



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Combined seventh to ninth reports submitted by Zambia
under article 18 of the Convention, due in 2015***

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* The present document is being issued without formal editing.



List of abbreviations

AIDS	Acquired Immune Deficiency Syndrome
ART	Anti Retroviral Therapy
BESSIP	Basic Education Sub-Sector Investment Programme
BEMONC	Basic Emergency Obstetric and Maternal Care
CEEC	Citizens Economic Empowerment Commission
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEMONC	Comprehensive Emergency Obstetrics and Neonatal
CIDP	Cashew Infrastructure Development Project
CLTS	Community Led Total Sanitation
CT	Computerised Tomology
EFA	Education for All
EMONC	Emergency Obstetrics and Neonatal
FFW	Food for Work
FSP	Food Security Pack
GDP	Gross Domestic Product
GER	Gross Enrolment Ratio
GPI	Gender Party Index
GRZ	Government of the Republic of Zambia
HIV	Human Immune Virus
HMIS	Health Management Information System
ILO	International Labour Organisation
IOM	International Organisation for Migration
IRH	Integrated Reproductive Health
KGS	Keeping Girls in School
LAZ	Law Association of Zambia
L-SHE	Livelihood Skills and Health Education
MMR	Maternal Mortality Rate
MOE	Ministry of Education
MOH	Ministry of Health
NAC	National Aids Council
NASF	National HIV and AIDS Strategic Framework

NGO	Non-Governmental Organisation
NHSP	National Health Strategic Plan
NHIMA	National Health Insurance Management Authority
NPA	National Prosecution Authority
OVC	Orphans and Vulnerable Children
PAC	Post Abortion Care
PAGE	Programme for the Advancement of Girl – Child Education
PAM	Programme Against Malnutrition
PMTCT	Prevention of Mother to Child Transmission
PMI	Presidential Malaria Initiative
PRSP	Poverty Reduction Strategy Paper
PWAS	Public Welfare Assistance Scheme
RH	Reproductive Health
RMNCAHN	Reproductive, Maternal, New-born, Child and Adolescent Health and Nutrition
ROADSIP	Road Sector Investment Programme
SADC	Southern African Development Community
SAFE	Students Alliance for Female Educationalists
SHN	School Health and Nutrition
SME	Small and Medium Enterprises
STD	Sexually Transmitted Disease
SWAP	Sector Wide Approach
TBA	Traditional Birth Attendant
TEVET	Technical Education and Vocational Entrepreneurship Training
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNICEF	United Nations Children’s Fund
UNZA	University of Zambia
WHO	World Health Organisation
WiLDAF	Women in Law and Development in Africa
YWCA	Young Women Christian Association
ZDHS	Zambia Demographic and Health Survey
ZAMSA	Zambia Medicines and Medical Supplies Agency

Introduction

1. Zambia being party to the CEDAW continues to abide by the requirements of state reporting. So far, Zambia has submitted four periodic reports, the last being in 2007. This report is therefore Zambia's combined Seventh, Eighth and Ninth Periodic Report which covers the period between 2008 and 2024.
2. The preparation of the report was participatory in nature, involving the Government, Development Partners, Non-Governmental Organizations, and Civil Society. The report has also responded to the CEDAW Expert Committee's comments over the fifth and sixth report.
3. The report is divided into two parts. The first part of the report provides responses to issues raised by the Committee of experts during its consideration of Zambia's combined fifth and sixth report. The second part provides specific information on the implementation of the various articles of the CEDAW.

I. Responses to issues raised by the Committee

Principle areas of concern and recommendation:

4. During the State Party's presentation of the combined fifth and sixth periodic report, several concerns were raised by the Committee which have now been addressed as follows:

Status on the implementation of the Convention

5. The State Party wishes to report that concluding observations to its previous report have been circulated to relevant Government offices including Parliament and Judiciary.

Parliament

6. Parliament has played a critical role in implementation of obligations of the State Party through the enactment of legislation which has domesticated the Convention. Parliament also plays an oversight role in the implementation of the Convention through the Committees on Legal Affairs, Human Rights and Governance, and National Guidance and Gender Matters.

Legal Status of the Convention

7. The State Party has given effect to CEDAW through enactment of the Gender Equity and Equality Act No. 22 of 2015 and is progressively amending its subsidiary legislation to ensure harmonisation in the law.
8. The State Party takes note of the observations of the Committee and wishes to state that the observations have been incorporated into the national laws as provided by the responses in this report.

Visibility of the Convention

9. The State Party wishes to inform the Committee that it has made strides in enhancing visibility of the Convention. Since the domestication of the Convention through the Gender Equity and Equality Act No. 22 of 2015, awareness has been created on the provisions of the Act through mass media; information, education and communication (IEC) materials; engagement of traditional and religious leaders; law enforcement officers; Parliament; civil service; civil society; private sector and the Judiciary.

10. In terms of ensuring that the Convention is sufficiently known and applied in all branches of Government, the State Party undertook the following measures during the period under review:

(a) Implementation of the Gender Equity and Equality Act, by mainstreaming gender in all Government policies, programmes, and plans. Some key examples include the mainstreaming of gender in the Seventh and Eighth National Development Plans and adoption of gender responsive planning and budgeting by line ministries and institutions;

(b) The State Party has further undertaken training on CEDAW and gender mainstreaming for the judiciary, prosecutors, lawyers, and officials of customary courts. Progressive steps have been undertaken towards making CEDAW an integral part of their training. For instance, the curriculum for the police training has been revised to include women's rights as provided in the CEDAW; and

(c) The State Party wishes to report that it has undertaken trainings of local and customary courts on the rights of women as guaranteed by the CEDAW for improved management of cases. Further, the State Party has developed a training manual based on the provisions of CEDAW.

11. The State Party undertook awareness raising among women and girls on their rights under the Convention, Radio programs, sensitisation meetings, campaigns, and roadshows. In addition, the State Party disseminated information and held awareness meetings with various traditional leaders on child marriage, Gender Based Violence (GBV), economic empowerment and education especially in rural areas.

12. The State Party has implemented several activities to create awareness on gender equity and equality. This has resulted in a significant increase with regards knowledge and access to gender related information from 48.4 percent in 2012 to 67 percent (2016 Gender Perception Survey). The survey further reveals that there are more females accessing information than males.

13. The State Party wishes to inform the committee that measures have been implemented to eliminate impediments to women accessing justice. The measures include:

(a) Development of simplified rules of court for the mode of commencement of actions and procedures under the Anti-Gender Based Violence Act No 1 of 2011;

(b) Established the Gender Based Violence Fast Track Courts;

(c) The removal of fees for medical and police reports for GBV survivors;

(d) Trainings of community paralegals to increase access to justice and provision of legal aid services to GBV survivors;

(e) Accreditation of community paralegals by the Law Association of Zambia;

(f) Development of a National Legal Aid Policy which lays the foundation for the establishment of a comprehensive legal aid system that is accessible, effective, credible, and sustainable;

(g) Amendment of the Legal Aid Act No. 1 of 2021 to provide for the granting of legal aid in civil and criminal cases to persons whose means are insufficient to enable them pay for legal services;

(h) Provision of legal aid services for women by the National Legal Aid Clinic for Women (NLACW);

(i) Revision of the Republican Constitution in 2016 and subsidiary legislation to include principles of non-discrimination and gender equality and access to and control over productive resources; and

(j) The establishment of the Gender Based Violence (GBV) specialised unit under the National Prosecutions Authority (NPA) to enhance GBV prosecution services. In addition, the following measures have been undertaken:

(i) Public Police Prosecutors have been moved to the National Prosecutions Authority to improve the quality of prosecution; and

(ii) The National Prosecutions Authority (NPA) has decentralised its services to all provinces and 53 districts to ensure access to justice.

Discrimination in the Constitution and in law

14. In 2016, the State Party attempted to repeal Article 23(4) of the 1996 Constitution which by law is required to be subjected to a referendum prior to its repeal. However, the referendum did not meet the minimum threshold for it to pass. Notwithstanding the foregoing, the State Party has amended its Constitution to provide for National Values and Principles which include non-discrimination. The National Values and Principles guide the interpretation of the Constitution and any other subsidiary legislation.

15. The State Party wishes to report that under Article 1(1) of the Constitution, the Constitution is the supreme law of the land and any other written law, customary law and customary practice that is inconsistent with the Constitution is void to the extent of its inconsistency. In addition, under Article 8 of the Constitution, equality is recognised as a National Principle. Under Section 22 of the Gender Equity and Equality Act No. 22 of 2015, a woman has on an equal basis with a man, power to decide and act on all matters relating to marriage and family life. Further, Sections 20, 21 and 22 of the Gender Equity and Equality Act provide for right to nationality, sexual reproductive rights and marriage as well as family life.

16. The State Party takes note of the observations of the committee on the need to harmonise religious and customary laws. To this end, the State Party reports that it has provided under the Gender Equity and Equality Act, No. 22 of 2015 under Section 22, a provision which deals with marriage and family life.

National machinery for advancement of women

17. The State Party informs the Committee that, to integrate gender perspectives into policies and eliminate discrimination, the Constitution and the Gender Equity and Equality Act No. 22 of 2015 provide for the establishment of the Gender Equity and Equality Commission to promote and mainstream gender equality. The State Party wishes to report that the Zambian Constitution as amended by Act No. 2 of 2016

Article 230(3)(b) contains provisions to empower the Human Rights Commission to take necessary steps to secure appropriate redress where rights and freedoms are violated.

18. In terms of visibility, Article 230 (1) of the Constitution provides for the establishment of the Human Rights Commission which shall have offices in the provinces and progressively in districts.

19. The Constitution makes provision for the Human Rights Commission to be adequately funded by the State. Article 238 provides as follows:

(a) A Commission shall be a self-accounting institution which deals directly with the Ministry responsible for Finance matters relating to its finances; and

(b) A Commission shall be adequately funded in a financial year to enable it to effectively perform its functions.

Temporary special measures

20. The State Party wishes to inform the Committee that it has incorporated the provisions of Article 4, paragraph 1 of the Convention through Section 27 and Section 29 of the Gender Equity and Equality Act, No. 22 of 2015.

21. Further, the State Party wishes to inform the Committee that it has put in place time bound targets and allocated resources for the implementation of temporary special measures for achieving substantive equality of men and women in the Eighth National Development Plan (8NDP) under Developmental Outcome 4 which aims at reducing vulnerability and inequalities including gender inequalities.

Stereotypes and harmful practices

22. The State Party wishes to report that Section 28 of the Gender Equity and Equality Act, No. 22 of 2015, has provided comprehensive measures to outlaw adverse cultural practices against women and girls. The Act under the same section further prohibits individuals from committing, engaging or subjecting another person or encouraging the commission of a harmful practice and has also provided adequate penalties for offenders.

23. The State Party wishes to report that it has not yet developed a comprehensive National Strategy to eliminate violence against women and harmful practices. However, several programmes have been implemented in collaboration with the United Nations Agencies and Civil Society Organisations such as:

(a) The GRZ-UN Joint Programme on GBV Phase 1 (2012–2016) and the GRZ-UN Joint Programme on GBV Phase 2 (2019–2023);

(b) The USAID Stamp Out Gender Based Violence 2013–2018 and STOP GBV Project 2019–2023;

(c) Programme for the Promotion and Protection of Women and Children's Rights (PPPWCR) (2016–2018);

(d) I Care About Her Campaign (2012) – Oxfam;

(e) The United Nations, HeForShe Campaign(2015);

(f) The European Union, Sexual and Gender Based Violence Project (2019–2023); and

(g) The Oxfam, Her Future Her Choice Project (2019–2025).

24. The State Party wishes to report that Section 157 of the Penal Code (Amendment), Act No. 15 of 2005 criminalises harmful cultural practices which include sexual cleansing in relation to a widow. However, the State Party has commenced legal process to review the Penal Code to broaden the penal sanctions to synchronise with new legislation which include the Anti-Gender Based Violence Act, No. 1 of 2011 under Section 3 (1) and the Gender Equity and Equality Act, No. 22 of 2015 among others.

25. The State Party wishes to inform the Committee that innovative measures to strengthen understanding of the principles of equality between men and women have been implemented by sensitising all the 288 chiefs to ensure that they recognise and enforce equality between men and women in their chiefdoms. Of the 288 chiefs, 258 are males and 30 are females representing 89 percent of trained male chiefs; of which some of these chiefs have become champions of change. Other programs, including the I Care About Her and Good Husband campaigns, engage men on the equal worth of men and women, coordinated by the Ministry of Gender (as it then was) using the National Gender Communication Strategy through various partners.

26. The State Party wishes to inform the Committee that it has in the 2013/2014 Zambia Demographic Health Survey (ZDHS) reported a reduction in the prevalence of physical violence which was reported at 43 percent compared to the prevalence of physical violence in the 2007 ZDHS report which was reported at 47 percent. However, notwithstanding this reduction, the State Party has continued to implement programmes as highlighted above which are aimed at eradicating GBV.

27. Due to extensive sensitisation undertaken during the period under review, there has been a corresponding increase in the number of cases reported as shown in Figure 1 below:

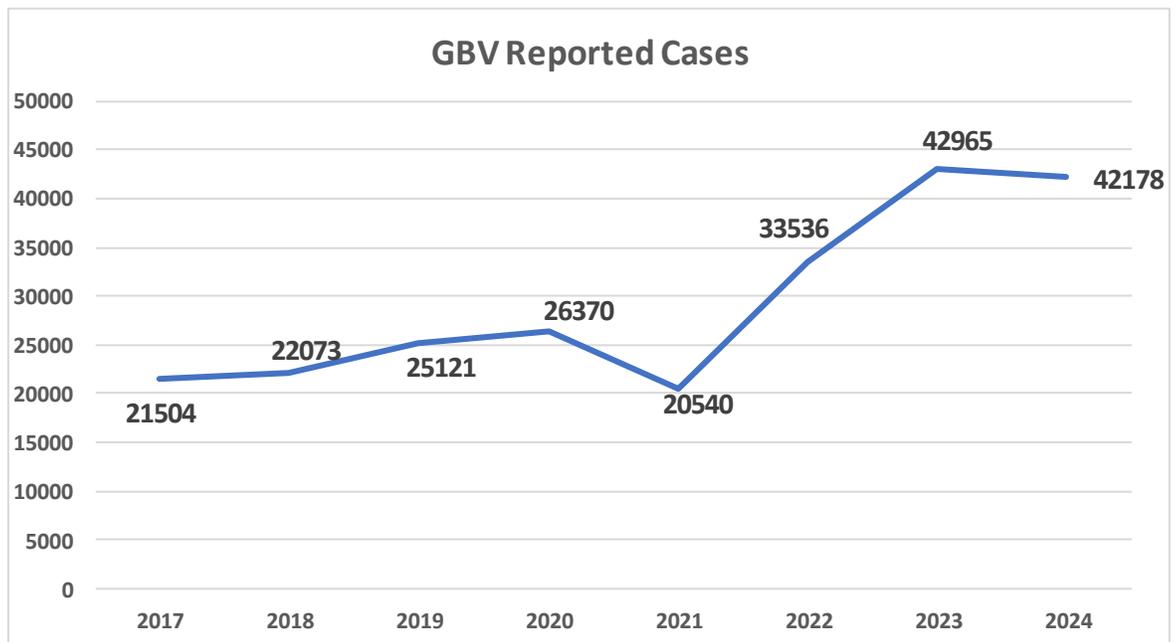


Figure 1: Gender Based Violence Statistics, 2017–2024.

28. In order to improve the rate of convictions, the State Party has put in place the following measures:

(a) In 2010, creation of a Witness Fund under the National Prosecutions Authority (NPA) to address the challenges that witnesses face such as mobility during trial and preference is given to cases including vulnerable groups such as women and girls including those with disabilities and provides for counselling for traumatised witnesses;

(b) In 2014, established a Gender Based Violence Unit under the NPA to ensure the provision of specialised investigation and prosecution of GBV services;

(c) In 2016, the GBV Fast Track Courts were established and the Rules of Court to enable survivors of GBV to access legal remedies under the Anti-GBV Act No. 1 of 2011 were developed. Currently, ten fast track courts are operational spread across the ten provinces;

(d) Developed Guidelines on Minimum Standards for child victims and witnesses in the justice process;

(e) Developed National Guidelines for the Multidisciplinary Management of survivors of Gender Based Violence in Zambia;

(f) Developed the Legal Aid Policy in 2018 to provide legal aid services to the indigent in Society;

(g) Integration of the Police Prosecutors in the NPA which has a specialised unit to prosecute GBV; and

(h) Developed a gender-based violence prosecution dashboard that will serve as a centralised hub providing data and it will equip prosecutors with the critical information and streamline their efforts to prioritise cases that demand immediate attention.

29. The State Party takes note of the observations of the Committee in as far as ensuring there is adequate resources for the implementation of the Anti-GBV Act.

30. The State Party acknowledges the concerns of the Committee in as far as inclusion of marital rape in its Statutes.

31. The State Party wishes to inform the Committee that it has undertaken trainings for various service providers such as health personnel, Judiciary, Law enforcers, Para-legal and Psycho-social Counsellors. This has resulted in improved competencies and skills for GBV Case Management.

32. The follow up report on the implementation of the Anti-GBV Act has been provided in Part Two of this report.

Trafficking and exploitation of prostitution

33. The State Party takes note of the observation by the Committee on the lack of statistical data on the number of women and girls on trafficking for purposes of economic exploitation or prostitution.

34. In order to ensure perpetrators of trafficking are punished, the State Party has undertaken the training of law enforcement officers on the operationalisation of the Anti-Human Trafficking Act, No. 16 of 2022 which has enabled Officers to carryout investigations and prosecute offenders of human trafficking cases in accordance with the trafficking law.

35. Further, the State Party has developed tools for the protection of vulnerable migrants and victims of trafficking in Zambia. The tools developed include; Guidelines, Training Manual, Participant Handbook, National Referral Mechanism

and the Profiling Form for vulnerable migrants. Furthermore, these tools provide information to first line officials on the context of mixed migration movements and rights-based approach towards the protection of vulnerable migrants. Officers are now able to respond to the protection needs of vulnerable migrants, which includes victims of trafficking in a sensitive manner.

36. The State Party wishes to take note of the Committee's observation on the need to increase its efforts at international, regional and bilateral cooperation with other countries of origin, transit and destination through information exchange to prevent trafficking and harmonise legal procedures and the prosecution of traffickers.

37. The State Party wishes to take note of the Committee's observation on the need to conduct comparative studies on trafficking and prostitution, including collection of disaggregated data, to identify and address root causes to eliminate the vulnerability of girls and women to sexual exploitation and traffickers and facilitate recovery and social integration of victims.

38. The Committee may wish to know that the State Party has been addressing the question of prostitution including provision of shelters and other services such as exit or reintegration programs for women and girls engaged in prostitution.

39. The State Party wishes to report that the criminalisation of prostitution under the Penal Code is meant to address ones living on the earning of prostitution through the exhibition of control that leads to abuse as it entails that prostitutes are not engaging willingly.

Participation in political and public life

40. The State Party wishes to inform the Committee that it has implemented practical measures aimed at promoting women in decision making positions. To this effect, the Constitution (Amendment) Act No. 2 of 2016 under Article 45(1)(d) provides that the electoral system shall ensure gender equity and equality in the National Assembly or Councils.

41. Further Article 69(2) of the Constitution requires the President to consider gender equality when nominating Members of Parliament. In addition, Section 17(1) of the Gender Equity and Equality Act places a duty on all public bodies to promote gender equity and equality. Additionally, Section 26 of the Act, provides for special measures on gender equity and equality to meet challenges faced by women living in rural and peri-urban areas and recognise the significant role that such women play in the economic survival of their families, especially in the non-monetised sectors of the economy.

42. The State Party wishes to inform the Committee that it has sensitised the political parties to adopt female candidates for elective positions. The State Party has conducted several trainings on the promotion of women in decision making with parliamentarians and political party structures. In addition, civil society has been lobbying political parties to ensure equal representation of men and women in both political parties and elective public positions. Further, the civil society have supported the political parties to develop gender policies in order to promote gender equity and equality.

43. The State Party takes note of the need to provide training on gender equality for civil servants and politicians.

Nationality

44. The State Party wishes to inform the committee that every child is entitled to his/her own passport

45. The State Party wishes to report that Section 20(1) of the Gender Equity and Equality Act No. 15 of 2022 establishes that a woman has equal right as a man to acquire, change or retain her nationality. Following the enactment of the Gender Equity and Equality Act, the State Party has put in place measures to promote awareness through the revision of the National Gender Communication Strategy.

46. The State Party takes note of the committee's observation on the need to promote awareness of the equality of spouse or guardians in their right to apply and collect passports or birth certificate on behalf of their children without the need for their spouses' written consent.

Education

47. The State Party enacted the Education Act No. 23 of 2011 which under Section 18, prohibits marrying off of a learner who is a child or prevent or stop a learner who is a child from attending school for the purpose of marrying or marrying off the learner who is a child. In addition, Section 17 of the Act provides for compulsory school attendance. Sections 17 and 18 of the Education Act relates to absenteeism and prohibition of child marriage. This was through repealing the 1966 Education Act and replacing it with the 2011 Education Act. This has been hailed as a milestone in the promotion of equity and equality of access for both sexes. This Act among others recommends jail sentences and fines for parents and guardians that do not ensure daily attendance of their children in school and those that marry off learners who are children.

48. The State Party further wishes to inform the committee that the following interventions have been undertaken to address girls drop out and retention rates and narrow the gender gap at all levels of education system.

49. One of the significant interventions undertaken by the State Party is the introduction of Education For All (EFA) Policy in 2022, from pre-school right through primary to secondary which was only implemented, at the primary school level before. In response to the EFA Policy, an unprecedented number of eligible children, particularly the girl children, have re-entered the school system, potentially mitigating a situation whereby millions, in the future, are socially excluded and subjected to a life of poverty and deprivation.

50. The State Party implemented several other measures to improve access, equality and inclusive education, which include among others, Keeping Girls in School, the Global fund initiative for children from vulnerable households, provision of sanitary facilities and Bursary Support under the Constituency Development Fund (CDF).

Employment

51. The Committee is invited to note that salaries are not based on sex of an individual but qualifications and position held and therefore, based on the criteria both women and men are treated the same. The State Party revised the minimum wages and conditions of employment through Statutory Instruments Numbers 69 of 2018 for Domestic Workers, 70 of 2018 for Shop Workers and 71 of 2018 for the Minimum Wages and Conditions of Employment (General) (Amendment) Order, 2018 to cover vulnerable groups of employees, both women and men who are not

represented by Unions. Further, the State Party revised the minimum wages and conditions of employment through Statutory Instruments No. 48 (General), 49 (Domestic Workers) and 50 (Shop Workers) of 2023, which took effect on 1st January 2024. To address the challenge of high levels of unemployment among women especially in rural areas, the State Party has put in place the following measures as outlined in the 7NDP and 8NDP:

- (a) Economic Diversification;
- (b) Industrial yards and clusters developed;
- (c) Value addition and value chain diversification;
- (d) Informal sector social and occupational safety and health protection promotion.

52. Other measures taken include promotion of micro-insurance under the Pensions and Insurance Authority (PIA), and the constitution of an Inter-Ministerial Technical Working Group on extension of social security coverage to the informal economy.

53. The State Party wishes to report that it has provided for collaboration with the private sector as outlined in the 7NDP which will promote industrialisation and job creation through private sector development and competitiveness reforms and projects. The State Party further wishes to inform the committee that Government works in consultation with private sector through tripartite consultative labour council which comprises Government employers and labour unions on creating beneficial policies and projects for women in labour markets.

54. The State Party wishes to report that there are no laws which discriminate in terms of remuneration between men and women. The State Party further wishes to inform the committee that, as indicated above, the State Party, in consultation with key stakeholders, embarked on a process of reforming the labour law framework, with the view of strengthening the anti-discrimination clause as provided under Section 108 of the Industrial and Labour Relations Act No. 269 of the Laws of Zambia.

55. Further the State Party undertakes regular targeted child labour inspections and has so far, created District Child Labour Committees in twenty-three districts. Other interventions undertaken include prevention of child labour, retraining and integration of victims of child labour and labour inspections to ensure conformity to conventions. The powers of the immigration officers working with labour inspectors have been enhanced in order to combat child trafficking associated with child labour.

Health

56. The State Party wishes to inform the Committee that through the enactment of the Gender Equity and Equality Act No. 22 of 2015, a woman now has the right to access sexual and reproductive health services. The State Party also wishes to inform the Committee that Government has established the Maternal and Child health Units which are supervised and have been decentralised to health centre level throughout the country. The services offered include antenatal, post-natal, under-five services and family planning which are provided at no charge. To ensure the efficient provision of reproductive health and related services, the State Party has developed the following documents:

- (a) The National Health Policy;
- (b) The Zambia National Health Strategic Plan (2017–2021 and 2022–2026);
- (c) Adolescent Health Strategic Plan (2016–2020 and 2022–2026).

57. The State Party has been conducting several outreach programs in communities to inform the citizens on the health services offered by the Government. Further, the State Party has also expanded the number of health posts throughout the country and upgraded clinics into first level hospitals in each district in an effort to improve access to health services.

58. The State Party has conducted sensitisation meetings with communities on Termination of Pregnancy Act No. 13 of 1994 (Amendment). The State Party has also conducted trainings for clinicians on the termination of pregnancy and developed Standards and Guidelines for reducing unsafe abortions. The legal position on abortion is that intentional procured abortions are prohibited as outlined in the Penal Code Cap 87 of the Laws of Zambia under Sections 152 and 153. However, medical abortions are permitted by law under the provisions of the Termination of Pregnancy Act, Chapter 304 of the Laws of Zambia.

59. The State Party wishes to inform the Committee that Post Abortion Care (PAC) services such as clinical management and counselling are provided. Further, to ensure that women and girls have access to these services, there has been construction of health centers in rural areas, upgrading health centers to first level hospitals, recruitment and deployment of skilled medical personnel, scaling up of training of Basic Emergency Obstetric Care (BMONC), Emergency Obstetric Care (EMONC) and provision of ambulatory and communication services to strengthen the referral system.

60. The State Party wishes to inform the Committee that Government through the public health institutions provides free contraception. In order to increase knowledge and access to affordable contraceptive methods throughout the country, the State Party has put in place the following:

(a) Integrated age-appropriate Comprehensive Sexuality Education in the school curriculum;

(b) Comprehensive Sexuality Education to out of school adolescents and young people;

(c) Community based action groups to sensitize the community members on contraceptives;

(d) Institutionalised Youth Friendly sexual reproductive health Services which include provision of family planning services;

(e) Training programs for health care providers and peer educators in adolescent friendly sexual reproductive health services in districts; and

(f) The roll out of self-injection of family planning across the Country to expand access to family planning commodities.

61. The State Party ensures availability and accessibility of anti-malaria drugs, especially for pregnant women, to reduce malaria incidence and deaths. To address the burden of malaria, the National Malaria Elimination Center was established, rolling out key interventions such as distribution of long-lasting insecticide treated nets (LLINs), indoor residual spraying, prompt diagnosis and treatment at both facility and community levels, and social behaviour change communication. Anti-malaria drugs and mosquito nets are available at all health centers, and all pregnant women receive a mosquito net at first antenatal booking or during any other contact in pregnancy. Further, to provide an efficient system for procurement, storage and distribution of medicines and medical supplies, enacted the Zambia Medicines and Medical Supplies Agency Act No. 9 of 2019.

62. The State Party wishes to inform the committee that it has established 303 stand-alone adolescent health spaces at various health centres across the country, while 1,719 are shared spaces. Further, the State Party has undertaken the construction of Youth Resource Centres in each district for the provision of skills training to the never been to school, dropped out of school and have been to school youths. The Youth Resources Centres have youth friendly corners where the youth can access education and information on health services including reproductive and mental health.

63. There are 23 Youth Resources Centres with youth friendly corners where the youth can access information on reproductive and mental health. In addition, the State Party has undertaken training programmes for health care providers and peer educators in adolescent friendly sexual reproductive health services in districts, as well as Life Skills and Health Education (L-SHE) to out of school adolescents and young people.

HIV/AIDS

64. The State Party has developed the National HIV and AIDS Strategic Framework (NASF) 2023–2027, aligned to Vision 2030, the 8NDP, National HIV and AIDS Policy, and international and regional commitments. The NASF views HIV and AIDS as a social developmental challenge, targeting the 95-95-95 by 2025 and ending AIDS by 2030 under the principle of Leaving-No-One-Behind. Guiding principles include partner coordination, gender responsiveness, evidence-based approaches, investing for impact, efficiency, equality and non-discrimination.

65. Bold targets aim for zero new infections, zero discrimination and zero AIDS-related deaths, with milestones of 90% of people living with HIV knowing their status, 90% of those on treatment and 90% achieving viral suppression by 2030. Zambia is among the first five African countries to introduce injectable ARVs for prevention. Infrastructure upgrades have seen 563 of 650 targeted health posts built by December 2023, 36 district hospitals under construction, and provincial hospitals modernized with CT scans, mammography equipment and Intensive Care Units. The National Health Training Institute with a 3,000-student capacity has also been established.

66. As of 2021, 1.4 million people were living with HIV, with 1,240,261 on ARVs, 11% prevalence, PMTCT coverage at 91.3%, 5.5% of children born to HIV-positive mothers infected, 85.4% receiving treatment, and 28,000 new infections. Priority strategies include:

- (a) Advocacy on harmful gender and sexual norms (child marriage, male-dominated decision-making, intergenerational sex, widow inheritance);
- (b) Advocacy to address barriers to health services for women, girls and boys;
- (c) Strengthening government coordination on HIV, GBV, child marriage, teenage pregnancy, girls' education and child protection; and
- (d) Reviewing the National Action Plan on reducing HIV among women and girls (2010–2014).

67. Social and Behaviour Change (SBC) is being used to increase awareness and promote positive behaviours through talks, dialogues, counselling, advocacy, drama, radio, television, print materials and digital platforms such as internet, SMS and social media. SBC prioritises influencing behaviour among general, key and vulnerable populations to change norms and create demand for prevention, treatment and adherence.

Rural women

68. The State Party recognises the many challenges that rural women face particularly in relation to access to health, education, clean water and sanitation services, land and income generating projects. The State Party also takes note of the committee's observations on the need of rural women in particular women heads of households to participate in designing and implementation of local development plans.

69. The State Party acknowledges the committee's observation over community health advisory committees, neighbourhood health committees and other community-based actions groups have been instituted to facilitate community participation in the planning and implementation of health interventions. Participation of women has been high including in some areas, in decision making processes.

70. Further, the State Party wishes to inform the committee that it recognises that women are the majority disadvantaged and that the position of women in rural and remote areas are characterised by poverty, illiteracy, difficulties in accessing health and social services and lack of participation in decision-making processes at community level.

71. The State Party is implementing the Girls Education and Women's Empowerment and Livelihoods (GEWEL) project that aims to increase access to secondary education for disadvantaged girls and provide livelihood support to extremely poor rural women. Since 2016 the project has supported a total of 173,311 girls under the Keeping Girls in School component and targets to scale up to 262,444 girls by 2028. Keeping Girls in School helps break the intergenerational transmission of poverty, delay sexual debut, reduces child marriage and teenage pregnancy. Further, under the Supporting Women's Livelihood component the project has empowered a total of 144,297 women with entrepreneurial skills and start-up capital and aims to scale up with an additional 58,000 women by 2028. Additionally, the project has supported a total of 1,311,101 Social Cash Transfer beneficiaries with the aim of scaling to 1,500,000 beneficiaries by 2028. The project is contributing to increasing women's access to finance, increase their participation in the economy and contribute to poverty reduction.

72. The State Party wishes to inform the Committee that the State Party is implementing a series of programmes using a phased approach aimed at providing clean water and sanitation. This includes the National Urban Water Supply and Sanitation Programme (2011–2030). Furthermore, the State Party is rolling out the "Keep Zambia Clean Campaign" across the country through the District Water, Sanitation and Health Education (D-WASHE) committees.

73. In addition, the State Party wishes to inform the committee that Government targets 68 percent access to Sanitation and 90 percent access to clean water respectively by 2030.

74. Furthermore, in 2014, the State Party as part of the National Rural Water Supply and Sanitation Programme (NRWSSP) hygiene component and the Community Led Total Sanitation (CLTS) aimed at addressing Open Defecation Free (ODF) accompanied by gender responsive sanitation. The programme target was to reach out to about 573,000 people by 2019 (52 percent) women through CLTS activities. The Community Led Total Sanitation was complimented by a District-Based Hygiene Communication Strategy which focuses on hand washing with soap or ash at critical times. The strategy focused on Mothers and Caregivers who are influencers in the homes and communities. The State Party approved project implementation of Water & Sanitation totalling to \$ 38.22 million for improvement of water supply and

sanitation mainly in rural areas in particular Western Province where all the 16 Districts in the province benefited and 150 boreholes were drilled and equipped with hand pumps, 830 Communal facilities were constructed in Public Institutions such as Schools, Health Centres, Market and Bus Stations.

75. The State Party wishes to report that under the Republican Constitution Article 253(1)(a) provides for equitable access to land and associated resources. Further, Section 27(3)(b) of the Gender Equity and Equality Act enjoins public and private bodies to take appropriate measures to ensure that women have the same rights as men to allocation and acquisition of land and other property. Further Section 27(1) of the Gender Equity and Equality Act states that there shall be no discrimination against women in economic and social life. In addition, Section 27(2) mandates line ministries responsible for Finance and Commerce to take appropriate measures in the social, economic field, especially in the access to and control of resources by women to ensure the full development and advancement of women on an equal basis with men.

76. As administrative measures, the “HeForShe” and the “Girls not Brides” campaigns were conducted countrywide and were aimed at raising awareness on the negative customs and harmful traditional practices which perpetuate gender inequalities and affect women’s rights to property.

77. Furthermore, the State Party has been working closely with traditional leaders to increase access to land for women and some of these leaders have responded by issuing customary land certificates. Traditional leaders are now championing women’s rights with regards to access to property, through issuance of traditional land certificates to women in their chiefdoms.

78. The State Party has implemented the Agriculture Development through Value Chain Enhancement (Advance Project) to promote women’s participation in cooperatives and mechanised farming, with a focus on rural women and youth. Using chiefdoms as entry points, the initiative aims to enhance food security, reduce poverty, and create jobs through a value chain approach. The project targeted all 288 chiefdoms by providing agricultural equipment, and so far, women-led cooperatives in 100 chiefdoms were sensitised and trained on equipment use, strengthening their role in agricultural mechanisation and economic empowerment.

79. The state party implemented the Cashew Infrastructure Development Project (CIDP), which aims to boost incomes and reduce poverty through the development of the cashew value chain. The Project targeted to benefit 60,000 smallholder farmers including 30,000 (50%) women and 7,000 youths, each planting 1 ha (100 cashew trees). The Project will create about 6,000 full time jobs (3,000 women, and 1,000 youths) along cashew value chain from production, processing to marketing. The Project has cumulatively distributed a total of 6.3 million seedlings translating to an estimated 70,375 Ha and benefiting a total of 59,433 local farmers to date of which 52% are Men, 32% Women, 8% male youths and 7% Female youths. Average annual Household income stands at US\$ 466 against a target of \$710.

80. The creation of jobs has been a significant outcome of this project and that has been achieved beyond target. It created some direct and indirect short-term jobs totalling 8,548 of which 11% women, 35% men, 38% male youths and 16% female youths throughout the value-chain.

81. The State Party wishes to report that Section 26 of the Gender Equity and Equality Act provides for special gender equity and equality measures for women in rural and peri urban areas and emphasise on women participating on the elaboration and implementation of development planning at all levels.

82. The State Party wishes to report that it has put in place both legislative and administrative measures to address negative and harmful practices. Section 14(2), the Gender Equity and Equality Act empowers a woman to acquire, own, inherit and administer property. Regarding legislative measures, the Gender Equity and Equality Act No. 22 of 2015 proscribes the commission of a harmful cultural practice and imposes a penalty upon conviction of a fine not exceeding 3000 penalty units or to a term of imprisonment for a period not exceeding 5 years, or to both.

Disadvantaged groups of women

83. The State Party takes note of the Committee's observation on the need to collect sex-disaggregated data for older women, women with disabilities, and refugees. Measures have been put in place where elderly women (65 years and above) do not pay user fees in public hospitals under the National Ageing Policy, and tax incentives are provided for corporations that integrate persons with disabilities under Section 37(1) of the Persons with Disability Act No. 6 of 2012.

84. The State Party reports that disaggregated data on multiple forms of discrimination is collected for refugees, women with disabilities, older women, and other forcibly displaced populations.

85. The State Party informs the Committee that refugee women receive the same legal protection as any citizen, and perpetrators of violence against them are subject to ordinary penal laws, including the Anti-GBV Act, Gender Equity and Equality Act, Penal Code, and Cyber Security and Cyber Crimes Act.

86. Additionally, the State Party collaborates closely with the UN High Commission for Refugees and the Office of the High Commissioner for Human Rights to protect refugee rights, provide shelter, access to social services, and protection from human trafficking. As of August 2023, the population of refugees, asylum seekers, and former refugees stood at 90,647.

Marriage and family relations

87. The State Party wishes to inform the committee that the Gender Equity and Equality Act substantially domesticates the provisions of Article 16 of the Convention. Section 22 of the Act provides as hereunder:

- (a) Section 22(1), a woman has on an equal basis with a man, power to decide and act on all matters relating to marriage and family life, including the same right;
 - (i) Freely choose a spouse;
 - (ii) To enter or leave a marriage;
 - (iii) To decide freely and responsibly on the spacing and number of children and to have access to information, education and means to exercise these rights;
 - (iv) As a parent, irrespective of her marital status, in matters relating to children;
 - (v) To guardianship, stewardship, trusteeship, and adoption of children;
 - (vi) With her spouse, to choose a family name;
 - (vii) To choose a profession or an occupation; and
 - (viii) To own, acquire, manage, administer, enjoy, and dispose of property.

88. The State Party wishes to inform the committee that through the Ministry of Health it has undertaken sensitisation campaigns and Community outreach programs of various aspects of reproductive health through different media. The State Party has also put in place deliberate measures to encourage male involvement in reproductive health issues especially care giving. Section 22 of the Gender Equity and Equality Act provides that a woman has on an equal basis with a man on the power to decide and act on matters relating to family life.

89. The State Party implemented the National Strategy on Ending Child Marriage (2016–2021) and its Action Plan to accelerate efforts to end child marriage by 2030, providing an operational framework aligned with national and global priorities. Supporting this, the 2018–2021 Advocacy and Communication Strategy focused on Child Protection, Education, Sexual Reproductive Health, Cultural Practices and Poverty, aiming to improve knowledge, shift attitudes, empower communities, build local capacity and engage the media in advocacy. Building on these measures, the State Party enacted the Children’s Code Act No. 12 of 2022, which prohibits child marriage.

90. The State Party wishes to state that it has been working with various stake holders in conducting sensitisation programmes targeting customary court justices. Further, the sensitisation programmes were aimed at promoting the rights of women and girls about the convention to promote the rights of women and girls and as well as development of a manual on training of local court adjudicators and traditional leaders. In addition, Section 10 of the Local Court Act, CAP 29 of the Laws of Zambia provides that in the administration of customary law, the local court magistrates are mandated to only consider customs that are not repugnant to natural justice.

91. The State Party wishes to inform the committee that the Gender Equity and Equality Act, No. 22 of 2015 and the Anti-GBV Act No. 1 of 2011 prohibits harmful traditional practices. A person who commits a harmful practice is liable upon conviction to a fine not exceeding 3000 penalty units or to a term of imprisonment for a period not exceeding 5 years, or to both.

Optional Protocol

92. The State Party takes note of the Committee’s observation on the need to accelerate its efforts towards its ratification.

Article 20 paragraph 1

93. The State Party takes note of the concerns of the Committee.

Beijing Declaration and Platform of Action

94. The State Party takes note of the concerns of the Committee and would like to submit that the contents of this report embrace the Beijing Declaration and Platform of Action.

Millennium Development Goals (MDGs)

95. The State Party takes note of the Committee’s observations.

Dissemination

96. The State Party wishes to inform the committee that the Gender Equity and Equality Act No. 22 of 2015 has widely been disseminated to all relevant stakeholders including women, politicians, parliamentarians, and human rights organisations. Further, the State Party shall continue to disseminate the contents of the Beijing Declaration and Platform for Action and the outcome of the Twenty Third Special Session of the United Nations General Assembly in collaboration with Civil Societies to conduct community engagements.

Ratification of other treaties

97. The State Party is pleased to inform the committee that it has so far ratified the International Convention for the Protection of all persons from enforced disappearance (4th April 2011), and it has also signed the Optional Protocol to the Convention Against Torture and all other cruel, inhuman, and degrading punishment (27th September 2011).

The State Party notes the need to ratify the remaining major international human rights instruments considering requirements under domestic legislation.

Follow up to concluding observations

98. The State Party is pleased to submit this report which provides updated information on the concerns presented by the committee on the concluding observation in 2011.

Technical assistance

99. The State Party welcomes the proposal for technical assistance and shall continue to collaborate with the UN System and other cooperating partners.

Preparation of the next report

100. The State Party wishes to inform the Committee that women's organisations, CSOs, Line Ministries, human rights organizations and academia have been involved in the drafting of this report.

101. The State Party takes note of the Committee's observation.

II. Implementation of the Convention

Article 1

Definition of discrimination against women

Legislative measures

102. The Committee may wish to note that the State Party has comprehensively provided for the definition of discrimination in the national laws. For instance, the Constitution of Zambia Amendment Act No 2 of 2016 and the Gender Equity and Equality Act No. 22 of 2015 defines "discrimination" as follows:

The constitution of Zambia amendment Act No. 2 of 2016

103. Article 266 of the Constitution defines “discrimination” to mean directly or indirectly treating a person differently on the basis of that person’s birth, race, sex, origin, colour, age, disability, religion, conscience, belief, culture, language, tribe, pregnancy, health, or marital, ethnic, social or economic status. Further, Article 8 Part (II) of the Constitution provides for national values and principles which include non-discrimination.

The gender equity and equality Act No. 22 of 2015

104. Section 2 defines discrimination as a distinction, exclusion or restriction made on the basis of sex or any other ground which has the effect or purpose of impairing or nullifying the dignity of a person or the recognition, enjoyment or exercise by a person of that person’s rights and freedoms as specified in the Constitution or any other law.

Judicial measures

105. There are no Judicial measures to report.

Administrative measures

106. There are no administrative measures to report.

Factors and difficulties

107. There are no factors and difficulties faced by the State Party in the implementation of the term “discrimination against women” as provided in the Convention.

Article 2**Obligation to eliminate discrimination against women****Legislative measures**

108. The State Party wishes to report that its Constitution guarantees equality between men and women as it recognises that every person in Zambia is entitled to all fundamental rights and freedoms as contained in Part III of the Constitution. Article 8 Part II of the Constitution provides for National Values and Principles which include non-discrimination.

109. The Gender Equity and Equality Act No. 22 of 2015 has been enacted to promote gender equity and equality in both public and private spheres.

110. The State Party wishes to report that it has enacted the Children’s Code Act No. 12 of 2022, which prohibits child marriage. In this regard no child under the age of 18 years can be married off.

111. The State Party wishes to report that Article 127 of the Constitution has established the constitutional court, which is mandated to, inter alia, hear matters relating to the violation of human rights including women’s rights.

112. The State Party wishes to inform the Committee that it has enacted legislation to prohibit discrimination of women and provides for sanctions. Specifically, the Anti-Gender Based Violence Act No. 1 of 2011 provides for, among other things, the protection of victims against Gender Based Violence. The Act is to be read in line with the Penal Code Chapter 87 of the Laws of Zambia which provides for criminal sanctions.

113. Additionally, the State Party has strengthened the Human Rights Commission under Article 230 of the Constitution. The function of the Commission has been enhanced to include the following:

- (a) Ensure that the bill of rights is upheld and protected;
- (b) Take necessary steps to secure appropriate redress where rights are violated;
- (c) Endeavour to resolve disputes through mediation, negotiation and reconciliation; and
- (d) Investigate and report on the observance of fundamental rights.

114. To further protect women, the Office of the Public Protector has been established under Article 244 of the Constitution whose mandate is to ensure that public bodies treat citizens equally.

115. The State Party has commenced law reform process to amend the Penal Code to provide for offences not already existing in the laws. The draft piece of legislation has been reviewed and validated to include the offences provided for in the Anti Gender Based Violence Act No. 1 of 2011 and other pieces of legislation. The process will include the harmonisation of the Anti-Gender Based Violence Act No. 1 of 2011 and other related legislation with the Penal Code.

Judicial measures

116. The State Party has established Gender Based Violence Fast Track Courts to provide for quick disposal of cases and protection of victims. In this regard, 10 (Ten) fast tracks courts have been established in ten provincial capitals. In places where such courts have not been established, the Judiciary has put in place deliberate measures to prioritise and expedite the hearing of GBV cases by the creation of the specific GBV cause list and register and appointing specific magistrates to preside over GBV cases. Further, in places where subordinate courts do not exist, the magistrates conduct circuit courts.

Administrative measures

117. In order to restrain the practice of discrimination against women, the State Party has established the following institutions and authorities:

- (a) Office of the Public Protector;
- (b) Human Rights Commission;
- (c) National Prosecution Authority;
- (d) Children's Court Division of the High Court; and
- (e) The Family Division Court of the High Court.

118. Further, a Gender-Based Crime Department has been created under the National Prosecution Authority (NPA) to provide for specialised victim centred prosecution of GBV cases.

Factors and difficulties

119. Despite having a wider definition of discrimination in the Constitution, Article 23(4) has still been retained under the bill of rights which requires referendum for its amendment, however, the referendum held in 2016 failed to meet the minimum threshold for it to pass.

Article 3

Development and advancement of women

120. The State Party wishes to submit that it is fully committed to improve the development and advancement of women in the political, social, economic and cultural fields.

Legislative measures

Political

121. Article 69 (1), of the Constitution provides that the President may nominate a member of parliament, where the President considers it necessary to enhance the representation of special interests, skills or gender in the National Assembly.

Social and economic

122. Further, Section 27(1) of the Gender Equity and Equality Act states that there shall be no discrimination against women in economic and social life. In addition, Section 27(2) provides that, the Minister, in consultation with the Ministers responsible for finance and commerce shall take appropriate measures in the social, economic field, especially in the access to and control of resources by women, to ensure the full development and advancement of women on an equal basis with men.

123. Section 23(1) of the Gender Equity and Equality Act states that the Minister responsible for gender shall in consultation with the Ministers responsible for finance and commerce develop policies and cause to be enacted laws that ensure equal access, benefits and opportunities for both sexes in trade and entrepreneurship, considering especially the contribution of women in the formal and informal sectors.

Cultural

124. Section 28 of the Gender Equity and Equality Act provides for the elimination of adverse social and cultural practices and conduct. Further, a person who contravenes the provisions of the section commits an offence and is liable upon conviction to 3000 penalty units or to a term of imprisonment not exceeding 5 years or to both.

Judicial measures

125. There are no Judicial Measures to report.

Administrative measures

Political

126. The State Party wishes to report that it appointed the first female Speaker of the National Assembly in 2021. Additionally, the country has had important governance institutions such as Judiciary, National Prosecution Authority, Human Rights Commission, Zambia Police Service, Anti-Corruption Commission and Financial Intelligence Centre being headed by women.

127. In 2014, the State Party in collaboration with Civil Society Organizations dealing with issues of gender and women development launched the Count-Her-In Campaign which was a multi-sectoral campaign aimed at mobilizing women and resources for the 2016 tripartite elections. Further in the 2021 general elections major political parties adopted female candidates as running mates for presidential candidates. A major outcome of the 2021 elections was the election of a second female vice president for the Republic.

Social and economic

128. The State Party wishes to submit that it is committed to reducing poverty and vulnerability among its population, especially women. The State Party in 2014 developed the National Social Protection Policy aimed at providing a comprehensive and integrated institutional framework for social protection.

129. The State Party has continued to increase allocations to the social sectors in order to safeguard the lives and livelihoods of especially the most vulnerable citizens. Of the total National Budget, the allocation to the social sector had increased to 30.5% in 2023 from 23.5% in 2022. This has led to the scaling up of implementation of programmes such as the Social Cash Transfer and Public Welfare Assistance Scheme (PWAS) where the majority of the beneficiaries are women and girls.

130. Food Security Pack (FSP) is a national safety net programme that promotes the provision of farming inputs to low-capacity households in Zambia. In the 2022/2023 farming season, 242,000 households benefited of which 63 percent were females and 37 percent were male.

131. The State Party has increased the Constituency Development Fund (CDF) from 25.7 Million Kwacha in 2022 to 28.3 Million Kwacha per constituency in 2023, with the provision of 40 percent allocation to women and youth empowerment. This increment in the fund is meant to empower women at community level and to take-up ownership of developing their communities.

132. The State party wishes to report that under Citizens Economic Empowerment Commission (CEEC) a 40 percent target towards women has been set in terms of social distribution for females aged 35 years and above to access finance through empowerment initiatives and programmes. Further 40 percent of empowerment resources were given to youths (females and males between the ages of 18 to 35) with an additional 5 percent for persons with disabilities.

133. The Cashew Infrastructure Development Project (CIDP) aims at reviving the cashew subsector and is one of the priority projects. The CIDP objective is to contribute to poverty reduction, improved household incomes through enhanced cashew production and processing. The project targeted 60,000 small holder farmers of which 39% women have benefited to date.

134. The State Party revised the National Lands Policy in 2019 to promote equitable access to land on both statutory and customary land. The Policy has provided for allocation of 50 percent of available land for alienation to women and by December 2023, 34 percent was given.

Cultural

135. The State Party is working in collaboration with Traditional leaders, Faith Based Organisations (FBOs), Community Based Organisations (CBOs) and Non-Governmental Organisations (NGOs) to eliminate harmful practices. This has led to traditional leaders becoming champions of change with several chiefdoms amending their by-laws to abolish harmful traditional practices.

Factors and difficulties

136. The State Party wishes to report that it continues to face a number of challenges in accelerating the advancement of women. These include the following:

- (a) The recent constitutional education requirement for political positions has negatively affected women's participation due to high female illiteracy levels;

(b) Article 69(1) allows the President to nominate MPs to enhance representation of special interests, skills, or gender, but does not mandate a 50 percent women threshold;

(c) Low participation of women in key decision-making positions;

(d) Absence of a quota system to increase women's representation in decision-making, including within political parties;

(e) Inadequate security of tenure to customary land in rural areas;

(f) Limited entrepreneurial development, innovation, and technological capacity among women; and

(g) Restricted financial inclusion and market access for women.

Article 4

Acceleration of equality between women and men

Legislative measures

137. The State Party provides for non-discrimination under Article 23 of the Constitution and through subsidiary laws such as the Gender Equity and Equality Act No. 22 of 2015, which mandates public and private bodies to promote gender equity and equality, implement special measures to eliminate discrimination, ensure equal representation and participation, and prevent exploitation of both sexes in the labor market.

138. The principles of equality and non-discrimination are further sanctioned in the Employment Code Act No. 3 of 2019, under Section 41(1) which makes provision for maternity leave to a female employee on the production of a medical certificate, entailed to 14 weeks maternity leave. Section 43(a) further states that an employer shall not, as a result of an employee's pregnancy or maternity leave terminate the services of a female employee or impose any other penalty or disadvantage upon such employee within six months after delivery, or adversely change a condition of employment. In addition, Section 31(5)(c) of the Gender Equity and Equality Act No. 22 of 2015 provides for the special protection to women during pregnancy from harmful work.

Judicial measures

139. There are no judicial measures to report.

Administrative measures

140. The State Party wishes to report that it has put in place the following administrative measure:

(a) The 50/50 allocation of land aimed at giving women equal access and control over land;

(b) The allocation of 40 percent of financial resources for the purposes of economic empowerment of women and youth under the citizen's economic empowerment commission programme;

(c) Introduction of Free Education thereby providing increased access to education;

(d) Lower admission points for girls entering tertiary institutions in Science Technology Engineering and Mathematics (STEM);

(e) allocation of 40 percent of Constituency Development Fund to Women and youth Empowerment;

(f) Paying boarding fees, education grants (school requisites) for vulnerable girls (GEWEL Project) to promote universal access to education for girls in schools;

(g) grants to vulnerable women (GEWEL Project) to increase women's access to finance;

(h) The State Party has come up with a deliberate category where beneficiary households with pregnant or breast-feeding women or adolescents and or with children below the age of 2 years are supported with social cash transfer; and

(i) The State Party wishes to report that the social cash transfer programme is based on social assistance in form of cash provided to incapacitated individuals and households in order to reduce extreme poverty. In terms of gender disaggregation, statistics indicate that in 2022, 83.54 percent of the beneficiaries were female while 16.46 percent were male.

Factors and difficulties

141. The State Party has faced the following challenges in the acceleration of equality between women and men:

(a) Negative traditional practices that continue to undermine the equality of women and men. This is in spite of efforts that have been undertaken by the State Party to change mind-sets and stereotyping of women among individuals in Zambia through civic education;

(b) The State Party wishes to inform the committee that 94 percent of land is held under customary law and only 6 percent of it is held under statutory tenure and can be subjected to the 50 percent reserve for women. The land held under customary tenure is transferred mainly through inheritance which is largely patriarchal; and

(c) Insufficient appreciation of gender equality as a developmental issue.

Article 5

Sex roles and stereotypes

Legislative measures

142. The Gender Equity and Equality Act No. 22 of 2015, Section 28(2)(a), mandates Ministries of Community Development, Culture and Traditional Affairs, and relevant public and private bodies to eliminate prejudices and customary practices based on gender inferiority or stereotyped roles, and to ensure family education promotes shared responsibility of men and women in child upbringing, prioritizing the best interests of the child.

143. Section 25(1) and 2(b) of the Gender Equity and Equality Act No. 22 of 2015 mandates the Minister of Education to implement gender-sensitive policies and programs addressing gender stereotypes, gender-based violence, and related issues, and to ensure curricula meet the special needs of female students by including life skills, sex education, menstrual hygiene, and subjects that promote female integration in traditionally male-dominated disciplines.

144. The Children's Code Act No. 12 of 2022 requires all persons with parental responsibilities, whether married or not, to protect and provide for children, prohibits discrimination, and allows guidance in religious, moral, social, cultural, and other values to modify gendered social and cultural patterns. The Penal Code prohibits

harmful cultural practices on children, including sexual cleansing, female genital mutilation, and initiation ceremonies causing injury or disease transmission.

145. Section 18 of the Children's Code Act No. 12 of 2022 prohibits female genital mutilation on a girl child, child marriages, cultural rights, and the religious or traditional practices that are likely to negatively affect the child's life, health, social welfare, dignity and physical or psychological development.

Judicial measures

146. The Supreme Court of Zambia in the landmark case of Abedinegal Kapesh and Best Kanyakula vs the people (2017) held that the belief in witchcraft in Zambia was an affront to the human rights of the elderly and women as they were generally named as witches and killed by their community members. Such killings prior to this judgment were deemed as justified and did not warrant the ultimate sentence but were dealt with in an extenuated manner and deemed as manslaughter. The Court in this instance decried this conduct and held that such killings should not be extenuated but deemed as deliberate and intentional killings. The Supreme Court ruled against the justification of killings based on witchcraft which it deemed as a harmful cultural practice.

147. In its judgment the Court held *inter alia* that:

- It is undeniable that a belief in witchcraft has been deeply entrenched in the Zambian psyche. Perceived witches have in many of our communities been treated with untold mob violence and rough justice. Many of those accused of witchcraft have been ostracized by their families and communities; subjected to life threatening assaults; dehumanised; have had their property destroyed and in extreme cases, brutally murdered. Startling accounts of harassment, persecution, starvation, abandonment and death of people suspected to be witches have also been documented.

148. The Supreme Court went on to hold that: “we would immediately note that social ostracism resulting from accusations of witchcraft also violates the International Covenant on Civil and Political Rights which Zambia has ratified. The covenant protects against “arbitrary or unlawful interference with an individual’s privacy, family, home and correspondence and against unlawful attacks on an individual’s honour and reputation.”

Administrative measures

149. Section 46 of the Employment Code Act provides for a male employee who remains in continuous employment with the same employer for a period of 12 months immediately preceding the beginning of leave under this section is entitled to at least 5 continuous working days paternity leave.

150. The public service conditions of service allow men to take paternity leave upon the birth of a child.

151. Sensitisation of all the 288 traditional leaders to ensure that they recognise and promote respect for human rights as a basis for attaining gender equality. This has led to several traditional leaders becoming champions of change, who have developed chieftdom action plans and by laws. Arising from this, some chieftdoms are promoting gender equality.

Factors and difficulties

152. Although progress has been achieved in addressing stereotyping, the following are some of the factors and difficulties that have continued to be encountered:

- (a) Strongly entrenched cultural beliefs and practices that have a negative effect on the rights of women and girls and hence perpetuate stereotyping;
- (b) High levels of illiteracy among women that inhibit women to claim their rights in full; and
- (c) Limited access to vital information on human rights and gender equality.

Article 6

Prostitution and trafficking in women

Legislative measures

153. The State Party wishes to report that Section 146 of the Penal Code Chapter 87 of the Laws of Zambia has criminalised acts of male persons living on earnings of prostitution or persistently soliciting in public for immoral purposes. Further Section 147 criminalises the act of a woman living on earnings of prostitution of another for the purpose of gain, exercised control, direction or influence over the movements of the prostitute.

154. Further, Section 56(A)(1) of the Immigration and Deportation Act No. 18 of 2010 provides for the payment of the fine for trafficking offences without appearing in court. This is in an effort to strengthen the powers of the immigration officers to deal with such cases in an expeditious manner.

155. The State Party wishes to inform the Committee that, in order to enhance the mandate of the Anti-Human Trafficking Committee whose mandate was only an advisory role, the amended Anti-Human Trafficking Act No. 16 of 2022 provides for the establishment of the Anti-Human Trafficking Department whose mandate is as follows;

- (a) Coordinate activities of all relevant institutions on matters connected with trafficking in persons;
- (b) Establish effective measures for the prevention and eradication of trafficking in persons;
- (c) Investigate, arrest and prosecute cases of trafficking in persons;
- (d) Sensitise and educate the public on dangers of trafficking in persons; and
- (e) Collect and share information related to trafficking in persons.

Judicial measures

156. The State Party wishes to inform the committee that there were 59 reported cases of human trafficking of which 46 were females and 13 were males between 2017–2022. Between 2012–2022 10 traffickers were prosecuted and convicted.

Administrative measures

157. The State Party wishes to report that it has taken the following administrative measures:

- (a) It has maintained the National Committee on Trafficking in Persons. The committee is still active and has representation from key stakeholders which include Government Ministries, Non-Governmental Organizations, Development Partners and Civil Society. This is also provided for in the Amended Anti-Human Trafficking Act No. 16 of 2022;

(b) Developed the National Policy on Human Trafficking and Smuggling of Migrants, which is anchored on the four pillars (4Ps) namely; Prevention, Protection of victims, Prosecution of offenders and Partnerships;

(c) It has broadened the scope of authorised officers dealing with cases of human trafficking to include a police officer, an officer from the Anti-Corruption Commission, an officer from the Drug Enforcement Commission, an Anti-Human Trafficking Officer and an Immigration Officer; and

(d) Is in the process of developing Regulations for the Anti-Human Trafficking Act No. 11 of 2008 which will give guidance on the enforcement of the Act.

158. In 2019 the State Party developed and launched Best Interest Determination Guidelines in its Standard Operating Procedures. The State Party has integrated modules on human trafficking into the training curriculum of law enforcement and immigration officials.

Factors and difficulties

159. The State Party has to some extent porous and unregulated borders that allow persons to be trafficked in, out and through the country.

Article 7

Political and public life

Legislative measures

160. The State Party wishes to inform the Committee that the Constitution Amendment Act No. 2 of 2016 provides for the following:

(a) Article 60(3)(a) states that “A political party shall not be founded on a religious, linguistic, racial, ethnic, tribal, gender, sectoral or provincial basis or engage in propaganda based on any of these factors”. In this regard, all political parties are required to take into account gender equity in holding political office;

(b) Article 82(3) provides for two positions of Deputy Speakers of the National Assembly who are not members of the same political party and not of the same sex. This has provided for equity in the Legislative arm of Government; and

(c) Article 46 of the Constitution provides that a citizen who has attained the age of 18 years is entitled to be registered as a voter and vote in an election by secret ballot.

161. In addition to constitutional provisions, the State Party wishes to inform the committee that, Section 15(1) of the Gender Equity and Equality Act provides that “A person, public body or private body shall not discriminate against anyone on account of sex”.

162. Further, Section 29(1) of the Gender Equity and Equality Act provides for the following; subject to any written law prescribing qualifications, criteria or restrictions which are not discriminatory, a woman has on equal basis with a man, the same right to:

(a) Vote in elections and referenda and to be eligible for election to publicly elected bodies;

(b) Participate in public decision making and formulate and implement Government policies and programmes;

(c) Hold public office and perform public functions at all levels of Government;

(d) Join and participate in the activities of non-governmental organisations and associations; and

(e) Represent the Government at the international level and participate in the work of international organisations.

163. Section 29 (2) of the Gender Equity and Equality Act further states that a public body and private body shall take appropriate measures to eliminate discrimination against women in political and public life.

164. In addition, the State Party wishes to report that women constitute more than 50.5% of the Zambian population, where female voters represented 53.4% of the total number of registered voters in the 2021 general elections. This depicts increased participation in elections.

Judicial measures

165. There are no judicial measures to report.

Administrative measures

166. The State Party has continued to sensitise political parties to encourage women's participation in elective positions.

Factors and difficulties

167. The State Party wishes to report that the high nomination fees, gendered political violence, name calling, misogynistic speeches have hampered women participation. In addition, the misconception that women are not supposed to participate in politics and if they do, they are deemed to have questionable morals.

Article 8

International representation and participation

Legislative measures

168. The State Party wishes to report that Section 29(e) of the Gender Equity and Equality Act provides that a woman has on equal basis with a man, the same right to represent the Government at the international level and participate in the work of international organisations.

Judicial measures

169. There are no judicial measures to report.

Administrative measures

170. The State Party has during the period under review appointed a number of women in international organisations and public institutions in decision-making positions. The current position is that at ambassador level, 23.68 percent of women occupy these positions.

Factors and difficulties

171. Lack of a gender-based quota system in the appointments.

Article 9

Nationality

Legislative measures

172. The State Party wishes to submit that female foreign nationals married to Zambians continue to be accorded equal opportunities regarding acquisition of Zambian citizenship. Further, the State Party wishes to inform the Committee that the State Party, through the Constitution allows its citizens, both women and men, to acquire dual citizenship.

173. Article 39 of the Constitution provides that:

(a) A citizen shall not lose citizenship by acquiring the citizenship of another country; and

(b) A citizen who ceased to be a citizen before the commencement of this Constitution as a result of acquiring the citizenship of another country, shall be entitled to apply, as prescribed, to the Citizenship Board of Zambia, for citizenship and the Citizenship Board of Zambia shall bestow citizenship on that person.

174. Further, the constitutional provisions have been augmented by Section 20(1) of the Gender Equity and Equality Act which accords a woman an equal right with a man to acquire, change or retain her nationality.

Judicial measures

175. In the case of Ms. Edith Nawakwi Vs the Attorney General, Ms. Nawakwi an unmarried mother of two applied to have her children included in her passport. For her first child, the Passport Office required a birth certificate, which could only be obtained by Ms. Nawakwi swearing by affidavit that (1) she was the mother of the child and (2) the child was born out of wedlock. When the passport was then issued, she was required to swear a new affidavit to the same effect. However, the inclusion of her second child was approved immediately because his Tanzanian father had completed the relevant documents abroad. Ms. Nawakwi challenged this practice as discriminatory, because it recognised a foreign father, and not a Zambian mother, as the parent of a child. The High Court found that the mother of a child was not regarded by the Government as equal to the father with respect to the passport application process. Accordingly, the High Court ruled that Ms. Nawakwi had been discriminated against on the grounds of sex. In addition to the foregoing, the High Court also held that (1) a single parent family headed by a male or female is a recognised family unit in the Zambian society (2) a mother of a child does not need the consent of the father to have her children included in her passport or for them to be eligible to obtain passports or travel documents. This decision still remains as good law and has not been overturned.

Administrative measures

176. The Citizenship of Zambia Regulations No. 50 of 2017 of the Laws of Zambia was issued, which among other things provides for acquisition of dual citizenship.

Factors and difficulties

177. Some institutions and individuals have limited knowledge about measures that the State Party has put in place to advance the rights of women especially as they relate to issues of nationality. In addition, they are also not aware of and do not make use of the existing procedures in acquiring a passport.

Article 10

Education

Legislative measures

178. The State Party wishes to inform the committee that the Gender Equity and Equality Act specifically under Section 25 and 26 provides for special measures that promote gender equity and equality in education and provides for measures that target women in rural and peri urban areas. Further, Section 30 of the act provides for the elimination of discrimination in education and vocational guidance, for both public and private bodies.

Judicial measures

179. There are no judicial measures to report.

Administrative measures

180. The State Party wishes to inform the committee that it is implementing a free education policy for primary and secondary school education. This has helped eliminate the barriers to access education which most girls were facing related to economic reasons.

181. The State Party increased access to early childhood education by ensuring it is part of the mainstream education system provided by Government while in the past it was a premise of the private sector. Further, the State Party has constructed model Early Childhood Education (ECE) centres, hired ECE teachers and developed curriculum.

182. The Committee may wish to note that in the provision of education to both males and females the State Party applies the same standards in the curriculum examinations, teaching staff, school premises and equipment of the same quality.

183. The State Party wishes to state that it is implementing the coeducation system which aims at provision of standardised educational curriculum and that the teaching materials have been revised to remove gender stereotypes.

184. The State Party wishes to report that it has established the Higher Education Loans and Scholarships Board (HELSEB) whose aim is to provide grants, scholarships and loans to students in higher education Government institutions.

185. The State Party wishes to inform the committee that it is implementing a number of programmes such as Keeping Girls in School (KGS) where 173,311 girls from poor and vulnerable households from the social cash transfer have been supported through payment of education grant, boarding fees, weekly boarding fees, tuition and examination fees for General Certificate of Education (GCE) and external candidates, provision of sanitary towels and supported over 600 girls with tertiary education.

186. In addition, the State Party has improved the Gender Parity Index (GPI) which is an indicator that shows equity in education access for girls and boys. The gender parity index improved from 0.99 in 2015 to 1.05 in 2024 for primary school, while the gender parity index for secondary school improved from 0.84 in 2015 to 1.09 in 2024.

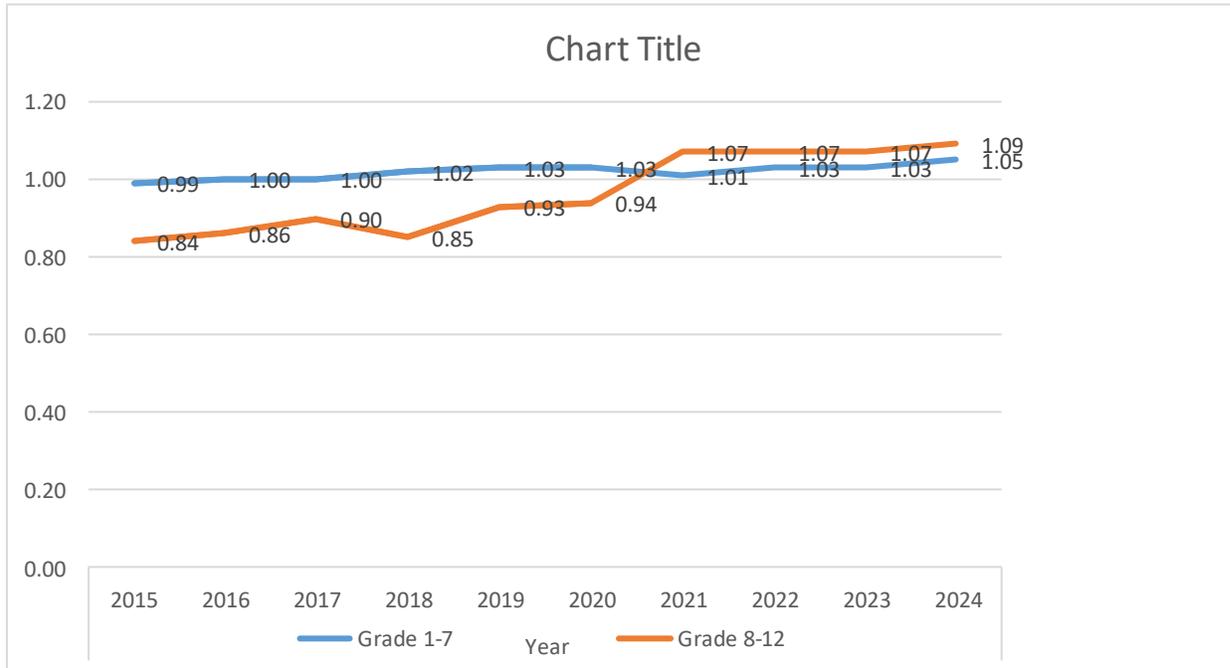


Figure 2: Gender Parity Index for Primary and Secondary School 2015–2024.

187. The State Party has been implementing the re-entry policy since 1997. The policy allows girls that fall pregnant whilst in school to go back to school. The proportion of the girls that go back to school after taking leave due to pregnancies has continued to increase from 7,391 readmissions in 2014 to 16934 readmissions in 2024.

188. The State Party has put in place Menstrual Hygiene Management (MHM) as one of the priorities in promoting girl’s child school attendance. MHM is one of the main strategies for keeping girls in school and increasing the numbers of educated girls and women in the country.

Factors and difficulties

189. The State Party wishes to inform the committee that retention of leaners in schools has been a challenge for Zambia. The dropout rates have reduced but are still a source of concern especially among girls. The Education Statistical Bulletin 2020 indicates that the dropout rates at both primary and secondary level have fluctuated between 1.7 and 2.0, 1.5 and 1.8 percent respectively.

190. The State Party wishes to report that despite the progressive measures put in place as highlighted above, there are still some impediments which have negatively affected the attainment of education for girls. These include;

- (a) Boarding fees, expenses related with school requisites, lack of menstrual hygiene kits and transport to and from school;
- (b) High poverty levels especially in female headed households;
- (c) High dropout rates among the girls leading to high levels of illiteracy; and
- (d) Introduction of the free education Policy has created a high demand for menstrual hygiene services and facilities. Poor sanitary conditions in most schools in Zambia, many girls tend to be absent whenever they are menstruating;
- (e) Long walking distance to school.

Article 11

Employment

Legislative measures

191. The State Party wishes to report that the republican Constitution contains national values and principles which include non-discrimination and equality. Further Section 31 of the Gender Equity and Equality Act largely adopts the provisions of Article 11 of the Convention and provides measures to eliminate discrimination against women in the field of employment in order to ensure on the basis of equality with men, the same rights.

192. The Employment Code Act No. 3 of 2019 provides for non-discrimination of employment. According to the law, the employer shall promote equal opportunity in employment and eliminate discrimination in an undertaking. Further, the Act provides for special protection of mothers including paid maternity leave and protection of work due to maternity.

193. The Occupational Safety and Health Act of 2010 provides for the establishment of the Occupational Health and Safety Institute tasked with the mandate of establishing health and safety committees at workplaces as well as addresses the safety of the working environment.

194. The State Party has also made amendments to the Statutory Instruments numbers; 45 of 2012 for Domestic Workers, 46 of 2012 for General Workers and 47 of 2012 for Shop Workers, where minimum wage provisions were revised to cover vulnerable groups of employees, both women and men, who are not represented by unions.

195. The National Pension Scheme Amendments Act No. 20 of 2022 seeks the closure of the Zambia National Provident Fund (ZNPf) member accounts, revise the penalty rate and provide for a penalty waver.

Judicial measures

196. There are no judicial measures to report.

Administrative measures

197. The State Party has put in place the following benefits:

(a) Statutory Instruments numbers; 45 of 2012 for Domestic Workers, 46 of 2012 for General Workers and 47 of 2012 for Shop Workers, where minimum wage provisions were revised in 2018 to cover vulnerable groups of employees, both women and men, who are not represented by unions. Further, the State has issued new SIs 48 (General), 49 (Domestic Workers) and 50 (Shop Workers) of 2023 to revise the minimum wages and conditions of Employment effective 1st January 2024;

(b) SI No. 72 of 2019 for National Pension Scheme (Informal Sector) (Membership and Benefits) Regulation 2019 where Section 9 indicates the benefits to be paid in the case of Retirement, Early retirement, Invalidity, Survivors benefits and Maternity and Family Funeral;

(c) The right to health and safety covered under the National Health Insurance Act No. 2 of 2018;

(d) Instrument No. 13 of 2021 (The Workers Compensation) (Domestic Workers) Regulations 2021. The Statutory Instrument is intended for employers to pay an assessment (contribution) for a domestic Worker for cover against work injury, and disease suffered in line of duty;

(e) Government through the Green Jobs Project is working in collaboration with NAPSA and Workers Compensation on the extension of coverage to the informal sector on the Copperbelt Province; and

(f) Provision of a self-registration service under the National Health Insurance Management Authority (NHIMA) for the informal sector of the economy.

Article 12

Health

198. The State Party wishes to report that appropriate measures have been undertaken as follows;

Legislative measures

199. Section 32 (2) of the Gender Equity and Equality Act provides that a woman has the right to appropriate services in connection with pregnancy, confinement and postnatal care including adequate nutrition during pregnancy and lactation.

200. In addition, the State Party has enacted the National Health Insurance Act No 2 of 2018 which provides for additional financing for the national health system to provide universal access to quality insured health services, and establish the National Health Insurance fund and provide contributions to and payments from the fund.

Judicial measures

201. There are no judicial measures to report.

Administrative measures

202. The State Party has put in place policies to guide operations in the health sector as follows:

(a) Launched the National Health Strategic Plan (2022–2026) whose main objective is towards attainment of quality universal health coverage through decentralisation;

(b) Appointed the National Health Insurance Management Authority Board to oversee the governance of the National Health Insurance Management Authority;

(c) There has been an increase in the budgetary allocation from the health sector for Reproductive, Maternal, New-born, Child and Adolescent Health and Nutrition (RMNCAN) which stands at 10.8 percent of the total health budget;

(d) Increased training and recruitment of midwives in an effort to increase the portion of skilled birth personnel from 69 percent in 2021 to 80 percent by 2026;

(e) Scaling up the construction of a maternity annex in all health facilities in the country to manage complicated pregnancies;

(f) Enhanced Health Management Information System (HMIS) to include indicators for monitoring RMNCAN and GBV programmes; and

(g) The Reproductive Health Commodity Security Strategy which ensures proper forecasting and quantification of contraceptives.

203. The State Party has further put in place major framework documents which include the Family Planning Implementation Plan 2022–2024 developed to implement strategies to increase family planning service providers in long-acting reversible contraceptives and family planning service providers in the community.

Efforts to reduce the incidents of maternal mortality and to increase women access to health care facilities and medical assistance include the following:

(a) Developed the RMNCAHN Roadmap 2022–2026 and the RMNCAHN Investment Case 2022–2024;

(b) Introduction of direct entry midwifery training programme to increase the number of midwives. Further, the State Party has increased the number of training facilities aimed at training more health workers including obstetricians and midwives;

(c) Establishment of the University Teaching and Kabwe Women and Newborn Hospitals for offering specialised maternal health services;

(d) The State Party as of 2022 has 3048 functional facilities which include Health Posts (1419), Rural Health Centres (1182), Urban Health Centers (300) First Level Hospitals (99), Second Level Hospitals (30), Third Level Hospitals (12), and Specialised Hospitals (4) Radiology Centers (2);

(e) The State Party is in a process of establishing a Women and Children Hospital in Lusaka whose main objective is to provide specialised care with 800 bed capacity;

(f) Construction of maternal wards country wide to increase maternal health services;

(g) During the period under review the State Party upgraded 31 health facilities to first level hospitals across the country to provide specialised care such as theatre, maternal and out-patient services; and

(h) Mothers Shelters are continuously under construction through various programmes so as to improve access to health care. This is done through donors, constituency development fund and overly within the Private Public Partnerships framework.

204. In order to provide access to quality services and for the management of complications arising from unsafe abortions, the State Party has done the following;

(a) Developed standards and guidelines for comprehensive abortion care to ensure that women prevent unwanted pregnancies and those with unwanted/unintended/risky pregnancies get appropriate services to prevent the occurrence of unsafe abortion and associated morbidity and mortality;

(b) Increased access to family planning services to reduce the unmet need and unwanted pregnancies. As of 2018, the proportion of women of reproductive age who had their need for family planning satisfied with modern methods stood at 68.5 percent; and

(c) Reproductive health communication strategy has been developed to ensure effective communication of reproductive health messages, including family planning messages.

205. The State Party has further scaled up the training in Basic Emergency Obstetric and Maternal Care (BEmONC), Emergency Obstetric and Neonatal (EmONC) and Comprehensive Emergency Obstetric and Neonatal (CEmONC) to all the districts throughout the country.

206. Rolled out Life Skills and Health Education (formerly Comprehensive Sexuality Education) including training in schools and training institutions country wide;

Article 13

Social security and economic benefits

207. The State Party wishes to inform the committee that the current legal framework provided in the republican constitution under articles 187–188 on the right to pension do not discriminate and applies equally to both male and female. Similarly, the National Pensions Scheme Amendment Act No. 1 of 2023, National Health Insurance Act No. 2 of 2018, Local Authorities Superannuation Fund Act No. 52 of 1970 and Public Service Pension Fund Act No. 35 of 1996 provides for the benefits for the members and the survivor in the case of death of a principal member in a non-discriminatory manner.

Legislative measures

208. The State Party report that the following legislative measures have been put in place.

The right to family benefits

209. The State Party wishes to report that Part III of the Constitution (Bill of Rights) guarantees fundamental rights and freedoms of everyone including the right to protection of accrued pension benefit, right to social protection and compensation. The Gender Equity and Equality Act Section 31 (1)(2) of the Gender Equity and Equality Act No. 22 of 2015 provides that an employer shall not discriminate against an employee in remuneration benefits, retirement and social security.

Intestate succession Act

210. Section 5 of the Intestate Succession Act, Chapter 59 (a), regulates the distribution of property to beneficiaries where a person dies intestate: It provides:

211. Twenty percent of the estate shall devolve upon the surviving spouse; except that where more than one widow survives the intestate, twenty percent of the estate shall be distributed among them proportional to the duration of their respective marriages to the deceased, and other factors such as the widow's contribution to the deceased's property may be taken into account when justice so requires;

Wills and administration of Testate Estate Act

212. The Wills and Administration of Testate Estate Act, Chapter 60 regulates the administration of Wills and their enforcement. The State Party further wishes to inform the Committee that the Office of the Administrator General and Official Receiver safeguard the interests of the beneficiaries and guards against any interference with the intestate's assets.

Workers compensation Act

213. Section 41 of the Workers Compensation Act, Chapter 271 provides for workers right to compensation as follows:

(a) "If an accident to a worker arising out of and in the course of his employment happens after the date of commencement and results in such workers disablement or death, he, or if he dies, his dependents, shall become entitled to compensation in accordance with the provisions of this Act". Section 2 of the Act does not limit the compensation to one accident. The application of the Act applies to both men and women and does not discriminate against women.

National pensions amendment Act;

214. The State Party wishes to inform the Committee that it has through Amendment Act No. 1 of 2023 provided for the partial withdraw of pension to provide for financial relief for individuals facing financial economic hardships as a safety net to help them meet their immediate financial obligations. This move has also provided sustainable benefits to the women in need with 64,898 females benefiting as at November, 2023.

(a) The right to bank loans, mortgages and other forms of financial credit; the State Party wishes to report that it has no law that hinders women from obtaining bank loans, mortgages and other forms of financial credit; and

(b) The right to participate in recreational activities, sports and all aspects of cultural life.

215. The State Party wishes to report that it has no law that hinders women from participating in recreational activities and all aspects of cultural life.

Judicial measures

216. In the case of NAPSA vs Phillip Stuart Wood (2018) App-203-2015, the Court held, inter alia, that Section 21 of the National Pensions Scheme Act No. 40 of 1996, Chapter 256 of the Laws of Zambia makes provision for a payment of a lumpsum to those persons who have reached retirement age but do not qualify under Section 18 in terms of contributions. This holding applies to both male and female as long as they are within the retirement age.

Administrative measures

217. There is no administrative measure to report.

Article 14

Special programme for rural women

Legislative measures

218. The State Party wishes to report that it has provided under the Gender Equity and Equality Act special gender equity and equality measures, for women in rural areas and peri urban areas under Section 26 of the Act.

Judicial measures

219. There are no Judicial measures to report.

Administrative measures

220. The State Party has increased allocations to the Constituency Development Fund (CDF) from k1,600,000 in 2021 to K31, 600,000 in 2025. Of the total CDF allocation, 10 percent is allocated towards economic empowerment of women through cooperatives, associations and clubs.

221. The State Party has established community structures such as Community Welfare Assistance Committees (CWACs) and Neighbourhood Health Committees to provide platforms for women in rural areas to participate in development planning. These structures feed into Ward Development Committees, which in turn feed into the district planning process. There are 8,775 CWACs countrywide, playing a key role in mobilising different categories of people to facilitate community participation in development activities.

222. The State Party developed and operationalised the National Health Strategic Plan (2022–2026) whose strategic focus is to ensure delivery of safe, quality, efficient, and effective health services across the country, considering equity of access, cost effectiveness, human rights, gender and social economic conditions. Further, the strategic plan aims to increase the proportion of women of reproduction age accessing family planning services.

223. The State Party continues to support poor and vulnerable women through the social assistance schemes such as the Social Cash Transfer (SCT) to promote and protect their wellbeing. SCT has different categories of beneficiaries which include female headed households. In 2021, 573,086 female headed households benefited out of the total of 973,332 beneficiary households representing 58 percent. In 2022, a total of 646,882 female headed households benefited out the total of 1,097,657 beneficiary households translated into 59 percent.

224. Other categories of the SCT programme include child headed households, the chronically ill, persons with disabilities and the aged. These other categories also include women.

225. The State Party is implementing the GEWEL Project, which has empowered nearly 117,000 rural women with skills, capital, and support to improve livelihoods. Since 2016, it has boosted incomes, savings, and assets, and is now focusing on market linkages, value chains, financial inclusion, nutrition, and expanded opportunities. In order to widen the mandate and strengthen the functioning of the Cooperatives, the State Party has realigned the department of Cooperatives from the Ministry of Agriculture to the Ministry of Small and Medium Enterprise Development.

226. In addition, the State Party is implementing livelihood and empowerment programs which include the following:

- (a) Community Self-help Initiatives;
- (b) Women Village Banking; and
- (c) Non-formal and Skills Development.

227. Women are involved in community activities through participation in various committees of which some are as listed below:

- (a) Community Welfare Assistance Committees (CWACs);
- (b) Neighbourhood Health Committee;
- (c) Water, Sanitation and Health Education (WASHE);
- (d) Ward Development Committees;
- (e) Safe Motherhood Action Groups (SMAGs);
- (f) Community Child Protection Committees; and
- (g) The area food security committees.

228. The State Party is implementing the Comprehensive Agriculture Transformation Support Programme (CATSP) to advance its agriculture policy, targeting small-scale farmers and vulnerable women with subsidised fertiliser and seed. Through the Food Security Programme (FSP), female-headed households are further supported with farming inputs, poultry, and livestock to improve productivity and food security.

229. The State Party is implementing the Comprehensive Agriculture Transformation Support Programme (CATSP) to advance its agriculture policy, targeting small-scale farmers and vulnerable women with subsidised inputs such as fertiliser and seed. In addition, through the Food Security Programme (FSP), female-headed households

receive farming inputs, poultry, and livestock to strengthen productivity and food security.

230. The State Party further wishes to inform the committee that during the period 2015 to 2020 it implemented the Agricultural Development through Value Chain Enhancement (ADVANCE) Project across all the 288 chiefdoms. Cooperatives comprising of at least 70 percent women and 30 percent men benefited from the distribution of various agricultural equipment in order to promote mechanised farming.

231. The State Party has revamped the resettlement scheme and each province has land reserved for resettlement. The Scheme has included both women and men in land allocation.

232. In order to improve living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communication, the following measures have been put in place:

(a) Rural Electrification Authority (REA) to provide electricity in rural areas;

(b) Implementing the Water and Sanitation component of the Water, Sanitation, and Health Education (WASHE) Programme and Rural Water Supply and Sanitation Programme; and

(c) Constructed roads across the country under the link Zambia 8000 project, the project constructed 2290 kilometres of roads in the first phase, while in the second phase it increased to 3,049 kilometres and upgraded 2862 kilometres of road network in the third phase. The project signals the beginning of the revolution to modernise Zambia and convert it into a complete land linked country. The Construction will further enhance rural women's participation in the economic activities in the country. In addition, telecommunication coverage has been extended to cover most of the rural areas.

Article 15

Equality before the law and in civil matters

233. The State Party wishes to report that there are no legal restrictions on women's ability to enter into contracts. Consequently, they have access to credit facilities and have the right to freely administer their property as previously reported.

Legislative measure

234. The Constitution under Article 8 provides for the National Values and Principles which include human dignity, equity, social justice, equality and non-discrimination before the law.

235. There is no provision in the laws of Zambia that prohibits or restricts women's rights to conclude contracts and administer property. Women are treated equally in all stages of procedure in courts and tribunals.

236. Further, Article 28 of the Constitution grants any person the right to seek legal redress before any judge of the High Court for any violation of the person of their rights.

237. Article 18 of the Constitution entitles any person who is charged with a criminal offence, to be accorded a fair hearing within reasonable time by an independent and impartial court established by law.

238. Section 14 of the Gender Equity and Equality Act provides for the achievement of gender equity and equality and equal enjoyment of the rights before the law for both sexes. It also provides for the legal capacity to conclude contracts and other legal instruments, acquire, interest and administer property and choose residence and domicile.

239. Article 22 of the Constitution provides that every person in Zambia has the right to move freely throughout Zambia; reside in any part of Zambia; and leave Zambia and return to Zambia, except where that person has been lawfully detained.

240. The Anti Gender Based Violence Act provides redress for women and girls in civil matters by providing for free filling of protection and Occupation Orders in the Anti GBV Fast Track Courts. Further, the issuance of the orders by the courts are bound by timelines which ensure expeditious disposal of cases.

Judicial measures

241. There are no judicial measures to report on.

Administrative measures

242. The State Party has put in place the Legal Aid Board whose objective is to provide for the granting of legal aid to persons in civil and criminal cases whose means are insufficient to enable them to pay for legal services. Under the powers of the National Legal Aid Board to supervise legal aid clinics, the National Legal Aid Clinic for Women provides legal services in civil matters.

Factors and difficulties

243. The State Party wishes to report that Article 23(4) of the Constitution allows the application of customary law.

Article 16

Equality in marriage and family law

244. The State Party wishes to reiterate that family relations are governed by dual legal system statutory and customary laws. Article 1(1) of the Constitution provides that any other written law, customary law and practice that is inconsistent with its provisions is void to the extent of the inconsistency. The family is considered as the basic fundamental unit of society and as such, is entitled to protection by the State.

Legislative measures

245. The State Party is wishes to inform the Committee that the Gender Equity and Equality Act substantially domesticates the provisions of Article 16 of the Convention in the above Act. To this end, Section 22 of the Act provides as hereunder: Section 22(1) A woman has on an equal basis with a man, power to decide and act on all matters relating to marriage and family life, including the same right –

- (a) To freely choose a spouse;
- (b) To enter into or leave a marriage;
- (c) To decide freely and responsibly on the spacing and number of children and to have access to information, education and means to exercise these rights;
- (d) As a parent, irrespective of her marital status, in matters relating to children;

- (e) To guardianship, stewardship, trusteeship and adoption of children;
- (f) With her spouse, to choose a family name;
- (g) Choose a profession or an occupation; and
- (h) To own, acquire, manage, administer, enjoy and dispose of property.

246. Further, in Paragraph (d) and (e) of the Subsection (1) the best interest of the child shall be the paramount consideration in matters provided for herein.

247. The Committee may wish to note that the Marriage Act Cap 50 of the laws of Zambia provides a minimum contractual age of marriage of 21. The Children's Code Act, No. 12 of 2022 prohibits the marrying off a child under the age of 18 years. It provides a penal sanction of up to 10 years' imprisonment for a person who contravenes this section.

Judicial measures

248. The State Party wishes to report that it has established the Family and Children's Division whose function is to offer to public suitable and expedient justice in family and children's matters. The Division exercises jurisdiction in all family and children's matters exercisable by the High Court.

Administrative measures

249. The State Party has implemented the National Strategy on Ending Child Marriage 2016–2021 and its action plan aimed at accelerating national efforts to end child marriage.

Factors and difficulties

250. Despite the measures that the State Party has implemented, there are still challenges in implementing Article 16 such as:

- (a) The Children's Code Act is still a new law and there has been minimal sensitization on its provisions prohibiting marriage for persons below the age of 18 years;
- (b) Lack of harmonisation between statutory and customary law as the latter allows entry into marriage upon attainment of puberty on the basis of parental consent which violates the girl's rights;
- (c) Article 23(4) of the Constitution still allows for discrimination in marriages because issues of divorce and devolution of property on death or other matters of personal law are still amenable to customary law which may be discriminatory to women; and
- (d) Inconsistency between statutory and customary law in relation to the minimum age of marriage (21 years) as the latter allows entry into marriage upon attainment of puberty on the basis of parental consent which violates the girl's rights.

References

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- Adolescent Health Strategic Plan 2016–2020
- Adolescent Health Strategic Plan 2022–2026
- Anti-Gender Based violence act No. 1 of 2011
- Anti-Human Trafficking Act No. 16 of 2022
- Children’s Code Act No. 12 of 2022
- Citizenship of Zambia Regulations No. 50 of 2017
- Cyber Security and Cyber Crimes Act
- Education Act No. 23 of 2011
- Education for All Policy 2022
- Educational Statistical Bulletin 2020
- Eighth National Development Plan (8NDP)
- Employment Code Act No. 3 of 2019
- Gender Equity and Equality Act No. 22 of 2015
- Immigration and Deportation Act No. 18 of 2010
- Industrial and Labour Relations Act
- Intestate Succession Act
- Legal Aid Act No. 1 of 2021
- Legal Aid Policy 2018
- Local Authorities Superannuation Fund Act No. 52 of 1970
- Local Court Act
- Marriage Act Cap 50
- National Health Insurance Act No. 2 of 2018
- National Health Policy
- National HIV and AIDS Strategic Framework (NASF) 2023–2027
- National HIV/AIDS Policy
- National Lands Policy 2019
- National Pensions Scheme Amendments No. 20 of 2022
- National strategy on ending child marriage 2016–2021
- Occupational Safety and Health Act of 2010
- Penal Code (Amendment) Act No. 15 of 2005
- Persons with Disability Act No. 6 of 2012
- Public Service Pension Fund Act No. 35 of 1996
- Republican Constitution Amendment No. 2 of 2016
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- Statutory Instrument No. 48 General of 2018
 - Statutory Instrument No. 49 of 2023 (Domestic Workers)
 - Statutory Instrument No. 69 of 2018 (Domestic Workers)
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 - Statutory Instrument No. 71 of 2018 (Minimum Wages and Conditions of Employment)
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 - Termination of Pregnancy Act No. 13 of 1994 (Amendment)
 - The Zambia National Health Strategic Plan 2017–2021
 - The Zambia National Health Strategic Plan 2022–2026
 - Zambia Demographic Health Survey (ZDHS) 2007
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