuracy at any given time the financial position of the Commission and enable it ensure that the financial statements comply with the relevant laws and agreements with the Government of the Republic of Zambia (GRZ). Management is also responsible for safeguarding the assets of the Commission and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.
3. The Management of the Commission confirms that in its opinion:
 - a) The financial statements give a true and fair view of the state of the Commission's affairs as at 31st December 2008 and of its excess of income for the period then ended;
 - b) At the date of this statement, there were reasonable grounds to believe that the Commission will be able to pay its debts as and when they fall due and;
 - c) The financial statements are drawn up in accordance with applicable accounting standards acceptable to GRZ.

Signed on 28/4/2009

By 
Enoch Mulimbwa
Director
Human Rights Commission


Katendi Kapir'a Nkwinda
Deputy Director
Human Rights Commission

HUMAN RIGHTS COMMISSION

INCOME STATEMENT

For the year ended 31st December 2008

		2008 K	2007 K
INCOME	Note		
GRZ Funding	3	8,734,103,459	8,864,911,041
Donor Funding	4	254,560,973	281,977,548
Other Income	5	1,270,650,962	84,697,738
TOTAL INCOME		9,258,333,394	8,841,596,347
EXPENDITURE	6		
General Administration		2,508,265,397	2,724,643,741
Personal Emoluments and Related Costs	7	6,102,352,998	4,371,890,037
Depreciation	8	525,824,606	314,602,269
TOTAL EXPENDITURE		8,226,643,001	7,811,135,987
Surplus of Income over Expenditure		541,690,393	1,730,460,360

(The notes on pages 9 to 11 form part of the financial statements)

HUMAN RIGHTS COMMISSION

BALANCE SHEET as at 31st December 2008

ASSETS	Note	2008 K	2007 K
Non-Current Assets			
Property, Plant and Equipment	8	<u>2,135,835,091</u>	<u>1,979,893,833</u>
Current Assets			
Trade and other receivables	9	529,699,555	503,306,044
Cash and Cash Equivalents	10	<u>246,472,665</u>	<u>210,070,242</u>
		896,171,420	1,613,276,286
Total Assets		<u>3,065,826,501</u>	<u>2,543,269,119</u>
EQUITY AND LIABILITIES			
Retained Income	11	2,475,634,428	1,213,376,346
Net Profit for the year		<u>241,690,393</u>	<u>1,210,430,369</u>
		<u>2,817,344,851</u>	<u>2,464,806,706</u>
Current Liabilities			
Trade and other payables	12	48,481,650	479,213,411
Total Equity and Liabilities		<u>3,065,826,501</u>	<u>2,543,269,119</u>

These financial statements were approved by the Human Rights Commission

On 28/4/10 and signed on its behalf by:



Felix K. Yavguho
Chairperson
Human Rights Commission



Euseb Malumba
Director
Human Rights Commission

(The notes on pages 8 to 11 form part of the financial statements)

HUMAN RIGHTS COMMISSION
NOTES TO AND FORMING PART OF FINANCIAL STATEMENTS
For the year ended 31st December 2008

1. Regulatory Framework

The Human Rights Commission was established under Article 125 of the Constitution of Zambia. The functions and powers governing the operations of the Commission are contained in the Human rights Commission Act No. 39 of 1996 and its core activities are the promotion and protection of human rights.

2. Significant Accounting Policies

2.1 Accounting Conversion

The significant accounting policies adopted in the preparation of these financial statements which have been prepared in conformity with International Accounting Standards are:

a) **Basis of preparation of financial statements**

The financial statements have been prepared on the basis of historical conversion cost.

b) **Functional and Presentation Currency**

The financial statements are expressed in the Zambian Kwacha (ZMK)

c) **Depreciation**

Depreciation is charged on non-current assets during the year and is calculated on the straight line on pro-rata basis at rates estimated to write down the assets to their residual value over their estimated useful lives. The rates are as follows:

Land and Buildings	2%
Motor Vehicles	20%
Office Equipment	15%
Furniture and Fixings	15%
Communication Equipment	15%

3. GRZ Funding

These are funds received from the Government of the Republic of Zambia (GRZ) as approved in the budget for the year 2008 as shown below:

Funding	2008 K	2007 K
January	640,871,814	385,670,704
February	1,056,570,787	1,156,764,983
March	722,736,120	783,345,312
April	627,363,819	864,961,345
May	756,071,132	517,454,897

HUMAN RIGHTS COMMISSION
NOTES TO AND FORMING PART OF FINANCIAL STATEMENTS
For the year ended 31st December 2008

June	635,517,683	115,600,345
July	712,161,827	849,584,902
August	391,366,383	799,175,156
September	572,779,173	790,740,155
October	1,189,187,462	848,663,807
November	463,350,841	607,757,447
December	466,173,568	553,291,888
Total	<u>8,314,103,459</u>	<u>8,464,911,641</u>

4. Donor Funding

This is income received from cooperating partners in partnership with the Human Rights Commission to undertake specific projects.

Source	2008 K	2007 K
Save the Children- Sweden	139,643,573	281,977,548
Raoul Wallenberg Institute	114,926,400	-
Total	<u>254,569,973</u>	<u>281,977,548</u>

5. Other Income

This represents additional funds that were deposited into the accounts due to various circumstances as indicated:

Other Income	2008 K	2007 K
Profit/(Loss) on disposal (note a)	(37,296,771)	-
Interest Received	8,099,291	-
Profit on Revaluation of Non-Current Assets (note b)	604,563,795	-
Interest on Household loan	23,366,608	14,634,942
Interest on House Loan	500,000	-
Canceled Cheques (Note c)	50,774,648	80,062,816
Retired Imprest	6,326,750	-
Ministry of Finance (Note d)	622,327,351	-
Total	<u>1,279,658,362</u>	<u>94,697,758</u>

HUMAN RIGHTS COMMISSION
NOTES TO AND FORMING PART OF FINANCIAL STATEMENTS
For the year ended 31st December 2008

- a) **Profit/(Loss) on Disposal:** This is loss incurred on the sale of motor vehicle registration number ABH 3549 as shown below:

	£	£
Cost	71,801,810	
Accumulated Depreciation		15,040,408
Sale proceeds		15,042,608
Loss on Disposal		<u>87,799,710</u>
	<u>71,801,810</u>	<u>71,801,810</u>

- b) **Profit on Revaluation of non-Current Assets:** this is the gain on the revaluation of non-current assets (NCA) as shown:

	£	£
Reduction in re value	802,345,178	
Accum. Depreciation		104,289,218
Increase in value of Furniture and fittings		105,896,382
Increase in current dep.	177,894,341	
Profit on revaluation of NCA	<u>604,565,779</u>	
	<u>1,285,105,618</u>	<u>1,285,105,618</u>

- c) **Cancelled Cheques:** These are cheques that were cancelled in 2007 but reversed during the year under review thereby being recognised as income in 2008 as shown below:

Cheque Number	Amount
	£
Cancelled cheques (Appendix A)	55,124,185
002423	216,800
Reversed salaries (Appendix B)	12,313,643
Total	<u>55,774,648</u>

- d) **Ministry of Finance:** – this represents employer's shares of statutory contributions for the Human Rights Commission and amounts owed to other creditors which were paid directly to NAFSA, Public Service Pension Fund Board and creditors by the Ministry of Finance and National Planning during the year under review as shown below:

HUMAN RIGHTS COMMISSION
NOTES TO AND FORMING PART OF FINANCIAL STATEMENTS
For the year ended 31st December 2008

MPHP Reference	Date paid	Amount R	Payee
8003/002	31/12/2008	120,081,242	Marubouchi Motors
8003/003	31/12/2008	388,153,171	Taxi Car Hire
4750/000	31/12/2008	115,470,038	NAPSA
8063/000	31/12/2008	27,623,300	INSPE
Total		622,327,550	

E. General Administration

Item	2008 R	2007 R
Staff Allowances	487,849,135	294,179,356
Commissioners Allowances	177,086,800	175,976,810
Advertising and Publicity	131,304,417	118,832,047
Bank Charges	41,489,033	32,452,296
Cleaning and Sanitary Services	16,211,430	-
Consultancy Fees	127,121,750	126,063,000
Postal Charges	5,227,986	3,059,500
Software Charges	4,030,912	-
Electricity and Water	21,167,884	39,079,091
Entertainment Expenses	7,384,100	11,274,009
Life Insurance	684,000	-
Property Rates	2,907,018	-
Legal Fees	337,410	-
Levies	3,356,050	-
Motor Vehicle Expenses	456,234,576	563,928,109
Printing	66,676,500	84,287,308
Repairs and Maintenance	31,726,611	212,185,948
Subscriptions-Professional bodies	1,732,814	14,525,452
Subscriptions- NHRI	18,000,000	-
Publications	46,785,400	40,067,800
Telephone and fax	78,346,752	208,338,813
Travel and Accommodation-Local	4,259,000	-
Travel and Accommodation-Overseas	98,968,034	136,479,546
Stationery	155,533,370	165,290,211
Internet Charges	115,527,420	-
Conferences, Seminars and Workshops	208,106,567	270,077,432

HUMAN RIGHTS COMMISSION
NOTES TO AND FORMING PART OF FINANCIAL STATEMENTS
For the year ended 31st December 2008

Security Services	32,507,926	23,643,661
Public Functions and Ceremonies	85,641,300	5,040,000
Shows and Exhibits	110,800,660	48,435,000
Research and Feasibility Studies	89,183,400	28,000,000
Labour day Celebrations	14,775,000	25,660,000
Protective Wear	3,375,000	931,900
Miscellaneous Expenses	6,983,060	-
Project expenditure	-	187,858,761
Accounts and Audit Services	-	42,612,020
Hand Tools and Equipment	2,782,500	24,804,500
Total	<u>1,598,265,387</u>	<u>2,734,643,741</u>

T. Personal Emoluments and Related Costs

Item	2008	2007
	€	€
Salaries and Wages	5,583,213,436	3,596,347,758
Long Service Bonus	51,780,018	-
Settling-in Allowance	34,383,523	104,107,623
Education Allowance	93,068,319	-
Gratuity	218,280,137	534,013,047
Leave Pay	18,406,640	-
Leave Travel Benefit	11,000,000	47,500,000
Staff Training	15,392,925	6,561,614
Medical Scheme	71,028,000	20,500,000
Total	<u>6,182,552,098</u>	<u>4,371,859,032</u>

IRIMAN RIGHTS COMMISSION
NOTES TO THE FINANCIAL STATEMENTS (CONT'D)
for the year ended 31st December 2008

8 Non Current Assets

	Land and Buildings K	Motor Vehicles K	Office Equipment K	Communication Equipment K	Furniture & Fixings K	TOTAL K
COST						
As at 01/01/2008	808,374,667	2,238,818,439	651,655,621	88,880,000	172,823,897	3,668,592,624
Additions during the year	-	181,877,420	41,343,907	5,364,672	199,244,382	397,830,381
Disposed	-	(77,404,873)	-	-	-	(77,404,873)
Price yr Adjustment	-	(482,145,734)	-	-	-	(482,145,734)
As at 31.12.2008	808,374,667	1,937,144,114	692,999,528	94,244,672	371,068,279	3,903,196,260

DEPRECIATION						
As at 01/01/2008	47,679,667	1,759,885,466	182,388,623	9,000,000	47,248,078	2,072,170,184
Disposed	-	(174,044,098)	-	-	-	(174,044,098)
Price yr Adjustment	-	(994,209,029)	-	-	172,094,040	(816,215,089)
Charge for the year	14,185,489	310,657,867	159,531,262	12,889,216	26,598,612	523,872,486
As at 31.12.2008	61,865,156	1,896,499,235	341,919,885	21,889,216	268,940,730	2,550,603,705
Net Book Value						
As at 31.12.2008	746,509,511	840,644,879	351,079,643	72,355,456	142,127,549	2,352,597,055
As at 31.12.2007	750,595,966	478,932,972	488,746,696	77,000,000	125,607,868	1,920,883,502

Notes: 1. Depreciation: Depreciation was charged on p.p.r. basis as computed by 'Praxis Accounting Package'.

2. Price Year Adjustments

These arise as a result of adjustments of motor vehicles and furniture and fittings values in prior years which have since been corrected.

HUMAN RIGHTS COMMISSION
NOTES TO AND FORMING PART OF FINANCIAL STATEMENTS
For the year ended 31st December 2008

9. Trade and other Receivables

These are outstanding balances owed to the Commission by staff in form of House loans, Household loans, Education loans and salary advances.

Item	2008 K	2007 K
Household Loan	524,622,887	881,869,711
House Loan	25,000,000	-
Education Loan	4,309,801	-
Salary Advance	5,766,063	21,430,133
Total	559,698,751	903,300,044

10. Cash and Cash Equivalents

These are cash on hand and bank balances as shown below:

Item	2008 K	2007 K
RDCs Account	78,614,880	109,509,306
Salaries Account	14,776,583	100,630,763
Revolving Fund Account	48,993,379	24,896,373
ZAFACO Savers Account	82,220,378	262,377,302
Global Fund Account	1,504,503	1,868,500
Cash at Hand	1,038,042	-
Bank of Zambia	117,383,828	-
Total	346,531,095	519,876,242

11. Accumulated Fund

	2008 K'000	2007 K'000
Balance as at 1 January	2,464,025,706	2,233,576,346
Prior period adjustments	11,627,754	-
Adjusted Accumulated Fund	2,475,654,460	2,233,576,346
Surplus, (Deficit) for the year	541,090,393	2,230,450,360
Balance as at 31 December	3,017,344,853	2,464,026,706

Prior period adjustment: These are mispostings to various accounts which were reversed and the accumulated fund was adjusted accordingly.

HUMAN RIGHTS COMMISSION
NOTES TO AND FORMING PART OF FINANCIAL STATEMENTS
For the year ended 31st December 2008

12. Trade and other Payables

Item	2008 €	2007 €
Trade Creditors	27,592,530	479,233,413
Sundry Creditors	11,771,520	"
Taxation	8,476,720	"
MAPSA	1,140,910	"
Total	48,981,680	479,233,413

**HUMAN RIGHTS COMMISSION
FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31ST DECEMBER 2008**

CANCELLED CHEQUES RECOGNISED AS INCOME IN 2008

PAYEE	CHEQUE No.	DATE	AMOUNT
1 Africomnet Limited	2230	10/10/2007	6,820,000.00
2 Russell Company Limited	2337	23/10/2007	1,32,750.00
3 ZNBC	2213	13/11/2007	13,108,992.00
4 SeOP Support Services Limited	2322	20/11/2007	9,106,250.00
5 Ministry of Lands	2293	11/12/2007	203,442.00
6 Zambesi FM Radio	2418	19/12/2007	334,000.00
7 Phils Member Phils Centre	2459	29/12/2007	300,000.00
8 Radio Tongari	2467	29/12/2007	1,800,000.00
9 Onkaya Community Radio Station	2468	29/12/2007	1,800,000.00
10 Salvat FCC Radio	2469	29/12/2007	1,000,000.00
11 Kulaga Motors	2485	31/12/2007	3,818,250.00
12 British High Commission	2582	03/03/2008	310,000.00
Total			<u>38,824,185.00</u>

**HUMAN RIGHTS COMMISSION
FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31ST DECEMBER 2008**

UNPAID SALARIES RECOGNISED AS INCOME IN 2008

PAYEE	Ref. No.	DATE	AMOUNT
1 Elizabeth Chikwira	030001	30/09/2008	6,303,103.82
2 Elizabeth Kapika Katsali	030001	30/09/2008	<u>5,910,557.73</u>
Total			<u>12,213,661.55</u>

ANNEX B: SELECTED PRESS STATEMENTS AND RELEASES

During the year under review, the Commission made its position known on a number of issues that arose and considered to be in the public interest. Below, the statements and press releases are reproduced as they were given that the time, beginning with the Chairperson's End of Year Statement.

A. END OF YEAR STATEMENT BY THE CHAIRPERSON OF THE HUMAN RIGHTS COMMISSION MRS. PIXIE KASONDE YANGAILO DELIVERED TO THE MEDIA ON 31 DECEMBER, 2008

My esteemed colleagues from the press, I greet you and welcome you to this briefing through which, it is my hope, we can discuss the year 2008 in respect to some important occurrences in the human rights arena and our outlook for 2009.

1. DEATH OF PRESIDENT MWANAWASA

2008 will pass as a peculiar year in Zambia's history because for the first time since independence, the country lost a sitting president due to death. The death of His Excellency Dr Levy P. Mwanawasa, State Counsel, brought with it several challenges hitherto never before experienced in this country. On behalf of the Human Rights Commission, may I one more time offer condolences to the Mwanawasa family and wish them God's strength as they overcome the grief of losing a family head. Zambians will only be too familiar with the late President Mwanawasa's crusade against corruption, which won him a lot of respect across international borders. As Human Rights Commission, we applauded this anti corruption crusade because we are only too familiar with the negative impact corruption generally has on the enjoyment of human rights. In addition, the late President took a number of measures which directly responded to some of our concerns over the last few years as follows:

Capital Punishment: The Commission's notes that during this year a number of people were either sentenced to death in the high Court or had their death sentences confirmed by the Supreme Court. We respect the court's decisions in these matters as they are only applying the law as it stands now in Zambia. Zambian law allows the imposition of the death penalty upon one's conviction of specific offences such as murder, treason and aggravated robbery. However, the Commission is on record as being persistently opposed to the imposition of the death penalty as a way of punishing even those crimes considered serious heinous like murder, treason and aggravated robbery. Our argument is that the preservation of life is sacrosanct and is the very essence of human dignity; the right to life must therefore be upheld at all costs and other less demeaning ways of punishment should be resorted to. We noted with gratitude that the late President agreed with our stance and publicly declared that he would not sign any death warrants for as long as he remained President. I wish to note that the subject of the death penalty will be under intense discussion at the on-going National Constitutional Conference (NCC). Considering the submissions as reflected in the Mung'omba Constitution Commission Report, the Zambian people are deadlocked on this issue if the numbers of those who submitted is to be taken as a sample of what the people of Zambia think of capital punishment. As a human rights institution, we wish to categorically state that all views expressed on the death penalty are respected within the confines of the right to freedom of opinion and expression. However, our stance as an institution remains that of advocating for the eventual abolition of capital punishment. We will continue to call for the accession by Zambia to the Second Optional Protocol to the International Covenant on Civil and Political Rights by which a State Party is required to abolish the death penalty within its jurisdiction.

Condition of Prisons: Zambia's prisons are currently very congested for reasons we have previously elaborated but which include delays in the dispensation of justice; general converse increase in population and crime as against structures that were designed for a much smaller population with limited crime rate; and indeed, lengthy custodial sentences for crimes that could do with shorter periods of incarceration. The late President is on record as having pardoned several terminally ill prisoners and, added to the expansion of Mwembeshi Prison into a new maximum prison and the opening of several open air prisons, there was some definite movement towards decongestion of prisons during his tenure in office. The Commission also wishes

to commend the Ministry of Home Affairs and the Zambia Prison Service for openly acknowledging that Zambian prisons are the third most congested in Africa. We note that that is not an easy confession to make on the part of the authorities. It is one which can only come from a Government that is determined to face the problem head on and do something about it. The Commission, in fulfilment of its mandate to inspect the prison facilities, will continue to assist the Government in 2009 in the identification of key concerns relating to the prisons so that together we can ensure a life of dignity even for our incarcerated colleagues. We also noted improvements in the areas of transport for the Prisons Service and availability of mattresses and linen, and uniforms for prisoners. We did also register our happiness with Government's introduction of Parole Boards which would lead to further decongestion of prisons. It is our plea that the efforts embarked upon by late President Mwanawasa continue to be built upon. In this regard, we reiterate our call upon Government to pay particular attention to the justice delivery system and ensure that all persons that face any kind of trial in our courts are afforded fair trials with access to legal representation and quick dispensation of their cases. There are too many persons currently who spend unacceptably lengthy period, some running into years, behind bars awaiting trial. We should spare no efforts in strengthening existing institutions like the Legal Aid Department while exploring any other avenues to ensure that justice is dispensed appropriately and expeditiously.

2. PRESIDENTIAL BYE ELECTIONS

Following the death of President Mwanawasa, Constitutional dictates afforded the people of Zambia their right to elect a new President on 28 October. The election currently is subject of matter that is in court. It therefore restricts the issues on which we can comment on.

May I nevertheless commend Zambians for the peaceful manner in which they conducted themselves during the elections country-wide. The campaign period was largely peaceful though it was tainted by some worrying trends. There were a few instances of violence whenever cadres of different parties encountered each other. It is the Commission's considered view and belief that elections provide a democratic platform for people to decide on their choice for leadership. Democratic platform for people to decide on their choice of leadership. Democracy does not include coercion and violence. It consists solely in the effective marketing, to the electorate, of individuals' or parties' manifestoes as the best vehicles through which the process of development can best be achieved.

There were other worrying reports of party cadres arbitrarily impounding private and government vehicles on suspicion that they were illegally ferrying ballot papers and the like. These acts were either encouraged or sponsored by political parties under the guise of "being vigilant and alert" and had the potential to create anarchy. Elections must be held under the guidance of the law and our electoral code of conduct must be utilised to the full where parties feel aggrieved. Law enforcement agencies like the police and courts are the rightful entities to deal with any suspected threat to democracy and indeed national security. This culture of utilising party cadres to monitor movement of vehicles and impound those suspected to be illegally carrying ballot papers must be checked because it is a recipe for despondency and anarchy.

It is equally important that as a nation, we build confidence in our own institutions which we create. It is equally important that as a nation, we build confidence in our own institutions which we create to carry certain important mandates like elections. The media has a very important role to play in truthfully and without bias informing and educating the general populace. The Human Rights Commission upholds the right of the media to operate independently without external regulation or interference because freedom of expression is a right that appertains to all including the media. The media must, however, ensure that they stick to media ethics and do not use the power of their pens as tools for misinforming, disinforming and generally wrecking havoc on the characters of those who, for one reason or another, they do not like or support. It must be appreciated that the media is capable of causing chaos in the nation by merely reporting in a manner that promotes hatred and ridicule for certain institutions or individuals. It must be acknowledged that there are still a lot of readers who are not analytical and will take anything that is reported by our media as gospel truth.

3. WORLD ECONOMIC OUTLOOK

Ladies and gentlemen allow me to now move to the negative economic outlook that is affecting and is of grave concern to virtually all governments in the world today. We are aware of the serious economic threats affecting all major world economic powers, including the Americas, Europe and Asia. Africa and Zambia in particular, is no exception as we have been forewarned that our economies will be affected.

This situation poses challenges to industry and other related sectors, with attendant threats of closure of companies and resultant massive job losses. Our concern at the Commission is that job losses will impact negatively on people's ability to enjoy many human rights especially social and economic rights. Unemployment leads to failure to afford basic needs, thus leading to hunger, disease, poverty etc. These are circumstances that can have a direct bearing on peace and national security. We would like to emphasise for people to enjoy human rights.

We therefore implore a very inclusive process of consultation, well beyond political and other partisan divides, for Zambia to quickly come up with measures that will address the feared slump in the economy. In time when nationhood is threatened either by enemy attacks or calamities that threaten to decimate a people, it is time to bury all differences and face the problem as one. Let none in our midst take advantage of these difficulties to gain political or other mileage.

4. THE FIGHT AGAINST HIV AND AIDS

HIV and AIDS is a well documented problem which has monumental effect on several human rights. It is a condition that breaks, if not checked, into a killer pandemic with numerous sad offshoots like loss of parents (orphanhood), loss of spouses, loss of skilled manpower and so on. It devastates families, whole societies and indeed nations.

We take note of, encourage and applaud the concerted efforts by various stakeholders to combat this pandemic. We encourage as many people to attend voluntary counselling and testing so that if they are in need of antiretroviral therapy, they can be advised by medical authorities and begin to do so. Many lives are now being prolonged through knowledge of their status and professional advice on what to do as a result. VCT will also help, as we know, to slow down the spread of the virus as those who know they are positive may take steps to not infect others.

On the subject of mandatory testing as suggested by the Ministry of Health, our initial reaction is that we understand the rationale behind such calls. We are indeed aware that there could be times or circumstances when the privacy and right of individual choices may be superseded by the desire to protect the common good and general interest of majority groups or whole societies. We however urge caution and maximum consultation before any decision on mandatory testing is arrived at. HIV is still an emotive issue, what with the psychological effect it has on a lot of people, some of whom are not able to contain knowledge that they are infected and instantly fall ill as a result! We cannot deny that people have the right to determine whether they want to test or not.

Every angle of the discussion of mandatory testing must be examined critically, including whether or not the country is really ready to face the consequences of mandatory testing, such as the increased numbers of people that may require help, therapy and treatment.

5. GENDER INEQUALITIES AGAINST WOMEN

Ladies and gentlemen, may I now turn to gender inequalities against women. The nation has dialogued a lot on this one. May I just reiterate the urgent need for gender inequalities to be addressed quickly. There is still very disproportionate representation of women in Government and other institutions, even though by now women have demonstrated their ability to perform as well as their male counterparts.

Other negative forms of inequality include early marriages for girl children, interrupting their education and

sometimes leading to maternal deaths. We laud the efforts of the Commission, especially our provincial offices as well as other stakeholders like NGOs in sensitizing and creating awareness against this practice, to the extent that our traditional leaders are also taking the lead in ensuring that the vice is stemmed.

The same vigour must apply in totally eliminating physical and other abuse of women by spouses; defilement of the girl children; and stilted traditional practices in respect of ownership of property by women which unduly favour male ownership, including usurpation upon widowhood. Every effort must be made to ensure that proposed legislation on sexual abuse and gender based violence is finalised and put in place so that women and girl children can better enjoy their inalienable and equal rights with their male counterparts.

6. CHILDREN'S RIGHTS

Ladies and gentlemen, there are continued reports of violation of children's rights, which make very sad reading especially considering how much various stakeholders, including us at the Commission, have done to enlighten society on the need to protect the rights of children. Children like women, are physically vulnerable, just as their mental state is still in the process of development towards maturity. They therefore deserve special attention to enable them nurture into responsible, healthy and stable adults.

This cannot be achieved in the environment of abuse through child labour, child abductions and slavery, and physical assaults especially in homes and the streets for those children domained in the streets. It is a fact that homes currently are some of the worst places where children are regularly beaten up in the name of discipline, and we have records of serious injury that has occurred to some of them. Even in the school set up where the Education Act has clearly outlawed corporal punishment, school authorities still engage in this act, which is a degrading form of punishment. We implore the government to consider ways of extending the outlawing of corporal punishment to homes so that children are better protected from brutality by family members.

Children cannot develop into healthy, mature and responsible citizens unless they are accorded the rights to education and health. Much as the government has done a lot towards the realisation of universal primary education and provision of health care, there are a lot of factors, especially in rural areas that make it difficult, if not impossible for many children to access both education and healthcare. Such factors as distances to schools and health centres, traditional practices that confine them for lengthy periods of time, early marriages and so on play havoc on our desire to ensure that children enjoy all these rights. There is a need to continuously and critically examine the situation so as to remove any impediments to the enjoyment of basic human rights by children.

7. QUALITY OF HEALTH CARE

Ladies and gentlemen, I wish to express the Commission's concern at what was reported recently in our press about a baby whose face was partially eaten by rats at Kasama General Hospital. It is sad that in this day and age, we can experience an incident like that in a major hospital in the country. It is unfortunate that that baby's face will be disfigured for life due to a problem that could have been prevented.

The Commission believes that quality health care includes ensuring that the environment under which patients are cared for is safe and secure. While recognising that the health care system in this country is constrained by inadequate numbers of staff, we still believe that immature babies should be under a 24 hour watchful eye of the hospital staff. It is inexcusable that rats could infest an area in a hospital where babies are kept. We implore the authorities do something about the situation at Kasama General Hospital and, indeed, all health facilities in the country.

8. ZAMBIA POLICE SERVICE

Ladies and gentlemen, at this point, allow me to commend the Zambia Police Service for the efforts they are putting in to maintain law and order in the country under very difficult circumstances. In our inspections of police facilities across the country, one thing that is peculiar to all stations and police posts is that the police operate under extremely difficult circumstances. Much as their transport requirements have improved, there is still a need to go further and provide them with even more vehicles and other equipment for effective

dispensation of their duties. We have visited rural places where for instance a police post with less than five staff covers a radius of hundreds of kilometres and yet they have no vehicle and no other means of communication. In some cases, police operations can only succeed if they are availed motor cycles or bicycles aside to four wheel drive vehicles because of the nature of terrain they operate in.

We have read about the importation of important requisites like bullet proof vests and it is our hope that these are now in place and in use. As a Commission, it grieves us greatly when officers who are protecting our right to security of person and property are either maimed or killed in gun battles with bandits. We call upon government to improve the welfare of Police officers, to continue with the new housing project they have embarked upon so that as many officers as possible are decently housed with clean water and proper sanitation unlike now when some officers draw water from streams and inhabit cracked houses that can collapse anytime. Some officers live in metal structures without windows or inhabit rented houses out of which they are degraded through evictions for delays in payment of rentals.

Having said so much for the Police, we also call upon them to respect the rights of all people including suspects. In this regard, we wish to remind them that according to the Zambian Constitution, suspects are deemed to be innocent until proven otherwise through a free and fair trial. It is therefore worrisome that Police resort to torture methods as ways of interrogation and extracting information from suspects. We do recognise that they at times deal with dangerous criminals who threaten their lives. We however caution that maximum attention should be invested in developing professional and acceptable interrogation methods that uphold suspects' human rights, particularly freedom from torture. The Commission reiterates that freedom from torture is absolutely prohibited in the constitution. There are no circumstances that allow for the commission of torture and other forms of inhuman or degrading treatment or punishment. We believe that with more investment in developing police officers' capacities to detect crime, we can overcome the temptation of torture.

We are looking forward to less and less illegal detentions of people. Movement of people, even at night, should not be unduly restricted unless there is sufficient reason to resort to such measures. Currently, even where the crime rate is not very high to warrant restriction of movement of people at night, a lot of people are thrown into police cells for being on the streets even as early as 21 hours under the so called shishita regulation. This must be checked. People have the right to move freely 24 hours a day. It is only in suspicious circumstances that the police are allowed to question, and possibly, detain people. All this should strictly be in accordance with the law which guarantees freedom of movement and the right to liberty and security of person.

9. MASS CHEATING DURING HIGH SCHOOL EXAMINATIONS

Ladies and gentlemen, as I draw towards the end of this briefing, allow me to refer to the sad phenomenon of exam frauds especially in our high schools. This year has been particularly bad in regard to the number of pupils, teachers and others who were involved in cheating by being found in possession of examination papers, better known as 'leakages'.

Needless to state that such practices erode confidence in the entire education system and have dire consequences on the right to education. Children who gain access to higher institutions of learning through cheating are undeserving and tend to block those who may legitimately progress. Cheating has the same effect as corruption in that resources are diverted to or spent on the less deserving or those who can use money to buy their way to A Grades.

There is need therefore for education authorities to introduce safeguards that make it impossible for anybody to access examination papers before they enter the exam centres. We realise this is difficult because of the large numbers of schools and the near impossibility of assigning security personnel to guard all papers but one way or another, this is a problem that must be curtailed.

10. THE HUMAN RIGHTS COMMISSION – WAY FORWARD

Finally, ladies and gentlemen, I take this opportunity to report with satisfaction that the Human Rights Commission

is forging ahead in pursuit of successful execution of its mandate. Apart from our increased presence in six out of the nine provinces of the country, we have also recorded a positive rise in staffing levels, thereby creating capacity to attend more effectively to promotion and protection of human rights.

As a result of the positive strides alluded to above, we were for the first time able to produce a State of Human Rights in Zambia report, which will become an annual undertaking. The report covering the state of human rights in 2008, which will give more insight than I am able to do in a briefing such as this one, is already being worked upon and it is our hope that it will be ready early in 2009. We will increase our inspections of police and prisons facilities, falling upon the human resource available in the provinces and it is our hope that our colleagues in the Police and Prisons will not grow weary of such inspections because in the final analysis, they are important for the protection of the rights of those people under the custody of the State.

Additionally, in response to the changing labour scenario following fairly heavy foreign investment, we are undertaking action research on labour covering five provinces, and especially focusing on mines and the hospitality industry, to establish to what extent employers and their employees understand and apply Zambia's labour laws. The resultant report should help determine the focus of our drive to ensure that employers do not just respect our labour laws but also the human rights that go simultaneously with these laws.

Our office of the Commissioner for Children has commenced operations and will come into full force in the new year while we have reconstituted committees around themes, which will help formulate and execute vital human rights related programs. These include the Children's Rights Committee, the Civil and Political Rights Committee, the Gender Equality Rights Committee, the Committee on Torture and the Economic, Social and Cultural Rights Committees.

We intend to increase our focus on the rights of persons with disabilities, hence the appointment of one member of staff to specifically function as the focal point person on all matters related to the same. We have a similar arrangement for HIV and AIDS. The public hearings which we conducted in Mkushi and Lusaka have given us valued experience and impetus for more public inquiries and it is our intention to conduct one or two national inquiries in 2009, possibly on access to justice and justice delivery.

Our yearlong commemoration of 60 years of the Universal Declaration of Human Rights has given us a clear insight on what has been achieved in terms of promoting a culture of respect for human rights and what challenges still lie ahead of us in Zambia. Our plans of action for 2009, in line with our strategic plan 2007 - 2011, and not overlooking efforts to attain the Millennium Development Goals, will show an emphasis on pro active, participative interactions with society at large. We will enhance our human rights awareness, information and education campaigns throughout the country. We anticipate more progressive, collaborative relationships with other stakeholders as we continue our quest for a Zambia which is free of human rights violation; a Zambia where all endeavour to respect and promote human rights for all. In this regard, we have planned for at least three human rights workshops for the media, three for teachers of civic education, symposia on Freedom of Expression and the Media, programs on community radio stations and more face to face sensitization interactions with traditional leaders to bring them more up to date with human rights trends. Indeed, 2009 will also see the first media awards for human rights coverage sponsored by the Commission.

Ladies and gentlemen, I trust that you will indeed work very closely with the Commission because you are major stakeholders in the quest to promote and protect human rights.

I thank you for coming. I thank you for listening. May I wish all the people in Zambia a prosperous and human rights friendly 2009. God bless you all.

PIXIE K. YANGAILO (MRS)
CHAIRPERSON, HUMAN RIGHTS COMMISSION

B. OTHER PRESS RELEASES

12 February 2008

SHOOTING OF POLICE OFFICER

The Human Rights Commission is saddened at the shooting to death of a police officer in Lusaka recently. The incident is a reminder of the dangerous circumstances under which our officers operate. The Commission recalls that Government has in the recent past indicated that there were plans to procure bullet-proof vests and other protective equipment to enable police officers to operate more safely. The Commission urges the authorities to expedite on the matter due to the sophistication of today criminals. Although such equipment as bullet-proof vests do not necessarily provide 100% protection for the officers, loss of life would still be drastically reduced and officers would have more boldness to confront dangerous criminals. The Commission agrees with the Inspector-General on the need to step up security measures to ensure more protection for the officers to enable them provide a more secure environment for the public.

UNDRESSING AND HARASSMENT

The Human Rights Commission condemns the action by unruly call-boys which resulted in the undressing and harassment of two women at Lusaka's Kulima Tower Bus Station. The incident is extremely unfortunate and uncalled for. No one has the right to treat women in the manner the two young ladies were treated. Differences of opinion in the way people dress do not warrant the subjection of other persons to inhuman and degrading treatment. This incident is again a reminder of the need for the country to put in place stiffer penalties for such immoral and criminal conduct. The public is reminded that there are more decent modes of expressing differences of opinion on any issue, including dressing, and that does not include insults, immoral or criminal conduct.

Enoch Mulembe

DIRECTOR

25 February 2008

CRIMINAL ATTACK ON POLICE WOMAN

The Human Rights Commission is concerned at what seems to be increasing vulnerability of police officers while on duty. It is sad that in the space of a few weeks another officer almost lost her life at the hands of criminals in Mazabuka. The Human Rights Commission reiterates its call for improved security measures for officers carrying out duties particularly at night. The police maintain law and order, a necessary ingredient to an environment of respect for human rights. The Human Rights Commission commends the police for their quick action in apprehending two of the suspects and we hope that the others are quickly brought to book to secure human life and property. The Commission calls upon the public to cooperate with the police on any information leading to the arrest of the fugitives.

Enoch Mulembe

DIRECTOR

25 March 2008

MOB KILLINGS

The Human Rights Commission is concerned about incidences involving mob killings of suspected criminals and joins other stakeholders in condemning the practice. The public is advised that such killings are against the law and amount to murder. It is important that people remember that the Constitution of the Republic of Zambia guarantees to everyone the right to life as well as the presumption of innocence in the event of being suspected to be a criminal. While it is regrettable that criminals are on the rampage and killing innocent and law

abiding citizens, it is important for the public not to bring themselves to the same level as the criminals that they apprehend by engaging in killings. Zambia has laws and procedures which must be followed, no matter how difficult the situation. The culture of mob killings easily puts innocent people at serious risk, with no opportunity to prove their innocence, in the event that they are mistakenly identified. We must remember that each one of us, no matter how heinous the crime, is entitled to a day in court to ensure the due process of law takes its course. The Commission also calls upon the Zambia Police Service to increase patrols in areas perceived to be infested with criminals. The Commission understands that the police are over-stretched but something can still be done to protect the public against dangerous criminals.

Enoch Mulembe
DIRECTOR

25 March 2008

SPOUSE KILLING

The Human Rights Commission regrets that yet again another woman has met a gruesome death at the hands of her spouse in Kalulushi. While the Commission supports morality and faithfulness in a marriage, couples are advised to resolve marital disputes in a non-violent manner to avoid loss of life. The Commission advises married people to think twice about their actions and not react in the spur of the moment or be controlled by emotions that they will regret for the rest of their lives.

Enoch Mulembe
DIRECTOR

29 May 2008

PRESIDENTIAL PARDON OF PRISONERS

The Human Rights Commission is delighted at the move taken by His Excellency Dr Levy Patrick Mwanawasa, State Counsel, President of the Republic of Zambia, to pardon 103 prisoners in commemoration of Africa Freedom Day. The Commission is particularly pleased that the release of the 103 prisoners will help decongest the prisons.

The Commission appeals to inmates who are going to benefit from the presidential amnesty to take the gesture with the seriousness it deserves by embarking on a new life as law abiding upright citizens. Zambia is desperately in need of citizens and residents who respect the law and focus their energies on contributing to national development. The Commission believes that if those who are released on amnesties prove themselves worthy, it will be easier for the Government to consider more releases and enhance prisoners' reform programmes.

Enoch Mulembe
DIRECTOR

02 June 2008

CULTURE OF KILLING SUSPECTS

The Human Rights Commission is extremely concerned at what seems to have become the "operational culture" of Zambia Police Officers where they beat and murder suspects. The reported death of another person in Mwinilunga is extremely unfortunate and unless the high command in Zambia Police take action, and the public clearly sees what action has been taken against the culprits, the whole institution risks taking on the reputation of a murder and torture chamber.

It is uncalled for and unprofessional for Zambia Police Officers, who are supposed to uphold the strictest standards

of professionalism, to continue to murder suspects. Officers are supposed to investigate and bring suspected criminals before the courts of law for their fate to be decided, and not turn what is supposed to be a noble institution into a murder and torture enterprise. The Commission has no quarrel with the police maintaining law and order but it will not stand by and see some officers tarnish the image of the Zambia Police.

This culture of torture and murder seems to have taken root in Zambia Police and it means everyone is at risk, including officers themselves who happen to find themselves on the wrong side of the law.

The Commission appeals to the Zambia Police to quickly take serious measures to stop the killings. This situation is seriously eroding public confidence in the Zambia Police.

Enoch Mulembe
DIRECTOR

23 June 2008

IMPORTANT MILESTONE: ADOPTION OF OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The Human Rights Commission would like to congratulate the United Nations Human Rights Council on its adoption of the long awaited optional protocol to the International Covenant on Economic, Social and cultural Rights. The Commission notes that this is an important development in the history of the modern human rights movement, at par with the adoption in 1966 of the International Covenant on Economic, Social and Cultural Rights and its sister instrument, the International Covenant on Civil and Political Rights.

The adoption of the Protocol to the International Covenant on Economic, Social and Cultural Rights has been on the agenda of the United Nations human rights bodies for a very long time. The fact that the world has now almost reached agreement on the need for an optional protocol indicates how far we have come in the quest to give economic, social and cultural rights the recognition they deserve. With the most of the world's population wallowing in poverty, the adoption of the new protocol signals new resolve on the part of the international community to tackle socio-economic issues more vigorously.

The Commission believes the protocol will get its approval in the United Nations General Assembly and it will be a befitting tribute to celebrating 60 years of the Universal Declaration of Human Rights. The world is in a era where human rights, including economic, social and cultural rights, must take centre stage in all development activities that Governments, particularly in the Third World, undertake.

Enoch Mulembe
DIRECTOR

02 July 2008

QUICK RECOVERY FOR HIS EXCELLENCY THE PRESIDENT DR. LEVY PATRICK MWANAWASA SC.

The Human Rights Commission has received with extreme sadness news of the illness that has befallen our beloved President, Dr Levy P. Mwanawasa, SC. The Commission is particularly concerned that the President has fallen ill at a time when the nation and Africa desperately need his services to move us forward.

President Mwanawasa is doing a commendable job as President of Zambia and Chairperson of SADC. The Commission regards the President as a tireless warrior of the human rights cause and would like to see his work to continue. Zambia, Southern Africa and the entire continent have numerous socio-economic issues to grapple with, including the need to uphold peoples' human rights. President Mwanawasa has demonstrated tenacity in fighting such evils as human rights abuse, corruption and HIV/AIDS.

The Commission stands together with all those who are praying for the quick recovery of the President and wish him excellent health.

Pixie K. Yangailo
CHAIRPERSON

13 August 2008

KILLING OF POLICE OFFICER

The Human Rights Commission regrets and condemns the shooting to death of a police officer by bandits in Lusaka. It is sad that yet another officer has lost his life in the line of duty.

The Commission calls on Zambia Police Service and the Government to speed up the process of procuring bullet proof vests for officers to reduce chances of them dying while executing the noble duty of law enforcement. It is now well known that escorting huge amounts of cash in Zambia is an extremely dangerous undertaking and the officers need all possible means of protection from robbers.

In the same vein, the Commission appeals to business houses to ensure proper internal security measures in relation to their transactions. It is possible that the trailing of vehicles carrying huge amounts of money could be a result of an inside job. The Zambia Police must ensure thorough investigations to bring to justice all those involved.

The Commission conveys its condolences to the family of the deceased officer and wishes quick recovery to Mr Gibson Mabote, the injured officer.

Enoch Mulembe
DIRECTOR

