



**Universal Periodic Review (UPR)
Stakeholder Submission**

Human Rights in Zambia

Submitted by:

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I. INTRODUCTION

1. The following report is a joint submission of the above mentioned organizations. Taking note of the significant advances achieved by Zambia to improve the citizens' quality of life and guarantee the full enjoyment of their rights, this report focuses on major issues affecting the **rights of children and youth to education and health, children in street situations, and the environmental issues affecting people's rights to health, food, water and sanitation, and education and participation**. Each section of the report conveys recommendations to the Government of Zambia.

2. This report is a result of an intensive consultation process that took place over the course of five months. Employing a methodology of empirical investigation, the data and information reflect the field experience of over 50 operators including educators, education administrators, community development workers, and youth workers, who are involved in the formal and informal education and health care of children (in the age range of 4-18 years) as well as young people. Information provided by children's families was also taken into account.

3. **Edmund Rice International** (ERI) is a faith-based NGO promoting and protecting human rights in 34 countries. Established in 2007, ERI is primarily concerned with the Rights of the Child, the Universal Right to Education, and Ecological Sustainability.

4. **Franciscans International** (FI) is a faith-based International NGO with General Consultative Status with the United Nations Economic and Social Council (ECOSOC). It was founded in 1982 to bring to the UN the concerns of the most vulnerable.

5. **International Presentation Association** (IPA), established in 1989, is an NGO in Special Consultative Status with the ECOSOC. Representing Presentation women throughout the world, the IPA has 2,200 members living and working in 22 countries. Priority issues for IPA are: human rights; women and children; indigenous peoples; the environment, and sustainable living.

6. **Istituto Internazionale Maria Ausiliatrice** (IIMA) is an International NGO in special consultative status with the ECOSOC. It is present in 95 countries where it provides education to children and adolescents, particularly the most disadvantaged and vulnerable.

7. **VIDES International** is an international NGO in Special Consultative Status with the ECOSOC. It was founded in 1987 to promote volunteer service at local and international level and to protect children and women's rights.

II. GENERAL REMARKS ON THE FIRST UPR of ZAMBIA

8. This NGO coalition welcomes the constructive participation of Zambia in the 1st cycle of the Universal Periodic Review (UPR). The present joint submission represents the follow-up to the UPR recommendations accepted by Zambia in 2008 regarding **economic, social and cultural**

rights¹ and children in street situations². It also report new concerns related to the impact of environmental issues on the enjoyment of human rights in Zambia.

III. RIGHT TO EDUCATION

Background - Achievements and Challenges

9. This NGO coalition welcomes the significant progress made by the Government of Zambia in the area of education, especially with regard to universal primary education since attainment of independence in 1964. In particular, construction and renewal of schools was realized countrywide. School facilities were also increased in order to create a conducive environment in schools and offer equal educational opportunities for all.

10. Accordingly, teachers training institutions were constructed across the nation and many people were professionally trained to teach the various levels of classes. At present, the country has a sufficient number of teachers to deploy to all areas, with some teachers going to work in the neighboring countries. As a result, in the last few years, Zambia has seen the building of new primary and secondary schools, renovation of many classrooms, hence the boosting of enrollment levels at grade one.

11. However the provision of quality education and infrastructure development to meet an ever-increasing demand for education still remain the major challenges in Zambia, as recognized by the Government itself: *“Educating our children is an important prerequisite for long term growth and reducing inequality. Currently, there is minimal early childhood education, poor quality primary and secondary education, dilapidated infrastructure and limited access to vocational and tertiary education.”*³

12. This NGO coalition perceives three major areas of concern affecting the provision of quality education in Zambia: (i) lack of regular and sustainable funding to all schools and learning institutions; (ii) inadequate conditions of service of teachers; and (iii) inadequate response to specific needs of students, especially those affected by HIV/AIDS.

Funding of Education

13. Prior to the election of 2011, schools and learning institutions saw a reduction in funding and in some cases they went without funding for a number of months, resulting in the quality of education being compromised. While the Government of Zambia is committed to providing free primary education, concrete measures have to be put in place to ensure that funding levels to education continue to be a priority and not just political rhetoric.

14. The trickle down of funds to the learners, from the amounts allocated in the national budget, been hampered in the past by the number of workshops that have to be held at different levels of the education system, before funds get down to the learner in the classroom in the form of teaching and learning materials or in the provision of other school requirements. Moreover,

¹ Recommendations n. 13, 14 and 15. See Report of the working group, p.17. UN Doc. A/HRC/8/43, 2 June 2008

² For detailed information on UPR recommendations concerning street children accepted by Zambia, see section V of this submission.

³ Budget speech to Parliament (2012).

while bursaries and scholarship have been provided by Government to help cushion the difficulties and challenges faced by orphans and vulnerable children, more needs to be done for the schools and learning institutions to meet the ever increasing number of orphans and vulnerable children.

15. This Coalition of NGOs Recommends the Government of Zambia to:

- a) Establish funding structures to ensure that funding to all schools and learning institutions is adequate and consistent;***
- b) Provide an extra allocation of funds to schools addressing children with special needs and schools in the rural areas;***
- c) Ensure accountability of funds provided to schools, and transparency in the disbursement of the funds.***

The Impact of HIV and AIDS on the Education System

16. The impact of HIV and AIDS on the education system concerns both teachers and learners. The challenges experienced by both those that are infected by the virus and those that are not, are numerous, and have impacted on the quality of education. Having learners who are HIV positive, learners who are being raised by their grandparents or an elder sibling, usually just a few years older than the rest of the younger siblings, who carry the grief and justifiable anger due to loss of their parents, call for new, creative, and robust initiatives of responding to such specific needs. Moreover, we report that in several cases, these difficult situations experienced by HIV/AIDS affected-children degenerate into early drug and alcohol addiction.⁴

17. While welcoming the inclusion of HIV and AIDS prevention in school curriculum, we note with concern that the Guidance and Counseling departments have in most cases been reduced to solely providing test results, rather than providing adequate assistance to the students. Therefore, we highlight that additional measures need to be taken to equip the guidance and counseling teachers with skills which will enable them to respond to the emotional and psychological stress due to HIV and AIDS.

18. This Coalition of NGOs Recommends the Government of Zambia to:

- a) Redefine the duties of Guidance and Counseling teachers and provide them with specific training in order to adequately respond to the emotional, social, and psychological challenges faced by HIV/AIDS affected-students.***

Teachers' Conditions of Service

19. We note with concern that the quality of education is negatively affected by the fact that teachers at all levels continue to be poorly paid with basic salaries as low as K2, 200,600 (US\$

⁴ For further information in this regard, see section on the right to health in the present submission.

423) compared to K2,904,150 (US\$ 558) monthly basic needs basket for a family of six.⁵ As a result, many teachers are forced to find alternative means, such as private tuition, to earn money to sustain themselves and their families, to the great detriment of their classroom jobs. Therefore, this has led to teachers' absenteeism as well as to excessive work burdens which compromise the quality of education.

20. Another important factor that has contributed to lowering the quality of education is that the current supply of teachers is still not enough to satisfy the demand of available learners. The lack of teaching personnel is due to several reasons: they moved to better paying jobs, have fallen victims to HIV/AIDS, or are studying to upgrade themselves.

21. Current policy in the Ministry of Education is that by 2015 the minimum qualification is to be a diploma for teachers in primary schools while the minimum in the high school or secondary is to be a degree. Teachers who take study leave are not replaced; hence the teachers remaining at the station have to pick up extra class loads which compromise the quality of teaching and learning. Substitute teachers engaged by the schools become a financial strain on the school.

22. The fact that most of the teachers are studying brings about higher competition and places pressure on the teachers to study, do assignments, pass exams and attend residential school, while teaching their usual loads of classes. Moreover, Residential School⁶ often overlaps with the school term.

23. This Coalition of NGOs Recommends the Government of Zambia to:

- a) Improve the conditions of service of teachers by providing them with an adequate competitive salaries;***
- b) Put in place a better policy on teachers study leave, and ensure that they can upgrade their qualifications, taking into account the learners' needs and the pressures placed on the teacher;***
- c) Undertake effective actions to monitor teachers' performance in order to ensure the quality of education.***

IV. RIGHT TO HEALTH

24. This NGO coalition expresses deep concern for the alcohol abuse among underage drinkers, especially boys. Reports have come from Mansa district of Luapula Province, in the northern part of Zambia, and for the Chililabombwe District. In particular, we note that parents or legal guardians usually show acceptance and tolerance of underage alcohol. Only an extreme low number of young alcohol drinkers have ever pretended to be above 18 years in order to acquire or purchase alcohol. This indicates that the availability and selling of alcohol is not regulated in

⁵ Jesuit Center for Theological Reflection – JCTR.

⁶ Teachers study by distance learning (correspondence) and travel to 'residential schools' for tuition, approximately once a semester.

accordance with the age restriction and no one bothers to ask even when the person's apparent age indicates that he/she is below the legal drinking age.

25. We welcome the adjustments to which national legislation has been subjected in the last years in order to comply, *inter alia*, with the principles of the Convention on the Rights of the Child. Such revisions culminated in the 2011 enactment of the current Liquor Licensing Act No. 20, which combined the regulation of the manufacture, possession, sale and supply of intoxicating liquors in Zambia for both traditional beer and liquor.

26. Nevertheless, we remain concerned by the lack of implementation of the existing relevant legal framework, partially due to the scarcity of media coverage on the risk of underage drinking. As a result, alcohol outlets that stock various alcoholic beverages are not making any effort to enforce the Liquor Licensing Act. The lack of age restriction to the access of beer is further qualified by statistics according to which less than 3 bars out of 10 would ever refuse to sell beer to underage customers.

27. We welcome with much satisfaction that on April 16, 2012, the Government has banned with immediate effect the manufacturing and sale of strong liquor sachets commonly known as tujili-jili. Accordingly, licenses for manufacturers and importers of the liquor sachets have to be revoked and any person found guilty of manufacturing or selling the banned sachets will be fined or imprisoned for two years by default. While we encourage the Government to ensure effective implementation of the new legislation concerning the packaging of beer and liquor in small sachets, we remain concerned about the local brewing of traditional beers manufactured in the villages without any direct regulation, which provides an opportunity for underage youth to indulge in drinking before the legal age.

28. *This Coalition of NGOs Recommends the Government of Zambia to:*

- a) Ensure effective implementation of the Liquor License Act;***
- b) Provide raising awareness campaigns, through extensive involvement of media, in order to sensitize the local communities on the risks of underage drinking and on existing national legislation in this regard;***
- c) Ensure full implementation of the new legislation concerning the packaging of beer and liquor in small sachets;***
- d) Strengthen education and sensitization activities on human rights and children's rights for both parents/guardians and the children themselves in order to fully understand the implications and dangers of alcohol abuse.***

V. CHILDREN IN STREET SITUATIONS

Background

29. In Zambia, out of a total population of roughly 14 million, 46% are under the age of 14.⁷ According to UNICEF, an estimated 20,000 children work and/or live on the streets and there are 1.2 million orphans under 15 years of age of which 800,000 are affected by HIV and AIDS.⁸

30. On the occasion of the 2008 UPR of Zambia, the importance of understanding the root causes and the factors leading Zambian children to live and work on the streets was highlighted as the only way to adopt effective prevention and protection programs. It was also recalled that prevention strategies must be based on the participation of children, their families, community based associations, and religious and community leaders throughout the whole process. Empowerment, coupled with education and support (social services and health care) to children and families is then the key to succeed.

31. In June 2008, the Government of Zambia accepted six recommendations,⁹ which directly or indirectly aimed at ameliorating the plight of children in street situations. In particular, the Government has agreed on a *strategy of assistance and prevention for street children in order to protect and guarantee their rights*,¹⁰ on allocating adequate financial resources to strengthen and protect the rights of children,¹¹ and on improving *access to anti-retroviral treatment for vulnerable groups*.¹² In general, Zambia has expressed its commitment on continuing *efforts in economic, social and cultural rights to further build upon the progress it has already made*.¹³

The Current Situation

32. We welcome the progress so far achieved by the Government of Zambia toward the enhancement of the quality of life for poor and vulnerable groups. The Ministry of Community Development and Social Services (MCDSS) has provided for the Public Welfare Assistance Scheme (PWAS), the Social Cash Transfer Schemes (SCTC), the Food Security Pack (FSP) and the Child Protection Programme. Moreover, existing laws criminalise child prostitution and child pornography¹⁴, as well as trafficking¹⁵ and child labour.¹⁶ Under the Child Protection Programme, the MCDSS has already put in place 23 District Child Protection Committees;¹⁷ the Ministry of Home Affairs has established Child Protection Units (CPU) which leads to the

⁷ CIA, *The World Factbook, Zambia*, available at <https://www.cia.gov/library/publications/the-world-factbook/geos/za.html> (last visited 5 March 2012).

⁸ UNICEF, Zambia, available at http://www.unicef.org/zambia/5109_8455.html (last visited 10 April 2012).

⁹ Universal Periodic Review. Report of the Working Group on the Universal Periodic Review. Zambia, A/HRC/8/43, 2 June 2008, page 17, Recommendations n. 11, 12, 13, 15, 17, 18.

¹⁰ Recommendation n. 11, *ibid*.

¹¹ Recommendation n. 12, *ibid*.

¹² Recommendation n. 17, *ibid*.

¹³ Recommendation n. 15, *ibid*.

¹⁴ U.S. Department of State, 2010 Country Report: *Zambia*, 8 April 2011, available at <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154376.htm> (last visited 13 March 2012).

¹⁵ ILO, *Support the Government of Zambia for the Implementation of Policy and the National Plan of Action against Human Trafficking*, available at http://www.ilo.org/sapfl/Projects/WCMS_116614/lang-en/index.htm (last visited 13 March 2012).

¹⁶ U.S. Department of Labor's Bureau of International Labor Affairs, Country Profiles, *Zambia*, available at <http://www.unhcr.org/refworld/pdfid/4e8c3995d.pdf> (last visited 13 March 2012).

¹⁷ L. Kanyuka, Ministry of Community Development and Social Services – Zambia, *Task Sharing Through Community Assistance Welfare Committees, Social Welfare Workforce Strengthening Conference*, Cape Town, South Africa, 15 to 18 November 2010, available at <http://www.ovcsupport.net/files/Session%2018%20-%20community-%20Zambia%20-%20Lameck.pdf> (last visited 12 March 2012).

enforcement of labour-related trafficking laws, and the Zambian Police runs the Service's Victims' Support Unit (VSU), for victims of trafficking.¹⁸

33. The information we received come from our grassroots partners involved with children in street situations, working within the Child Protection Committee in the Chililabombwe District and bear witness to these positive developments.

34. Within the Child Protection Committee in the Chililabombwe District different kinds of activities have been put in place such as street mapping, night time round up of children with street connections and/or children under 18 found to be drinking in public places; family counselling, school reintegration and support, family empowerment through programs to develop entrepreneurship skills, and monitoring and evaluation of the above activities. Our partners working with the Committee in the Chililabombwe District appreciate the fact that the Committee operates under the MCDSS, the Ministry of Health, the Ministry of Community Development, and the Ministry of Education. This enables them to network and collaborate with different actors involved in Child Protection. Nevertheless, we point to an alarming situation which shows that the fragmented approach adopted by the Government is far from perfect.

35. A fairly high number of children assisted are orphans, or originate from single parent families, or are driven to the streets by a situation of extreme poverty. Surprisingly, we observe that while in the past years this was not very common, nowadays younger children aged between five and seven increasingly populate the streets of Zambia.

36. Poverty, lack of access to education, and unemployment have been identified as the major causes of children on the streets with lack of food and money promoted as a primary cause of the abandonment of their homes.¹⁹ Furthermore, children living and/or working on the streets are more vulnerable than other children and are easily subjected to multiple violations of their rights, including sexual abuse, violence, and trafficking. They have inadequate access to food, education, health care, and other basic services, which in turn perpetuate the cyclic nature of poverty and does not recognize their potential as contributing members of the society.²⁰

37. A large contributor to the growing phenomenon of children in street situations is the AIDS epidemic, which has caused a breakdown in the traditional family safety net through the loss of one or both parents. Unfortunately, in the framework of the reporting process of the 2001 UN General Assembly Declaration of Commitment on HIV/AIDS, the Government of Zambia has dramatically acknowledged that *some projects* [HIV treatment, care and support] *targeted at street kids were at one time abandoned.*²¹

¹⁸ U.S. Department of Labor's Bureau of International Labor Affairs, Country Profiles, *Zambia*, cited.

¹⁹ F. Strobbe, C. Olivetti, M. Jacobson, *Breaking the Net: Family Structure and Street Children in Zambia*, Discussion Papers, N. 220, Boston University's Institute for Economic Development, August 2011, available at <http://www.bu.edu/econ/centers/ied/dp/> (last visited 28 February 2012).

²⁰ F. Strobbe, C. Olivetti, M. Jacobson, *Breaking the Net*, see infra note 13, page 21.

²¹ *Zambia Country Report, Monitoring the Declaration of Commitment on HIV and AIDS and the Universal Access. Biennial Report, submitted to the United Nations General Assembly special session on AIDS Declaration of Commitment. Reporting period: January 2008 – December 2009*, 31 March 2010, p. 61, available at http://www.unaids.org/en/dataanalysis/monitoringcountryprogress/2010progressreportsubmittedbycountries/zambia_2010_country_progress_report_en.pdf (last visited 13 March 2012).

38. From an organisational point of view, we notice that, contrary to the Chililabombwe District, not all District Child Protection Committees efficiently use the allocated resources and that the Committees are hardly proactive in making themselves known to the general public, in this way seriously limiting the possibility of reaching out to children in need.

39. Moreover, our partners working at the grassroots identify the following issues which are closely linked to the phenomenon of children in street situations: (i) inadequate reintegration of children in street situations into the formal education circuit: when such reinsertion does not occur within a year, children develop connections with the street which will significantly impede their reintegration. In addition, children who return to school after a long period of absence likely face numerous challenges, including attention deficit disorders and exclusion from the other classmates because of the bad reputation often associated with children in street situations. (ii) As previously mentioned, alcohol is sold at a very low price in Zambia, which attracts children under 18 and vendors who do not bother to refuse to sell alcohol to minors. Moreover, often the Police seem to turn a blind eye to this situation. As result, we register a high rate of alcohol addiction among children living in street situations.

40. Notwithstanding the progress achieved, we are seriously concerned that the approach adopted by the Government of Zambia is not tailored to respond to the needs of the children in street situations, in a holistic manner. Moreover, the Government does not sufficiently recognize the role of the children in street situations when devising policies to improve their own conditions, which only serves to undermine the success of the devised policies from the beginning.

41. *This Coalition of NGOs Recommends the Government of Zambia to:*

- a) Adopt and implement a holistic National Action Plan to prevent and respond to the situation of children living and/or working on the streets, which is grounded in a rights based approach and the empowerment of children in the elaboration of prevention strategies;***
- b) Ensure adequate budget allocations for the National Action Plan and make budgetary information available to the general public;***
- c) Collect and regularly update data – disaggregated by sex, age, ethnicity and relevant characteristics - concerning children in street situations at the local level so as to provide a valuable input for the efficient running of present and future Child Protection Programmes;***
- d) Adopt measures aiming at empowering families and improving their access to social services and health care, so to increase the support they can give to children;***
- e) Ensure the coordination and cooperation among all Ministries involved in the Child Protection Programme, the Police, specialized civil society organizations and community and religious leaders, so as to deliver targeted services to children in street situations.***

VI. ENVIRONMENTAL ISSUES AND THEIR IMPACT ON HUMAN RIGHTS

Right to Participate, Right to Education - Zambian Government Responsibilities

42. Among the major environmental problems in Zambia are the unsustainable utilization of natural resources, land degradation, and poor domestic and industrial waste management. Other issues include the lack of key stakeholders' (public) participation in the governance of the natural resources, and widespread squatter settlements within which basic services and standards for a safe and healthy life are lacking.

43. Management of natural resources within Zambia calls for an educated awareness in its citizens. Zambia is particularly vulnerable to exploitation at this time of optimal investment from transnational corporations. Currently, Zambia is seen as having 28% investor confidence. This leaves Zambia prey to attractive propositions of short-term advantage but could mean enduring loss in its vital natural resources, including the resulting deterioration of the well being of all and violations of their fundamental rights.

44. This NGO coalition welcomes the establishment of the Zambia Environmental Management Agency (ZEMA), a statutory body created under an Act of Parliament in 1990. The Environmental Council, established in 1992, is mandated to protect the environment and control pollution so as to provide for the health and welfare of persons, and the environment²².

45. Nevertheless, we remain concerned by the inadequate staffing in Zambian Government departments that deal with environmental issues, which has contributed to the downward trend in environmental sustainability. For example, out of the 544 positions at technical and professional levels at the Forestry Department, 390 positions are filled.

46. Furthermore, ZEMA, which is mandated to enforce environmental regulations, only has representation in Lusaka, Ndola, Chirundu and Livingstone. The limited centre-based representation implies lack of capacity to monitor implementation and enforcement of national environmental policies.

47. While pilot projects in the area of Community Based Natural Resource Management (CBNRM)²³ have been realized, Zambia remains without a policy or law to promulgate the practice.

48. *This Coalition of NGOs Recommends the Government of Zambia to:*

²² Environmental Council of Zambia, more information is available at http://www.mtenr.gov.zm/index.php?option=com_content&view=article&id=107&Itemid=87 (last visited 14 March 2012).

²³ The CBNRM involves local communities in decision making, and also ensures that benefits derived from the resource reach the communities.

- a) *Harmonize legislation and policies currently in force, which relate to environment management (e.g. the Land Administration and Management Policy of 2006, National Energy Policy of 2007, National Agricultural Policy 2004-2015, National Forest Policy of 1998, Mines and Minerals Act of 2007, Forests Act of 1999, and National Water Policy);*
- b) *Assess the extent of environmental degradation and its economic cost;*
- c) *Enhance access by the public to information and develop ongoing public campaigns to raise awareness of environmental issues and environmental decision-making at national, province and local level in order to include all stakeholders;*
- d) *Adopt Community Based Natural Resource Management as policy, to ensure greater involvement by local communities in decisions about the environment;*
- e) *Take deliberate steps to help companies invest in cleaner technologies.*

The Right to Health - The Management of Waste and Air Pollution

49. The management of waste is a major problem in many regions of Zambia. Most often, domestic and industrial waste is dumped in public places, and the collection of waste is spasmodic. Hazardous medical waste is also dumped in unauthorised areas. Accumulated rubbish spreads disease, and is often burnt by local residents.

50. Furthermore, we note with concern that no supermarkets seem to take responsibility for decreasing the use of plastic bags and containers, and for offering alternatives to customers. There is a lack of recycling depots for reusable material. Hence paper, cardboard and plastic are burnt, adding to the pollution of the atmosphere.

51. Vehicles contribute significantly to air pollution. The population of vehicles is increasing rapidly at the present time, with many vehicles old and poorly maintained, including some used for public transport.

52. This Coalition of NGOs Recommends the Government of Zambia to:

- a) *To implement a system of regular collection of rubbish from designated collection points and establish and manage recycling depots for plastics, glass, paper and cardboard;*
- b) *Drastically reduce plastic bags from the carry-away service of supermarkets, and encourage more sustainable packaging;*
- c) *Enforce strictly laws regarding the open-air burning of waste materials;*
- d) *Develop and stringently police regulations to reduce air pollution by vehicles.*

Right to Health, Right to Food - 'Forests, Our Heritage Under Threat'

53. Zambia has undergone a net change in forest area (deforestation) of 50-250,000 ha between 2005-2010²⁴. Forests cover about 60 percent of the total land area, of which close to 10% are protected. Forests and woodlands in Zambia contribute significantly to the livelihood of the people in both rural and urban areas through direct and indirect benefits, but forest cover continues to decline both in quality and quantity. Destruction of native forests adds to the erosion of the soil and hence a loss for agriculture.

54. Destruction of forests results from the widespread practice of charcoal burning, which also adds to the pollution of the atmosphere. Many poorer people depend on charcoal burning for their livelihood. The replanting of forests could provide an alternative source of livelihood for those dependent on charcoal burning.

55. The practice of merely issuing licenses and collecting revenue from the forestry sector leaves the environment vulnerable, and local communities do not care as they perceive no benefit. The timber industry is valuable, but again there are limited strategies for making forestry sustainable. Linkages between the Forestry Department and other departments such as the Department of Energy are not sufficiently coordinated to ensure optimal intervention in the management of forest resources, or in the transition from wood fuel to other renewable energy sources.

56. This Coalition of NGOs Recommends the Government of Zambia to:

- a) *Develop and implement a National Action Plan to end indiscriminate deforestation, to re-forest significant areas of Zambia, and, together with private companies, to implement a clean energy policy;*
- b) *Amend the existing environmental legislative framework (e.g. the Forestry Act of 1973, the draft Forest Act of 1999, and the draft National Policy on Environment of 2005), and ensure these laws work together in an integrated way to protect the environment and human rights.*

Right to Health, Right to Water - Water and Soil Pollution, and the Impact of Mining

56. It is estimated that by 2025, two-thirds of humanity will not have adequate drinking water. Therefore Zambia needs to protect the right to water by preserving all river sources and its waters from any pollution.

57. The proportion of the Zambian population without sustainable access to an improved water source fell from 51% in 1996 to 40% in 2006²⁵. Rural areas lagged behind, with 59% of the

²⁴ Food and Agriculture Organization, 2010, *Global Forest Resources Assessment 2010*. (Online) Available at: <http://www.fao.org/docrep/013/i1757e/i1757e00.htm> (Accessed 15 March 2012).

²⁵ UNDP, *Millennium Development Goals Progress Report 2011*, available at http://www.undp.org.zm/joomla/attachments/052_compressed%201.pdf (last visited 27 March 2012)

population with no access to safe drinking water. Most of the rural population still depends on open rivers/streams and unprotected wells for its water supply. A report on urban and peri-urban water supply and sanitation in 2009/10 by Nwasco indicated that 26.4% of the population in such areas have no access to safe water²⁶. Whilst piped water supply systems are operational in most parts of the country, many sanitation systems are either in poor condition or non-functional.

58. An increasing number of people depend on underground water for their needs. Whilst regulations demand that bores for water are set a regulated distance from the nearest sewage pit, the small size of house blocks and lack of town planning supervision renders this difficult. Water pollution caused by insanitary conditions is a major health risk.

59. A further source of water and soil pollution is road traffic accidents, especially those involving vehicles transporting toxic substances. The poor system of maintenance of some major roads adds to this hazard. Oil and chemical spillages are a source of surface and ground water pollution. Most garages in Zambia do not have disposal mechanisms in place for used oil.

60. The cost of noncompliance to Environmental Management Plans (EMP) is currently not serious enough to warrant mining companies investing in pollution abatement. For example, mining companies have been allowed to get away with serious water pollution resulting from their activities. The EMP, especially for mining companies, do not provide for restoration of mined areas. This means that such land remains derelict, and the soil polluted, as is the case for Kabwe.

61. There are very high lead concentrations left over from previous mining operations around Kabwe and in Copperbelt towns and cities. Average blood levels of lead among children in some townships like Makululu are five to ten times the level considered dangerous²⁷.

62. A requirement of the Mines and Minerals (Environmental) Regulations no 29 specifies that mine operators must rehabilitate the mined land, to a state where the land could be used for other things. In fact, most mine operators abruptly leave without seeing through their environmental obligations.

63. This Coalition of NGOs Recommends the Government of Zambia to:

- a) Ensure that adequate drainage be developed, in urban and peri-urban areas, to prevent disease and that local authorities enforce town planning regulations concerning the placement of bores and sewage outlets;***
- b) Continue to work with commercial utilities in the development of and implementation of decentralized water treatment systems across the country;***

²⁶ ²⁶National Water Supply & Sanitation Council, *Urban and Peri-Urban Water Supply and Sanitation Sector Report 2009/2010*, available at <http://www.nwasco.org.zm/uploads/sectorreport200910.pdf> (last visited 20 March 2012).

²⁷ Afrol News, *Zambia's Kabwe: world's most polluted place*, 20 October 2011, available at <http://www.afrol.com/articles/22087> (last accessed 20 March 2012).

- c) Monitor the disposal of waste material coming from oil and chemical companies, and garages, and ensure breaches of regulations are;*
- d) Ensure that there is an annually budgeted amount for road maintenance, and that the budgeted figure is used for this purpose.*
- e) Ensure that the mining companies operating in Zambia respect the principle of Free, Prior and Informed Consent of the relevant stakeholders, and comply with the UN guiding principles on business and human rights;*
- f) Develop and implement laws concerning the safe disposal of waste products of mining and concerning the rehabilitation of abandoned mining areas.*