

Promising Practices

On the human rights-based approach in German development cooperation Support to civil society: Effective participation of Zambian civil society organisations in the United Nations Universal Periodic Review

Background

Zambia is usually not the focus of attention when it comes to human rights reporting, both by regional and international media as well as non-governmental human rights organisations. Nevertheless, the country faces some serious human rights challenges. Among the most frequently reported human rights violations are abuses by security forces, restrictions of freedom of speech, assembly and association, violence and discrimination against women, child abuse, human trafficking, discrimination against persons with disabilities and members of the lesbian, gay, bisexual and transgender (LGBT) community, forced labour and child labour. Furthermore, police and prison detention facilities are extremely congested with unsanitary conditions and lack of basic amenities.

Despite Zambia's average economic growth rates of over 6% in recent years and its reclassification to lower middle income country by the World Bank in 2011, many economic and social rights are not fulfilled. Almost 60% of the population are poor and over 40% live in extreme poverty. Statistics indicate that 36% of the population have no access to safe and clean drinking water; 50% have no access to sanitation facilities; more than 25% of basic schools do not have safe water supply systems; primary education completion rate is only 72% (78% for boys and 65% for girls); and only about 26% of the population have access to electricity.

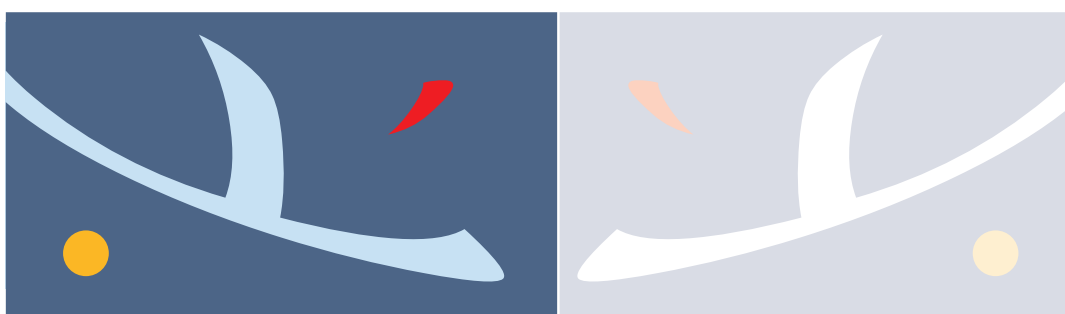
Zambia is a signatory to eight of the nine UN core human rights instruments but – except for one case – does not allow individual complaints to the treaty bodies. Most of the implementation

reports to the UN treaty bodies are severely overdue. Hence non-treaty based monitoring mechanisms like the Human Rights Council's Universal Periodic Review (UPR) are good opportunities to assess Zambia's human rights record.

The UPR involves a periodic review of the human rights records of all 193 UN Member States every 4 – 5 years. Established in 2006, it is a significant innovation based on equal treatment of all countries. Zambia was first reviewed in 2008 and again in October 2012.

In the context of Zambia's latest review, the Civil Society Participation Programme (CSPP) supported a coalition of civil society organisations (CSOs). The coalition was led by the Southern African Centre for the Constructive Resolution of Disputes (SACCORD) and the African Women Millennium Initiative Zambia (AWOMIZ). The CSO coalition engaged with the UN Office of the High Commissioner for Human Rights (OHCHR), diplomatic missions in Zambia, local and Geneva-based human rights CSOs, Geneva-based NGOs and ordinary citizens in raising awareness regarding Zambia's UPR.

CSPP started in 2012 and is financed by the German Ministry for Economic Cooperation and Development (BMZ). It is implemented by GIZ and expected to run until 2015. It aims at civil society organisations and networks as well as relevant state actors participating responsibly in the formulation, implementation and monitoring of governance reform processes (including the promotion of access to justice) and poverty reduction policies.



Ratification of the core international human rights treaties in Zambia

- International Convention on the Elimination of All Forms of Racial Discrimination (**ICERD**); 1972
- International Covenant on Civil and Political Rights (**ICCPR**); 1984
- International Covenant on Economic, Social and Cultural Rights (**ICESCR**); 1984
- Convention on the Elimination of All Forms of Discrimination against Women (**CEDAW**); 1985
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (**CAT**); 1998
- Convention on the Rights of the Child (**CRC**); 1991
- International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (**CMW**); Not ratified
- Convention on the Rights of Persons with Disabilities (**CRPD**); 2010
- International Convention for the Protection of All Persons from Enforced Disappearance (**CED**); 2011

As at 15 July 2014

Towards a human rights-based approach

CSPP's support aimed at turning the UPR into a broad and participatory process of dialogue and engagement that would lead to more commitment towards the respect, protection and fulfilment of human rights in Zambia. CSPP participated as a facilitator offering advice regarding both process and content, and helping with the organisation and coordination of activities. Within CSPP, the human rights advisor concentrated on the following:

- In order to have CSOs speak with one strong voice, GIZ facilitated talks between AWOMIZ and SACCORD who then decided to convene a UPR CSO coalition of almost 30 human rights organisations. The coalition developed and submitted independent human rights reports on civil and political, economic, social and cultural rights, as well as on women's rights.
- GIZ provided crucial logistical and financial support for a three-day drafting workshop. A member of the UN Country Team who had previously worked with OHCHR Geneva was invited to speak about her experience with the UPR. She gave the participants very useful insights and advice regarding the drafting of civil society submissions. The CSPP human rights advisor closely followed the drafting process, provided technical expertise where needed and helped with the completion of the submissions.
- After the submission of the coalitions' report to the UPR, CSPP helped organise and fund a meeting of stakeholders in Zambia. The CSO coalition supported by GIZ and another one, led by Save the Children Alliance, took part. Staff of diplomatic missions of countries taking part in the review of Zambia attended. The diplomats thus obtained an independent and contextual understanding of the Zambian human rights situation and were able to prepare well informed ques-

tions and interventions for the review process.

- CSOs can attend the UPR Working Group sessions and make statements at the regular session of the Human Rights Council when the outcomes of the State reviews are considered. GIZ facilitated the participation of two CSO representatives at the review in Geneva. The CSO delegates shared their views and data with the Working Group, had side meetings with diplomats, journalists and international CSOs and briefed them about the human rights situation in Zambia.

After the UPR Working Group had issued its draft report, the coalition – with GIZ support – analysed the Group's recommendations to the Government of Zambia as well as the Government's initial responses. It also maintained the dialogue with the diplomatic missions in Zambia. GIZ then funded the travel cost for two coalition representatives to Geneva in mid-March 2013. At that time, the Working Group held its outcome review session – the recommendations and the Government's position thereon were discussed with the Government and the stakeholders. These debates formed the basis for the Working Group's final report.

The UPR process

The UPR provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. It also includes a sharing of best human rights practices around the globe.

42 States are reviewed each year during three Working Group sessions.

Three documents are used to conduct the review:

- A National Report of 20 pages prepared by the State reviewed;
- A compilation of ten pages prepared by the OHCHR containing information from treaty bodies, special procedures and UN agencies such as UNDP and UNICEF;
- A summary of ten pages prepared by the OHCHR containing information from civil society.

The reviews are conducted by the UPR Working Group which consists of the 47 members of the Human Rights Council; however any UN Member State can take part in the discussion with the reviewed State. Each review is assisted by groups of three States, known as 'troikas', who serve as rapporteurs. It starts with the presentation by the State under Review of its National Report and of its responses to the advance questions, submitted by other States up to ten days before the review. Following this presentation, an interactive dialogue takes place during which States take the floor to ask questions and make recommendations on the human rights situation in the country.

The result of each review is reflected in an outcome report listing the recommendations the State under review has accepted to implement before the next review. All documents are accessible, and the review is available as a live webcast.

Achievements and impact

At Zambia's first UPR in 2008, only one out of eight stakeholders' submissions came from organisations based in Zambia, the others from international NGOs. In 2012, seven (out of 14) submissions came from Zambian organisations and networks, three of which were supported by CSPP. A lot of the findings and recommendations contained in those three submissions were quoted in the UN compilation of stakeholders' information.

The information provided during the interactive meetings was very much appreciated by diplomatic missions in Zambia and forwarded to missions in Geneva. There are indications that this information was used by State representatives during the UPR proceedings. Thus, interaction of the coalition's representatives with the Working Group members added depth and substance to the Group's deliberations and recommendations.

At the end of the process, the Human Rights Council issued a final report with a total of 119 recommendations, many of which coincided with proposals of the coalition. Of the 119 Council recommendations, a total of 91 were accepted by the Government of Zambia. These mainly dealt with issues of health (17), women's rights (15), prisons conditions (10) and children's rights (9). Of the 28 Council recommendations not accepted by the Government, 8 dealt with the abolition of the death penalty, 6 were related to issues expected to be addressed in the current constitution reform process, 6 pertained to the ratification of international conventions and another 6 referred to same-sex relations.

The participation of the coalition representatives in Geneva provided the Zambian CSOs with the opportunity to get a deeper insight into the international human rights debate as well as hands-on experience in the UPR process. As a result, CSOs are much better informed about the UPR process and – hopefully – will be in a position to prepare in a more timely and systematic manner for Zambia's third review scheduled to take place in 2016.

Since the 2012 UPR, the government has started working on activities that coincide with recommendations touching on gender-based violence, women's rights and health. With support from several cooperating partners, the government launched programmes to end child marriages and gender-based violence. It is, however, challenging to solely attribute these developments to the UPR process.

Challenges

In 2008, the Ministry of Justice had drafted the UPR report in a participatory way and invited contributions from CSOs. Unfortunately this procedure was not followed in the run-up to the 2012 review: CSOs were not consulted by the Government and only saw the national report when it was published on the OHCHR website. The National Human Rights Commission (HRC), contrary to its previous practice when it submitted its own report and travelled separately from government officials, this time around travelled to Geneva as part of the government delegation. This diminished opportunities for CSOs to engage with the (supposedly independent) Commission and the Government itself in the entire process of preparing for Zambia's UPR. The absence of systematic and continuous human rights monitoring processes and tools turned the preparation of evidence-based analyses and proposals into a considerable effort.

Staff turnover in CSPP's partner organisations tends to be high, and since the October 2012 review, many key personnel from organisations that worked on the UPR process have changed jobs. The risk of discontinuity of the process resulting from such staff fluctuations can partly be mitigated by organizing CSOs in an alliance like the coalition but this requires considerable networking experience on the part of the accompanying advisors. The staff rotation also will probably require training new partner personnel.

Zambia's second UPR was hoped to provide a stimulating input into the constitution reform process initiated in late 2011 as this would offer an excellent opportunity for strengthening the respect, protection and fulfillment of political and civil rights and the incorporation of economic, social and cultural rights into the country's supreme legislation. However, despite strong engagement by civil society, since late 2013 the Government has been stalling on this reform process.



Sensitization and human rights education in rural Zambia.



Franziska Bertz,
franziska.bertz@giz.de

O'Brien Kaaba,
o'brien.kaaba@giz.de

UN Human Rights
 Council meeting room
 in Geneva.

CSOs still are struggling in engaging in long-term reform processes. The level of energy invested in the improvement of the human rights situation has somewhat diminished since the conclusion of Zambia's second UPR examination. For CSPP, it was not always easy to address all expectations of the CSO partners and to balance between providing 'neutral' technical expertise on human rights issues and influencing prioritisation and framing of issues to be presented in the reports.

Lessons learnt

GIZ projects that are experienced in working with civil society are comparatively well-placed to provide support to CSOs committed to engage in the UPR process, since the UN Country Team usually focuses on providing technical cooperation to State institutions.

The involved partner CSOs came to appreciate GIZ's support approach which combines strategic small-scale financial contributions and technical advice (most other cooperating partners can only offer financial assistance).

Forming coalitions not only pools resources but allows CSOs to combine expertise and experience in order to generate high qual-

ity processes and interventions. This also strengthens the voice of CSOs. CSPP has followed an integrative approach and brought together various civil society initiatives on the UPR, even if they were not part of the process from the outset. However, even greater efforts should be undertaken by CSOs to inform their fellow alliance members as well as other like-minded CSOs on the outcome of the UPR and the opportunities for follow-up arising therefrom. The involvement of an expert from the UN Country Team during the drafting process proved a great asset. When it comes to working with State institutions, an important lesson learnt was that after a change of government (September 2011), new officials need to be engaged early in order to win their trust and to avoid potential misunderstandings.

Similar projects might consider including an initiative on media training to raise journalists' awareness of human rights issues and the UPR process. Also, the review sessions in Geneva are now webcast so local viewing sessions (both live and at a later stage) can be organised.

Substantive and organisational preparations by CSOs for Zambia's 2016 UPR should commence by mid-2015.

Published by Deutsche Gesellschaft für
 Internationale Zusammenarbeit (GIZ) GmbH

Registered offices
 Bonn and Eschborn, Germany

Cross sectoral programme
 'Realising Human Rights in Development Cooperation'
 Dag-Hammarskjöld-Weg 1 - 5
 65760 Eschborn, Germany
 T +49 (0)6196 79 - 1523
 F +49 (0)6196 79 - 801523
sv-menschenrechte@giz.de
www.giz.de

Layout Ira Olalaye
 As at December 2014

GIZ is responsible for the content of this publication.

In cooperation with German Institute for Human Rights
 Zimmerstraße 26/27
 10969 Berlin, Germany

On behalf of Federal Ministry for Economic
 Cooperation and Development (BMZ)

Division Human rights; freedom of religion; gender equality;
 culture and development

Addresses of the BMZ offices

BMZ Bonn Dahlmannstraße 4 53113 Bonn, Germany T +49 (0)228 99 535 - 0 F +49 (0)228 99 535 - 3500	BMZ Berlin Stresemannstraße 94 10963 Berlin, Germany T +49 (0)30 18 535 - 0 F +49 (0)30 18 535 - 2501
--	---

poststelle@bmz.bund.de
www.bmz.de