



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

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

Twenty-seventh session

Summary record of the 552nd meeting

Held at Headquarters, New York, on Tuesday, 4 June 2002, at 3 p.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Third and fourth periodic reports of Zambia (continued) (CEDAW/C/ZAM/3-4, CEDAW/PSWG/2002/II/CRP.1/Add.5 and CEDAW/PSWG/2002/II/CRP.2/Add.4)

1. *At the invitation of the Chairperson, the delegation of Zambia took places at the Committee table.*

2. **Ms. Sinkala** (Zambia), replying to Committee members' questions concerning education, said that Zambia's goals in that area included increasing school enrolment, and the rates of retention and completion of studies, including by vulnerable children, and improving learning achievement. Gender-awareness programmes had actually brought about a change in government policy: the number of girls in school had increased from one third to one half of the total student population. In addition, an after-pregnancy curriculum was being reviewed and efforts were under way both to make teaching materials and methods more gender-sensitive and to create a more girl-friendly school environment by eliminating stereotypes and encouraging girls to study mathematics and science. Single-sex classes were given in order to boost girls' self-confidence and self-esteem. Boys and girls were encouraged to study all subjects without restriction, and the top technical institutions had opened their doors to girls. Overall, the number of girls in secondary school was at an all-time high.

3. Girls who became mothers before the age of 19 did so for various reasons, including low self-esteem, societal (or their own) expectations concerning marriage, particularly in the rural area; the lack of role models, especially in the rural area; issues of survival and subsistence (HIV/AIDS often left children as heads of household); peer pressure; poverty; or experimentation. Through the Programme for the Advancement of Girls' Education (PAGE) and HIV/AIDS programmes, the Government was targeting girls themselves, providing increased information on sexuality and HIV/AIDS; helping girls become more assertive in refusing to have sex; developing materials for pupils and teachers regarding HIV/AIDS; revitalizing child-to-child programmes and anti-AIDS

clubs in school, in which children shared information with each other; and publishing and disseminating information on successful females in the country. The Ministry of Education worked with partners, in particular, non-governmental organizations, to address the problems of teen-age pregnancy and early marriage. The re-entry policy for adolescent mothers had initially met with strong resistance, particularly from missionary schools; however, the Government had issued guidelines to facilitate implementation of the programme.

4. In reply to another question, she said that the national drop-out rate fluctuated between 30 and 45 per cent, depending on whether it was in reference to the primary or secondary schools.

5. In response to the question on whether Zambia had realized its education goals, she said that it had achieved them partially but still hoped to increase access to schools, especially for vulnerable children. To that end, the Government had established community schools for poor children and orphans, particularly in the urban areas, but also in rural areas where grandparents were taking care of children whose parents were HIV/AIDS victims. The Interactive Radio Initiative provided schooling for hard-to-reach children, such as street children, usually for about 30 minutes a day. Another programme helped educate children who could not afford school tuition, 65 per cent of whom were girls. Schooling was provided for children with special education needs in 8 of the country's 72 school districts.

6. The goal of giving scholarships to 25 per cent of female university students had not been fully realized because females currently represented only 20 per cent of the university population. Efforts were being made to provide support to girls at the highest level of secondary school when university selections were made. Lastly, she noted that women accounted for 43.5 per cent of the total illiterate population in Zambia.

7. **Ms. Nkole** (Zambia) said that a National AIDS Council had just been established. It was intersectoral in nature and was not under the responsibility of any particular ministry. Women were more severely affected by HIV/AIDS because they were not only victims but also caregivers for infected husbands, children or other relatives.

8. Replying to the question concerning post-natal care, she said that government hospitals kept women

only 24 hours after delivery; private hospitals were more likely to monitor their health for 72 hours afterward. Women were given post-natal check-ups six weeks after delivery at clinics, where they could also request follow-up consultations with nurses or midwives, usually when they brought their children for medical care.

9. **Ms. Kwaku**, referring to articles 15 and 16, urged the Zambian Government to accelerate its efforts to replace customary laws on marriage with uniform national legislation. Noting that the report was silent on women with disabilities, she expressed the hope that the State party's next report would provide details in that regard.

10. **The Chairperson**, referring to paragraph 25 of the State party's response to the list of issues (CEDAW/PSWG/2002/II/CRP.2/Add.4) concerning polygamy, asked whether any man had ever been prosecuted under statutory law for taking a second wife and, if so, what the sentence had been.

11. **Ms. González** expressed concern that customary law took precedence over statutory law in many cases, which had a detrimental effect on family law, and, in particular, that there seemed to be no existing government plans or programmes to remedy the situation. At the end of its report, the State party recognized the need for education and social reorientation to that end, but there was no evidence that it had taken any action. Zambian women could not continue to be relegated to an inferior status or suffer from health problems caused by men's irresponsibility.

12. **Ms. Nkole** (Zambia) said that another reason marriage should be governed by statutory law was that the customary law of 73 ethnic groups was difficult to codify. Marriage by customary law was considered to be legal. Particularly in patrilineal societies, polygamy was accepted as normal, provided that a bride request and a bride price had been announced. As for women with disabilities, she noted that amended legislation adopted in 1996 focused special attention on women with disabilities. She assured the Committee that details in that regard would be provided in Zambia's fifth periodic report.

13. Lastly, replying to the Chairperson, she said that men had indeed been prosecuted under statutory law but that such cases were generally heard *in camera*. In such cases, the second woman was not legally

considered to be his wife. She knew of one instance in which a prison sentence had been handed down.

14. **Ms. Hazelle** asked whether the newly formed National AIDS Council was a non-governmental organization. She would appreciate a description of its mandate and how it was funded. While she understood its multisectoral character, she believed that there should be some ministerial accountability and wondered whether the Government was represented on it or played a role in it.

15. **Ms. Manalo** said that she, too, was very concerned at the absence of government involvement in the National AIDS Council and asked how the Council's multisectoral activities were coordinated. She was also extremely disturbed by Ms. Nkole's remark that women were more affected by the AIDS epidemic as caregivers than as victims; she hoped that infection among women was being taken as seriously as infection among men.

16. **Ms. Acar** said that her earlier question under article 7 had not been answered, namely, whether the President of Zambia was authorized by law to appoint eight women Members of Parliament and whether he had actually done so. She would be interested in knowing how the Government intended to meet its commitment to ensure that women occupied 30 per cent of decision-making posts.

17. **Mr. Melander** said that, at the previous meeting, he had requested details on the penalty for violence against women and would appreciate a reply.

18. **Ms. Saiga** enquired about the percentage of marriages under customary law and statutory law, respectively. Referring to earlier questions by other Committee members, she wondered how comprehensive the proposal concerning the Law Development Commission was.

19. **Ms. Shin** said it was not clear to her whether Zambia had a national plan of action for women that included programmes for combating violence against women. She noted that the national gender policy had been drawn up in 2000; since there was now a new Government, she would like to know whether the national gender policy or a comparable national plan of action for women was in force. If so, what was the time frame for the plan of action? Did it cover all areas of concern for women?

20. **The Chairperson** said she was deeply concerned about the problem of the murder of defenceless older women, sometimes by their own family members. She requested Ms. Nkole to urge her Government to take action to eliminate that practice immediately.

21. **Ms. Livingstone Raday** stressed the need for legislation specifically designed to protect women. The answer given to previous questions on that matter had tended to concentrate on the difficulty of implementing or enforcing the laws. She would like to know whether there were explicit statutory regulations on each of the issues discussed. Although she realized that laws were not enough, they did constitute a start and were essential to the enforcement of policy. Legislation was a primary expression of the political will to enforce the idea of equality. Laws also provided a tool for educating both the officials concerned and the general public. Were there any express legal provisions on educating the public and combating discrimination against women?

22. **Ms. Schöpp-Schilling** said that despite all the efforts that had been made by the Government of Zambia, much remained to be done. Women were at a disadvantage with respect to men in every respect. Noting that article 23 of the Constitution allowed for preferential resource allocation, she urged the Government to use that prerogative to undertake a major national effort. Without preferential resource allocation and legal reform, the country would not be able to attain sustainable development for a very long time.

23. **Ms. Kapalata** said it was not clear to her whether Zambia had taken measures to apply quota systems for elected office in favour of women.

24. **Ms. Nkole** (Zambia), replying to questions posed, said that although the National AIDS Council was intersectoral in nature, it was accountable to the cabinet committee on HIV/AIDS, which was chaired by the Minister of Health. With regard to the issue of women affected by AIDS, she explained that women were at a disadvantage because in addition to suffering from the disease themselves, they had the added burden of providing care for others. On the matter of the appointment of ministers by the President, she said that he had not yet appointed any women to ministerial positions; she was confident that when the time came to make changes, he would do so.

25. **The Chairperson** said it was her understanding that the question on appointments had referred to parliamentarians, not ministers.

26. **Ms. Nkole** (Zambia) said that there was no official quota system for the nomination of parliamentarians. That the political parties did include women on their tickets was a positive trend; however, whether they were elected or not was another matter.

27. **Ms. Acar** asked for clarification as to whether the constitutional system allowed the President to nominate eight Members of Parliament. Had he nominated any women?

28. **Ms. Nkole** (Zambia), referring to the question of violence against women, especially rape, said that rape was a criminal offence and people had been sent to prison when found guilty. However, the maximum sentence was rather short, only about seven years, and that needed to be changed. On the matter of customary law, she agreed that it would be best to have a uniform marriage law. In practice, however, customary law was so strong that it often prevailed even when a marriage had been performed under the Marriage Act.

29. **Mr. Kapembwa** (Zambia) stressed that a very comprehensive exercise had been undertaken by the Law Development Commission. The issues of rape and law enforcement were being addressed, but the problem lay in the fact that the agencies concerned had been working separately from each other. An effort was being made to improve coordination, and that should greatly improve the situation.

30. **Ms. Nkole** (Zambia), referring to the question whether there was any plan to implement the national gender policy adopted in 2000, said that the policy had been translated into the seven major languages. The Government was currently focusing on educating the people and holding consultations on how to implement the policy. Each of the nine provinces had been asked how the national policy should be implemented in its particular region, since there were considerable differences between regions. The consultations had concluded, and the process of preparing a national implementation plan was now under way.

31. On the question regarding the murder of older women, she said that families in Africa had great respect for the elderly, and such cases were not the general practice. In those cases where it did occur, it was related to the fact that many young people were

dying of AIDS, while older women were not dying, simply because they did not have HIV/AIDS. Since women were caregivers, when an older woman remained as one of only a few survivors, she would come under suspicion and be stigmatized because of the belief that she might be a witch. Certainly, action must be taken to address the problem.

32. On the matter of legislation to combat domestic violence, she explained that some non-governmental organizations were training paralegals so that they could inform people of their human rights and of the possibility of bringing action against the State in certain cases. Legal reforms were indeed required. Regarding the sharing of resources, she stressed that it was not just a question of allocating money for specific programmes, but of the potential impact of allocations on women. Workshops would be held to facilitate discussions between gender experts and economic experts, with a view to making the budget more gender-responsive.

The meeting rose at 4.15 p.m.