

ZAMBIA

CEDAW A/49/38 (1994)

318. The Committee considered the combined initial and second periodic reports of Zambia (CEDAW/C/ZAM/1-2) at its 241st and 246th meetings, on 24 and 26 January (see CEDAW/C/SR.241 and 246).

319. In introducing the report, the representative of Zambia emphasized that her country was undergoing serious and far-reaching changes in the political and economic fields. After 18 years of one-party participatory democracy, Zambia had reverted back to the multiparty system in 1991. While the women's league of the ruling party had been the sole custodian of women's interests before, each party had now a women's programme. The Government had assumed responsibility for the advancement of women by establishing a women's affairs desk in all government ministries and a Women-in-Development Unit in the Department of Planning and Development Cooperation.

320. Zambia had changed from socialist central planning to a free-market economy. Vigorous efforts had been made in the past two years to transform the country's economy. Structural adjustment programmes, first introduced in 1987 and reinvigorated in 1991, had had far-reaching consequences. The reports reflected the impact of those measures on women and programmes related to women in development. Structural adjustment programmes had led to the neglect of social development and brought with them diminishing opportunities for women. Suggested cutbacks in the civil service, the greatest employer of women, would affect women and reduce their already limited job opportunities. Infant mortality and malnutrition was increasing because mothers could not provide the needed maize, the basic commodity, after subsidies had been cut and prices increased.

321. The representative explained how historical and cultural factors had impeded the advancement of women. Zambia was male-dominated in all walks of society, from the formal employment sector to the basic family unit. Stereotyped education and lack of investment in girls' education was one of the main reasons for the continuing male dominance. In 1994, families were still not prepared to invest in the education of their daughters as they would for a son. In the early days of colonialism, preference had been given to male education whereas girls' education was stopped at junior standard secondary school. That situation was changing only at a very slow pace.

322. Zambia had subscribed to the goals of equality, development and peace set for the United Nations Decade for Women and built up activities to change grass-root realities. The Convention had been ratified in February 1985 without reservations. Non-governmental organizations had become involved and manifested themselves in different lobby groups, for example, among professional women and in the Christian community, where they were caring for disadvantaged women.

323. The Government had made a series of constitutional and legal amendments since 1991. Article 23 of the new Constitution redefined discrimination as widely as possible and included for the first

time discrimination on grounds of sex. The previous Constitution, of 1964, did not prohibit that kind of discrimination and had been broadly accepted since it was a general view that women needed protection.

324. Regarding temporary special measures as contained in article 4 of the Convention, she reported on action taken by the Government to accelerate equality of men and women. Girls were encouraged to take up technical subjects such as science and mathematics. To increase the level of girls' education, the cut-off points for girls to qualify for secondary education had been lowered and a quota of 20 per cent for girls had been introduced in science colleges. Working women's access to loans had been facilitated, since the consent of the husband was no longer required.

325. The new Government was moving towards uniting customary and statutory law, which would positively affect the status of women. So far customary law has a large bearing on the determination of the issues of marriage and inheritance.

326. Referring to article 7 of the Convention, she confirmed that women in her country had always played an active role in politics. They were the majority of voters, but their representation in Government was low. Only nine of the 160 members of parliament were women, the Cabinet had only two women and there were few women ambassadors. Since the educational system had been discriminatory against women, women could not fill that gap through political involvement only. The present re-examination of the educational system would have a tremendous impact on women.

327. Women's issues could not be the centre of attention at a time when the survival of the country as a whole was at stake. The Government had made an effort to consider the situation of women by institutionalizing the offices for the advancement of women, but for the next five years that topic would not come to the centre of the stage, owing in large part to the reconstruction of the economy.

General observations

328. Members of the Committee thanked the representative of Zambia for her clear and frank introduction to the report and the efforts deployed in the preparation of the report, in particular the addendum, which had been compiled in accordance with suggested reporting procedure and guidelines. Members recalled that they had appealed at previous sessions to States parties to send representatives involved in the preparation of the report to present it to the Committee. Members regretted that the presentation of the report had had to be delayed because the distinguished representative of Zambia had not actually had the opportunity of even reading through the report. They found that state of affairs rather unfortunate. It was important that States parties paid great attention to the reporting and presentation requirements of the Convention. They felt that the representative of a State party delegated to present a report must be conversant with its contents. Members commended the Government of Zambia for its commitment to the advancement of women and its ratification of the Convention as early as 1985 without reservations. They took note of the difficulties the Government had experienced while trying to translate that commitment into practical steps.

329. Members expressed their concern about the devastating effects of structural adjustment

programmes on women and the relegation of women's issues to the backstage as experienced in Zambia. That was a worldwide phenomenon, and it was recommended that the Committee draw the attention of the international community to the issue. The contradiction that existed between article 13 of the Convention, dealing with the elimination of discrimination against women in areas of economic and social life, and the negative impact of structural adjustment programmes on women needed to be highlighted by the Committee. Zambia was forced to breach article 13 and to a lesser extent article 11 of the Convention because of the economic measures imposed. However, the development of a country depended on the integration of women in development since women accounted for half of the population. Cutting back on women's programmes in times of crisis sounded like an easy excuse from a patriarchal system. In periods of radical reform, it was essential that women be involved in public life and decision-making on important matters such as finances and economic measures.

330. Members requested further information on Committee recommendations 14 and 19. The representative replied that there was no tradition of female circumcision in any part of the country. There were only customs related to the personal hygiene of girls when they reached puberty. Violence against women was widespread and even traditionally accepted as a way of disciplining a wife. Under the Zambian Penal Code, violence against women was a crime and treated as an assault. The Government had been encouraging prosecutions of offenders. Since most women were economically dependent on their husbands and afraid to lose their matrimonial home, they were very reluctant to prosecute their aggressors. Some women did not admit that they had been abused and considered battering as a sign of man's affection.

331. More information was sought on the fact that Zambian law recognized equality between men and women with regard to legal capacity. The representative stated that men and women had the same legal status as persons under the law. The only outstanding legislation that was discriminatory concerned citizenship for the foreign spouse of a Zambian woman. The provision of the law was meant to prevent "marriages of convenience" but was being reconsidered.

332. Members commended the establishment of women's affairs desks in all government ministries as a good example of main-streaming women's issues and asked whether the Women-in-Development Unit had really fulfilled its objective. The representative replied that the Unit in the Department of Planning and Development Cooperation, formerly the National Commission for Development Planning, was coordinating women's development and women's rights issues. It gathered information and material and made input into development plans and budgetary provisions.

333. Members acknowledged the work accomplished by the Women's League, which had been linked to the previous ruling power. Referring to the establishment of new non-governmental organizations and their important role in society, they wanted to know what impact those organizations had on the Women's League and the Women-in-Development Unit. The representative stated that, during the one-party participatory democracy, non-governmental organizations operated parallel to the Women's League, which was the political wing of the then ruling party. Women's issues were treated differently by the non-governmental organizations, which played a supplementary role vis-à-vis the Women-in-Development Unit since they had a wider sphere of influence.

334. Questioned about the role of non-Governmental organizations in changing stereotypes in education and communication, the representative replied that their educational and political activities, both on television and on radio, were very important. They also worked with the National Curriculum Development Department of the Ministry of Education on the revision of the curriculum and educational material.

335. Recalling the considerable time that had passed since Zambia's independence and its ratification of the Convention, members expressed concern about the slow pace in promoting the status of women. They asked whether the measures taken in education and legal reform were not adequate or if the force of customs and the impact of economic reforms prevented progress. The representative considered a combination of different factors as being the main reason. Although some customary beliefs and practices prevented the advancement of women, education had a positive impact on women's self-confidence and on their families, who acknowledged the benefits of girls' education. With the advent of structural adjustment programmes the pace was slowing down temporally, but the legal ground for equality had been prepared.

336. Members wanted to know if there were inherent traditional social factors that prevented women from enjoying their rights fully, in particular the right to employment. The representative explained that basic education and some basic trade skills were the first condition for finding gainful employment in Zambia. Most women in Zambia would be in employment before their marriage, but suspended their professional life once they had to take care of children and a household of their own. Support systems for care did not exist, nor did a concept of sharing household chores. Day-care centres were a new and expensive phenomenon in the urban areas. Women therefore had no other possibility than to sacrifice their career progression for caring responsibilities.

337. Members regretted the lack of statistical data, which should be given more space in subsequent reports. The representative said that an effort would be made to provide more data and detailed information on women's living conditions in Zambia in the third periodic report.

Questions related to specific articles

Article 2

338. Members asked for further information on the reform of the Constitution of 1991 and whether it still contained provisions that allowed discrimination against women. They wanted to receive information on a constitutional committee set up by the President to undertake a harmonization of the Constitution. The representative stated that, in the Constitution of Zambia Act, 1991, the only outstanding issue regarding discrimination was the provision relating to citizenship of foreign men married to Zambian women, which was currently under revision. The Act addressed the issues of discrimination against women since an offending article 23 of the previous Constitution had been amended and given wider definition. The Constitutional Committee was reviewing the Constitution with a view to securing final approval for the amended Constitution. Asked about measures taken to remove all customary laws, the representative stated that the Constitution prohibited the practice and enforcement of customary laws that were repugnant to natural justice. However, customary law was part of the way of life in Zambia and not codified. There was no ground for removing customary

law that was tradition and did no harm. Asked about the situation of widows and their children, the representative said that the question of custody was not an issue in her country since it was generally the widow who took care of her children. Only if she was not able to do so owing to illness or economic hardship would the extended family take charge. If a woman lost custody of her children, she could make a petition to the high court. Traditionally, widows had always been well protected, but there had been an upsurge of ill-treatment of widows, especially in the urban areas, linked to the advent of the money economy and new-found materialism.

Article 3

339. Members stated that the report did not deal with all appropriate measures taken to ensure the full development and advancement of women as required under the article. Hope was expressed that the subsequent report would cover those questions accordingly. More details were required on the budget of the national machinery and its structure. Members asked for a description of the objective situation of women, in particular persisting traditional customs that affected women negatively. The representative said that those questions would be appropriately addressed in the subsequent report.

Article 4

340. Members welcomed the inclusion of a chapter on women in development in the fourth national development plan (1989-1993) and asked for the results achieved as well as information on the coordination of women's activities in the different areas.

341. They wanted more information on temporary special measures, including the lowering of cut-off points for girls to qualify for secondary education and the introduction of a quota system for girls in science colleges. They wanted to hear about the reasons for lowering grading and if the society accepted that measure. The representative informed the Committee that girls and boys had the same curricula, the same examinations and the same teachers. Ninety per cent of the schools were coeducational. Affirmative action was a means to enable more girls to have access to higher education, since girls were a minority from the first day in school and even more so at the end of the seven-year primary education cycle, when more girls had dropped out. That did not imply that girls' educational achievements were bad. The measure had been generally well accepted, although some felt that women should compete on an equal footing with men.

Article 5

342. Members wanted to know which measures had been taken to change the practice of dowry and bride price and whether progress was achieved in the rural areas. The representative stated that the payment of a bride price, which had always been a token, was widespread practice and very well accepted. No substantial change in the practice was reported from the rural areas.

343. Asked whether women could obtain divorce, the representative replied that divorce procedures were different for marriages contracted under the Marriage Act, which had to be dissolved in the High Court of Zambia, and customary marriages, which could be dissolved in local courts. Regarding a question on the activities of the Women-in-Development Unit and non-governmental organizations

to combat violence against women, the representative stated that violence against women was a high-profile topic dealt with in seminars, television and radio interviews and theatrical performances.

Article 6

344. Members found it discriminatory that in the case of prostitution, which was an illegal activity, only women were taken to police stations and not their male customers. They expressed the view that considering prostitution illegal and arresting prostitutes did not resolve the problem, but rather exacerbated it. They referred to the pick-up prostitutes in streets and asked whether women had the opportunity to prove their innocence after being arrested. The representative noted that trafficking in women was not a problem in Zambia, but that prostitution existed. A woman arrested for prostitution must be charged and prosecuted in a court of law, where she had an opportunity to prove her innocence or to sign the admission-of-guilt form.

Article 10

345. Members expressed their concern about the high illiteracy rate among women. The representative replied that Zambia had one of the best functional literacy programmes, which were community-based in the rural and the urban areas. Various women's activities were used for those programmes, which taught women how to unite. Questioned about the main reasons for the high drop-out rates of girls from school after the first level, the reply was that large family sizes made it economically difficult for parents to send all their children to school. Preference was given to the education of sons, who were expected to become the breadwinners of the extended family. Little value was attached to the education of girls, who were traditionally prepared for their future role as good wife and good mother.

Article 11

346. Members observed that the heavy involvement of women in the informal sector was a predominant feature in developing countries. Those women were often harassed by police and law enforcement for their activities. The informal sector had an illegal connotation, although women in the informal sector contributed to the economy and paid taxes. Women in the informal sector should start to organize and negotiate with the Ministry of Labour. The international community should look at women's activities in the informal sector. Stating that employment and the economic sector were most important for the status of women, members asked if the Government was taking measures to provide jobs for women. In her reply, the representative referred to the Constitution of Zambia, which recognized the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. The Government was committed to providing jobs for women, but the structural adjustment programmes had brought with it a contraction of the labour market, which would be only temporary. Asked if there was a professional orientation for the jobs that were available for women on the job market, she said that women were not oriented towards certain professions or fields, but free to pursue a career of their choice depending on their qualifications.

Article 12

347. Members asked for more information on women's reproductive rights and the use of contraception. The representative replied that women traditionally had no control over their reproductive rights and could not refuse to have children. The basis of a marriage in a traditional setting was to have children. The use of contraceptives was widespread. In reply to the question whether abortion was allowed, she said that, under the Termination of a Pregnancy Act, an abortion could be performed on medical grounds only, if there was a threat to the life of the mother or the foetus and on recommendation of three medical practitioners. Members also wanted to know if there was a population policy to lower the birth rate. The representative said that the Government was intervening to lower the birth rate through the provision of family planning services and free contraceptives. Population trends indicated that Zambia's population could double in the next 20 years if the growth rate of 3.2 per cent per annum was maintained. Members sought an explanation for the demographic imbalance in the population, with 60 per cent of the population being female. The representative said that it could not really be explained, but was due to the high female birth rate and high male death rate. Life expectancy for females was 55 years while it was 53 years for men. There was no out-migration of men that left women on their own. Internal migration from rural to urban areas had involved the most productive groups, mainly the young, better educated and enterprising elements, and had had negative effects on both the rural and the urban areas.

348. The mortal diseases affecting women were malaria, disorders of pregnancy, delivery complications, disease of the genitro-urinary system, accidents and injuries, respiratory diseases and AIDS-related complications.

349. Concerning maternity leave for employed women and family benefits for women, the representative stated that women were entitled to three months of paid maternity leave after two years of service and at intervals of two years according to the Employment Act. That was considered a good family planning policy since it allowed for spacing of children.

Article 14

350. Members stated that the situation of rural women was very critical and required information on the hardship of rural women, the constraints on their time and the success and failure of development programmes.

Article 15

351. The Committee asked for more information on the financing, staffing and functions of the women's affairs subcommittee.

Article 16

352. Members sought more information on the number of female-headed households, their economic situation, their concentration in rural and/or urban areas and their strategies for survival. The representative said that she was unable to provide replies to the questions under articles 14, 15 and 16. Responses would be incorporated in the third periodic report.

Concluding observations

353. In her concluding remarks, the representative stressed that women in Zambia had not benefitted as much as men from the services and opportunities of the country although the constitutional statutes did not discriminate against women. Equal opportunities meant also equal sharing of responsibilities between women and men, both inside and outside their homes, but women's workload in the household was disproportionately larger. She stated that structural adjustment programmes had fallen heavily on women. However in the restructuring process and the new liberal environment, measures were being taken that would enable women to attain a quality of life that would be equal to that of men.

354. Members commended the Government of Zambia for its effort to eliminate de jure discrimination while harmonizing the Constitution and to institutionalize the national machinery for the advancement of women. The Committee thanked the representative of Zambia for her knowledgeable presentation and the competent way in which she had replied to the questions. Members looked forward to receiving the outstanding information in the third periodic report. The Committee also encouraged the representative to comply with the guidelines for the establishment of reports in the preparation of the next report.

355. With regard to customary law, the Committee stated that customary practice and customary law had different meanings in the various cultures but needed to be examined as to their impact on women. If they affected the status of women negatively, as did forced marriage or circumcision, then they needed to be eliminated. There was no question of rejecting all customary practices and traditions. Countries went through a transitional period when they had to decide which practices to keep or to eliminate it was important to have the choice. The Committee encouraged the Government to identify cultural practices that might have stemmed from pre-colonial times under each article of the Convention. That would help the country and the Committee better to understand how customary practice affected women. Members also invited the representative to consider how other countries of the region had tackled customary practice and law.

Concluding comments of the Committee

Introduction

356. The Committee noted with satisfaction that Zambia had entered no reservations. The amendment to the initial report adhered to the reporting procedures better than the initial report, even though the report did not contain separate information on articles 1 to 3 of the Convention.

357. Both documents gave clear information on laws and policy measures relating to the implementation of the Convention, though more concrete data on the actual situation of women as well as on the difficulties affecting the implementation were desired in the subsequent report.

358. The Committee noted that the Government of Zambia was currently experiencing difficulties in implementing the Convention, owing to the impact of structural adjustment programmes. The Committee noted with great concern that that adjustment negatively affected many aspects of

women's lives.

Positive aspects

359. The Committee expressed its appreciation of the fact that some legal measures had been put in place to eliminate discrimination against women. It also appreciated the fact that after the enactment of the 1991 Constitution, a constitutional review committee which included women's non-governmental organizations had been put in place to further review all discriminatory laws and practices.

360. It expressed its appreciation for the establishment of women's desks in all ministries, the extensive educational efforts concerning women and the emergence of new women's organizations.

Principal subjects of concern

361. The Committee was very concerned about the persistence of traditional sex roles, which were deeply embedded in the cultural life of the Zambians and which generally seemed to impede equality. Great concern was also expressed regarding the violation of women's rights in general, particularly the rights of those women under customary marriage laws.

362. The Committee also noted with concern the lack of women's access to formal employment and the difficulties encountered by women working in the informal sector in general and from governmental officials.

363. The Committee was also concerned about acts of violence against women in their private sphere. It also noted the high fertility rate and its negative impact on the status of women in addition to the difficulty caused by the current adjustment programmes.

Suggestions and recommendations

364. The Committee suggested that the Government of Zambia study the possibility of codifying the customary laws so that those found to be in violation of the Convention could be reformed or abolished. It recommended that the customary marriage law be reformed so that customary marriages were registered, in order to give women married under that law equal rights and benefits with men.

365. The Committee also recommended that in future reports a much more detailed description be given of the customs and traditions affecting women's rights in all areas of the Convention in a positive or negative way. It suggested further review of existing legislation and expected in the subsequent report to be informed about the practical results of the constitutional review committee and their implementation.

366. It recommended that, although structural adjustment programmes posed difficulties to the State party, women's issues should remain at centre stage even in times of economic distress. The Committee therefore recommended that women have access to budgetary and policy decision-making positions to mitigate some of the negative effects of the structural adjustment on women's lives.

367. The Committee urged the State party, women's non-governmental organizations and all concerned to engage in a nationwide awareness campaign to change the attitudes of men and women in order to achieve de facto equality in all spheres of life. The Committee also wished to be informed in subsequent reports about the situation of women in female-headed households.

368. It was the wish of the Committee that Zambia's next report provide all the information with the necessary sex-segregated statistics in accordance with the articles of the Convention and in closer compliance with the guidelines for submitting reports to the Committee.

CEDAW A/57/38 part II (2002)

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.