



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Zambia*

A. Purpose and general obligations (arts. 1–4)

1. Please inform the Committee about steps taken:
 - (a) To review and harmonize all legislation, policies and measures, and to remove derogatory terminology, in compliance with the Convention;
 - (b) To ensure and promote the effective participation of organizations of persons with disabilities in the design and monitoring of legislation, policies, programmes and regulations relevant to persons with disabilities.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

2. Please provide information on measures taken:
 - (a) To ensure that legislation, including the Bill of Rights, the Penal Code Act and the Criminal Procedure Code Act, prohibits discrimination on the basis of disability across all sectors and areas of life, including by recognizing the denial of reasonable accommodation as a form of prohibited discrimination;
 - (b) To ensure that persons who are deaf are not prevented from obtaining motor vehicle driving licences;
 - (c) To adopt at the national level the Regional Action Plan on Albinism in Africa (2017–2021), aimed at ending attacks and other human rights violations against persons with albinism.

Women with disabilities (art. 6)

3. Please inform the Committee about:
 - (a) Steps taken to address the negative attitudes and multiple and intersectional discrimination that women and girls with disabilities face in achieving sustainable livelihoods and gaining access to social services;
 - (b) Efforts to further develop strategies and programmes for the advancement, development and empowerment of women and girls with disabilities, including those with albinism, and the results achieved and data available on women and girls with disabilities entitled to empowerment programmes, including the Girls' Education and Women's

* Adopted by the pre-sessional working group at its fourteenth session (7–18 September 2020).



Empowerment and Livelihood project and the empowerment grants for clubs (CRPD/C/ZMB/1, paras. 83–84).¹

Children with disabilities (art. 7)

4. Please provide information on:

(a) Steps taken to provide accessible early intervention, habilitation and rehabilitation services for all children with disabilities, in order to prevent their seclusion at home, and to provide services and support to children with disabilities, their families and caregivers;

(b) The system in place to enable children with disabilities, including children with multiple disabilities and those who are deafblind, to effectively participate and voice their opinion on matters that affect them;

(c) Measures taken to ensure that the individual evolving capacities of children with disabilities are factored into the determination of their best interests at all times.

Awareness-raising (art. 8)

5. Please provide information on:

(a) Awareness-raising strategies, developed in consultation with organizations of persons with disabilities, including campaigns and training programmes for government officials, the private sector, media professionals and the general public, and including at the community level, undertaken to combat stigmas, stereotypes, harmful practices and deep-rooted cultural beliefs against persons with disabilities, including persons with albinism, women with disabilities and children with disabilities;

(b) Measures taken to encourage all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the Convention.

Accessibility (art. 9)

6. Please inform the Committee about:

(a) Measures taken to ensure the accessibility of the physical environment, transport, information and communications technology and other facilities and services open or provided to the public in both rural and urban areas;

(b) Steps taken to develop and implement minimum standards and guidelines for accessibility, and the consultations with and active involvement of organizations of persons with disabilities in those processes.

Right to life (art. 10)

7. Please provide information on the specific legal and policy measures taken to protect persons with disabilities, in particular persons with albinism, from different forms of violence, including ritual killings for their body parts.

Situations of risk and humanitarian emergencies (art. 11)

8. Please inform the Committee about measures taken:

(a) To review the Disaster Management Act (No. 13 of 2010) and other related legislation, policies and guidelines and ensure that they align with the Convention and the Sendai Framework for Disaster Risk Reduction 2015–2030, indicating how organizations of persons with disabilities are involved in such efforts;

(b) To establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the rights of persons with disabilities on an equal basis with others, and specifically in the context of the public health emergency resulting from the

¹ Unless otherwise indicated, paragraph numbers in parentheses refer to the initial report of the State party (CRPD/C/ZMB/1).

coronavirus disease (COVID-19) pandemic. In particular, please inform the Committee about the measures taken to provide persons with disabilities with accessible information concerning the virus's scope and prevention of the virus; to ensure continuous access to support and mainstream community services, including in-home care and personal assistance; to provide equal access to health care, including life-saving measures; and to ensure that disability pensions and social benefits are guaranteed at all times.

Equal recognition before the law (art. 12)

9. Please provide information on steps taken or planned in order to revise or repeal legislation and other policies, particularly section 4 (2) of the Mental Health Act (No. 6 of 2019), that deny persons with disabilities their legal capacity, in particular persons with intellectual or psychosocial disabilities. Please include information on the steps taken to replace substituted decision-making regimes with supported decision-making regimes that comply with the Convention, taking into account the Committee's general comment No. 1 (2014).

Access to justice (art. 13)

10. Please inform the Committee about steps taken:

(a) To provide procedural and age-appropriate accommodation for persons with disabilities in order to facilitate their effective role as direct and indirect participants in all legal proceedings;

(b) To review the training curriculum for officials of the judicial system, including police and prison officers, to include the provisions and standards of the Convention;

(c) To ensure that persons with disabilities, particularly children with disabilities and women with disabilities, have access to legal aid services on an equal basis with others.

Liberty and security of the person (art. 14)

11. Please provide information on the measures taken:

(a) To repeal any discriminatory legislation provisions, including section 167 of the Criminal Procedure Code Act, according to which persons with disabilities, particularly persons with intellectual or psychosocial disabilities, are declared unfit to stand trial or not guilty by reason of "insanity" and are indefinitely detained without regular case reviews;

(b) To monitor the implementation of section 61 of the Persons with Disabilities Act, particularly to avoid concealment of persons with disabilities in rural and remote areas.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

12. Please inform the Committee about progress made towards the adoption of the anti-torture bill and how it prevents persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment. Please illustrate the efforts made to investigate cases of torture and cruel, inhuman or degrading treatment or punishment and the remedies available to victims, including persons with intellectual or psychosocial disabilities.

Freedom from exploitation, violence and abuse (art. 16)

13. Please inform the Committee about:

(a) Whether services for survivors of violence, such as the one-stop centres, are accessible, available in rural and remote areas and adapted to the requirements of persons with disabilities, including women and girls with disabilities, persons with intellectual or psychosocial or disabilities and persons with albinism;

(b) Legislative and other measures taken to explicitly prohibit corporal punishment of any kind, in the family and in all settings, not just in schools.

Protecting the integrity of the person (art. 17)

14. Please provide information on:

(a) Measures taken to protect persons with disabilities, particularly women and girls with disabilities and persons with intellectual or psychosocial disabilities, from being subjected to forced sterilization and abortion without their free and informed consent;

(b) Legal measures taken to prohibit the use of immobilizing equipment and physical or chemical restraints and forced treatment in psychiatric care units;

(c) Steps taken to expedite the deinstitutionalization of persons with disabilities and to achieve their inclusion in community-based settings.

Liberty of movement and nationality (art. 18)

15. Please provide information on measures taken to ensure that all children with disabilities are registered at birth. Please also indicate the steps taken to ensure that all persons with disabilities acquire national identity documents at the required age, including those in rural areas, without discrimination on the basis of disability.

Living independently and being included in the community (art. 19)

16. Please inform the Committee about steps taken to implement and monitor the rights of persons with disabilities, including women with disabilities and those living in rural areas, to live independently and be included in the community, including the provision of personal assistance and community-based services.

Personal mobility (art. 20)

17. Please provide information on mechanisms in place to ensure that persons with disabilities have access to affordable mobility aids and assistive devices in the local market, particularly in rural areas.

Freedom of expression and opinion, and access to information (art. 21)

18. Please inform the Committee about steps taken:

(a) To recognize the adoption of a national sign language as an official language, in close consultation with the deaf community;

(b) To ensure the provision of audio description, captioning and sign language interpretation for television programmes, by both private and public media;

(c) To improve access to information in all accessible formats, including Braille, large print, Easy Read and other augmentative and alternative means and modes of communication.

Respect for privacy (art. 22)

19. Please provide information on steps taken to ensure that the rights of persons with disabilities to privacy is respected in all areas of life.

Respect for home and the family (art. 23)

20. Please inform the Committee about steps taken:

(a) To repeal legal provisions regarding home and the family that are not in accordance with the Convention, particularly section 17 of the Marriage Act;

(b) To enable persons with disabilities, especially women and girls and persons with intellectual or psychosocial disabilities, to exercise their rights with regard to home, the family, parenthood (including becoming adoptive and foster parents) and relationships, on an equal basis with others;

(c) To strengthen the services available to parents and families with children with disabilities, including early intervention and support services.

Education (art. 24)

21. Please inform the Committee about:

(a) Progress made with the review of the “Educating Our Future” policy to align it with the Convention, taking into account the Committee’s general comment No. 4 (2016);

(b) Steps taken to provide a high-quality and inclusive education system, through effective coordination within the education authorities, to ensure that all students with disabilities have access to education on an equal basis with others, specifying the time frame and budget allocations;

(c) Measures taken to promote access to higher education for persons with disabilities, including the provision of individualized support and the extension of adult literacy programmes to students with disabilities.

Health (art. 25)

22. Please provide information on measures taken:

(a) To enable persons with disabilities, particularly women and girls with disabilities, to have access to comprehensive health-care services, including for HIV/AIDS and sexual and reproductive health and rights, in both urban and remote areas;

(b) To ensure the availability of mental health services at the primary health level and to allocate adequate resources for the provision of mental health care at all levels;

(c) To provide systematic training to health personnel and traditional health attendants on the rights of persons with disabilities in accessing health care and services.

Habilitation and rehabilitation (art. 26)

23. Please provide information on steps taken to extend the pilot community-based rehabilitation programme to all parts of the country. Please indicate how persons with disabilities, through their representative organizations, are involved in the planning and implementation of habilitation and rehabilitation facilities and services.

Work and employment (art. 27)

24. Please inform the Committee about:

(a) The status of implementation of the statutory instruments on employment in accordance with the Persons with Disabilities Act (para. 228);

(b) The measures taken to prohibit discrimination against persons with disabilities in recruitment processes and to ensure accessibility, fair conditions of service, career advancement, a safe working environment and equal pay for work of equal value.

Adequate standard of living and social protection (art. 28)

25. Please provide information on:

(a) Budgetary and other measures taken to expand the social protection programmes to benefit persons with disabilities, including those in rural areas;

(b) Steps taken to move away from medical assessment of disability for qualification for social cash transfer, and towards a functionality assessment through socioeconomic evaluation in compliance with the human rights model of disability;

(c) Measures taken to expand access for persons with disabilities to the available social protection interventions, on an equal basis with others.

Participation in political and public life (art. 29)

26. Please inform the Committee about:

(a) Measures taken to amend articles 70 (2) (d), 116 (3) (f) and 157 (2) (f) of the Constitution to ensure that persons with intellectual or psychosocial disabilities and other persons with disabilities have the right to stand for elections and hold public office;

(b) Measures taken to ensure the physical accessibility of all polling stations and the use of accessible formats, including Braille, in electoral material, and to ensure that persons with disabilities are guaranteed secrecy in the voting process;

(c) Specific measures taken to increase the representation of women – including women with disabilities – in decision-making positions and on elected and appointed political bodies in rural and urban areas, as recommended by the Committee on the Elimination of Discrimination against Women (CEDAW/C/ZMB/CO/5-6, para. 26 (a)).

Participation in cultural life, recreation, leisure and sport (art. 30)

27. Please provide information on the specific measures taken:

(a) To ensure that persons with disabilities have access to places for culture, recreation, leisure and sport in both rural and urban centres, on an equal basis with others;

(b) To provide adequate funding to ensure the effective development and participation of persons with disabilities in inclusive sports activities;

(c) To ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

28. Please provide information on the status of the Disability Management Information System and measures taken to improve the collection, analysis and dissemination of disaggregated qualitative and quantitative data on persons with disabilities. Please also indicate the steps in place to ensure that the Washington Group short set of questions on disability is included in all relevant surveys.

International cooperation (art. 32)

29. Please provide information on measures taken:

(a) To ensure that persons with disabilities, through their representative organizations, are included in international cooperation on disability-specific and other policies, with the aim of mainstreaming the human rights model of disability into development policies and programmes;

(b) To meaningfully consult and involve persons with disabilities, through their representative organizations, in the implementation of the 2030 Agenda for Sustainable Development.

National implementation and monitoring (art. 33)

30. Please provide information on:

(a) Measures taken to provide adequate training to and ensure the mainstreaming of Disability Focal Point Persons (para. 271), at decision-making levels, and support them with clear guidelines tied to their job description and conditions of service. Please provide information on the mandate, activities and structure of the Zambia Agency for Persons with Disabilities, including the allocation of human, technical and financial resources for its effective functioning, and clarify whether it is the entity that has been identified as the focal point for the implementation of the Convention within the State party, and on any measures taken to establish a coordinating mechanism;

(b) The methods used for appointing members of the national Human Rights Commission, the measures taken to ensure its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and the human, technical and financial resources allocated to enable it to carry out its mandate effectively.
