



Convention on the Rights of Persons with Disabilities

Distr.: General
17 April 2024

Original: English

Committee on the Rights of Persons with Disabilities Thirtieth session

Summary record of the 694th meeting*

Held at the Palais des Nations, Geneva, on Wednesday, 6 March 2024, at 3 p.m.

Chair: Ms. Fefoame

Contents

Consideration of reports submitted by parties to the Convention under article 35
(*continued*)

Initial report of Zambia

* No summary records were issued for the 692nd and 693rd meetings.

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35

(continued)

Initial report of Zambia (CRPD/C/ZMB/1; CRPD/C/ZMB/Q/1; CRPD/C/ZMB/RQ/1)

1. *At the invitation of the Chair, the delegation of Zambia joined the meeting.*
2. **A representative of Zambia**, introducing her country's initial report (CRPD/C/ZMB/1), said that the enactment of the Persons with Disabilities Act of 2012 had signified a shift towards the human-rights based model of disability. In Zambia, persons with disabilities participated fully and effectively in developing, implementing and monitoring inclusive policies, laws and administrative measures and in guiding the Government in achieving sustainable economic development that left no one behind.
3. Zambia recognized that the inclusion of persons with disabilities enabled communities, systems and structures to combat discrimination and harmful stereotypes, to recognize diversity, to overcome barriers and to focus on the well-being of those persons. Therefore, as part of the progressive implementation of the Convention, a community-based inclusive development strategy, focusing on individual case management, ensured that persons with disabilities could live independently, participate fully and equally in society and fully enjoy their rights.
4. In addition to the measures outlined in the State party's replies to the list of issues in relation to its initial report (CRPD/C/ZMB/RQ/1), the Government had enhanced cooperation in mainstreaming the protection of women with disabilities in plans at the national, district and sub-district levels. Cooperatives had been formed, with the inclusion of persons with disabilities, to encourage the participation of all citizens in the economic growth of the country, and capacity-building had been provided, particularly for young persons, women and persons with disabilities, on financial inclusion, including digital finance. The new Ministry of Small and Medium Enterprise Development ensured that all citizens, including persons with disabilities, had easy access to financing for entrepreneurship, including grants and loans. The Constituency Development Fund had been decentralized to community level, which had particularly benefited young persons, women and persons with disabilities.

Articles 1–10 and 31–33

5. **Mr. Kabue** (Coordinator, Country Task Force) said that he wished to know how the State party planned to adopt regulations and statutory documents in the areas of inclusive education, health, accessibility and employment, in order to fully implement the Persons with Disabilities Act.
6. **A representative of Zambia** said that consultations on the enactment of statutory instruments on education, health, transport, communications, accessibility and employment were being finalized. An agreement on employment quotas had been reached with the private sector, and the Government had successfully mainstreamed disability in all existing statutory instruments for the implementation of the Persons with Disabilities Act.
7. **Mr. Kabue** said that he wondered how the State party had addressed concerns regarding the use of derogatory terms to refer to persons with disabilities in the Bill of Rights, the Constitution, the Penal Code and other statutes.
8. **A representative of Zambia** said that consultations with stakeholders, including organizations of persons with disabilities, regarding the removal of derogatory terms from the Bill of Rights were ongoing. The Government hoped to hold a referendum to remove derogatory language from, and address other issues associated with, the Bill of Rights in parallel with the 2026 general elections.
9. **Mr. Kabue** said that he would like to know what steps the State party was taking to address section 4 (2) of the Mental Health Act (No. 6 of 2019), which denied certain persons with disabilities the right to exercise their legal capacity, in violation of article 12 of the

Convention, and what measures the State party would take following the Supreme Court judgment regarding the constitutionality of section 4 of that Act.

10. **A representative of Zambia** said that consultations were being conducted with stakeholders regarding amendments to align section 4 of the Mental Health Act with the Persons with Disabilities Act. The Government was also committed to aligning the Act with the international instruments to which Zambia was a party. The delegation would refrain from commenting on the ongoing court case on the Mental Health Act, so as to avoid prejudicing or influencing its outcome.

11. **Mr. Kabue** said that his understanding had been that the court case had concluded, and a judgment had been issued. He wished to know whether the Eighth National Development Plan (2022–2026) established a mechanism to ensure the effective engagement and participation of persons with disabilities, through their representative organizations, in its implementation.

12. **A representative of Zambia** said that draft National Guidelines on Disability Mainstreaming, which were based on the Eighth National Development Plan, introduced disability focal points for all line ministries and quasi-governmental institutions to ensure effective access to services for persons with disabilities.

13. **Mr. Kabue** said that he wondered what human and financial resources were available to the Zambia Agency for Persons with Disabilities to ensure that it could coordinate the implementation of the Convention, act as a service delivery agent to persons with disabilities and conduct necessary advocacy work.

14. **A representative of Zambia** said that the Agency received a government grant and carried out activities in all 10 provinces of the country, as well as 11 districts. Every effort was made to ensure that the grant was available in a timely manner and to connect the Agency with other partners to ensure that it could conduct key activities.

15. **A representative of Zambia** said that the Agency had 157 staff members. As a government institution, the Agency owned various properties that it leased to raise additional funds to carry out its activities, including 14 farm centres that it was in the process of refurbishing.

16. **Mr. Kabue** said that he wished to know what mechanisms were in place to ensure that persons with disabilities, through their representative organizations, were genuinely and effectively consulted on, and could actively participate in, all legislative policies and programmes affecting them.

17. **A representative of Zambia** said that the Zambia Agency for Persons with Disabilities oversaw the registration of organizations of persons with disabilities, which enabled their participation in development activities and agendas.

18. **A representative of Zambia** said that persons with disabilities were provided with reasonable accommodation to ensure their full participation in government activities. For example, sign language interpretation was available for deaf persons, guides were provided for blind people, and persons with disabilities could claim refunds for transport used when accessing services.

19. **Mr. Kabue** said that he wondered how organizations of persons with disabilities were invited to participate in government activities.

20. **A representative of Zambia** said that the Agency maintained a database of organizations of persons with disabilities and contacted them via email, telephone and face-to-face communications.

21. **Mr. Kabue** said that he wished to know what steps were being taken to ratify the Optional Protocol to the Convention, in line with the Persons with Disabilities Act.

22. **A representative of Zambia** said that the process of ratifying the Optional Protocol had been under consultation with stakeholders. Following the completion of preliminary steps, it remained only to finalize consultations and complete internal ratification and domestication processes.

23. **Mr. Kabue** said that he wished to know the status of the comprehensive review by the Zambia Law Development Commission of the Penal Code and the Criminal Procedure Code, which had recommended the removal of derogatory and discriminatory terms used to refer to persons with disabilities.
24. **A representative of Zambia** said that, following the review, work had begun to remove derogatory terminology from the Penal Code and the Criminal Procedure Code. Where work remained to be done, the Commission's recommendations would be submitted to relevant institutions, which would then be responsible for bringing the two Codes into line with international instruments.
25. **Mr. Kabue** said that he would like to know what obstacles had prevented the submission of the Commission's report for discussion in Parliament.
26. **A representative of Zambia** said that Parliament was in a position to receive the report, but internal processes to implement the recommendations of the report were yet to be completed.
27. **Mr. Kabue** said that he wished to know how the State party was addressing the concerns of deaf persons who had been discriminated against under the Roads and Road Traffic Act, with regard to the acquisition of driving licences.
28. **A representative of Zambia** said that the case was before the Supreme Court. High-level consultations had been conducted, including with officials from the Road Transport and Safety Agency, to ensure that deaf persons could obtain driver's licences. Practices in 30 other countries in which deaf people were able to obtain driver's licences were being studied.
29. **Mr. Kabue** said that he wished to know why and when the case had been brought.
30. **A representative of Zambia** said that it had been brought by members of the deaf community, only some of whom had been able to obtain driver's licences. Even those who had managed to obtain licences had been unable to renew them, however. The issue would be resolved by June 2024.
31. **Mr. Kabue** asked how the State party intended to enforce the provision of the Persons with Disabilities Act prohibiting the denial of reasonable accommodation.
32. **A representative of Zambia** said that, in recent years, a disability perspective had informed efforts to train providers of public services. Sign language training, for example, had been offered in a bid to ensure that information was accessible to persons who were deaf or hard of hearing. Government inspections conducted to ensure the accessibility of communication and the built environment had been made more robust.
33. **Mr. Kabue**, speaking in follow-up to his previous question, asked what avenues for complaint were open to persons with disabilities who had been denied the reasonable accommodation that they were entitled to under the law.
34. **A representative of Zambia** said that the country had a fully functional grievance redress mechanism that persons with disabilities were able to use.
35. **Mr. Kabue** said that he wished to know how accessible the mechanism was. In particular, he wondered how easy it was for persons with disabilities who were victims of discrimination to submit a complaint.
36. **A representative of Zambia** said that the State ensured that means of communication were accessible to persons with disabilities. Complaints could be submitted in a variety of ways, including online or in person.
37. **Mr. Kabue** said that he would welcome a description of the programmes that were in place to promote the education of girls with disabilities and the empowerment of women with disabilities. It would be helpful to learn what percentage of the beneficiaries of general programmes for the promotion of girls' education and women's empowerment were girls and women with disabilities.
38. **A representative of Zambia** said that there were various means of ensuring that girls were supported in their pursuit of education. An annual grant, for example, helped offset the

cost of school fees. Additional funding for the livelihood support provided to women had been secured.

39. **Mr. Kabue** said that what he had wished to know was how many of the beneficiaries of the measures that the State party had taken to support and empower all women and girls were women and girls with disabilities. It would also be interesting to know whether any programmes had been developed specifically for women and girls with disabilities.

40. **A representative of Zambia** said that, as his country had a robust information management system, the information requested could be obtained and submitted to the Committee in writing.

41. **Mr. Kabue** asked what measures had been taken to protect women and girls with disabilities from abuse, gender-based violence and discrimination.

42. **A representative of Zambia** said that the country's one-stop centres, which were staffed by paralegals, social workers and other service providers, had been strengthened with a view to ensuring the protection of women with disabilities and survivors of gender-based violence.

43. **A representative of Zambia** said that the training of social workers in community case management had enhanced the protection of vulnerable persons.

44. **Mr. Kabue** said that he wished to know whether statistical data were available on the violence to which women and girls with disabilities in particular were subjected.

45. **A representative of Zambia** said that such data could be provided.

46. **Mr. Kabue** said that it would be interesting to know what was done to ensure that awareness-raising campaigns touching on gender-based violence and issues related to HIV/AIDS reached women and children with disabilities.

47. **A representative of Zambia** said that the authorities were putting the finishing touches on a set of inclusive community-development guidelines. The guidelines focused on the work of community welfare assistants, who helped identify vulnerable households and disseminated information on topical issues, including HIV.

48. **Mr. Kabue** said that what he had wished to know was what specific efforts were made to ensure that women and children with disabilities in rural areas in particular, who, according to reports, were often overlooked, had access to the information they needed to protect themselves from gender-based or other violence and HIV/AIDS.

49. **A representative of Zambia** said that the Zambia Agency for Persons with Disabilities, which disseminated relevant information, was represented in all 10 of the country's provinces, including in rural areas.

50. **Mr. Kabue** said that he would welcome information on plans that had been made to review the National Child Policy and other national policy documents with a view to ensuring that the needs and interests of children with disabilities were addressed.

51. **A representative of Zambia** said that policies for children, including children with disabilities, would be formulated in accordance with the Children's Code Act, 2022. The rights of children with disabilities, in particular to education and health, would be considered as part of the review of the National Child Policy recently embarked on by the ministry responsible for disability affairs. Teachers would be given training to help them work with children with disabilities.

52. **Mr. Kabue** said that he also wished to know what standards for the determination of the best interests of children with disabilities were laid out in the Children's Code Act.

53. **A representative of Zambia** said that regulations to implement the Act were being drafted. The regulations would provide for the protection of children with disabilities. Diversion policies, for example, which had not initially been provided for, could not be implemented in the criminal justice system without an appropriate statutory instrument, on which work was ongoing.

54. **Mr. Kabue** asked what steps had been taken to ensure that the needs of children with disabilities informed the review of the National Disability Policy of 2015 and whether the new disability policy referred to children with disabilities and, if so, in what context.
55. **A representative of Zambia** said that the new policy, which was the product of extensive consultations, touched on the rights and social protection of children.
56. **Mr. Kabue** said that he wondered what strategies had been devised to help caregivers and learning centres teach children with disabilities.
57. **A representative of Zambia** said that outreach programmes had helped parents and other caregivers support their children or the children in their care, including by ensuring that they knew where to turn for help. Households were visited to conduct assessments of the needs of their members, and the appropriate referrals were made.
58. **A representative of Zambia** said that the Ministry of Education provided grants to enable children with disabilities to take part in learning activities at early childhood centres.
59. **Mr. Kabue** asked whether families with children with disabilities were provided with specific support.
60. **A representative of Zambia** said that households with a child with a disability were entitled to a cash transfer twice the size of the amount ordinarily transferred as part of the social programme known as Social Cash Transfer. A circular had been issued with a view to ensuring that boarding school fees for children with disabilities were covered by the Constituency Development Fund.
61. **Mr. Kabue** said that he would welcome an update on progress towards the adoption of the communication strategy being developed by the Zambia Agency for Persons with Disabilities and the International Labour Organization.
62. **A representative of Zambia** said that consultations on the strategy had concluded and that the strategy would be launched shortly. The purpose of the strategy, the implementation of which would involve organizations of and for persons with disabilities, was to raise awareness of disability issues.
63. **Mr. Kabue** said that he wished to know what measures had been taken to enforce the law requiring all television broadcasters, not simply State broadcasters – reportedly the only ones that were doing so – to provide sign language interpretation.
64. **A representative of Zambia** said that Parliament TV and Hope Channel, the television channel of the Seventh Day Adventist Church in Zambia, also broadcast in sign language. All private television broadcasters would be required to comply with the law. Those that did not would find it impossible to renew their broadcasting licences. Warning letters to that effect had been sent to a number of private broadcasters.
65. **Mr. Kabue** said that he wondered what steps had been taken to develop and implement a national standard to facilitate equal and unhindered access to the built environment, information and technology.
66. **A representative of Zambia** said that consultants had been engaged and that the standard should be in place by the third quarter of 2024.
67. **Mr. Kabue** said that he wondered what had been done to put a stop to the ritual use of the body parts of persons with albinism. He also wished to know what measures had been taken to help protect such persons from skin cancer.
68. **A representative of Zambia** said that, although there were no specific legal provisions on persons with albinism, the perpetrators of criminal acts targeting such persons could be charged with offences under the section of the Penal Code on acts intended to cause grievous harm.
69. **Mr. Kabue** said that, since the attacks on persons with albinism had not stopped, he wished to know what could be done to prevent them in addition to charging the perpetrators.

70. **A representative of Zambia** said that there were prominent offices for persons with disabilities in all 10 provinces. Officials from those offices ensured, in cooperation with the Zambia Police Service, that all killings of persons with albinism were reported.

71. **A representative of Zambia** said that a representative of the Albinism Foundation of Zambia had been appointed to the Zambia Police Service Commission to help ensure that efforts to protect persons with albinism were more effective. The Ministry of Health provided sunscreen free of charge to persons with albinism, and the National Health Insurance Management Authority had made giving sunscreen to such persons a priority.

The meeting was suspended at 4.30 p.m. and resumed at 4.40 p.m.

72. **Mr. Morris** said that he would like to know when the accessibility standards being developed under the inspection mandate of the Zambia Agency for Persons with Disabilities would come into effect.

73. **A representative of Zambia** said that, with support from the International Labour Organization, a consultant had been tasked with developing a framework for the standards, which would be ready to use by the third quarter of 2024.

74. **Sir Robert Martin** said that he would appreciate an explanation of the measures taken to combat stigma, prejudice, harmful practices, negative attitudes, bullying, hate crimes and discriminatory language against persons with disabilities, including persons with albinism.

75. **A representative of Zambia** said that, as indicated earlier, the provincial offices of the Zambia Agency for Persons with Disabilities worked with the police to ensure that harmful practices against persons with albinism were curbed and that all perpetrators were brought to justice.

76. **A representative of Zambia** said that, in collaboration with organizations of persons with disabilities, his Government was working with traditional leaders to raise awareness and dispel myths about persons with albinism and other disabilities. Every effort was made to ensure that persons with disabilities were employed in education, health care, policing and other services.

77. **Ms. Gamio Ríos** said that she would like to know whether the State party intended to implement the African Union Plan of Action to End Attacks and Other Human Rights Violations Targeting Persons with Albinism 2021–2031. She wondered whether the victims of such attacks and their families had received reparation, including comprehensive medical care, counselling and financial compensation.

78. **A representative of Zambia** said that the Albinism Foundation of Zambia operated a number of safe houses, which put in place individual recovery plans for victims.

79. **Ms. Kayess** said that she would like to know whether the national disability survey conducted in 2015 would become a regular exercise and whether there were any planned or existing mechanisms to use it as a basis for disability policy development.

80. **A representative of Zambia** said that a second round of the survey would be conducted in 2024, to ensure the availability of up-to-date statistics. The timing had been chosen to allow for comparison with the prevalence data collected during the national census of 2023.

81. **Ms. Jacobs** said that she would like to know what mechanisms were being used to decide on the order of priority for the development of accessibility standards in different areas.

82. **A representative of Zambia** said that international guidelines on universal accessibility were used to ensure that the standards developed were adapted to the national context.

83. **Ms. Gamio Ríos** said that neither of her questions had received a comprehensive answer.

84. **A representative of Zambia** said that the recovery plans developed at the safe houses for persons with albinism included an economic integration component. Victims' households

received bimonthly social cash transfers, in addition to community integration and livelihood protection.

85. **The Chair** suggested that the delegation should answer the question on adoption of the Africa Union Plan of Action at the next meeting.

86. **Ms. Thongkuay** said that she would like to hear about measures taken to amend the Gender Equity and Equality Act to include provisions on disability. She would appreciate more information about the Gender Equity and Equality Commission and any system in place to ensure the involvement of women with disabilities. She wished to know about the provision of social benefits, legal aid and health care to LGBTQI+ persons with disabilities and any measures to protect them against discrimination and human rights violations.

87. **A representative of Zambia** said that his country had various pieces of legislation intended to protect women with disabilities. However, the current laws outlawing homosexuality guided the handling of LGBTQI+ issues.

88. **Ms. Boresli** said that she wished to know what steps had been taken to eliminate disability-based discrimination by both institutions and private individuals. She wondered what legislative and administrative measures had been adopted to mainstream the human rights of persons with disabilities in all policies and programmes, particularly those related to the Sustainable Development Goals.

89. **A representative of Zambia** said that his Government was committed to upholding human rights, including those of persons with disabilities. Under various pieces of anti-discrimination legislation, it had established a number of programmes to protect the rights of persons with disabilities, in cooperation with their representative organizations and community structures.

90. **The Chair** said that she would like to know whether persons with disabilities and their representative organizations had been involved in planning the census and whether census enumerators and electoral officials had received appropriate training on disability. She wished to receive disaggregated data on the challenges faced by persons with disabilities in access to education, health and recreation and on the incidence of poverty and hardship. She wondered what would be done to ensure that deafblind persons and other minorities were included in consultations and recorded in statistics. She would like to know how persons with disabilities and their representative organizations were involved in international cooperation, including interaction with other treaty bodies and the universal periodic review.

91. **A representative of Zambia** said that organizations of persons with disabilities had been involved in various stages of preparation for the census, ensuring that census tools were accessible, households of persons with disabilities were mapped to facilitate their inclusion and that the Washington Group short set of questions on functioning was included. Organizations of persons with disabilities had been involved in implementing various United Nations programmes, including the United Nations Joint Programme on Social Protection. Disaggregated data on education, health and recreation would be submitted to the Committee. Her Government had been studying the work of a faith-based organization in relation to deafblind persons, with a view to the inclusion of persons with that disability in future programmes.

92. **Mr. Kabue** said that organizations of persons with disabilities had reported a lack of clarity as to the role of the disability focal points. He would appreciate an explanation of their job descriptions, the resources available to them and their coordination with the Zambia Agency for Persons with Disabilities. He wondered who was tasked with coordinating work on implementation of the Convention. Lastly, he wondered why the national Human Rights Commission had not been officially designated as the independent monitoring mechanism under the Convention or provided with resources to fulfil that role.

93. **A representative of Zambia** said that the disability focal points were department directors in government ministries, who had been trained on their mandate by the Zambia Agency for Persons with Disabilities. Directors had been appointed because experience had shown that junior officials in such roles were unable to fully deliver as they lacked influence on decisions.

94. **A representative of Zambia** said that the focal points had already been appointed. Their mandate included planning and budgeting. Their terms of reference included training, which had been scheduled for the second quarter of 2024, under the auspices of the United Nations Joint Programme on Social Protection.

95. **A representative of Zambia** said that the Human Rights Commission was an independent monitoring body with officials from various sectors including the disability movement. Indeed, a commissioner with a disability had recently been appointed. The Commission was publicly funded, with the planned budget published in the Official Gazette.

Articles 11–20

96. **Mr. Makni** (Country Task Force) said that he would like to know what measures had been taken to amend laws, regulations, customs and practices which undermined the enjoyment of the right to life for persons with disabilities and the extent to which such measures were implemented.

97. **A representative of Zambia** said that the rights of persons with disabilities were protected under various pieces of legislation, including the Persons with Disabilities Act. A number of government programmes were intended to improve the capacity for independent living of persons with disabilities, the lack of which was the root cause of most abuses. For example, the employment quota for persons with disabilities had been enforced during a recent teacher recruitment exercise. Social protection programmes included provisions for the promotion of independent living.

98. **Mr. Makni** said that he wished to know what steps had been taken or envisaged to preserve the lives of persons with albinism.

99. **A representative of Zambia** said that section 224 of the Penal Code, which prohibited unlawful wounding with intent to disfigure any person, was used to protect persons with albinism.

100. **Mr. Makni** said that he would be interested to know the extent to which that provision was implemented in practice.

101. **A representative of Zambia** said that awareness-raising had been conducted in rural areas with higher populations of persons with albinism. The Zambia Agency for Persons with Disabilities had engaged consultants to advise law enforcement agencies with a view to improving reporting of attacks against persons with albinism and facilitating their protection. For example, following an attack in the north of the country, the Agency had worked with the police to ensure the apprehension of the perpetrators, who were currently being prosecuted under section 224 of the Penal Code.

102. **Mr. Makni** said that he would be grateful for statistical information on any measures being taken to protect persons with albinism. The Committee would also welcome information on any plans or protocols that set out measures to evacuate, protect and support persons with disabilities affected by floods, earthquakes or other emergencies, in line with the Sendai Framework for Disaster Risk Reduction 2015–2030.

103. **A representative of Zambia** said that the Government had used its experience of the coronavirus disease (COVID-19) pandemic and the cholera outbreak to develop an emergency response plan, under which cash transfers were made to persons affected by emergencies and disasters, including persons with disabilities. The Government had begun the process of reviewing the Disaster Management Act (No. 13 of 2010), including the guidelines on disaster preparedness and response set out in the Act. Persons with disabilities were encouraged to sit on development committees so that they could influence decisions on the allocation of funding from the Constituency Development Fund.

104. **Mr. Makni** said that he wished to know whether persons with disabilities actively participated in risk management committees and whether any measures were taken to inform and protect persons with disabilities, including persons with albinism and hard-of-hearing persons, during emergencies and disasters.

105. **A representative of Zambia** said that no specific measures were taken to protect persons with hearing impairments during emergencies.

106. **A representative of Zambia** said that sign language interpretation and Easy Read materials were used to make information accessible to persons with disabilities during emergencies.

107. **A representative of Zambia** said that representatives of the Zambia Agency for Persons with Disabilities sat on the Disaster Management Mitigation Unit and were therefore able to influence decisions relating to emergency responses.

108. **A representative of Zambia** said that materials to raise awareness of programmes for combating cholera were being developed in conjunction with the United Nations Children's Fund (UNICEF). Representatives of organizations of persons with disabilities had recently participated in a meeting held to review such materials.

109. **Mr. Makni** said that he wished to know whether legislative measures had been taken to protect the rights of persons with intellectual disabilities, psychosocial disabilities or autism. It would be interesting to know whether the law required the authorities to seek the informed consent of persons with disabilities in connection with decisions affecting them.

110. **A representative of Zambia** said that persons with disabilities were protected under the Persons with Disabilities Act. However, there were no specific provisions protecting persons with intellectual disabilities, psychosocial disabilities or autism.

111. **Mr. Makni** said that he wished to know whether persons with disabilities were able to marry.

112. **A representative of Zambia** said that persons with disabilities were indeed able to marry.

113. **Mr. Makni** said that he wished to know whether persons with disabilities could bring proceedings before a court in the event that they had a conflict with their spouse.

114. **A representative of Zambia** said that persons with disabilities who had a conflict with their spouse, including persons with an intellectual disability, were free to seek legal redress under the Marriage Act.

115. **Mr. Makni** said that he wished to know what measures were taken to ensure the defence of persons with disabilities in the justice system and to protect persons with disabilities in detention.

116. **A representative of Zambia** said that detention centres employed paralegal staff who gave legal advice to persons in detention. For instance, inmates suspected of committing an offence for which they required a police bond could request advice on how to obtain the bond within the established time period. Paralegal staff advocated for the rights of persons with disabilities in detention and made efforts to inform them of their rights and of channels for reporting violations.

117. **Mr. Makni** said that he would be interested to hear about any measures being taken to make courtrooms, courthouses and legal proceedings accessible to persons with disabilities.

118. **A representative of Zambia** said that a number of measures were being taken to make courtrooms and courthouses accessible to persons with disabilities. For instance, ramps were being installed in courthouses and witness boxes had been made accessible for wheelchair users.

119. **Mr. Makni** said that he wished to know whether persons with disabilities had access to free legal assistance.

120. **A representative of Zambia** said that the Legal Aid Board provided pro bono legal assistance to all persons, including persons with disabilities, who could not afford to hire a private lawyer. Persons entitled to assistance from the Board were exempt from legal fees but were sometimes required to pay administrative costs in certain cases. The National Legal Aid Clinic for Women provided legal assistance to women, including women and girls with disabilities. The Clinic developed materials to raise women's awareness of their rights and provided counselling and other support services to women victims of physical or emotional

abuse. In conjunction with the Legal Aid Board and other relevant stakeholders, the Clinic advocated for the rights of women with disabilities and ensured the protection of those rights.

121. **A representative of Zambia** said that one of the key functions of the Zambia Agency for Persons with Disabilities was to provide legal assistance to persons with disabilities. The Agency would shortly be employing a lawyer, funded by the national budget, who would advocate for the rights of persons with disabilities.

122. **Mr. Makni** said that he wished to know whether police officers and justice officials were given training on the rights of persons with disabilities and whether they had accessible resources with which to communicate with them. The delegation might indicate whether persons with disabilities were able to serve as judges, sit on juries and appear as witnesses in legal proceedings.

123. **A representative of Zambia** said that persons with disabilities could indeed serve as judges. In fact, two current members of the judiciary had a disability. Written materials in electronic and hard-copy formats had been made accessible for persons with disabilities. The curriculum of the Police Training College in Lilayi included a module on the rights of persons with disabilities in conflict with the law.

124. **A representative of Zambia** said that police stations and courts employed sign language interpreters to facilitate communication with deaf persons. Where no interpreters were available, they could be hired through the Zambia Agency for Persons with Disabilities. A project to train police officers in sign language was currently being piloted at the Police Training College.

125. **Mr. Makni** said that he wished to know what steps were being taken to repeal legal provisions that discriminated against persons with disabilities, including article 167 of the Criminal Procedure Code, under which persons with intellectual or psychosocial disabilities could be declared unfit to stand trial or found not guilty by reason of insanity and then permanently detained without their case being reviewed. He wondered what was being done to monitor the implementation of article 61 of the Persons with Disabilities Act and, in particular, to ensure that persons with disabilities living in remote areas were not concealed from the outside world by their families.

126. **A representative of Zambia** said that a review of national laws undertaken by the Zambia Law Development Commission had identified a number of discriminatory provisions, including article 167 of the Criminal Procedure Code. It would now be necessary to take legislative measures to bring those discriminatory provisions into alignment with international human rights law. The Government had recently adopted the Children's Code Act. The Act brought together a number of previously separate laws, some of which had been discriminatory. One such law was the Legitimacy Act, which had been repealed and replaced by the relevant provisions of the Children's Code Act, under which children born outside wedlock were protected against discrimination.

127. **A representative of Zambia** said that a number of measures had been taken at the grassroots level to prevent rural families from concealing persons with disabilities from the outside world. For instance, community welfare assistance committees had been strengthened to improve their ability to identify families who concealed children with disabilities. Steps were also being taken to make the public aware that concealing children with disabilities was a criminal offence.

128. **A representative of Zambia** said that households that included a child with a disability were eligible to receive cash transfers, which discouraged them from concealing that child. Cash transfers were made available to families living in all parts of the country, including those that had no income. Families that included a child with a disability aged 12 years or under were also eligible to receive financial support from the Constituency Development Fund.

129. **Mr. Makni** said that he wished to know whether persons with disabilities were subjected to forced hospitalization and forced treatment. In particular, he wondered whether physical or chemical restraints, or physical or sexual violence, were used against persons living in mental health institutions. It would be interesting to know whether the National

Human Rights Commission monitored places of detention, including psychiatric hospitals, as part of its efforts to protect the rights of persons with disabilities.

130. The Committee would welcome information on the progress made towards the adoption of the anti-torture bill and how it would prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment. The Committee also wished to learn about any measures being taken to investigate cases of torture and other cruel, inhuman or degrading treatment and punishment and any remedies made available to victims, including victims with intellectual or psychosocial disabilities.

131. **A representative of Zambia** said that the National Human Rights Commission carried out independent assessments of places of detention and issued reports on those assessments, highlighting any inhuman or degrading treatment that it identified and recommending measures to address such treatment. The anti-torture bill had been finalized and was awaiting consideration by Parliament prior to being adopted. When the bill became law, torture would be established as a criminal offence.

The meeting rose at 6.05 p.m.