



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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List of issues and questions with regard to the consideration of periodic reports

Zambia

The pre-session working group considered the combined fifth and sixth periodic report of Zambia (CEDAW/C/ZMB/5-6).

General

1. Further to the information provided in the introduction to the report, please provide more details about the process of preparing the report, including which Government ministries and institutions were involved and whether the report was adopted by the Government and presented to Parliament. Please provide information on the nature and extent of the involvement of non-governmental organizations, particularly women's organizations, in this process. Please also indicate whether the concluding observations adopted by the Committee (A/57/38, paras. 225-261), following its consideration of the third and fourth periodic report of the State party (CEDAW/C/ZAM/3-4) were translated into the main local languages and how and to whom they were disseminated in order to make the people of Zambia, in particular Government officials and politicians, aware of the steps required to ensure de jure and de facto equality of women and men.
2. Please provide updated information on the statistical data disaggregated by sex pertaining to the main areas and provisions of the Convention. Please indicate what steps have been taken to establish regular collection and analysis of data to capture the real situation of women, including those belonging to disadvantaged groups, especially rural women, older women, women with disabilities and migrant and refugee women. In this respect, please indicate if a central database has been developed by the Central Statistics Office.



Legal status of the Convention

3. The Committee, in paragraph 232 of its previous concluding observations (A/57/38), expressed its concern that the Convention had not been directly incorporated into domestic law and that its provisions could not be invoked before the courts. The report, at paragraph 6, indicates that Zambian legislation has incorporated certain provisions of the Convention through a number of laws and legislative amendments. Please provide updated information on further steps taken or envisaged by the State party to incorporate the Convention into domestic law and to make it applicable in national courts.

Constitutional, legislative and institutional framework

4. According to the report (para. 23), the term discrimination against women is not explicitly provided for in the legal framework. Please indicate whether the State party is considering including a definition of discrimination in the State party's Constitution or other relevant legislation that would encompass both direct and indirect discrimination, in line with article 1 of the Convention, and extend to acts of discrimination by public and private actors, in accordance with article 2.

5. According to the report (paras. 26 and 27), the Government set up a Constitution Review Commission in August 2003 in order to, inter alia, examine and recommend the elimination of provisions which are perceived to be discriminatory in the Constitution; and examine and recommend to what extent issues of gender equality should be addressed in the Constitution. The report also indicates that the Commission submitted its recommendations and a draft Constitution simultaneously to the Government and the public in 2005. Please provide detailed information on progress made in the context of the constitutional review process.

6. In its previous concluding observations (para. 230), the Committee expressed concern at the contradictory provisions contained in the Constitution whereby article 11 guarantees the equal status of women and article 23 (4) permits discriminatory laws to exist in the area of personal law, namely revenue allocation, adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law and customary law with respect to any matter. Please indicate if the State party is considering the repeal of article 23 (4), including in the context of the constitutional review exercise, as previously recommended by the Committee.

National machinery for the advancement of women

7. In its previous concluding observations (para. 227), the Committee welcomed the establishment of the Gender in Development Division under the Office of the President. Please provide updated information on this Division, including its resources and whether it has authority to advise on the impact on women of all Government policies, to monitor the situation of women comprehensively, to help formulate new policies and to effectively carry out strategies and measures to eliminate discrimination.

8. The report, at paragraph 55 (a), refers to the continued implementation of the National Gender Policy and the Strategic Plan of Action which were adopted in 2000 and 2004, respectively, to accelerate the advancement of women. Please provide information on the assessment of these policies and action plans, as well as

their impact with regard to the practical realization of equality between men and women in all areas covered by the Convention.

Stereotypes and cultural practices

9. Paragraph 45 of the report refers to a study undertaken by the Zambia Law Development Commission in 2003 on the restatement of customary law, with the general objective of ascertaining the current customary laws and their conformity with the current socio-political and economic values in the country. According to the State party, that study will ensure that sex role stereotyping is addressed and consequently eliminated. Please elaborate on measures taken in respect of this study.

10. According to paragraph 14 of the report, the stereotypes and prejudices that were prevailing in the country are changing rapidly particularly in urban areas and girls are being treated on an equal basis with their male counterparts. However, according to paragraph 47 (c) of the report, negative customary practices continue to place women in subordinate positions and often deter women from exercising their full potential in their enjoyment of freedoms and rights. Please elaborate on the measures taken to change social and cultural patterns that lead to stereotyping or reinforcing the idea of the inferiority of women, including through the portrayal of women in the media. Please also indicate the impact of such measures. Furthermore, please provide information on measures taken to improve access to community radio stations in very remote areas, as referred to in paragraph 60 (b) of the report.

Violence against women

11. The report, at paragraph 8, recognizes that gender-based violence, especially against women and children, continues to be an area of concern that requires immediate attention. The report provides trends in reported cases of rape and defilement from 2000 to 2005. However, it is then indicated that owing to the unavailability of sex disaggregated statistics, it is difficult to provide estimates of other cases. Does the State party intend to collect disaggregated data in respect of other types of gender-based violence? The report states that the State party intends to facilitate debate on the Gender Based Violence Bill through the Zambia Law Development Commission (para. 28). Please explain which forms of violence this Bill will cover and the corresponding sanctions, and the time frame for its enactment into law.

12. The report (para. 6) notes that the State party has incorporated the protection of women and children from indecent assault, sexual harassment, defilement and trafficking in persons into its legislation through the Penal Code (Amendment) Act No. 5 of 2005. Please provide updated information on the content and implementation of the amendments, including their impact on the reduction of such cases, and please provide information on steps taken to include marital rape in the Penal Code. Furthermore, please provide more information on the One-Stop Centres which, according to paragraph 11 of the report, provide services to victims of gender-based violence, including counselling, treatment for injuries, investigations and prosecution. Please indicate the distribution of such centres throughout the country and explain how they can provide prosecution services.

13. Please provide clarification of section 161 of the Penal Code (Amendment) Act No. 15 of 2005 whereby a girl/woman above 16 years of age who has consensual sexual intercourse with a relative is guilty of a felony and liable to

imprisonment for a term not less than 20 years and may be liable to imprisonment for life. What are the corresponding criminal provisions for the male relatives in this respect? Who has the burden of proof as regards the issue of consent?

14. The report indicates that sexual violence against women and children is increasing and that 15 per cent of women aged 15 to 19 years have been sexually abused (para. 139). According to information before the Committee, torture or ill-treatment by State officials of women, including in police and detention facilities, tends to be characterized by sexual violence as well as by degrading treatment, such as being forced to parade naked in front of groups of male law enforcement officials. The perpetrators of this violence have allegedly gone largely unpunished and the victims have not been granted compensation. Please comment on these allegations and explain how this issue is being addressed. The report, at paragraph 15, states that “sexual harassment”, especially against women, is a major human rights concern in the State party. What measures have been taken or are planned by the State party to make women aware of the seriousness of sexual violence, including “sexual harassment”, and that it amounts to a criminal offence?

15. The report, at paragraphs 42 and 43, refers to the establishment of the Police Public Complaints Authority (PPCA) which became operational on 7 May 2003. According to the report, the State party considers that PPCA provides an avenue for all individuals, including women and children, to report any abuse of authority by police officers for redress. Please provide information, if available, on the number of complaints that PPCA has received from women, the types of complaints, the investigation of such complaints and prosecution and punishment of perpetrators.

Trafficking and exploitation of prostitution

16. The report, at paragraph 64 (a), refers to the establishment, in 2004, of an Inter-ministerial Committee on Trafficking with a mandate to respond to the problem of human trafficking and to develop a preliminary national plan of action, which has since been developed. Please provide detailed information about the mandate, composition and activities of this Committee. Please also provide more information about the content of the preliminary national plan of action and indicate whether any progress has been made towards the development of a policy and legislation on human trafficking. Please elaborate on any plans to provide shelters and other services to victims of prostitution and trafficking throughout the country. Please also indicate if the State party is considering conducting research on the nature, extent, causes and consequences of trafficking in Zambia in order to inform Government policy, strategies and intervention.

17. According to information before the Committee, Zambia is a country of origin, destination and transit for trafficking in persons and there is a large and increasing number of child victims of commercial exploitation, including prostitution and pornography, especially among girls, child orphans and disadvantaged children. Please provide statistics, if available, on the number of women and girls who are victims of trafficking for purposes of sexual and economic exploitation. Please also provide statistics, if available, on the number of women and girls engaged in prostitution and elaborate on measures adopted to prevent and punish the exploitation of prostitution, as well as measures taken to provide rehabilitation and support for social integration for women who wish to leave prostitution.

Political participation and participation in public life

18. Paragraph 48 of the report provides statistics demonstrating an increase in women's political participation. According to the report (para. 22), the State party is in the process of developing a gender mainstreaming strategy within the Public Service Reform Programme for the period 2007 to 2011 with the main objective of ensuring increased representation of women in decision-making positions in the public service and ensuring that all programmes being implemented are gender-responsive. Please elaborate on the status and content of this strategy and indicate if the effectiveness of this strategy and of other measures taken to increase women's participation in public and political life has been evaluated. Has the State party considered introducing temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to promote women to positions of power, such as the establishment of a quota system?

Nationality

19. According to the report, at paragraph 93, foreign nationals with Zambian spouses have been accorded equal opportunities regarding the application and acquisition of Zambian nationality since the previous report. Please inform the Committee if the State party has adopted an instrument to enable the legal integration of refugees in Zambia, including the ability of children born to one Zambian parent to have their Zambian citizenship confirmed.

Education

20. According to paragraph 104 of the report, the completion rates at Basic School level increased from 11.6 per cent in 2000 to 15.0 per cent in 2005 for girls and from 17.4 per cent to 20.1 per cent for boys, and the continued implementation of the re-entry policy has contributed to increased retention and progression for girls. The report acknowledges, however, that despite the progress recorded, the gender gap in completion rates remains as high as 5.1 per cent. Please indicate if the State party has identified the main reasons for girls dropping out of school and if the re-entry policy addresses all such reasons, and please also indicate if the effectiveness of this policy has been evaluated. What concrete steps have been taken or are planned by the State party to increase the enrolment of girls in higher and tertiary education?

21. The report, at paragraph 110, notes that the gender imbalances in the enrolment rates are similar to those observed in the literacy rates. The report also acknowledges that low literacy and limited educational opportunities for women and girls remain severe challenges which prevent them from enjoying their rights. Please elaborate on the implementation of measures taken by the State party to address the issue of illiteracy and, in particular, the low literacy levels of females.

Employment

22. The report (para. 6) notes that the right to employment is guaranteed through the Employment Act and the Industrial and Labour Relations Act. Please explain how compliance with these acts is monitored, particularly the prohibition of discrimination based on sex as included in the Industrial and Labour Relations Act. Do these acts include the prohibition of sexual harassment in employment, and the right to return to the same job after maternity leave? Please also provide information

on any plans to extend their application to the informal sector. In addition, please inform the Committee if the State party has maintained the requirement of two years' continuous employment from the date of recruitment as a condition for maternity leave in its national legislation (section 15 (A) of the Employment Act).

23. According to the report (para. 127), the diminishing formal sector has resulted in increased unemployment, especially among women, the majority of whom have low qualifications. This has led to the growth of the informal sector, where most women are subjected to low pay and hazardous working conditions. Please provide information on steps taken towards the regularization of the informal sector and on any steps taken or envisaged to provide social security to women who work in the informal sector.

Health

24. Please provide information on women's access to health services throughout their life cycle, including in rural areas. The report, at paragraph 19, indicates that maternal mortality rates still remain high and have increased from 649 deaths per 100,000 live births in 1996 to 729 deaths per 100,000 live births in 2002. Please elaborate on measures taken to ensure that maternal health is prioritized, including by addressing the main causes of high maternal mortality, as referred to in paragraph 131 of the report.

25. According to the report (para. 20), the Government is implementing a number of programmes to prevent early sexual activity among adolescents and consequently delay the median age of first sexual encounter. The report also states (para. 21) that the postponement of first sexual intercourse encounter is attributable to the youth peer education programmes being implemented by the Government in collaboration with civil society organizations. Please elaborate on the distribution of such programmes throughout the country as well as their impact, and particularly on unwanted pregnancies. Please also elaborate on measures in place to enhance family planning initiatives and describe the extent of the awareness of girls and boys of sexual and reproductive health issues, including their knowledge of how to protect themselves from sexually transmitted infections and how to prevent unwanted pregnancies.

26. According to paragraph 17 of the report, the National AIDS Council is the national mechanism for coordinating and supporting the development, monitoring and evaluation of a multisectoral national response to HIV and AIDS. Please provide more information about its composition, its activities and their impact. According to paragraph 137 of the report, the HIV/AIDS infection rate in 2004 was higher among women (13 per cent) than men (8 per cent) aged 15 to 49 and the situation was similar among boys (8 per cent) and girls (17 per cent) aged 15 to 24 years. In addition, the HIV/AIDS infection rate has been increasing among women 30 to 39 years old although the overall infection rate has been decreasing. Please elaborate on measures and programmes introduced to increase public awareness of the risk and effects of HIV/AIDS, and indicate whether any of these measures are aimed specifically at women and girls.

27. Please inform the Committee about the existence of any mechanisms to ensure equal and non-discriminatory access of female prisoners to medical facilities, including HIV/AIDS and tuberculosis testing and treatment. Please also provide

information on the availability of services for pregnant and lactating women in detention.

Economic empowerment

28. According to paragraph 145 of the report, most women are unable to access financial credit owing to their weak economic positions coupled with lack of collateral, which is a major requirement by most financial institutions. Please provide information on measures taken or planned by the State party to improve women's access to financial credit as well as other measures to support women's entrepreneurship, including their access to land and capital, and more generally to enhance the situation of women in the informal sector, and the impact of such measures. Furthermore, please provide more information on the Citizens Economic Empowerment Act No. 9 of 2006, which prohibits discrimination on ground of gender (para. 40 of the report) as well as on the mandate, composition and activities of the Economic Empowerment Commission, in particular its activities relating to the promotion of gender equality.

Disadvantaged groups of women

Rural women

29. According to paragraph 55 (c) of the report, 30 per cent of titled land is reserved for women, as prescribed in the National Gender Policy of 2000. Please indicate how the quota is enforced and elaborate on other measures undertaken or envisaged by the State party to improve the situation of rural women, including their access to justice, standard of living, education, health, social services, land ownership and their participation in the decision-making process at all levels.

Older women, women with disabilities, widows and migrant women and girls

30. The report is silent on the situation of older women, women with disabilities, widows and migrant women and girls. Please provide information on the economic and social situation of these groups of women and the measures in place to support them. Please also elaborate on their access to education, employment, safe water and health services as well as protection from violence.

Refugee women and girls

31. In its previous concluding observations (A/57/38, para. 256), the Committee commended the State party's efforts to host refugees from neighbouring countries but expressed its concern at the State party's capacity to protect and guarantee the rights of refugees. Please provide updated information on assistance provided to refugee women and girls and on rehabilitative efforts directed at them. According to information before the Committee, a draft refugee bill, intended to replace the 1970 Refugee (Control) Act, is under consideration by various government committees prior to being tabled for adoption by Parliament. Please provide information on the content and status of this draft bill, as well as a timeline for its adoption.

Marriage and family life

32. In its previous concluding observations (para. 228), the Committee commended the State party for the enactment of the Marriage Act and the Intestate

Succession Act, which provide protection for women in marriage and inheritance. Please provide updated information on measures taken by the State party to enforce the provisions of this Act. The report confirms that the payment of lobola (bride price) is still prevalent in the country as an essential ingredient in constituting a valid traditional marriage. Please inform the Committee of any steps taken or envisaged to address this issue. What measures have been taken or are planned by the State party to combat the practices of property grabbing and “sexual cleansing”, following the death of a spouse?

33. In its previous concluding observations (paras. 250-253), the Committee expressed concern that marriage and family relations are governed by dual legal systems of statutory and customary law, and that a majority of customary practices are not in harmony with the Convention. The Committee was further concerned that polygamy is widely accepted and not effectively combated by the State party. Please provide updated information on steps taken by the State party to address such concerns. The report of the State party, at paragraph 47 (a), notes that early child marriages continue to deter girls from pursuing their education since under customary law it is legal to marry a girl child who has attained puberty. Please provide information on the age of consent to marry for women in customary marriages and on measures taken to combat the practice of early marriages.

Optional Protocol and amendment to article 20, paragraph 1

34. Please indicate any progress made with regard to the ratification of the Optional Protocol to the Convention. Please also indicate what progress has been made towards acceptance of the amendment to article 20, paragraph 1, of the Convention pertaining to the Committee’s meeting time.
