

## **International Disability Alliance (IDA)**

Member Organisations:

Disabled Peoples' International, Down Syndrome International, Inclusion International, International Federation of Hard of Hearing People, World Blind Union, World Federation of the Deaf, World Federation of the DeafBlind, World Network of Users and Survivors of Psychiatry, Arab Organization of Disabled People, European Disability Forum, Red Latinoamericana de Organizaciones no Gubernamentales de Personas con Discapacidad y sus familias (RIADIS), Pacific Disability Forum

---

### **Suggestions for disability-relevant recommendations to be included in the Concluding Observations CEDAW Committee 49th Session (11-29 July 2011)**

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations, based on references to persons with disabilities to be found in the State Report, List of Issues, and Replies.

#### **ZAMBIA**

Zambia ratified the Convention on the Rights of Persons with Disabilities on 1 February 2010.

#### **State Report**

**References to persons with disabilities in the state report and list of issues:**

##### **A. LEGISLATIVE MEASURES**

###### **The Penal Code (Amendment) Act No. 15 of 2005**

24. The Penal Code has introduced stiffer penalties for sexual offences in the following provisions:

(g) Section 139: Any person who defiles a child or an imbecile or a person with **mental illness** is guilty of a felony and liable to imprisonment for a term of not less than 14 years and may be liable to imprisonment for life.

##### **Article 12 Health**

###### **C. ADMINISTRATIVE MEASURES**

142. The State party wishes to report that the following measures have been put in place

- (a) The adoption of the **Mental Health Policy** which aims at providing **psychosocial** counselling and protection services to **mental patients**. This is especially important for **female mental patients** as they are protected from various forms of abuse. The policy addresses the problem of **inadequate mental health workers** by reintroducing a direct entry clinical officer psychiatry and registered mental nursing course.
- (b) The establishment of health posts in district hospitals/ health centres during the period 2000-2006 to ensure improved access.
- (l) Publication of **mental health** booklets and development of guidelines on psycho-social support and care for the **mentally ill** who are living with HIV and AIDS.

149. Section 41 of the Workers Compensation Act, Chapter 271 provides for workers' right to compensation as follows -

“If an accident to a worker arising out of and in the course of his employment happens after the date of commencement and results in such workers **disablement** or death, his dependants shall become entitled to compensation in accordance with the provisions of this Act”.

#### List of Issues

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 Statistics Office.

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 of these groups of women and the measures in place to support them. Please also elaborate on their access to education, employment, safe water and health services as well as protection from violence.

#### Written Replies

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.

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 Citizens Economic Empowerment Act No. 9 of 2006 Act

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**.

Composition of CEEC

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

(l) a representative of the disabled.

#### **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**.

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.

### **Recommendations from IDA**

- Collect adequate data on women and girls with disabilities and use disaggregated data and results of studies to develop policies and programmes to promote equal opportunities for them in society
- Adopt measures to ensure that women with disabilities are consulted and participate in leadership roles in policy development.
- Raise awareness and provide more information about women and girls with disabilities, who are often subjected to multiple forms of discrimination, especially with regard to access to education, employment, access to health care and violence.
- Introduce measures to promote the vocational training and employment of women with disabilities.
- Address the heightened risk for girls and women with disabilities of becoming victims of domestic violence and abuse, and adopt urgent measures to ensure that both services and information for victims are made accessible to women and girls with disabilities living in institutions and the community.
- Ensure the provision of support services to assist families, including both mothers with disabilities, and mothers or women in the family who are the lead caregivers in their care for children with disabilities. In particular, ensure that services and assistance are rendered to permit women in families with children with disabilities, as well as mothers with disabilities, to continue their careers with an appropriate work/life balance.
- Adopt measures to ensure that all health care and services, provided to persons with disabilities, including all mental health care and services, is based on the free and informed consent of the person concerned, and that involuntary treatment and confinement are not permitted by law in accordance with the latest international standards.

## IDA recommendations on Zambia

- Adopt measures to ensure that all information, healthcare and services relating to sexual and reproductive health are made accessible to women and girls with disabilities, and that they are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that consensual treatment such as the administration of contraception, or fertility treatments are not denied, while all non-consensual treatment, including that for which consent is given by a third party, is not permitted by law (including *inter alia* forced abortions, forced contraception, and forced sterilisation).
- Adopt measures in the law to ensure the implementation of inclusive education of children with disabilities, such as the obligatory training of all teachers (beyond special education teachers), to require individual education plans for all students, ensure the availability of assistive devices and support in classrooms, educational materials and curricula, ensure the accessibility of physical school environments, encourage the teaching of sign language and disability culture, allocate budget for all of the above.
- Consider acceding to the Optional Protocol to the CRPD.