United Nations A/HRC/14/NI/5

General Assembly

Distr.: General
21 May 2010

Original: English

Human Rights Council
Fourteenth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Information presented by the Zambia Human Rights Commission*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Zambia Human Rights Commission,** reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with "A"-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

Please recycle

Annex

Statement of the Zambia Human Rights Commission on the observations made by the United Nations Independent Expert on human rights and extreme poverty

Reference is made to the Report of the Independent Expert on the question of human rights and extreme poverty on her country mission to Zambia, A/HRC/14/31/Add.1.

Having considered the observations made by Ms. Magdalena Sepulveda, the United Nations Independent Expert on Human Rights and Extreme Poverty, during her visit to Zambia on a mission to examine Zambia's extreme poverty levels and to emphasize on the need to move from rhetoric to action, the Zambia Human Rights Commission (ZHRC), being a national human rights institution with the mandate to promote and protect human rights in the country, would like to make the following comments (based on her observations) bordering on the following:

a) The daily struggle for survival by people living in extreme poverty

b) Government plans being translated into action

c) The Constitutional Review Conference being a unique opportunity to bring Zambia's legal framework in line with international human rights commitments

d) Eradicating poverty by placing poor people at the centre of national policies, planning and distribution of resources or making the extreme poor a number one priority of the state budget

e) Resource constraints of government and making donors to support social protection programmes in Zambia

f) Combating corruption to enhance government's capacity to provide for people living under extreme poverty.

g) The indispensability of transparency, accountability and participation by civil society in effectively reducing poverty levels

h) Increased support to the Human Rights Commission, and

i) Other pertinent issues.

From its inception in 1997, the Human Rights Commission in Zambia has regarded economic, social and cultural rights as one of its priority areas. The Commission's mandate is broad and covers all aspects of human rights. However, in order to be a bit more focused, the Commission, very early on, came up with five thematic areas of special focus. Pursuant to its founding law, the Commission created committees around the thematic areas, one of which was the Committee on Economic, Social and Cultural Rights. In addition to commissioners and Commission staff, the Commission opened up membership of this committee to key stakeholders, including civil society and others whose operations, work or activities impacted greatly on economic, social and cultural rights. When the National Plan of Action for Human Rights 1999-2009 was adopted, one of the priority areas identified was economic, social and cultural rights and how their promotion would contribute towards the reduction of poverty levels in Zambia. The proposed new National Plan Action 2010-2020 has again, among others, placed economic, social and cultural rights high on the agenda, emphasizing their importance to the fight against poverty and the realization of the whole range of human rights.

At every opportunity the Commissioners and senior staff get, whether on television and radio discussions or other fora, there is always a call to the need for the country to address the problem of poverty as a vehicle to the effective realization of economic, social and cultural rights.

When the Human Rights Commission made its submission to the Constitutional Review Commission (CRC), one of the points of emphasis was the need for the new constitution of Zambia to include economic, social and cultural rights in the Bill of Rights. The Commission emphasized the interdependent nature of human rights and pointed to the international obligations assumed by Zambia under the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), among others. The Commission also has two seats on the National Constitutional Conference (NCC), which has been debating the draft constitution produced by the CRC. The Commission was privileged to play a leadership role in the Human Rights Committee of the NCC, which debated the draft Bill of Rights, when the Director of the Human Rights Commission was elected to chair the committee. The Commission was also consulted and made submissions to the committee through its commissioners and staff who were invited as experts to advise the NCC Human Rights Committee during its deliberations.

The Commission understands and appreciates the fact that poverty is the negative analogue of human development and that if human development signifies the process of enlarging people's choices and opportunities that are most basic to human development then poverty signifies their denial. Such deprivations include material deprivations in terms of food and nutrition, health, education and literacy, safe water and sanitation, clothing and shelter etc. Poverty should therefore be understood as being multi-dimensional and that it can only be captured through a multi-dimensional approach.

In trying to explain the levels of poverty in the country, different approaches have to be considered and poverty can be well understood or measured from an income perspective which stresses the point that if a person is living below the poverty datum line i.e., below $1 per day then that person is living under extreme poverty. Secondly a basic needs perspective can equally be used and it dictates that a person is poor if he/she falls short of the material requirements for minimal acceptable fulfilment of human needs and this concept goes beyond the lack of income. If these approaches or perspectives are applied to people in Zambia, many will agree with the United Nations Independent Expert when she says that there are still some people who are living under extreme poverty and are struggling to meet their basic needs hence the need for Zambia to move from rhetoric to action.

The Commission is, however, aware that the Zambian government does not take pride in extreme poverty levels in the country. The Commission has noted that the Government has committed itself, to the maximum extent possible, to promoting and protecting the economic, social and cultural rights in order to bring people out of extreme poverty levels. To this effect, Zambia's economic policy objectives are anchored on the Fifth National Development Plan (whose lifespan has just come to an end and is being followed by the formulation of the Sixth National Development Plan) whose main goal is to accelerate pro-poor growth and to ensure that the growth process rapidly reduce poverty. As a result of its sound implementation (FNDP), statistics show that poverty levels dropped from 68% in 2004 to 64% in 2006 as indicated in the 2006 Living Conditions Monitoring Survey. The SNDP is also being formulated with the aim of accelerating pro-poor growth and this will significantly help reduce poverty levels in the country. The Commission believes that the government's commitment to move from rhetoric and become action oriented in reducing poverty levels remains its number one priority area and such continued efforts can be seen from the 2008 Millennium Development Goals (MDG) progress report.

The expert rightly noted that Zambia has abundant natural resources which if successfully utilized can help the government to move people out of poverty. It is, however, sad to note that even though the country is endowed with a lot of natural resources, it is highly dependent on copper as a driver of the country's economic development. Therefore, it was not surprising that during the global economic crisis and the period when there was a gradual fall in prices at the international metal market, the country was worst hit and government's capacity to effectively provide for its people, in terms of bringing them out of poverty, was significantly affected. It was at this point when government tried to diversify and make agriculture to be the major driver or alternative driver of the national economy.

The country therefore has realized that the foremost barrier to moving out of poverty is lack of sustained levels of positive growth which is exacerbated by increased income inequality, insufficient investment in economic and social infrastructure to keep pace with requirements for rapid growth, and the HIV/AIDS pandemic.

On a positive note, the omission notes that the government has realized that poverty can only be eradicated by placing poor people at the centre of national policies, planning and distribution of resources or making the extreme poor a number one priority of the state budget. It also appreciates that significant poverty reduction requires a substantial injection of resources into poverty reduction activities. The Commission is, therefore, happy to note that the Government has remained committed to implementing programmes, policies and establishing institutions meant to spearhead economic development and bringing the majority out of poverty.

The Government has for example revamped the Agricultural Support Programme (ASP) to ensure food security. The programme is aimed at providing both peasant and subsistence farmers with farming inputs which are highly subsidized by the government and this has helped many ordinary Zambians who previously could not afford a decent meal per day. However, the government's effort in this is affected by people who equally choose to sell the inputs when they are given so that they access short term benefits not knowing that they are perpetrating their extreme poverty levels.

Other measures that show the government's commitment to fighting poverty in all its forms in the country include the establishment of the Citizens Economic Empowerment Commission (CEEC) in 2006 and whose functions include among other things the provision of gender equality in accessing, owning, controlling, managing, and exploiting economic resources. This has equally been supplemented by the establishment and strengthening of the Zambia Development Agency (ZDA) whose aim is to spearhead and control developmental activities (like investment) in the country and thus help in alleviating poverty levels.

Further, the government, which is the primary duty bearer with the obligation to respect, fulfil and protect the rights of all individuals in the country as well as bringing them out of poverty, is committed and willing to strengthen and empower the Human Rights Commission. However, in its dialogue with the government, the Commission has been made aware of the constraints that have, over the years, provided an obstacle to improved funding to the Commission. The Commission regularly, particularly during budget discussions, brings to the government's attention what its requirements are. The discussions are usually constructive and cordial and the Commission hopes that sooner rather than later, the government will be able to address the Commission's requirements. One of the urgent issues at the moment is to fill the entire staff establishment of the Commission and to open more offices to ensure the Commission's services get closer to the people. The Commission has been assured that the government will keep its finger on the problems affecting the institution and address them as soon as possible. One of the expected positive outcomes from the relation between the Commission and the government is the possibility of the government, through the Governance Secretariat of the Ministry of Justice, to

sponsor the process leading to the adoption of a new National Plan of Action for Human Rights which is being prepared by the Human Rights Commission.

The Commission also notes that the Zambian government appreciates that corruption is a human rights issue and has the effect of disabling government's capacity in providing for the poor in society. The Commission is aware that the government has expressed a desire to embark on strengthening the Ant-Corruption Commission in spearheading the fight against corruption. In recognizing the negative effects that corruption has on the enjoyment of economic, social and cultural rights, the government recently launched the National Ant-Corruption Policy. In this regard, the Commission believes that the fight against corruption in Zambia is not rhetoric but real and this can be evidenced in a number of cases in court in which people are being tried for the abuse of office and plundering of the national resources. If the fight against corruption is continued, it will greatly help the State to move people out of poverty, promote transparency, accountability and encourage civil society participation in effectively reducing poverty levels. The Commission is happy to note that recently the government introduced various pieces of legislation aimed at strengthening the fight against corruption, including a Whistle Blowers Act. The Commission was privileged to make its views known on the contents of the Whistle Blowers Bill and how it would particularly protect the rights of those who report cases of corruption. The Commission also notes that other similar legislation introduced proposed to domesticate the United Nations Convention against Corruption.

In summing up, the Zambia Human Rights Commission appreciates the observations made by Ms. Magdalena Sepulveda, the United Nations Independent Expert on Human Rights and Extreme Poverty. The Commission does agree with her that there are still some people in the country who are living under extreme poverty. The Commission is, however, quick to mention that the government, depending on the available resources, is doing everything possible to make sure that people can have a decent living and lifted out of poverty. As a primary duty bearer in promoting and protecting human rights, the government has put in place various pro-poor measures to spearhead economic development and to alleviate or eradicate poverty. Such measures include among others the implementation of the Fifth National Development Plan and the formulation of the Sixth National Development Plan, the National Ant-Corruption Policy, the creation of institutions like Citizens Economic Empowerment Commission, Zambia Development Agency, the Human Rights Commission itself and many more institutions. The government is also using the ongoing Constitutional Review Conference as an opportunity to provide effective legislative provisions for the protection of civil and political rights as well as economic, social and cultural rights in line with Zambia's international human rights commitments. Further, the country remains committed and on course to fulfilling or achieving the Millennium Development Goals by 2015. This is a clear indication that government, in cooperation with the international community, donors and other stakeholders, is willing and has started moving from rhetoric to being action oriented in bringing people out of poverty.

ZAMBIA HUMAN RIGHTS COMMISSION

Pixie K. Yangailo (Mrs)
COMMISSION CHAIRPERSON