



**Convention on the Rights
of Persons with Disabilities**

Distr.: General
19 October 2020

Original: English
English, Russian and Spanish only

Committee on the Rights of Persons with Disabilities

**Initial report submitted by Zambia under article
35 of the Convention, due in 2012***

[Date received: 19 September 2017]

* The present document is being issued without formal editing.

GE.20-13776(E)



* 2 0 1 3 7 7 6 *

Please recycle 



Acronyms

ADB	African Development Bank
AIDS	Acquired Immune Deficiency Syndrome
CBR	Community Based Rehabilitation
CEEC	Citizens Economic Empowerment Commission
CPD	Continuing Professional Development
CRC	Constitution Review Commission
CRPD	Convention on Rights of Persons with Disabilities
DET	Disability Education and Training
DMMU	Disaster Management Mitigation Unit
ECZ	Electrol Commission of Zambia
GDP	Gross Domestic Product
GEWEL	Girls Education and Women's Empowerment and Livelihood Project
GBV	Gender Based Violence
HIV	Human Immune Virus
HRC	Human Rights Commission
ICT	Information and Communication Technology
ILO	International Labour Organisation
ITU	International Telecommunications Union
LBTC	Lusaka Business and Technical College
LCMS	Living Condition Monitory Survey
MCDSS	Ministry Of Community and Social Services
MMD	Multi Party Democracy
MoFNP	Ministry Of Finance and National Planning
MOH	Ministry Of Health
NCC	National Constitution Conference
NTD	National Trust Fund For Persons with Disabilities
NRUWSSP	National Rural and Urban Water Supply and Sanitation Programme
NVRC	National Vocational Rehabilitation Centre
PROPEL	Promoting Right and Opportunities of Persons With Disabilities
SNDP	Sixth National Development Plan
TEVET	Technical Education, Vocational and Entrepreneurship Training
UNCRPD	United Convention on Rights of Persons with Disabilities
UNIP	United National Independence Party
UNZA	University of Zambia
ZAPD	Zambia Agency for Persons with Disabilities
ZAMISE	Zambia Institute of Special Education
ZDHS	Zambia Demographic and Health Survey
ZFE	Zambia Federation of Employers

ZICTA Zambia Information and Telecommunication Authority
ZNBC Zambia National Broadcasting Services

I. Introduction

1. The Government of the Republic of Zambia is greatly pleased and privileged to submit to the Committee on the Convention on the Rights of Persons with Disabilities (CCRPD), in conformity with Article 35 Paragraph 1 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) its initial State Party report.
2. The report has been prepared with reference to the Committee's guidelines on the form and content of initial reports to be submitted by State Parties.
3. It has been prepared under the coordination of the Ministry of Community Development and Social Services (MCDSS) and is a result of wide consultations within the Government of Zambia, Civil Society Organizations, the Zambia National Human Rights Commission, organizations of and for persons with disabilities and other national institutions and Non-Governmental Organizations working on promoting the realisation of the rights of persons with disabilities to ensure that the report is representative of the situation prevailing in the country at the time of reporting.
4. The report has been prepared in the context of Zambia's legislative, political, social, cultural and economic environments. It provides an overview of the major progress Zambia has made with respect to improving the situation of persons with disabilities and the legislative, judicial, administrative and other measures that the Government has taken to comply with the UNCRPD. While recognizing the challenges and difficulties that Zambia faces, the report also highlights the strategies currently in place or underway to address any existing gaps in giving effect to the provisions of the Convention as well some recommendations on the way forward.

II. Background Information on Zambia

Land and People

5. Zambia is a landlocked country in Southern Africa. It is located between latitudes 8° and 18° south and longitudes 22° and 34° east and covers a total area of 752,612 square kilometers. The country is bordered by, the Democratic Republic of Congo to the north, Tanzania to the north-east, Malawi to the east, Mozambique, Zimbabwe, Botswana and Namibia to the South, and Angola to the west.
6. The total population of Zambia is estimated at 13,100,000 people (2010 Census), 75 per cent – 80 per cent of whom live in the rural areas. The population distribution varies from 230 persons per km² in high potential areas to three persons per km² in arid areas. Only about 20 per cent consists of high to medium potential agricultural land, and supports 80 per cent of the population. The remaining 20 per cent of the population lives in the 80 per cent of the land, which is arid and semi-arid.
7. Zambia is administratively divided into ten provinces namely: Central, Copperbelt, Eastern, Luapula, Lusaka, Muchinga, Northern, North Western, Southern and Western provinces. Zambia has 109 districts, 156 constituencies and 1,430 wards. Lusaka is the Capital City of Zambia and administrative seat of the Government. The Government is comprised of Central and Local Governments.
8. Zambia's vegetation is mainly made up of savannah woodlands and grasslands. It has a tropical climate with three distinct seasons, the cool and dry season, the hot and dry season and the hot and wet season. The country has abundant natural resources. It has five main rivers, namely Zambezi, Kafue, Luangwa, Luapula and Chambeshi rivers. In addition to these rivers, the country also has major lakes such as Tanganyika, Mweru, Mweru Wa Ntipa, Bangweulu and the man-made lakes Kariba and Itezhi Tezhi. It has some of nature's best wildlife and game reserves affording the country with abundant tourism potential. The Luangwa and Kafue National Parks have one of the most prolific animal populations in Africa. The Victoria Falls in the Southern part of the country is a major tourist attraction. Zambia is also endowed with various minerals and precious stones such as copper, emeralds, zinc, lead and cobalt.

9. English is the official language of communication and instruction in Zambia. The main local languages are Bemba, Kaonde, Lozi, Lunda, Luvale, Nyanja and Tonga. Other than English, these languages are also taught in public schools and used on national television and radio, as well as other national documents. However, Zambia has a total of 73 dialects spoken across the country.

10. Zambia is officially a Christian nation according to the 1996 Constitution. However, it embraces other religions.

11. Health plays a critical role in the development of the country and no meaningful development can be attained without a sound health policy. Since 1991, the health sector has been making strides to improve the health delivery system in the country. Some of these efforts include a move from a strongly centralized health system in which the central structures provided support and national guidance to the peripheral structures to a more decentralized system.

12. In 2010, Zambia's health system had a total of 1,883 health facilities. This was an increase of 598 health facilities from 1,285 health facilities in 2000. The health system consists of six specialized hospitals, 21 General hospitals, 85 District hospitals, 1,495 Urban and Rural Health Centres and 275 Health Posts (Source: Ministry of Health, 2011).

13. Like many Sub-Saharan countries, Zambia has high morbidity and mortality rates. According to the 2013/4 Zambia Demographic and Health Survey (ZDHS), one in eight adults (13 percent) was HIV positive. The infant mortality rate was 45 deaths per 1,000 live births while the maternal mortality ratio was 398 per 100,000 live births.

14. Its economy is primarily driven by Mining, Agriculture, Construction, Transport and communication sectors. The provisional estimate in 2015 of the real GDP growth is 3.2 percent (National Accounts Statistics, 2016). For many years in Zambia, the modern sector was dominated by parastatal organizations, while construction and agriculture sectors dominated the private sector. The Copper mining industry has been the mainstay of the Zambian economy from the early post-colonial years accounting for about 95 percent of the annual export earnings and contributing about 45 percent of the government revenues during the decade following independence (1965–1975).

15. In the mid-1970s, with the sharp decline in the global Copper prices, the Zambian economy deteriorated sharply. Efforts were made to minimize the dependency on Copper and diversify the economy through the creation of import substitution parastatals. These efforts did not achieve the desired results thus the commencement of the vigorous structural adjustment programmes. These programmes failed to substantially alter the economy. This led to very high levels of poverty for the majority of the Zambian people.

16. In an effort to mitigate the very high poverty levels, Zambia resumed the national development planning. In 2006 there was a realization to institute a strategy that would focus on broad-based wealth and job creation through citizenry participation and technology advancement which led to the development of the 2006–2010 Fifth National Development Plan (FNDP). In 2011 the Sixth National Development Plan (SNDP: 2011–2015) was developed with the aim of achieving sustained economic growth and poverty reduction through infrastructure and human development. The SNDP was later revised in same year to be in line with the policies of the Patriotic Front administration which took over Government from the Movement for Multiparty Democracy (MMD). The primary growth areas identified by the Plan included skills development, agriculture, and infrastructural development with a focus of enhancing the water and sanitation, education and health services (MoFNP, 2014). The State Party is currently drafting the Seventh National Development Plan (2017–2021) which aims to domesticate sustainable development goals.

17. Education is a powerful tool for economic development of an individual and the nation. The Sixth National Development Plan (SNDP) identified education, training, science and technology as prime movers of Zambia's development.

18. Zambia has a three-tier education system consisting of seven-year primary education, followed by five-year secondary education and post-secondary schooling. The State Party has in the past decade embarked on a number of initiatives to ensure universal access to education. In 2010, an increase of about 0.6 percent was recorded in the number of basic schools (Grade 1–9). An increase was also recorded in the number of high schools (Grade

10–12) which was largely attributed to the upgrading of some basic schools into high schools and construction of new high schools. Currently, the education system runs from Grade 1–7 for primary schools and Grade 8–12 for secondary schools.

19. It is well understood that social and economic development can only be attained when there is equal participation of both men and women in the development process. Zambia’s vision on sex as stated in the “Vision 2030” is to achieve sex equity and equality in the social-economic development process by 2030. In this regard, the State Party has put in place a Gender Policy, which ensures the advancement of gender mainstreaming policies and legislation.

20. The majority of Zambians have continued to live in poverty. Results from the 2006 and 2010 Living Condition Monitory Surveys (LCMS), show that poverty levels have remained high despite recording a decline between 2006 and 2010. The proportion of the population falling below the poverty line reduced from 62.8 percent in 2006 to 60.5 percent in 2010. The percentage of the extremely poor marginally declined from 42.7 percent to 42.3 percent.

21. Poverty in Zambia has continued to be more of a rural than urban phenomenon. The level of rural poverty is three times more than that of urban areas. In 2010, rural poverty was estimated at 77.9 percent compared to urban levels at 27.5 percent.

22. Persons with disabilities in Zambia are amongst the most vulnerable groups in the country. They constitute about 7.2 percent of the country’s population according to the preliminary results 2015 National Disability Survey of the total population of Zambia.

III. Political Structure

A. The General Political Structure

23. Zambia attained her independence in 1964 after a 70 years British colonial rule. At independence, Zambia adopted a Constitution that provided for a multiparty democratic system. In 1973 Zambia adopted a new Constitution, which introduced a one-party system of government. All political parties except the then-ruling United National Independence Party (UNIP) were proscribed. From the late 1980s Zambia experienced important political and constitutional developments. Those developments culminated in the amendment of the 1973 Constitution by the repealing of Article 4, which provided for UNIP as the sole political party. On 31 October 1991, multiparty presidential and general elections were held which ushered into power the newly formed Movement for Multiparty Democracy (MMD). The constitutional amendment also limited the presidential term of office to two terms of five (5) years each. In 1996, the Constitution was further amended making it mandatory that a presidential candidate should be a second generation Zambian. On 27 December 2001, presidential and general elections were held which gave MMD a fresh mandate of five years and were in power for two terms. In 2011, presidential and general elections were held which ushered into power the Patriotic Front which is currently the ruling party. The Constitution of the Republic of Zambia expressly provides safeguards against violation of fundamental rights and freedoms of the individual by the State. A significant development is the creation of the Human Rights Commission established in 1996 under the Human Rights Act No. 39 of 1996. The Human Rights Commission is an autonomous national human rights institution established pursuant to Article 230(1) of the Constitution of Zambia as amended by Act No. 2 of 2016. The Constitution under Article 230(2) and (3) defines the mandate of the Commission as to investigate and report on the observance of rights and freedoms; take necessary steps to secure appropriate redress where rights and freedoms are violated; endeavor to resolve a dispute through negotiation, mediation, or conciliation; carry out research on rights and freedoms and related matters; conduct civic education on rights and freedoms; and to perform such other functions as prescribed. The creation of the Commission is clearly a milestone in Zambia’s history and indicates the State Party’s willingness to promote the enjoyment of human rights by the Zambian people.

24. Part III of the Zambian Constitution contains the Bill of Rights, which makes provision for the fundamental rights and freedoms enjoyed by every person in Zambia. These rights and freedoms are entrenched in the Constitution and are as follows:

- Article 12 provides for protection of the right of life;
- Article 13 provides for protection of the right to personal liberty;
- Article 14 provides for protection from slavery and forced labour;
- Article 15 provides for protection from cruel, inhuman and degrading treatment;
- Article 16 provides for protection from deprivation of property;
- Article 17 provides for protection of privacy, home and property;
- Article 18 contains provisions to secure protection of the law;
- Article 19 provides for protection of freedom of conscience;
- Article 20 provides for protection of freedom of expression;
- Article 21 provides for protection of freedom of assembly and association;
- Article 22 provides for protection of freedom of movement;
- Article 23 provides for protection from discrimination on the ground of race, sex, tribe, etc.; and
- Article 24 provides for protection of young persons from exploitation.

25. The Constitution provides for a republican State with three arms of Government, namely; the Executive, the Legislature and the Judicature, each forming a separate and distinct organ of the State.

B. The Executive

26. The executive power is exercised by the President who is elected for a term of five years by universal suffrage. Under Article 100, the Constitution states that a person qualifies to be nominated as a candidate for election as President if that person:

- (a) Is a citizen by birth and descent;
- (b) Has been ordinarily resident in zambia;
- (c) Is at least thirty five years old;
- (d) Is a registered voter;
- (e) Has obtained, as a minimum academic qualification, a grade twelve certificate or its equivalent;
- (f) Is fluent in the official language;
- (g) Has paid that persons taxes or has made arrangements, satisfactory to the appropriate tax authority, for the payment of taxes;
- (h) Declares that persons assets and liabilities, as prescribed;
- (i) Pays the prescribed election fee on, or before, the date fixed for delivery of nomination papers; and
- (j) Is supported by at least one hundred registered voters from each province

27. By constitutional limitation a President cannot retain office for more than two terms.

28. The Office of the President is established under Article 91(1) of the Constitution. The President is both head of State and Government and Commander-in-Chief of the Defence Force. The President presides over meetings of Cabinet.

29. The President is deputized by a Vice-President whose office is established by Article 110 of the Constitution. The Vice-President is elected as the running mate to a presidential candidate in a presidential election. The Vice-President performs such functions as are assigned him by the President and is also the leader of government business in the National Assembly.

30. Cabinet is established under Article 113 of the Constitution and consists of the President, the Vice-President, Ministers and Attorney General as ex-officio member.

Cabinet formulates the policy of the Government; is responsible for advising the President on national policy; and other matters that the President refers to Cabinet. Cabinet is responsible collectively to the National Assembly.

31. The Office of Minister is created under Article 116 of the Constitution. Ministers are appointed from amongst members of the National Assembly and are responsible, under the direction of the President, for government business, including the administration of any ministry or government department, which the President may assign to them.

C. The Legislature

32. The Legislature is established under Article 62 of the Constitution. It consists of the President and the National Assembly (Parliament). Parliament is the supreme legislative authority in Zambia. The National Assembly consists of 156 elected members, 8 nominated members and the Speaker of the National Assembly. Election of Members of Parliament is done by direct, universal adult suffrage and by secret ballot. The life of the National Assembly is five years although it may be dissolved at any time before the expiry of its legal term. If the National Assembly is dissolved, general elections will be immediately held.

33. The advent of pluralism in Zambia led to the re-emergence of organized political parties. Article 60 of the amended Constitution makes provision for the rights of political parties and management. Individual candidates from political parties or individuals in their own right are at liberty to contest any National Assembly elections. The candidate who polls the most votes is elected to the National Assembly.

34. The Party which polls one third of the seats in the National Assembly is officially recognized as “the Official Opposition”, with its leader recognized as opposition leader.

35. The National Assembly has the power to establish select committees composed of members of the opposition and backbenchers whose functions are to scrutinize the work of public institutions. This affords the National Assembly the opportunity to scrutinize the performance of Government.

D. The Judiciary

36. The judiciary is established by Articles 119 and 120 of the Constitution and consists of:

- The Supreme Court of Zambia and Constitutional Court which rank equivalently;
- The Court of Appeal;
- The High Court for Zambia;
- The Industrial Relations Court;
- The subordinate courts;
- Small claims court;
- The local courts;
- Courts, as prescribed.

37. The judges of the Supreme Court, Constitutional Court, Court of Appeal and the High Court, members of the Industrial Relations Court, magistrates and local court justices are independent, impartial and subject only to the Constitution and the law and are obliged to conduct themselves in accordance with the Judicial Code of Conduct. The Judiciary is autonomous and administered by Parliament.

38. The Supreme Court of Zambia is established by Article 124 of the Constitution and the Supreme Court Act, Chapter 25 of the Laws of Zambia. The Supreme Court is the final court of appeal. It is the superior court of record and consists of the Chief Justice, the Deputy Chief Justice and Supreme Court judges whose number is prescribed by the Supreme Court Act and are appointed by the President.

39. The Constitutional Court of Zambia is established by Article 127 of the Constitution and the Constitutional Court Act, 2016. The Court ranks equivalently with the Supreme Court and the Court consists of the President, Deputy President and eleven other judges or a higher number of judges, as prescribed.

40. The Court of Appeal is established by Article 130 and consists of such number of judges as prescribed. The courts of appeals has jurisdiction to hear appeals from high court, other courts except for matters under the exclusive jurisdiction of the constitutional court and quasi-judicial bodies except, a local government election tribunal.

41. The High Court for Zambia is established by Article 133 of the Constitution and the High Court Act, Chapter 27 of the Laws of Zambia. The High Court has an establishment of 30 puisne judges in addition to the Chief Justice who is an ex-officio member. The High Court has unlimited and original jurisdiction to hear and determine any civil or criminal proceedings under any law and such jurisdiction and powers as may be conferred on it by the Constitution or any other law. This, however, excludes proceedings in which the Industrial Relations Court under the Industrial and Labour Relations Act, Chapter 269 of the Laws of Zambia, has exclusive jurisdiction. The High Court determines appeals from the lower courts and aggrieved parties may appeal from this Court to the Court of Appeal.

42. The Industrial Relations Court is provided for under Article 119 of the Constitution and is established by Section 84 of the Industrial and Labour Relations Act, Chapter 269 of the Laws of Zambia. This Court consists of a Chairperson, Deputy Chairpersons, all of whom are appointed by the Republican President on the advice of the Judicial Service Commission. Four other members are appointed by the Ministry of Labour and Social Security to serve on the Industrial Relations Court. The Industrial Relations Court has exclusive jurisdiction in labour related matters. The Industrial Relations Court has the jurisdiction to:

- (a) Examine and approve collective agreements;
- (b) Inquire into and make awards and decisions in collective disputes;
- (c) Inquire into and make awards and decisions in any matters relating to industrial relations which may be referred to it;
- (d) Interpret the terms of award and agreements;
- (e) Commit and punish for contempt, any person who disobeys or unlawfully refuses to carry out or to be bound by an order made against him by the Court; and
- (f) Generally to inquire into and adjudicate upon any matter affecting the rights, obligations and privileges of employees, employers and representative organizations.

43. The Industrial Relations Court is a quasi-judicial tribunal and does not follow strict rules of evidence. The procedure followed for the institution of legal proceedings before this Court is relatively simple as compared to that which is followed in the other Courts.

44. The subordinate courts are provided for under Article 119 of the Constitution and are established by the Subordinate Courts Act, Chapter 28 of the Laws of Zambia. All magistrates are appointed by the Judicial Service Commission acting in the name of the President. The jurisdiction of a subordinate court depends on its class and the rank of the presiding magistrate. The jurisdiction in civil cases varies between classes in relation to the amounts at issue in matters brought before the courts and also as to the type of action triable. Criminal jurisdiction also varies according to the class of magistrate presiding and class of court. Subordinate courts are empowered to adjudicate on appeals from the local courts. An aggrieved party has the right to appeal against the decision of a subordinate court to the High Court.

45. The Small Claims Court is established under Article 120 of the Constitution and the Small Claims Court Act Chapter 47 of the Laws of Zambia. A Commissioner, sitting alone, shall constitute a small claims court. The Judicial Service Commission may appoint such number of persons as it considers necessary to be commissioners' over small claims courts.

46. The institution of local courts is provided for under Article 120 of the Constitution. Local courts are established under the Local Courts Act, Chapter 29 of the Laws of Zambia. These courts are at the base of the hierarchical judicial system. There are about 454 local courts in Zambia. The Judicial Service Commission appoints the local court justices. Local

courts are divided into grades A and B and their jurisdiction is limited according to the grade which the court warrant assigns to them. A local court may only hear matrimonial or inheritance cases based on customary law where that law applies. Local courts are primarily authorized to apply and enforce customary law. The local court's criminal jurisdiction is limited to cases such as simple thefts and common assaults. Whenever a local court is seized with the conduct of a civil or criminal matter in which a party wishes to be represented by a lawyer, that matter is immediately transferred to the subordinate courts for trial because lawyers have no right of audience in the local courts.

47. The independence of the judiciary and its autonomy from the legislative and executive arms of the State Party is of great importance in Zambia. As stated earlier, the President appoints Supreme Court and Constitutional Court judges. Puisne judges are appointed by the President acting on the advice of the Judicial Service Commission and are subject to ratification by the National Assembly. This requirement for ratification strengthens the independence of the judiciary in that it safeguards against the appointing authority exercising undue influence on the judiciary and its work. Judges of the Supreme Court and High Court enjoy security of tenure, which enables them to perform their functions without fear or favour. A judge can only be removed from office on grounds of inability to perform the functions of office whether arising from infirmity of body or mind, incompetence or misbehavior, after a tribunal appointed to investigate the allegations confirms such allegations and recommends that a judge be removed. The judiciary's independence is further protected as the salaries payable to the judges and their terms of office may not be altered to their disadvantage after their appointment.

48. The laws, which are applied by the different courts, which form the Judicature, fall into three broad categories:

(a) Legislation

(i) In the form of Acts of Parliament and subordinate legislation made under those Acts;

(ii) English Laws (Extent of Application) Act, Chapter 10 of the Laws of Zambia provides that all English statutes in force in 1911 are applicable in Zambia as long as the law is not inconsistent with existing Zambian laws, and the Act is to be applied in the light of prevailing local circumstances. In matrimonial cases English laws are still applicable;

(b) Judicial precedents, which are rules, derived from decisions of the High Court and Supreme Court of Zambia;

(c) Customary law, which is applicable insofar as it is not inconsistent with existing statutory laws or repugnant to the principles of natural justice, equity and good conscience.

49. The Office of the Attorney-General is established under Article 177 of the Constitution. The Attorney General is appointed by the President subject to ratification by the National Assembly and is the principal legal adviser to the State. The Attorney General is not subject to the direction or control of any other person or authority in the discharge of duties. The Attorney General is charged, inter alia, with representing the State in all civil proceedings to which the State is a party. The Attorney General is also an ex officio member of Cabinet.

50. The Office of the Solicitor-General is established by Article 179 of the Constitution. He is appointed by the President subject to ratification by the National Assembly. The Solicitor General deputizes the Attorney General and exercises any power or duty imposed on the Attorney General by the Constitution or any other written law whenever the Attorney General is unable to act owing to illness or absence or where the Attorney General has authorized the Solicitor-General.

51. The Director of Public Prosecutions is appointed by the President subject to ratification by the National Assembly. The office of Director of Public Prosecutions is established by Article 180 of the Constitution. The Director of Public Prosecutions has the power:

(a) To institute and undertake criminal proceedings against any person before any court, other than a court martial, in respect of any offence alleged to have been committed by that person;

(b) To take over and continue any such criminal proceedings as have been instituted or undertaken by any other person or authority; and

(c) To discontinue at any stage before judgement is delivered, any such criminal proceedings instituted or undertaken by himself or any other person or authority.

52. The Director of Public Prosecutions is not subject to the direction or control of any other person or authority in the exercise of his duties.

53. The initial decision to institute a criminal investigation normally lies with the police. The police have the power to investigate all criminal offences. However, in terms of prosecuting an offender the police have the authority to initiate proceedings in accordance with the law (except for certain offences which require the consent of the Director of Public Prosecutions).

54. Under Section 89 of the Criminal Procedure Code, Chapter 88 of the Laws of Zambia, an individual may conduct a private prosecution with the consent of the Director of Public Prosecutions.

55. The presumption of innocence is cemented in the Constitution and an accused person is presumed innocent until proved guilty. Therefore, the onus is on the prosecution to prove its case beyond reasonable doubt.

56. An accused person may retain a lawyer of his or her choice. If remanded in custody, an accused person may be visited by his or her lawyer to ensure a well-prepared defence. Criminal trials are normally in open court and rules of evidence are vigorously applied (however, the court may sit in camera; in certain cases such as those involving juveniles). During the trial the accused has the right either personally or through his or her lawyer to cross-examine the prosecution witnesses. The accused also has the right to remain silent, testify on oath or make an unsworn statement in his or her own defence and may call witnesses in his or her defence.

57. In civil matters an aggrieved party is at liberty to institute proceedings before a court of competent jurisdiction. Normally, civil proceedings are instituted by writ of summons, petition or notice of motion. In civil matters both the plaintiff and the defendant are at liberty to call witnesses.

58. The State Party aims to provide access of legal services to the socially and economically disadvantaged persons in society. In this regard a person whose means are inadequate to enable him or her to engage a private legal practitioner may apply for and be granted legal aid in civil and criminal matters in terms of the Legal Aid Act, Chapter 34 of the Laws of Zambia. A person charged with a serious criminal offence is automatically granted legal aid unless that person is able to retain the services of a private legal practitioner. In 2000, the Legal Aid Act was amended to provide for a Legal Aid Board and a Legal Aid Fund. Private legal practitioners may in addition undertake the representation of legally aided persons for a small fee. The fee is met under a Legal Aid Fund established for the purpose. This was done in an attempt to improve legal aid, due to various constraints experienced by the Legal Aid Department, which was unable to cope with the huge number of cases.

IV. General framework within which Human Rights are protected

59. Zambia has ratified and acceded to several human rights conventions. The key instruments include the United Nations Convention on the Rights of Persons with Disabilities; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of All Forms of Discrimination against Women; the International Convention for the Protection of All Persons from Enforced

Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the Convention on the Rights of the Child. In addition the State Party has ratified regional instruments for the protection and promotion of human rights and fundamental freedoms. However, international instruments are not self-executing and require legislative implementation to be effective in Zambia as law. Thus, an individual cannot complain in a domestic court about a breach of Zambia's international human rights obligation unless the right has been incorporated into domestic law.

60. The Judiciary plays a prominent role in the protection of fundamental freedoms and human rights because a victim of any human rights violation has a right to institute proceedings and where appropriate, remedies are granted. The establishment of the Human Rights Commission has further added to the promotion of the enjoyment of human rights. Where a person's rights have been violated, that person may complain to the Human Rights Commission. As earlier stated the Commission may investigate such violations and if proved, recommend to the relevant authorities to redress the violation. Although the Human Rights Commission does not have any enforcement powers, the Commission's ability to expose human rights violations tends to deter further abuses.

61. The media in Zambia enjoys a high degree of freedom, which allows the press, radio and television to play a significant role in exposing breaches of human rights and fundamental freedoms and exerting pressure for remedial action. The media is free to report on parliamentary proceedings as well as court proceedings relating to human rights matters and parliamentary questions are often prompted by media coverage of a particular matter.

A. General Provisions of the Convention

Articles 1–4

Purpose, Definitions, General Principles and General obligations

62. The State Party has taken necessary steps to ensure the definitions and general principles in the Persons with Disabilities Act are adopted from the UNCRPD.

63. Article 266 of the Constitution of the Republic of Zambia defines disability as "a permanent physical, mental, intellectual, or sensory impairment that alone, or in combination with social environment barriers, hinders the ability of a person to fully or effectively participate in society on an equal basis with others". This is the same definition which is contained in the Persons with Disabilities Act.

64. Some persons have argued that the Act is tilted towards certain disabilities because all its provisions do not mention for instance, albinism and epilepsy.

65. However, the State Party has no uniform definition of disability, certain legal provisions discriminate against persons with psychosocial disabilities and intellectual disabilities, such as those contained in the Mental Disorder Act, the Penal Code, the Criminal Procedure Code, the Prisons Act, the Citizens of Zambia Act, and the Electoral Commission Act. The State Party recognizes this gap and will therefore take legislative measures to correct these legal frameworks.

66. The State Party has drafted a new Mental Health Bill that aims to replace the outdated Mental Disorders Act to comply with the provisions of the Convention on the Rights of Persons with Disabilities.

Reasonable Accommodation

67. Section 2 of the Persons with Disabilities Act defines reasonable accommodation as "necessary and appropriate modification, adaptation and adjustments, not imposing undue burden, where needed in a particular case; to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms." Section 35 (3) (i) specifically provides that reasonable accommodation shall be provided to persons with disabilities in the work place.

Universal Designs

68. According to Section 2 of the Persons with Disabilities Act, Universal Design is defined as the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised designs, but does not exclude assistive devices for particular groups of persons with disabilities, where this is needed.

69. In order to actualise these definitions, the State Party through the Ministry responsible for Education, for instance, has put in place standards for constructing all public schools using the Universal Designs approach.

Regulations, Implementation of the General Principles and Obligations

70. Article 3 of the UNCRPD provides the general principles. The State Party has adopted the General Principles in the Persons with Disabilities Act Section 4 and are as follows:

- Respect for inherent dignity of persons with disabilities, individual autonomy including the freedom to make one's own choices, and independence of persons;
- Non-discrimination;
- Recognition as persons before the law;
- Respect for physical and mental integrity;
- Independent living;
- Full and effective participation and inclusion in society;
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- Equality of opportunity;
- Accessibility;
- Gender equality;
- Respect for the evolving capacities of children with disabilities and,
- Respect for the right of children with disabilities to preserve their identities.

71. In compliance with Article 4 of the UNCRPD, the Persons with Disabilities Act has a supremacy clause in its Section 3 which states that "Subject to the Constitution, where there is any inconsistency between the provisions of any other written law impacting on the rights of persons with disabilities as provided in this Act or any other matter specified or prescribed under this Act with respect to persons with disabilities, the provisions of this Act shall prevail to the extent of the inconsistency". This clause entails that the Persons with Disabilities Act prevails over any other written laws impacting on the rights of persons with disabilities.

72. Section 6 of the Persons with Disabilities Act prohibits calling a person with disability a derogatory name on the basis of the disability of that person. In recognition of this and the supremacy clause of the Persons with Disabilities Act, the State Party is taking measures to amend or enact pieces of legislation which have got derogatory terminologies. For instance, the Mental Disorders Act, the Penal Code, the Criminal Procedure Code, the Prisons Act, the Citizens of Zambia Act, and the Electoral Commission Act use derogatory language to define disability such as "unsound mind" to describe a persons with psychosocial disability and "mentally retarded" and "idiot" to describe persons with intellectual disabilities. In compliance with Article 4 of the UNCRPD, the Persons with Disabilities Act Part IV provides for strategic planning for persons with disabilities. It also provides for the general function of the Minister responsible for Community Development and Social Welfare to issue regulations and statutory instruments for the implementation of the Act. It further emphasizes on the importance of developing national strategies and programmes in line with the national development plan. In order to actualize this provision, the State party included disability issues in the Sixth and the draft Seventh National Development Plans. Furthermore, the State Party has in place a National Policy on Disability and its implementation plan to guide the mainstreaming of disability issues. In

addition, there is in place a National Social Protection Policy which has a pillar on disability.

B. Realization of specific rights and freedoms

Article 5

Equality and non-discrimination

73. The State Party has taken measures to uphold the principle of equality and non-discrimination through the Constitution, other pieces of legislations and policies.

74. The Constitution of Zambia establishes the right of every citizen to be treated equally and to live a life free from discrimination. Article 23 of the Constitution provides that no law shall make any provision that is discriminatory either of itself or in its effect. Article 266 of the Constitution of Zambia (Amendment) Act No.2 of 2016 has defined discrimination as directly or indirectly treating a person differently on the basis of that person's birth, race, sex, origin, colour, age, disability, religion, conscience, belief, culture, language, tribe, pregnancy, health, or marital, ethnic, social or economic status.

75. Section 6(1) of the Persons with Disabilities Act, provides that a person shall not discriminate against a person with disability on the basis of disability. Section 4 of the Act makes provision for non-discriminatory principles that apply to persons with disabilities in compliance with the UNCRPD.

76. To enable persons with disabilities access their rights, the Persons with disabilities Act specifically prohibits discrimination. For instance, Section 35 (2) states "that a person with disability shall not be discriminated against on the basis of disability with regard to all forms of employment, including conditions of recruitment, hiring, and employment, continuance of employment, the creation, classification and abolition of positions, the determination of wages, pension or other benefits, apprenticeship, promotion, career advancement and healthy working conditions".

77. The National Policy on Disability buttresses the fact that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

78. In order to ensure that persons with disabilities are protected from discrimination, the State Party has designated the Zambia Agency for Persons with Disabilities (ZAPD) established under the Persons with Disabilities Act, to consult with relevant state institutions, organizations of and for persons with disabilities and other civil society organizations to take appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise [Section 14 (1)].

79. Section 64 of the Persons with Disabilities Act makes provision for the attorney general to take appropriate legal action where a person or group of persons is engaged in a practice which is discriminatory under the Act or the discrimination is a significant and substantial infringement of the rights of persons with disabilities and raises issues of public interest.

The Principle of equality and non-discrimination is demonstrated *in the case of Sela Brotherton versus the Electoral Commission of Zambia (High Court of Zambia) in which the Court ruled that the Electoral Commission of Zambia (ECZ) was discriminatory in practice by not providing reasonable accommodation for persons with disabilities. The court then gave orders to ECZ to produce an action plan and budget to ensure that the 2016 General elections were accessible. ECZ complied with the court orders.*

80. The State Party through the Ministry responsible for Higher Education has taken some affirmative measures to ensure equalisation of opportunities in access to tertiary education. For instance, the bursary support for technical education and vocational training has reserved 10 percent slots for learners with disabilities.

81. The State Party also took steps to put measures to further promote and protect the rights of persons with disabilities through the enactment of the enhanced bill of rights through the referendum. Unfortunately, the referendum failed because it could not meet the required threshold of 50 percent.

Article 6**Women with disabilities**

82. The State Party recognizes that women with disabilities face multiple discrimination. In view of this, the State Party has taken measures to ensure equal participation of women with disabilities in development.

83. The State Party through the Ministry responsible for Gender in collaboration with the Ministry responsible for Community Development and Social Welfare and the Ministry responsible for General Education is implementing the Girls Education and Women's Empowerment and Livelihood project (GEWEL) whose objective is to increase access to livelihood support for extremely poor rural women (75,000) and access to secondary education for disadvantaged adolescent girls (14,000) in extremely poor households in selected districts. Women with disabilities are deliberately targeted as a vulnerable category under the Livelihood component.

84. The State Party further provides empowerment grants to clubs of women with priority to those with women with disabilities.

85. The protection and promotion of reproductive health rights especially for women and girls are guaranteed under the Gender Equity and Equality Act No. 22 of 2015. These rights are inclusive of women and girls with disabilities.

86. With regard to accessibility to land, the Ministry responsible for Gender has been collaborating with the Ministry responsible for Land to ensure women have access to land through title. These efforts have led to administrative interventions by increasing the threshold from 30% to 40% of the state land being reserved for women. The Land Policy provides for deliberate targeting of women with disabilities and in practice they are increasingly accessing land. However, the State Party recognizes that there are limited statistics of women with disabilities accessing Land. The State Party will therefore, take measures to ensure that these statistics are generated.

87. Further, the State Party has appointed a woman with disability to the position of Director General of ZAPD. At the same time, the Board Chairperson of ZAPD is a woman with disability, with one member of the Board also being a woman with disability. A woman with disability also served as Permanent Secretary in the Ministry of Justice from 2011 to 2016.

88. The State Party through ZAPD is encouraging women with disabilities to form organisations of and for persons with disabilities to enhance advocacy for their rights.

89. The State Party also empowers women with disabilities to participate in income generating activities such as entrepreneurship and farming to reduce poverty. The success of the empowerment programmes are yet to be seen as only a handful of women with disabilities have been helped with start-up capital. More needs to be done to bridge the gap between women without disabilities and women with disabilities.

Article 7**Children With Disabilities**

90. The State Party recognizes that children with disabilities are Rights holders and will ensure that their views are taken into consideration in all matters that affect them including all decision making processes on an equal basis with other children. The State Party has taken measures to ensure that boys and girls with disabilities receive age appropriate assistance in these processes. In all matters that affect children with disabilities the State Party takes into consideration the best interest of the child.

91. The State Party is progressively adopting an inclusive education system in order to enhance the participation of children with disabilities within their families, communities and schooling system.

92. The State Party recognizes the need to promote the participation of girls with disabilities in education and will put in place measures to ensure their effective participation. The State Party through ZAPD has taken measures to ensure that children with disabilities participate during the commemoration of the International Children's Broadcasting Week.

Article 8

Awareness raising

93. The State Party is alive to the fact that there is need to raise awareness on the rights of persons with disabilities. The Zambia human rights Commission is currently undertaking awareness raising campaign targeting the right holders, the general public and key stakeholders on the rights of persons with disabilities in three provinces. The Human Rights Commission is sharing information as provided for in the UNCRPD and the Persons with Disabilities act.

94. The State Party conducted workshops and sessions between 2008 and 2012 to specifically introduce the CRPD with participation of all key stakeholders such as the Government line ministries, spending agencies, private sector, NGOs, trade unions and the church.

95. Since then, the State Party has continued to create awareness on the rights of persons with disabilities. The Persons with Disabilities Act takes cognizance of the importance of awareness raising in minimizing marginalization and inclusion of persons with disabilities from the social, development and political spheres. Section 14(f) of the Persons with Disabilities Act states that the Agency shall combat stereotype, prejudices, and harmful practices relating to persons with disabilities in all areas; promote the capabilities and the contributions of persons with disabilities to society; nurture receptive to rights of persons with disabilities; and encourage media to portray positive images of persons with disabilities.

96. The State Party through ZAPD also collaborates with organizations of and for persons with disabilities, parent's groups and other service providers in undertaking awareness raising regarding persons with disabilities; training and capacity building; and mainstreaming of disability issues. In 2010, ZAPD in collaboration with DPOs ran a 26 weeks live radio programme to create awareness on the rights of persons with disabilities. The majority of panelists were chosen from DPOs. Awareness was created around the interpretation of the UNCRPD so much so that persons with disabilities through their representative organizations intensified advocacy for the domestication of the UNCRPD. This then lead to the domestication in 2012. ZAPD through its provincial offices also uses community radio and television stations to create awareness on rights of persons with disabilities.

97. The State Party through the Ministry responsible for Community Development and Social Welfare and Organizations of and for persons with disabilities with the support of cooperating partners undertakes awareness campaigns and trainings on disability equality in Southern Province under a pilot Community Based Rehabilitation (CBR) programme. This campaign uses strategies such as sensitization meetings, disability equality trainings and support for the development of disability policies in workplaces. The CBR programme has resulted in the development of a growing inclusive education system with active participation of parents.

98. The State Party through the Agency has also taken the lead in using among other public events the International day of Persons with Disabilities (IDPD), White Cane Day, Albinism Day, Mental Health Day and the Deaf Awareness week as a vehicle for raising awareness on issues of disability.

99. With regards to access to information by persons with disabilities the State Party through the Zambia National Broadcasting Services (ZNBC) has endeavored to create space in all programmes and ensure persons with disabilities access information on an equal basis with others. In this regard, the institution has endeavored to provide coverage of programmes for persons with disabilities through flagship programmes and talk shows. Such programmes include among others; 'A fulfilled life' – The programme dedicated to persons with disabilities and 'Breaking the Silence' – The programme looks at issues affecting persons with Albinism.

100. The State Party is committed to providing training for stakeholders on accessibility issues facing persons with disabilities. The Persons with Disabilities Act, requires Government to disseminate information on the provisions of the Act, and promote public awareness about the rights of persons with disabilities, through a comprehensive nation-

wide education and information campaign to be conducted by the Government through the relevant ministries, departments, authorities and other agencies.

Article 9

Accessibility

101. The State Party recognizes that persons with disabilities face various barriers in their day to day life. These barriers range from environmental, communication, social and economic. In this regard, the State Party has put in place legislative, policy and administrative measures that seek to mitigate these challenges and further assist persons with disabilities to live an acceptable and dignified quality of life. These measures seek to promote equalization of opportunities for the full and effective participation of persons with disabilities in economic, social, cultural and political life.

102. The rights of persons with disabilities have been safeguarded under Section 40 (1) (a) of the Persons with Disabilities Act, which requires the Minister responsible for Community Development and Social Welfare in consultation with the Minister responsible for transport, works and communication to take appropriate measures to ensure that persons with disabilities access, on an equal basis with others, the physical environment, transportation, information and communication and other facilities and services open or provided to the public, both in rural and urban areas.

103. The National Policy on Disability, recognizes accessibility as a cross cutting concern which should remain an underlying consideration in the built environment, information and services. To this end, it provides a policy framework that seeks to create an environment that is conducive for persons with disabilities to realize their full potential and contribute to the development of society.

104. Section 41 (1), (a) and (b) states that a person shall not deny a person with disability on the ground of disability admission or provision of services or amenities to which members of the public are entitled to.

105. The State Party has taken into consideration that motor vehicles for persons with disabilities are accessible. Section 44(1) of the Persons with Disabilities Act, provides that a person with disability may import a vehicle adapted or modified for use by persons with disabilities. However, the State Party recognizes that persons with disabilities are facing difficulties in importing such unconventional motor vehicles because the Act and its Statutory Instruments 97 demands that the motor vehicles be modified from the source of manufacturing. This has led to compel persons with disabilities to purchase conventional motor vehicles without tax exemption. The State Party in this regard is in the process of amending this provision in the Act.

106. Section 44 (2) of the Persons with Disabilities Act, provides for tax exemption on assistive devices such as wheelchairs, and the modification of vehicles, among others.

107. The State Party recognizes that roads within cities generally do not have pedestrian friendly walkways let alone disability friendly ones. The Government recognizes that a lot needs to be done in order to make them more disability user friendly.

108. The Persons with Disabilities Act further calls for the installation of auditory signals at red lights in the public roads for the benefit of persons who are visually impaired; the provision of kerb cuts and slopes to be made in pavements for the easy access of wheel chair users; the engraving on the surface of pedestrians crossings and the edges of railway platforms for persons who are visually impaired; the posting of appropriate symbols of disability; and the posting of warning signals and symbols at appropriate places.

109. The State Party through ZAPD provides free assistive technologies to persons with disabilities that match their disabilities to enhance their functional performance and safety to the end users. Suffice to mention that the State Party has no reliable source for assistive technology. The major producers of assistive technology are foreign companies within or outside Africa.

Table 1
List of procured and donated assistive devices from 2016 to march, 2017

<i>No.</i>	<i>Type of assistive devices</i>	<i>Number of assistive devices</i>
1.	Clutches	1 158
2.	Wheelchairs	1 232
3.	Sunglasses	200
4.	Artificial limbs	52
5.	Walkers	164
6.	Tricycle wheelchairs	389
7.	Rallotors	10
8.	Walking sticks	159
9.	Callipers	3
Grand total		3 367

110. Furthermore, Zambia Information Communication and Technology Authority (ZICTA) has adopted Article 9 in the ICT code of conduct for Service Providers and Consumer Protection Guidelines in order to protect the rights of persons with disabilities when accessing ICT products and services. Included in ZICTA's Action Plan is to undertake nationwide inspections of the customer service areas for all service providers in the ICT and postal sectors to check for compliance of making these areas accessible for persons with disabilities.

111. In 2015, ZICTA hosted workshops for persons with disabilities and key stakeholders with the purpose of collecting information that would assist in reviewing the regulatory regime in relation to consumers with disabilities. The Authority has also been conducting radio programmes with the objective of raising awareness on the challenges faced by persons with disabilities when accessing ICTs.

112. The Authority facilitated for the donation of assistive equipment from the International Telecommunications Union (ITU), to the National Vocational Rehabilitation Centre (NVRC), Zambia Institute of Special Education (ZAMISE), Zambia Library, Cultural and Skills Center for the Blind and the Visually Impaired as well as the University of Zambia (UNZA).

113. As the regulator, ZICTA in collaboration with the Ministry responsible for Communication is in the process of reviewing the policy, legal and regulatory frameworks in order to facilitate accessibility to ICT products and services to persons with disabilities.

114. Furthermore, ZICTA seeks to collaborate with the International Telecommunications Union and its partners in order to raise awareness on the need to adopt policies and strategies that would meet the ICT needs of persons with disabilities by ensuring that both equipment and services are accessible.

115. The National Rural and Urban Water Supply and Sanitation Programme (NRUWSSP) of 2006–2015 under the Ministry responsible for Local Government provides for the designing of all water points with facilities that would enable easy accessibility by persons with disabilities. Similar provisions are equally available for sanitation facilities such as the ventilated improved pit (VIP) latrine toilets. An example, of such facilities constructed is those under the African Development Bank (ADB) funded water and sanitation projects of Luapula and Western Provinces.

116. The KFW Development Bank of Germany is funding the State Party through the Ministry of Local Government for the construction of sanitation facilities in selected schools in the Eastern Province with the inclusion of accessibility needs of persons with disabilities.

117. The State Party has started constructing roads that include accessible walkways, tactile paving and rumps for people using wheel chairs.

118. Further, shopping malls and hotels that are currently being erected include accessibility needs for persons with disabilities.

119. The State Party is constructing an airport in Lusaka City that includes accessibility needs for persons with disabilities.

120. Lastly the modern market and bus station in Livingstone which is nearing completion has facilities for persons with disabilities for easy accessibility. The facilities include, accessible walkways, tactile paving, ramps and signage.

121. Whilst headway has been made in these areas, the State Party will continue to ensure accessibility needs of persons with disabilities are met in all spheres of development.

Article 10

Right to life

122. The State Party recognises that the right to life is inherent for persons with disabilities and will take all appropriate measures, including legislative and policy measures to promote and protect the rights.

123. The right to life in Zambia is protected under Article 12 of the Constitution of Zambia which provides that “a person shall not be deprived of his life intentionally except in execution of the sentence of the court in respect of a criminal offence under the law in force in Zambia of which he has been convicted”. The State party does not support arbitrary deprivation of life or extra judicial killings. In this regard, the Constitution of Zambia, Zambia Correctional Services Act and the Penal Code prohibits arbitrary deprivation of life and provide adequate punishment to perpetrators should it occur.

Article 11

Situations of risk and humanitarian emergencies

124. Section 21 (2) (f) of the Persons with Disabilities Act requires the Minister responsible for Community Development and Social Welfare to put in place measures for “the protection and safety of persons with disabilities in situations of risks which includes situations of armed conflict, humanitarian emergencies and natural disasters”.

125. The State Party has in place a Disaster Management Act No. 13 of 2010 which guides the preparedness, response and recovery in disaster mitigation. The Act provides for the establishment of the Disaster Management Mitigation Unit (DMMU), Provincial Disaster Management Committees, District and Satellite Disaster Management Committees and the National Disaster Relief Fund. These committees have representation of persons with disabilities at Provincial and Community level. DMMU provides persons with disabilities with relief food and temporal shelter in situations of natural disasters like floods.

Article 12

Equal recognition before the law

126. Article 11 of the Constitution of Zambia, recognizes that every person, including those with disabilities, are equal before the law and have the right to equal protection and equal benefit of the law. It further guarantees equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.

127. Section 8 (1) of the Persons with Disabilities Act provides that a person with disability shall enjoy legal capacity on an equal basis with others in all aspects of life. However, due to inadequate awareness on the rights of persons with disabilities, the issue of legal capacity still remains a challenge to some persons with disabilities, particularly to those with mental disability, intellectual disabilities and deaf blind persons where decisions are made on their behalf without consulting them.

128. The State Party has taken steps to draft the Mental Health Bill aimed at recognizing the right to legal capacity by persons with mental disabilities. It also makes provision for the right of persons with mental disabilities to own property. Furthermore, the Bill provides for the rights for supported and assisted decision making especially in the field of access to health. Informed consent is also included in the Bill.

129. The State Party through the Bank of Zambia endeavored to print bank notes that are accessible with tactile features which could be used by persons who are visually impaired. This was to facilitate their rights to manage their own financial affairs.

130. The State Party has further taken steps to ensure the amendment of the Persons with Disabilities Act includes persons with albinism.

Article 13

Access to justice

131. The State Party views access to justice as a priority area. The delivery of justice is essential for poverty reduction and thus is prioritized under the State Party's National Development Plans.

132. The State Party has put the following legislative measures for the recognition of the protection of persons with disabilities as regard to access to justice.

133. Section 8 (2) of the Persons with Disabilities Act, states that "the judicature shall take necessary measures to ensure that persons with disabilities have equal and effective protection and equal benefit of the law without discrimination".

134. Section 8(3) states that "where a person with disability is a party in any legal proceedings, the adjudicating body shall take into account the condition of the person with disability and provide procedural and other appropriate facilities to enable the person with disability to access justice and participate effectively in the proceedings."

135. Section 9 provides that law enforcement agencies shall take into consideration the disability of a person on arrest, detention, trial or confinement of the person with disability and make reasonable accommodation for that person accordingly, including at the investigative and other preliminary stages of the matter.

136. The State Party through the Ministry responsible for Home Affairs has made efforts towards implementing Article 13 as well as mainstreaming disability through its policies and programmes that have been undertaken through its departments namely, the Zambia Police Service and the Zambia Correctional Services. The Zambia Police Service and the Zambia Correctional Services are working in collaboration with the CSOs to develop a new curriculum for the police and prison officers in the handling of persons with disabilities in the field of justice.

137. The Judicial Service Commission is progressively recruiting Sign Language Interpreters in its courts. For instance, the High Court of Lusaka has already recruited two (2) Sign Language Interpreters.

138. The State Party through the Legal Aid Board provides free legal services in order to mitigate the high cost of legal fees.

139. The State Party recognizes that there is inadequate awareness on the rights of persons with disabilities by the general public thus creating barriers on access to justice. In view of this, the State Party will endeavor to intensify awareness on the rights of persons with disabilities to the general public.

Article 14

Liberty and security

140. The State Party upholds the rights to personal liberty and security of citizens including persons with disabilities. Article 13 of the Constitution provides that no person shall be deprived of his personal liberty except as may be authorized by law.

141. In instances where the liberty of a person may be deprived then the same must be in accordance with the laid down law. A person with disability therefore cannot have his liberty and security curtailed on the basis that she/he has a disability.

142. Under Section 61 of the Persons with disabilities Act, it is an offense for parents, guardians or next of kin to conceal persons with disabilities so as to deny them the opportunities and services available.

143. The State Party is in the process of repealing the Mental Disorders Act which currently promotes institutionalization of persons with mental disabilities. The Act will be placed by a mental health law which upholds the rights of persons with mental disabilities.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

144. The State Party recognizes the principles of the Universal Declaration of Human Rights (UDHR) which includes protection from torture or cruel inhuman or degrading treatment. Further, the State Party recognizes the right to freedom from torture or cruel inhuman or degrading treatment as an absolute right.

145. The State Party has ratified the International Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

146. Article 15 of the Constitution provides that no person shall be subjected to torture or to inhuman or degrading punishment or other like treatment.

147. In line with the Constitution provision, the State Party has drafted an Anti-Torture Bill which seeks to criminalize torture.

148. Furthermore, the State Party has drafted a Mental Health Bill which seeks to safeguard the right to informed consent and supported decision making by persons with mental disabilities in accessing health services and participation in scientific research.

Article 16

Freedom from exploitation, violence and abuse

149. The State Party recognizes that persons with disabilities have the rights to freedom from exploitation, violence and abuse. In view of this, the State Party has taken legislative and administrative measures to ensure the protection against exploitation, violence and abuse.

150. Article 24 (2) of the Constitution provides that all young persons shall be protected against physical or mental ill-treatment, all forms of neglect, cruelty, or exploitation.

151. The State Party has formulated the National Child Policy and the Social Protection Policy to protect children from abuse and to ensure that **ALL** children enjoy their rights equally.

152. Section 6 (1) of the Persons with Disabilities Act further provides that a person shall not exploit or subject a person with disability to abusive, violent, or degrading treatment, including their gender based aspects.

153. The State Party also has in place the Anti GBV Act No. 1 of 2011 which provides for protection against gender based violence.

154. The Anti-Gender Based Violence Act further prohibits all forms of abuse of children in homes, schools and child care institutions.

155. In order to protect women and children from exploitation, violence and abuse, the State Party has a pilot GBV one stop centre in Kabwe District of Central Province to provide psychosocial counseling, referrals, free legal services, free rehabilitation and medical services. The State Party, working in collaboration with CSOs, has set up other one stop centres. In addition to the GBV one stop centres, the State Party has a pilot fast track court in Kabwe District to handle GBV cases.

156. The State Party is also progressively establishing places of safety for GBV victims. One such institution is the Mansa Place of Safety in Luapula Province. The institution handles a lot of cases of women and children with disabilities.

157. The State Party has in place Victim Support Units (VSUs) under the Zambia Police Service across the country.

Article 17

Protecting the integrity of the person

158. The State Party recognizes the need to uphold the right to protecting the integrity of persons with disabilities. In view of this, the State Party has taken legislative and administrative measures to protecting the integrity of persons with disabilities.

159. Section 4 (a) of the Persons with Disabilities Act provides for respect of inherent dignity of persons with disabilities, individual autonomy including the freedom to make

one's choice, and independence of persons. Further, Section 5 provides that every person has a duty to respect and uphold rights and dignity of persons with disabilities.

160. Section 6 (3) of the Act states that "a person shall not call a person with disability any derogatory name because of the disability of the person".

161. The State Party has drafted the Mental Health Bill which aims to provide for informed consent and supported decision making in accessing mental health services including participation in scientific research. The Mental Health Bill further provides for the establishment of the health commission and a complaint mechanism for matters related to violation of the rights to physical and mental integrity.

162. The State Party has also embarked on sensitization on the promotion of the respect of the integrity of persons with disabilities.

Article 18

Freedom of movement and nationality

163. The State Party recognizes the right to freedom of movement and nationality and has put in place legislative and administrative measures to ensure that this right is upheld for persons with disabilities.

164. Article 22 of the Constitution, guarantees the freedom of movement and the right to move freely through Zambia, reside in any part of Zambia and to leave and return to Zambia. Further, Article 34 guarantees the right to a nationality and provides that a person can become a citizen by birth, registration, nationality and adoption.

165. The Citizenship Act No. 33 of 2016 provides that a person who is a citizen by birth shall be registered at birth in accordance with the Birth and Death Registration Act. This Protects The Rights Of Children With Disabilities To Be Registered At Birth.

Article 19

Living independently and being included in the community

166. The State Party's National Policy on Disability aims to promote community based habilitation and rehabilitation of persons with disabilities within their communities. In addition, the policy emphasizes that rehabilitation centres should be accessible for all.

167. In addition, the State Party has put in place legislative measures safeguarding the right of persons with disabilities to enjoy and exercise their right to live independently within the community.

168. Section 34 of the Persons with Disabilities Act mandates the Minister to ensure that persons with disabilities receive rehabilitation services in their communities to foster integration.

169. Section 7 of the Persons with Disabilities Act provides that "a person with disability shall not be deprived of the right to choose their place of residence, to live with that person's family or the right to participate in social, political, creative or recreational activities".

170. Section 32 (c) of the Persons with Disabilities Act, provides that state institutions as well as non-state actors should support participation and inclusion in all aspects of society as close as possible to persons with disabilities. For instance, the State Party through the Ministry of Community Development and Social Services is piloting a Community Based Rehabilitation (CBR) programme in Kazungula, Livingstone and Zimba Districts in Southern Province. In this programme, persons with disabilities and the communities in which they live are empowered to aspects of inclusive sustainable development.

171. The State Party also financially supports the Zambia Library, Cultural and Skills Center for the Visually Impaired and the Blind to train blind and visually impaired persons in Braille reading and writing, orientation and mobility skills, activities of daily living and computer skills.

172. Further, the State Party financially supports the Ndola Skills Center for persons with disabilities in survival skills training.

173. The State Party through ZAPD provides free assistive devices to persons with disabilities.

174. The State Party has established orthopedic departments in health centers which manufacture prosthetics limbs.

175. The State Party through the Ministries responsible for education provides for lifelong skills training to persons with disabilities to enable them live independently in society. The education sector has in place an alternative curriculum with emphasis on activities for daily living. This includes provision of community support services to persons with disabilities.

176. The State Party, recognizing the promotion of the rights of persons with albinism to independent living, financially supports the International Day of Albinism by running awareness programs about their rights. The State Party also participates in the activities of this Day.

177. Further in support of the right for persons with disabilities to live independently, the State Party has a resettlement scheme under the office of the Vice President that provides land to persons with disabilities, for example Chifwema Resettlement in Lusaka Province, Kanchibiya in Muchinga Province and Kambilombilo in the Copperbelt Province.

Article 20

Personal mobility

178. The State Party respects the right of persons with disabilities to personal mobility. This is evidenced in the policy, legislative and administrative measures. Section 40 (1) of the Persons with Disabilities Act has imported the provisions of Article 20 of the CRPD.

179. The National Policy on Disability mandates the State Party to provide funding for the purchase of mobility devices for persons with disabilities to move freely and with independence.

180. The State Party through the Ministry responsible for Education has a curriculum that provides for Orientation and Mobility as a learning area for the Visually Impaired.

181. The State Party through higher institutions of learning provides training to professionals on orientation and mobility for the purpose of them to further train learners with disabilities in schools.

Article 21

Freedom of expression and opinion and access to information

182. The State Party is progressively putting in place measures to ensure freedom of expression and opinion and access to information to persons with disabilities. These include policy, legislative and administrative measures adopted by the State Party.

183. The National Policy on Disability in achieving its objective of access to information, provides for the following measures:

Braille and large print in buildings and other facilities open to the public;

Appropriate forms of assistance and support to persons with disabilities to ensure their access to information; and

Access for persons with disabilities to new information technology systems (ICTs), including the internet. Section 40 (3) of the Persons with Disabilities Act provides for such access to information.

184. The State Party's Information, Communication and Technology Code has adopted Article 9 of the CRPD in its recognition of the right to access to information for persons with disabilities.

185. Section 49 of the Persons with Disabilities Act states that "all television stations shall provide a sign language insert or subtitles in all news casts and education programmes, and in all programmes covering events of national importance". In this regard, the State Party has employed Sign Language Interpreters to ensure news casts are interpreted for deaf persons on the public television station. Furthermore, the State Party hires Sign Language Interpreters for state functions and other programmes of national importance.

186. However, the State Party has not taken measures to provide information in large print and easy to read formats. In recognition of this, the State Party will progressively ensure information meant for the general public is also provided in these formats.

Article 22

Respect for privacy

187. The State Party has recognized to respect the right of persons as stipulated under Article 17 of the Constitution. Article 17 provides that a persons shall be protected from having their person, home or property searched; their possessions seized; any information relating to their family or private affairs unnecessarily required or revealed; or the privacy of their communications infringed.

188. The State Party shall progressively take measures to educate relevant authorities on the need to uphold the right to privacy.

Article 23

Respect for home and the family

189. The State Party recognizes right to respect for the home and family for persons with disabilities. In view of this, the State Party has taken policy, legislative and administrative measures.

190. Section 61 of the Persons with Disabilities Act states that a parent, guardian or next of kin shall not conceal a person with disability so as to deny the person with disability the opportunities and services available under this Act.

191. The State Party has a National Social Protection which provides for social assistance programmes to households with persons with disabilities in order to ensure that persons with disabilities are kept within their families and communities.

192. The State Party has drafted the Mental Health Bill which aims to protect persons with disabilities, especially those with mental disabilities from forced sterilization.

Article 24

Education

193. The State Party has put in place legislative measures for the promotion and protection of the right to education for persons with disabilities. Section 22 (2) (a) of the Persons with Disabilities Act states that “persons with disabilities should not be excluded from the general education system on the basis of disability”. Further, it provides that children with disabilities should not be excluded from free and compulsory primary education, secondary education and higher education on the basis of disability.

194. The Act further provides under Section 22 (2), (b) that persons with disabilities have access to an inclusive free education from primary education, secondary education and higher education in the community they live.

195. The Education Act of 2011 also provides that children without disabilities and their peers with disabilities have rights to free education from grade 1 to grade 7.

196. In 2007, the then Ministry of Science, Technology and Vocational Training introduced the Disability Policy on Training. This Policy aims at improving access to training as well as providing the basis for improved universal and reasonable accommodation in training facilities. This Policy is still in use by the Ministry responsible for higher education.

197. In 2014, the International Labour Organistaion (ILO) collaborated with the Ministry responsible for higher education under a project; Promoting Rights and Opportunities of Persons with Disabilities in Employment through Legislation (PROPEL). This was to ensure that persons with disabilities acquire skills training and were absorbed in the labour market. Amongst the institutions that piloted the project were Mansa Trades Training Institute, Kaoma Trades Training Institute, Luanshya Business and Technical College, Lusaka Business and Technical College (LBTC) and The National Vocational Rehabilitation Centre (NVRC). The project further involved building capacity of trainers and teachers through Disability Education and Training (DET) programmes in TEVET

institutions. The project led to the development of an Inclusive Technical and Vocational Training Curriculum and Guidelines on the Inclusion of Persons with Disabilities in Technical Education, Vocational and Entrepreneurship Training which were tested and approved. It is now a requirement that trainers in TEVET registered institutions undertake the Skills Awards in Inclusive Vocational Training.

198. Learners with disabilities especially the visually impaired and the deaf are given extra time during examinations. In situations where they are unable to write scripts, prompters and interpreters are provided.

199. Affirmative action is applied during selection and recruitment of teachers with disabilities as well as entry into colleges and universities.

200. Further, the State Party has in place the Early Child Education policy of 2014 which has increased access and facilities for early childhood education for children below the school going age. The Policy promotes early childhood education for children with disabilities.

201. The State Party has ensured that Braille and Sign language have been introduced as compulsory teaching subjects at Junior Secondary Diploma Level and as a learning area from Early to Secondary Education.

202. The State Party through the Ministry responsible for Education has developed Inclusive Education and Implementation guidelines.

203. Further, the State Party provides and facilitates training for persons with disabilities in teaching at Government colleges of education while the public universities through affirmative action admits persons with disabilities to pursue degree programmes.

204. The State Party through the Parent Teachers Associations raises awareness on the rights of children with disabilities to access education in their own communities.

205. The school Continuing Professional Development (CPD) also sensitizes teachers on disability and inclusive education.

206. The National Vocational Rehabilitation Centre and other trade schools train persons with disabilities in survival skills.

207. The State Party through the Ministry responsible for Higher education provides bursaries to vulnerable students acquiring skills training. Ten percent (10%) of the total bursary support goes to persons with disabilities.

208. The Disability Policy of 2007 on training is in place and provides for equal opportunities for persons with disabilities to acquire skills training in Technical Education, Vocational and Entrepreneurship Training (TEVET). Table 2 below shows the number of persons with disabilities enrolled in TEVET institutions.

Table 2

No. Of persons with disabilities enrolled in tevet institutions

<i>Year</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2013	20	15	35
2014	08	11	19
2015	59	67	126
2016	13	10	23
Grand total			203

* Tevet data for enrolment and registration 2013–2016.

Table 3
Enrolment in schools for learners with disabilities

Primary schools	Male	42 955
	Female	46 691
	Total	89 646
Secondary schools	Male	9 090
	Female	8 278
	Total	17 368
National total		107 014

* 2015 Educational statistical bulletin – MOGE

209. Despite the strides made by the State Party to ensure inclusive education for persons with disabilities, the state party still faces challenges such as, inadequate information technology systems to help in the collection of accurate data on enrolments and participation of persons with disabilities in learning and training institutions, inadequate and inequitable distribution of resources for training and negative attitudes among education managers, parents and other stakeholders towards education for learners with disabilities. Further, adult literacy programs were not extended to persons with disabilities especially Blind persons and Deaf persons.

210. In view of the above the State Party shall:

- (a) Ensure equitable distribution of resources to ensure quality education for persons with disabilities is attained;
- (b) Review the *Educating Our Future* Policy to make it compliant to the UNCRPD;
- (c) Intensify awareness and sensitisation campaigns to positively change people's attitudes towards the education of persons with disabilities;
- (d) Extend adult literacy programs to learners with disabilities.

Article 25 **Health**

211. The State Party's National Policy on Disability recognizes the need for increased access to quality and health care services for persons with disabilities. The measures adopted include; provision of quality and standard of free and affordable health care, including, the area of sexual and reproductive health and population based public health programmes.

212. Further, Section 27 of the Persons with Disabilities Act guarantees the right of every person with disability to free or affordable quality and standard health care services, including reproductive health care. The Section also, provides for specific health care services needed by persons with disabilities, which include, early identification and intervention as appropriate and services designed to minimize and prevent further disabilities. The State Party has also drafted the Mental Health Bill, to promote access to quality mental health services for persons with disabilities. The Bill also seeks to promote the right to informed consent when seeking mental health services.

213. The State Party recognises that there is need to promote and protect the rights of persons with disabilities in accessing the provision of health services especially around sexual and reproductive health.

214. The State Party shall therefore, intensify campaigns and put in place measures to ensure access for persons with disabilities to sexual and reproductive health services on an equal basis with others.

215. The State Party through National Aids Council (NAC) raises awareness on the vulnerability of persons with disabilities to HIV infection and the need to make HIV and AIDS interventions responsive to the needs of persons with disabilities.

Article 26

Habilitation and rehabilitation

216. The State Party recognizes the importance of providing habilitation and rehabilitation services to persons with disabilities through community based rehabilitation programmes. In this regard, policy, legislative and administrative measures have been adopted.

217. The National Policy on Disability identifies habilitation and rehabilitation as a specific objective seeking to facilitate the provision of habilitation and rehabilitation services and facilities to persons with disabilities and ensure their full participation into the mainstream of society.

218. Section 33 of the Persons with Disabilities Act provides that “the Ministry responsible for Social Welfare shall in consultation with the Ministry responsible for Education promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation centres.” The Section also provides that, “the Ministry shall in consultation with the Agency facilitate the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.”

219. As regards to administrative measures, the State Party is running a comprehensive CBR programme in Kazungula, Livingstone and Zimba districts of Southern Province with a plan to progressively scale it up to all the districts of Zambia. The programme takes the shape of a multi-disciplinary approach that includes the education, health, employment, social welfare and empowerment of persons with disabilities through their representative organisations.

Article 27

Work and employment

220. The right to work is a fundamental right to everyone. The State Party is committed to ensuring that everyone at places of work have equal opportunities to employment, equal treatment and remuneration regardless of someone’s status in life. In cases of any form of discrimination at work places, affected persons are encouraged to report the matter to competent authorities including the Ministry responsible for Labour and Social Security for redress.

221. Section 35 (2) of the Persons with Disabilities Act provides that a “person with disability shall not be discriminated against on the basis of disability with regard to all forms of employment, including conditions of recruitment, hiring, and employment, continuance of employment, the creation, classification and abolition of positions, the determination of wages, pension or other benefits, apprenticeship, promotion, career advancement and healthy working conditions”.

222. The State Party, through the Ministry responsible for Labour and Social Security administers Labour Laws in order to protect the rights of workers including persons with disabilities. The Employment Act, Cap 268 of the laws of Zambia is the general application in the sphere of employment as it covers everyone at places of work. The Industrial and Labour Relations Act, Cap 269 of the laws of Zambia is yet another piece of legislation that guarantees protection of persons with disabilities in securing employment.

223. The State Party has revised the National Employment and Labour Market Policy. The revised policy has incorporated policy objectives and measures meant to increase participation of women, youths and persons with disabilities in the labour market. Furthermore, the Zambia Decent Work Country Programme, implemented by the Ministry responsible for Labour and Social Security, provides a policy framework on ensuring decent work for all. The Programme is meant to, among other things, create more and better employment opportunities with focus on targeted groups including persons with disabilities.

224. The State Party is the major employer of persons with disabilities, with the education sector being the lead employer as there is no discrimination in terms of

employment. Teachers who acquire a disability while in employment are not retrenched but instead they are rehabilitated. Table 4 below shows staff returns for persons with disabilities in the Ministry of General Education.

Table 4
Staff returns in Ministry of General Education for Persons with Disability

<i>Province</i>	<i>Teaching staff</i>		<i>Non-teaching staff</i>		<i>Total</i>	
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>
Northern	44	24	0	0	44	24
Muchinga	15	7	0	0	15	7
Western	56	29	1	1	57	30
Luapula	53	15	0	0	53	15
Eastern	38	11	1	1	39	12
N/Western	54	22	2	0	56	22
C/Belt	51	38	1	1	52	43
Southern	54	19	1	3	6	22
Lusaka	53	30	3	2	56	32
Central	33	14	4	0	37	14

225. There is a TEVET Learnership Policy meant to increase work placement for learners including learners with disabilities in institutions as part of their training.

226. The State Party has partnered with the International Labour Organization (ILO) and the Zambia Federation of Employers (ZFE) to promote recruitment of persons with disabilities in the open labour market.

227. The State Party also offers vocational and technical skills to persons with disabilities at the NVRC and other vocational and technical colleges to enable persons with disabilities enter the labour market on an equal basis with others.

228. To enhance the rights of persons with disabilities, the State Party is considering introducing the Statutory Instruments to compel employers to give equal employment opportunities to persons with disabilities. The Statutory Instrument also seeks to compel employers to reserve 5 percent of the jobs for persons with disabilities. Consultations on this matter with the employers have reached an advanced stage.

229. The State Party is also in the process of amending the Workers Compensation Act No. 10 of 1999 to increase service delivery to its members including the persons with disabilities. The Act provides for financial relief for workers or their families when the worker is killed or disabled as a result of an accident. This assistance is provided through the Workers' Compensation Fund which employers are obliged by law to contribute to.

230. The State Party through Zambia Revenue Authority (ZRA) has a policy that provides tax refund to employees with disabilities.

231. Despite the existence of international and national legal frameworks for the protection of the rights of persons with disabilities, there are still some barriers to employment such as low levels of education, lack of workplace support, and lack of awareness by employers on tax exemptions for employing persons with disabilities and more importantly stigma and economic prejudice.

232. The mode of dissemination of information on new job opportunities has also been limiting as many advertisements are done in print media i.e. newspapers and via internet which some of the persons with disabilities may not have access to. As a result, many fail to apply for certain job opportunities not because they do not qualify but because they lack the necessary information.

Article 28**Adequate standard of living and social protection**

233. The State Party recognizes the right of persons with disabilities to adequate standard of living and social protection and has taken policy, legislative and administrative measures to ensure the realization of this right.

234. One of the objectives of the National Policy on Disability is to safeguard and promote the realization of the right to an adequate standard of living and social protection.

235. The Citizens Economic Empowerment Commission Act No. 9 of 2006 provides for the provision of loans to targeted groups including persons with disabilities. Some persons with disabilities including some in rural areas have benefited.

236. The State Party has in place a National Social Protection Policy which provides guidance on the implementation of basic social protection programmes country wide. The Policy has five pillars namely protection; livelihood, social assistance, social security and disability which is cross cutting.

237. Under the Social Assistance Pillar, the State Party has in place inclusive social protection programmes. One such programme is the Social Cash Transfer which aims at supplementing household income for vulnerable households as a measure to reduce poverty. Persons with disabilities are amongst target groups who benefits from social cash transfer. A household with a family member with disability receives double the amount given to a person without disability. This is because persons with disabilities incur extra costs as a result of the disability. About 10 percent of the beneficiaries are persons with disabilities (16,532 females and 13,667 males respectively out of the total number of 242, 000 beneficiaries).

238. Section 36 of the Persons with Disabilities Act provides that the Minister responsible for social welfare shall in collaboration with the Minister responsible for labour, prescribe safeguards to promote the right of persons with disabilities to social protection and an adequate standard of living and continuous improvement of living conditions to ensure their independent living. Though this is commendable, most persons with disabilities continue to experience a lot challenges as they are unable to afford basic needs like housing, food, clean water and education. The State Party is progressively increasing the number of beneficiaries on social protection programmes.

239. The State Party also has the National Trust Fund for Persons with Disabilities (NTFPD) which provides loans to persons with disabilities, aimed at improving livelihood of persons with disabilities. Below is the table of beneficiaries from 1994 to May, 2017.

Table 5
Totals NTFPD loan beneficiaries from 1994 to 2017

<i>Province</i>	<i>Male</i>	<i>Female</i>	<i>Total Number of Loan Beneficiaries</i>
Copperbelt	271	157	428
Luapula	186	115	301
N/Western	72	30	102
Northern	100	24	124
Central	51	59	110
Eastern	97	52	149
Lusaka	394	250	644
Southern	97	62	159
Western	105	77	182
Muchinga	1	13	14
Sub total	1 374	839	2 213

240. The State Party through ZAPD empowers both individual with disabilities and groups of persons with disabilities with grants for livelihoods to uplift their standards of

living. It supports farmers with disabilities to prepare land for farming and provide free farming inputs to them.

241. The Ministry of Community Development and Social Services helps vulnerable but viable farmers including persons with disabilities with free farming inputs. At the same time persons with disabilities benefits from Farmers Input Fertilizer Support Programme through the Ministry of Agriculture which was created to subsidize farming inputs for peasant farmers.

242. The State Party through the Ministry responsible for Youth, Sports and Child Development provides loans to youths including youths with disabilities to engage in income generating activities.

243. The State Party recognises that the social protection programmes in place still need to be scaled up in terms of number of beneficiaries with disabilities in order to enhance their standards of living.

Article 29

Participation in political and public life

244. The State Party recognizes that persons with disabilities have the right to political and public participation. In view of this, the State Party has taken both legislative and administrative measures to promote and protect this right.

245. Article 45 (1) (c) of the Amended Constitution of Zambia provides for fair representation of the various interest groups in society.

246. Article 46 of the Constitution guarantees the right of all citizens to make political choices, to form political parties, to participate in the activities of political parties as well as to vote in elections for any legislative body established under the Constitution, and to do so in secret; and to stand for public office and, if elected, to hold office.

247. The State Party has made progress towards improving participation of persons with disabilities in political life. There are several Statutes that guarantee persons with disabilities these rights and which when fully implemented will enable persons with disabilities to overcome the limitations that hinder them from enjoying these rights.

248. Section 51 of the Persons with Disabilities Act provides for the right and opportunity for persons with disabilities to vote and be elected.

249. During the 2016 electoral cycle persons with disabilities took an active role in voting procedures. They were included throughout the program cycle, including in the design, implementation, monitoring and evaluation stages.

250. Persons with disabilities were recruited by the Electoral Commission of Zambia as poll staff during the voter's registration exercise.

251. Persons with disabilities had representation in the Voters Education Committee and Conflict Management Committees. ZAPD represented persons with disabilities in many stakeholders' consultative meetings.

252. Persons with disabilities had representation in monitoring the printing of ballot papers in Dubai. On the other hand persons with disabilities were also represented in the verification of ballot papers in Chongwe District of Lusaka Province.

253. Braille Jackets were printed for Blind persons to exercise their right to vote and cast a vote secretly.

254. The Electoral Commission of Zambia (ECZ) placed temporal ramps in some polling stations, especially the urban areas to facilitate independent participation by persons with disabilities. The ECZ also selected polling stations that had accessibility ramps especially in schools.

255. During the period towards the 2016 general elections the ECZ provided voters education materials in Braille and written sign language. Sign language interpreters were also placed on the National Television. Pictorial easy to read voters education materials for persons with intellectual disabilities were also provided. Voter education materials were also provided in large print.

Holding Public Office

256. The State Party actively involved persons with disabilities in the constitution making process from 2003 to 2016. The State Party appointed persons with disabilities to participate in the constitutional making process.

257. Furthermore, the State Party has appointed persons with disabilities in strategic national positions such permanent secretaries and chief executives of public spending agencies and on the commissions.

Article 30**Participation in cultural life, recreation, leisure and sport**

258. The State Party recognises that persons with disabilities have the right to participate in cultural life, recreation, leisure and sports. In view of this, the State Party has put in place legislative measures to protect this right.

259. Section 48 of the Persons with Disabilities Act provides that persons with disabilities shall enjoy the right to participate in cultural life, recreation, leisure and sport.

260. The State Party under its Paralympic programme both in the Ministry responsible for youth and sports and the Ministry responsible for education is promoting and implementing sports for persons with disabilities.

261. The State Party also supports the Zambian Paralympic Committee to train and participate in the International Paralympic Games.

262. The State Party through the Ministry responsible for Youth, Sport and Child Development has put in place a deliberate policy in Youth Resource Centres that ensures that persons with disabilities are not marginalized by making sure that children and youth, regardless of their physical challenges have equal access to skills training and sport activities. The Ministry is also providing user friendly sports infrastructure for persons with disabilities.

263. The State Party however, recognises that there is still much to be done around accessibility to tourism and heritage facilities.

Article 31**Statistics and data collection**

264. The State Party is committed to collect desegregated data on persons with disabilities. The State Party conducted a National Disability Survey in 2015 through the Central Statistical Office and the University of Zambia. The preliminary results indicated a prevalence rate of 7.2 per cent of the national population.

265. The 2015 survey was more comprehensive as it incorporated the International Classifications of Functioning (ICF) and Washington Group Six set of questions on disability. Organizations of and for persons with disabilities were also involved at the planning stage of the survey as well during the awareness raising campaigns on the study.

266. The State Party through ZAPD with support from ILO is developing a Disability Management information System (DMIS) in order to strengthen its institutional capacity to collect and analyse data on persons with disabilities. The development process has reached an advanced stage with the DMIS expected to be operational by end of 2017.

267. The State Party through the Central Statistics Office conducts the National Population and Housing Census every ten years and it includes information on persons with disabilities.

Article 32**International cooperation**

268. The UN Agencies in Zambia have designated ILO as their lead Agency in mainstreaming and coordinating disability in projects and programmes. In addition, there is a Government of the Republic of Zambia – United Nations (GRZ-UN) Joint Agreement on Social Protection Programming which includes disability. This is an indication of good will from the international community in cooperating with the State Party.

269. The State Party also signs Joint Financial Agreements (JFAs) with the cooperating partners to ensure that funds are properly accounted for. For example, there is in place a JFA on Social Protection programmes.

270. One of the key programmes that directly target persons with disabilities include the Social Cash Transfer Programme with 10 percent of beneficiaries being persons with disabilities. Government increased funding for the social protection programmes in the 2017 budget, in particular the Social Cash Transfer from K 250 Million in 2016 to K 500 Million in 2017. The Social Cash Transfer programme has since been scaled from 78 districts in 2016 to all the districts across the country and the number of beneficiaries is expected to increase from the current 242, 000 households to approximately 590,000 households in 2017.

Article 33

National implementation and monitoring

271. The State Party has designated Disability Focal Point Persons in all ministries and spending agencies.

272. The Network of African National Human Rights Institutions to which the Zambian Human Rights Commission is affiliated, developed a CRPD Monitoring guideline tool for National Human Rights Institutions in Africa in accordance with Article 33 of the CRPD. This tool was pretested in Zambia and is ready for use.

References

1. Central Statistics Office, Living Conditions Monitoring Survey, 2010
2. Central Statistical Office, Population and Housing Census, 2010
3. Central Statistical Office, Zambia Demographic and Health Survey, 2013
4. Central Statistical Office, Zambian National Disability Survey, Preliminary Report, 2015
5. Ministry of Community Development, Mother and Child Health, National Policy on Disability, May 2015
6. Ministry of Community Development, Mother and Child Health, National Social Protection Policy, June 2014
7. Ministry of Community Development and Social Services, Annual Report, 2016
8. Ministry of Education, Educating our Future: National Policy on Education, 1996
9. Ministry of Justice, The Anti- GBV Act No. 1 of 2011
10. Ministry of Justice, The Disaster Management Act No. 13 of 2010
11. Ministry of Justice, The Citizenships Act, No. 33 of 2016
12. Ministry of Justice, The Citizens Economic Empowerment Commission Act, No. 6 of 2006
13. Ministry of Justice, The Education Act No.23 of 2011
14. Ministry of Justice, The Employment Act, No. 15 of 2015
15. Ministry of Justice, The Legal Aid Act, Cap.34
16. Ministry of Justice, The Persons with Disabilities Act. No. 6 of 2012
17. Ministry of Justice, Zambia Information and Communications Technology Authority Act, 2009
18. The Government of the Republic of Zambia (GRZ), Amended Constitution of Zambia, 2016
19. The Government of the Republic of Zambia (GRZ), Constitution of Zambia, 1994
20. United Nations Convention on the Rights of Persons with Disabilities, 2006