



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

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**Committee on the Elimination of Discrimination
against Women**
Forty-ninth session

Summary record of the 981st meeting

Held at Headquarters, New York, on Wednesday, 13 July 2011, at 3 p.m.

Chair: Ms. Pimentel

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined fifth and sixth periodic report of Zambia (continued) (CEDAW/C/ZMB/5-6; CEDAW/C/ZMB/Q/5-6 and Add.1)

1. *At the invitation of the Chair, the members of the delegation of Zambia took places at the Committee table.*

2. **The Chair** invited delegation members to resume their replies to questions put at the previous meeting.

Articles 3 to 6 (continued)

3. **Ms. Oteng** (Zambia), returning to the issue of her Government's will to implement the Convention, said that in response to popular demand for a review of the Constitution, it had established the National Constitutional Conference composed of 500 delegates from various sectors of society, one third of whom had been women. The Conference had divided its work among various committees, including a human rights committee to which the Government had assigned experts to advise on the interpretation of the various human rights treaties. A Draft Constitution had been adopted in plenary meeting after deliberation and was final and binding on the State. The portion of the draft Constitution submitted to Parliament had been rejected. The other portion would be put to the people in a referendum. The number of questions on the referendum ballot would be decided by experts at a later date.

4. **Ms. Maimbo** (Zambia), responding to the question of how illiterate voters could be made aware of the issues in the referendum, said that the State-funded Electoral Commission of Zambia was mandated to educate the public on election issues and would perform the same function in the referendum. Working closely with non-governmental organizations (NGOs), the Commission used visual drama, easily read fliers and other mass communication tools to target the illiterate and the literate public. For the upcoming referendum, it would be especially important to reach both audiences, since the issues were very complex.

Articles 7 to 9

5. **Ms. Ameline** said that it was clear from the delegation's comments that Zambian women, like many

women before them, had interiorized gender inequalities and the cultural practices that perpetuated them. The best solution was to lead by law, but it was also useful to lead by example, as the female members of the delegation had done. Zambian women were increasingly prominent internationally as representatives of the Government and nationally in the political arena. Zambia was looking at a quota system to increase their presence in the political parties, and with elections set for year-end, associations like the Zambia National Women's Lobby were educating women candidates. However, the cost of candidacy would, as in the past, prove too great for some. It was important for women to be in a position to make laws. She wondered what steps the State party could take to give women the ability not only to stand for election but also to win, which was what counted. Specifically, she would like to know if it could influence political parties, fund campaigns or mobilize associations and civil society around achieving a particular outcome.

6. **Ms. Murillo de la Vega** said that the Nawakwi case outlined in the report (CEDAW/C/ZMB/5-6, paras. 95-97), in which the Attorney-General had ruled that a mother could include children on her passport without the father's consent, had represented a major step forward in Zambian law. However, many women still did not know that the father's consent was unnecessary, and she wondered if any measures were being taken to inform them. She was also curious as to whether the Zambian passport application still asked women to indicate previous marriages, since it was discriminatory to require information of women that was not required of men. In addition, she wondered if Zambia had made any changes in its laws in order to provide for dual nationality. In particular, she would like to know if, in the case of Zambians working abroad, it was still necessary to choose between host-country citizenship and Zambian citizenship; and also if, when parents belonging to two ethnic groups divorced, the children had to choose or automatically received one or the other "nationality" in the sense of recognized ethnic affiliation.

7. **Ms. Kalamwina** (Zambia) said that, to increase the likelihood of women being elected to public office, the Government was working closely with its cooperation partners, including the United Nations Development Programme and the Zambia National Women's Lobby (ZNWL), to raise awareness of the importance of standing for election. In 2010, the

Gender in Development Division and ZNWL had sent staff members around the country to educate women candidates. The Division was also encouraging the political parties to field women candidates. Lastly, if the draft Constitution was approved, it would provide for the proportional representation of women.

8. **Ms. Kawimbe** (Zambia) said that there was no confusion as to whether a woman needed the father's consent to obtain a passport for a child. The application forms for passports, national registration cards and birth certificates asked for only one parent's signature. Whether or not a child maintained dual citizenship was a family matter. A Zambian child with dual citizenship was required to relinquish one citizenship at age 18.

9. **Ms. Sithole-Mwenda** (Zambia) said that anyone born in Zambia was automatically a Zambian citizen. Under the Constitution, a child born outside Zambia who had been living continuously in Zambia for 10 years could apply for citizenship at age 21. Dual citizenship would have been allowed under the portion of the draft Constitution rejected by Parliament.

Articles 10 to 14

10. **Ms. Bailey** said that she could not tell from the State party's report whether data on education indicators was collected annually. To keep abreast of developments, it was important to do so on at least a few critical indicators, such as enrolment, completion rates and dropout rates. The commendable gender parity index figures in the report showed some narrowing of the gender gap. However, the report did not indicate what percentage of a particular age cohort was enrolled in school, which made it impossible to tell how well the system was providing for all girls. While the delegation might not be able to supply that information immediately, it should ensure that it was included in future reports.

11. Early marriage and pregnancy were major contributors to the low primary school completion rate for girls. It should be clarified whether the previous Education Act had dealt with the issue of early marriage or whether that provision was new. Since sexual relations with underage girls were linked to early marriage and pregnancy, she would be interested to know if any law or any section in the Penal Code addressed them in any way. Given that only 40 per cent of the 6,500 girls who had left school because of pregnancy in 2005 had been readmitted (report,

para. 104), more information on Zambia's re-entry policy for pregnant teenagers would be useful. She would also be interested to learn how sexual harassment in schools was handled, whether there were penalties for perpetrators and who the perpetrators were, and if corporal punishment was prohibited in schools.

12. **Mr. Bruun** said that women in Zambia continued to face significant difficulties in the formal labour market. The wage gap between women and men remained substantial, and women's unemployment rate was higher than that of men. He would be interested to learn of any measures taken to increase job opportunities for women in the formal sector. He would also like to know if the State party had introduced legal measures to prohibit sexual harassment in the workplace; if and to what extent the prohibition against discrimination in employment had been invoked; and what was being done to improve the position of migrant and disabled women.

13. The International Labour Organization (ILO) had found strong evidence of the persistence of the worst forms of child labour among girls, and he would like to know what steps were being taken to put a stop to them, in which connection he noted that Zambia was not a party to most of the international instruments on the worst forms of child labour. In general, a stronger commitment to work with ILO would be beneficial and could help to create more employment for women.

14. **Ms. Patten** said that economic globalization was exacerbating gender inequalities, especially in sub-Saharan Africa. Women were more likely to be employed in the informal sector, and its ongoing expansion threatened women's right to decent pay, decent work and social security. The informal sector should not remain a mechanism of social exclusion. She would like to know the Government's policies and plans to protect the rights of women in the informal economy. She would also like to know if it was collecting informal sector data, including data disaggregated by rural and urban areas, and if, in that connection, it had sought technical assistance from the United Nations Statistics Division, ILO or the World Bank.

15. Women in the informal sector ranged from entrepreneurs to home-based workers and street vendors. It would be interesting to learn about Zambia's efforts to provide social protection for the

various categories. She wondered if it had data on the prevalence of home-based work, which was generally greatly underestimated in national accounts. Perhaps Zambia might look to best practices in countries such as India in order to develop an inclusive national labour policy that ensured equal benefits for home-based workers.

16. Informally employed women in Zambia worked mainly in agrarian pursuits using traditional technologies. She would like to know how the Government was facilitating women's access to raw materials, machinery, utilities, facilities and credit. She was also interested in its efforts to increase women's competitiveness in small enterprises and to provide a legal framework to facilitate entrepreneurship and alter social and legal norms, particularly those that fostered exploitation, discrimination and violence against women.

17. In view of the feminization of the migrant workforce in Zambia, she would like to know what practical measures had been taken to insure that female migrant workers were treated on an equal footing with their male counterparts, especially with regard to general conditions of work and social security. With respect to wage gaps in general, it would be useful to learn what steps had been taken to narrow them and what mechanisms were in place for adjudicating matters of wage discrimination. She would like to know whether the Employment Act incorporated the principle of equal pay for equal work, whether job evaluations were based on gender-neutral criteria and whether wage structures in female-dominated occupations were reviewed regularly and reformulated when appropriate.

18. It was unclear if the commendable increase of maternity leave from 90 to 120 days (report, para. 154 (c)(ii)) was being implemented in the private sector as well. She was more concerned about the maternity leave prerequisite of two years' continuous employment and wondered if the Government was considering amendment of the related section of the Employment Act.

19. **Ms. Awori**, referring to article 12, said that according to alternative sources the women's health situation in Zambia remained deplorable. The data for maternal mortality and AIDS-related illness and death in the report corroborated that assessment. However, the report gave few figures beyond 2006, and the State

had carried out many commendable measures since then. She would like to know the impact of the measures mentioned in the report, as well as what additional administrative, legal or judicial measures were already in place or envisaged.

20. **Ms. Pires** said that she would address three areas of concern. First, alternative sources reported the absence of specific health-related policies and programmes for women with disabilities. Even when evidence pointed to the contrary, people often considered women with disabilities to be at low risk of contracting or transmitting HIV, and some even thought that sex with such women cleansed the man of HIV. She would like information on any specific policies or programmes designed to meet the needs of women with disabilities, including in the area of HIV/AIDS.

21. Secondly, she would appreciate information on the programmes associated with the Campaign to Accelerate Reduction in Maternal Mortality referred to in the written responses (CEDAW/C/ZMB/Q/5-6/Add.1, para. 24.2(a)), including specifics about the private partners and civil society organizations mentioned. She would be interested to know what role the national gender machinery and women's NGOs played in efforts to reduce maternal mortality in Zambia.

22. Thirdly, she noted that the Central Statistical Office relied heavily for its data on the different ministries in each area. She would appreciate information on the Ministry of Health's routine capacity to collect data disaggregated by sex, as well as on rural health centre mechanisms to ensure the regular collection of data.

23. **The Chair**, speaking in her capacity as an expert, said that, according to the report (para. 135), malaria accounted for about 20 per cent of maternal morbidity and mortality. She would like to know why few pregnant women used anti-malarial drugs and even fewer, treated nets, and if anything was being done to improve access to both, and to inform women of the risks of malaria and how to prevent it. She would also be very much interested in further details on the Roll Back Malaria Initiative (report, para. 142(e)) and its impact.

24. **Ms. Popescu** said that high maternal and infant mortality, low life expectancy, teenage pregnancy and unsafe abortions continued to plague Zambia. According to an alternative source, unsafe abortions

were among the top five causes of maternal mortality. Had the Government taken steps to curb unsafe abortions and ensure easier access to safe abortions, particularly given the high teenage pregnancy rate? Outside information indicated also that women and girls living with HIV/AIDS were heavily discriminated against and stigmatized. There again, had the Government taken steps to change attitudes towards them and to guarantee access to treatment?

25. A decentralized approach to the planning and provision of health services had many advantages, but the local authorities should not be expected to supply most of the financing and planning, and she wondered if adequate funding from Zambia's central budget was available for local services for women. She would be interested in information on programmes to prevent cervical and breast cancer, including the availability of mammograms.

26. Women with disabilities and older women had special health-care needs. She wondered how those needs were being met. She would particularly welcome more concrete information on how the Public Welfare Assistance Scheme (responses, para. 30.5) served older women, especially in rural areas. She hoped that, given the Ministry of Health's focus on young people, older women were not being neglected.

27. **Ms. Arocha Domínguez** said that in her May 2010 report, the Special Rapporteur of the Human Rights Council on extreme poverty and human rights had stressed the prevalence of malnutrition and low weight in Zambia. Zambia's report indicated that around 15 per cent of women of childbearing age were chronically malnourished. Given that malnourished mothers experienced higher infant mortality and morbidity, she would like to know if there were any nutrition programmes specifically targeting girls and women. Zambia's 2002 periodic report had indicated that teenage girls accounted for 75 per cent of maternal mortality. She wondered if that figure had changed, and also if the phenomenon might be connected to some extent with unsafe illegal abortions. It would be useful to know under what circumstances abortions were permitted and how easy it was to obtain them.

28. **Ms. Bailey** said that women in rural areas made very significant contributions to the economy for which they did not receive social security benefits. The report (para. 154(b)) mentioned an inter-ministerial working group on extending social security to the

informal sector, and she would appreciate an update on its activities and their results. The report also mentioned a pilot cash transfer scheme in Southern Province and Eastern Province of which women and children had been the primary beneficiaries. She would be interested to know if the scheme was still operating, if it had been expanded to other provinces as planned and, if it had not, why not. In the responses (paras. 28.1-28.5), the State party had described numerous commendable initiatives to improve women's access to credit and capital and to increase job opportunities. If the delegation could provide data during the course of the meeting on the impact of those programmes, disaggregated by age, location, income and HIV/AIDS status, that would be excellent. If not, they should be included in future reports.

29. The report was silent on women's right to participate in sports, recreation and cultural life. In a patriarchal society, women's caregiving duties left them little time for sports and recreation, and much more public education would be needed to shift those cultural traditions. She would appreciate the delegation's comments on the status of women's sports and recreation facilities in Zambia.

30. **Ms. Murillo de la Vega** said that many Zambians, especially women, lived in extreme poverty. Of women above the age of 15, 47 per cent reported having suffered physical violence, and in rural areas most such women were unable to afford health services or counselling. Poverty in Zambia had worsened during the global economic crisis and might also be affected by climate change. She wondered whether the State party had information on the impact of climate change on rural women. She would also like to know if NGOs participated in the development of public policies to improve the conditions of rural women.

31. Zambia obviously had very limited financial resources with which to assist women, but it was also hindered by customs and customary laws that were very ungenerous to them. According to an alternative source, women encountered difficulties in getting tested for HIV/AIDS, and if they tested positive, their husbands blamed them, refused to have sex with them and refused to get tested, even though they were the likely sources of infection since, according to custom, promiscuity was condoned for men but not women.

32. **Ms. Zou Xiaoqiao** said that the report gave little information on the implementation or outcome of the

various measures mentioned. She would like specific data on how rural women and girls had benefited from the Development Agency Act of 2006, the Citizens Economic Empowerment Act of 2006, the fifth National Development Plan, and measures to enhance education and provide water and sanitation facilities in rural schools. Reproductive health services and contraceptives were less available to women in rural areas, leading to unwanted pregnancies and unsafe abortions. She would be interested in information on steps taken to provide affordable health services for rural women. She would also like further details on the situation of elderly women and measures to assist them.

33. The report (para. 53) indicated that the State party had taken steps to ensure that 30 per cent of titled land was reserved for women. She did not understand exactly what constituted titled land and would appreciate clarification. She also wished to know if the 30-per-cent set-aside was compulsory and if it was provided by law or by administrative order, and how it was enforced. Lastly, she would like to know the term of title and what had been done to ensure that land was awarded equitably, without abuse of power.

34. **Mr. Mvula** (Zambia) said that the Ministry of Education collected statistical data for each year and published an annual statistics bulletin. With respect to early marriage, the 1996 Education Act had not addressed that issue; the provision in the 2011 Education Act was indeed new.

35. The Ministry was taking steps to prevent sexual harassment in schools. Working with the Campaign for Female Education, it had developed guidelines for the prevention of child abuse in school, which he would give to the Committee. In cooperation with the United Nations Educational, Scientific and Cultural Organization, it had held a very successful consultative workshop on sexual violence in January 2011 to teach children, especially girls, how to handle and report sexual violence.

36. Zambia had made steady progress on gender parity since 2006. At the primary school level, the gender parity index had gone from 0.96 in 2006 to 0.97 in 2009. At the high school level, it had risen from 0.80 to 0.87 over the same period. From 2005 to 2009, the Ministry had constructed 4,427 primary school classrooms and 564 high school classrooms, thus accommodating a much greater number of pupils. In

addition, it had plans to build girls' technical schools specifically to improve access to education for girls. He would leave a copy of the Ministry's exemplary re-entry policy with the Committee.

37. **Ms. Matapo** (Zambia) said that the Education Act of 2011 prohibited corporal punishment and degrading or inhuman treatment in schools. Offenders were liable to a fine and/or imprisonment of up to one year.

38. **Mr. Kapilima** (Zambia) said that, with respect to the wage gap, the Ministry of Labour was working on a revision of the Employment Act that would clearly state the principle of equal pay for equal work. His country did not have any laws that perpetuated discriminatory wage treatment. With regard to proceedings for discriminatory employment practices, in 2010 two women had filed complaints for dismissal because of pregnancy. The complaints had been handled by the Ministry of Labour, and the victims had received compensation. Her Government was committed to collaboration with ILO. It had worked with it to develop the Zambia Decent Work Country Programme, launched in 2007, as well as to resolve a number of decent-work issues. It had also drafted a list of hazardous forms of child labour. According to the preliminary 2008 labour force survey, women accounted for 51 per cent of informal sector workers. The Ministry had been working with other Government offices and employers to address issues relating to women in the informal sector. In 2011 the Ministry had adopted a statutory instrument on domestic workers that addressed certain issues of home-based work, which was dominated by women. With regard to programmes to improve women's access to credit, he believed that Ms. Kalamwina had already covered that topic adequately in her replies at the previous meeting to questions on women's economic empowerment issues. As to whether there were plans to amend the maternity leave provision of the Employment Act, tripartite consultation had been held among the employers, the unions and the Government. All had considered the maternity provision fair, and as there had been no problems with its implementation, it had not been altered during the revision process.

39. **Ms. Kalamwina** (Zambia) said that the private and parastatal sectors were already implementing the 120-day maternity leave provision. The Government had added paternity leave of six days.

40. **Mr. Mumba** (Zambia) said that the Ministry of Health had taken steps to address the health situation described in the report, including training medical workers and providing adequately skilled staff; building maternity annexes at all rural health facilities, and instituting family planning programmes. It had launched a building programme to ensure that all Zambians lived within a 5-kilometre radius of a health facility. It had set up “mothers’ homes” to give expectant mothers who lived too far away a place to stay while awaiting delivery. It had procured equipment required for emergency obstetric and maternal care, and because most health facilities in rural areas were not connected to the power grid, it had installed solar power to provide light for complicated deliveries. Malaria prevention included the provision of treated bed nets and indoor spraying.

41. Zambia had a very high incidence of HIV/AIDS, and voluntary counselling and testing was provided for expectant mothers. Detection and treatment was helping not only to prevent mother-to-child transmission but also to reduce maternal mortality. As a result of those and other measures, the maternal mortality rate had improved to 591 per 100,000 live births by 2007. In the sixth National Development Plan, targets had been set at 375 per 100,000 by 2011 and 159 per 100,000 by 2015. Zambia was, furthermore, participating in the Campaign to Accelerate Reduction in Maternal Mortality launched by the African Union to galvanize support from all sectors of society. Zambia’s programmes under the Campaign included the Safe Motherhood Action Groups and initiatives to provide early prenatal care.

42. The Ministry of Health had a robust health information management system. Data was collected at all facilities and consolidated at the national level. The Ministry produced an annual health statistics bulletin. Disaggregated data on maternal mortality among adolescent mothers were not collected, but age was recorded for every death, so it should be possible to obtain that information from the local facilities. Zambia had a decentralized health care system, and planning was carried out with community participation. Funding at all levels came mainly from the central budget.

43. While the Zambian law on pregnancy termination did not prohibit anyone from seeking abortion at a safe facility, neither the public nor clinicians were well informed about its provisions. With the support of the

World Health Organization, his Government had developed a programme to sensitize the public and ensure that facility operators could confidently offer services in accordance with the law. In conjunction with the Breast Cancer Trust, the Ministry was conducting free screening for cervical and breast cancer. Older women were not charged for health services, which were free for adults over the age of 65.

44. **Ms. Sithole-Mwenda** (Zambia) added that the Government had procured mobile hospitals to take health care into remote communities.

45. **Ms. Kalamwina** (Zambia) said that, to reduce maternal mortality rates, the Gender in Development Division was working closely with Planned Parenthood Association of Zambia, the Population Council and the Ministry of Health to raise awareness of the importance of giving birth in health facilities. With support from the United Nations Population Fund and the United Nations Children’s Fund, the Division had opened midwifery degree programmes in North Western Province and Luapula Province, which had high maternal mortality rates, in order to train local young people who would practice locally on graduation. A midwifery programme was planned for Western Province as well.

46. **Mr. Lamba** (Zambia) said that the Public Welfare Assistance Scheme and associated social cash transfer schemes provided for some of the people not covered under the National Pension Scheme Act. The Ministry of Community Development and Social Security had expanded the Public Welfare Assistance Scheme to eight towns. The Scheme provided money for food, shelter, education and health care to the most vulnerable and was used extensively by older women, who often ended up looking after most of their family members. The Ministry also ran a programme to rescue and rehabilitate street children, half of whom were girls. Around 50 per cent of participants in the vocational training programmes of the Zambia Agency for People with Disability were women.

47. **Ms. Kalamwina** (Zambia) said that Zambia had numerous programmes to benefit rural women. For example, it was working to improve the farm-to-market roads, which were used extensively by women. It provided marketing assistance for cooperatives, which it encouraged women to join. With respect to NGO participation on issues affecting rural women, NGOs and civil society organizations worked in cooperation

with the national gender machinery on policy development. For example, when the sixth National Development Plan was being developed, civil society organizations had submitted a shadow plan. To ensure that rural and other women were not adversely affected by climate change, the Government was encouraging the use of solar energy. It had recently begun installing solar geysers, a form of water heater, nationwide. Solar power was being emphasized in rural electrification.

48. **Mr. Lamba** (Zambia) said that sports were very important in Zambian culture. The Government was actively promoting women's participation in sports and cultural life.

49. **Mr. Soko** (Zambia) said that each time the Ministry of Lands opened a new area of land for distribution, it was mandatory to reserve 30 per cent for women. Both women and men competed for the remaining 70 per cent. Land awarded by the Ministry was called titled land because the new landholder received a certificate of title. Title was given for 99 years and was renewable. To prevent the abuse of power and ensure equity, applicants were selected by a panel consisting of representatives of the church, the retired and the elderly.

50. **Ms. Pires** asked the delegation to comment on access to health services for women with disabilities.

51. **Ms. Zou Xiaojiao** asked if women had to pay to receive title to the land set aside for them.

52. **Mr. Mumba** (Zambia) said that women with disabilities were classified as vulnerable, and like all vulnerable persons, received free health services.

53. **Mr. Soko** (Zambia) said that titled land was not free. However, the price was small, especially in rural areas, and amounted to a token payment to cover the cost of paperwork.

54. **Ms. Sithole-Mwenda** (Zambia) said further that such transactions were highly subsidized.

55. **The Chair** commended the delegation for its constructive answers and explanations. She encouraged the State party to take all necessary measures to address the Committee's various concerns, which would be communicated in writing at a later date.

The meeting rose at 5.05 p.m.