



**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  
11 – 29 July 2011

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

**Zambia**

1. The Committee considered the combined fifth and sixth periodic report of Zambia (CEDAW/C/ZMB/5-6) at its 980 and 981 meetings, on 13 July 2011 (see CEDAW/C/SR.980 and 981). The Committee's list of issues and questions are contained in CEDAW/C/ZMB/Q/5-6/, and the responses of Zambia are contained in CEDAW/C/ZMB/Q/5-6/Add.1.

**A. Introduction**

2. The Committee expresses its appreciation to the State party for its combined fifth and sixth periodic report. While the report was detailed and generally followed the Committee's guidelines for the preparation of reports, it however did not provide adequate sex-disaggregated statistics and qualitative data on the situation of women in some of the areas covered by the Convention, in particular with respect to women from disadvantaged groups. The Committee expresses its appreciation to the State party for its oral presentation which elaborated on recent developments with respect to the implementation of the Convention as well as the written replies to the list of issues and questions raised by its pre-session working group.

3. The Committee commends the State party for its delegation which was headed by the Permanent Secretary (Legal) of the Ministry of Justice of Zambia, and which included 19 women and men representing various ministries and government agencies with responsibility for the implementation of measures in the areas covered by the Convention. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee but regrets that no answers were provided to some of the questions raised, and that some of the answers provided were not sufficiently clear, precise or detailed.

## **B. Positive aspects**

4. The Committee commends the State party on the adoption of recent legal reforms aimed at eliminating discrimination against women and promoting gender equality, namely the *Zambian Development Agency Act (2006)*; *Citizens Economic Empowerment Act (2006)*; *Anti-Human Trafficking Act (2008)*; *Anti-Gender Based Violence Act (2011)*; *Education Act (2011)*; and *Statutory Instruments (Nos. 1, 2 and 3) on Minimum Wages and Conditions of Employment (2011)* aimed to regularize the informal sector.

5. The Committee also commends the State party for its efforts to implement the Convention through various policies, programmes and initiatives such as: the policy which reserves 30 percent of titled land specifically for women, at a subsidized rate, as prescribed in the *National Gender Policy (2000)*; the introduction of a bursary scheme for female students enrolled in science and technical subjects to ensure greater gender equality in these areas; the incorporation of human rights teaching in the curriculum at primary and secondary levels in public schools; the adoption of the *Mental Health Policy*; the launch of the *Campaign for Accelerated Reduction of Maternal Mortality in Africa (CARMA)*; the development of the *Fifth National Development Plan (2006-2010)* to achieve the Millennium Development Goals (MDGs) by 2015; the elaboration of the *National Gender Communication Strategy*; and the establishment of the *Police Public Complaints Authority (2003)*, the *Inter-ministerial Committee on Trafficking (2004)*, the *Strategic Plan of Action (2004)*, and the *Parliamentary Committee on Legal Affairs, Governance, Human Rights and Gender Matters*. The Committee further commends the attainment at the High Court and Supreme Court levels of the 50 percent threshold in decision-making positions.

6. The Committee welcomes the State party's ratification of the *Rome Statute of the International Criminal Court (in 2002)*, the *United Nations Convention against Transnational Organized Crime (in 2005)* and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime (in 2005)*; as well as the *Convention on the Rights of Persons with Disabilities (in 2010)*. The Committee also welcomes the State party's ratification of two regional human rights instruments, namely the *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (in 2005)* and the *African Charter on the Rights and Welfare of the Child (in 2008)*.

## **C. Principal areas of concern and recommendations**

**7. The Committee recalls the obligation of the State party to systematically and continuously implement all the provisions of the Convention and views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. The Committee calls upon the State party to submit the present concluding observations to the relevant government offices, to the Parliament and to the judiciary, so as to ensure their full implementation.**

### **Parliament**

**8. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of Government and it invites the State party to encourage its Parliament, in line with its procedures and where appropriate, to take the necessary steps with**

**regard to the implementation of the present concluding observations and the State party's next reporting process under the Convention.**

#### **Legal Status of the Convention**

9. The Committee acknowledges the State party's efforts to implement various provisions of the Convention and its decision to conduct a policy and legislative mapping exercise with the view to determining the provisions of the Convention that still remain to be incorporated into policies and national legislation. However, the Committee remains concerned that the Convention has not been fully incorporated into domestic law and its provisions cannot be invoked before courts.

**10. The Committee reiterates its recommendation that the State party fully incorporate the Convention into domestic law.**

#### **Visibility of the Convention**

11. While the Committee notes that Women in Law and Development in Africa has translated the Convention into the seven major local languages in Zambia, it is concerned about the insufficient efforts of the State party to promote the visibility of the Convention throughout the country. The Committee is concerned that there is inadequate knowledge in society in general of the rights of women under the Convention and of the Committee's general recommendations as well as the concept of substantive gender equality, including among the judiciary and in particular at the level of customary courts. While women's access to justice is provided for by legislation, their ability to exercise that right and to bring cases of discrimination before courts is limited by such factors as the persistence of a dual justice system, negative customary practices, illiteracy, lack of awareness about their rights under the Convention and the lack of capacity to claim their rights.

**12. The Committee urges the State party to take all appropriate measures to:**

- a) **Ensure that the Convention is sufficiently known and applied by all branches of the Government and is made an integral part of the training for judges, lawyers and prosecutors and especially for officials of customary courts;**
- b) **Raise awareness among women of their rights under the Convention including through the recently elaborated Gender Communication Strategy which targets rural women, the national Gender policy and Strategic Plan of Action and the Gender mainstreaming strategy which is soon to be launched in the context of the Public Service Reform Programme; and**
- c) **Remove impediments women may face in claiming their rights under the Convention and gaining access to justice, including in local and customary courts, and to this end strengthen legal literacy programmes for women and disseminate information on the Convention in languages accessible to women in all regions of Zambia, emphasizing ways to utilize available legal remedies for violations of their rights.**

#### **Discrimination in the constitution and in the laws**

13. The Committee is concerned that despite recommendations in previous concluding observations, the contradiction in the Constitution has not been amended in that while article 11 guarantees the equal status of women, article 23 (4) permits discriminatory laws and practices in the area of personal and customary laws namely: early marriage, payment of dowry (lobola), the practice of property division after the death of a husband (property grabbing), sexual cleansing, and polygamy. The Committee is also concerned that the existing article permitting discrimination against women has been retained in the draft text

(article 48) of the proposed Constitution. The Committee is further concerned that the State party has not yet enacted a general prohibition against discrimination

**14. The Committee reiterates its deep concern that the State party did not repeal article 23 (4) of the Constitution which permits discrimination against women in the areas of law which most affect women, and that it has been maintained in the draft text of the proposed new Constitution . The Committee, while noting that a referendum is required to validate the draft Constitution, wishes to remind the State Party that it is their duty to ensure that the Zambian Constitution is in line with the Convention and other international human rights obligations. The Committee urges the State party to:**

- a) Ensure, as an immediate priority, that the provisions of the Constitution are reflected in the proposed new draft constitution that will be put up for referendum and enact legislation to ensure that there is a prohibition against discrimination in line with Article 1 of the Convention that encompasses direct and indirect discrimination against women in all areas of life.**
- b) Harmonize religious and customary law in keeping with the provisions of the Convention, particularly article 16.**

#### **National machinery for the advancement of women**

15. The Committee welcomes the strengthening of the Gender in Development Division through the establishment of the Office of the Minister of Gender and Women in Development in the Cabinet Office and the allocation of additional resources but is concerned about the adequacy and sustainability of those resources. Additionally, while the Committee notes that the Human Rights Commission of Zambia has established a Gender Equality Committee, the Commission and the Committee appear to have inadequate human as well as financial and technical resources to effectively discharge the functions of promoting human rights and specific programmes for the advancement of women in all regions of Zambia.

**16. The Committee recommends that the State party take measures to ensure the sustainability of the budget and effectiveness of the Gender in Development Division as well as the Office of the Minister of Gender and Women in Development to effectively implement and coordinate gender perspectives into Government policies and programmes and to carry out strategies and measures to eliminate discrimination and promote equality. The Committee also recommends that the State party strengthen the Zambian Human Rights Commission and the Gender Equality Committee of the Commission by providing adequate visibility, power and human and financial resources at all levels, in order to increase effectiveness and enhance capacity to better coordinate and monitor actions at the national and local levels, in all regions of the country, for the advancement of women and the promotion of gender equality and women's human rights.**

#### **Temporary special measures**

17. The Committee reiterates its concern about the State party's non-incorporation of article 4, paragraph 1, of the Convention, that would allow for the adoption of temporary special measures to promote women's participation in political and economic life and to eliminate de facto discrimination against disadvantaged groups of women.

**18. The Committee recommends that the State party adopt legislative measures that would provide for the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general**

recommendation No. 25, in all areas covered by the Convention in which women are underrepresented or disadvantaged. To that end, it recommends that the State party:

- a) **Set time-bound targets and allocate sufficient resources for the implementation of strategies, such as outreach and support programmes, the creation of incentives, quotas and other pro-active measures aimed at achieving substantive equality of women and men in those areas; and**
- b) **Raise awareness among members of Parliament, government officials with decision-making power, employers and the general public about the necessity of temporary special measures and requests it to provide comprehensive information on the use of such measures, in particular when policies and measures the State party has chosen and implemented have not achieved the intended effect and result, in relation to relevant provisions of the Convention, and on their impact, in its next periodic report.**

#### **Stereotypes and harmful practices**

19. The Committee notes some efforts by the State party to address harmful traditional practices but remains concerned at the persistence of adverse cultural norms, practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is concerned that such customs and practices perpetuate discrimination against women, and are reflected in women's disadvantageous and unequal status in many areas, including in public life and decision-making and in marriage and family relations. The Committee is concerned that stereotypes as well as harmful practices such as sexual cleansing, polygamy, bride price (lobola), and property grabbing contribute to the persistence of violence against women and that the State party has not taken sustained and systematic action to eliminate stereotypes and harmful practices.

**20. The Committee urges the State party to:**

- (a) **Put in place, without delay, a comprehensive strategy to eliminate violence against women and harmful practices as well as stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts, in collaboration with civil society, to educate and raise awareness on this subject, targeting women and men at all levels of society, including traditional leaders;**
- (b) **Criminilize sexual cleansing; and**
- (c) **Use innovative measures to strengthen understanding of the principle of equality between women and men, including through the full implementation of the National Gender Communication Strategy whose main aim is to facilitate change in attitudes toward gender, and working with the media, particularly in rural areas, to promote a positive and non-stereotypical portrayal of women throughout the country.**

#### **Violence against women**

21. While welcoming the enactment of the Anti-Gender Based Violence Act (2011), recent amendments to the Penal Code which include stiffer penalties for certain sexual offences, and the establishment of the Police Public Complaints Authority, the Committee reiterates its concern at the high prevalence of violence against women and girls, including domestic violence and widespread incidents of sexual violence, including rape and defilement, in both the private and public spheres, including while in detention. The Committee is also concerned that such violence appears to be socially legitimized and accompanied by a culture of silence, impunity and unawareness, therefore contributing to

high levels of underreporting. The Committee also notes with concern the low rate of convictions for reported incidents of rape and defilement. The Committee is further concerned that marital rape is not explicitly recognized as a criminal offence in either the Penal Code or the new Anti-Gender Based Violence Act (2011).

**22. The Committee urges the State party to:**

- a) Prioritise and ensure adequate resources for the full implementation of the Anti-Gender Based Violence Act (2011) and to adopt comprehensive measures to address such violence, including domestic violence in accordance with its General Recommendation No. 19;**
- b) Expeditiously criminalize marital rape;**
- c) Strengthen training for the judiciary and law enforcement personnel and health-service providers in order to ensure that they are aware of the Anti-Gender Based Violence Act and that they provide adequate gender-sensitive support to victims, and that they strengthen efforts to prosecute and punish perpetrators of rape and defilement;**
- d) Provide in its follow-up report information on the implementation of the of the Anti-Gender Based Violence Act (2011) as well as other measures taken to prevent such violence, to investigate and prosecute reported cases, to punish perpetrators and to provide protection, relief and remedies, including appropriate compensation to victims and their families.**

**Trafficking and exploitation of prostitution**

23. The Committee welcomed the Anti-Human Trafficking Act (2008), the Inter-ministerial Committee on Trafficking, the National Plan of Action on Trafficking, and other efforts of the State party aimed at addressing trafficking and the exploitation of prostitution. However, the Committee is concerned that Zambia remains a country of origin, destination and transit for trafficking of persons and that there is an increasing number of child victims of commercial exploitation, including prostitution, especially of girls, orphans and disadvantaged children. The Committee regrets the absence of statistical data on the number of women and girl victims of trafficking for purposes of economic exploitation or prostitution. The Committee notes that the Zambian Penal Code criminalizes prostitution, including people living on earnings from prostitution.

**24. The Committee calls upon the State party to fully implement article 6 of the Convention, including through:**

- a) Effectively implementing the new legislation on trafficking, ensuring that perpetrators are punished and victims adequately protected and assisted;**
- b) Increasing its efforts at international, regional and bilateral cooperation with other countries of origin, transit and destination through information exchange in order to prevent trafficking and harmonize legal procedures aimed at the prosecution of traffickers;**
- c) Conducting comparative studies on trafficking and prostitution, including collection of disaggregated data, to identify and address root causes in order to eliminate the vulnerability of girls and women to sexual exploitation and traffickers and facilitate recovery and social integration of victims; and**
- d) Pursuing a comprehensive approach in addressing the question of prostitution, including the provision of shelters and others services such as exit or reintegration programmes for women who wish to leave prostitution.**

### **Participation in political and public life**

25. The Committee notes with appreciation the States parties attainment of the 50 per cent threshold of women in decision-making positions at High Court and Supreme Court levels, the approval of the gender mainstreaming strategy, the increase in women's representation in Zambian foreign missions, the adoption of the National Gender Policy and National Plan of Action, and consultations on the question of introducing temporary special measures in accordance with article 4 (1) of the Convention in an effort to promote women's increased representation in decision-making positions. However, the Committee is concerned about the low rate of participation by women in the political and decision-making processes in Zambia. The Committee is concerned about the lack of quota systems, gender biased views, negative practices, and poor socio-economic status prevent women from fully accessing the right to participate in public life, particularly at the level of decision-making.

#### **26. The Committee calls upon the State party to:**

a) **Adopt temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, such as statutory quota, a gender parity system for nominations for Government bodies, and conditioning the financing of political parties on equal representation of women in their internal bodies and on candidate lists, to increase the representation of women in decision-making positions and on elected and appointed political bodies in rural and urban areas; and**

b) **Provide training on gender equality to civil servants and politicians, especially men, with a view to enhancing the understanding that full and equal participation of women and men in political and public life is a requirement for the full implementation of the Convention, and thus creating a more favourable environment for women's participation in political and public life.**

### **Nationality**

27. The Committee expresses its appreciation to the State Party for the fact that spouses have equal opportunities regarding the application and acquisition of Zambian citizenship since its previous report, and for ensuring equality of spouses or guardians in their right to apply and collect passports or birth certificates on behalf of their children without the need for the spouses' written consent. In this regard, the Committee welcomes the decision by the High Court in the Edith Zewelani Nawakwi case. Despite these positive developments the Committee notes with concern that women are still not adequately aware of the fact that the consent of the father is no longer required in order for children to be included in their mothers passport.

#### **28. The Committee recommends that the State party promotes awareness of the:**

a) **Recent legal and policy developments granting women equal rights with men to acquire, change or retain their nationality; and**

b) **Equality of spouses or guardians in their right to apply and collect passports or birth certificates on behalf of their children without the need for the spouses' written consent.**

### **Education**

29. The Committee welcomes the new Education Act and recognizes the progress made in enrolment, retention and progression of girls at the Basic School level. The Committee recognizes the efforts of the State party through policies and programmes such as the re-entry policy, the increased bursary support for girls to improve their enrolment in higher

and tertiary education and the allocation of 25 per cent of all slots at tertiary level for girls. However, the Committee is concerned that girls continue to drop out of school due to early marriage, teenage pregnancy, discriminatory traditional and cultural practices and poverty, especially in rural areas. The Committee is concerned about a number of other challenges relating to education in Zambia, such as lack of adequate capacity and infrastructure at schools, including inappropriate sanitary facilities for girls; lack of adequacy in gender responsive teaching; and insufficient availability of resources to comprehensively implement free basic education, sexual harassment and the HIV/AIDS pandemic which keeps many girls out of school.

**30. The Committee urges the State party to enhance its compliance with article 10 of the Convention and to raise awareness of the importance of education as a human right and as the basis for the empowerment of women. To this end, it urges the State party to:**

- a) **Strengthen its efforts toward equal access, participation and successful completion of education at all levels as stipulated in the 2011 Education Act;**
- b) **Take steps to overcome discriminatory traditional attitudes that in some areas constitute obstacles to girls' and women's education;**
- c) **Address girls' dropout and retention rates and narrow the gender gap at all levels of the educational system;**
- d) **Reinforce its policy on the readmission to school of pregnant girls and young mothers, particularly in rural areas and enforce penalties where schools fail to comply;**
- e) **Improve the quality of training in gender-responsive teaching and learning methodologies for teachers to encourage change in social norms and traditional attitudes toward the gender role of boys and girls;**
- f) **Implement a zero tolerance policy to end violence against girls, sexual abuse and harassment in schools and ensure that perpetrators are punished; and**
- g) **Ensure that the new schools mentioned by the delegation during the dialogue which are soon to be constructed consider and adopt the gender specific concerns of women and girls, including appropriate sanitary facilities.**

#### **Employment**

31. The Committee notes with concern that despite the fact that the Industrial and Labour Relations Act prohibit discrimination in employment on the grounds of sex, the Act does not explicitly include the prohibition of sexual harassment in employment. The Committee is concerned about the gender wage gap in the formal sector and the fact that women represent only a small number in the formal sector which in fact has been diminishing due to a general lack of job opportunities in Zambia. The Committee notes that women represent a higher number of unemployed, particularly youth in rural areas. The Committee is concerned that women represent a high number in the informal sector and it welcomes the introduction of the statutory instruments on minimum wages and conditions of employment but it is still concerned that, despite efforts to regularize the informal sector, the pay in the informal sector is generally lower and there is no social security or other benefits. The Committee is concerned about the lacking reporting and implementation of ILO Conventions on equality and child labour.

**32. The Committee recommends that the State party:**

- a) **Adopt policies and take all necessary measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the**

Committee's general recommendation No. 25, with time-bound targets and indicators to achieve substantive equality of men and women in the labour market, eliminate occupational segregation and close the gender wage gap;

b) Ensure the full and equal implementation of the Statutory Instruments on Minimum Wage and Conditions of Employment and other measures to regularise and ensure greater protection in the informal sector where the majority employed are women, including with respect to social security and other benefits;

c) Work closely with the private sector to create beneficial policies and projects for women in the labour market, including those in the informal sector; and

d) Institute measures that will guarantee conformity with the ILO Conventions No. 100 on Equal Remuneration, No. 111 on Discrimination (Employment and Occupation), No. 156 on Workers with Family Responsibilities and No. 182 on the Worst Forms of Child Labour.

### Health

33. While acknowledging the efforts of the State party to improve women's health, including through increased resource allocation for health services, the Committee is concerned about the situation of health for women in Zambia. The Committee is particularly concerned about the high rates of maternal mortality and morbidity, particularly due to deaths and disabilities resulting from unsafe abortions, despite abortion laws which do not prohibit women from seeking safe abortions at health centres; the lack of access for women and girls to reproductive healthcare and information, including contraception and HIV/AIDS treatment and especially in rural areas; the high rate of adolescent pregnancy; malnutrition; and the prevalence of gender-based violence and discrimination affecting women and girls, including early marriage. While recognizing the efforts of the State party through the 'Roll-Back Malaria Initiative', the Committee is concerned that malaria remains a serious health concern for women in Zambia and accounts for 20% of maternal morbidity and mortality.

34. The Committee recommends that the State party:

a) Take all necessary measures to improve women's access to reproductive health care and related services within the framework of the Committee's general recommendation No. 24 on article 12 – women and health;

b) Strengthen its efforts, including through the CARMA, to reduce the incidents of maternal mortality and to raise awareness of and increase women's access to health-care facilities and medical assistance by trained personnel, especially in rural areas;

c) Raise awareness amongst women and clinicians, including through an information campaign, about the legislation on abortion which allows women to seek safe abortions at health centres;

d) Provide women with access to good-quality services for the management of complications arising from unsafe abortions in line with the Committee's general recommendation No. 24, and the Beijing Declaration and Platform for Action;

e) Strengthen and expand efforts to increase knowledge of and access to affordable contraceptive methods throughout the country and ensure that women and girls, especially in rural areas, do not face barriers to accessing family planning information and services;

- f) **Ensure that anti-malaria drugs are available and accessible, especially to pregnant women to reduce the overall incidence of malaria and number of deaths caused from the disease; and**
- g) **Reinforce education, including through the Youth Peer Programme and other programmes, on sexual and reproductive health rights targeting adolescent girls and boys, with special attention to the prevention of early pregnancy and the control of STIs, including HIV/AIDS.**

#### **HIV/AIDS**

35. The Committee notes with concern that HIV/AIDS remains a serious concern in the country and that additional efforts are needed to raise awareness, especially among youth, about the risks and effects of HIV, AIDS and other STIs. The Committee is concerned about the impact of HIV/AIDS on women and especially young girls who are raped due to the belief that intercourse with a virgin cures the infection. In this respect, the Committee is concerned that women and girls may be particularly susceptible to infection owing to gender-specific norms and that the persistence of unequal power relations between women and men and the inferior status of women and girls may hamper their ability to negotiate safe sexual practices, thereby increasing their vulnerability to infection. The Committee is also concerned about the shortage of personnel, and the inadequate infrastructure, health care facilities, access to services and safe spaces for women living with HIV, particularly in rural areas. The Committee is also concerned about the number and social situation of orphaned children and older women who are generally caring for family members with HIV/AIDS.

**36. The Committee calls upon the State party to:**

- a) **Undertake continued and sustained measures to address the impact of HIV/AIDS on women and girls, especially orphaned children and older women and assess the consequences of HIV/AIDS for the family and society;**
- b) **Enhance its focus on women's empowerment by including a clear and visible gender perspective in its policies and programmes on HIV/AIDS and increase the role of men in all relevant measures;**
- c) **Improve access to free prevention, treatment and care and support services at the programming level where gender and customary factors contribute significantly to infection rates among women and girls;**
- d) **Improve access to services for HIV-positive women by incorporating gender-based violence concerns into healthcare protocols and introducing measures to effectively respond to gender-based violence and abuse; and**
- e) **Undertake awareness-raising campaigns throughout the State party and among personnel in multiple government sectors in respect of prevention, protection and maintenance of confidentiality in order to systemize and integrate approaches for combating HIV/AIDS and to eradicate negative and harmful beliefs regarding the cure of HIV/AIDS.**

#### **Rural women**

37. The Committee reiterates its concern at the disadvantaged position of women in rural and remote areas (who form the majority of women in Zambia), which is characterized by poverty, illiteracy, difficulties in accessing health and social services and lack of participation in decision-making processes at the community level. While welcoming the adoption of Citizens Economic Empowerment Act and other initiatives such as the policy which provides for the allocation of 30 per cent of titled land to women, the

Committee reiterates its concern that customs and traditional practices, prevalent in rural areas, prevent women from inheriting or acquiring ownership of land and other property and from accessing financial credit and capital. While the Intestate Act is said to protect against property grabbing, rural widows are often still challenged to maintain their property rights.

**38. The Committee calls upon the State party to:**

- a) **Take the necessary measures to increase and strengthen the participation of women in designing and implementing local development plans, and to pay special attention to the needs of rural women, in particular women heads of household, by ensuring that they participate in decision-making processes and have improved access to health, education, clean water and sanitation services, land and income-generating projects;**
- b) **Establish a clear legislative framework to protect women's rights to inheritance and ownership of land; and**
- c) **Introduce measures to address negative customs and harmful practices such as property grabbing, especially in rural areas, which affect the full enjoyment of the right to property by women.**

**Disadvantaged groups of women**

39. While recognizing efforts of the State party including the launch of the Zambia Agency or Persons with Disabilities and the Public Welfare Assistance Scheme, the Committee is concerned about the de facto discrimination faced by certain disadvantaged groups of women, especially older women, women with disabilities, refugee women and women in detention many of whom suffer social marginalization, exclusion, violence, poverty and isolation in all areas of Zambian society and particularly in rural areas. The Committee is also concerned about the absence of statistical and other information on these groups of women as well as the limited availability of programmes and assistance including in education, employment, health and social services.

**40. The Committee recommends that the State:**

- a) **Collect disaggregated data on the situation of women facing multiple forms of discrimination such as older women, women with disabilities and refugee women;**
- b) **Adopt pro-active measures, including temporary special measures, to encourage their participation, to eliminate discrimination against them, including in the areas of education, vocational training, employment, health, and reproductive health, to facilitate their access to services such as mental health care services, and to protect them from violence and abuse; and**
- c) **Take steps to investigate, prosecute and punish all perpetrators of violence against women refugees, to implement gender sensitive approaches to asylum claims, and to continue to collaborate with the international community, especially the Office of the United Nations High Commissioner for Refugees (UNHCR), in these efforts.**

**Marriage and family relations**

41. The Committee is concerned about the negative impact of the dual system of law in Zambia. While the State party has indicated that statutory law will prevail where there is a conflict with customary law, the Committee is concerned that customary law is in fact preferred and is more likely to be applied in family and personal relations, namely adoption, marriage, divorce, burial, and devolution of property on death. The Committee notes with concern that women bear the higher burden of child care and that harmful

practices negate the rights of women to decide freely and responsibly on the number and spacing of their children.

**42. The Committee calls upon the State party to:**

a) Take measures to ensure that statutory law does in fact prevail where there is a conflict with customary practices, especially in family relations and given the patriarchal focus of the customary law in Zambia to the disadvantage of women and girls;

b) Undertake an awareness raising campaign to better educate people about their rights under the Convention, including as regards negative customary laws that prevent their free choice regarding reproductive health and to promote the shared responsibility of both the father and mother to ensure the well-being and care of the child, and to ensure women's right to make their own choices with regard to reproductive and sexual health;

c) Train and sensitize administrators of customary and traditional courts about the Convention and statutory laws that promote and guarantee the rights of women and girls, including in marriage and family relations; and

d) Ensure de facto criminalisation of certain harmful customary practices such as early, marriage and sexual cleansing.

#### **Optional Protocol**

43. The Committee notes the oral statement by the delegation that the ratification of the Optional Protocol to the Convention is still under consideration and urges the State party to accelerate its efforts towards its ratification.

#### **Article 20, paragraph 1**

44. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

#### **Beijing Declaration and Platform for Action**

45. The Committee urges the State party, in the implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action, which reinforces the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

#### **Millennium Development Goals**

46. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include more detailed information thereon in its next periodic report.

#### **Dissemination**

47. The Committee requests the wide dissemination in Zambia of the present concluding observations in order to make the people, Government officials, politicians, parliamentarians and women's and human rights organizations aware of the steps that have been taken to ensure the de jure and de facto equality of women

and of the further steps that are required in that regard. The Committee recommends that this should include the local community level. The State party is encouraged to organize a series of meetings to discuss progress achieved in the implementation of these observations. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

#### **Ratification of other treaties**

48. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Zambia to consider ratifying the treaties to which it is not yet a party, i.e., the International Convention on the Protection of the Rights of All Migrants Workers and Member of their Families; International Convention for the Protection of All Persons from Enforced Disappearance, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; Second Optional Protocol to the International Covenant on Civil and Political Rights; Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; Optional Protocols to the Convention on the Rights of the Child.

#### **Follow-up to concluding observations**

49. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 14 and 22.

#### **Technical assistance**

50. The Committee recommends that the State party avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole. The Committee also calls upon the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights, and the Statistics Division.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

**Preparation of next report**

51. The Committee requests the State party to ensure the participation of all ministries and public bodies in the preparation of its next report and, at the same time, to consult a variety of women's and human rights organizations.

52. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report in July 2015.

53. The Committee invites the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including the guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies, in June 2006 (HRI/MC/2006/3 and Corr.1). The treaty-specific reporting guidelines adopted by the Committee at its fortieth session in January 2008 (A/63/38, part one, annex I) must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together, they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages, while the updated common core document should not exceed 80 pages.

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