
**Committee on the Elimination of
Discrimination against Women
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**Concluding comments of the Committee on the Elimination of
Discrimination against Women: Zambia**

Combined third and fourth periodic report

211. The Committee considered the combined third and fourth periodic report of Zambia (CEDAW/C/ZAM/3-4) at its 551st and 552nd meetings, on 4 June 2002 (see CEDAW/C/SR.551 and 552).

Introduction by the State party

212. In introducing the report, the representative of Zambia stated that her Government had demonstrated its political will and commitment to eradicating discrimination against women, had acceded to or ratified international treaties that guaranteed human rights without distinction based on sex or other grounds and had joined the international community in endorsing several plans of action for the full, equal and beneficial integration of women in all development activities.

213. Like most Commonwealth countries, Zambia had a legal regime wherein international instruments were not self-executing and required enabling domestic legislation to be directly enforceable. Although the Convention had not been fully incorporated through such legislation, there were certain provisions in Zambian law that reflected the Convention's standards. A priority for Zambia was the incorporation of the international human rights instruments to which it was a party.

214. Acts that caused physical, sexual or psychological harm or suffering to women and children were condemned in the Zambian Constitution, Part III, which bestows upon all persons in Zambia regardless of race, place of origin, political opinion, colour, creed, sex or marital status, the rights and freedom enshrined therein.

215. Fifty point seven per cent of Zambia's population of 10.3 million were women, and according to the Zambia demographic health survey (1996), fertility rates, although declining, were still high at 6.1 children per woman, with the majority of women becoming mothers or pregnant by 19 years of age. As of 1995, life expectancy was 43 years for women and 41 years for men. The Zambian population is young with 45 per cent being 15 years or younger.

216. Certain centuries-old discriminatory customary laws and practices were still prevalent in Zambia, and the arbitrary administration of customary law had been identified as a major hindrance to the elimination of discrimination against women. The disparity between women and men was a consequence of historical and cultural factors that contributed to a division of labour where men were encouraged to participate in production, and women to work in the traditional sector. The Government, civil society and non-governmental organizations were cooperating to sensitize women, men, girls and boys about their rights and the course of action to be taken in discrimination cases. A Technical Committee to Review Laws, Enforcement Mechanisms and Support Systems relating to gender-based violence

had recommended that customary law that was not contrary to natural justice should be codified, and a law development commission was documenting the diverse customary laws and practices with a view to eliminating those that were repugnant to gender equality. Steps were also being taken to eliminate stereotyping in school textbooks, introduce gender training for curriculum development officers, and encourage girls to enrol in technical courses.

217. Women's equal participation in public life had been one of Zambia's priority areas, as women were underrepresented at all levels of decision-making in Government, parliament, political parties, the private sector, special public service committees and other institutions. Women constituted over 53 per cent of the electorate; yet, less than 12 per cent of elected officials were women, and women constituted less than 10 per cent of senior government officials. In 1997, the Government had signed the Southern African Development Community (SADC) Declaration on Gender and Development that committed Governments to ensure that there was at least 30 per cent participation of women in politics and decision-making by 2005. In the 2001 general elections, 19 out of 202 women candidates had been elected to parliament, with civil society playing a vital role in encouraging women to participate in the electoral process as voters and candidates. The Government had adopted a public service training policy which contained affirmative action measures to train women employed in the civil service so that they would qualify for higher positions.

218. Twenty-five per cent of government university scholarships were reserved for women who qualified for university entrance; and lower cut-off marks for girls at eighth and tenth grades had been introduced. All-boy technical schools had been transformed into co-educational schools; and a policy of readmitting girls to school following childbirth had been introduced.

219. Zambia had ratified the International Labour Organization (ILO) Convention on equal pay for work of equal value and had repealed laws that banned women from certain types of work. However, women continued to encounter difficulties in gaining access to training and employment and the Government was currently giving those matters active and special attention.

220. Women's reproductive health, particularly in the rural areas, remained an area of concern. The Zambia demographic and health survey had estimated the maternal mortality rate at 649 deaths per 100,000 live births and a 1995 study by the University Central Hospital indicated that 75 per cent of maternal deaths occurred among teenage mothers. Traditional birth attendants were being trained to supplement the efforts of medical personnel, especially in rural areas, and family life education to educate girls and boys about, inter alia, the dangers and prevention of HIV/AIDS, as well as youth-friendly areas in all health centres and provision of counselling and testing in maternal and child health and family planning clinics had been introduced.

221. Although rural women were involved in subsistence agriculture, unpaid domestic work and casual or seasonal labour, they were classified as housewives, unemployed or economically inactive. The unreliable or non-existent road infrastructure in most rural areas made it more difficult for subsistence farmers, particularly women, to market their produce. That was compounded by women's lack of collateral, limited education, lack of access to credit and other means of production.

222. Family relations were governed by a dual legal system of statutory and customary laws, with customary law being largely biased against women.

Customary laws were unwritten and administered in male-dominated local courts mainly presided over by untrained justices with patriarchal attitudes. The Government intended to ensure that women and men were treated equally in marriage and family matters and were given the right to decide freely whether or when to have a child.

223. Zambia's Constitution and Citizenship Act had been amended in 1989 to remove the discriminatory provision that stipulated that a foreign spouse of a Zambian man could apply for citizenship after three years of residence in Zambia, while the foreign spouse of a Zambian woman required 10 years of residence. The requirement that women obtain the written consent of their husbands before their children were included in their passports had been abolished.

224. In concluding, the representative indicated that implementation of the Convention had been affected by embedded traditional beliefs, a lack of appreciation of gender issues and concerns, and limited financial and human resources. Limited collaboration between the Government and civil society had also had a negative impact. The Government of Zambia would seek to facilitate further change and considered collaboration with civil society as a key element in ensuring that women were not discriminated against in government endeavours to attain sustainable development.

Concluding comments of the Committee

Introduction

225. The Committee commends the State party on its combined third and fourth periodic report, which is in accordance with the Committee's guidelines for the preparation of reports. It also commends the State party for the comprehensive and frank written replies to the questions posed by the Committee's pre-session working group and for the oral presentation of the delegation, which sought to clarify the current situation of the implementation of the Convention in Zambia.

226. The Committee commends the State party for its delegation and appreciates the delegation's willingness to engage in frank and constructive dialogue with the Committee.

Positive aspects

227. The Committee welcomes efforts to strengthen the national machinery on women, the introduction of gender mainstreaming and the adoption of several policies and programmes to eliminate discrimination against women, including the National Gender Policy and the establishment of the Gender in Development Division, under the Office of the President.

228. The Committee commends the efforts made by the State party to review existing laws that discriminate against women. It also notes the enactment of the Marriage Act and the Intestate Succession Act, which provide protection for women in marriage and inheritance.

229. The Committee commends the introduction of the Programme for the Advancement of Girl Child Education, the reservation of 25 per cent of government scholarships exclusively for women who qualify for entry into universities and the lowering of cut-off points for girls to qualify for entry to grades 8 and 10 in schools in order to redress inequality in the education sector.

Principal areas of concern and recommendations

230. The Committee expresses 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.

231. The Committee urges the State party to repeal article 23 (4) of the Constitution, which permits discrimination in the area of law that most affects women.

232. The Committee is concerned that the Convention has not been directly incorporated into domestic law and its provisions cannot be invoked before the courts.

233. The Committee recommends that the State party incorporate the Convention into domestic law.

234. The Committee is concerned that the provisions in existing laws, including new laws such as the Marriage Act and the Employment Act, discriminate against women directly or indirectly.

235. The Committee calls upon the State party to review and reform its legislation to ensure that it is in harmony with the Convention.

236. The Committee is concerned that existing constitutional and other legal rights of women to redress discrimination are not being properly implemented or enforced.

237. The Committee calls upon the State party to strengthen law enforcement and to provide effective remedies through the courts for women who experience discrimination. The Committee requests the State party to develop training programmes on women's human rights for judges and law enforcement officers and to disseminate information to the public, especially women.

238. The Committee expresses concern at the high level of violence against women and girls, including domestic violence and marital rape. It also expresses serious concern about the number of older women who have been murdered for superstitious reasons by family members or by others in Zambia in recent years.

239. The Committee urges the State party to assign the issue of violence against women high priority and to recognize that such violence constitutes a violation of the human rights of women under the Convention. In the light of its general recommendation 19, the Committee requests the State party to enact legislation on domestic violence as soon as possible and to ensure that violence against women and girls constitutes a criminal offence and that female victims of violence have immediate means of redress and protection. The Committee also recommends gender training for all public officials, in particular law enforcement officials and the judiciary, as well as health workers, to educate them about the consequences of all forms of violence against women and girls. It also recommends the establishment of counselling services for the victims and public awareness campaigns in order to adopt and implement a zero tolerance policy with regard to all forms of violence against women and girls. The Committee requests the State party to report fully in its fifth periodic report on the issue of violence against women and girls.

240. While welcoming the State party's commitment to achieving 30 per cent participation by women in politics by 2005, the Committee notes with concern that the participation of women in political and public life is limited, and that women are underrepresented at all levels of decision-making in Government, parliament, political parties, the private sector, special public service committees and other institutions in the community.

241. The Committee recommends that the State party take measures to increase the number of women in decision-making positions at all levels and in all areas. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to promote women to positions of power, supported by special training programmes and awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.

242. While noting that the State party has made progress in addressing the basic health needs of women in Zambia, the Committee expresses concern at the high level of maternal and infant mortality, low life expectancy, very high teenage pregnancies and unsafe abortions and lack of adequate health-care facilities and family planning services, particularly in the rural areas.

243. The Committee recommends that the State party formulate policies and allocate adequate resources to improve the status of women's health, in particular with regard to maternal and infant mortality. It urges the State party to increase women's access to healthcare and family planning services. It also recommends that national reproductive health programmes be designed and implemented in order to prevent early pregnancy and induced abortions in the rural and urban areas.

244. The Committee expresses concern at the increasing rate of HIV/AIDS and the absence of measures for the care of women and girls infected with HIV/AIDS.

245. The Committee urges the State party to take holistic measures to combat the HIV/AIDS pandemic and to take further practical preventive measures, including by providing access to condoms for women and men. It also urges the State party to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance. The Committee also emphasizes that the collection of reliable data on HIV/AIDS is critical to gaining an understanding of the pandemic.

246. Despite the State party's effort in the area of education, the Committee is concerned at the low rate of female literacy, the low enrolment of girls in school in rural and urban areas and the high dropout rate of girls due to pregnancies. These negative factors are reinforced by stereotyping in textbooks. It notes that education is a key to the advancement of women and that the low level of education of women and girls remains one of the most serious impediments to their full enjoyment of human rights.

247. The Committee urges the State party to strengthen its efforts to improve the literacy level of girls and women in rural and urban areas, to ensure equal access of girls and young women to all levels of education and to prevent girls dropping out of school. It encourages the State party to introduce further special measures in the area of education, including incentives for parents to send girls to school and to encourage the recruitment of more qualified women teachers.

248. The Committee expresses concern at the high rate of unemployment among women. It also expresses concern at disparities between women's and men's wages, sexual harassment, and the lack of social security for women.

249. The Committee urges the State party to introduce temporary special measures in accordance with article 4, paragraph 1, of the Convention in creating employment opportunities for women. Efforts should be made to expand the community-based public workers programme into areas where the number of unemployed women is particularly high. The Committee calls on the State party to review its legislation and policy in the employment sector to facilitate full implementation of article 11 of the Convention.

250. The Committee expresses concern that marriage and family relations are governed by dual legal systems of statutory and customary law, and that many of these laws are not in harmony with the Convention. It also notes that customary law is mostly unwritten and often administered by male justices without a legal background, and that discrimination against women is not addressed in their decisions.

251. The Committee recommends that statutory law be reformed and customary law revised and codified to conform with article 16 of the Convention. It also recommends the introduction of programmes on legal education, gender sensitization and human rights for judges.

252. The Committee is concerned that polygamy is widely accepted and not effectively combated by the State party.

253. The Committee recommends that the State party take comprehensive and effective measures, including training for judicial and law enforcement officials and public awareness-raising campaigns, in order to eliminate the practice of polygamy.

254. The Committee is concerned that aspects of the law on nationality as described in the report continue to discriminate against female spouses.

255. The Committee recommends that these laws be amended in conformity with article 9 of the Convention, and that court decisions recognizing women's equal rights be enforced.

256. While the Committee commends the State party's efforts to host refugees from neighbouring countries, it is concerned at the State party's capacity to protect and guarantee the rights of refugees.

257. The Committee recommends that the State party continue to give assistance to refugee women and girls, and carry out rehabilitative efforts directed at them. The Committee also recommends that the State party seek further support from, and continue to work in close cooperation with, appropriate international agencies in the field of refugee protection, in particular, the Office of the United Nations High Commissioner for Refugees.

258. The Committee requests the State party to respond to the unanswered questions raised during constructive dialogue with the Committee and to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. It also urges the State party to improve the collection and analysis of statistical data, disaggregated by sex, and to submit such data to the Committee in its next report.

259. The Committee urges the State party to sign and ratify the Optional Protocol to the Convention, and to deposit as soon as possible its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

260. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

261. The Committee requests the wide dissemination in Zambia of the present concluding comments in order to make the people of Zambia, particularly members of non-governmental organizations, administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, the results of the twenty-third special session of the General Assembly, entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-first Century" and the Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.