



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

Distr.: General
9 May 2011

Original: English

ADVANCE UNEDITED VERSION

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

Pre-session working group

Forty-ninth session

11 – 29 July 2011

**Responses to the list of issues and questions with regard to
the consideration of the combined fifth and sixth periodic
report**

Zambia

REPUBLIC OF ZAMBIA

**LIST OF ISSUES AND QUESTIONS WITH REGARD TO THE
CONSIDERATION OF ZAMBIA'S COMBINED FIFTH AND SIXTH
PERIODIC REPORT ON THE CONVENTION ON THE
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST
WOMEN**

Submitted by the Ministry of Justice

P.O. Box 50106

Fairley Road

LUSAKA

MAY, 2011

General

1. Further to the information provided in the introduction to the report, please provide more details about the process of preparing this report, including which Government ministries and institutions were involved and whether the report was adopted by the Government and presented to Parliament. Please provide information on the nature and extent of the involvement of non-governmental organisations, particularly women's organizations, in this process. Please also indicate whether the concluding observations adopted by the Committee upon the consideration of the third and fourth periodic reports of the State party were translated into the main local languages and how and to whom they were disseminated in order to make the people of Zambia, in particular Government officials and politicians, aware of the steps required to ensure *de jure* and *de facto* equality of women and men.

1.1. In Zambia, it is a requirement that the preparation of State party reports involves consultations with all appropriate stakeholders. Consequently, the preparation of the Fifth and Sixth Periodic Report was consultative in nature, with the following government ministries and institutions having been consulted at national and provincial levels:

- a) Gender in Development Division;
- b) Cabinet Office;
- c) Ministry of Community Development and Social Services;
- d) Ministry of Foreign Affairs;
- e) Central Statistical Office;
- f) Ministry of Health;
- g) Ministry of Education;
- h) Ministry of Labour and Social Security;
- i) Ministry of Information and Broadcasting;

- j) Ministry of Science and Technology;
- k) Ministry of Agriculture and Cooperatives;
- l) Ministry of Lands;
- m) Ministry of Home Affairs (Zambia Police, Police Public Complaints Commission and the unit dealing with Human Trafficking);
- n) Zambia Law Development Commission;
- o) Citizens Economic Empowerment Commission;
- p) Human Rights Commission;
- q) National Food and Nutrition Commission; and
- r) National AIDS Council.

1.2 Further, the National Assembly of Zambia, the Judiciary, non-governmental organizations, particularly, women's organizations and the Church were consulted to ensure that their views on the implementation of the provisions of the Convention were captured and reflected in the State party Report.

1.3 Upon finalisation of the Draft Report, Government convened a national validation meeting to ensure that the report represented the views provided by the stakeholders during the consultative process.

1.4 The State Party wishes to further report that it is a requirement that State party reports are adopted by Cabinet and not Parliament.

1.5 In terms of disseminating the Committee's concluding observations on the combined Third and Fourth Periodic Report, the State party wishes to report that these were disseminated at all levels in the English language, the official language used in Zambia.

2. Please provide updated information on the statistical data disaggregated by sex pertaining to the main areas and provisions of the Convention. Please indicate what steps have been taken to establish regular collection and analysis of data to capture

the real situation of women, including those belonging to disadvantaged groups, especially rural women, older women, women with disabilities, and migrant and refugee women. In this respect, please indicate if a central database has been developed by the Central Statistical Office.

Statistical Data Disaggregated by Sex pertaining to the Main Areas and Provisions of the Convention

2.1 Female-Headed Households by Province, Rural and Urban Areas, Zambia, 2006

LCMS

Province	Percent of female headed Households		Rural		Urban		Number of households
	Male	Female	Male	Female	Male	Female	
Central	77	23	77	23	76	24	225,915
Copperbelt	81	19	80	20	81	19	337,943
Eastern	76	24	75	25	77	23	320,393
Luapula	80	20	79	21	80	20	177,793
Lusaka	76	24	77	23	76	24	333,430
Northern	81	19	82	18	79	21	296,021
North-western	77	23	75	25	81	19	131,217
Southern	78	22	78	22	77	23	284,250
Western	66	34	65	35	68	32	176,250
All Zambia	77	23	77	23	78	22	2,283,211

Source: Living Conditions Monitoring Survey (LCMS) 2006

The table above shows the distribution of female-headed households by province, rural and urban areas. The table shows that in 2006, 23 percent of the households in Zambia were female-headed. Western province had the highest percentage of female-headed households (34 percent) and Lusaka and Northern provinces had the lowest (19 percent). The percentages of female-headed households were higher in rural areas of the following provinces, Eastern, Lusaka, North-Western, Western and Southern provinces.

2.2 Distribution of Population aged 12 years and above by Sex, Age and Marital Status, Zambia, 2006 LCMS

<i>Sex/AGE Group</i>	<i>Marital status</i>					<i>Total</i>	<i>Persons aged 12 years and above</i>
	<i>Never married</i>	<i>Married</i>	<i>Separated</i>	<i>Divorced</i>	<i>Widowed</i>		
All Zambia	46	45	2	3	5	100	7,606,522
<i>Sex</i>							
Male	51	45	1	1	1	100	3,710,795
Female	40	44	2	4	9	100	3,895,727
<i>Age- group</i>							
12-14	99	0	0	0	0	100	1,023,512
15-19	92	8	0	0	0	100	1,409,248
20-24	57	38	2	2	2	100	1,194,289
25-29	30	61	2	4	0	100	976,464
30-49	7	77	3	5	7	100	2,148,996
50+	1	67	1	5	26	100	854,013
<i>Male</i>							
12-14	100	0	0	0	0	100	501,823
15-19	98	2	0	0	0	100	697,817
20-24	76	22	1	0	0	100	543,893
25-29	41	55	1	2	1	100	467,249
30-49	9	84	2	3	2	100	1,072,880
50+	1	88	1	3	7	100	427,133
<i>Female</i>							
12-14	99	0	0	0	0	100	521,689
15-19	85	14	1	0	0	100	711,431
20-24	42	51	2	4	1	100	650,396
25-29	20	67	3	6	3	100	509,215
30-49	6	70	3	8	13	100	1,076,116
50+	2	45	2	6	45	100	426,880

Source: Living conditions Monitoring Survey (LCMS) 2006

2.2.1 The table above shows the percentage distribution of population aged 12 years and above by sex, age and marital status. The table shows that 46 percent of the population aged 12 years and above had never been married, while 45 percent were married, 5 percent were widowed, 3 percent divorced and 2 percent separated at the time of the survey.

2.2.2 More women were widowed, separated and divorced than men. The low proportion of widowed, separated, and divorced men compared to women could be attributed to higher rate of re-marriage among men than women.

Migration Statistics

2.3 Migrants and Non-Migrants during the 12 Months Prior to the Survey by Sex and Age, Zambia, 2006

<i>Age (in Broad Groups) and Sex</i>		<i>Migration Status</i>				<i>Total</i>	
		<i>Migrants</i>		<i>Non-Migrants</i>			
		<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>t</i>
All Zambia	Both Sexes	349,660	3	11,347,766	97	11,697,426	100
0 - 11	Both Sexes	119,064	3	3,944,429	97	4,063,493	100
	Male	60,899	3	1,968,705	97	2,029,604	100
	Female	58,166	3	1,975,724	97	2,033,890	100
12 - 19	Both Sexes	72,314	3	2,368,070	97	2,440,384	100
	Male	29,210	2	1,174,192	98	1,203,402	100
	Female	43,104	3	1,193,878	97	1,236,982	100
20 - 24	Both Sexes	42,493	4	1,156,203	96	1,198,696	100
	Male	16,470	3	529,070	97	545,540	100
	Female	26,023	4	627,133	96	653,156	100
25 - 29	Both Sexes	40,350	4	940,481	96	980,831	100
	Male	20,946	4	448,226	96	469,172	100
	Female	19,404	4	492,255	96	511,659	100
30 - 39	Both Sexes	47,045	3	1,332,988	97	1,380,033	100
	Male	24,693	4	667,230	96	691,923	100
	Female	22,352	3	665,759	97	688,111	100
40 - 49	Both Sexes	18,695	2	757,579	98	776,274	100
	Male	10,059	3	374,429	97	384,488	100
	Female	8,637	2	383,150	98	391,787	100
50 - 59	Both Sexes	5,050	1	417,674	99	422,724	100
	Male	3,772	2	213,343	98	217,115	100
	Female	1,278	1	204,331	99	205,609	100
60 - 64	Both Sexes	1,791	1	145,427	99	147,218	100
	Male	1237	2	60,157	98	61,394	100
	Female	553	1	85,270	99	85,823	100
65 +	Both Sexes	2,857	1	284,914	99	287,771	100
	Male	852	1	149,675	99	150,527	100
	Female	2,005	1	135,239	99	137,244	100

Source: Living Condition Monitoring Survey (LCMS) 2006

2.3.1 The Living Conditions Monitoring Survey (LCMS) data on migration is obtained from the following information: Place of residence 12 months prior to the survey, Place of residence at the time of the survey, and the duration of residence in the current place of residence.

2.3.2 The table above shows the proportion of migrants and non-migrants during the 12 months prior to the survey by sex and age in broad groups in Zambia. Results from the table show that there was no difference in the proportion of males and females that were involved in migration for those in age groups 0-11, 25-29 and 65+ for both males and females. The results further show that there were more migrants in the age range 20-29 compared to the older age groups.

Economic Activity

2.4 Percentage Distribution of the Population Aged 12 years and Above by Main Economic Activity Status by Sex, Rural/Urban, Stratum and Province, 2006

<i>Residence/Stratum/Province</i>	<i>Economic Status</i>							<i>Total number of persons 12 yrs and above</i>
	<i>Labour force</i>				<i>Inactive Population</i>			
	<i>Employed</i>	<i>Unpaid family worker</i>	<i>Unemployed</i>	<i>Student</i>	<i>Home maker</i>	<i>Retired / too Old</i>	<i>Other</i>	
All Zambia	43	12	9	27	6	2	1	7,584,269
Sex								
Male	53	7	9	29	1	2	1	3,702,275
Female	35	17	10	25	11	2	1	3,881,994
Rural/Urban								
Rural	47	18	3	26	3	1	1	4,758,956
Urban	37	2	19	28	11	3	1	2,825,313
Stratum								
Rural Small Scale	48	19	3	26	2	1	1	4,342,085
Rural Medium scale	37	21	4	35	2	1	0	175,119
Rural Large Scale	24	32	9	31	4	1	.	6,007
Rural Non Agric	47	3	14	18	13	3	1	235,745
Urban low cost	38	2	18	27	12	3	1	2,220,752

<i>Residence/Stratum/Province</i>	<i>Economic Status</i>							<i>Total number of persons 12 yrs and above</i>
	<i>Labour force</i>				<i>Inactive Population</i>			
	<i>Employed</i>	<i>Unpaid family worker</i>	<i>Unemployed</i>	<i>Full time Student</i>	<i>Home maker</i>	<i>Retired / too Old</i>	<i>Other</i>	
Urban Medium cost	35	1	21	32	9	3	1	363,949
Urban high cost	38	1	18	32	7	2	2	240,612
Province								
Central	37	21	6	29	5	2	1	795,739
Copperbelt	37	1	17	29	11	3	1	1,230,907
Eastern	39	34	2	22	1	1	0	997,761
Luapula	62	3	2	29	2	1	0	559,190
Lusaka	39	2	19	26	11	3	1	1,141,999
Northern	42	24	4	26	2	2	0	935,837
North-Western	50	6	8	29	3	3	1	435,830
Southern	49	6	8	28	7	1	0	915,842
Western	50	11	6	26	5	2	1	571,164

Source: Living Condition Monitoring Survey (LCMS) 2006

2.4.1 The table above shows disparities in the economic activity status of men and women. While 53 percent of all men were employed, only about 35 percent of the women were employed. More women (17 percent) than men (7 percent) were described as unpaid family workers. Similarly, more women (11 percent) than men (1 percent) were classified as homemakers. This could be a reflection of the gender roles assigned to men and women, which place them in pre-defined economic activities according to their sex. Women mostly tend to do work that is oriented towards 'household activities', while men will most of the time be placed in 'income generating activities' on the labour market.

2.4.2 When analysed by rural/urban stratum, the results showed that there were more people employed in the rural than urban areas, 47 percent and 37 percent, respectively. More people in rural (18 percent) than urban (2 percent) areas were employed as family workers; while more people in urban (19 percent) than rural (3 percent) areas were unemployed.

2.4.3 Analysis by province showed that Luapula province had the highest proportion of employed persons (62 percent), followed by North-western and Western, each with 50

percent, and Southern province (49 percent). The largest proportions of unpaid family workers were observed in Eastern province (34 percent), followed by Northern (24 percent) and Central (21 percent) provinces. The proportion of full-time students was similar in all the provinces, ranging from about 22 percent to 29 percent.

Labour Force Participation

2.5 Labour Force Participation Rates among Persons Aged 12 Years and Above by Sex, Rural/Urban, Stratum and Province, 2006

<i>Residence/Province</i>	<i>Participation Rate</i>			<i>Number of persons 12 yrs and above</i>
	<i>Both sexes</i>	<i>Male</i>	<i>Female</i>	
All Zambia	65	68	61	7,584,269
Residence				
Rural	69	68	69	4,758,956
Urban	57	67	48	2,825,313
Province				
Central	64	66	61	795,739
Copperbelt	56	66	46	1,230,907
Eastern	75	73	77	997,761
Luapula	68	66	69	559,190
Lusaka	60	70	50	1,141,999
Northern	70	70	71	935,837
North-Western	64	65	63	435,830
Southern	63	67	60	915,842
Western	67	67	67	571,164

Source: Living Condition Monitoring Survey (LCMS) 2006

2.5.1 The labour force participation rate is a labour market indicator that shows the proportion of persons in the population who are economically active. It distinguishes between those that are economically active (the employed and the unemployed) and those that are economically inactive (students, homemakers, pensioners and retired). Low participation rates imply that a large proportion of individuals are not participating in the labour force, the reverse being true for high participation rates.

2.5.2 The overall labour force participation rate in Zambia was 65 percent as shown in the table above. Men had a participation rate of 68 percent, while that for women was 65

percent. In rural areas, the female participation rate was slightly higher than that for males, 69 percent and 68 percent respectively; while there was a huge disparity in participation rates by sex in urban areas, with men (67 percent) having a higher rate than women (48 percent).

Steps Taken to Establish Regular Collection and Analysis of Data

2.6 The State party reports that the Central Statistical Office has taken steps to ensure the regular collection and analysis of data through the multi-cluster indicator surveys that are conducted such as the Zambia Demographic Health Survey and Living Conditions Monitoring Survey in order to capture the real situation of women.

Central Database

2.7 The Central Statistical Office has not developed a central database but works in collaboration with other ministries of the Government to capture the data. The Central Statistical Office has the intention of developing a national statistical system which will be the central database.

3. The Committee, in para. 232 of its previous concluding observations, was concerned that the Convention has not been directly incorporated into domestic law and that its provisions cannot be invoked before the Courts. The report at para. 6, indicates that Zambian legislation has incorporated certain provisions of the Convention through a number of laws and law amendments. Please provide updated information on further steps taken or envisaged by the State party to incorporate the Convention into domestic law and to make it applicable in national courts.

The Committee may wish to take note of the following, in response to the concern raised regarding the incorporation of the Convention into domestic law:

Policy and Legislation Mapping Exercise

3.1 The State Party wishes to report that Government initiated a policy and legislation mapping exercise in 2010 with the objective of determining the provisions of the

Convention that have been incorporated into policies and national legislation. This exercise will provide Government with the required information on further action to undertake in order to systematically domesticate the provisions of the Convention.

The Constitution of Zambia (Amendment) Bill, 2010

3.2 The Bill, *inter alia*, provides for the equal treatment of both genders. It obliges the State to direct policies and laws towards securing and promoting gender equality. Further, the Bill requires the Government to ensure full participation, gender balance and equitable representation of disadvantaged groups, including the youth and persons with disabilities, in elective and appointive bodies and in the political, social, cultural and economic development of the country. In addition, it requires all political parties and civic associations to ensure full participation, gender balance and equitable representation of disadvantaged groups, the youth and persons with disabilities in their organisations and practices. The Bill also establishes the Gender Equality Commission which is mandated to promote respect for gender equality and the protection, development and attainment of gender equality.

The Bill of Rights is yet to be subjected to a National Referendum as explained below.

The Anti-Gender Based Violence Act, 2011

3.3 Parliament enacted specific legislation on gender-based violence called the Anti-Gender-Based Violence Act, 2011. The Act criminalises gender-based violence, and provides for the effective protection of victims of gender-based violence, among them, women in domestic relationships. The piece of legislation seeks to strengthen the provisions contained in the Penal Code and further provides for the protection and compensation of the victims/survivors of gender-based violence. The Act also provides for the establishment of shelters in which victims may seek refuge from further violence and for the assistance.

The Professional Boxing and Wrestling Control (Amendment) Act, 2010

3.4 Prior to the amendment of the Professional Boxing and Wrestling Control Act, Cap 159, the Zambia Professional Boxing and Wrestling Board only registered male persons as boxers or wrestlers. The Professional Boxing and Wrestling Control (Amendment) Act, 2010 allows the Board to also register women as boxers or wrestlers.

The Citizens Economic Empowerment Act, 2006

3.5 In 2010, eligibility criteria for accessing the Economic Empowerment Fund were revised by removing the requirement to provide collateral for loans amounting up to USD12, 000. This was to increase access by women entrepreneurs to the Citizens Economic Empowerment Fund.

The Anti-Human Trafficking Act, 2008

3.6 The enactment of the Anti-Human Trafficking Act of 2008 has strengthened the provisions on human trafficking. Previously, offences relating to human trafficking were only provided for in the Penal Code which only provided for child trafficking. The Act has broadened the provisions and provides for the prohibition, prevention and prosecution of human trafficking of all persons. The Act also provides for the establishment of centers for victims of human trafficking. The Act further provides for the domestication of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and supplements the United Nations Convention against Transnational Organised Crime.

The Education Act, 2011

3.7 The Education Act, 2011 obliges the Minister of Education to promote equality in access to education, participation in and successful completion of education at all levels, irrespective of gender, social class or disability. The Act also requires the Education Board or the Board of Management to develop and implement plans for the promotion of equal opportunities of access to, and participation in, the various levels of schools for which the Education Board or Board of Management is responsible. The Act further places an obligation on the Education Board or Board of Management to ensure that both the

curriculum and the associated teaching materials at educational institutions are gender responsive. The Act makes it mandatory for gender issues and gender sensitive methodologies to be integral to the pre-service and in-service training of teachers. The Act further encourages the Minister to provide education opportunities for both male and female learners.

Constitutional, Legislative and Institutional Framework

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

There are currently no plans to include a definition for the term 'discrimination against women' in our laws. The term 'discriminatory', which has been defined in the Constitution of Zambia, Chapter 1 of the Laws of Zambia, is considered adequate as it covers all aspects of discrimination.

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

5.1 The State party wishes to report that the Mung'omba Constitution Review Commission, *inter alia*, recommended that the Constitution should be adopted by a Constituent Assembly, Constitutional Conference or any popular body. In response to that

recommendation, the State party enacted the National Constitutional Conference Act No. 19 of 2007 which established the National Constitutional Conference (NCC) to:

- a) consider and deliberate the provisions of the report and draft Constitution of the Mung'omba Constitution Review Commission;
- b) adopt the draft Constitution or part thereof; and
- c) submit the adopted draft Constitution or part thereof to the Minister of Justice for presentation to Parliament or for submission to a referendum.

5.2 The NCC met between December, 2007 and August, 2010. Consequently, the NCC produced a report and draft Constitution which was submitted to the Minister of Justice in August, 2010 for presentation to Parliament and/or submission to a referendum.

5.3 Under the Constitution of Zambia, Chapter 1 of the Laws of Zambia, the Constitution can be altered in two ways as follows:

- a) A bill which purports to alter the Bill of Rights and the mode of altering the Constitution will be passed when it meets the following criteria:
 - i. the bill is published in the Gazette for not less than thirty (30) days; and
 - ii. before the first reading of the bill in the National Assembly, it is put to a National Referendum by not less than fifty per cent of persons entitled to be registered as voters for the purposes of Presidential and Parliamentary elections.
- b) A bill to alter the other parts of the Constitution can be passed when it meets the following criteria:
 - i. the bill is published in the Gazette for not less than thirty (30) days; and
 - ii. on the second and third readings of the National Assembly, it is supported by the votes of not less than two thirds of all members of the Assembly.

5.4 Since some parts of the Draft Constitution Bill, 2010 purport to alter the Bill of Rights and the mode of altering the Constitution, those parts will have to be subjected to a National Referendum, the date of which will be announced later.

5.5 The Bill to alter the other parts of the Constitution was introduced in Parliament sometime last year and on second reading, Parliament failed to garner the requisite two-thirds (2/3s) votes of all members of the Assembly.

5.6 Government has the option of re-introducing that Bill to Parliament six months from 29th March, 2011.

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

The State Party submits that a similar provision has been provided for in the Draft Constitution, 2010; however, the people of Zambia will have to decide whether to maintain the provision in the proposed referendum.

National Machinery for the Advancement of Women

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

policies and to effectively carry out strategies and measures to eliminate discrimination.

7.1 The Gender in Development Division (GIDD) falls under Cabinet Office which is the highest government institution and has the authority to advise all Government ministries and institutions on the impact of their respective policies on women. It is also the institution mandated to monitor, coordinate and evaluate the implementation of all government policies and programmes from a gender perspective. It also provides policy advice to Government on new and emerging gender issues. The Division is aimed at ensuring that the implementation of gender and development programmes is institutionalised in all government ministries and institutions.

7.2 The Division has further been strengthened by the establishment of the Office of the Minister of Gender and Women in Development. This measure has enabled the Division to effectively provide technical guidance to Cabinet business in so far as gender issues are concerned. With the establishment of the Office of the Minister of Gender and Women in Development, resources to the national gender machinery have more than doubled. In addition, GIDD is the only Division in Cabinet Office which has a direct budget line.

8. The report, at para 55 (a), refers to the continued implementation of the National Gender Policy and the Strategic Plan of Action which were adopted in 2000 and 2004, respectively, to accelerate the advancement of women. Please provide information on the assessment of these policies and action plans, as well as their impact with regard to the practical realisation of equality between men and women in all areas covered by the Convention.

The National Gender Policy and its Strategic Plan of Action were adopted in 2000 and 2004, respectively, to accelerate the advancement of women. Government has undertaken various assessments of the implementation of the two documents and the results have indicated that the advancement of women has been slow and uneven in various sectors. Consequently, Government has undertaken to conduct a comprehensive review of the

National Gender Policy and assess its impact. The results of this exercise will inform Government in its plans to revise the Policy and guide the policy implementation process.

Stereotypes and Cultural Practices

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

9.1 Government has initiated a project to study customary marriages with a view to codifying that particular part of customary law. The objective of the exercise is to identify practices that are common to most of the ethnic groupings in terms of contracting and dissolution of marriages and bringing them under one piece of legislation (harmonisation).

9.2 It is the intention of Government that once the customary marriage law is harmonised, women entering marriage using this particular law will be accorded more rights in terms of property settlement, maintenance and custody of children. In order to ensure that the proposed legislation is owned by the Zambian population, Government is still consulting various stakeholders at all levels, specifically, parliamentarians, traditional and religious leaders have been targeted in the consultative processes.

10. According to para. 14 of the report, the stereotypes and prejudices that were prevailing in the Country are changing rapidly particularly in urban areas and girls are being treated on an equal basis with their male counterparts. However, according to para 47 (c) of the report, negative customary practices continue to place women in subordinate positions and often deter women from exercising their full potential in their enjoyment of freedoms and rights. Please elaborate on the measures taken to change social and cultural patterns that lead to stereotyping or reinforcing the idea of the inferiority of women, including through the portrayal of women in the media.

Please also indicate the impact of these measures. Furthermore, please provide information on measures taken to improve access to community radio stations in very remote areas, as referred to at para. 60 (b) of the report

Measures to Change Social and Cultural Patterns and Impact

10.1 In order to address negative social and cultural practices that lead to stereotyping and reinforcing the idea of inferiority of women, Government and Civil Society Organisations have strengthened their partnerships with traditional leaders through the House of Chiefs. The partnerships are producing positive results and have compelled some traditional leaders to support education of girl children as a measure to enhance their empowerment and ensure that they participate in the community development programmes on an equal footing with boys. In addition, some chiefdoms have banned the practice of early marriages which reinforces the view that a woman's place is in the domestic sphere. The Government and its stakeholders are using these initiatives as best practices in other areas.

Measures to Improve Access to Community Radio Stations

10.2 The State Party also wishes to report that Government has developed the National Gender Communication Strategy whose main objective is to facilitate change in attitudes towards gender and development and foster sustained support for the advancement of gender equality. The Strategy will be implemented by both Government and non-government institutions to ensure that implementation takes place at all levels. Further, Government will utilise and build capacities among existing provincial community radio stations to ensure that they are equipped with the necessary skills to broadcast gender responsive programmes. This exercise has already begun with the support of cooperating partners under the Joint Gender Support Programme.

Violence against Women

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

Collection of Disaggregated Data on Other Types of Gender-based Violence

11.1 Government remains committed to the collection and analysis of sex disaggregated statistics on gender-based violence. Currently, there are measures being undertaken to ensure the collection of sex disaggregated statistics from all stakeholders that may be involved in handling cases or victims of gender based violence. This includes sources from the Zambia Police Service; health institutions; social welfare offices; civil society organisations and community leaders. However, there are challenges with this system as it is yet to be improved and synchronised to avoid double counting and to ensure that accurate data is collected. Despite this challenge, Government through the Central Statistical Office has begun compiling gender-based violence statistics in its periodic reports such as the Zambia Demographic and Health Survey (ZDHS). It is, however, the intention of the State Party to systematise the collection of sex disaggregated statistics on gender-based violence using administrative records from the various service providers.

Anti-Gender Based Violence Act, 2011

11.2 In terms of addressing the incidences of gender-based violence, the State Party wishes to report that the Anti-Gender Based Violence Act was passed by Parliament on 3rd

March, 2011. The Bill covers all forms of gender-based violence arising from physical, psychological, economic, sexual and social cultural violence.

11.3 The State Party reports that the Anti-Gender Based Violence Act does not provide for any sanctions because they are sufficiently provided for in the Penal Code. The Act will be inquired into, tried, and otherwise dealt with in accordance with the Criminal Procedure Code, the Penal Code and any other written law.

12. The report notes that the State Party has incorporated the protection of women and children from indecent assault, sexual harassment, defilement and trafficking in persons through the Penal Code (Amendment) Act No. 15 of 2005. Please provide updated information on the content and implementation of these amendments, including their impact on the reduction of such cases, and please provide information on steps taken to include marital rape in the Penal Code. Furthermore, please provide more information on the One-Stop Centres which, according to para. 11 of the report, provide services to victims of gender based violence, including counseling, treatment for injuries, investigations, and prosecution. Please indicate the distribution of such centres throughout the country and explain how they can provide prosecution services.

Updated Information on Content and Implementation of Amendments

12.1 The Penal Code (Amendment) Act No.15 of 2005 protects women and children from offences against morality which include indecent assault, defilement and sexual harassment.

12.2 Section 137 of the Penal Code (Amendment) Act No.15 of 2005 provides for indecent assault and states as follows:

“Any person who unlawfully and indecently assaults any child or other person commits a felony and is liable, upon conviction, to imprisonment for a term of not less than fifteen years and not exceeding twenty years.”

12.3 Section 138 of the Penal Code (Amendments) Act provides for defilement of children and states as follows:

“Any person who unlawfully and carnally knows any child commits a felony and is liable, upon conviction, to a term of imprisonment of not less than fifteen years and may be liable to imprisonment for life.”

12.4 Section 137A of the Penal Code provides for sexual harassment and states as follows:

“Any person who practices sexual harassment in a working place, institution of learning or elsewhere on a child commits a felony and is liable, upon conviction, to imprisonment for a term of not less than three years and not exceeding fifteen years.”

12.5 Section 143 of the Penal Code which provides for the offence of trafficking is being considered for repeal by Parliament through the Penal Code (Amendment) Bill, 2010 because this offence is provided for under the Anti-Human Trafficking Act No. 11 of 2008.

Impact on Reduction of Sexual Offences

12.6 The State Party reports that several persons have been convicted for the offence of defilement. The general public has been made aware of the offence of defilement and the sentence it carries because convictions of defilement are normally reported in the print and electronic media. This has acted both as a deterrent to would be offenders and a means of awareness of the offence, which has encouraged children and parents to report cases of defilement to the police.

12.7 The State Party invites the Committee to note that the offences of sexual harassment and indecent assault are still under reported. However, the Victim Support Unit (VSU) which was established under the Zambia Police Amendment Act No. 14 of 1999 to deal with acts of violence including sexual violence against women and children has come up with interventions which include:

- a) encouraging the public through the media to report cases of offences against morality including gender-based violence;
- b) mobilising and sensitising the communities on sexual and gender based violence;
- c) increasing the accessibility of VSU services around the country through construction of modern offices suitable to meet the needs of victims in terms of ensuring privacy and confidentiality; and
- d) targeting men to be change agents among fellow men.

Marital Rape

12.8 With regard to marital rape, the State Party reports that no steps have been taken to include the offence in the Penal Code.

One-Stop-Centres

12.9 One-Stop-Centres which provide services to victims of gender-based violence, including counseling, treatment, investigations and prosecution services have been established in three (3) districts and are run by the Young Women Christian Association (YWCA). Further, the Anti-Gender-Based Violence Act places an obligation on the Minister responsible for social welfare to establish and operate shelters for victims of gender-based violence from money appropriated by Parliament and ensure an appropriate spread of such shelters throughout Zambia. The shelters for victims established pursuant to the Act have to comply with the norms and standards as the Minister may, by statutory instrument, prescribe.

13. **Please provide clarification of section 161 of the Penal Code (Amendment) Act No 15 of 2005 whereby a girl/woman above 16 years of age who has consensual sexual intercourse with a relative is guilty of a felony and liable to imprisonment for a term not, less than 20 years and maybe liable to imprisonment for life. What are the corresponding criminal provisions for the male relatives in this respect? Who has the burden of proof as regards the issue of consent?**

Section 161 of the Penal Code (Amendment) Act No. 15 of 2005

13.1 The Committee may wish to note that Section 161(1) of the Penal Code criminalises an act of incest by a female person. Section 161 provides that any female person of or above the age of sixteen years who with consent permits her grandfather, father, brother, uncle, nephew, son or grandson to have carnal knowledge of her knowing him to be her grandfather, father, brother, uncle, son, nephew, or grandson, as the case may be, commits a felony and liable, upon conviction, to imprisonment for a term of not less than twenty years and may be liable to imprisonment for life. A female child who commits an offence under this subsection is liable to such community service or counseling as the court may determine in the best interests of the child.

Corresponding Criminal Provisions for Male Relatives

13.2 In the case of an act of incest by a male person, provision is made under section 159 of the Penal Code. Section 159 (1) of the Penal Code provides that “any male person who has carnal knowledge of a female person who is to that person's knowledge his grandmother, mother, sister, daughter, grand-daughter, aunt or niece commits a felony and is liable, upon conviction, to imprisonment for a term of not less than twenty years and may be liable to imprisonment for life.”

Burden of Proof with respect to Consent

13.4 Where a person is charged with the offence of incest, the burden of proving all the ingredients of the offence rests on the prosecutor. The prosecutor must prove that there was sexual intercourse and that the accused person permitted (consented to) the relative to have sex with him or her and that the persons involved were related to each other within the prescribed degree. The fact that the accused person did not consent to the sexual act is a defence to a charge of incest. The male relative can equally be charged with the offence of rape where there is such evidence.

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

Allegations of Torture or Ill-treatment by State Officials against Women

14.1 The State party is committed to dealing with allegations of torture or ill-treatment by state officials against women in police detention facilities through the Police Public Complaints Authority (PPCA) which is mandated to receive and investigate complaints against police officers. The PPCA has received and investigated a number of such complaints as indicated in the table below. The PPCA has also been raising awareness through information, education and communication materials that have been published in English and some of the local languages. Advertisements both on television and radio have been running as a means of awareness. The PPCA has also conducted sensitisation meetings and workshops in all the districts in Zambia.

14.2 Further, the State Party reports that, directives were issued to all the Prison Officers through the Commissioner Standing Orders to respect the rights of women and that they are not to be engaged in any hard work despite court orders that they be convicted to serve sentences with hard labour.

Awareness Programmes on Sexual Violence

14.3 The State Party wishes to report that the noted increase in the number of reported cases of sexual abuse is as a result of the various awareness programmes being implemented on human rights and sexual and gender based violence, in particular. These include focused group discussions; and electronic and print media sensitisation programmes.

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

15.1 According to available statistics, the Police Public Complaints Authority, between 2003 and 2010, recorded a total number of 274 complaints from women against law enforcement officers. The nature of complaints reported by women ranged from assault, torture, threatening violence, unlawful detention, harassment, sexual abuse, defilement, sexual advancement and human trafficking.

15.2 Out of the 274 complaints, 99 were investigated and concluded. A total of 52 police officers were cleared of allegations leveled against them while 23 police officers were recommended for disciplinary action. Among the 23 who were recommended for disciplinary action, 2 who were dismissed from the Police Service sought Judicial Review in the High Court and judgment was in their favour. The officers have since been reinstated.

Complaints Reported by Women Profiled by Year

NATURE OF COMPLAINT	2003	2004	2005	2006	2007	2008	2009	2010	TOTAL
Assault/Torture/beatings	4	2	3	4	4	2	1	-	
Threatening violence	1	-	-	1	-	1	-	1	4
Unlawful detention	8	15	13	9	10	10	7	11	83
Harassment	2	-	1	1	2	2	2	1	11
Abuse of authority/debt collection	4	5	-	6	1	1	2	2	21
Forced marriage	-	-	-	-	-	-	-	1	1
Death in Police Custody	2	1	2	1	1	-	4	1	12
Staff Matter	-	-	-	1	-	-	-	-	1
Unprofessional conduct	19	17	11	9	5	5	5	9	80
Inaction	8	4	1	1	3	3	3	3	26
Stripped naked/forced abortion/sexual abused/defilement/sexual advancement	2	-	5	1	-	1	3	1	13
Human Trafficking	-	1	-	-	-	1	-	-	2
TOTAL	50	45	36	34	26	26	27	30	274

Source: PPCA

Trafficking and Exploitation of Prostitution

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

Mandate, Composition and Activities of Inter-Ministerial Committee on Trafficking

16.1 The Inter-ministerial Committee on Trafficking is established under the Anti-Human Trafficking Act, 2008 and is mandated to carry out the following activities:

- a) co-ordinating the activities of all the relevant institutions on matters connected with trafficking;
- b) making recommendations for a National Plan of Action against human trafficking, monitor and report on the progress of the National Plan of Action;
- c) advising the Minister of Home Affairs on policy matters connected with trafficking in persons;
- d) providing advice on the investigation and prosecution of cases of trafficking;
- e) proposing and promoting strategies to prevent and combat trafficking in persons;
- f) liaising with governmental agencies and non-governmental organisations to promote the rehabilitation and reintegration of victims;
- g) preparing guidelines for disbursements of the Fund;
- h) keeping abreast with international and regional developments and standards on trafficking in persons; and
- i) dealing with all other matters relating to human trafficking.

16.2 The Inter-Ministerial Committee on Trafficking comprises members representing the following institutions: Ministry of Home Affairs; Gender in Development Division; Ministry of Justice; Ministry of Community Development and Social Services; Ministry of Foreign Affairs; Human Rights Commission; and the Non-Governmental Organisation Coordination Committee.

National Plan of Action on Human Trafficking

16.3 Government has developed a national plan of action on human trafficking which provides for strengthening of Government's response to cases of trafficking, development

of partnerships with non-state actors to achieve improved public awareness and the provision of appropriate and accessible services to victims of trafficking.

Policy on Human Trafficking

16.4 The State Party reports that the Government developed a policy on human trafficking which was adopted in July, 2009.

Anti-Human Trafficking Act, 2008

16.5 As mentioned above, Zambia enacted the Anti-Human Trafficking Act in 2008.

Shelters and Other Services to Victim of Prostitution and Trafficking

16.6 In addition, the Committee may wish to note that the Anti-Human Trafficking Act, 2008 provides for the establishment of centres for victims of human trafficking.

16.7 The State Party reports that the Government has plans to provide shelters and other services to victims of prostitution and trafficking in the country and this is a priority for 2011. The State Party is currently working with other stakeholders in ensuring that appropriate assistance is provided for the victims of trafficking. A feasibility study is underway to determine what shelters are available and also to develop minimum standards of operation. The Ministry of Community Development and Social Services (MCDSS) is the lead ministry in this exercise.

16.8 The State Party reports that a research was conducted by the International Labour Organisation (ILO) on the nature, extent, causes and consequences of trafficking in Zambia in order to inform Government policy, strategies and intervention. The State Party further reports that the Government is in the process of conducting another research focusing on domestic labour and internal trafficking and proposals from potential consultants are being reviewed.

17. **According to information before the Committee, Zambia is a country of origin, destination and transit for trafficking in persons and there is a large and increasing number of child victims of commercial exploitation, including prostitution and**

pornography, especially among girls, child orphans and disadvantaged children. Please provide statistics, if available, on the number of women and girls who are victims of trafficking for purposes of sexual and economic exploitation. Please also provide statistics, if available, on the number of women and girls engaged in prostitution and elaborate on measures adopted to prevent and punish the exploitation of prostitution, as well as measures taken to provide rehabilitation and support for social integration of women who wish to leave prostitution.

Statistics on Women and Girls who are Victims of Trafficking or Engaged in Prostitution

17.1 The State Party reports that there are no statistics available on the number of women and girls who are victims of trafficking for purposes of sexual and economic exploitation or engaged in prostitution. However, the State Party is in the process of developing an information system which will allow analysis of all data received and provide authentic statistics. The State Party invites the Committee to note that this process is ongoing.

Prevention and Punishment of Exploitation of Prostitution

17.2 The State party reports that the Penal Code has sufficient provisions that prevent and punish the exploitation of prostitution. In that regard, the Penal Code prohibits the following acts:

- a) persons living on earnings of prostitution;
- b) persons, for purposes of gain, exercising control, direction or influence over movements of prostitutes in such a manner as to show that they are aiding, abetting or compelling their prostitution with persons;
- b) male persons persistently soliciting for immoral reasons;
- c) persons keeping houses, rooms, set of rooms, or place of any kind whatsoever for purposes of prostitution.

17.3 Any person who does the above is guilty of a misdemeanour. Under the Penal Code, a person convicted of a misdemeanour may be sentenced to pay a fine in addition to or instead of imprisonment.

Rehabilitation and Support for Women Wishing to Leave Prostitution

17.4 The State party reports that Tasintha, a non-governmental organisation, provides rehabilitation and support for social integration of women who wish to leave prostitution. Tasintha promotes rehabilitation, recovery and restoration of clients of prostitution as well as prevention mechanisms. The programme activities for Tasintha include identification of women and children involved in prostitution, establishing relations with them, recruiting them into the programme, counseling towards recovery and resettlement of victims and family reunion, training in simple practical life-saving and professional skills and income generating activities. **Source: www.tasintha.org**

Political Participation and Participation in Public Life

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

Status and Content to Gender Mainstreaming Strategy

18.1 The State Party reports that the gender mainstreaming strategy was approved by the Secretary to the Cabinet in December, 2010 and is in the process of being launched.

18.2 The overall objective of the Strategy is to facilitate gender mainstreaming within the context of the Public Service Reform Programme (PSRP) in order to promote gender-responsiveness in public service management and service delivery, for achievement of gender equality in line with the National Gender Policy (2000).

18.3 The specific objectives of the strategy are as follows:

- a) to build the capacity of Public Service institutions in gender analysis and mainstreaming in order to ensure gender responsive policy and program implementation at all levels;
- b) to promote and strengthen accountability in gender mainstreaming in Public Service institutions in order to ensure the institutionalization of gender;
- c) to increase the number of women in decision making positions in the Public Service in order to attain gender balance;
- d) to address gender based discrimination that applies in human resource management at work places within the Public Service in order to ensure conducive work environment; and
- e) to strengthen gender reporting, monitoring and evaluation systems in the Public Service in order to assess impact of gender mainstreaming processes.

18.4 The State party reports that the strategy has not yet been evaluated because it was only approved by the Secretary to the Cabinet recently.

Temporary Special Measures

18.5 The State party further reports that the Government is consulting on the question of introducing temporary special measures, in accordance with article, 4, paragraph I, of the Convention, to strengthen its efforts to promote women to positions of power.

Nationality

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

Zambia has not adopted any legal instrument regarding local integration of refugees living in Zambia although proposals for the local integration of Angolan refugees living in Zambia have been made to Cabinet by the Ministry of Home Affairs.

Education

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

Main Reasons for Girls Dropping Out of School

20.1 The State party has identified the main reasons for girls dropping out of school as follows:

- a) early marriages and teenage pregnancies;
- b) traditional and cultural practices such as initiation ceremonies, that seclude girls from schools; and

c) poverty, especially in the rural communities, which mostly places a burden on girls as they are used to provide for families.

Re-Entry Policy

20.2 The State Party reports that the re-entry policy addresses only one reason of girls dropping out of school which is teenage pregnancy. It is a policy meant to accord an opportunity to girls who drop out of school as a result of pregnancy to go back to school after delivery. The State party has other measures of ensuring that those girls who are not covered by the re-entry policy are accorded an opportunity to go back to school. This includes open and distance learning.

20.3 In order to strengthen the implementation of the Re-entry policy, the re-entry policy was evaluated through a research, and a report was presented. It is, therefore, planned that the findings of the study will be disseminated to all Provincial and District Education officials so that they can implement the recommendations. This initiative is also being supported by key stakeholders such as the civil societies working in the education sector to promote the education of girls.

Steps Taken or Planning to Increase Enrolment of Girls in Higher and Tertiary Education

20.4 The steps that have been taken or planned to increase enrolment of girls in higher and tertiary education include:

- a) introduction of the free basic education policy;
- b) sensitisation campaigns on the importance of girls' education, targeted at traditional leaders and communities;
- c) expansion of infrastructure at high school and tertiary education; for example, the State party plans to construct one hundred (100) high schools by 2015. Among these, nine (9) are girls technical high schools (one in each province);

d) at the high school level, 60 percent of bursary support is offered to girls while 40 percent goes to boys; and

e) at tertiary level, reservation of 25 percent of places for girls while 75 percent of places are competed for by all.

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

The State Party wishes to report that Government has embarked on training of provincial and district education officers in adult literacy techniques and methodologies. It is the view of Government that this will increase the number of those equipped with relevant skills to provide functional literacy services to women and men, especially those in rural areas.

Employment

22. The report notes that the right to employment is guaranteed through the Employment Act and the Industrial and Labour Relations Act. Please explain how compliance with these acts is monitored, particularly the prohibition of discrimination based on sex, as included in the Industrial and Labour Relations Act. Do these acts include the prohibition of sexual harassment in employment, and the right to return to the same job after maternity leave? Please also provide information on any plans to extend their application to the informal sector. In addition, please inform the Committee if the State party has maintained the requirement of two years' continuous employment from the date of recruitment as a condition for maternity leave in its national legislation (section 15 (A) of the Employment Act).

Compliance with Employment and Industrial and Labour Relations Acts

22.1 The State party reports that compliance with the Employment Act and Industrial and Labour Relations Act is monitored by the Labour Inspections Unit under the Ministry of Labour and Social Security. The Inspections Unit undertakes routine, special and follow-up inspections to ensure that the law is enforced. Monitoring is also done through written reports from the field stations around the country.

Prohibition of Sexual Harassment in Employment

22.2 The State Party reports further that the Employment Act and Industrial and Labour Relations Act do not include the prohibition of sexual harassment in employment because the offence has been adequately provided for in the Penal Code, Chapter 87 of the Laws of Zambia. The State party invites the Committee to note that criminal offences in Zambia are provided for under the Penal Code.

Right to Return to the Same Job After Maternity Leave

22.3 The labour laws guarantee the right of female employees to return to the same job after maternity leave.

Application of Labour Laws to Informal Sector

22.4 The labour laws apply to both the formal and informal sector especially the Statutory Instruments on Minimum Wages and Conditions of Employment which mainly apply to the most vulnerable group of employees. It is, however, worth noting that in view of the nature of the informal economy, the enforcement of laws protecting workers rights, occupational health and safety and other core labour issues has proved to be a challenge.

Eligibility for Maternity Leave

22.5 The State party wishes to report that it is still a requirement for one to serve a minimum period of two continuous years of employment to be eligible for paid maternity leave.

23. **According to the report (para. 127), the diminishing formal sector has resulted in increased unemployment especially among women the majority of whom have low**

qualifications, and this has consequently led to the growth of the informal sector where most women are subjected to low pay and hazardous working conditions. Please provide information on steps taken towards the regularization of the informal sector and on any steps taken or envisaged to provide social security to women who work in the informal sector.

23.1 The State party reports that steps have been taken towards the regularisation of the informal sector and they are as follows:

23.1.1 The Minimum Wages and Conditions of Employment (Domestic Workers) Statutory Instrument No 3 of 2011

The enactment of the Statutory Instrument on the Minimum Wages and Conditions of Employment for Domestic Workers establishes legal protection of the rights of domestic workers, the majority of whom are women, and improves their welfare. The Statutory Instrument entitles domestic workers to benefits such as paid sick leave, annual leave, maternity leave, paid overtime and transport allowance.

23.1.2 The Minimum Wages and Conditions of Employment (General), Statutory Instrument No. 2 of 2011

This Statutory Instrument protects persons in the informal sector by prescribing the minimum wage and offers benefits such as paid overtime, annual leave, paid sick leave, maternity leave, retirement benefits, redundancy benefits, repatriation benefits, funeral assistance, transport allowance, lunch allowance, subsistence allowance, tool allowance, protective benefits, housing allowance and upset allowance.

23.1.3 The Minimum Wages and Conditions of Employment (Shop Workers), Statutory Instrument No. 1 of 2011

This Statutory Instrument applies to employees employed in any shop or in connection with the business of any shop. The Statutory Instrument prescribes the minimum wage and offers benefits to shop workers such as paid overtime, annual leave, sick leave, maternity

leave, retirement benefits, redundancy benefits, repatriation benefits, funeral assistance, transport allowance, lunch allowance, subsistence allowance, tool allowance, protective benefits, housing allowance and machine allowance.

23.2 The State Party reports that the three statutory instruments oblige employers to grant leave of absence to female employees whose children are ill and have been hospitalised to enable the employees nurse their children where the children, due to the nature of the illness, require special attention. In such cases, no monies are deducted from the female employee's accrued leave days.

Health

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

24.1 The State party wishes to report that:

- a) Government has increased resource allocation to the health sector. In this regard, Government has established a dedicated budget line for reproductive health commodities. The commodities are used for conducting normal deliveries, managing of complications of pregnancy, provision of family planning services;
- b) Government is building and rehabilitating health infrastructure to ensure access to health facilities. Further, zonal clinics are being equipped to handle emergencies which will make it easier for patients to be referred from the satellite centres;
- c) Government has introduced the Zambia Health Workers Retention Scheme which is a measure to retain qualified health personnel. Through this programme, almost all the

district hospitals have doctors. The scheme is now being extended to other health workers including nurses, paramedics, clinical officers and tutors; and

d) Government has increased intakes of nurses and re-opened closed nursing schools. Further, Government has introduced a programme which enables those wishing to enroll in midwifery programmes through direct entry unlike in the past where one needed to have Zambia Enrolled Nurse Certificate to be eligible.

24.2 The following measures have contributed to the reduction in Maternal Mortality which has declined from 729 deaths per 100,000 live births in 2002 to 591/100,000 in 2007:

a) the Government has launched the Campaign to Accelerate Reduction in Maternal Mortality (CARMA). This initiative is meant to allow for a focused approach to mainstream women's survival and utilise a multi-sectoral approach, with involvement of Private Public Partnerships and civil society;

b) the Ministry of Health focus on young people is health related, preventive and promotive. Thus the Ministry has trained health workers in 51 percent of districts in adolescent health together with other line ministries and organisations dealing with young people. The purpose is to have trained providers in provision of youth friendly health services;

c) measures have been put in place to enhance family planning for young people by facilitating access especially for young girls to all types of services dealing with reproductive health concerns and specifically family planning without consent of spouses, parents or guardians as allowed by current legislation; and

d) the Ministry has been strengthening family planning services in the country with emphasis on long term methods such as Jadelle and the IUD especially in rural areas where limiting of families is a challenge.

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

Distribution of Youth Peer Education (YPE) Programmes throughout the country

The widely used approach for promoting sexual and reproductive health and preventing HIV in Zambia has been YPE. There are various YPE programmes that have established links with the clinics. The notable YPE programmes are the Human Resource Trust and Tiyanjane Development Project in Lusaka, Livingstone District Health team and Contact Trust Association in Livingstone and the Adolescent Reproductive Association in Mongu.

Source: <http://pdf.usaid.gov/pdfdocs/PNAD0610.pdf>

Impact of Youth Peer Programmes

The State Party wishes to report that the implementation of the YPE Programmes have contributed to the rise in the median age of first sexual encounter from 18.5 reported in the 2005 Zambia Sexual Behaviour Survey to 19.5 in 2009. The YPE Programme has not yet been comprehensively evaluated to ascertain its impact on unwanted pregnancies.

Measures to Enhance Family Planning Initiatives

The following measures have been put in place to enhance family planning initiatives:

- a) in order to enhance family planning initiatives for young people, the Ministry of Health is facilitating access especially for young girls to all types of services dealing with reproductive health concerns and specifically family planning without consent of spouses, parents or guardians as allowed by current legislation; and
- b) the Ministry has been strengthening family planning services in the country with emphasis on long term methods such as Jadelle and the IUD especially in rural areas where limiting of families is a challenge.

Extent of Awareness of Girls and Boys of Sexual Reproductive Health Issues

The YPE programme has been an effective tool in raising awareness of girls and boys on sexual and reproductive health issues. The YPE Programmes cover subjects such as HIV/AIDS; pregnancy prevention; abstinence; condom use and STI prevention. In addition, Anti-AIDS Clubs and FAWEZA SAFE Clubs reinforce behavioural change among the youths. Youth Friendly Corners have been established in the health sector, which is a programme in which nursing staff sensitise youths on reproductive health issues.

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

Composition, Activities and Impact of the National AIDS Council

26.1 The National HIV/AIDS/STI/TB Council (NAC) was established by the National AIDS Council Act No. 10 of 2000 and is composed of permanent secretaries from the Ministry of Health, Ministry of Community Development and Social Services, Ministry of Youth, Sport and Child Development, Ministry of Education and Gender in Development Division

26.2 Other members of the NAC are representatives of the Attorney-General, Network of People Living with HIV (NZP+), Zambia National AIDS Network, Forum of Youth Organisations, Traditional Healers Association of Zambia, Health Professions Council of Zambia, General Nursing Council, religious organisations and the Media.

26.3 The role of NAC is to coordinate and support the development, monitoring and evaluation of the multi-sectoral national response for the prevention and combating of the spread of HIV and AIDS, STIs and TB in order to reduce personal, social and economic impact.

26.4 The National AIDS Council has a Secretariat which provides technical support to the Council to effectively coordinate all prevention, treatment, care and mitigation programmes of all stakeholders.

26.5 The National AIDS Council has been a strategic institution in Zambia's fight against the spread of HIV. NAC has facilitated and coordinated the development and implementation of HIV/AIDS Workplace Policies. The Council has provided a coordinated response to HIV and AIDS in Zambia and spearheads the evaluation of all programmes on HIV/AIDS in Zambia.

26.6 The systematic implementation of HIV/AIDS programmes through the leadership of NAC has contributed to the reduction in the HIV prevalence rate from 15.6 percent in 2001 (ZDHS, 2001/2002) to 14.3 percent in 2007 (ZH+DHS, 2007).

Measures and Programmes to Increase Public Awareness on Risk and effects of HIV/AIDS

26.7 The State party reports that the NAC does not undertake programmes aimed at raising awareness of the risk and effects of HIV/AIDS because its mandate is to advise Government, health institutions and other organizations on policies, strategies and plans to prevent and combat HIV, AIDS, STI and TB. The NAC also supports health institutions and other organisations concerned with the prevention of HIV, AIDS, STI and TB in the development and coordination of policies, plans and strategies for the prevention and combating of HIV, AIDS, STI and TB.

27. Please inform the Committee about the existence of any mechanisms in the State party to ensure equal and non-discriminatory access of female prisoners to medical facilities, including HIV/AIDS and tuberculosis testing and treatment. Please also provide information on the availability of services for pregnant and lactating women in detention.

Access of Female Prisoners to Medical Facilities

27.1 The State Party reports that the Zambia Prison Service provides equal and non-discriminatory access of female prisoners to medical facilities, including HIV/AIDS and tuberculosis testing and treatment. The following are the services provided by the Zambia Prisons Service:

- a) counseling and testing;
- b) peer education;
- c) women prisoners are provided with sanitary tools to attend to their special needs;
- d) psycho social counseling;
- e) PMTCT- Programs;
- f) TB-sensitive screening;
- g) commemoration of the World T.B and World AIDS Days, by female inmates;
- h) HIV Tests, which are voluntary to all inmates; and

- i) hospital referrals for inmates who require expert attention regardless of their gender.

Services for Pregnant and lactating Women in Detention

27.3 The Zambia Prisons Service also provides milk for pregnant and lactating women in prisons and this is done through the support from the cooperating partners.

Economic Empowerment

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

Women's Access to Financial Credit and Capital

28.1 The State Party reports that measures have been taken through the Ministry of Community Development and Social Services (MCDSS) to improve women's access to financial credit and other measures to support women's entrepreneurship, including their access to capital, and more generally to enhance the situation of women in the informal sector. The MCDSS is implementing three kinds of Social Cash Transfer Schemes namely, the Katete Old Aged Based Pension Scheme, the Inclusive Model for the 10% most incapacitated households and the Child Grant.

28.2 The Cash Transfer Scheme has demonstrated a lot of positive socio-economic development impact both at individual and community levels. Some of the benefits include

education, nutrition and health, socio-economic status, market, social status and vulnerability decrease.

28.3 The State Party is aware of the difficulties being faced by most rural women in accessing investment capital because of the collateral requirements by the financial institutions. In order to address this problem, the MCDSS through the MCDSS Village Banking programme has taken the group lending approach to enable women have access to small loans. This empowerment programme is complemented by the entrepreneurship training conducted by the district community development officers and this fund is bearing positive outcomes and has improved the livelihoods of the rural women.

28.4 The State Party further reports that the budgetary allocation for MCDSS to women empowerment programmes has increased from ZMK 5 billion in 2010 to ZMK 15 billion in the 2011 budgetary allocation.

28.5 The Zambia Development Agency has also been undertaking a number of activities that are of benefit to women in the informal sector. One of the initiatives undertaken is the Linkages Programme where the Agency links the small and micro enterprises to large multinational companies for the supply of goods and services which enables them to improve both their incomes and quality of goods and services. Another service the Agency provides is training in a number of areas including entrepreneurship, product development and access to finance and markets. The Agency also organises trade and investment missions where Zambian women participate at international forums to showcase and market their goods and services.

Women's Access to Land

28.6 In order to increase women's access to land, the Ministry of Lands allocates at least 30 percent of land to women while the remaining 70 percent is competed for by both men and women. This is in line with the Land Policy.

The Citizens Economic Empowerment Act No. 9 of 2006 Act

28.7 The Citizens Economic Empowerment Act No. 9 of 2006, *inter alia*, does the following:

- a) establishes the Citizens Economic Empowerment Commission (CEEC) and defines its functions and powers;
- b) establishes the Empowerment Fund;
- c) promotes the economic empowerment of targeted citizens, citizen empowered companies, citizen influenced companies and citizen-owned companies;
- d) promotes gender equality in accessing, owning, managing, controlling and exploiting economic resources; and
- e) removes social customs, statutory provisions or other practices that limit access by any particular gender to skills training that is essential for effective participation in the economic sector.

Mandate of the CEEC

28.8 The mandate of the CEEC is to promote the empowerment of citizens that are or have been marginalised or disadvantaged and whose access to economic resources and development capacity has been constrained due to various factors including race, sex, educational background, status and disability.

28.9 The mandate is carried out by assisting local entrepreneurs with project and trade finance loans, business mentorships and capacity building initiatives.

Composition of CEEC

28.10 The CEEC consists of the following part-time commissioners who are appointed by the President:

- a) a Chairperson;
- b) the Secretary to the Treasury;
- c) the Permanent Secretary in the Ministry of Commerce Trade and Industry;

- d) the Permanent Secretary in the Ministry of Labour and Social Security;
- e) the Attorney-General or his/her representative;
- f) a representative of the youth;
- g) a representative of the private sector;
- h) a representative of civil society;
- i) a representative of the university community;
- j) a representative of the Central Statistical Office (CSO);
- k) a representative of the trade unions; and
- l) a representative of the disabled.

Activities of the CEEC

28.11 From inception to date, the CEEC has implemented empowerment programmes that have resulted in the increased access to business for most small to medium sized businesses. Some of the major achievements that the CEEC has been able to realise, particularly, on women empowerment include:

- a) Since inception, the CEEC has funded a total of 410 projects across the country, out of which 88 are promoted by women entrepreneurs. The 88 projects have a total value of K23.8 bn, representing twenty-one percent (21%) of the total disbursed.
- b) The CEEC has also rolled out various products and services targeted at women such as the “Chilimba Market Product”. This product is essentially meant to allow for marketers, particularly women, to have access to working capital finance using different collateral permutations that include peer pressure and community referencing. Under this product, the CEEC has disbursed a total of K1.6 bn to various markets across the country.
- c) The CEEC has developed programmes for the youths and women aimed at addressing the skills gaps and enterprise knowledge needed to undertake business activities. These include the Women Entrepreneurship Development for Gender Equality (WEDGE)

programme implemented in partnership with the International Labour Organisation (ILO). The programme is aimed at empowering the women by encouraging them to explore entrepreneurship and self-employment opportunities and entrepreneurship skills development thereby allowing the women to have basic skills in business plan formulation and market identification. The CEEC also plans to conduct capacity building training for all projects funded for women to enhance business performance.

28.12 In order to improve access to the Empowerment Fund by the vulnerable groups that include women, the CEEC revised the conditions and procedures for accessing the Fund.

Among the key changes are the following:

- a) The forms meant to cater for small loan applications of up to ZMK 50 million do not require a business plan. Collateral requirements have also been relaxed.
- b) Further, the CEEC has engaged the Provincial Administrative structures for the submission of loan applications of up to ZMK50 million for approval at the provincial level to ease the turnaround time for loan appraisal and approval. This process has been strengthened by allocating an initial ZMK500 million to be managed by the Provincial Administrations.

Impact of CEEC Programmes on the Status of Women in Zambia

28.13 These developments have significantly improved opportunities for women's access to the Empowerment Fund and have also positively impacted on the welfare of women through income enhancement and increased job opportunities for women.

Rural Women

29. **According to para. 55 (c) of the report, the reservation of 30 per cent titled land for women is prescribed in the National Gender Policy of 2000. Please indicate how such quota is enforced and elaborate on other measures undertaken or envisaged by the State party to improve the situation of rural women, including their access to**

justice, standard of living, education, health, social services, land ownership and their participation in decision-making process at all levels.

Enforcement of Reservation of Land for Women

29.1 The reservation of 30 percent titled land for women is enforced by the Ministry of Lands.

29.2 The Ministry of Lands through the Commissioner of Lands issued a circular directing all local authorities to allocate at least 30 percent of land to women whenever allocations were undertaken.

29.3 In 2010, the Ministry of Lands allocated 324 stands in the Silverest area, out of which 300 were residential, 10 commercial, 10 industrial and 4 plots for churches. Out of the total of residential plots, 153 plots were allocated to females representing 58 percent. 10 percent was allocated to differently abled applicants and 32 percent to males. The successful different applicants represented both the youth and the elderly.

Measures to Improve Situation of Rural Women

29.4 In improving the situation of rural women, Government has initiated, *inter alia*, the following measures:

- a) construction and expansion of school infrastructure. This is coupled with the recruitment of teachers and retention of teachers posted to the rural areas through the implementation of the Rural Hardship Allowance and improving the living conditions in rural areas;
- b) construction and expansion of health infrastructure and retention of qualified health personnel in rural areas through the implementation of the Health Retention Scheme;
- c) construction and rehabilitation of court infrastructure in rural areas;
- d) construction of Victim Support Units (VSU) in rural areas;
- c) continued implementation of the Rural Electrification Programme;

- d) improvement of the transport infrastructure; and
- e) increased awareness programmes on the importance of women's participation in decision-making through the implementation of the National Gender Communication Strategy.

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

Women with Disabilities

30.1 The State Party wishes to report that Government has put in place measures to address issues related to women with disabilities through the establishment of the Zambia Agency for Persons with Disabilities.

30.2 The functions of the Agency include to plan, promote and administer services for all categories of persons with disabilities; provide rehabilitation, training, and welfare services to persons with disabilities; co-operate with ministries and other organisations in the provision of preventive, educational, training, employment and rehabilitation and other welfare services for persons with disabilities; and co-ordinate rehabilitation and welfare services provided to persons with disabilities by ministries, and voluntary associations.

30.3 Further, the State Party wishes to report that the Persons with Disabilities Act (1996) prohibits discrimination against persons with disabilities in employment and institutions of learning. The Act also provides for the establishment of the National Trust Fund for people with disabilities, which may be used for the following: provide loans to persons with disabilities for commercial ventures; train persons with disabilities to uplift their skills; and support research into disabilities and welfare of persons with disabilities.

Older Women, Widows and Migrant Women and Girls

30.4 Zambia commemorates the International Day of Older Persons. During this period the ordinary citizens are sensitised to treat elderly people with dignity.

30.5 The State party wishes to report that the Public Welfare Assistance Scheme (PWAS) is one of the major social assistance programme aimed at providing basic necessities to the most vulnerable in form of cash, food, basic shelter, education, health care support and repatriation of stranded people. The programme targets incapacitated households including those headed by the aged, children, chronically ill, disabled, females, orphans and vulnerable children and displaced/disaster victims.

Access to Education, Employment, Safe Water, Health Services and Protection from Violence

30.6 All programmes put in place by government in order to increase access to education, employment, safe water, health services and protection from violence also apply to disadvantaged women.

Refugee Women and Girls

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

Updated Information on Assistance to Refugee Women and Girls

31.1 The Government recognises the rights of refugee women to work and study by facilitating the issuance of formal and informal employment and study permits. Girls

pursing a basic education have a right to free education but once they get into high school, they are required to have a study permit if they reside outside the perimeter of the refugee settlement.

31.2 The refugee women and children have a right to reside outside the settlements and a right to documentation such as passports, alien's cards and electronic cards which are used for identity within Zambia. Apart from the reservations Zambia has made to the right to reside in any place in Zambia, freedom of movement and higher education, refugee women and children have rights just like citizens of Zambia. Further, non-governmental organisations such as Action Africa Help International provide counseling services to refugee women and children in distress.

Refugee Bill

31.3 Consultations are still being carried out on the Refugee Bill but Cabinet has approved the drafting of the Bill. It is, therefore, difficult to confirm the time-frame for the adoption of the Bill.

Marriage and Family Life

32. **In its previous concluding observations (para 228), the Committee commended the State party for the enactment of the Marriage Act and the Intestate Succession Act, which provide protection for women in marriage and inheritance. Please provide updated information on measures taken by the State party to enforce the provisions of this Act. The report confirms that the payment of lobola (bride price) is still prevalent in the country as an essential ingredient in constituting a valid traditional marriage. Please inform the Committee of any steps taken or envisaged to address this issue. What measures have been taken or are planned by the State party to combat the practices of property grabbing and "sexual cleansing", following the death of a spouse?**

Enforcement of intestate Succession Act

32.1 The State party reports that both the Marriage Act and the Intestate Succession Act provide enforcement mechanisms. The Marriage Act is enforced by the Registrar of Marriages and the courts of law. The Intestate Succession Act is enforced by the courts of law.

Lobola (Bride Price)

32.2 The State party wishes to report that a survey was conducted on lobola (bride price). In the survey, the majority of the people, especially women, felt that the payment of lobola should be maintained. However, many were of the view that the amount should be regulated or not commercialised as is the case.

Measures to Combat Property Grabbing and Sexual Cleansing

32.3 The State Party wishes to report that traditional leaders have been sensitised on the dangers of sexual cleansing. These in turn have sensitised their subjects. The impact has been a reduction in sexual cleansing.

32.4 The Victim Support Unit is currently using the media to sensitise and encourage people to report the practice of property grabbing and this has helped in reducing the practice.

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

of consent to marry for women in customary marriages and also provide information on measures taken to combat the practice of early marriages.

Age of Consent to Marry

33.1 The State party reports that there is no minimum age of consent to marry for women under customary law. This is because the current customary practice allows any girl who attains puberty to get married. In order to combat the practice of early marriages, the Zambia Law Development Commission (ZLDC) is currently conducting a study on customary marriages with the aim of providing more protection for the majority of women who are married under customary law. The study focuses on providing a minimum age of consent to marry under customary law. It is hoped that a piece of legislation materialises from the study which will override the customary law and protect the girl child from early marriages.

Early Marriages

33.2 The State Party wishes to report that traditional leaders have been sensitised on the dangers of early marriages. These in turn have sensitised their subjects. The impact has been a reduction in early marriages.

Polygamy

33.3 The State Party further reports that polygamy was one of the issues that ZLDC looked at during its consultations. It was observed that most women and men support the practice of polygamy and they felt that at the most, it should merely be regulated or ignored but not prohibited. The ZLDC is, therefore, reluctant to make recommendations against this because the State party may end up with a law that is ignored and thus not efficacious.

Optional Protocol and Amendment to Article 20, Paragraph 1

34. **Please indicate any progress made with regard to the ratification of the Optional Protocol to the Convention. Please also indicate what progress has been**

made towards acceptance of the amendment to article 20, paragraph I, of the Convention pertaining to the Committee's meeting time.

The State party wishes to report that it is still consulting on the ratification of the Optional Protocol to the Convention as well as the acceptance of the amendment to article 20, paragraph I of the Convention.
