

1 Introduction

AFRICAN HUMAN SECURITY INITIATIVE

The African Human Security Initiative (AHSI) is a consortium of organisations that has taken the initiative to emphasise human security in Africa. The partners are the Southern Africa Human Rights Trust, West African Network for Peace-building, African Security Dialogue and Research, African Peace Forum, University for Peace Africa Programme, South African Institute for International Affairs, Institute for Human Rights and Development in Africa, and Institute for Security Studies.

AHSI has used the opportunity created by the peer review concept to complement the African Peer Review Mechanism (APRM) process of the formal New Partnership for Africa's Development (NEPAD) to undertake an intensive review of the criminal justice system in countries identified for the APRM.¹ Through this process, AHSI seeks:

- To complement the work of the Africa Peer Review Mechanism
- To provide governments with empirical evidence on the status of criminal justice and its impact on political processes in their countries. This involves

Map 1 Zambia



working with them to develop a set of realistic and informed recommendations for each area to help bridge gaps between national commitment and implementation

- To identify the structural and other inherent weaknesses in criminal justice systems and encourage policy dialogue and public awareness of the broader implications of crime on the consolidation of democracy
- To support the development of and build capacity amongst a core network of partners in an area where civil society organisations are traditionally the weakest in Africa, namely content work on crime and justice matters

In terms of the programme five countries, namely Zambia, Tanzania, Benin, Mali and Sierra Leone, were selected for review in 2007/08.

METHODOLOGY

The aim of the review was to assess the efficiency and effectiveness of the criminal justice system in Zambia. The study was undertaken in a number of stages:

- Individual questionnaires and action plans were prepared, based on a master questionnaire provided by the AHSI secretariat
- A country workshop was held to allow the researchers to meet one another, review methodologies, and plan possible collaboration in the field
- Preliminary reports on data collection were prepared for discussion and review

A methodology preparation workshop on reviewing crime and criminal justice in Zambia was held in Lusaka and attended by the local researchers and resource persons. The methodology that would be used in data collection by the researchers was discussed and refined. Research teams adapted both the qualitative and quantitative research designs to their own needs.

A combination of data collection techniques was used, including desktop studies, interviews, observation, written questionnaires, and case studies. The input of key respondents and members of the public was central across all the themes. Face-to-face interviews as well as focus group discussions were conducted throughout the country. Appropriate semi-structured questionnaires were used to collect data from representatives of public institutions, resident

development committees (RDCs), non-governmental organisations (NGOs) and other key participants.

In addition, based on the specific theme or area within the criminal justice system, a purposive sample of representatives from the agencies and/or NGOs whose activities relate to public accountability and transparency and the respect for human rights was used for the reviews. In total, 1 000 respondents from government organisations, RDCs, the general public, NGOs, UN agencies and the legal profession participated in the reviews. However, because a purposive rather than a random sample was used, the findings cannot be regarded as nationally representative of the criminal justice system in Zambia. Statistics and figures in particular must be interpreted cautiously. Nevertheless, although the findings are based on the responses of a specific group, they do provide a fairly good insight into the situation in the country.

The study included several follow-up field visits to address issues needing clarification. Apart from physical follow-ups, participants were contacted by letter, telephone and e-mail to improve the response rate and increase accuracy. The fieldwork took about four months (June–September 2007).

Some clear challenges emerged during data collection. These are explained below.

Crime and prosecution

With regard to crime, the inquiry focused on the following areas:

- Levels, prevalence and perceptions of crime
- Measures to combat crime
- The current crime situation
- The role of the media in bringing crime to light
- Drug trafficking and combating drug trafficking
- Illegal migrants
- The protection of minority rights
- Money laundering

With regard to the office of the Director of Public Prosecutions (DPP), the focus was on the following areas:

- The role of the DPP

- Public knowledge and perceptions of the role of the DDP
- Linkages with other law enforcement agencies
- Regional cooperation and constraints facing the office of the DPP

The Director of Public Prosecutions is instrumental in ensuring transparency and accountability of government with regard to the investigation and prosecution of various offences, especially those relating to corruption. In this respect, therefore, heads of appropriate law enforcement agencies or their representatives were purposively selected for inclusion as participants in the review.

Research design and data collection

Semi-structured research instruments were used to collect data from representatives of public institutions, RDCs and NGOs in focus group discussions, as well as other key participants. In order to complement the qualitative data, a total of 100 participants answered a structured questionnaire focusing on key aspects of the review. Secondary data was collected through desk research in the form of reports, newspaper articles and other relevant documentation.

Data was collected from four provinces, namely Lusaka in Lusaka Province, Solwezi in North-Western Province, Chibuluma in Copperbelt Province and Mansa in Luapula Province.

Selection of review participants

Crime in Zambia, like in many other countries, manifests itself in several ways. Consequently an array of institutions has been created to deal with the different aspects of crime, including some that specialise in investigations and prosecutions. For this reason heads of relevant law enforcement agencies or their representatives were purposively selected for inclusion as participants in the review.

The 100 respondents who answered the structured questionnaire were systematically selected from the provinces that were visited. Only parents or persons aged 18 years and older in the selected households were eligible to answer the questionnaire. Another household was chosen in situations where no-one aged 18 years or older was available at the time of the interview.

Representatives of civil society organisations, whose activities are directly and variously related to the promotion of good governance, particularly with regard to public accountability and transparency and respect for human rights, were also included in the review.

RDCs assisted in the organisation of focus group discussions in the communities that were visited. Some RDC members were also interviewed personally.

Sample size

A total of 236 respondents participated in focus group discussions. They were constituted as follows:

- 29 government representatives
- 38 RDC members
- 65 focus group participants
- 100 community members (structured questionnaire)
- 4 civil society representatives

Data analysis

The Statistical Package of the Social Sciences (SPSS version 13) was used to analyse the data of the questionnaires. The narrative approach was adopted for the analysis of qualitative data with the intention to recite facts as told ‘in the first person’.²

Challenges in researching crime

It was difficult to gain access to crime statistics in the country, as the police do not release the figures to the public or to researchers. Requests for permission to speak to senior officials who could provide statistical evidence were largely ignored. Some statistical evidence on the incidence and prevalence of crime in the country were found for Lusaka in the United Nations Office on Drugs and Crime (UNODC) 2003 urban survey and the Afrobarometer 2005 public opinion surveys. This gap could only be partially closed by conducting crime victimisation surveys which gave some indication of how widespread crime is. A further problem is that crime statistics do not tell the true story, as the police tend to leave out some aspects when they record crimes. This is largely due to the way that crimes are defined and interpreted by law enforcement agencies.

Law enforcement

A review of law enforcement required a description of the structure and key functions of selected public law enforcement institutions, an assessment of the

public's perceptions of these institutions, and an evaluation of the domestication of certain international/continental conventions/protocols dealing with crime and law enforcement.

The study involved administering 100 structured questionnaires in six districts (Lusaka, Chongwe, Kabwe, Kitwe, Chipata and Katete) and conducting focus group discussions with members of the general public, private lawyers, NGOs and members of staff from selected law enforcement agencies. While some discussions were held in a structured format, others were carried out in an informal, conversational manner.

Challenges

Limited research is available on the subject of crime in Zambia and for a considerable time no significant works have been published on the subject. Existing documented information was accordingly derived from UN agencies and NGOs, while the quantitative data was generated during fieldwork, with the cooperation of some Zambian state departments, NGOs or UN agencies. In many of the relevant government departments, record-keeping leaves much to be desired as far as standards and consistency are concerned. Furthermore, it was often difficult to obtain information even where records did exist. For example, a senior officer in the Ministry of Foreign Affairs neglected to provide information about the protocols and treaties Zambia has signed and ratified, despite written instructions to do so from the permanent secretary in his own ministry. In addition, there is no electronic or other database in which information is recorded on a continuous basis and that can be verified against a paper trail.

This consultant had to wait for two months before approval was given by the Inspector General of Police to conduct interviews with Zambia Police Service members, despite following government procedures and submitting written introductory letters from the ISS and the Permanent Secretary (Home Affairs). Consequently, data from the Zambia Police Service was collected in haste to meet the report deadline. Data on the Zambia Prison Service was collected from indirect sources after the Commissioner of Prisons refused to allow access to officers and prisoners.

Owing to time limitations and the unavailability of certain individuals, telephonic interviews had to be substituted for face-to-face interviews.

The judiciary

The judiciary was investigated primarily to examine its independence and impartiality and to determine to what extent the Zambian judiciary is capable of administering the law without fear or favour. Data was collected mainly through two methods: fieldwork and a document review.

Fieldwork was confined to interviews with key participants and focus group discussions. Two rural sites in two different provinces, namely Petauke in Eastern Province and Monze in Southern Province, and one urban site, Lusaka in Lusaka Province, were selected for the study. Lusaka was chosen because it houses the judiciary administration, the Supreme Court, and the majority of lower courts, judges and magistrates.

From the beginning it was clear that owing to distant locations and limited resources, the study would not be able to use a representative sample but would have to target specific individuals. Originally it was hoped that it would be possible to target an equal number of individuals at each of the three sites, but because of various constraints fewer respondents were interviewed in Petauke and a different approach (group discussion) was used in the other rural site, Monze.

Studies that addressed the structure and function of the judiciary were useful in providing verification and background to the field data. The document review was intended to identify research gaps pertinent to the study and support and strengthen the data derived from the fieldwork. Because the document review preceded the fieldwork, it enabled the researchers to focus on specific aspects of the criminal justice system during fieldwork. The document review was partly anecdotal and included extracts from court judgments, statutory provisions, official statistics and two nationwide research reports of the Zambia Law Development Commission and Women and Law in Southern Africa (WLSA) Research Trust.

A list of questions was put to groups of respondents at all three sites. The interviewees were drawn from court users (legal practitioners, ordinary citizens and litigants), court administrators and adjudicators, and non-governmental organisations (NGOs). Members of Parliament (MPs) were interviewed after the other interviews had been completed to give parliamentarians an opportunity to respond to the sentiments expressed by legal practitioners, court users and NGOs.

The interviews were also used to verify some of the issues identified from the literature:

- The purpose of some questions was to extract information on the security of tenure of judges and other adjudicators from the perspective of appointment procedures, remuneration and tenure of office once appointed
- There were questions on the sources of pressure experienced by adjudicators at different levels to rule in a particular way
- Some questions dealt with indirect forms of pressure, such as public criticism of court decisions and personal insecurity resulting from criminal activities deemed to be threatening to adjudicators
- Other questions sought to establish respondents' knowledge of domestic criminal law and procedures and international human rights standards, as well as the extent to which adjudicators were seen to comply with the rule of law

Challenges

Limited field data obtained from only three sites in a country as large as Zambia had to be offset by a comprehensive review of literature derived from more comprehensive studies undertaken in the recent past. Thus a substantial proportion of the 'data' was derived from statutory provisions and secondary sources.

Prisons

The research was confined to matters affecting the Zambia Prison Service, with an emphasis on the treatment and general welfare of prisoners. A further matter of interest was the treatment of special and vulnerable groups such as women and children (juveniles).

The study was confined to prisons in Lusaka, Mukobeko, Kitwe, Kamfinsa and Livingstone. Public opinion on prison conditions was also solicited.

Desk research

The study started with a review of documents pertaining to the legal framework and an examination of institutional reports and other documents from relevant and appropriate stakeholders such as the Catholic Commission for Justice and Peace, Young Women's Christian Association (YWCA), Zambian

Human Rights Commission and Zambian government. Statistics from the Central Statistical Office and media reports were also examined. International and regional instruments applicable to the prison service were also identified.

Interviews

Information was collected through face-to-face, open-ended, structured interviews with the following target groups (individuals and focus groups):

- Human Rights Commission
- Catholic Commission for Justice and Peace
- Law Association of Zambia (Human Rights Committee)
- Young Women's Christian Association
- Legal Resources Foundation
- Officials at prison headquarters (access to prisoners was denied)
- Ministry of Justice
- Ministry of Home Affairs
- Zambia Prison Fellowship
- Members of the public
- International Organisation for Migration (IOM)
- Prison Care and Counselling Association

Challenges

Security institutions in the country do not easily allow public scrutiny. For instance, authority to obtain data from targeted prisons was not granted until 17 September 2007, five days before the deadline for submission of the final report, although permission was sought in May 2007. Furthermore, the Commissioner of Prisons refused to allow prison officers or prisoners to be interviewed or answer questionnaires.

Access to justice

Access to justice is mainly focused on the creation of an efficient, effective legal system. The study thus revolved around the problems of ordinary citizens in accessing the judicial system. It became clear that there are poor institutional linkages and coordination among the institutions and other stakeholders involved in the administration of criminal justice in the country.

Customary justice

This section of the study sought to assess the role of the customary criminal justice system in Zambia. The emphasis was on the role of non-state dispute resolution systems – those that are based on customary, traditional or tribal systems of justice - in fostering the rule of law in Zambian society.

The study set out by reviewing documents such as policy documents, guidelines and manuals, including a review of documentation on how the customary criminal justice system is conceptualised; the forms it takes; access to and control of the system by women and men respectively; and distinctions between matrilineal and patrilineal systems.

Interviews, on-site visits, questionnaires, observations and focus group discussions are some of the approaches used to collect data in Western and Southern provinces. The locations visited included both rural and urban settings and targeted customary justice administrators at local and national level as well as the public, representatives of faith-based institutions, grassroots organisations, NGOs dealing with the customary criminal justice system, the relevant government departments (archives), local court justices, chiefs, headmen and headwomen, the House of Chiefs, teachers, *indunas* (traditional leaders), traditional educators, and traditional courts.

While the literature review covered the whole country, the field study was limited to two provinces. It was felt that the areas and interest groups that had to be covered in the review were too ambitious and that a follow-up study should be undertaken to elicit the views of the different ethnic groups. Nevertheless, the intention of the report was to draw lessons from customary criminal justice practices in order to provide useful insights for policy reformulation and enhance security delivery in Zambia.

Discussions of the findings from the focus group helped to streamline views and deal with contradictions stemming from the interviews.

Challenges

In view of the variation in customs across the more than 42 ethnic groups, data should ideally have been collected from all the groups. However, collating and reconciling the different customs would have been a mammoth task and was beyond the capacity, logistical resources and time constraints of the researchers.

It would be worthwhile to conduct an in-depth study to find common ground among the customs of the different groups.

STRUCTURE OF THE REPORT

The report has eight chapters. The introduction (chapter 1) and a brief discussion of crime in Zambia (chapter 2) is followed by a discussion of the institutions of the criminal justice system, namely policing (chapter 3), the prosecutorial services (chapter 4), the courts (chapter 5), customary justice (chapter 6) and prisons (chapter 7). The final chapter (chapter 8) addresses Zambia's ratification of international, continental and regional instruments.

Each of the chapters presents the legal framework, assesses the capacity of the institution to deliver on its mandate, and gives civilian perceptions of the service it provides. The chapters all conclude with a set of recommendations.

OVERVIEW OF ZAMBIA

Zambia is a former protectorate of Great Britain and has retained the English common law system in its adjudication of crime. Because of its colonial legacy, Zambia has a dual legal system made up of general law (the Constitution, statutes, case precedents, subsidiary legislation and English common law, principles of equity, and selected statutes) and customary law.

The dual system applies to a limited extent to criminal cases. The result is that although the majority of offences are covered by statutory law, some minor offences may be handled under customary law. In some cases customary law may also be applied to a serious criminal offence simply because the parties involved do not report the offence to the police, preferring instead that the chief or another community leader resolve the matter.

The applicable general law is mainly found in the Penal Code and the Criminal Procedure Code, but also in the penal sections of other pieces of substantive legislation. The features of the general law system are the adversarial litigation process and involvement of lawyers in the prosecution and defence of accused persons. Equality before the law and the right to fair trial are guaranteed in the constitution. The common law system is also viewed as the general law system, conceptually superior to the parallel traditional customary law system – it is nevertheless the latter with its own concepts

of crime and punishment that is known and understood by the majority of the population.

There are three arms of government: Parliament (legislative), the executive (presidency) and the judiciary headed by the Chief Justice. Under the Chief Justice are the Supreme, High and Magistrates' Courts. The Constitution, which was amended in 1996, is again being reviewed, but the process has not yet been completed. It is expected to outline changes in governance, legal and judicial issues.

The President, who is also commander-in-chief of the armed forces, leads the Republic. He appoints all members of his Cabinet, including the Vice-President. However, all appointees must be MPs.

The legislative body of the country is the National Assembly. It is a unicameral body with 150 elected members and eight nominated members. The Speaker of the National Assembly is the head of the legislature and is elected by MPs.

The criminal justice system in Zambia comprises several institutions, including the judiciary, the Zambia Police Service, the Director of Public Prosecutions, the Legal Aid Board and the Zambia Prison Service. A number of NGOs are also involved in the provision of legal services, especially to the poor.

The protection of fundamental rights of citizens and residents is the cornerstone of the current Constitution of Zambia. The basis of fundamental rights is laid out in Part III of the Constitution, which recognises and declares that every person is entitled to the fundamental rights and freedoms of the individual (article 11). The same article safeguards the rights of individuals - regardless of their race, place of origin, political opinion, colour, creed, sex or marital status - to all of the following:

- Life, liberty, security of the person, and the protection of the law
- Freedom of conscience, expression, assembly, movement and association
- Protection of young persons from exploitation
- Protection for the privacy of their names and other property and protection from deprivation of property without compensation

The Constitution guarantees the protection of the law and treatment in accordance with the law, by providing that every person charged with a criminal offence shall:

- Be presumed to be innocent until he (or she) is proved guilty or has pleaded guilty
- Be informed, as soon as reasonably practicable, in a language that he understands and in detail, of the nature of the offence with which he is charged
- Be given adequate time and facilities for the preparation of his defence
- Unless legal aid is granted to him in accordance with the law enacted by Parliament for such purpose, be permitted to defend himself before the court in person at his own expense, by a legal representative of his own choice
- Be afforded facilities to examine in person or by his legal representative the witness called by the prosecution before the court to obtain the attendance and carry out the examination on his behalf before the court on the same conditions as those applying to witnesses called by the prosecution
- Be permitted to have, without payment, the assistance of an interpreter if he is unable to understand the language used in court

Constitutional developments in Zambia

Since attaining independence in October 1964, Zambia has undergone four major phases in its constitutional development.

The first came with political independence itself. Following successful negotiations for independence in May 1964, the British Parliament passed an order which set forth the Constitution of Zambia. The document detailed the government structure and the Constitution bore the imprint of the Westminster model of a representative parliamentary government. However, the tripartite structure – executive, legislature and judiciary – was closer to the Washington system than the Westminster system. The powers of the colonial governor largely passed intact to the executive president. The 1964 independence constitution was a flexible document providing for amendment by processes similar to the enactment of ordinary legislation. This laid it open to future changes that were so frequent and drastic that it undermined constitutional stability.³

Thus, in 1972 the government decided to turn Zambia into a one-party state, purportedly because it was in the interests of unity and economic development. However, the background to the decision strongly suggests that it was in reality a response to the mounting divisions within the ruling party, which were perceived as threatening its hold on power. A constitution commission was appointed to recommend the form and details of the single-party system. The

Chona Commission, named after its chairperson, Maiza Chona, the then Vice-President, travelled widely throughout Zambia, holding hearings and hearing evidence on the framework and features people desired in the operation of a one-party state government. The ensuing report informed the character of the one-party state constitution and the Second Republic came into being on 25 August 1973. The one-party state constitution was enacted by the National Assembly and assented to by the President⁴ and the independence constitution was repealed.

The years of the Second Republic were difficult for Zambia.⁵ Throughout the period 1973-1991 the economy of the country continued to deteriorate. As the 1980s drew to a close, demands for an end to the one-party state became more insistent. Pro-democracy groups, initially spurred on by the trade union movement, formed the Movement for Multiparty Democracy (MMD).

The demise of communism in Eastern Europe provided a catalyst for change. At first the government resisted the idea, but then announced a referendum on whether to continue the one-party state system. However, in September 1990 the government changed its mind and instead appointed a second constitutional commission, the Mvunga Commission, named after its chairperson, Professor M P Mvunga, who was Solicitor General at the time. The Mvunga Commission led to the reformulation of the 1973 Constitution in order to facilitate the re-introduction of multiparty politics.⁶

The 1991 Constitution was enacted on 2 August 1991 and approved by the President on 29 August 1991. This constitution was a transitional instrument to facilitate the return to multiparty politics and as such, a product of compromise. In the 1991 elections, the MMD promised that it would replace the 1991 Constitution if elected to power.

On 22 November 1993, for the third time since independence and for the second within three years, the government appointed a constitutional review commission headed by a prominent citizen, John Mwanakatwe. The Mwanakatwe Constitution Review Commission made a number of far-reaching recommendations, notably on the strengthening of the Bill of Rights and the inclusion of a range of new rights. For instance, it proposed strengthening the protection of the rights of women and prohibiting laws, customary practices and stereotypes that undermined the dignity and rights of women. The commission also recommended comprehensive provisions on children's rights and the adoption of the Constitution through a constituent assembly.

The government rejected most of the recommendations of the Mwanakatwe Commission.⁷ Among these were the introduction of several new personal rights, the introduction of a constitutional court, the recommendations on rights of women, and a recommendation on the establishment of an independent electoral commission. The most telling of the government responses to the Mwanakatwe Report was the rejection of the recommendation on a broad-based constituent assembly to ratify the proposed constitutional changes.⁸ Despite widespread criticism the government proceeded to amend the 1991 Constitution substantially through the enactment of the Constitution of Zambia (Amendment) Act, 1996 (Act 18 of 1996).⁹ With the exception of Part III, which governs protection of fundamental rights and freedoms of the individual, the whole 1991 Constitution was repealed and replaced.

On 17 April 2003 President Levy Mwanawasa announced the appointment of a fourth constitution review commission, headed by Willa Mungomba, a lawyer. The commission completed its work in December 2005. The Mungomba Commission report and draft constitution is divided into specific thematic chapters which highlight a number of pertinent issues that are intended to advance the agenda for development of the country. With regard to the rights of women and children, the draft constitution, among others, categorically states that there is a need to enshrine the principle of gender equality, as well as the provisions of the United Nations Convention on the Rights of the Child, in the Bill of Rights.

CRIMINAL JUSTICE STANDARDS

Access to justice

Access to justice in general rests on three foundations: substantive law, legal institutions and legal services.¹⁰ Substantive law must advance appropriate norms that promote productivity, efficiency and social justice. If they do not, then improving access to the legal system cannot be considered to be the equivalent of improving access to justice. Second, the institutions that develop, apply and enforce the law – mainly, but not exclusively, the courts – must be competent, impartial, efficient and effective. Access to an unjust legal system is not the equivalent of access to legal justice. Third, potential users of the legal system must be able to rely on an efficient and equitable system for producing and allocating legal services.¹¹

The first two cornerstones emphasise the element of ‘access’. In relation to the third cornerstone it is important to note that most people cannot access the legal system effectively without the assistance of specialist legal service providers.¹²

These three aspects of access to legal justice are interdependent. For example, legal and judicial institutions not only administer the law but help shape and create the law (even if this law-creation process is sometimes characterised incorrectly as ‘applying’ or ‘discovering’ the law).¹³

Human rights

In order to apply the human rights-based approach to development it is important to take as its starting point the legal framework within which human rights are protected in Zambia. This legal framework consists of both domestic and international standards. It has a dual character, meaning that the international human rights standards embraced by Zambia are not automatically executed at the domestic level.¹⁴ As part of the legal order, they require actual domestication unless they already apply in terms of other national laws. The human rights legal framework is composed of the following instruments:

- Universal instruments that include the six main UN human rights conventions and seven International Labour Organisation fundamental rights and freedoms
- Regional instruments adopted by the AU, namely the African Charter on Human and Peoples’ Rights and the African Charter on the Rights and Welfare of the Child
- National instruments, one of which is the 1996 Constitution of the Republic. Zambia has a dual legal system in which both statutory and customary law apply

Part III of the Constitution of Zambia of 1996 provides for the protection of the fundamental rights and freedoms of all Zambians. This part of the Constitution is often referred to as the Bill of Rights and contains civil and political rights in terms similar to those of the International Covenant on Civil and Political Rights. Article 11 of the Constitution states that ‘every person in Zambia has been and shall continue to be entitled to the fundamental rights and freedoms of the individual ... whatever his race, place of origin, political opinions, colour,

creed, sex or marital status'. Article 28 of the Constitution provides for the enforcement of the protective provisions under Part III.

The Constitution further provides for protection of the right to life and the right to personal liberty, protection from slavery and forced labour, inhuman treatment, deprivation of property, and protection for privacy of the home and other property. It also contains provisions to secure protection of law, protection of conscience, freedom of expression, freedom of assembly and association, and freedom of movement.

Part IX of the Constitution contains some economic, social and cultural rights in the form of 'directive principles of state policy', as well as civil duties. Part XII creates an autonomous Human Rights Commission whose functions and powers are elaborated upon in the Human Rights Commission Act, 1996 (Act 39 of 1996). This is a response to one of the recommendations of the World Conference on Human Rights, namely that each state should consider the desirability of drawing up a national action plan identifying steps whereby that state could improve the promotion and protection of human rights. However, reports emanating from the Human Rights Commission indicate that violations of human rights occur frequently, especially in detention centres and prisons. More needs to be done to ensure that rights are protected, other than introducing human rights into the curriculum of law enforcement agencies.

It was against this background that the criminal justice system in Zambia was reviewed.