



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

Distr.: General  
26 February 2024

English only

---

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

**Thirtieth session**

4-22 March 2024

Item 5 of the provisional agenda

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

**Replies of Zambia to the list of issues in relation to  
its initial report\***

[Date received: 16 February 2024]

---

\* The present document is being issued without formal editing.



## **Abbreviations and Acronyms**

8NDP	Eighth National Development Plan
AFZ	Albinism Foundation of Zambia
CBID	Community Based Inclusive Rehabilitation
CBR	Community Based Rehabilitation
CDF	Constituency Development Fund
CEEC	Citizen Economic Empowerment Commission
COVID-19	Corona Virus Disease 2019
DRIMT	Disability Rights Independent Monitoring Team
DRW	Disability Rights Watch
GRZ	Government of the Republic of Zambia
IDPD	International Day for Persons with Disabilities
MCDSS	Ministry of Community Development and Social Services
OPDs	Organisations of Persons with Disabilities
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
ZAPD	Zambia Agency for Persons with Disabilities

## Introduction

1. Zambia ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2010 and almost all other international human rights treaties. The UNCRPD was domesticated in most part through the Persons with Disabilities Act of 2012 and the Mental Health Act of 2019.
2. In 2017 the State submitted its initial report to the Committee on the Rights of Persons with Disabilities which highlighted mainly the legislative, policy and administrative measures that the Government of the Republic of Zambia had put in place to actualize commitments under the UNCRPD.
3. This report presents the progress made, the challenges, gaps and recommendations for continued realization of the rights of persons with disabilities and implementation of the CRPD. In addition, it provides reply to the List of Issues.
4. In developing this reply to the List of Issues the Government of the Republic of Zambia made consultations with Organisations of Persons with Disabilities in Zambia with representation from both rural and urban areas, women and youth representation and underrepresented groups. The Zambia Agency for Persons with Disabilities remained the coordinating mechanism in the consultation process.

### A. Purpose and general obligations (arts. 1–4)

#### Reply to paragraph 1 of the list of issues (CRPD/C/ZMB/Q/1)

5. The State Party has taken steps to ensure the definitions and general principles in the Persons with Disabilities Act are in line with the UNCRPD. Zambia uses the term ‘permanent’ in its definition of disability as opposed to ‘long term’ as in the CRPD. This is also reflected in Article 266 of the Constitution of the Republic of Zambia.
6. The state party further made commitments at the 2018 and 2022 Global Disability Summit and demonstrated its willingness to the realization of these commitments by the signing of the Charter for Change.
7. The State has put in place grant aided public Disability service organization to ensure that persons with disabilities are consulted in the implementation of the Convention and its own laws. The State, through the Zambia Agency for Persons with Disabilities ZAPD registers OPDs in order to allow the full representation of persons with disabilities for all processes concerning the development of legislation and policies.
8. The State has ensured that OPDs are represented during Constitutional reviews and in the implementation of the National Development Plans.
9. The state party is in the process of harmonizing pieces of legislation including a repeal in the Bill of Rights of some derogative terms such as “unsound mind”. The State is currently involved in consultations, including with OPDs on the process of amendments of derogatory terms and discriminatory Articles, for instance Article 13 and any other which restrict persons with disabilities from participating in public and political life.
10. In 2019, the State passed the Mental Health Act which aims to promote and protect the rights of persons with mental or psycho-social disabilities. But the State realizes that Section 4 of the Act tends to be discriminatory and is making consultations to amend the section.

## **B. Specific rights (arts. 5-30)**

### **Article 5**

#### **Equality and non-discrimination**

##### **Reply to paragraph 2 of the list of issues**

11. The Constitution of Zambia in Article 23 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 defines 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.’’

12. The State Party has ensured legislative provision in Section 6(1) of the Persons with Disabilities Act of 2012, which 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. The Act also includes reasonable accommodation as a form of non-discrimination. The State, through the Zambia Law Development Commission has already done a review of the Penal Code and Penal Procedures Code and have identified the derogatory terms like ‘‘imbecile’’ in these laws. The State shall ensure all such terminologies are removed from all legislation.

13. The State is actively consulting with OPDs including with organizations representing persons with albinism for the promotion and protection of their rights.

### **Article 6**

#### **Women with Disabilities**

##### **Reply to paragraph 3 of the list of issues**

14. The State Party enacted the Gender Equity and Equality Act No. 22 of 2015 to ensure protection of the rights of women including women with disabilities.

15. The State Party through the Zambia Law Development Commission supported under the GRZ/UN joint programme, continued to review the Anti GBV Act Number 1 of 2011 in order to harmonize the Act with other pieces of legislation such as the Penal Code and Criminal Procedure Code so as to facilitate effective implementation of the law.

16. The State has further enhanced and strengthened coordination in mainstreaming GBV in district plans between the GBV Task Forces and the Gender Sub-committees at provincial and district levels. Including continued sensitization with traditional leaders on the cultural and social norms that perpetuate GBV.

17. The Government of Zambia under the GEWEL project aims to increase access to livelihood support to women and access to secondary education to disadvantaged girls in selected districts. The Project has three Components namely Supporting Women’s Livelihood (SWL); Keeping Girls in School (KGS) and Institutional Strengthening and System Building (ISSB) The Project has received, additional Financing aimed at scaling up access to livelihoods support from 75,000 women in 51 districts to 129,400 women in 81 districts. Further, the Project will expand coverage of bursaries from 14,000 girls in 27 districts to 43,000 girls in 39 districts. Additionally, in order to cater for school-related costs, annual education grant at the beginning of the academic year will be provided for each KGS beneficiary. The project also benefits women and girls with disabilities to improve their livelihood and resilience.

## Article 7

### Children with Disability

#### Reply to paragraph 4 of the list of issues

18. The State Party has enacted the Children Code Act of 2022 which ensures the protection of children. The Act recognises the provisions of the Persons with Disabilities including children. The Children Code Act upholds as a core principle the ‘best interest of the child’ in any decision or matter affecting children including children with disabilities. The overarching theme emerging throughout the Act is the idea of upholding the principle of the best interest of the child. In all matters affecting children, be it in maintenance, affiliation or custody proceedings, criminal proceedings, providing for their socio-economic and physical needs, affixing parental responsibility, adoption or foster care, the primary consideration should be the best interest of the child.

19. The Act further introduces a number of justiciable socio-economic rights including but not limited to the right to education, health care, social protection/social services, the right to leisure and recreation, protection from child labour, protection from harmful cultural practices such as child marriage and female genital mutilation. This Act is progressive considering that the Zambian Bill of Rights does not provide for socioeconomic rights thereby rendering them nonjusticiable before the Zambian courts.

20. The State is in the process of developing regulations to clearly actualize the Children Code Act and will ensure that such regulations adequately provide for the protection of children with disabilities, including the provision of early safeguards against abuse.

21. At community level the State is implementing through its partners and organisations for persons with disabilities OPDs, The Zambia Enhanced Community Based Rehabilitation Program (ZECREP) Project aimed at working towards improving the quality of life of children with disabilities in Zambia by 2030. The project has enhanced parents’ knowledge on the care for their children with a disability. The impact in the pilot sites has been early referral of children to needed services such as health related, (re)habilitation, education, social support, livelihood support and empowerment. Parents and care givers are better informed and guided on how they can support their children and where to seek help.

22. However, the Child Policy and other national policy documents do not adequately address the needs and interests of children with disabilities.

## Article 8

### Awareness-Raising

#### Reply to paragraph 5 of the list of issues

23. The State Party through the Zambia Agency for Persons with Disabilities collaborates with organizations of and for persons with disabilities, United Nations agencies and other stakeholders in undertaking awareness raising behaviour change communication regarding persons with disabilities; training and capacity building; and mainstreaming of disability issues.

24. The State Party has developed draft National Guidelines on Disability Mainstreaming. These Guidelines provide for inclusion of mass media on how awareness raising should be escalated and further introduces Disability Focal Points in all line Ministries as indicated in the 8<sup>th</sup> National Development Plan to strengthen disability mainstreaming and provision of services.

25. The Government through ZAPD and with support from the United Nations undertook a number of activities amongst which was the engagement of traditional leaders and Organizations of/for Persons with Disabilities on disability main streaming in the Chiefdoms. The agency undertook several media engagements and training for media personnel drawn from the public and private sector on disability awareness and the need for them to use the

right disability etiquette and be champions in the advocacy for protection and promotion of the rights of Persons with Disabilities. To strengthen OPD capacities at community level representatives of some Organizations of and for Persons with Disabilities nationwide were capacity built in planning, national budgeting, monitoring and evaluation by the Ministry in charge of Finance.

26. In 2023, the State Party hosted the Summit for Democracy with several side meetings focusing on disability inclusion.

27. The State Party through ZAPD continues raising awareness on disability issues through commemoration of the International Day of Persons with Disabilities, International Week of Deaf People, International Albinism Awareness Day, World Down Syndrome, Spinal Bifida and Hydrocephalus Day and Mental Health Day. Further, the State Party raised awareness on disability issues through public events such as the Social Protection Week, International Women's Day, Youth Day, 16 Days Activism against Gender Based Violence, International Human Rights Day, World Aids Day and Labour Day.

## **Article 9**

### **Accessibility**

#### **Reply to paragraph 6 of the list of issues**

28. The State party has established a specific Directory for Inspection to strengthen the inspectorate of ZAPD and is in the process of developing accessibility standards according to the mandate of ZAPD as established by the Persons with Disabilities Act. This is to ensure effective inspections and adherence to accessibility standards.

29. Further the State Party is in the final stage of enacting the Statutory Instrument on access to infrastructure, transport, information and services to enhance the operationalization of the Persons with Disabilities Act. The Organizations of/for Persons with Disabilities were consulted during the development and validation of the Statutory Instrument. The State Party through ZAPD and in collaboration with other stakeholders has continued providing free assistive devices to persons with disabilities to ease their mobility as they acquire various services from service providers and enhance their functional performance.

30. In addition, ZAPD has continued to enhance awareness and educational campaigns to sensitise the public on the provision of the law and the importance of having an environment accessible by all persons regardless of their disability.

## **Article 10**

### **Right to life**

#### **Reply to paragraph 7 of the list of issues**

31. The State Party recognizes that the right to life is inherent for persons with disabilities and that the Constitution of the Republic in Article 12 guarantees this right. The State is in consultation with OPDs including representative organizations of persons with albinism to ensure this right is effectively guaranteed.

32. The Persons with Disability Act incorporates and domesticates several terms and principles that enhance the recognition and protection of the human rights of persons with disabilities and albinism. These include the definition of disability, discrimination, affirmative action, universal design etc., all of which ensure that legal amenities are available by which persons with albinism enjoy their human rights on an equal basis with others. Further, the Act in section 4, adopts the principles that apply to persons with disabilities, which include recognition as persons before the law, respect for physical and mental integrity, full and effective participation and inclusion in society, respect for difference and acceptance of human divergency and humanity, equality of opportunity.

33. The State Party notes that the Penal Code does not have any express provisions relating to persons with albinism and neither does any special provisions aimed at enhancing the rights of persons with disabilities nor albinism. Therefore, in mapping the legal framework for the protection and enforcement of the rights of persons with albinism, the State relies on the general provisions of the Penal Code which also apply to persons with albinism.

34. Section 224 of the Penal Code provides that any person who, with intent to maim, disfigure or disable any person, unlawfully wounds or unlawfully attempts to strike any person with any projectile or spear, sword, knife or other dangerous or offensive weapon, commits a felon and is liable to imprisonment for life this provision is used to protect Persons with albinism from attacks and prosecute perpetrators of violence against persons with albinism.

## **Article 11**

### **Situations of risk and humanitarian emergencies**

#### **Reply to paragraph 8 of the list of issues**

35. Section 21 (2) (f) of the Persons with Disabilities Act provides that the Minister responsible for Community Development and Social Welfare put in place measures for the protection and safety of persons with disabilities in situations of risk which include situations of armed conflict, humanitarian emergencies and natural disasters”.

36. 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) under the Office of the Vice President. The State Party has further developed an Emergency Shock responsiveness response plan which provides emergency cash transfers to persons with disabilities in situations of risk e.g Welfare assistance was enhanced during the COVID- 19 pandemic and also when Zambia was hit with a cholera outbreak.

37. The State will soon consult with all stakeholders, including OPDs to initiate the process of reviewing the Disaster Risk Management Act of 2013 to make it compliant to the UNCRPD and the Sendai Framework.

## **Article 12**

### **Equal Recognition before the Law**

#### **Reply to paragraph 9 of the list of issues**

38. The Constitution and disability specific legislation recognizes that persons with disabilities have the right to make decisions and to have those decisions respected. 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.

39. The State Party has enacted the Mental health Act of 2019 to repeal the old act that had derogatory language However, the State observes that, 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 persons with psychosocial disabilities, intellectual disabilities and deaf blind persons where decisions are made on their behalf without consulting them.

40. The State therefore is consulting to ensure that section 4.2 of the Mental Health Act is amended to avoid conflating legal capacity and mental capacity. The State will consult with the Ministry of Justice and the Office of the Chief Justice on the need to clarify practice of legal capacity through the Issuance of Chief Justice Rules by the Judiciary for legal practioners and the judiciary.

## **Article 13**

### **Access to Justice**

#### **Reply to paragraph 10 of the list of issues**

41. The State Party recognizes legislative provisions under the Persons with Disabilities Act such as:

- Section 8 (2) of the Persons with Disabilities Act, which 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”.
- 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.”
- 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.

42. The State Party recognizes that criminal justice hinges on a lot of legislation which includes the Criminal Procedure Code, Cap 88, Penal Code Cap 87, and the Childrens Code Act No.12 of 2022. To provide procedural and age-appropriation accommodation for persons with disabilities, the State party recently amended section 14 of the Penal Code to provide that a child under the age of 12 years is not criminally liable for an act or omission. Further, section 45 of the Children’s Code Act provides that a child will not be criminally liable except as provided by the Penal Code. This amendment has enabled reasonable accommodation that is age-appropriate for persons with disabilities.

43. The Children’s Code under section 15, expressly provides that a child with a disability has the right to be treated with dignity and respect. The State Party wishes to report that that the provisions of the Children’s Code, adequately guarantee’s and accords access to justice for persons with disabilities.

44. The State Party has intensified training of judicial officers to ensure that justice is given or made easily accessible by persons with disabilities. Through progressively recruiting sign language interpreters, it has equally made the courts easily accessible to persons with disabilities to give justice to all.

45. In view of the above the State will consult with Ministry of Justice and Judiciary on the issuance of Chief Justice Rules to guide on the practice of actualising section 8.2, 8.3 and section 9 of the Persons with Disabilities Act.

46. Consultations, with the engagement of CSO like Paralegal Alliance Network and Disability Rights with the Zambia Police Service and Zambia Correctional Service are ongoing to ensure the training curriculum in the police and prison staff colleges include disability inclusion training.

47. Ministry of Community Development and Social Services will engage the already existing Legal Aid Board to ensure the issue of women and children accessing free legal protection is actualised and that awareness raising is conducted.

## **Article 14**

### **Liberty and Security of person**

#### **Reply to paragraph 11 of the list of issues**

48. The State Party recognises in Article 13 of the Constitution which provides that no person shall be deprived of his personal liberty except as may be authorized by law. The State



is making consultations, including with OPDs to amend or repeal all discriminatory Articles in the Constitution, including Article 167 of the Penal Procedures Act.

49. It is further noted that 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 available opportunities. The State Party has continued with sensitization and awareness through program implementation to parents and caregivers on concealing children with disabilities, especially in rural areas.

## **Article 15**

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

#### **Reply to paragraph 12 of the list of issues**

50. The State Party has ratified the International Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and is in the process of ensuring effective and adequate steps are taken to domesticate the Convention.

51. In line with Article 15 of the Constitution that provides that no person shall be subjected to torture or to inhuman or degrading punishment or other like treatment, the State Party has drafted an Anti-Torture Bill which seeks to criminalize torture. The State Party is still in the process of finalizing this important draft Bill. Further, the death penalty has been abolished and enactment of the Children's Code Act No. 12 of 2022 which prohibits torture under article 23. The State has ensured that capacity of the Human Rights Commission is strengthened as a commission empowered to make recommendations for compensation of persons that undergo torture or cruel treatment. The State continues to uphold equal recognition before the law.

## **Article 16**

### **Freedom from exploitation, violence and abuse**

#### **Reply to paragraph 13 of the list of issues**

52. The State Party is ensuring that there is protection of all persons with disabilities against exploitation, violence and abuse through the enactment of the Anti -Gender Based Violence Act and other protective policies.

53. Further the State Party has established one stop centres and fast track courts in Zambia for tackling gender-based violence and violence against children to respond to concerns of violence and abuse and to ensure provision of comprehensive care and support to survivors, especially children and women. The Government of the Republic of Zambia and the United Nations Joint Programme on GBV (GRZ-UN JP GBV) facilitated the provision of a coordinated, sustainable and comprehensive package of response services and prevention mechanisms at national and sub-national level that addresses Gender Based Violence (GBV) in Zambia.

54. Further, the State has continued to strengthen the capacity of frontline officers that interact and interview child victims and survivors at the One-Stop-Centres (Social worker , police officer and health personnel), The Judiciary has developed roll-out Guidelines on the Minimum Standards for Child Victims and Witnesses in the Justice Process, a reference tool for service providers that enables them to promote the protection and uphold the rights of child victims and witnesses as well as enable them to handle young clients in a child friendly manner.

## **Article 17**

### **Protecting the integrity of the person**

#### **Reply to paragraph 14 of the list of issues**

55. The State Party in 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.

56. Further, the Mental Health Act of 2019 provides for informed consent and supported decision making in accessing mental health services including participation in scientific research.

57. The State Party is in the process of ensuring safeguards for the provision of services which contributes to protection and upholding of personal integrity. Particular and special attention is taken into consideration when dealing with persons with visual impairment, Deaf People and Persons with cognitive and psychosocial disabilities as well as people with dementia.

## **Article 18**

### **Freedom of movement and nationality**

#### **Reply to paragraph 15 of the list of issues**

58. The State Party in Article 22 of the Zambian 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.

59. 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.

60. The Mental Health Act provides that any form of chemical or physical restraint shall be of last resort, this includes electronic convulsive treatment, seclusion and sedation. The State has raised awareness to practitioners on this matter. The State, after the establishment of the Mental Health Council will ensure this is regularly monitored.

## **Article 19**

### **Living independently and being included in the community**

#### **Reply to paragraph 16 of the list of issues**

61. The State Party in 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. Section 7 of the Persons with Disabilities Act further 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".

62. The State Party has enhanced efforts to make land available under a resettlement scheme under the office of the Vice President that provides land to persons with disabilities. This initiative has been strengthened with ensuring that persons with disabilities are provided with startup hampers in the resettlements to ensure they develop their land. Through the CDF the resettlement areas are receiving construction of basic services such as health facilities, schools or police for their security. This is in addition to various social protection programs that benefit persons with disabilities to enhance independent living.

63. The State is still in the process of developing guidelines on Community Based Inclusive Development (CBID) further, the government has introduced CBID as one of the courses under the community development staff training college. Further, the State Party has continued with the employment of persons with disabilities especially under the teaching profession with a reservation of 10%.

64. The State Party through Citizens Economic Empowerment Commission (CEEC) has put in place a reservation of 5% loans facility for persons with disabilities to enhance economic empowerment and foster independent living.

## **Article 20**

### **Personal mobility**

#### **Reply to paragraph 17 of the list of issues**

65. The State Party in the national Policy on Disability is mandated to provide funding for the purchase of mobility devices for persons with disabilities to ensure mobility and with independence.

66. The State Party through its national health insurance scheme provides crutches, hearing aids and prosthetic limbs on prescription basis to persons with disabilities.

67. The State Party through ZAPD and other stakeholders provides free assistive devices to persons with disabilities in both rural and urban areas. The State also conducted a study to ascertain the availability and provision of Assistive Technologies to persons with disabilities across the whole supply chain from the manufacturers, standards and their use.

68. In view of the above the State Party is in consultations with OPDs to develop the National Assistive technology guidelines for Zambia.

## **Article 21**

### **Freedom of expression and opinion and access to information**

#### **Reply to paragraph 18 of the list of issues**

69. Freedom of expression is one of the fundamental rights guaranteed by the Zambian Constitution under Article 20.

70. The State ensures to provide 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.

71. Section 49 of the Persons with Disabilities Act further states that “all television stations shall provide a sign language insert or subtitles in all newscasts and education programmes, and in all programmes covering events of national importance”. The Parliament of the Republic of Zambia passed an agreement to ensure that all public stations provide sign language insert when disseminating information and programmes of public interest.

72. The State Party through ZAPD has intensified accessibility audits to information dissemination and has engaged all Public and Private media on various disability mainstreaming issues, further the agency is still in the process of ensuring that the private media provides sign language in their broadcasting of news and programmes of public interest.

## **Article 22**

### **Respect for privacy**

#### **Reply to paragraph 19 of the list of issues**

73. The Zambian Constitution provides under Article 17 that 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.

## **Article 23**

### **Respect for home and the family**

#### **Reply to paragraph 20 of the list of issues**

74. The State Party has enacted the Marriage Act of 2019 to ensure that Persons with disabilities enjoy the right to find families and belong. However, the State will examine the Marriage Act in consultation with all stakeholders to consider amending its section 17. The State will further enhance its awareness raising amongst social protection stakeholders to ensure households with children with disabilities are given affirmative priority when it comes to support.

## **Article 24**

### **Education**

#### **Reply to paragraph 21 of the list of issues**

75. The State Party has made commitments towards inclusive education. 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.

76. 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.

77. The State has revised the Educating Our Future policy of 1996 to further provide for Inclusive education in terms of Access, Participation, Achievement and Support. Further, the Education Act of 2011 also provides that children without disabilities and their peers with disabilities have rights to free education with a skills bursary support system under the CDF to ensure acquisition of skills by persons with disabilities.

78. The State Party through the Ministry of Education has strengthened the Directorate of Standards, ensuring that there are trained officers implementing Inclusive Education from the National level to District Level.

79. The Directorate has further established District Inclusion Teams (DIT) and School Inclusion Teams (SIT).to ensure quality inclusive education coordination.

80. The State Party has committed itself to focusing on expanding access and improving quality of early childhood, primary and secondary education technical education, vocational and entrepreneurship training and higher education as outlined in the 8<sup>th</sup> NDP and has continued with affirmative action during selection and recruitment of teachers with disabilities as well as entry into colleges and universities for students with disabilities.

## Article 25

### Health

#### Reply to paragraph 22 of the list of issues

81. The State Party has taken policy and legislative steps to ensure access to quality health care as an important and fundamental human right.

82. 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 State Party has put in place an adolescent health strategy which includes and ensure that youths with disabilities access sexual and reproductive health services on an equal basis with others.

83. The State also enacted the Mental Health Act to promote access to quality mental health services for persons with disabilities. The State will be establishing the Mental Health Council to ensure quality of mental health care, including at primary health care level is improved. Furthermore, the Ministry of Health has initiated training of sign language for their frontline nursing staff in nursing schools to enable them communicate with persons who are deaf.

84. The state continues to ensure that persons with disabilities are targeted with comprehensive measures and social assistance in times of national health emergencies such as cholera further the State has in place a draft Statutory Instrument on Health Delivery for persons with disabilities. The SI will soon be signed and launched.

## Article 26

### Habilitation and Rehabilitation

#### Reply to paragraph 23 of the list of issues

85. The State Party through the National Policy on Disability identifies habilitation and rehabilitation as a specific objective seeking to enhance the provision of habilitation and rehabilitation services to persons with disabilities and ensure their full participation in society.

86. 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.”

87. The State Party is in the process of finalizing the Community based Inclusive Development National guidelines which will progressively scale up Community based rehabilitation services and enhance community case management for an effective disability mainstreaming agenda.

## Article 27

### Work and employment

#### Reply to paragraph 24 of the list of issues

88. The State Party remains committed to ensuring that everyone at places of work have equal opportunities to employment, equal treatment and remuneration regardless of someone’s status.

89. 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”.

90. 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 Zambian government is the major employer of persons with disabilities, with the education sector being the lead employer. This has over the years recorded a rise in the number of persons with disabilities employed especially in the education sector. Further the State Party is in consultation with the Zambia Federation of Employers on recruitment of persons with disabilities and provides incentives to the private sector that employs persons with disabilities, as a result a number of private business entities have continued to recruit Persons with Disabilities in various sectors that includes supermarkets, hotels etc.

91. The State has in place the Employment Code Act which prohibits discrimination on the basis of disability in employment in its sections 5 and 6. However, the State still has to actualize this through the enactment of the draft Statutory Instrument on Employment for Persons with Disabilities.

## **Article 28**

### **Adequate Standard of Living and Social Protection**

#### **Reply to paragraph 25 of the list of issues**

92. The State Party in its Social Protection Policy has a disability pillar covering Social Assistance on various inclusive programmes which aims at supplementing household income for vulnerable households as a measure to reduce poverty.

93. Persons with disabilities are amongst the target groups who benefit from the social cash transfer. A household with a family member with disability receives a double cash transfer than a person without disability. Currently 16 percent of beneficiaries on the social cash transfer are persons with disabilities.

94. 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. The State Party has introduced a national health Insurance scheme NHIMA where persons with disabilities have a number of assistive devices placed on the product list in addition to accessing health care services.

95. The State has in addition to establishing the National Trust Fund for Persons with Disabilities (NTFPD) which provides credit facilities aimed at empowering and improving livelihood of persons with disabilities has introduced the CDF and CEEC with an explicit affirmative action to persons with disabilities.

## **Article 29**

### **Participation in Political and Public Life**

#### **Reply to paragraph 26 of the list of issues**

96. Article 30 of the Constitution of Zambia 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.

97. In line with the CRPD, The State Party has taken legislative steps through the Persons with Disabilities Act to provide for the right to participate in political and public life. Section 51 of the Persons with Disabilities Act provides for the right and opportunity for persons with disabilities to vote and be elected.

98. The Electoral Commission of Zambia (ECZ) has continued to ensure the participation of persons with disabilities in the electoral process through delimitation of wards to shorten the access radius to polling stations and further making the premises and services accessible.

99. The Electoral Commission of Zambia has further in its guidelines provided for persons with disabilities to be part of the Voters Education Committee and Conflict Management Committees further in times of active voting periods ECZ places temporal ramps in polling stations, especially to facilitate independent participation by persons with disabilities.

100. During the period towards the 2016 and the 2021 general elections the ECZ provided voters education materials in Braille and written sign language. Sign language interpreters were also placed on National Television during voter education programs. Pictorial easy to read voters education materials for persons with intellectual disabilities were also provided. Voter education materials were also provided in large print.

101. The State Party through the ECZ has an affirmative action for candidates with disabilities, youth and women. This affirmative action prescribes lower fees for the stated groups as a way of encouraging them to hold public office. Further, the State Party has appointed persons with disabilities to key decision-making positions as Commissioners.

## **Article 30**

### **Participation in Cultural Life, Recreation, Leisure and Sport**

#### **Reply to paragraph 27 of the list of issues**

102. The Persons with Disabilities Act provides that persons with disabilities have the right to participate in cultural life, recreation, leisure and sports. 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.

103. The State Party has continued to provide supportive and accessible sports and recreation infrastructure in the country through training the Zambia Paralympic Committee to and participate in the International Paralympic Games.

## **C. Specific obligations (arts. 31–33)**

### **Article 31**

#### **Statistics and Data Collection**

##### **Reply to paragraph 28 of the list of issues**

104. The State Party conducted its National Census with preliminary statistics showing that persons with disabilities are more than 2 million in the country.

105. The State Party has further made progressive strides to establish with support from ILO a Disability Management information System (DMIS) in order to strengthen statistics that are disability specific also to ensure that the State agency ZAPD is able to collect and analyse data on persons with disabilities. The system has so far undergone two upgrades with a development of an offline application of the system to be used in remote areas with poor connectivity.

106. The State Party has been using the Washington Group of Questions (WGQs) in surveys for instance, the 2015 National Disability Survey, Census of 2022 and the Demographic Health Survey.

## **Article 32**

### **International Cooperation**

#### **Reply to paragraph 29 of the list of issues**

107. The State Party has continued to partner and work with UN Agencies in Zambia 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.

108. The State Party in conjunction with OPDs participated in the proposal development to the United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD) which has since been successfully awarded to Zambia. The UNPRPD programme will facilitate the acceleration of participation in decision making by persons with disabilities.

## **Article 33**

### **National Implementation and Monitoring**

#### **Reply to paragraph 30 of the list of issues**

109. The State Party has designated Disability Focal Point Persons in all ministries and spending agencies through the 8<sup>th</sup> National Development Plan.

110. The State Party is in the process of finalizing the Disability mainstreaming guidelines which provides for the establishment of Disability Focal Points to broaden institutional mainstreaming instead of having just one person. This will ensure that mainstreaming disability issues throughout the ministries is effective. The State party recognizes that disability is a cross-sectoral issue that falls under the jurisdiction of multiple ministries.

---