



**YOUNG WOMEN IN ACTION**

**UPR SUBMISSION: ZAMBIA**

**The Third cycle- 28<sup>th</sup> Session of the Human Rights Commission Universal Periodic Review**

**CONTACT PERSON:**

**Besa Mwansa [b.mwansa@youngwomeninaction.org](mailto:b.mwansa@youngwomeninaction.org)**

**Web: <https://youngwomeninaction.org>**

## **I Introduction**

1. Young Women in Action (YWA) is a membership, youth-led, youth-focused organization that works to empower in and out-of-school girls and young women from the age of 15 to 35 years old in Zambia. The organization was founded in June 2002 and has empowered over 5,000 girls and young women through its programming. This is done through capacity building, awareness-raising, network-building, advocacy and lobbying.
2. YWA focus areas are: Sexual Reproductive Health and Rights including HIV/AIDS, Participation in leadership and governance processes, Gender and development and Socioeconomic development. YWA works to promote girls and young women's enjoyment of Human Rights and also works to contribute to the attainment of Sustainable Development Goal 5 (Gender Equality). YWA further works with men and boys as allies to advance gender justice and promote a sustainable, progressive and safe society for all people.

## **II METHODOLOGY**

3. In this submission, YWA concerns itself with the implementation of recommendations made to Zambia in its Third Review Session 28 (A/HRC/37/14); and provides recommendations, thereof from the four selected recommendations. 240 Young people were consulted for first-hand accounts and primary research-based insight into ongoing human rights initiatives in the following districts of Zambia; Lundazi, Chipata, Lusaka and Chongwe between 2020 and 2021.
4. 60 Stakeholders engaged during the consultations included like-minded NGOs, the Church, the media, traditional and religious leaders, the Ministry of Health, the Ministry of Youth and Sport, the Ministry of Gender and the Human Rights Commission.
5. This report is specifically addressing four recommendations that YWA accepted in the third cycle of the Universal Periodic Review (UPR):

## **III THEME: D43 FREEDOM OF OPINION AND EXPRESSION**

### **a) Situation Analysis**

6. For a long time in Zambia, the idea of Access to Information (ATI) or Freedom of Information (FOI) has been associated with journalists. The thinking is that journalists are the individuals who need information for their work. This is despite the fact that to access information is a right, provided for in international law, which must be enjoyed by everyone. However, due to this misconception, the fight for the Access to

Information (ATI) law has been left to journalists<sup>1</sup>.

7. When the Patriotic Front (PF) party came into power in 2011, there was great public expectation about the enactment of the Access to Information law. This public expectation arose from the fact that it was one of the party's campaign promises while in opposition. After winning the September 2011 general elections, which ushered the party into government, the PF continued with this promise. In 2012, the PF-led government established a Taskforce on Access to Information (ATI) with a remit to draft the Bill. This increased hope among the public that the government would deliver on that score. In June 2012, the government produced a draft Access to Information (ATI) Bill, which raised more public expectation that the law would finally be enacted by the end of that year. Much to our disappointment, it has now been eleven years and there has been no further significant signs of commitment to the enactment of Access to Information (ATI) law through the PF government which ruled for ten years as Zambia had a change of government in August 2021<sup>2</sup>.

#### B. Legal Framework

8. On 22 November 2002 the Minister of Information and Broadcasting Services presented the government version of the Freedom of Information Bill (National Assembly Bill (N.A.B.) 22 of 2002) to the National Assembly for first reading. This signaled the start of consideration of the Bill. The law is also fostered by modern international instruments, such as the United Nations Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights and Fundamental Freedoms (the European Convention) and the American Convention on Human Rights (the American Convention)<sup>3</sup>. To date, there has been no progress on the enactment of this law.
9. The young people consulted recommend that the government of Zambia:
  1. Encourage public radio stations to provide correct and accurate information on governance issues in order to increase young people's participation in governance.
  2. Should work with ZICTA (Zambia Information and Communications Technology Authority) in order to regulate the price of internet access as many young people do not have formal employment or businesses of their own.
  3. Increase the number of community libraries and provide free access to the internet in these communities.

Freedom of information is vital to the proper functioning of a modern representative government; it enhances the notion of deliberative, or even participatory, democracy. First, government must be open to

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<sup>1</sup>The Jesuit Centre for Theological Reflection (JCTR)- ACCESS TO INFORMATION LAW IN ZAMBIA: FOR WHO AND FOR WHAT? (2018)

<sup>2</sup> The Jesuit Centre for Theological Reflection (JCTR)- ACCESS TO INFORMATION LAW IN ZAMBIA: FOR WHO AND FOR WHAT? (2018)

<sup>3</sup> The quest for freedom of information law – the Zambian experience by Patrick Matibini.

public scrutiny so as to be accountable and exposed to the judgment and evaluation of the citizens. Secondly, the provision of adequate information leads to higher levels of public participation in the process of policy making

and government. Without information citizens are unable to exercise their rights and responsibilities effectively. Thirdly, access to information must be a pre-requisite for the proper and effective functioning of a healthy democratic society. Fourthly, the executive is not sufficiently responsible to Parliament. The work of Select Committees, the efficacy of parliamentary questions, the effectiveness of opposition parties and pressure groups, all depend on the availability of, and accessibility to, information. Lastly, access to information promotes a culture of transparency and accountability<sup>4</sup>.

#### **IV THEME: F14 PARTICIPATION OF WOMEN IN POLITICAL AND PUBLIC LIFE**

##### **a) Situation Analysis**

**10.** In Zambia, women including young women have continued to be marginalized in leadership roles across all sectors despite statistics indicating that southern Africa's population is dominated by more women than men. Women's representation in leadership in sectors such as politics, public administration, the private sector and non-profit organizations is still very low. In the few occasions that women make it into leadership positions, they face a lot of resistance from various systems and structures which are mostly rooted in prevailing patriarchal mindsets. Currently, only 21 women are members of parliament out of 163 members.

##### **b) Legal Framework**

**11.** In promoting gender equality and the empowerment of women and girls, Zambia has strengthened the policy and legal frameworks. The National Gender Policy was revised in 2014 to ensure the attainment of gender equality in the development processes by redressing the existing gender imbalances. The Policy further provides for equal opportunities for women and men to actively participate and contribute to national development. With regards to the legal framework, the Constitution (Amendment) Act No. 2 of 2016 confirms the equal worth of women and men and their rights to freely participate in, determine and build a sustainable political, legal, economic and social order.

Further, the enactment of the Gender Equity and Equality Act, No. 22 of 2015, strengthens the legal framework for the elimination of all forms of discrimination against women and girls; empowers women to participate fully in public and private affairs of the country. In addition, the Gender Equity and Equality Act provides for the establishment of a Commission mandated to provide oversight for the effective implementation of the Act and provide redress for victims of discrimination. The Gender Equity and

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<sup>4</sup>The Jesuit Centre for Theological Reflection (JCTR)- Access to Information Law In Zambia: For who and for What? May, 2018. Sr. Kayula Lesa, RSC.

Equality Commission<sup>5</sup> is responsible for promoting the attainment and mainstreaming of gender equality and its mandate includes:

- a. monitor, investigate, research, educate, advise and report on issues concerning gender equality;
- b. ensure institutions comply with legal requirements and other standards relating to gender equality;
- c. take steps to secure appropriate redress to complaints relating to gender inequality, as prescribed.

However, since the enactment of the Gender Equity and Equality Act in 2015, the said Gender Equity and Equality Commission has not been established. This has negatively affected the goal for the attainment of gender equity and equality in Zambia.

Gender based violence is one of the factors that affect women's participation in governance. In response, to the increase to gender -based violence cases, Zambia has established Gender-Based Violence Fast Track Courts to increase access to justice for GBV victims and ensure the timely disposal of cases<sup>6</sup>.

12. The young people consulted recommend that the government of Zambia:
  1. Should review the limited progress that has been made in terms of women's full and effective participation and equal opportunities for leadership positions in Zambia by 2023.
  2. Must establish a legal framework to guide and monitor political parties having 50% of women adopted to leadership positions in their party structures.

## **V THEME: E51 RIGHT TO EDUCATION**

### a) Situation analysis

13. While the Zambian government has made steps to improve equity and access to education, accessibility remains a significant problem for ordinary citizens. Following the pronouncement by the Zambian government in 2021 that with effect 10<sup>th</sup> January, 2022 the government will provide free education from early childhood to secondary school level, it has been observed that the enrollments at government schools have increased. However, the high enrollment levels also board on overcrowding and poor infrastructure in some schools. The problem of accessibility can be framed as a two-fold problem: It is limited both by (1) a lack of infrastructure, and (2) by inadequate skills training among teachers.

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<sup>5</sup> Section 6 of the Gender Equity and Equality Act No. 22 of 2015

<sup>6</sup> [Judiciaryzambia.com/2018/10/31/addressing-gender-based-violence-launch-of-the-mongu-user-friendly-fast-track-court-for-gender-based-violence](https://judiciaryzambia.com/2018/10/31/addressing-gender-based-violence-launch-of-the-mongu-user-friendly-fast-track-court-for-gender-based-violence)

14. Lack of access to education for girls is due to early marriages, teenage pregnancy and discriminatory traditional and cultural practices.

b) Legal Framework

15. The Education Act 2011 regulates education in Zambia and is informed by the Convention of the Rights of the Child (CRC), which ensures domesticated law is consistent with international law as defined by the United Nations Human Rights Treaty, of which Zambia is a signatory. As stated in Article 28 of the CRC, State Parties are obliged to recognize a child's right to education. Basic education refers to education from early childhood until grade nine.

The government is constitutionally committed to making basic and vocational education progressively available to all persons. Hereby, the government is required to take steps which ensure the greater availability and greater accessibility of basic and vocational education programmes. A child has a right to free basic education<sup>7</sup>. Currently, the government has elevated free education from basic education to secondary school level. This includes children identified as poor or vulnerable by the state. In this respect, children's right to education is protected even if a guardian is incapable of or has failed to meet fees, or provides the child with articles of clothing or other basic necessities.

16. The Education Act<sup>8</sup> places an obligation on the Minister of Education to ensure a gender balance and equity in the education institution and education system. This includes the promotion of equal opportunity and equal participation in all levels of education irrespective of gender, including gender-sensitive teaching and methodologies. Gender is defined in the constitution as the status of a male or female and the role individuals in society play as a result of their sex and status. Furthermore, the Act<sup>9</sup> prohibits the marrying or marrying off a learner who is a child. This provision is aimed at curbing child marriages which greatly affect girl's right to education.
17. The young people consulted recommend that the government of Zambia:
  1. Establish a law that compels parents/guardians to keep their children in school, especially with the introduction of free education from primary to secondary and decentralization of community development fund.
  2. There is a need to work with traditional leaders in order to harmonize customary and statutory laws by specifying aspects such as the definition of child and other crucial contradictions, this will help to avoid

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<sup>7</sup> Section 15 of the Education Act No. 23 of 2011

<sup>8</sup> Section 31 of the Education Act, No. 23 of 2011

<sup>9</sup> Section 18 of the Education Act, No. 23 of 2011

practices of early and child marriages, child abuse and child labour

3. Build schools within 5km walking distance and make them accessible to differently-abled persons.
  
4. Ensure full implementation of Comprehensive Sexuality Education in school so as to reduce the information gap and the number of young people getting infected with sexually transmitted infections & HIV, unwanted pregnancies and unsafe abortions.
5. Wherever possible, promote boarding school programmes to ensure education is possible for children from isolated communities.
6. Government through the Ministry of Health to carry out awareness raising campaigns on the Termination of Pregnancy Act of 1972 in order to bridge the information gap on availability of sexual reproductive health and rights services as prescribed by law and also speak against the existing misconceptions and stigma related to the termination of pregnancy.

## **VI THEME: F4 PERSONS WITH DISABILITIES**

### a) Situation analysis

18. The 2015 Living Conditions Monitoring Survey (LCMS) results show that the population of Zambia was estimated at 15.5 million in 2015. The population was mainly concentrated in rural areas at 58.2 percent compared to 41.8 percent in urban areas. The 2010 Census Statistics Report indicate that there are 251,427 persons with disabilities in Zambia. However preliminary results from the disability survey undertaken by the Central Statistical Office in 2015, indicate a 7.2 % prevalence rate translating into 1,080,000 persons with disabilities in Zambia<sup>10</sup>.

### b) Legal framework

19. Zambia as a country has ratified the key international Conventions (United Nations Convention on the Rights of Persons with Disabilities (2006), ILO Convention Concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983, (No. 159), International Labour Organization (ILO) Convention Concerning Discrimination in Respect of Employment and Occupation, 1958, (No. 111), and has also tried to domesticate the same into various pieces of Legislation and Policies. The Government of Zambia has subsequently domesticated the international standards by putting in place a number of laws and policies pertaining to people with disabilities, including their right to productive and decent work and to basic services, workers' compensation, social security, and entrepreneurship development<sup>11</sup>.

The Disability Act No.6 of 2012 aims at the promotion of the participation of persons with disabilities with equal opportunities in civil, political, economic, social and culture spheres. Furthermore, the Act among other things aims at ensuring the accessibility by persons to persons physical, social, economic and

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<sup>10</sup> Zambia Agency for Persons with Disabilities strategic plan: 2017-2021

<sup>11</sup> Zambia Agency for Persons with Disabilities strategic plan: 2017-2021

cultural environment and to health, education, information, communication and technology.

**20.** The young people consulted recommend that the government of Zambia:

1. Conduct public awareness-raising campaigns every year in each provincial and district on the rights of persons with disability to promote inclusion of persons with disabilities in the civil, political, economic, social and cultural spheres.
2. Should consider reserving school places for persons with disabilities (PWD) in order to raise the number of young people with disabilities accessing education which will consequently increase the number of PWD participating in political life and contributing to national development.

**21.** In order to more effectively implement the recommendations accepted as part of the UPR we recommend that the Government of Zambia:- ensure the effective implementation of UPR recommendations through the establishment, by the time of a mid-term assessment of the UPR cycle, of a permanent governmental mechanism to liaise with relevant ministries and consult with Civil Society and all relevant stakeholders.