



Zambia - Crime and Criminal Justice Country Situational Report 2007

Dr. Annie Barbara Chikwanha

**Enhancing the Delivery of Security in Africa:
COMPLEMENTING THE APRM AND WORKING TO THE AFRICAN UNION**

Country facts

Population	11 262 000 million
Location	Rural 70% Urban 30%
Provinces	10
Ethnic groups	73
Languages	48 (7 dominant)
Societal organization	80% matrilineal 20% patrilineal (contested fig)
Total figures of police force	13 000
No of prisons	24
Total no of courts	453
Local Court Justices	900 (including traditional judges)
Magisterial Districts	65
No of magistrates	150
Total no of judges	32 (high and supreme court)

Table of Contents

Abbreviations	4
1.0 Background	5
2.0 The Incidence of Crime	7
2.1 Economic crimes	8
2.2 Sex/gender related crimes	11
2.3 Human trafficking	11
2.4 Organised crime	12
2.4 Combating crime	13
3.0 Policing	14
3.1 Public assessments of police performance	18
3.2 Detention	19
3.3 Extra-judicial behaviour	20
3.4 Prosecution	21
4.0 Prisons	22
5.0 The criminal justice process	25
5.1 HIV Crimes	26
5.2 The Court system	27
6.0 Women and the criminal justice system	28
7.0 The judiciary	29
7.1 Juvenile justice	30
8.0 Customary law.....	31

Tables

Table 1 Industries covered by the survey.....	9
Table 2 Criminal activities in business sector.....	10
Table 3 Police recruitment rates.....	15
Table 4 Complaints received against law enforcement agents from 1998-2002	16

Abbreviations

ARRS	Arrest Reception and Referral Services
ACHPR	Charter on Human and People's Rights
GTZ	German Technical Agency for Cooperation
ICJ	International Commission of Jurists
ICCPR	International Covenant on Civil and Political Rights
NGO	Non Governmental Organisations
UODOC	United Nations on Drug and Crime
UNICEF	United Nations' Children Education Fund
WLSA	Women in Law in Southern Africa
YWCA	Young Women's Christian Association

1.0 Background

AHSI2 is working on a project that aims to improve the containment of crime and the criminal justice system in Zambia. The ultimate aim is to develop capacity in the effort to influence better governance through the APRM review process. The project also intends to contribute to the generation of knowledge on the inadequacies of the criminal justice system that can be used to assist capacity building in this sector. This implies answering the following questions amongst others: What are the relevant laws in the country? Are the laws enforced and how accessible and useful is the justice system to victims?

The majority of the population in Zambia lives on less than 1 dollar a day and another significant percentage live on just two dollars a day. Food insecurity is high and this is worsened by unpredictable harvests due to natural disasters, mostly droughts. The wealth gap continues to widen between the haves and the have-nots. Income inequalities, rapid urbanization, young populations experiencing high levels of unemployment and the proliferation of firearms are all strongly associated with crime. Poverty and inequality have a strong impact on criminality and this affects the criminal justice system.

The doctor to patient ratio is 1=14 000 and at this rate, it will take generations to get to the current levels of the former colonial power, the United Kingdoms' 1=50. National Aids prevalence is 17 percent and this has seen life expectancy drop from 50 to 37 years only. Sexual crimes in particular, increase the risk of vulnerability of females. Crime anxiety has worsened the physical state of already impoverished people and violent crime in particular has added to the capacity problems in the already struggling health sector in the country.

It is for this reason that many authors, amongst them Boone et al, argue that crime in Southern Africa is more of a developmental concern rather than a law-enforcement issue (Boone et al: 2003:2). According to the United Nations High Commission for Refugees, Zambia accommodates the bulk of the refugees in southern Africa and this further strains the economy and policing services. Zambia's major problems are the high external debt and the equally high poverty levels exacerbate the effects of high unemployment, rising crime levels, homelessness destitution and Hiv-Aids.

Like many countries in the Sub-Sahara region, Zambia has since colonial days, continued to employ a dual legal system. On one side, there is the so called Modern Law based on English common law that was introduced by the British during the colonial period. All the statutes passed by Parliament since independence in 1962 fall into this modern law category. Magistrate Courts, High Courts and the Supreme Court of Zambia are still applying this law and yet these courts are generally difficult to appeal to because of financial and logistical constrains (German Technical Agency for Cooperation (GTZ) Report, undated). On the other hand, there is Customary or Traditional Law which is not codified but as can be expected, it is often amenable to changes in order to adapt to changes in society.

The diversity within the Zambian community complicates the equally diverse customary laws. This means there is not one customary law but quite a number of different customs. Although statutory law takes precedence over customary law, the majority of people residing in rural areas give primacy to customary law in most parts of the country.

Ideally, customary law is to be followed when it is not repugnant to justice or equity and when it is incompatible with other legislation and whilst there is acknowledgement that the criminal justice system varies across states, the reality in Africa is that the cultural traditions very often throw some spanners into the efforts to standardise the process. This is more so when it comes to dealing with the law across the gender divide. In instances where tribal authorities preside over criminal cases, injustice is very often an outcome as neither impartiality nor fairness can be assured. The majority of Zambians continue to struggle to get justice in this scenario.

The results of the country study that will be based on this preliminary situation report are expected to influence policy changes and facilitate a review of the laws where essential. The information, which will take into consideration respect for human rights, will be applied to envisaged structural (reforms) in the criminal justice system (police, prisons, courts and the judiciary). It is also hoped that findings will strengthen awareness in the need for

sensitivity when dealing with both offenders and victims. This report starts off by attempting to give an overview of the crime scenario in Zambia.

2.0 The Incidence of Crime

Crime in Zambia, as elsewhere in Africa, is widespread. Armed carjacking, mugging, residential burglaries and petty theft are commonplace in the capital as well as in downtown commercial areas. For instance, an International Crime Victim Survey put the burglary victimisation rates in Zambia, Lusaka, at 10.9 percent in 2003. Low-income housing neighbourhoods are also affected.

National crime statistics compiled by the Police Crime Statistics Unit for the same period show that 98,709 cases were reported nationwide and of these 41,570 were undetected (investigated). Trials took place in 38,858 cases showing only a 38 per cent clearance rate. Lusaka which is the most populous province accounts for 51.1 per cent of reported cases of theft of motor vehicle; the Copperbelt leads in assaults occasioning actual bodily harm – 38.1 per cent; and the Southern Province leads in stock theft at 36.9 per cent. The crime trends from 2004 to 2005 show that crime in Lusaka is difficult to monitor. It increased steadily over 2000 and 2002. From 2002 to 2004, there was a sharp reduction in crime reported. However 2005 saw a minor increase.

Weak institutional capacity for effective policing, coupled with a general dearth of basic information on crime and criminal justice statistics such as prosecutorial, court and prison data, constrain remedial action. It is wise though to acknowledge that while such statistics do not necessarily suffice to give a clear and concise indication of levels of crime, they do provide a clear indication of the operations, and at times the efficiency and effectiveness of the criminal justice system in any country.

According to Boone et al (2003:2), Zambia has court records for the period 1998-1999 but no crime data from the police for the same period. And yet, to adequately understand the levels of crime, it is essential to have three standard sources of data: official crime reports, and victim surveys. The first lot is determined by the practices of police officers in record

keeping and is subject to interpretation on what is considered to be a crime in that particular setting. There also has to be conformity with the relevant agency's requirements (Chockalingham 2003:117). This data thus becomes more useful in objective assessments of police performance. Victimization surveys which contain citizen experiences and perceptions on crime are believed to be better indicators of crime levels and to date, a few have been conducted in Zambia [e.g. *United Nations on Drug and Crime, (UNODOC) urban surveys and the YWCA national crime survey*]. The advantage of surveys is that they focus on selected types of crime and because they randomly survey a sample of citizens, incidences not captured by the police can be captured. This gives the vantage point of studying crime from the public's perspective.

Many notable efforts have been made and continue to be made by the government in combating crime. For example, the country is a member in a number of regional and international institutions that are organised around issues of crime; the country has enacted The Money Laundering Act no.14 of 2001 which criminalises the laundering of all proceeds of crime; research into illicit cross-border activities including human trafficking has been going on and, in compliance with human rights doctrine demands, corporal punishment is outlawed in Zambia but is still applied by traditional and Local Courts. The Justices Criminal Procedure [Amendment] Act no.9 of 2003; the Penal Code [Amendment] Act no.10 of 2004 and the Education [Amendment] Act no.11 of 2004 all outlaw corporal punishment and this extends to prisons as well. However, despite all these legislative efforts, much more remains to be done by law enforcement agencies in both combating crime as well as in instituting a culture of respect for the rule of law as well as upholding respect for human rights.

2.1 Economic crimes

All different business sectors in Zambia are plagued by economic crimes and the levels of sophistication in some of the crimes triggers alarm bells. Pricewaterhouse Coopers conducted a survey on economic crimes in Zambia in 2003. The sample size was 60 and covered a wide range of areas in the corporate sector. The survey revealed the presence of all kinds of corruption/criminal activities in the business sector. Many reported being victims

to criminal tendencies. Of the 48 percent who reported being victims of corruption, 65 percent stated that perpetrators were insiders. Such high levels of internal risks are set to retard any overall developmental gains and they increase the cost of doing business.

Table 1 Industries covered by the survey

Business to business	2
Financial services	14
Consumer products	2
Telkom media technology	2
Pharmaceutical and chemical	1
Engineering	4
Construction	1
Energy, oil and gas	2
Manufacturing	2
Transport	3
Professional services	5
Mining and exploration	4
Health and education	6
Aid development/microfinance	4
Hospitality/Tourism	3
Agriculture/Agro- processing	2

Pricewaterhouse Coopers 2003 Counting the Cost: An Economic Crime Survey in Zambia, Tanzania and Kenya, page 4

A disturbing issue is the trend in these corrupt acts since 50 percent reported that corruption had occurred over ten times in the last two years and another 30 percent reported that it had happened at least two to three times in the same period. (*The corruption figures are from 24 percent of the sample n=60.*) Most of the detection of corruption in the sample was through internal tip offs whilst below a third, 30 percent, was due to internal risk management systems and general management attention. Blame for the corruption is apportioned as follows: individuals 70 percent and organised crime syndicates, 30 percent. Embezzlement scored a high 86 percent. That almost one third of crime is attributed to organized crime is a cause for concern especially to the corporate sector and to overall developmental capacity.

Table 2 Criminal activities in business sector

Money laundering	10
Extortion	14
Cyber	10
Corruption	50
Embezzlement	86
Breach of trust	53

Pricewaterhouse Coopers, Counting the Cost: An Economic Crime Survey in Zambia, Tanzania and Kenya, page 4

Extortion is also a problem. Amongst those who reported experiencing extortion, 14 percent noted that the incident was split between insider and outsider perpetrators. And 67 percent were victims of extortion at least ten times in the last 2 years. This however resulted in cooperative efforts that led to the implementation of corporate governance models. Though cyber crime is rarely reported as crime, 10 percent reported being victims and worse still, 75 percent said it was done internally¹. A high 50 percent reported a repeat of the crime experience at least 2 or 3 times, another 25 percent said it had occurred 4 times and again 25 percent reported that it had happened ten times. The high levels of cyber crime by insiders indicate the need for safeguards against internet crimes by employees and curtailing possible collusion with outside fraudsters. Money laundering had a low prevalence with ten percent (*3 percent in the sample, n=60*) reporting that they had been victims. Considering the recent influx of new investments, this phenomenon could be relatively unknown thus making it harder to detect by the business community at large.

The Task Force on Corruption has tried to coordinate the efforts at curbing high level crime. The trial of former president Chiluba in 2003 comes to mind. However, there have been allegations of executive interference in the work of both the Task Force On Corruption and the Anti-Corruption Commission as well as in the manipulation of the judicial process. Another example was when the Director of Public Prosecutions was reported to have

refused to express support for the fight against corruption and claimed that he was just a functionary.

2.2 Sex/gender related crimes

United Nations' Children Education Fund (UNICEF) officials noted that sexual abuse in schools discouraged girls or prevented them from attending classes. Sex crimes against minors are difficult to detect and require the collaborative efforts of many actors. Assessments are that the one million children under 15 who are orphaned in the country are all at risk of child abuse, sexual abuse and child labour. To counter these crimes and raise awareness, UNICEF started a programme for the Advancement of Girls Education that was in collaboration with families and community leaders. However, the continuing increase in the number of these street kids does not augur well for crime containment. Current estimates are that there are 3000 street children in Lusaka and whilst many can be perpetrators of petty crimes in their struggle to survive, many can be equally victims of sexual abuse.

Child labour is another problem. The Ministry of Labour and Social Security is responsible for the implementation and enforcement of the child labour laws. Penalties range from a fine to imprisonment. In 2004 the ministry hired 49 new labour offices to enforce the law but the department still needs an extra 27 to have an adequate staff complement to manage the task at hand. In that same year, 5 000 children were removed from child labour and this was largely due to the increased staff capacity. Currently, under-resourced departments struggle to monitor and police the sector. However, the International Labour Organisation and government continue to try to create awareness against this crime.

2.3 Human trafficking

Trafficking is not defined even though there is a prohibitive law that carries a 20 year jail term. Traffickers have been known to fraudulently obtain and use Zambian documents. A survey conducted in 2004 revealed that traffickers come from diverse backgrounds such as family members, truckers, prostitutes and business persons. A government inter-agency

committee led by the Ministry of Home Affairs on human trafficking coordinates information sharing on this crime. However, the government does not collect or maintain data on the extent or nature of trafficking in the country. Government also lacks means of protecting victims and witnesses and thus relies on other private agencies to arrange for the security of victims.

2.4 Organised crime

Buscaglia and van Dijk (2003) point out that not only do poverty and unemployment provide a potential pool of illegal labour for organized crime, but they also create an environment that is conducive for criminal networks to exploit the social fabric as a hub for organized crime. Corrupt street-level bureaucrats also add to the problem and many of the Zambian public's complaints are targeted at this level. Another reason for the general sprouting of organised crime is the failure by states to provide conflict resolution mechanism and ensuring access to legal services as well as to financial markets (ibid). The two point out that as a result, where businesses fail to obtain financing for their operations, the temptation to resort to illegal means (usury) is high. Many fledgling businessmen in the country fail to raise collateral needed to access bank loans and this has fuelled perceptions that organised crime is on the increase especially in the car retailing sector.

Fighting organized crime successfully depends to some extent on the public's cooperation. This implies that the criminal justice system has to instill confidence and trust in the citizenry. The public thus expects to see visible outcomes that can assure their trust and that their collaboration will be put to good use. In addition, high ethical conduct and adherence to legal procedures builds confidence. An independent judiciary is also essential in such scenarios as it is less vulnerable to corruption and is thus better able to implement repressive actions against organized crime even when the political system and other state agencies have been captured by the state. Evidence suggests that the constitutional provisions in the country are not always adequate in guaranteeing the independence of the judiciary. Excessive powers vested in the executive over the judiciary have been a cause for concern for some time and this has added to the demands for the long overdue new constitution that would reflect the aspirations and values of the citizens. It is important

though to point out that in some cases where the rule of law is respected, such constitutional provisions have not always been necessary. For instance in Israel, New Zealand, the United Kingdom and Sweden, there is no constitutionally entrenched judicial independence yet all four countries have very low levels of organized crime and corruption (Buscaglia and van Dijk 2003:28).

A number of studies have revealed that tax and customs officials are usually the most corrupt street-level bureaucrats in developing countries (Buscaglia and van Dijk 2003) and the same applies to Zambia. These officials allow access of goods and services into a country such that they can easily be captured by crime syndicates and this makes them equally well positioned to play a crucial role in preventing both human trafficking and the smuggling of goods and services.

A study on crime by Buscaglia and van Dijk (2003:17) demonstrated that there was more corruption in countries that had a proportional type of electoral systems than any other time. This was more so in closed list representation systems where links between voters and politicians were weak such that politicians had less interest to act on the public's social preferences. Unfortunately, the winner takes all system in Zambia does not seem to always motivate politicians to act in the public's interests. A number of politicians have been linked to economic scandals over the years.

Again high levels of media activity were shown to be strongly related to low levels of corruption. Uncensored information is thus important as an anti-corruption tool. With recent efforts to repeal the media laws in Zambia having failed in the attempt to allow for more transparency, organized crime can easily grow unchecked.

2.4 Combating crime

a. The major hurdles to progress in the country are noted as emanating from archaic laws that work against transformation and efficient service delivery. Much of the legislation is based on amended colonial laws. The implication is that contemporary key issues and

concepts need redefinition so that laws can embrace them. Again, high staff turnover in the criminal justice system leads to institutional memory loss. Finally, the question of who exercises oversight causes problems as the separation of powers between the judiciary and the executive is blurred.

b. Some recommendations that have been made to combat crime include the establishment of a National Crime Prevention Board that would work on combating and preventing crime under the Ministry of Justice. This would be composed of the police, prisons, paramilitary commanding offices, representatives of industry and commerce, legal practitioners, civic groups and other government agencies

c. Membership in the Commission on Crime Prevention and Criminal Justice appears to be on an ad-hoc basis [2003 to 2005] hence the country loses out on vital exchanges of crime combating techniques as well as strategies for enhancing respect for rule of law and upholding human rights in situations of scarcity.

3.0 Policing

The police force is divided into regular and paramilitary units under the Ministry of Home Affairs and have primary responsibility for maintaining law and order. The police force has 13 000 officers and yet a study by the government in 2004 revealed that there is a need for 27 000 officers to provide reasonable policing (see table 3). Even then, recruitment has progressed slowly and with the rather high mortality rate amongst these forces, it will take time to reach the desired target. At the 2004 rates, it will take 15 years to reach the desired 27 000!

Problems such as the lack of professional conduct, investigatory skills and discipline in the force are rampant. Another problem is that despite human rights awareness programmes, the use of excessive force by the police remains. Low remuneration and inadequate accommodation also make the force vulnerable to corruption. Reports of demands for gas money from the public to conduct investigations and document processing fees are widespread.

Table 3 Police recruitment rates

	Paramilitary	Police college	Mobile unit	Total
1999	195	402	188	785
2000	459	649	525	1 633
2001	459	-	-	-
2002	-	-	662	662
2004	199	1 381	199	1 779

Source: Zambia Prisons and Police Service 2005

Structural problems in the department also hinder effective policing. All the police posts in the country report to one of the nine provincial stations and these in turn report to the central station. This centralization leads to delays in decision making and implementation.

Though the law prohibits arbitrary arrests and detention, the government is accused of not respecting these prohibitions. Crime suspects are often arrested on the basis of insubstantial evidence and uncorroborated accusations. Authorities are sometimes alleged to detain, interrogate and physically abuse family members of crime suspects in an effort to either locate suspects or to get confessions. Such behaviour reportedly goes unpunished.

The government has made some attempts to address these problems and improve the public image of the police force. One such effort was the establishment of a Sex Crimes Unit in 2003 to deal with cases of sexual assault. Whilst this may benefit those outside the system [the public] as they will regard the force favourably, suspected females, both outside and in confinement, continue to be exposed to demands for sex by police officers in exchange for freedom and incidences of rape whilst in police custody have been reported.

The Police Legal and Professional Standards Unit was established in 2003 to investigate corruption, arbitrary arrests and detention and other unprofessional behaviour within the department. Unfortunately, it has only dealt with 3 cases since its inception. Similarly, the Public Complaints Authority that was established by the Police Act (amendment no.14 of 1999) and launched in May 2003 has since received 825 complaints, made 45 rulings only

and has dismissed 13 officers for abuse of authority since then. It is quite clear from this gap that urgent attention should be paid to the processing of complaints.

Table 4 shows complaints against law enforcement officers that were reported to the rather fragmented mediation centres. There is a clear regional bias in the resolution of complaints and this in many ways also indicates institutional capacity problems. As can be expected and in line with the urban bias found in many African settings, of the 1 110 complaints that were concluded, 57 percent were from Lusaka Province. It is worthwhile to note that capacity in resolving disputes seems to improve with time but still the outstanding complaints are quite high.

Table 4 Complaints received against law enforcement agents from 1998-2002

Year	Complaints received	Complaints	Concluded	Pending complaints	
		Number	Per cent	Number	Percent
1998	972	345	35.5	627	64.5
1999	986	312	31.6	674	68.4
2000	933	694	74.3	239	25.7
2001	823	684	83.1	139	16.9
2002	1 000	720	65.4	380	34.6
Total	4 814	2 755	57.2	2 059	42.8

Human Rights Commission, 2002

The state has continued its human rights training programmes for law enforcement officers. This is being done through the Zambia Police and Prisons Service Colleges. Workshops by the Human Rights Commission for Zambia have seen 8 172 law enforcement officers trained in human rights (Human Rights Commission 2002). The training took place separately for senior and junior officers. Likewise, the Anti-Corruption Commission and Drug Enforcement Commission have equally introduced ethical training for their staff members. The latter trained 442 officers in 2004 and the former has conducted workshops

for its staff at all levels resulting in the training of 208 staff members. This resulted in the drafting of a 'Code of Ethics' for the department.

Other NGOs have also contributed in training law enforcement agency personnel on human rights. The Institute of Human Rights, Intellectual Property and Development has supported the advanced training of officers in the police to pursue higher diplomas/post graduate studies in human rights at the University of Zambia. Current plans include the revision of the human rights curriculum so it can be adjusted to suit the different needs of e.g. interrogation officers and prison wardens. Even then, the ministry of Home Affairs issued guidelines in 2003 that spell out the standards for the interrogation of suspects and the treatment of prisoners in custody.

Other efforts include the likely trend of setting up commissions of inquiries after the occurrence of specific incidents that could not be ignored as with the alleged human rights violations during the alleged attempted *coup de tat* in 1998. After the failed *coup*, the president appointed a Commission of Inquiry into torture allegations and the violation of human rights on the alleged suspects. The findings resulted in the dismissal of 3 top ranking officers – from Assistant Superintendent to Commissioner of Police and 22 other officers were either demoted, lost some earnings or were transferred to stations lower than their ranks. Still, a challenge that remains is that the state is aware that many citizens lack information on their rights and where and how to seek redress such that they fail to present their allegations before the appropriate authorities or tribunals.

Though torture is prohibited under the Penal Code, citizens who are suspects in criminal activities and prisoners are often subjected to torture. However, when it comes to foreigners in Zambia, the country views torture with abhorrence and has enacted the Extradition Act and the Mutual Legal Assistance in Criminal Matters Act, Chapter 98 which facilitates the extradition for extraditable offences in criminal matters generally. Torture that is defined as assault occasioning bodily harm or maliciously or willfully wounding or inflicting griveous bodily harm, murder and manslaughter are all extraditable offences.

The courts still admit derivative evidence but the practice in the Zambia police service is that officers do not rely on confession statements unless other independent evidence has been obtained. This would be expected to remove the need for coercing suspects to confess yet the practice is rampant as is evidenced by reports (Human Rights Watch). The main cause of this is that the Police Forensic Laboratory is in Lusaka only. So reliance on scientifically obtained evidence only takes place in the capital city making the need for confession statements important all over the country. Still, should more laboratories be set up, training would be required to equip the officers with the requisite skill for scientific evidence gathering.

3.1 Public assessments of police performance

UNODOC victimisation surveys (2003) reveal that more than 50 percent of Zambians are not satisfied with the performance of the police force and just 46 percent only express satisfaction with their services. Another 69.3 percent are dissatisfied with how the police handle crimes. The absence of strategies for promoting the prevention of crime, enhancing the rule of law, strengthening law enforcement, ensuring judicial integrity, fostering treatment and rehabilitation, are likely to fuel these perceptions.

The Zambia Police (Amendment) Act no. 14 of 1996 led to a number of reforms that were aimed at enhancing the operations of the police force. New institutions emerged as a result and these were: the Victim Support Units, the Police Public Complaints Authority and the Designation of Custody Officers. Human rights law was incorporated into the police training curriculum and minimum entry qualifications into the police force were raised to a high school certificate.

The Victim Support Units were established to deal with issues affecting specific target groups such as women, children and the aged. They also aimed to deal with cultural related issues such as targeted victims (widows and orphans) especially in land grabbing and dispossession battles, sexual assaults/rape and domestic violence. The units are organized hierarchically from the Station Level, District, Division and finally the Police Headquarters. The units have made some notable progress in spearheading a vigorous

educational and sensitization campaign that was intended at changing the police and the publics' mindset towards vulnerable persons.

The Custody Officer emerged as an official holding a position similar to that of an officer in charge and this officer is found at every police station. His role is largely to ensure the treatment of suspects in a dignified manner. To do this effectively means he has to pay attention to all that makes the prisoner relatively comfortable and above all, to ensure that an accurate record of the alleged offence is documented. He must also inspect every detainee. His responsibilities include amongst others ensuring the welfare of people in custody. On the other hand, he has to adhere to the provisions of the Police Professional Standard Unit that investigates corruption, arbitrary arrests and detention and general unprofessional conduct within the force. The unit falls under the direct command of the Senior Police Prosecutions Officer and it has the power to recommend action against implicated officers.

Some suggestions that have been made to improve policing include the extension of local control over the police and decentralising control over the policing forces to the provincial level as opposed to the current centralized system. The former suggestion would involve placing them under local government departments and involving local communities in the efforts to combat crime. This would be complemented by the established Public Complaints Authority at the district level so that the public can provide informed feedback on police performance.

3.2 Detention

Zambian law dictates that suspects must be charged within 24 hours of arrest. Article 26 of the Constitution states that a notice must be published in the Government Gazette stating the nature and the law under which an offender would have been detained. Yet under the Preservation of Public Security Act, the president has extra-ordinary power to indefinitely detain any individual. There are thus limited safeguards especially for emergency detainees. Part of the problem is that whilst the courts can force the police to produce a detainee, they do not have the power to call into question the activities of the security

forces. Another safeguard includes access and the right to challenge a detention no sooner than three months after being taken into custody. Even though the procedural safeguard of human rights is the right to legally challenge in a court of law, this *habeus corpus* application is rendered ineffective by the presidential powers.

3.3 *Extra-judicial behaviour*

Political debate in the country has often been criminalized such that several legal charges such as sedition, contempt of court, subversion, possession of classified documents and holding public meetings or demonstrations have all been used against opponents of the regime (Human Rights Watch, Amnesty International Reports). The State Security Act in particular leads to a vague interpretation of what a 'classified document' is. Again the requirement of a permit to hold a public meeting criminalizes freedom of speech and association. With much of the legislation outdated, the charged often struggle to get access to justice. It is against this background that Amnesty International has called for a review and overhaul of the national law and procedures that regulate state secrets. Much of the legislation needs to be brought into line with regional, continental and international standards.

Extra-judicial processes have been noted especially when it comes to issues of suppressing political debate. An example is an incident in 1996 February when the National Assembly deliberated over accusations that journalists from the Post newspaper were guilty of publishing defamatory, 'inflammatory and contemptuous' remarks that lowered the dignity and authority of the National Assembly. The Standing Orders Committee decided after some deliberations that the journalists be sentenced to indefinite suspension until they could be discharged. In addition to this judgment they were also fined 1000 kwacha (about a quarter of an American dollar). Amnesty International raised objections to this process as the parliamentary committee is not a duly constituted court of law and neither does it have prosecutorial powers. The committee proceeded to issue orders for detention without a trial or reference to the established judicial processes. The journalists were denied their right to

legal representation and did not get sufficient notice to appear before the parliamentary committee to answer the charges.

These extra-judicial proceedings violated Article 14 of the International Covenant on Civil and Political Rights (ICCPR) as well as Articles 7 and 26 of the Charter on Human and People's Rights (ACHPR). The conviction and sentencing did not take place in front of a competent, fair and impartial tribunal. The procedures for instituting a prosecution for contempt of parliament are laid out by the Parliamentary (Powers and Privileges) Act, which requires that no prosecution under the Act shall be instituted except by the Director of Public Prosecutions who would be acting on information supplied by the speaker of parliament. Anything out of this frame work would be illegal.

Part of the problem stems from the fact that the Zambian Constitution allows the derogation from guarantees of rights. However, it is necessary to draw a distinction between those derogations that are justifiable and those that are politicized and intended to abuse basic liberties which would be in direct conflict with the ICCPR that has indicated some rights as non-derogable such as the right to privacy of home and the right to freedom of conscience, the right to protection from discrimination on the grounds of race, tribe, sex, place of origin, marital status, political opinion, colour or creed.

3.4 Prosecution

The office of the Director of Public Prosecutions, a presidential appointee, has the powers of undertaking criminal proceedings against any accused before any court. He is also empowered to disrupt proceedings before the delivery of a judgment. This office is set up in the constitution under the section that organizes the executive and not the judiciary. Prosecution in the country is yet to be coordinated under the direct supervision of the Director of Public Prosecutions. The state has indicated that it is in the process of drafting a prosecution policy that would guide police officers involved in public prosecution. This would protect the rights of suspects' in the administration of justice.

4.0 Prisons

Prisons in Zambia fall under the Ministry of Home Affairs. The prison population has grown at an alarming rate and the population exceeds holding capacity tremendously. (Penal Reform International (PRI). Abuse of imprisonment is believed to have contributed to this congestion. Non custodial sentences are rarely an option in the country. And yet, the Penal Code (Amendment) Act no.12 of 2000 and the Criminal Procedure Code (Amendment) Act no.13 of 2000 also provide for non-custodial sentences to lessen congestion in prisons. Failure to raise bail amounts also adds to the overcrowding.

Official statistics state that 12 500 prisoners inhabit facilities meant to accommodate only 10 percent of that number. In many instances, juveniles were incarcerated together with adults and babies accompanied their mothers throughout the sentence period. Likewise, mentally ill inmates were equally accommodated with healthy inmates. This is a violation of the national law on The Prison Rules and Article 7, which prohibits against inhuman or degrading treatment.

The national Prison Rules stipulate standards for the treatment of prisoners as well as other conditions. These congested conditions also contravene international conditions laid down by the United Nations Standard Minimum Rules for the Treatment of Prisoners. That the country has not ratified the Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment makes it difficult to uphold the human rights of those convicted or charged with crimes.

The government's legal aid office that is manned by 14 officers receives very little assistance for its work in representing indigent detainees and defendants in both criminal and civil cases. In February 2001, there were 10 lawyers only from the Department of Legal Aid covering the entire country. These are responsible for defending all the cases in the High court. The department needs 40 lawyers to give adequate representation to all those requiring it. The legal aid lawyers are government employees who take time off work to make representations and they retreat to their work when each case is done. They are paid on a case by case basis.

The Hiv –Aids virus has been found in virtually all prisons in the world and this poses a real danger to both staff and prisoners. In Zambia, from a total of 1 800 prison officers, 114 died from Aids related illnesses in 2004 and 449 prisoners succumbed to the disease in the same period. This loss of almost 10 percent of the staff force added to the already strained resources.

In Zambia, one in four inmates of the over 15 000² prisoners is infected with Hiv-Aids. Over-crowded prisons thus pose a serious threat especially as prisons always operate in an atmosphere of sexual tension, fear and violence and stress release for prisoners naturally takes place through sex, drugs and fights. In Zambia, between 6 and 12 percent of the male prisoners reported having sex with other inmates (UNZA School of Medicine 1997). Though these practices are criminal, for prisoners they tend to become a normal pattern of life such that responsibility for this behaviour has to rest with the authorities and the punitive approach has not been successful in containing the spread of the diseases in prisons.

A study conducted by Simooya et al in 2001 in three prisons, Solwezi, Kamfinsa and Mokobelo revealed that of the 1 596 inmates who participated in the study, [which is equal to 86 percent of the three prisons' population], only 4 percent reported that they had had penetrative sex with other inmates. Another 6 percent reported that all inmates were involved in sexual liaisons and the majority, 53 percent, reported that many are involved. As can be expected, those involved are unlikely to report themselves negatively hence the wide variance in the figures.

In this Simooya study, 98 percent of the 1 596 participants gave blood for Hiv testing and 27 percent were found to be Hiv-positive. The prevalence rate for males was 28 percent and for females, 33 percent. Prevalence rates for married inmates were higher than for those unmarried (27 and 24 percent respectively). Tattoos, which are evidence of sharing sharp instruments, were found on 17 percent of the participants and within this group, 26 percent had tested positive for the Hiv virus. Likewise, 37 percent of the 15 percent who

admitted to sharing razorblades were also Hiv-positive. Again, 37 percent of the 15 percent who tested positive for syphilis also tested positive for Hiv-aids. The challenge then for all becomes that of preventing new infections.

Limitations in health personnel in the country in general affect the availability of health services for prisoners. Still, the Prisons (Amendment Act no.16 of 2004) provides for the establishment of a health care prison service. This is expected to lessen the burden on the ministry of health which has been traditionally relied upon to second staff to the prisons. The act also allows for the release of terminally ill inmates on parole and this has been frequently done. The Parole Board authorizes this decision which has to originate from the Commissioner of Prisons. Though this is a welcome gesture, reforms that would lessen prison congestion would be more favourable. Also to lessen problems caused by congestion, attempts have been made to shift the focus on the rehabilitation of prisons. Kitchens and ablutions facilities have been refurbished in some prisons e.g. Kabwe and Kamfinsa.

Other efforts to improve congested conditions have included the establishment of open air-prisons in 2004 in Lusaka Province and in the Western Province. Unfortunately the highest prison population consists of remandee prisoners- they make up 50 percent of the entire prison population of about 13 500- and these can not be retained in open air spaces. Illegal immigrants are also no longer imprisoned but now receive special temporary permits. Prisoners are now productively engaged in farming to supplement their food requirements. Efforts to separate juveniles from adults are sometimes made and female suspects are placed on Police bond where there are no female detaining facilities.

With regard to the handling of the Prison Service, the government rightly acknowledges its problems in meeting the constitutional, national and international standards. For instance, death row inmates can stay up to twenty years without knowing when they are scheduled for execution. These delays are attributed to financial constraints, low technical and human capacity.

Other players have made their presence felt in the prison system. A good example is the the Prison Fellowship of Zambia that aims to uphold biblical standards of justice within the criminal justice system. This is effected through offering support to incarcerated criminals and their families. They benefit through prison visitation, group bible studies, discipleship courses, food and clothes donations, medical supplies, education assistance, employment assistance and crafts training.

In March 1999, Zambia appeared before the Human Rights Committee to explain how it had lived up to the expectations of the ICCPR for in 1984. Articles 7 and 10 protect the public from torture and inhuman treatment: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. But this seems to have been paid very little attention by the police force. Again it states that “All persons deprived of their liberty shall be treated with humanity and with respect to the inherent dignity of the human person” and this has also been largely ignored. Amnesty International and Human Rights Watch continue to receive reports that the country does not honour its commitments to these pledges as torture of suspected and convicted criminals is rampant. As indicated earlier, political opponents have often been detained without charges, for instance during the state of emergency that was declared for a brief period in 1993 after the abortive coup on President Chiluba’s regime.

A major weakness that has been identified is that international human rights treaties ratified by the country are not integrated into national laws and Zambian citizens generally require information on their rights as well as on how to demand that they be respected. Police brutality and torture to get confessions are a daily occurrence. Prosecution is often inconsistent and the judicial process itself takes time due to the lack of professional resources and infrastructure.

5. 0 The criminal justice process

In authoritarian regimes, criminal justice systems rely on a larger law enforcement-punishment apparatus and consequently produce higher rates for order maintenance and

produce higher rates of arrest, prosecution, conviction and incarceration. By contrast, in liberal democracies, justice is sought as the defense of civil liberties through the process of law, which leads to a heavier investment in the judiciary and a higher rate of attrition in the criminal justice process (Sung 2006). In many developing countries, neither position exists and Zambia is equally plagued by both a smaller law enforcement apparatus and subsequent lower rates of arrest and justice is not always sought as the defense of civil liberties through a legal process.

5.1 HIV Crimes

The Zambia Criminal justice system has been accused of failing women especially girls and orphans who are the major victims of sexual abuse. These groups face numerous hurdles when it comes to reporting sexual crimes. Coercion to drop charges, the likelihood of abandonment by guardians (very often the perpetrators) and violent punishment, all work against the victims. Cultural sanctions also work to their disadvantage as families play along in concealing the shameful acts. Police departments are known for not being user friendly to victims of sexual abuse. Lack of gender sensitization training as well as a sick-macho culture also deter policemen in particular from taking action against victims.

The end result is that perpetrators remain free to terrorise and infect victims with Aids. Human Rights Watch (2002) has noted alarming levels of Aids amongst girl orphans. The problem is exacerbated by the application of discriminatory practices through customary law that is in stark contrast to statutory law or the Constitution. Customary law is widely practiced in Zambia especially by the lower courts. As a result, gender inequality is widespread since the constitutional and legal systems have not effectively addressed women's exploitation, discrimination and marginalization in the last forty years. However, the Gender Division established in the Cabinet in 2000 is committed to mainstreaming gender in all aspects.

5.2 The Court system

On the court system, it is important to ask the following questions: What measures are in place to guarantee equal protection before the law in Zambia? Does the Constitution specifically guarantee the right of access to courts by all? Has the government created a range of institutions and mechanisms that facilitate equal access to justice as well as alternative mechanisms for conflict resolution?

Local and customary courts are involved in most civil cases at the local level. The Local Courts Act divides these courts into 2 grades, A and B and this determines the court's jurisdiction. Their jurisdiction encapsulates issues of marriage, divorce, other civil matters and minor criminal offences. Due to the variance in customary laws, there are very few formal procedures. Section 15 of the Local Courts Act prevent legal practitioners from appearing in these courts. Whenever a local court is seized with a civil or criminal matter where a party desires to be represented by a lawyer, the case is expected to be transferred to a subordinate court. Prominent local citizens preside over the hearing and invoke customary laws as they see fit such that many judgments violate the Penal Code and discrimination against women is rampant (ICJ). Subordinate courts adjudicate on appeals from local courts which are manned by either a single magistrate (qualified lawyer) or a lay person. The Subordinate Court Act established these and the jurisdiction is dependent on its grading and the magistrate manning it.

The Supreme court has appellate jurisdiction for all legal and constitutional disputes. The High court, which holds regular court sessions in all 9 provinces, has authority to hear criminal and civil cases whilst local or customary courts handle most civil and petty criminal cases in rural areas. Trials in magistrate courts are public. Defendants have to confront their accusers and present witnesses. Unfortunately many defendants lack the resources to hire lawyers and the limited resources of the government's legal aid department means that legal aid is unavailable for many citizens.

Courts are generally congested and there are significant delays in trials whilst the accused languishes in detention. In many cases, 6 months elapse before a magistrate can send a

defendant through to the high court. Following the committal, it usually takes the magistrate months to prepare the court record and in some instances this can take up to a year. And once in High Court, proceedings can sometimes last an average of six months.

Poor remuneration and poor working conditions force magistrates to leave state employment and there are reports that the Laws of Zambia used by the courts are outdated.

In 2001 there were 462 lawyers in private practice, 40 who worked for the government as legal advisers and 23 lawyers who worked as state advocates in the High Court. In 2004, there were only 19 fully qualified attorneys in magistrate positions and the rest were filled by lay persons. The professional conduct of some magistrates has also come into question at times as sometimes some fail to turn up for work. Even though such action was often intended to pressure the government into improving working conditions, it is the citizens who suffer. Strikes by the magistrates in 2004 led to a slight improvement in working conditions.

In addition to being regulated by the Commonwealth and International Bar Association, judicial officers on the high bench are also subject to the ministerial Code of Conduct. And as with all public officers, they are bound by the Anti-Corruption Commission Act.

6.0 Women and the criminal justice system

Women constitute one of the groups that have resided on the fringes of the criminal justice system across all African countries for generations. Victims of domestic violence, rape and those who fail to get child care money from fathers of their children are all left hanging by the system and very often become the subject of ridicule. It is thus imperative to ask, How many of these victims turn to non-state mechanisms due to the financial and emotional costs of pursuing state assistance? And what is the nature of the informal justice mechanisms- arbitration, mediation and negotiation? And how impartial is it?

Rape grows in the absence of an unresponsive justice system, poverty and lack of political will to effect stern action. The incidence of child rape in Zambia has increased by up to 60

percent with teachers being the largest group of perpetrators. Even though arrests maybe made, complications arise in that Zambia does not have adequate forensic facilities meaning that all specimens are sent to South Africa which takes a very long time not to mention the cost. Plans to castrate convicted rapists have been announced and the methodology is yet to be explained.

Another problem is around the issue of abortion. Criminal law protects the unborn child in Zambia. Abortion is thus illegal except when it is sanctioned for life threatening purposes that must be authorized by a medical doctor. Though the criminalization of abortion is contested and accused of discriminating against women, it must be noted that the rate of maternal mortality in the country was at 201 per 100 000 births in 1990 (Equality Now 1996).

Since September of 2000, a GTZ project in Zambia in cooperation with the Judiciary, the Zambian Law Development Commission and rural NGOs has been working to improve the legal status of the female population in the country. One major issue is to facilitate the access to justice for women by sensitising court personnel and at the same time training rural women to know their rights and how to advocate for laws that are gender sensitive.

7.0 The judiciary

Formally, the judiciary is independent. The president appoints the chief justice and other judges after consulting with the Judicial Services Commission. That the constitution constrains the president from dismissing the judges has left the judges with some space to challenge executive authority and interference. The presidential powers of preventive detention under emergency regulations that was renewed by the National Assembly in 1991 severely restricts this space (regulation passed 8 Nov 1991) (International Commission of Jurists (ICJ).

The Judicial Services Commission appoints all magistrates in the name of the president, and appoints local court justices, local court advisers and as many local courts at its discretion. Problems with its constitution are that commissioners are often legal practitioners which undermines the impartiality and independence of the judiciary.

Remuneration packages for the judiciary are decided by the president and not by the parliament which shifts loyalty as the executive are in a position to influence them. The general poor allocation of resources to the judiciary has caused backlogs in court cases and general administrative capacity. Wide ranging rules are believed to give judges excessive room to request adjournments. The many detainees awaiting trial are all victims of this administrative malaise.

7.1 Juvenile justice

Some significant progress has been made with regard to reforming child justice in the country. UNICEF's Child Protection unit attempted to control and stabilize the child justice reform process in the country through providing technical, capacity building and financial support. These efforts resulted in the establishment of Child Friendly Courts, Arrest Reception and Referral Services (ARRS). The aim was to centralize all efforts to address the problem of children who had to deal with the entire justice process. The ARRS thus aimed to ensure that children were separated from adult criminals as well as ensuring that their access to justice was speeded up. This was a milestone achievement in the recognition of children's rights in the country and support from the Victim Support Unit heightened awareness as well as collaboration amongst service providers of children in distress such as social workers.

However, child justice suffered a major slide back when in 2004, the centralized efforts at delivering justice to children were suddenly decentralised to all courts. This was despite the fact that resources had been poured into the two courts that had been building up capacity over the period, Chikwa court and Boma court. Coupled with the perennial problem of staff turnover, the situation slowly slid back to the pre-reform era. Another attempt by the Rural Youth and Children in Need programme also experienced more or less similar problems to do with capacity and retention of staff. The project intended to establish Child Justice forums that were to work towards the well being of children in the criminal justice process.

8.0 Customary law

Customary law in Zambia today is mainly family law. And as in many other countries, it operates completely independent of the official state system. For instance, if a marriage was solemnised under customary law which is the case in the overwhelming majority of marriages, the rights of the spouses within the marriage, divorce and its consequences are regulated by customary law and there are many contradictions with modern law. One such example is 'Early marriages' where modern law dictates its abhorrence yet courts only intervene in the case of gross abuses. The law equally criminalizes child prostitution but enforcement is also weak. These issues affect the rights of women as espoused in the constitution and in international codes and standards.

Customary law is applied by so called Traditional Courts that are run by traditional leaders who are not acknowledged as part of the judicial system in the Zambian Constitution. Because of inaccessibility of the state system, many citizens are forced to turn to customary justice. Reports have surfaced that indicate that law enforcement agencies including the police and the judiciary both discount violence against women as a domestic matter and this takes the matter out of the official realm (Equality Now 1996). The Young Women's Christian Association (YWCA) and Women in Law and Development in Africa have noted incidences of deliberate sanctioning of violence against women by the criminal justice system functionaries. In any case, women appear to get low quality justice or no justice in both systems. For instance, the YWCA has noted that women reported that going to the police was a waste of time. Likewise rape victims feared humiliation in courts and thus stayed away from seeking justice. Reports of judicial misconduct and discrimination in claims of violence against women all violate article 26 of the Covenant on Civil and Political Rights that guarantees equal protection of the law to all.

Customary law is also applied by **Local Courts**, the lowest courts in the constitutional hierarchy of courts in Zambia and by far outnumbering the "modern law branch". The version of customary law adopted from the colonial regime is still in force, and has remained virtually unchanged. The local courts are governed by the Local Courts Act

(Chapter 29 of the laws of Zambia). There are 453 Local Courts in Zambia compared to only 53 Magistrate Courts. The Jurisdiction of Local Courts is not restricted to customary law only. Following the Local Courts Jurisdiction Order, Local Courts are to apply various statutes among them the Intestate Succession Act from 1989, Parts of the Penal Code from 1931, the Witchcraft Act from 1934 and other more exotic ones. This complicates the tasks for most of the Local Court Justices. With local traditions and customs guiding the unwritten procedures, magistrates very often make subjective judgments in many instances. This is more so in urban areas which are more cosmopolitan. Local courts are staffed by retired bureaucrats who are largely untrained, poorly remunerated and under resourced making them vulnerable to external influences.

Appeals from Local Courts have to be taken to the Magistrate Court. Theoretically, appeals from Local Courts can go all the way to the Supreme Court. In this, the dual system is not consequent as the course of law is only divided at the first instance. Local Courts are also inherited from colonial days. They were installed by the British, called Native Courts then, and were meant for the African population to solve problems that arose among themselves through their traditional leaders (indirect rule). Such perceptions are likely to leave some feeling marginalized and this foments populist justice or vigilantism. Vigilantes are citizens who believe that the state does not enforce justice adequately and they therefore take it upon themselves to administer the enforcement they deem to be sufficient. It is thus imperative to tease out the nature of vigilantism in Zambia and its impact on development.

The local court structure may be part of the formal legal system but it is generally perceived as being troubled. There is no formal and structured form of overview of the cases that take place and though there is administrative control, there is no substantive guidance because of the different laws they implement. The local court is a structure that is not linked to the Traditional Courts and yet in rural areas, chiefs are required to recommend potential candidates who are knowledgeable of the local customs and this gives them influence over the institution. Traditional courts, because they lack resources, require culprits/victims or those seeking justice to contribute to the costs of running the courts. This means they are open to all forms of abuse especially manipulation for favourable judgments by the wealthy.

Both traditional and Local Courts are used largely by women because their key issues are family related disputes: land, adultery, divorce and domestic violence. Sometimes these courts deal with murder cases but this is not common and such cases are usually handed over to the police. Punishments can range from severe beatings, solitary confinement and public humiliation. However, Local Courts are less punitive than Traditional Courts which is very inconsistent with the advocated for respect of human rights and dignity. Often cases and disputes are passed back and forth between the two institutions. This leaves poor citizens in particular distressed and vulnerable to insecurity triggered by a non- protective and unfair justice dispensing system. Land related disputes, adultery and divorce are all central to livelihoods and leave the poor worse off.

Tensions also inevitably arise between Local courts and local chiefs who do not have the power to dispense justice on certain issues but have to hand over culprits to the police. Chiefs have thus been known to lobby to have local justice issues incorporated into their legal jurisdiction.

It is also important to note that there are other conventional non-state justice alternatives that mediate on civil and criminal issues as well. These are:

1. Customary justice forums that are usually run by chiefs in consultation with other community elders. However these decisions are not recognized by the state law as official forums hence their enforcement actions have no force in law
2. Neighbourhood dispute resolution forums
3. Religious courts
4. Non-governmental Organisations
5. Families, extended families and some configurations of families

Neighbourhood watches, usually heavily armed, patrol/police some streets and the manner in which they apprehend suspects is undefined. Though they usually have public support, it is also true that most of this support is due to fear because of their unconventional methods in combating crime. These are usually registered organizations who collaborate with the police. Their counterparts in rural areas are simply vigilantes who collaborate with the local chiefs and also have some relations with the police. They work with the chief and on his behalf and have clearly undefined powers such that they play both judge and jury as well.

Family mediation mechanisms also discriminate against the women and the girl child. Very often interventions aim to save the face of the perpetrator, usually male. Domestic violence, dispossession and rape are some of the crimes that affect women.

NGOs such as the Legal Resources Foundation have also stepped in to play a key role in conflict resolution. They are estimated to solve around 1 000 disputes per year. Women for Change is another such organisation that is involved on addressing human rights and gender issues in criminal and civil cases. The Legal Resources Foundation and the National Women's Legal Aid Clinic must be applauded for supporting poor citizens to pursue justice in formal higher courts. They offer amongst other services: legal advice, legal assistance in drafting documents/summons and legal representation. The Zambia Civic Association, Women in Law in Southern Africa (WLSA) and the YWCA have also been involved in these efforts. Donors too have run different programmes to intervene in various ways through offering legal training or communicating legislation to relevant consumers (eg. Norad, Danida and GTZ).

Recommendations that have been made in this area of customary are as follows:

Codifying customary law and harmonising Traditional Courts and Local Courts

Training support for local justices

Support for para-legal work in rural areas.

Educate chiefs on individual rights

Structure community policing approaches to neutralize vigilantes

References

Amnesty International 1996. Zambia - A Human Rights Review Based on the International Covenant on Civil and Political Rights. AI Index: AFR 63/01/96, e-publication, accessed 20 Feb 2007

Boone Rob, Lewis, Gary and Ugljesa, Zvekić 2003. Measuring and Taking Action Against Crime in Southern Africa. Forum on Crime and Society. vol. 3, nos 1 and 2, December

Chockalingham, K 2003. Criminal Victimization in Four Major Cities in Southern India. Forum on Crime and Society. vol.3, nos.1 and 2, December.

Edgardo, Buscaglia and Jan van Dijk 2003. Controlling Organised Crime and Corruption in the Public Sector. Forum on Crime and Society. vol.3, nos.1 and 2, December.

Equality Now 1006. Submission to Human Rights Committee 56th Session, March.

GTZ report, undated. Improvement of the Legal Status of Women and Girls in Zambia. Human Rights Watch 2002. Suffering in Silence.

Hung-En, Sung 2006. Democracy and Criminal Justice in Cross-National Perspective: From Crime Control to Due Process. The Annals of the American Academy of Political and Social Science, vol. 605, no. 1 pp 311-337.

International Commission of Jurists undated. Zambia- Attacks on Justice, 11th edition.

Kulusika, S E, 2006. "Legislative and Criminal Justice Responses to Sexual Violence in Zambia", Zambia Law Journal, UNZA, Vol. 38, pp.1-42.

Musonda, R 2001. "Behind Walls: A Study of Risk Behaviours and Seroprevalence in Prisons in Zambia" AIDS, vol.15 (13) pp1741-1744.

Solwezi, Oscar, Sanjobo, NE, Kaetano, Sijumbila L, Munkonze G and Tailoka, F 1997. "Prisons and Aids" (UNAIDS Best Practice Collection Point of View: April 1997), UNZA School of Medicine, <http://www.medguide.org.zm/aids/prisaid.htm>.

Endnotes

¹ Caution is essential in interpreting this as only 4 percent of the respondents reported being victims.

² Prison figures appear to be contested in the country