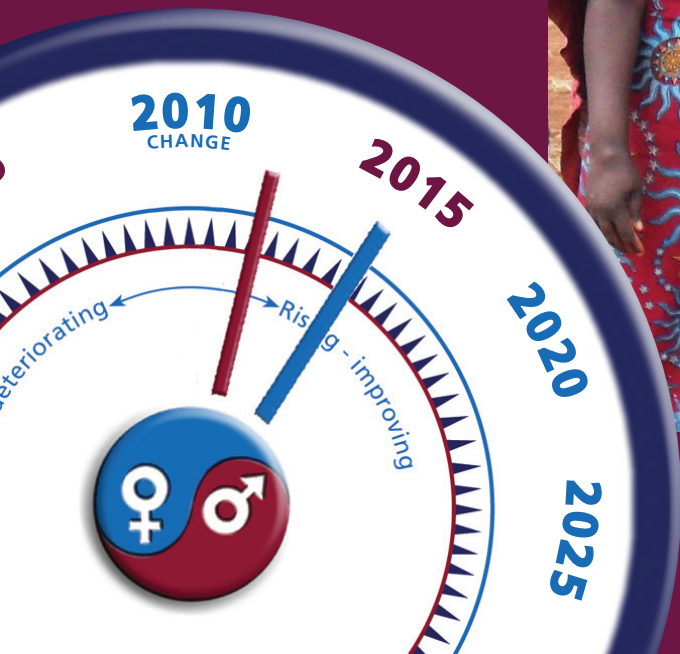


*SADC GENDER PROTOCOL* **2012**

# BAROMETER

# ZAMBIA



Compiled by Margaret Machila  
Edited by Loveness Jambaya Nyakujarah, Lucia Makamure and  
Ruth Ayisi



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Gender Links

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Sonke Gender Justice

The Southern African Gender Protocol Alliance vision is of a region in which women and men are equal in all spheres. The Alliance promotes and facilitates the creation of gender equity and equality through lobbying and advocacy towards the achievement of the 28 targets of the SADC Protocol on Gender and Development by 2015. Gender Links coordinates the work of the Alliance.

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Barometer - Zambia

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Front cover: Breaking stereotypes - Women carrying clay bricks in Zambia

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# Contents

Acronyms		2
List of tables and figures		3
Acknowledgements		4
Executive summary		5
Country context		9
<b>CHAPTER 1</b>	CONSTITUTIONAL AND LEGAL RIGHTS <i>Articles 4-11</i>	11
<b>CHAPTER 2</b>	GENDER AND GOVERNANCE <i>Articles 12-13</i>	27
<b>CHAPTER 3</b>	EDUCATION AND TRAINING <i>Article 14</i>	41
<b>CHAPTER 4</b>	ECONOMIC JUSTICE <i>Articles 15-19</i>	51
<b>CHAPTER 5</b>	GENDER BASED VIOLENCE <i>Articles 20-25</i>	67
<b>CHAPTER 6</b>	HEALTH <i>Article 26</i>	77
<b>CHAPTER 7</b>	HIV AND AIDS <i>Article 27</i>	83
<b>CHAPTER 8</b>	PEACE BUILDING AND CONFLICT RESOLUTION <i>Article 28</i>	97
<b>CHAPTER 9</b>	MEDIA, INFORMATION AND COMMUNICATION <i>Articles 29-31</i>	103
<b>CHAPTER 10</b>	IMPLEMENTATION <i>Article 32-36</i>	113
<b>CHAPTER 11</b>	GENDER, CLIMATE CHANGE AND SUSTAINABLE DEVELOPMENT	121

# Acronyms

<b>ACBF</b>	African Capacity Building Foundation
<b>AIDS</b>	Acquired Immune -Deficiency Syndrome
<b>AIEMS</b>	Action to Improve English Mathematics and Science
<b>ARPT</b>	Adaptive Research Planning Team
<b>ARV</b>	Anti-Retroviral (Drugs)
<b>CA</b>	Constituent Assembly
<b>CBO</b>	Community Based Organisation
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CRC</b>	Constitutional Review Commission
<b>CSO</b>	Central Statistical Office
<b>CSOs</b>	Civil Society Organisations
<b>DDCC</b>	District Development Coordinating Committee
<b>FAWEZA</b>	Forum for African Women Educationalists Zambia
<b>GIDD</b>	Gender in Development Division
<b>HIV</b>	Human Immune Virus
<b>ICPD</b>	International Conference on Population and Development
<b>ICT</b>	Information Communication Technology
<b>ILO</b>	International Labour Organisation
<b>LCMS</b>	Living Conditions Monitoring Survey
<b>MCDSS</b>	Ministry of Community Development and Social Services
<b>MMD</b>	Movement for Multi-Party Democracy
<b>MMR</b>	Maternal Mortality Ratio
<b>MoEVTECD</b>	Ministry of Education, Vocational Training and Early Child Development
<b>MoFNP</b>	Ministry of Finance and National Planning
<b>MGCD</b>	Ministry of Gender and Child Development
<b>MoLSS</b>	Ministry of Labor and Social Security
<b>MoL</b>	Ministry of Lands
<b>MoLA</b>	Ministry of Legal Affairs
<b>MPS</b>	Master of Policy Studies
<b>MoSYCD</b>	Ministry of Sport Youth and Child Development
<b>MTCI</b>	Mother-to-child-infection
<b>M2000</b>	Movement 2000
<b>NAC</b>	National HIV/AIDS, STD, TB Council
<b>NGP</b>	National Gender Policy
<b>NGO</b>	Non-governmental Organisation
<b>NGOCC</b>	Non-governmental organisations Coordinating Council
<b>OVC</b>	Orphans and Vulnerable Children
<b>PF</b>	Patriotic Front
<b>RSP</b>	Poverty Reduction Strategy Paper
<b>RNE</b>	Royal Netherlands Embassy
<b>SADC</b>	Southern African Development Community
<b>SCGA</b>	Strategic Country Gender Assessment
<b>SIDA</b>	Swedish International Development Agency
<b>SNDP</b>	Sixth National Development Plan
<b>SPA</b>	Strategic Plan of Action
<b>SSA</b>	Sub-Saharan Africa
<b>STD</b>	Sexually transmitted disease
<b>TB</b>	Tuberculosis
<b>TBA</b>	Traditional Birth Attendant
<b>TNDP</b>	Transitional National Development Plan
<b>UPND</b>	United Party for National Development
<b>WLSA</b>	Women and Law in Southern Africa



# Tables

I	Key indicators of the status of women in SADC	
	<b>Chapter 1</b>	
1.1	Women's and men's perceptions of constitutional and legal rights	
1.2	Analysis of gender equality clauses in the Constitution	
1.3	Access to justice in Malawi	
1.4	Zambia Penal Code Chapter 87	
1.5	Marriage and family laws; the boy and girl child	
	<b>Chapter 2</b>	
2.1	SGDI and CSC score for governance sector	
2.2	Gender in political party manifestos 2011	
2.3	Zambia 2011 local government election results	
2.4	Selected gender disaggregated positions in the executive and civil society	
2.5	Selected gender disaggregated positions in the judiciary and national commissions	
2.6	Women and men eligible voters	
2.7	Enhancing participation by women in public life	
	<b>Chapter 3</b>	
3.1	SGDI and CSC on education	
3.2	Access and enrolment in the Education sector 2009-2010	
	<b>Chapter 4</b>	
4.1	Productive resources and employment, economic empowerment	
4.2	Proportion of males and females benefitting from FISP	
4.3	Land offers issued by gender from 2006 to 2010	
4.4	Comparable wage figures - Take Home Pay 2011	
4.5	Conditions of employment	
	<b>Chapter 5</b>	
5.1	CSC scores on gender based violence	
5.2	Gender-based violence statistics	
5.3	GBV response and support	
	<b>Chapter 6</b>	
6.1	CSC scores on Health	
	<b>Chapter 7</b>	
7.1	HIV and AIDS SGDI and CSC scores	
7.2	Baseline and key performance indicators for the Sixth National Development Plan	
7.3	Progress in addressing care work in Zambia	
	<b>Chapter 8</b>	
8.1	Women and men's perception of the peace building and conflict resolution sector	
8.2	Policy provisions for women's representation and participation	
	<b>Chapter 9</b>	
9.1	Media, Information and communications SGDI and CSC scores	
9.2	Summary of key indicators for Zambia	
9.3	Representation of women and men in media houses in Zambia	
9.4	Summary of key findings	
	<b>Chapter 10</b>	
10.1	National gender machinery and processes	
10.2	Analysis of appropriated expenditure 2012	
	<b>Chapter 11</b>	
11.1	Gender dimensions of climate change	

# Figures

8	I	Comparison of the SGDI and CSC by country for 2012	6
		<b>Chapter 2</b>	
11	2.1	Women in parliament, cabinet and local government- 2012	29
13	2.2	Women in parliament in SADC: 2009-2012	29
18	2.3	Proportion of women and men in local government	29
19	2.4	Women in cabinet in SADC: 2009-2012	30
21		<b>Chapter 3</b>	
	3.1	Literacy levels	44
27	3.2	Proportion of girls and boys in primary school	44
33	3.3	Proportion of girls and boys in secondary school	44
34	3.4	Proportion of women and men in tertiary education	45
		<b>Chapter 4</b>	
36	4.1	Women and men in economic decision-making in SADC	53
	4.2	Women in decision-making in SADC	53
36	4.3	Women and men representation in the Ministry of Lands-2010	60
37	4.4	Labour-force participation of women and men	63
38	4.5	Unemployment of women and men	63
		<b>Chapter 6</b>	
41	6.1	Contraceptive usage in Southern Africa	78
43	6.2	Martenal mortality rate per 100 000 in Southern Africa	79
	6.3	Percentage of births attended by skilled personnel	79
51	6.4	Total coverage of sanitation facilities	81
55		<b>Chapter 7</b>	
62	7.1	Percentage population infected with HIV	85
64	7.2	Proportion of women and men living with HIV	86
64	7.3	Women's reproductive health needs	88
	7.4	Extent of comprehensive knowledge on HIV and AIDS (15-24 age group)	90
67			
69	7.5	Percentage of pregnant women living with HIV on PMTC	91
71	7.6	Percentage of people receiving ARVs	91
		<b>Chapter 8</b>	
77	8.1	Women and men representation in the police force	99
	8.2	Proportion of women and men deployed in peacekeeping missions between January and December 2011	100
84			
	8.3	Proportion of females by category of peacekeeping forces between January 2011 to December 2011	100
85			
93		<b>Chapter 9</b>	
	9.1	Entry points for gender in the media	104
		<b>Chapter 10</b>	
97	10.1	Costing model developed by Gender Links	116
99	10.2	National budget allocation to the Ministry of gender	117
		<b>Chapter 11</b>	
104	11.1	Proportion of women and men representation in the environmental and sustainable development decision-making	125
105			
106			
		<b>ANNEX A: COMPARATIVE ANALYSIS OF THE CSC AGAINST THE SGDI</b>	128
115			
117		<b>ANNEX B: BACKGROUND NOTE ON GENDER AND RELATED INDICATORS</b>	136
123			
		<b>BIBLIOGRAPHY</b>	141

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Ruth Ayisi, an independent consultant, Loveness Jambaya Nyakujarah, the Southern Africa Gender Protocol Alliance Manager and Lucia Makamure Alliance Programme Officer at Gender Links (GL), edited the final report. Colleen Lowe Morna, GL Chief Executive Officer provided oversight.

GL provides the regional secretariat and coordinates the work of the Southern African Gender Protocol Alliance. WLSA Zambia country office, in its role as country focal network, anchors the work of the Alliance in Zambia.

UKAid through the Department of International Development (DFID) of the UK Government has funded the Barometer research since 2009. UN Women funded aspects of the research related to costing while Norwegian Church Aid contributed to the research costs.



From Left: Faides Nsofu, Gender Links Zambia country manager, Victor Mbumwae, Information Specialist at the Ministry of Gender, Sara Longwe, GL Board Member and Colleen Lowe Morna, GL Chief Executive Officer.

*Photo: Albert Ngosa*



# Executive summary



Reverend Nsofwa (right) a key driver of the SADC Gender Protocol campaign with Sandra Ayo (left), GL independent evaluator. Photo: Colleen Lowe Morna

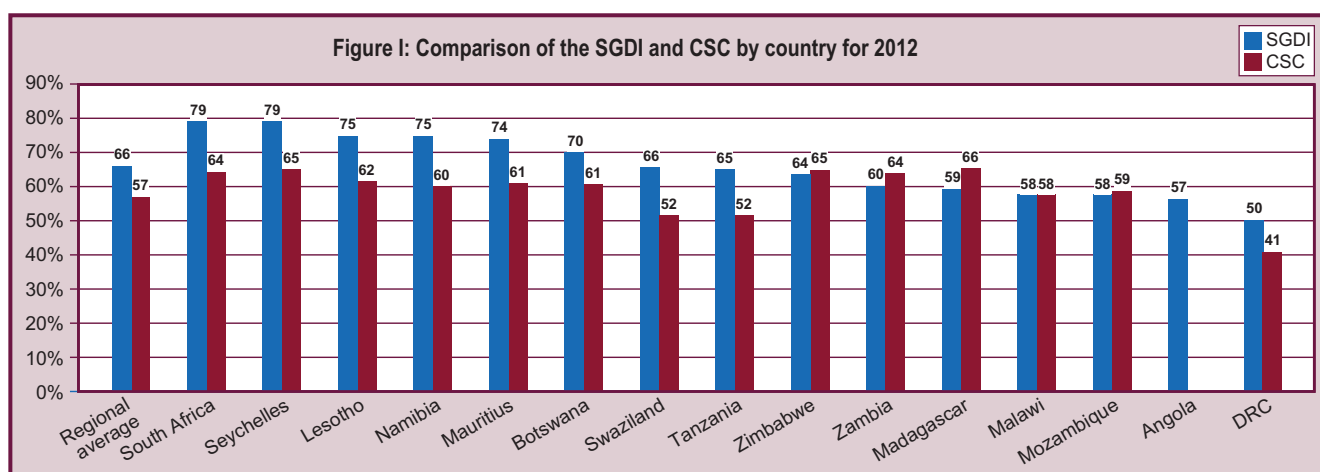
The Zambia 2012 Gender Protocol Barometer is the fourth annual tracking report of the country's performance against the 28 targets of the Southern African Development Community (SADC) Protocol on Gender and Development set for 2015. The Southern African Gender Protocol Alliance, represented in Zambia by Women and Law in Southern Africa (WLSA), has conducted this audit annually.

Zambia has signed the SADC Gender Protocol but has not yet ratified the instrument. It is important that the country takes this step because the clock is ticking towards the 2015 deadline which is also in line with the Millennium Development Goal number three on gender equality.

The Southern Africa Gender Protocol Alliance uses two measures to rate each SADC State's performance towards meeting the 28 targets: the SADC Gender and Development Index (SGDI), introduced in the 2011 regional barometer, and the complementary Citizen Score Card (CSC), which has been running for three years.

Although a number of programmes implemented by public and private entities as well as civil society and faith-based-organisations (FBOs) have yielded some encouraging results, the SGDI score shows that there has been slow progress towards gender equality and women's empowerment.

The SGDI is an empirical measure based on 23 indicators for the six sectors that have accurate data in the 15 countries (see Annex C for details on the SGDI gender and related indicators). These are: Governance (3 indicators), Education (3), Economy (5), Sexual and Reproductive Health (3), HIV and AIDS (3), and Media (6). To create the composite index, each category was given equal weight by calculating the average score across the indicators in that category. **Table I** at the end of the chapter provides a summary of key indicators for women in SADC. **Annex A** at the end of the report explains how the SGDI works in detail as well as compares this with other gender related indicators.



Source: 2012 SADC Gender Protocol Barometer.

Figure I shows that in 2012, Zambia achieved an overall SGDI score of 60%, a 2% increase from the 2011 score of 58%. The country ranks number 10 out of the 15 SADC countries. Citizens scored the government 64%, which is 23% higher than last year's 41% mark. Possibly the recent appointment of women in key positions in the new government and women's participation in the current Constitutional review influenced perceptions and made citizens overlook some of the losses, especially the low representation of women in government.

There are a few areas showing significant progress. The Ministry of Gender and Women in Development in partnership with the SADC Gender Unit and other stakeholders has embarked on an exercise to develop a costed gender action plan. This will inform resource allocation to assist in accelerating implementation of the SADC Gender Protocol, in particular achievement of the 28 targets.

Zambia is one of several SADC countries where constitutional reviews are taking place. With the slogan "No women, no constitution", women have been active in demanding that the constitution is gender responsive. Key demands include special measures to increase women's representation in decision-making positions and removal of contradictory clauses that undermine women's rights. Several progressive laws that promote and protect women's rights are in place but the constitution review process indeed provides room for greater improvement.

Like many SADC countries, education remains the brightest spark in terms of achieving gender parity especially in enrolment. The country has almost achieved universal primary education and in the tertiary institutions sampled in this research there are more women than men enrolled. However there is need to do a comparative analysis of the choice of subjects between boys and girls to determine the extent to

which the later are getting into non-traditional areas. Gender violence in schools continues.

While statistics show that there are few women in the peace and security sector, there are qualitative nuances that show progress. The period between 2011 and 2012 since the inauguration of the incumbent President Michael Sata saw many women appointed to high-level decision-making positions in the sector. For example in February 2012 the President appointed the first woman (and youngest ever) Inspector General of Police, 39 - year old Stella Libongani.

Other appointments included the first female Brigadier General in Zambia and first female Anti-Corruption Commission. In October 2011, the President appointed six women police provincial commissioners. However, critics say the same should apply to other sectors such as cabinet where there are only two women out of 19 cabinet ministers.

The country ranks fifth out of the 15 SADC countries in terms of the SGDI score on HIV and AIDS. This could be attributed to Zambia's comprehensive prevention campaign by government, civil society organisations (CSOs), FBOs, the private sector and the media leading to increased knowledge. They have used a variety of methods including Theatre for Development, drama, pamphlets, and posters.

The common message is about the dangers of HIV and AIDS and abstinence before marriage is promoted. However there are push back factors. Some sections of the faith community have not favoured the use of condoms claiming that they contribute to promiscuity and weak moral values.

Huge challenges remain in many of the sectors. The September 2011 election results were a disappointment as they saw a drop from 15% to 11.2% women representation in parliament. Local government



performance was equally poor with women winning only 6.1% of seats as councillors. This led to a drop in the SGDI score from 24% to 21%. Zambia will not meet the 5050 target as this marked the last election before the 2015 deadline.

The national picture of employment shows that there are more men in formal employment than women. Many women are engaged in low-paying and less productive jobs in the informal sector in urban areas. Overall, 80% of informal employment in Zambia takes place in the agricultural sector and only 20% occurs in the non-agriculture sector (JCTR, 2011). There is also

evidence to suggest an increase in the number of women in commercial sex work, too often engaging in unprotected sex and suffering extreme abuse.

Gender based violence continues unabated though there is no comprehensive data on extent, response, support and prevention.

Overall, while Zambia has made some progress in meeting some of the targets, the pace is painfully slow. Ratifying the SADC Gender Protocol will go a long way in strengthening the view that the country is committed to gender equality.



Cultural performance by Zambia delegates at the Local Government and Gender Justice Summit - April 2012, Johannesburg.

Photo: Trevor Davies

**Table I: KEY INDICATORS OF THE STATUS OF WOMEN IN SADC COUNTRIES**

% WOMEN	ANGOLA	BOTSWANA	DRC	LESOTHO	MADAGASCAR	MALAWI	MAURITIUS	MOZAMBIQUE	NAMIBIA	SEYCHELLES	SOUTH AFRICA	SWAZILAND	TANZANIA	ZAMBIA	ZIMBABWE
<b>GOVERNANCE</b>															
Parliament	39	8	10	26	14	22	19	39	25	45	43	22	31	12	16
Local government	na	19	2	49	6	na	12	36	42	na	38	18	34	6	19
Cabinet	26	21	17	22	27	23	12	32	20	17	42	25	20	14	16
<b>EDUCATION</b>															
Primary School	46	50	46	51	49	50	49	47	49	50	49	48	50	49	49
Secondary School	44	52	36	56	49	45	52	44	53	49	55	50	44	45	48
Tertiary level	40	53	na	na	49	39	61	38	59	na	53	51	32	52	na
<b>ECONOMY</b>															
Economic decision making	29	38	30	33	10	27	33	18	21	33	22	30	25	9	26
Labour force participation - Women	na	72	70	59	84	na	41	na	50	na	49	53	na	60	83
Labour force participation - Men	77	82	72	73	89	81	76	83	62	na	60	71	90	86	90
Unemployment - Women	na	20	36	23	5	10	13	na	58	5	28	na	6	11	57
Unemployment - Men	na	15	na	23	2	5	5	na	44	na	22	na	4	14	30.7
Women in non-agricultural paid labour (% of labour force)	24	43	26	63	38	11	37	11	41	49	45	32	31	22	22
Length of maternity leave (weeks)	12	12	12	12	14	8	12	8.5	12	14	16	12	12	12	14
Maternity leave benefits (% of wages paid)	100	25	na	0	100	100	100	100	100	na	60	0	100	100	100
<b>SEXUAL AND REPRODUCTIVE HEALTH</b>															
Maternal mortality rate (out of 100,000)	593	na	549	970	498	675	28	550	449	132	176	736	449	630	960
Using contraception	6	44	5	56	32	36	76	44	46	41	60	51	34	41	59
Births attended by skilled personnel	47	99	74	62	44	71	100	53.3	81	99	91	74	51	47	66
<b>HIV and AIDS</b>															
Comprehensive knowledge on HIV and AIDS women	21	na	54	85	67	41	80	25	83	67	27	89	68	71	72
Living with HIV as proportion of total	61	57	58	58	61	52	19	63	59	42.3	59	57	55	57	54
HIV positive pregnant women receiving PMTCT	14	95	4	72	3	14	68	28	90	100	83	69	68	61	98
<b>MEDIA</b>															
Overall	na	46	22	73	33	23	33	27	40	na	50	40	36	33	13
Board of directors	na	24	18	47	10	27	36	25	39	na	38	33	22	27	38
Management	na	37	10	52	19	24	23	32	37	na	34	29	27	28	11
Female staff in institutions of higher learning	na	37	18	67	44	29	79	28	47	na	50	33	28	29	25
Proportion of students in institutions of higher learning	na	54	77	73	71	50	82	26	60	na	64	37	60	61	57
News sources	na	20	19	32	23	20	19	14	20	31	20	19	21	14	16

Source: SADC Gender Protocol Barometer 2012.

na = not available



# Country context



Zambia is a landlocked country, situated in Southern Africa, bordered by Democratic Republic of Congo (DRC), Tanzania, Angola, Namibia, Malawi, Mozambique, Zimbabwe and Botswana.

Since independence from Britain in 1964, unlike some of its neighbours, Zambia has enjoyed relative peace. Its main challenge has been poverty and the devastating impact of HIV and AIDS.

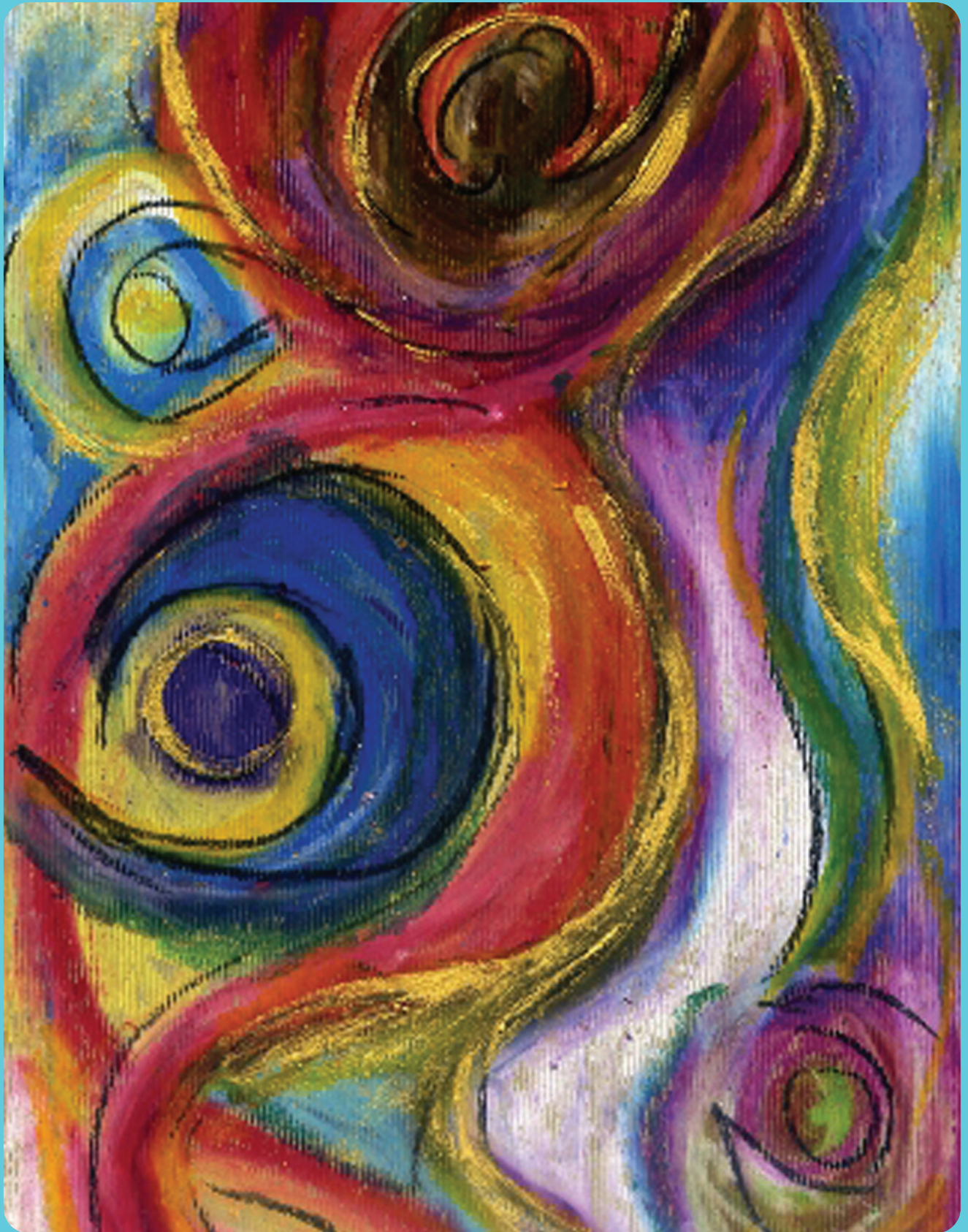
Although the country is one of Africa's largest copper producers, when the then President Kenneth Kaunda's government nationalised the copper mines and other sectors, the world price of copper fell.

Today, although the country still has huge challenges, the economy has picked up, partly due to the privatisation of the mines and the increase in tourism. Zambia is home to the spectacular Victoria Falls, which has UNESCO World Heritage status.

The population of Zambia estimated at just over 13 million grew between 2000 and 2012 at an average annual rate of 2.8%. Approximately 77% of households are headed by males, while 23% are headed by females. Some 61% of the population (7,978,264) lives in rural areas, while 39% (5,068,234) lives in urban areas.

## Zambia at a glance

Full Name	: Zambia
Population	: 13,046,508
Capital	: Lusaka
Major Languages	: English (official) Bemba, Nyanja, Tonga and Lozi
Major Religions	: Christian, Muslim and Hindu
Life expectancy	: 37.35
Monetary unit	: Zambia Kwacha
Main exports	: Copper



A question of culture

Anushka Virahsawmy





## CHAPTER 1

# Constitutional and legal rights

## Articles 4-11

### KEY POINTS

- The citizens rated the country's performance at 59% against the targets related to the sector to be achieved by 2015. This places Zambia at number nine out of the 15 countries in the SADC region.
- The current Constitution guarantees equality before the laws and prohibits discrimination on the basis of sex or gender.
- Article 49 provides for equality of women and men in the choice of residence and domicile, choosing a family name, with respect to marriage, guardianship and adoption of children and acquiring, changing or retaining the nationality of their children.
- The existence of a plural legal system – customary laws and practices and the statutory law some of which is based on the English law – leaves many women vulnerable especially those who live in rural areas.
- Zambia is undertaking a Constitutional review process. With the slogan “No women, no Constitution”, women have been active in demanding that the new Constitution is gender responsive. Key demands include special measures to increase women's representation in decision-making positions and removal of contradictory clauses that undermine women's rights.
- Comprehensive legislation exists regarding gender and GBV, but in practice women find it difficult to access justice due to lack of information and poverty.



(Left) First female acting Chief Justice Lombe Chibesakunda. (Right) Deputy Chief Justice Florence Mumba.  
Photo: Daily Mail

**Table 1.1: SGDI and CSC scores for constitutional and legal rights**

	SGDI	CSC
Score	N/A	59%
Rank	N/A	9

Table 1.1 shows that the citizens gave a score of 59%. This places Zambia ninth in the region according to citizens' perceptions of the country's progress towards meeting the targets on Constitutional and legal rights as measured using the Citizen Score Card (CSC).

Women gave a lower score of 51% compared to 63% given by men. Women's perceptions were probably influenced by the fact that the initial draft of the Constitution was not as gender responsive to the extent that they would have wanted.

As this area is difficult to measure empirically, there is no SGDI score for Constitutional and legal rights.



## Constitutional and affirmative action provisions



*The Protocol provides that by 2015, all countries shall endeavour to enshrine gender equality and equity in their Constitutions and ensure that these are not compromised by any provisions, laws or practices. State parties are to implement legislative and other measures that eliminate all practices which negatively affect the fundamental rights of women and men. They are also to introduce affirmative action measures.*



Alliance Constitutional and Legal rights regional cluster lead organisation, WLSA's regional coordinator Matrine Chuulu launching the 2010 SADC Gender Protocol Barometer at the SADC Civil society forum - Namibia, August 2010. Photo: Colleen Lowe Morna

A Constitution is the fundamental and supreme law of the land, from which all other laws and sector policies derive their legitimacy, and must comply with its basic principles. It is therefore critical that Constitutions are true reflections of generally accepted principles of equality and democracy. Gender equality should thus be a fundamental value of any Constitution.

Democratic societies therefore emphasise the principle that all people are equal; have equal opportunities and are not discriminated against on the basis of race, political affiliation, religious orientation, ethnic group, caste, gender or sexual preference or orientation. Individuals and groups have the right to have different cultures, personalities, languages and beliefs.

In Zambia, Constitutional and legal issues are addressed under governance in the Sixth National Development Plan (SNDP). Despite its importance in development, good governance is not treated as a main priority area.

The main focus under this area is that "government will continue to promote good governance during the SNDP period in the following areas;

- i. enhancing integrity, accountability and transparency in public and private bodies;
- ii. improving access to justice by all especially for the vulnerable;
- iii. promoting of human rights and;
- iv. enhancing democratisation."

Enhancing governance and increased access to civil and criminal justice, including for the vulnerable, especially women and children are among the main objectives in the SNDP.

Article 48 of the Zambia Constitution provides for guarantees equality before the law and prohibits discrimination on the basis of sex. Table 1.2 provides an analysis of gender equality clauses in the current Constitution.

**Table 1.2: Analysis of gender equality clauses in the Constitution**

<b>Provides for non-discrimination generally</b>	YES	<b>Article 48 (i)</b> Every person has the right not to be discriminated against, directly, on the grounds of race, tribe, sex, pregnancy, origin, colour, age, disability, religion, conscience, belief, political opinion, culture, language, birth or health, marital, ethnic, social or economic status.
<b>Provides for non-discrimination based on sex specifically</b>	YES	<b>Article 48 (i)</b> Every person has the right not to be discriminated against, directly, on the grounds of race, tribe, sex, pregnancy, origin, colour, age, disability, religion, conscience, belief, political opinion, culture, language, birth or health, marital, ethnic, social or economic status.
<b>Provides for non-discrimination on the basis of sex and others e.g. marital status, pregnancy</b>	YES	<b>Article 48 (i)</b> Every person has the right not to be discriminated against, directly, on the grounds of race, tribe, sex, pregnancy, origin, colour, age, disability, religion, conscience, belief, political opinion, culture, language, birth or health, marital, ethnic, social or economic status.  <b>Article 48 (3)</b> has also defined "discrimination" as affording different treatment to different persons attributable wholly or mainly to their respective description.  With regards to welfare of children, Article 50 say all children, whether born in or outside wedlock, are equal before the law and have equal rights under the Constitution, while Article 55 offers protection from slavery, servitude and forced labour.
<b>Provides for the promotion of gender equality</b>	YES	<b>Article 49</b> provides for the equality of women and men having the right to equal treatment, including the right to equal opportunities in cultural, political, economic and social activities. Article also provides for equality of women and men in the choice of residence and domicile, choosing a family name, with respect to marriage, guardianship and adoption of children and acquiring changing or retaining the nationality of their children.  <b>Article 49</b> also states that any law, culture, custom or tradition that undermines the dignity, welfare, interest or status of women or men is prohibited.
<b>Has other provisions that relate to gender e.g. bodily integrity</b>	YES	<b>Article (ii):</b> The Government shall ensure access of the people to independent, impartial and competent institutions of justice.  <b>Article 17</b> The State shall direct the policies and laws towards securing and promoting gender equality.
<b>Has claw back clause</b>	YES	Clause 2 of <b>Article 48</b> says .... "the above clause shall not apply with respect to adoption, marriage, divorce, burial, devolution of property or death or other matters of personal law." This is the claw back clause that the draft Constitution has maintained.
<b>Addresses contradictions between the Constitution, law and practices</b>	YES	<b>Article (i):</b> The Constitution is the supreme law of Zambia and any other law that is inconsistent with any of its provisions is void to the extent of the inconsistency.
<b>Provides for affirmative action</b>	YES	<b>Article 18:</b> The Government shall ensure full participation, gender balance and equitable representation of disadvantaged groups, including the youth and persons with disability, in elective and appointive bodies and in the political, social, cultural and economic development of the country.  <b>Article 18 (2)</b> All political parties and civic association should ensure full participation, gender balance and equitable representation of disadvantaged groups, the youth and persons with disabilities in their organisations and practices.  <b>Article 42 (1)</b> Every person is equal before the law and has the right to equal protection and benefit of the law. - Marriage is also governed by statutory and customary law. The Marriage Act chapter 50 provides for the minimum age of marriage which is 21 years for both women and men. - The marriage is registered, and the couples are not allowed to enter into other marriages unless the marriage is dissolved. The Act also provides for the protection of spouses and children upon dissolution of marriage. - The Adoption Act, chapter 54, provides for the procedures and regulations that must be followed when a person intends to adopt a child. The Act prohibits the adoption of a girl if the sole applicant is male, unless the court is satisfied that there are special circumstances which justify an exceptional measure for making the adoption order. - The Affiliation and Maintenance of Children Act, chapter 64, of the Laws of Zambia empowers women to apply for affiliation and maintenance orders, which should be in the best interest of the child. The Wills and Administration of Testate Estate Act, chapter 60, provides for the protection of the family, in so far as testator's estate is to be distributed to the beneficiaries.

Source: 2011 Zambia Draft Constitution.

### Constitutions are not static, Zambia is going through a review process

Constitutions are not static and Zambia is among seven countries that are either going through a Constitutional review or have just gone through the process. Sticky points include issues such as inclusion, socio-economic

and cultural rights, separation of powers, clear protection of women and children's rights and other minority groups, and more representative electoral systems, including affirmative action provisions for women's acquisition of political positions.

Women's groups in Zambia from across all sectors have been at the forefront of the campaign to ensure that the draft Constitution is gender responsive.

By way of background the Patriotic Front government, which came into power in September 2011, appointed a technical committee to draft a new Zambian Constitution. According to the Patriotic Front political party manifesto, the new government would come up with a new Constitution within 90 days of being in office. The process took longer and the first draft only came out on April 23, 2012.

The women's movement, led by the Ministry of Gender and Child Development, and the Non-Governmental Organisations Coordinating Council (NGOCC) mobilised Zambian women to provide for a coordinated response to the draft Constitution. Previously, women had not participated in the National Constitution Conference (NCC) under the Movement for Multiparty Democracy (MMD). However following the low numbers of women who were elected into parliament and local government after the 2011 elections, women of Zambia made a decision to mobilise and coordinate the process in order to effectively influence the national Constitution making process.

The terms of reference for the technical committee on the Drafting of the Constitution were not to receive new submissions but to use the Mungomba Commission as the basis for drafting a Constitution which would be disseminated to the entire nation in the form of district, provincial and national forums.

This means that the women's movement could only influence the Constitutional making process by ensuring that the members of the movement in communities, districts and provinces and nationally would effectively participate in the technical committee process.

Government mandated the drafting team to develop minimum standards for engendering the national Constitution which would be used by women in various thematic areas in the communities, districts, provinces and national level conventions and during the Referendum. At the end of the process among other deliverables, the technical team will provide (i) the Republic of Zambia First Draft Constitution in electronic version with track changes from the women's movement and; (ii) a position paper (two pages) with key demands for defending the progressive gender related provisions in the draft Constitution.

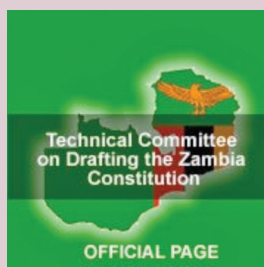
### **Zambia: No women, no Constitution!**

Gender activists and civil society organisations in Zambia have been applying pressure on authorities to mainstream gender in the draft Constitution after its rejection by parliament in 2011.

The Constitutional Review committee led by Willa Mung'omba included women's rights in the Bill of Rights but - in the view of activists - did not adequately mainstream gender throughout the Constitution. The women's movement added their voice to the dissenting groups with the slogan "No Women, No Constitution."

Zambians are back to the drawing board. Various initiatives seek to ensure that the demands of women are included in the process. Women in Law Southern Africa (WLSA) as lead organisation of the Southern African Gender Protocol Alliance on Constitutional and Legal Rights has spearheaded the women's movement analysis using the SADC Protocol on Gender and Development. WLSA Zambia coordinates the Zambia chapter of the Alliance on behalf of the Non-Governmental Organization Coordinating Council (NGOCC).

One immediate result is that the draft Constitution of April 2012 removes Article 23(4c) - a claw back clause. The draft Constitution outlaws "discrimination with respect to adoption, marriage, divorce, burial, devolution



of property on death or other matters of personal law." It declares the "supremacy of the Constitution" and nullifies "any other law or customary practice that is inconsistent with any of its provisions."

Activists met in Mulungushi International Conference Centre in Lusaka from 13-15 June 2012 and drew up a declaration expressing the position of women on the Constitution-making process. The Mulungushi Declaration is a product of broad consultation with NGOs, Faith-Based Organisations (FBO's), Community-Based Organisations (CBOs), the labour movement, the private sector, political parties, marketers, women farmers, women from the financial sector and traditional leaders under the umbrella of the NGOCC. Officials from the Ministry of Gender and Child Development (MGCD) attended the conference.

The Declaration appreciates the progressive provisions contained in the latest draft such as:

- The obligation of public and private sectors to recognise, respect and implement women's economic, political, social and cultural rights;
- Provision for the establishment of a Gender Equality Commission, Equality of both Gender and Further Rights for Women
- Use of gender-sensitive language and;
- Removal of article 23 (4).



Key demands include:

- Immediate implementation of Affirmative Action to achieve the 50/50 targets, with or without the Constitution.
- The right to participate in all levels of decision-making in both public and private entities.
- That a specific provision be included that ensures full domestication of conventions and treaties within five years of ratification.
- The right to access to, and control of resources including right to own land, property and housing and the right to equal work and pay for equal value.
- The right to security, including freedom from all forms of gender based violence and sexual abuse within and outside the family.
- A referendum for the adoption of the Republican Constitution and for expansion and amendment of the Bill of Rights.
- Protection of the Constitutional Review Process through a legal framework.
- Immediate set-up of the Referendum Commission to provide a framework for managing the Referendum.
- Transparent and accountable use of resources allocated to the Constitution Making Process.
- Engendered framework for the participation of the public in the Constitution Making Process.
- Timely publication of guidelines on public consultations on the Constitution.
- Adherence to the agreed roadmap for the Constitution Making Process; ensuring that the Constitution is finalised by 31 December, 2012.

The women's movement have, however, rejected Article 61 (3) (b) on the progressive realisation of Economic



Gender Links board member, Sara Longwe at the Women's national constitution conference at Mulungushi conference centre.

Photo: Margaret Machila

Social and Cultural Rights on Part 3 (b) which reads *"where a claim is made by the State that it does have the resources to implement a particular economic, social and cultural rights, the Constitutional Court shall not interfere with a decision by the State concerning the allocation of available resources solely on the basis that the Constitutional Court would have reached a different conclusion"*.

They also have reservations about Article 72 (3) that *"Parliament shall enact legislation to give effect to this part and for the enforcement of the Bill of Rights"* as these provisions defeat the purpose of having the Bill of Rights and adoption of the Constitution by the referendum. The position of the women's movement is that the Constitution should guarantee these rights which should not be subjected to parliament or any other body.

### Women's representation in the Constitutional technical committee

Women were underrepresented in the previous Constitution review commissions and all the six chairpersons in the entire constitutional review processes in the various commissions have been men. Only one

out of six vice-chairpersons has been a female and highest number of female commissioners has been eight (24%) compared with 34 men (Mutukwa, 2012). This pattern of limited representation of women has been repeated at various levels and in several bodies and institutions.

## Affirmative action



*State parties are to implement legislative and other measures that eliminate all practices, which negatively affect the fundamental rights of women and men. They are also to introduce affirmative action measures.*

The SADC Gender Protocol calls on governments to implement affirmative action measures, with particular reference to women, in order to eliminate all barriers

preventing their participation meaningfully in all spheres of life, while creating conducive environments for such participation.



Some of the key delivery areas and strategies to ensure the acceleration of equality include promoting participation of women in governance and economic empowerment; facilitating the review and amendments of discriminatory laws and procedures; and ensuring women and men can access quality services in both rural and urban areas.

However, in Zambia society generally views affirmative action as a favour for women at the expense of men. There is application of affirmative action in the education sector where girls have lower pass rate requirements for admission into higher education than boys. This sparked an outcry in society. This still applies despite the fact that many activists feel that it lowers the perception of achievement levels for girls and women compared to boys and men.

The draft Constitution promises that the Government shall ensure full participation, gender balance and equitable representation of disadvantaged groups

including the youth and persons with disabilities in elective and appointive bodies and in political, social, cultural and economic development of the country. It also proposes that the representation of women and men not be less than 30% of the total number of seats in the national assembly, district council or any other public elective body.

Had the Constitution been adopted before the 2011 elections Zambia would have most likely not experienced the low representation of women still sitting at 15% in parliament. However, the 30% target falls short of the 50% target of women representation at all levels of decision-making. Article 64 (1) calls for parliament to design affirmative action to benefit disadvantaged groups. Article 64 (2) calls on political parties to ensure full participation, gender balance and equitable representation of disadvantaged groups including youth and people with disabilities in their organisations and practices.

## Discriminatory legislation



*The SADC Protocol provides that by 2015 SADC countries shall have reviewed, amended or repealed all discriminatory laws and specifically abolish the minority status of women.*

Rights are more than just legal matters. A right is a legitimate claim that an individual has on "others," whether these "others" are individuals, groups, societies or nation states. Rights are therefore legal and political tools that can be useful in struggles for social and gender justice. Discriminatory laws can erode the rights of women, even rights that seem guaranteed in the Constitution. Reviewing and repealing discriminatory laws is an important part of ensuring legal frameworks are in place to meet Protocol commitments.

The Ministry of Justice in conjunction with the Ministry of Gender and Women's Affairs commissioned a comprehensive review of the discriminatory laws in 2008/2009. However although an audit was completed, there has been no action since then. The discriminatory laws have not been repealed or amended. The draft Constitution (2012) has provided for the equality clauses which should be defended during the various districts, provincial and national conventions.

The 2011 Anti-Gender Based Violence Act was enacted in 2011 and criminalises any form of GBV in Zambia,



Zambia delegation performing a cultural act at the third Gender Justice and Local Government Summit in Johannesburg. Photo: Trevor Davies

including those that take place in intimate relationships. The Act also provides for effective protection of GBV survivors. The Act has strengthened the provisions contained in the Penal Code and provides for the protection and compensation of survivors of GBV. The

Act also provides for the establishment of shelters for the survivors who may need refuge from continued violence and requiring further assistance.

The current Constitution is not specific on gender discrimination. The general clauses given in Chapter 1 of the Laws of Zambia are considered to cover all aspects of discrimination.

### Harmful traditional practices

Discrimination against women in Zambia is still widely practiced due to socio-cultural practices and beliefs which subordinate women to men, as well as parallel application of statutory law and customary laws. The main challenge is gender-based violence (GBV) and sexual violence, particularly for young girls. Sexual violence can also result in HIV and AIDs transmission.

### Practices that discriminate against women

Zambia still has traditional practices that discriminate against older women. In a village in Western Province, there was the case of a young mother who suffered from an undiagnosed illness. The daughter accused her mother of being a witch. She spread the story around the village and the villagers set the old woman's house on fire while she was sleeping. She struggled to get out since the door had been locked from outside. A passerby rushed to the Zambia Police Service Victim Support Unit (VSU) to report the case. By the time the VSU arrived at the scene, the old woman had died. The daughter and other culprits were arrested.

The civil society activists, FBOs and the government are involving traditional leaders in awareness campaigns using community radio and a variety of community-based interventions to challenge harmful community practices. NGOs such as the Legal Resources Foundation, Women and Law in Southern Africa (WLSA), NGOCC, YWCA and Women for Change are among the main advocates against the harmful practices. Cases of witchcraft are also documented and used for discussions during community meetings. Some chiefs, have joined the campaign to eliminate harmful cultural practices.

## Access to justice



*The Protocol provides for:*

- *Equality in the treatment of women in judicial and quasi-judicial proceedings, or similar proceedings, including customary and traditional courts and national reconciliation processes;*
- *Equal legal status and capacity in civil and customary law;*
- *The encouragement of all public and private institutions to enable women to exercise their legal capacity;*
- *Positive and practical measures to ensure equality for women in complainants in the criminal justice system;*
- *The provision of educational programmes to address gender bias and stereotypes and promote equality for women in the legal systems;*
- *Equal representation by women on and in the courts, including traditional courts, alternative dispute resolution mechanisms and local community courts;*
- *Accessible and affordable legal services for women.*

Access to justice means that when people's rights are violated and they need help, there are effective solutions available. All people have a right to go about their lives in peace, free to make the most of their opportunities. They can only do so if institutions of justice as law and order protect them in their daily lives. Justice systems, which are remote, unaffordable, delayed, and incomprehensible to ordinary people effectively, deny them legal protection.

Zambia draft Constitution guarantees equal access to institutions of Justice (Article 11) once it comes into force. The Constitution states that the Government shall ensure access of the people to independent, impartial, and competent institutions of Justice. There is, however, room to further qualify this in terms of Article 7 of the SADC Gender Protocol in terms of equality in accessing justice to ensure legislation and other measures promote and ensure practical realisation of equality of women.

**Table 1.3: Access to justice**

Access to justice provision	Country rating on a scale of 1-10 (1 very low and 10 very high)	Explanation
Equality of treatment of women in judicial and quasi-judicial proceedings	5	<ul style="list-style-type: none"> <li>• There are still discriminatory practices.</li> </ul>
Equal contractual rights	4	<ul style="list-style-type: none"> <li>• There are still discriminatory practices.</li> </ul>
The right to acquire and hold rights to property	3	<ul style="list-style-type: none"> <li>• There are still discriminatory practices.</li> <li>• 30% policy on land ownership on women but not practiced.</li> </ul>
Encouraging women to exercise their legal capacity	3	<ul style="list-style-type: none"> <li>• Discriminatory practices still in place.</li> <li>• Edith Chinkobele, a Police Officer, was abused and this was considered a factor by the Reference Group. Officer Chinkobele had to leave her position.</li> </ul>
Ensuring equality of women complainants in the criminal justice system	2	<ul style="list-style-type: none"> <li>• Abused women are not treated with sensitivity when they take complaints to the criminal justice system.</li> <li>• Inheritance Act- widows and sisters not put as administrators even though the act is clear.</li> <li>• Discriminatory practices still exist.</li> </ul>
Equal representation in the courts, including traditional courts	2	<ul style="list-style-type: none"> <li>• Statutory vs. customary laws. The two conflict in many instances. Society prefers customary laws.</li> </ul>
Accessible and affordable legal services for women	0	<ul style="list-style-type: none"> <li>• Legal fees are very expensive and most women are poor and cannot afford the fees.</li> <li>• Legal aid under Government is underfunded</li> <li>• National Legal Aid Clinic for Women (NLACW) and WLSA are overloaded with cases and have limited funding</li> </ul>

Source: Reference group 2011.



Security personnel discharging his duties to maintain public safety at Kabwe District - Zambia, March 2012. Photo: Colleen Lowe Morna

Table 1.4 completed by the reference group members, shows that citizens gave an average score of just 2.9 out of 10 which is only about 30%. Discriminatory practices still exist preventing women from having equal access to justice although policies on key areas, such as land ownership, are in place. The Land Policy stipulates that 30% of the land shall be owned by women.

However, the Ministry of Lands, Ministry of Local Government and Housing and Traditional Land Tenure Systems do not comply with this stipulation.

Chiefs and those who participate in traditional courts have undergone some training. The Ministry of Justice is working with traditional leaders, victim support units and YWCA, NGOCC, Women for Change and WLSA among others to achieve this. They have contributed significantly to changing the attitudes of local courts in the administration of justice towards women and men. Various rulings, especially around maintenance and administration of the estates for the deceased, have tended to favour women. Civil society undertakes most of the capacity building. The Ministry of Gender and Women's Affairs GIDD department has undertaken general capacity building on gender analysis, gender-based planning and gender mainstreaming. However, none of the interviews discussed victim-friendly courts.

Table 1.5 shows sexual offences that ensure that those who experience and report these will be guaranteed access to justice. However, implementation and resources remain a challenge.



**Table 1.4: The Zambian Penal Code Chapter 87 (Amendment Act number 15 of 2005) has defined various sexual offences**

**Description of the sexual offence and penalty**

Section 131A defines a child as "a person below the age of 16 years"

**Section 137 Indecent assault**

(1) Any person who unlawfully and indecently assaults any child or other person commits a felony and is liable, upon conviction, to imprisonment for a term of not less than 15 years and not exceeding 20 years.

(2) It shall not be a defence to a charge of indecent assault on a child to prove that the child consented to the act of indecency.

(3) Any person who is found in any building or dwelling house or in any veranda or passage attached thereto or in any yard, garden or other land adjacent to or within the cartilage of such building or dwelling house not being a public place: (a) For the purpose of and from motives of indecent curiosity, gazing at or observing any other person or child who may be therein while in a state of undress or semi-undress; or (b) With intent to annoy or indecently to assault any child or other person who may be there; commits an offence and is liable, upon conviction, to imprisonment for a term of not less than two years and not exceeding five years.

**Section 137A: Sexual harassment**

(1) Any person who practices sexual harassment in a work place, institution of learning or elsewhere on a child commits a felony and is liable, upon conviction, to imprisonment to a term of not less than three years and not exceeding 15 years.

(2) A child who commits an offence under subsection (1) is liable to such community service or counselling as the court may determine in the best interest of the child.

(3) In this section, sexual harassment means:

a) A seductive sexual advance being unsolicited sexual comment, physical contact or other gesture of a sexual nature which one finds objectionable or offensive or which causes discomfort in one's studies or job and interferes with academic performance or work performance or a conducive working or study environment;

b) Sexual bribery in the form of soliciting or attempting to solicit sexual activity by promise of reward;

c) Sexual threat or coercion which includes procuring or attempting to procure sexual activity by threat of violence or victimisation; or

d) Sexual imposition using forceful behaviour or assault in an attempt to gain physical sexual contact.

**Section 138: Defilement of child**

(1) Any person who unlawfully and carnally knows any child commits a felony and is liable, upon conviction, to a term of imprisonment of not less than 15 years and may be liable to imprisonment for life.

(2) Any person who attempts to have unlawful carnal knowledge of any child commits a felony and is liable, upon conviction, to imprisonment for a term not less than 14 years and not exceeding 20 years.

(3) Any person who prescribes defilement of a child as a cure for any ailment commits a felony and is liable, upon conviction, to imprisonment of not less than 15 years and may be liable to imprisonment for life.

(4) A child above the age of 12 years who commits an offence under subsection (1) or (2) is liable to such community service or counselling as the court may determine in the best interest of both children.

**Section 139: Defilement of an imbecile or person with mental illnesses**

Any person who, knowing a child or other person to be an imbecile or person with a mental illness, has or attempts to have unlawful carnal knowledge of that child or other person in circumstances not amounting to rape, but which prove that the offender knew at the time of the commission of the offence that the child or the other person was an imbecile commits a felony and is liable, upon conviction, to imprisonment for a term of not less than 14 years.

**Section 140: Procuring a child or other persons for prostitution, etc.**

Any person who:

Procures or attempts to procure any child or other person to have unlawful carnal knowledge either in Zambia or elsewhere, with any person or other persons for pornography, bestiality or any other purpose;

(a) Procures or attempts to procure any child or other person to become, either in Zambia or elsewhere, a common prostitute;

(b) Procures or attempts to procure any child or person to leave Zambia, with the intent that the child or person may become an inmate or frequent a brothel elsewhere; or

(c) Procures or attempts to procure any child or person to leave that child's or other person's usual place of abode in Zambia with intent that the child or other person may, for the purposes of prostitution, become an inmate of or frequent a brothel either in Zambia or elsewhere; commits a felony and is liable, upon conviction, to imprisonment for a term of not less than 20 years and may be liable to imprisonment for life; provided that no person shall be convicted of an offence under this section upon the evidence or one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

**Section 142: Householder permitting defilement of child on premises**

Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly permits any child to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any other person, whether such carnal knowledge is intended to be with any particular person or generally, commits a felony and is liable, upon conviction, to imprisonment for not less than 20 years and maybe liable to imprisonment for life.

**Section 143: Selling or trafficking of children**

Any person who sells or traffics a child or other person for any purpose or in any form commits an offence and is liable, upon conviction, to imprisonment for a term not less than 20 years: Provided that where it is proved during the trial of the accused person that the sale or trafficking of a child or other person was for the purpose of causing that child or person to be unlawfully and carnally known by any other person, whether such carnal knowledge was intended to be with any particular person or generally, the person is liable upon conviction, to imprisonment for life.

However, in 2008 the Law was enacted to specifically deal with Human Trafficking Act no. 11 of 2008.

**Section 144: Detention with intent or in brothel**

(1) Any person who detains any child or other person against that child or other person's will;

(a) in or upon any premises with intent that the child or other person may be unlawfully and carnally known by any third person, whether particularly or generally or for rituals or any other purposes; or

(b) in any brothel; commits a felony and is liable, upon conviction, to imprisonment for a term of not less than 20 years and may be liable to imprisonment for life.

(2) When a child or person is in or upon any premises for the purposes of having any unlawful carnal knowledge or is in any brothel, another person shall be deemed to detain such a child or persons in or upon such premises or in such brothel, if, with intent to compel or induce the child or person to remain in or upon such premises or in such brothel, such other person withholds from the child or person any wearing apparel or other property belonging to the child or person, or where wearing apparel has been lent or otherwise supplied to such child or person or by the directions of such person, such other person threatens such person with legal proceedings for taking away the wearing apparel so lent or supplied.

(3) No legal proceedings, whether civil or criminal, shall be taken against any child or person for taking away or being found in possession of any such wearing apparel as was necessary to enable the child or person to leave such premises or brothel.

**Section 150: Conspiracy to defile**

Any person who conspires with another person to induce any person or child, by means of any false pretence or other fraudulent means, to permit any other person to have unlawful carnal knowledge of such person or child, commits a felony and is liable, upon conviction, to imprisonment for a term of not less than 15 years and may be liable to imprisonment for life.

**Section 155: Unnatural offences**

a) Has carnal knowledge of any person against the order of nature: or

b) Has carnal knowledge of an animal;

c) Permits a male person to have carnal knowledge of him or her against the order of nature; is guilty of a felony and liable to imprisonment for 14 years.

**Section 156: Attempt to commit unnatural offences**

Any person who attempts to commit any of the offences specified in section *one hundred and fifty-five* commits a felony and is liable, upon conviction, to imprisonment for a term of not less than seven years but not exceeding 14 years.

**Section 157: Harmful cultural practices**

(1) Any person who conducts or causes to be conducted a harmful cultural practice on a child commits a felony and is liable upon conviction, to imprisonment to a term not less than 15 years and maybe liable to imprisonment for life.

(2) In this section, harmful cultural practices include sexual cleansing, female genital mutilation or an initiation ceremony that results in injury, the transmission of an infectious or life-threatening disease or loss of life to a child but does not include circumcision on a male child.

**Section 158: Indecent practices between males**

(1) Any male person who, whether in public or private, commits any act of gross indecency with a male child or person, or procures a male child or person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male child or person, whether in public or private commits a felony and is liable, upon conviction, to imprisonment for a term of not less than seven years and not exceeding 14 years.

(2) Any female person who, whether in public or private, commits any act of gross indecency with a female child or a person, or procures a female child or a person to commit any act of gross indecency with her, or attempts to procure the commission of any such act by any female person with herself or with another female child or person whether in public or private, commits a felony and is liable, upon conviction, to imprisonment for a term of not less than seven years and not exceeding 14 years.

**Section 159: Incest**

(1) Any male person who has carnal knowledge of a female person, who is to that person's knowledge his granddaughter, mother, sister, daughter, granddaughter, auntie or niece commits a felony and liable, upon conviction to imprisonment for a term not less than 20 years and maybe liable to imprisonment for life.

(2) Any female person who has carnal knowledge of a male person who is to that person's knowledge her grandfather, father, brother, son, grandson, uncle or nephew commits a felony and is liable upon conviction to imprisonment of a term of not less than 20 years and maybe liable to imprisonment for life.

(3) For the purposes of this section, it is immaterial that the carnal knowledge was had with the consent of the other person.

(4) Any person who attempts to commit incest commits a felony and is liable to imprisonment for a term not less than ten years and not exceeding 25 years.

**Section 183: Negligent Act likely to spread Infection**

Any person who unlawfully or negligently does any act which is, and which he knows or has reasons to believe to be, likely to spread the infection of any disease dangerous to life, is guilty of a misdemeanour.

**Section 132: Rape (Amendment Act No.2 of 2011)**

Any person who has unlawful carnal knowledge of a woman or girl, without her consent or with consent obtained by force. If the consent is obtained by force or means of threats or intimidation of any kind by force or fear of bodily harm or by means of false representation as to the nature of the act or in case of married woman, by personating her husband, is guilty of a felony termed "rape" and may be liable to imprisonment for a period of not less than 15 years or life imprisonment.

Source: Ministry of Gender and Child Development (2011). *The National Guidelines for the Multidisciplinary Management of Survivors of Gender Based Violence in Zambia* 106-111.

## Marriage and family laws; widows and widowers; the girl and boy child



*The Protocol requires that State Parties enact and adopt appropriate legislative, administrative and other measures to ensure that women and men enjoy equal rights in marriage and are regarded as equal partners in marriage. Existing legislation on marriage shall therefore ensure:*

- *No person under the age of 18 shall marry;*
- *Every marriage takes place with free and full consent of both parties;*
- *Every marriage to be registered;*
- *Reciprocal rights and duties towards the children of the family with the best interests of the children always being paramount; and*
- *An equitable share of property acquired during their relationship.*

*State Parties must also put in place laws and other measures to ensure that parents fulfil their duties of care towards their children, and enforce maintenance orders. Married women and men should have the right to choose whether to retain their nationality or acquire their spouse's nationality through legal provisions. However, there is no period within which these measures should be achieved.*

**Table 1.5: Marriage and family laws; the boy and girl child**

Provision	Yes/No	Explanation
<b>Marriage</b>		
No person under the age of 18 shall marry.	Yes	Below 18, the person is a minor and therefore is not eligible for marriage. The Marriage Act Chapter 50 has, however, stipulated 21 years as the age of marriage. The Anti-Gender-Based Violence Act of 2010 and Chapter 87 of The Zambia Penal Code of 2005 (Amendment Act 15) define a child as persons between 1-16 years of age. This implies that a person aged 17 years may be married. There is need to harmonise these provisions.
Every marriage takes place with the full consent of both parties.	Yes	Forced and early marriages still occur especially for girls under traditional customary laws. In other instances girls, particularly orphans and other vulnerable children, are pressured into marriage due to poverty. The Education Act of 2011 mentions traditional marriages. Chapter 87 of the Zambia Penal Code (Amendment Act 15 of 2005) also defines sexual harassment (Section 137A), defilement of a child (Section 138), harmful cultural practices (Section 157), incest (Section 159) and rape (Section 132 of the (Amendment Act No. 2 of 2011).
Every marriage including civil, religious, traditional or customary is registered.	No	Not all marriages are registered. Only civil marriages are registered.
Parties have reciprocal rights and duties towards their children including when spouses separate, divorce or have marriages annulled.	Yes	Especially under civil marriages although even under religious and customary marriages this is the case only when the matter is taken to court.
Maintenance orders are enforced.	Yes	Once a judgment has been given, it has to be enforced.
Married women and men have the right to decide whether to retain their nationality or acquire spouse's nationality.	Yes	Persons have the right to belong to the country of their choice.
<b>Widows and widowers</b>		
Widows are not subjected to inhuman, humiliating or degrading treatment.	Yes/No	In isolated cases widows are subjected to inhuman, humiliating and degrading treatment despite legislation against this practice.
A widow automatically becomes guardian or custodian of her children, unless otherwise determined by a court of law.	Yes	Provided by the law.
A widow shall have the right to live in the matrimonial house after her husband's death.	Yes	Until she remarries.



Provision	Yes/No	Explanation
A widow shall have access to employment and other opportunities.	Yes	Protection by the law.
Widows shall have the right to an equitable share in the inheritance of her husband's property.	Yes	Entitled to 20% in monetary terms and a life interest in the matrimonial home and everything in it.
Widows shall have the right to remarry any person of their choice.	Yes	But not in the matrimonial home.
Widows shall be protected from all forms of violence and discrimination.	Yes	Protected by the law.
<b>Girl and boy child</b>		
Eliminating all forms of discrimination against the girl child.	Yes	The National Gender Policy stipulates this, as do the Constitution, the CRC and the Education Act.
Girls have the same rights as boys and are protected from harmful cultural attitudes.	Yes	In practice girls are still not protected from some harmful cultural attitudes.
Girls are protected from all forms of economic exploitation, trafficking, violence and sexual abuse.	Yes	The policy and laws provides protection, but in practice these types of exploitation are still happening and human trafficking in Zambia is on the increase.
Girls have access to information, education, services and facilities on sexual and reproductive health and rights.	Yes	The information is mostly provided by NGOs and civil society organisations. Girls in rural areas lack adequate information or education. In addition, they do not have access to services and facilities on sexual and reproductive health and rights.

Source: *Marriage Act*.

Table 1.6 provides an analysis of the marriage and family laws in Zambia as well as the extent to which these protect the girl child as well as the boy child. The Marriage Act states that 18 years is the legal age for marriage, but the same Marriage Act, in Chapter 50, has 21 years as the age at which a person can marry. This needs to be reviewed and harmonised. In practice, courts of law use 18 years as the age at which one is assumed to be an adult and can therefore marry and vote.

Although the Act is clear on the fact that marriage takes place with the full consent of both parties, early and forced marriages still take place, especially in rural areas. Only civil marriages are registered. In situations where marriages are not registered, the woman is usually the most vulnerable, especially in divorces and after the death of her husband.

While Zambia previously did not allow foreign men married to Zambian women to attain Citizenship, this is now changing in light of the Constitutional review that is taking place. For example, the new provisions contained in Article 26 on Citizenship by marriage include:

- A woman married to a man who is a citizen, or a man married to a woman who is a citizen, may, upon making an application in the manner prescribed by an Act of Parliament, be registered as a citizen of Zambia.
- Clause (i) shall apply only if the applicant has been ordinarily resident in the Republic for a continuous period of not less than fifteen years immediately preceding that person's application.
- Clause (i) applies to a person who is married to a person who but for that person's death, would have continued to be a citizen of Zambia under clause (i) of Article 21.
- Where the marriage of a person is annulled or dissolved after the person has been registered as a citizen of Zambia under clause (i) that person shall, unless the person renounce that citizenship, continue to be a citizen of Zambia.
- Where on an application for registration under clause (i), the Citizenship Board of Zambia has reasonable grounds to believe that a marriage has been entered into primarily with a view to obtaining the registration, the citizenship Board of Zambia shall not affect the registration.

## Widow and widower rights



*The Protocol requires that Member States enforce legislation to protect widows from being subjected to inhuman, humiliating or degrading treatment. A widow will also automatically become the guardian and custodian of her children after the death of her husband; she will also continue living in the matrimonial home. She will exercise her rights to access employment and other opportunities to enable her make meaningful contribution to society.*

*A widow will also be protected against all forms of violence and discrimination based on her status while having the right to an equitable share in the inheritance of the property of her late husband. She will also have the right to remarry a person of her choice. States will also put in place legislative measures that will ensure that widowers enjoy the same rights as widows.*

Given the prevalence of customary law and the existence of claw back clauses, it remains difficult for many widows to access the formal legal system.

Under some customary traditions women must undergo sexual cleansing rituals after the death of their husband and if they refuse, they lose their right to inherit property. These rituals can range from prolonged isolation, forced sex with male in-laws and other treatment humiliating to the widow. Due to the conflict between customary and formal law, there is little to protect women currently in these circumstances. According to the Gender Based Violence survey report (GBV 2006) 43% of people reported that sexual cleansing was still practiced in their culture or tradition. Traditional practices such as sexual cleansing put women at a higher risk of contracting HIV/AIDS and sexually transmitted diseases (STIs).

Some ethnic groups still practice marriage inheritance, in other words the widow is “passed on” to the brother or male relative of the deceased. The 2006 GBV survey report indicates that 13% of the widowed were claimed in marriage to their deceased spouse's relatives. This was more common among females than males, as 15% of the females were married off to a relation of the deceased, compared to only 4% of the males who were married off to the sister of the deceased. Furthermore, child and forced marriages have

continued to put women's lives in danger of contracting diseases such as HIV/AIDS. Many young girls in most parts of the country are forced into marriage at a tender age when they are not yet ready for marriage.

### Costing

Various civil society organisations such as Women and Law in Southern Africa Research and Education Trust, Women in Law and Development in Africa, NGO Coordinating Council, and Women for Change undertook reviews of the Constitution and made submissions to the technical task team.



Demanding accountability: Women in Kabwe, Zambia, rate country progress against the 28 targets of the SADC Gender Protocol using the Citizen Score Card.  
Photo: Colleen Lowe Morna

The Ministry of Gender and Women Affairs received a total of ZMK2, 600,000,000 (approx. US\$523,000) in 2010 reduced to 760,000,000 (about US\$153,000) in 2011 for the Constitutional Review Process. The entire constitutional review process cost more than ZMK 100,000,000,000 (approx. USD\$20 Million).

The government has undertaken a comprehensive review of the National Gender Policy with a view to informing Government on the gender gaps or new policy related needs. Zambia, with support from the SADC Gender Unit, is aligning the gender policy with the targets of the SADC Gender Protocol and costing its implementation.

The Committee on Legal Affairs, Governance, Human Rights and Gender Matters for the fourth session of the Tenth National Assembly (2010) recognised the importance of undertaking gender-responsive budgeting. It was noted that in 2009, GIDD trained line ministries in gender budgeting and gender-responsive planning. The committee recommended that the government should put in place affirmative measures to eliminate barriers to women's participation in decision-making. In 2010, GIDD developed a strategy for engendering public services as well as addressing barriers to recruitments and promotion in public service.

In 2010, the government announced gender mainstreaming in all sector programmes. In 2010, the Ministry of Finance and National Planning, Budget and Economic Affairs Division released a circular entitled 2011-2013 Medium Term Budget Call which provided guidance to Ministries, Provinces and Spending Agencies (MPSAs) in preparation of their respective Medium term estimates and Budget framework papers for 2011-2013 Medium term Expenditure Framework (MTEF). In line with MTEF budgeting principles laid down in the budget manual, is stated:

*"... the Government is committed to the promotion of gender equality and equity and its vision is to achieve full participation of both gender in the developing process at all levels to ensure equality and equity between the sexes. This will involve the articulation of gender concerns in all MPSAs and at all stages of the budgeting process. In view of the above, gender-sensitive issues should be considered as an important principal during 2011-2013 preparation. It should, however, be noted that the promotion of gender equality does not require additional funding."*<sup>1</sup>

In Article 2.5 of the Circular, the government made a commitment stipulated as follows:

*"The Government of the Republic of Zambia is committed to the promotion of gender equality, equity and empowerment of women. It is a signatory of the convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the SADC Gender and Development Protocol, the Paris Declaration on Aid effectiveness and the Beijing Platform for Action. In line with these, the Government's Vision on gender is to achieve full participation of both women and men in the development and the equality and equity between the sexes. This involves articulation of gender concerns in all MPSAs and at all stages of the budgeting process."*<sup>2</sup>

In view of this, gender-sensitive budgets will be considered an important criterion during budget hearings at the Treasury. MPSAs are advised to address the sector-specific gender concerns in their 2011-2015 MTEF budgets and to take into account gender concerns in recruitment and deployment processes in the medium term.

The new Ministry of Gender and Child Development faces financial challenges. The United Nations Development Programme (UNDP) is one of the major donors supporting the Ministry to implement some of its planned activities for 2012 by making available US\$250,000, approximately ZMK 125,000,000. Most of the activities to be covered by this grant include women's participation in influencing the national Constitution-making process as well as developing guidelines for implementation of the activities to end gender-based violence (GBV) including sensitising the public on the Anti-Gender-Based Violence Act through radio and television programmes in local languages and in English. Traditional leaders and faith based organisations such as the Council of Churches in Zambia (CCZ), Evangelical Fellowship of Zambia and the Zambia Episcopal Conference (ZEC) will play a key role in the campaigns.

#### **Funds allocated towards affirmative action programmes in various sectors**

The Ministry of Gender and Women developed a strategy and implementation plan for engendering public services (GIDD, 2010). The strategy provides an institutional framework for gender mainstreaming at national, provincial and district levels using the 2000 Gender Policy. The funding was mainly directed at affirmative action programmes in various sectors.

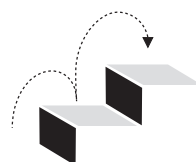
The Gender In Development Division (GIDD), in consultation with line ministries, CSOs and international, bilateral and multi-lateral organisations, has developed guidelines and checklists for mainstreaming gender in public services as well as national development plans

<sup>1</sup> Foreword to Circular by L. Ndalamei, Secretary to the Treasury 2010.  
<sup>2</sup> Budget Call Circular, 2011 p.08.



and policies. The main objectives stated in the strategic documents are:

- To build the capacity of public service institutions in gender analysis and mainstreaming in order to ensure gender responsive policy and programme implementation all levels;
- To promote and strengthen accountability in gender mainstreaming in public service institutions in order to ensure the institutionalisation of gender;
- To increase the number of women in decision-making positions in public services in order to attain gender balance;
- To address gender-based discrimination in human resource management at work places within the public services in order to ensure an conducive work environment; and
- To strengthen gender reporting, monitoring and evaluation systems in public services in order to asses impact of gender mainstreaming process.



## Next steps

- Mobilise women and men to promote and defend The Mulungushi Women's Declaration (2012) on engendering the Constitution.
- Disseminate the Mulungushi Women's Declaration and input into community consultations via district, provincial and national Constitution conventions.
- Mobilise for the referendum including assessing whether women's demands have been included in the 2nd Draft and final Constitution.
- Advocacy to unify systems of formal and customary laws.
- Specific measures to address harmful cultural and traditional practices.
- Campaigns for costing implementation of gender related laws and policies.



Cynthia Kalizinje GL intern conducting administering monitoring and evaluation tools to community members of Thundu Village in Katete - Zambia, March 2012.

Photo: Thundu village farmers chairman





Forgotten by families

Anushka Virahsawmy



## CHAPTER 2

# Governance

## Articles 12-13



Mainstreaming gender in local government is critical; it is the sphere of governance that is closest to the people. Professor Nkandu Luo, former Minister of Local Government and Housing, now Minister of Chiefs and Traditional Authorities. Photo: [www.iisd.ca/climate/cop17/18december.html](http://www.iisd.ca/climate/cop17/18december.html)

### KEY POINTS

- Zambia's SGDI score dropped from 24% to 21% following the September 2011 elections, ranking the country 14th out of the 15 countries in the SADC region.
- Citizens were more generous with a CSC score of 52%.
- Zambia's 2011 election resulted in a reduction in the number of women in parliament from 15% in 2006 to 12% in 2011. None of the 14 female candidates who stood as independents were elected. The country has failed to meet the 50/50 target.
- Women make up only 14% of cabinet.
- Only 6% of councillors in local government are female compared to the 94% males.

Table 2.1: SGDI and CSC score for governance sector

	SGDI	CSC
Scores	21%	52%
Ranks	14	11

Zambia's SGDI governance sector score fell from 24% to 21% following the September 2011 elections. The country now ranks 14 out of the 15 countries in the SADC region. The

country will not meet the SADC target. The SGDI measures - the percentage of parliamentarians who are women (this measure includes both lower and upper houses of parliament for countries that have more than one house); the percentage of local government councillors who are women and the percentage of members of the Cabinet who are women (the measure includes the deputy ministers; ministers of state and President/Prime Minister if s/he is a member of Cabinet).



Overall, citizens gave a higher score of 52 %, which may have been influenced by the appointment of women in key government positions. Women however marked government much lower at 39% compared to men at 64% perhaps because of the decrease in women's representation in parliament and consistent low representation in local government. The CSC score is based on perceptions.

## Background

Achieving gender equality requires women's active participation and involvement in decision-making at all levels, starting in the home and extending to the highest levels of government.<sup>1</sup>

Elections are one opportunity to increase women's representation, raise issues of gender inequality and women's human rights, and to press for greater government accountability on gender sensitivity.<sup>2</sup>

The Protocol thus demands equal representation of women and men in all decision-making positions by 2015.

Article 5 of the SADC Gender Protocol calls for a strategy of affirmative action. This has been crucial to the rapid increase in women's political participation where there has been implementation. Gender activists in many countries are calling for deliberate measures, such as legislated quotas, to increase women's representation in decision-making positions.

Zambia missed the opportunity to increase women's representation in the September 2011 results, which made it clear that Zambia would miss the 50/50 target set for 2015. Authorities did not put in special measures to facilitate this.

In the Sixth National Development Plan (SNDP) government under the previous regimen MMD had committed itself to decentralising its governance institutions to provincial levels as well as streamlining



Malowa Moddy giving a group presentation at COE Workshop in Kafue District Council.  
Photo: Albert Ngosa

good governance practices in both public and private sectors and "facilitate the domestication of provisions of the international human rights instruments into law and ensure the implementation of the new Republican Constitution." This did not guarantee achieving gender equality in the outcomes of elections or appointing women to key decision making positions in public and semi-public entities.

The Constitution review process currently underway presents an opportunity to legislate quotas and other measures that could result in an increase in the proportion of women in political decision-making positions as well as in the public entities. The private sector should not be let off the hook. South Africa's draft Women Empowerment and Gender Equality Bill shows that this is possible. All companies especially public and semi-public entities have to strive to achieve 50/50 in key decision making positions by 2015 in line with the SADC Gender Protocol.

Civil society and relevant state institutions should continue to lobby and advocate for the domestication of the SADC Gender Protocol in order that the efforts of all stakeholders to achieve gender equality may be realised.

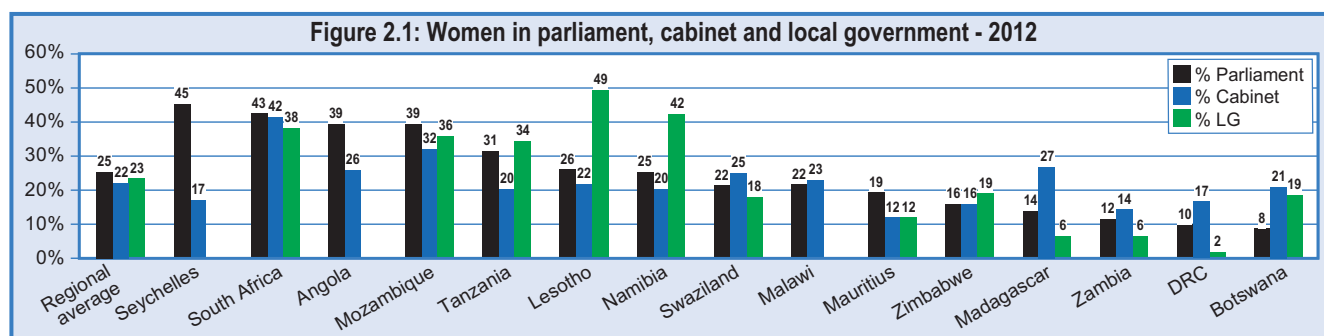
## Representation



*The Protocol provides for state parties to ensure that, by 2015, at least 50% of decision-making positions in the public and private sectors are held by women, including the use of affirmative action measures as provided for in Article 5.*

*It further provides for member states to ensure that all legislative and other measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women and men in decision making positions, democracy, good governance and citizen participation are put in place at all levels.*

<sup>1</sup> 2011-2012 Progress of the world's women: In Pursuit of Justice, UN Women 2011.  
<sup>2</sup> Ibid.

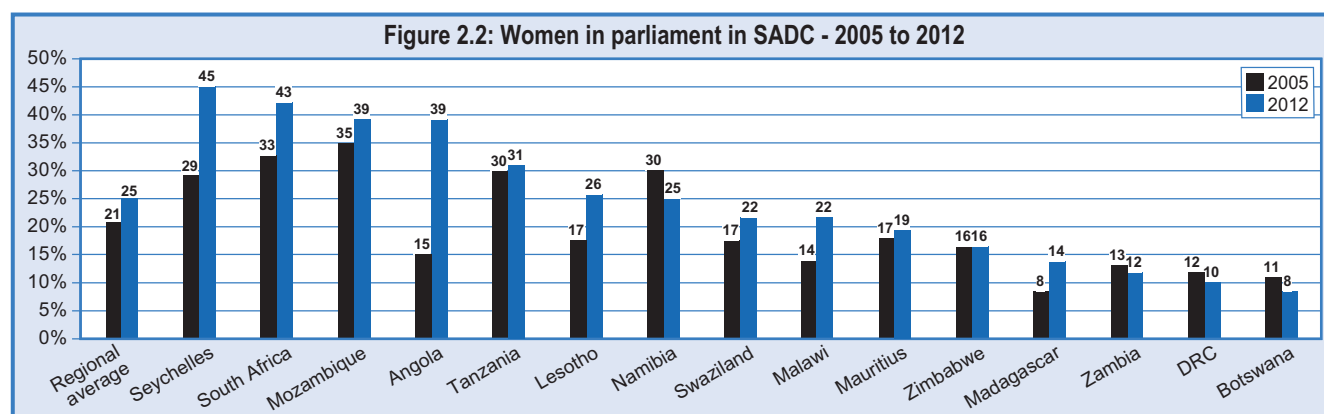


Source: 2012 SADC Gender Protocol Barometer.

Figure 2.1 shows that Zambia is among the bottom three in the region when ranked according to the proportion of women's representation in parliament at 12%. Women won only 6.1% of the local government election in 2011, a 1.2% decrease from the previous

election in 2006. The country has failed to meet the 5050 mark. Even in cabinet where the President could have shown political will by appointed more women cabinet ministers. The result is equally disappointing at 14%.

## Parliament

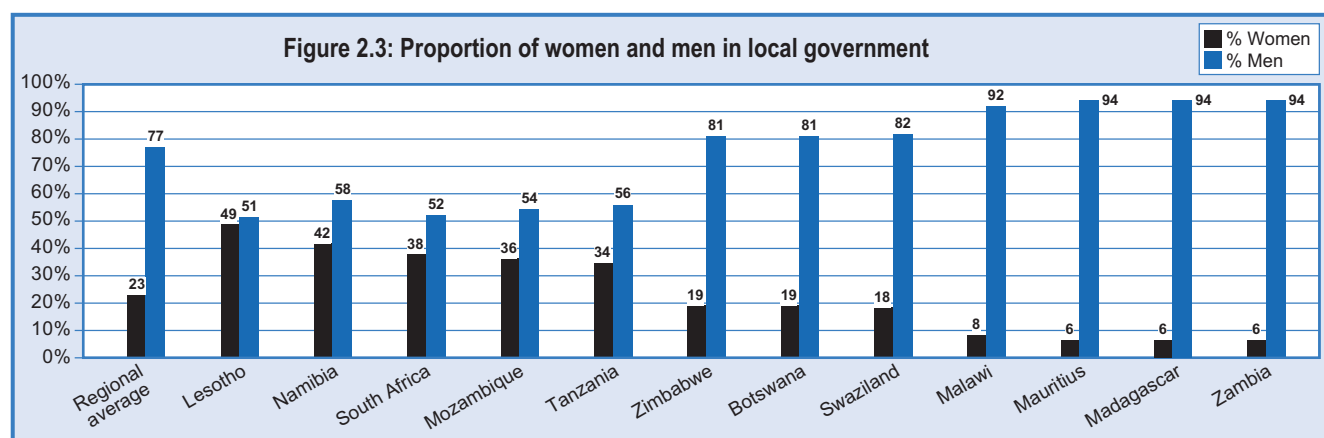


Source: 2012 SADC Gender Protocol Barometer.

Figure 2.2 shows that Zambia is among the ten countries in the region which are yet to reach 30% female representation. Angola, Mozambique and Tanzania have witnessed substantial increases in women's

representation in parliament from 2005 to 2011. But Namibia, Zambia, DRC and Botswana have moved backwards.

## Local government



Source: 2012 SADC Gender Protocol barometer.

Figure 2.3 shows that women's representation in local government is below 10% in Zambia, Madagascar and Mauritius. Only five countries (Lesotho, Namibia, South Africa, Mozambique and Tanzania) has achieved 30% or higher.

With women's representation at 6.1% at local government level, it is clear that Zambia has missed the 2015 mark by far. The question being posed now, where to from here for Zambia given that the last chance to achieve parity before 2015 had come and gone? The constitutional review provides an opportunity for the country to achieve 50:50 parity in the next round of elections which will be held within the context of the post-2015 development agenda for both within the region and globally.

Voting patterns show that 1382 people were elected on a FPTP basis. Candidates were selected from seven parties with Movement for Multi-Party Democracy (MMD) - 547, Patriotic Front (PF) - 528, and United Party for National Development (UPND) - 274 obtaining the highest number of votes respectively. Thirty-one Independent candidates were successful.

Out of the 1382 successful candidates, 85 were women. The party with the highest number of women is the PF with 44 women. PF women represent 51.8% of the women in local government. However, PF women only represent 8.3% of their party in local government and 3.2% of the total elected.

MMD came in at second place, with women having won 24 of the 85 seats (28.2%) that went to women. Women in the party won 4.4% of the party total and 1.7% of the total number of women elected in local government

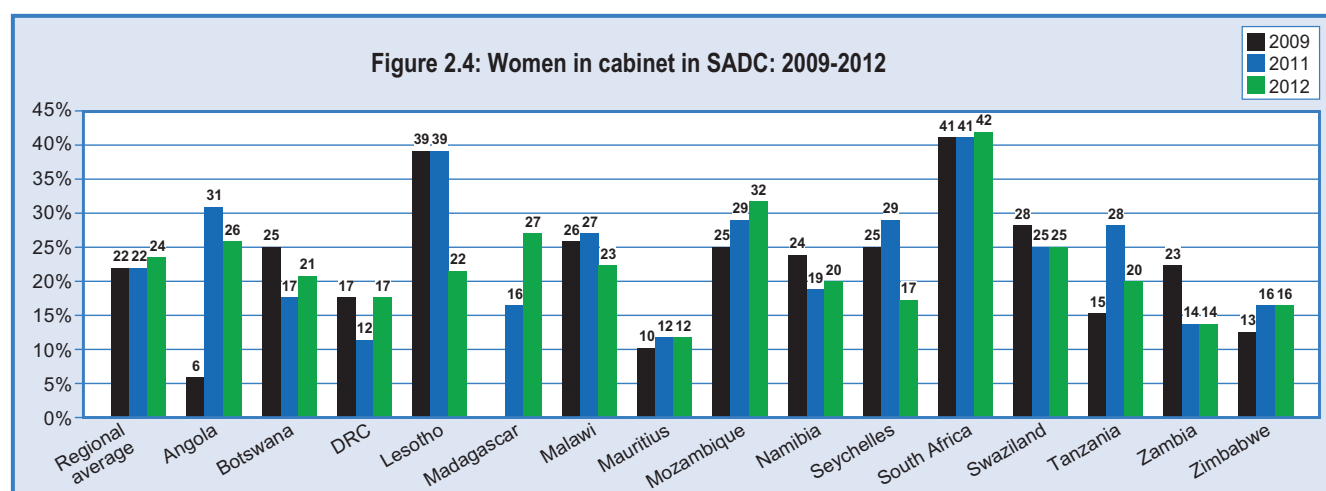
across parties. The United Party for National Development (UPND) saw 15 women elected to represent their party at local government level; 17.6% of the total women elected. This in turn represented 5.8% of the party total and 1.1% of the overall elected population.

Two Independent women candidates out of a total 31 were successful. This accounted for a mere 2.4% of the total women candidates, 6.5% of the independent seats and less than 1% of the total elected councillors.

Moreover, there was a shift in voting patterns in the 2011 election. The Zambian electorate were determined for a change of regime and voted the opposition party into power. Political parties seemed to be more concerned about getting into power and did not pay any regard to ensuring gender equality in election outcomes.



Chimanimani ward community members filling the Citizen Score card.  
Photo: Cynthia Kalizinje



Source: 2012 SADC Gender Protocol Barometer.

Figure 2.4 shows that the average representation of women in cabinet has remained stagnant between 2009

and 2011 at 22%. Zambia ranks 14th, dropping from 16% in 2009 to 13% in 2011.



The lack of gender sensitivity in the appointments is evident. The key gender-related Ministries - Agriculture and Livestock, Health, Labour, Youth, Sports, Finance, Mines, Foreign Affairs, Defence and Home Affairs - are all headed by men.

Out of the four women, only two had been Cabinet Ministers before: Nkandu Luo, Minister of Local Government and Housing and Sylvia Masebo who has just been appointed Minister of Tourism and Arts which is also a new Ministry. Luo has since been changed to be Minister of Chiefs and Traditional Authorities. Inonge Wina, Minister of Gender and Child Development was initially appointed Minister of Chiefs and Culture while Emerine Kabanshi was Deputy Minister appointed to head Gender in Development before it was given the status of a full Ministry.

While activists lobbied for the President to appoint more women in Cabinet given the low proportion of women in political decision-making but this did not happen.

The president forms part of the cabinet. Zambia usually holds presidential elections jointly with local government elections. The 2008 Presidential elections were held due to the death of President Levy Mwanawasa. Elections are usually conducted in a tense environment. In 2011, a female candidate, Edith Nawakwi, the former Minister of Finance in the late President Chiluba's Government, stood under the Forum for Democratic Process (FDD). The media showed bias against female candidates in the manner in which they interviewed and profiled them.

### Gender and political parties

Political parties play a critical role in "opening the door" for women to enter and participate in decision-making. In parliamentary systems, women can only be elected into office via political parties.

Zambia National Women's Lobby launched a campaign aimed at increasing the number of women in decision-making structures, especially in political parties, to 50:50, as mandated by the 2008 SADC Protocol on Gender and Development (Lorraine Mukanda, ZNWL, 2011).

Zambia Centre for Inter Party Dialogue (Chomba Chellah, ZCID, 2011), NGOCC, WLSA and Gender Links have been promoting implementation of the 2008 Protocol on Gender and Development. Following campaigns, all political parties know about the SADC Gender Protocol but they are not incorporating it into their manifestos arguing that the national Constitution should do so first.

The only political party that had enshrined the 50:50 representation of women and men is the United Liberal

Party. The policy has been implemented at national level but has yet to be decentralised to the provincial and district level structures. Other new political parties indicated that they are interested in mainstreaming gender in their party policies and manifestos. The following parties were consulted: Zambia Alliance for Democracy and Development, Forum for Democracy and Development, Movement for Multiparty Democracy, National Democratic Focus, Patriotic Front, United Liberal Party, United National Independence Party, and United Party for National Development.

### Women's wings

Most women's wings in political parties face challenges of participating in decision-making. They need to be empowered to influence the opening up of political spaces within the parties.

### Election processes

None of the political parties consulted had concrete strategies with resource commitments to promote increased participation of women in the various structures of the party organs. All the political parties indicated that they do not discriminate against women and yet most of the women were found to be in the lower strata of political party structures. They all have women's leagues or women's sections where most female members of the party find themselves. The leagues have the mandate to address gender issues within the political parties. Gender equity has been a sideline issue and not a crosscutting one

### Electoral systems and quotas

There are two main types of electoral system, *Proportional Representation* (PR) or the "party list system". In this system citizens vote for parties based on allocated seats in parliament according to the percentage of vote they receive. Individual candidates are awarded a seat in office according to where they are placed on the party list. In an *Open List system*, voters determine where candidates are placed on the list. In a *Closed List system*, the party determines where candidates are placed; this is usually based on democratic nomination processes within the party.

The second system is the constituency or *First Past the Post* (FPTP) system, citizens vote for both the party and the candidate who represents the party in a geographically defined constituency. Thus, a party can garner a significant percentage of the votes, but still have no representative in parliament. This system is also referred to as a *winner-takes-all* system and perhaps not the most ideal for consolidating democracy or ensuring women have a place at the table.

In Zambia, elections are conducted on an FPTP or *winner-takes-all* basis whereby the number of seats won is determined by the party with the majority of votes.



Colleen Lowe Morna, CEO of Gender Links, explains electoral systems at an Alliance governance cluster meeting in Harare attended by Zambia representative August 2011. Photo: Trevor Davies

Furthermore, there is no quota or system of reserved seats for women. Women and men compete on the same platform “from different vantage points”.<sup>3</sup> Outcomes of elections show that women’s chances of entering politics are limited more so in a situation like 2011 elections where the electorate voted for a party opposed to individuals. A quota for women in decision-making was mooted in the currently dormant Constitution making process.

There has been limited discussion on altering the electoral system. In 2005, an Electoral Reforms Technical Committee was tasked with researching and proposing a new system. The Committee recommended a version of the Mixed Member Proportional (MMP) system - practised in Lesotho.<sup>4</sup> The MMP is a dual ballot system that allows a voter to cast two ballots - constituency vote and a party vote. Constituency representation in the National Assembly is determined by the constituency vote while the party vote compensates parties that have won few to no constituency seats. The party vote is used to select candidates from a party list to make up for seats a party would have been entitled to had constituency seats been allocated on a proportional basis.<sup>5</sup>

While it is difficult to predict whether the electoral system will change in the near future, the change in regime does offer some hope for increased numbers of women in decision-making. The turn over from one party to another may well signal commitment to inclusion of women at every level of governance in Zambia. The newly elected President Michael Sata has shown signs of an intention to include women. Though female appointments to the initial Cabinet were disappointing, there have since been some key appointments such as Heads of Anti-Corruption

Commission, Police Service, the Electoral Commission and the Drug Enforcement sectors.

The opposition argue that the non-domestication of ratified instruments and treaties on gender affected the functioning of the political parties and other non-state structures. Most respondents during the citizen scorecard administration attributed the poor participation of women in decision-making structures predominantly to a lack of political will by the political party leadership. Other reasons they advanced were:

- The fact that women lack resources and support from their spouses;
- That the women's movement has not continuously conducted the capacity building of women.
- Parties want candidates who will help them win elections. Female candidates have to compete equally with their male counterparts using first past the post principle.
- The electorate does not necessarily vote for candidates based on the good profile of the candidate or on whether they were male or female but voted based on the profile of the political party. One respondent indicated that if the candidate stood for a particular political party, however good they were, he was not going to choose that candidate because the philosophy of the party kind of “messed up” their good standing.
- The leadership in the political parties as well the women's “pull down syndrome” (women not voting for women).
- Women have negative perception of politics linked to cultural values, perceptions and patriarchal customs which do not see participation in political affairs as a domain for women.
- Violence in past by-elections, especially in Mufumbwe and Chilanga, has contributed to women shunning politics. Some women argue that the political landscape is too violent and *“I am not interested in being insulted and humiliated. You have to be a tomboy to stand that pressure and you women won't even support me.”*

### Political party manifestos and systems

No political parties in Zambia have quota systems. The President of Zambia has the powers to nominate Members of Parliament (MPs) and it is at his discretion whether to appoint women or men. This could be used to increase the number of women in the legislature. For this to happen, the Parliamentary Caucus needs to intensify its advocacy efforts working in collaboration with GIDD and NGOs. The desire by political parties to have a “winning candidate” affects women, as does the absence of women in the top management structures of the political parties where candidates are selected

<sup>3</sup> Gender and Local Government in Zambia (2007).

<sup>4</sup> Ibid.

<sup>5</sup> Matlosa, K. 2007. “Lesotho” in Cawthra, G., du Pisani, A and Omari, A (eds) *Security and Democracy in Southern Africa*.

and adopted. The perception that a winning candidate is a man is another stereotype that should be addressed within political parties.

There is no relationship between the number of women in decision-making positions in the party and their presence in legislative and local government. Women play key roles in helping the parties gain popularity in

the communities and yet they are denied key decision making powers in the various structures.

Under the MMD manifesto, gender is not mentioned at all in the foreword by the President of the Party. The approach remains piecemeal and there is not even a mention of gender-based planning and budgeting.

**Table 2.2: Gender in political party manifestos, 2011**

Party	Quota & Nature/No.	Women specific projects	Gender mainstreamed in manifestos
MMD	None	<p>In the next five years the MMD government will:</p> <ul style="list-style-type: none"> <li>Continue to strengthen the operations of the Gender in Development Division to ensure that there is greater participation of women at the highest level;</li> <li>Implement all treaties regarding gender and women participation in national affairs in general and in particular achieve the Southern African Development Community (SADC) and African Union 30% and 50% threshold respectively;</li> <li>Continue women empowerment programmes through creation of more women clubs;</li> <li>Initiate programmes that benefit the girl child;</li> <li>Review legislation that disadvantages women." P. 19</li> </ul> <p><b>Under Land, "Beyond 2011</b></p> <p>In the next five years the MMD government will:</p> <ul style="list-style-type: none"> <li>Continue with the policy requiring that 30% of land allocated in Zambia is reserved for women;" No indications of increasing it to 50:50. (p.30)</li> <li>Under Science and Technology, MMD seeks to increase female participation in science and technology related courses from 6% to 15% by 2014 (p.33).</li> <li>Under Health- Reduce child and maternal mortality in line with Millennium Development Goals (MDGs) (p.34).</li> <li>Under Benchmarks for Development, MMD seeks to : "7.17 Ensure that there is greater participation of women in economic and Social affairs. The MMD Government will implement all treaties regarding gender and women participation in national affairs in general and in particular to achieve the Southern African Development Community (SADC) and African Union 50% and 30% threshold respectively; continue women empowerment programmes through creation of more women clubs; initiate programmes that benefit the girl child and review legislation that disadvantages women." P.46</li> </ul>	<ul style="list-style-type: none"> <li>General pronouncement in the revised 2011-2016 manifesto <b>"Country men and women,</b> I have the pleasure and privilege of presenting to you, the people of Zambia, this manifesto, whose theme is <b>"Development by all, for all"</b>. (MMD).</li> <li>Gender is not mainstreamed in the manifesto but in various parts of the manifesto, "gender" and women issues are raised.</li> <li>In the last but one paragraph of the manifesto Item 7.17 should have been in the first part of the manifesto.</li> </ul>
UPND	None	<ul style="list-style-type: none"> <li>Article 5: "to work towards greater participation of women in public life and decision-making with a goal of attaining at least thirty percent representation for women in decision making bodies and wherever possible engage in affirmative action in favour of women."</li> <li>To work towards greater participation of women in public life and decision making with a goal of attaining at least 30 percent representation for women in decision making bodies and wherever possible engages in affirmative action in favour of women." (UPND Constitution).</li> </ul>	<p><b>Article 5: of the Constitution: Objective</b></p> <ul style="list-style-type: none"> <li>Objectives: <ul style="list-style-type: none"> <li>b) "to harmonise tribal, racial and gender relations in the country"(p.5)</li> <li>e) to protect every citizen's and resident's fundamental human Rights such as" Rights of the woman and the child" (p.5.)</li> </ul> </li> <li>Gender not mainstreamed in the manifesto but as separate parts</li> </ul>
PF	None	<ul style="list-style-type: none"> <li>Promotion of Girl Child Education and implementation of the SADC Protocol on Gender and Development especially women in decision-making.</li> </ul>	<ul style="list-style-type: none"> <li>Gender policy included in the Manifesto.</li> <li>Plans to implement a gender commission.</li> <li>Plans to domesticate all protocols and treaties which Zambia is party to.</li> <li>Gender not mainstreamed in the manifesto but as separate parts</li> </ul>

Source: UPND, MMD, PF Manifestos, 2011.



## Zambia election outcome prompts call for legislated quotas

Zambian gender activists are using a constitutional review process to make a case for legislated quotas following a dismal outcome in the country's September 2011 local government and national elections.

Women won just 6.1% of local government seats, the same as before. Parliamentary results were equally disappointing with the percentage of women dropping from 15 to 11.2 - far from the SADC Protocol target of 50/50. This is especially disappointing as it was Zambia's last election before the 2015 deadline.

These results also raise concerns about the quality and fairness of local service delivery. If only 85 women out of 1382 people are contributing to day-to-day local authority decisions, it is likely that women's demands and priorities will not be adequately addressed.

Zambia follows the FPTP or "winner-takes-all" electoral system. There is no quota or scheme that reserves seats for women. Women and men compete on the same platform but "from different vantage points."<sup>6</sup>

There has been limited national debate or discussion about altering the country's current electoral system



Participants at the second women's constitutional conference - June 2012, Zambia.

Photo: Margaret Machila

since a new system was proposed by the Electoral Reforms Technical Committee in 2005. The Committee recommended a version of the Mixed Member Proportional (MMP) system used in Lesotho.<sup>7</sup> A dual ballot system, MMP allows voters to cast two ballots: a constituency vote and a party vote. Constituency representation in the National Assembly is thus determined by the former while the latter compensates parties that have won fewer constituency seats. Candidates are then selected from a party list depending on the results of this party vote.<sup>8</sup>

**Table 2.3: Local Government 2011 Election Results**

PARTY / INDEPENDENT	TOTAL NO OF SEATS WON PER PARTY	FEMALE (SEATS WON PER PARTY)	% FEMALE PARTY SEATS	MALE (SEATS WON PER PARTY)	% MALE PARTY SEATS
ADD	13	0	0	13	100
FDD	3	0	0	3	100
INDEPENDENT	31	2	6.5	29	93.5
MMD	547	24	4.4	523	95.6
NMP	1	0	0	1	100
PF	528	44	8.3	484	91.7
UPND	259	15	5.8	246	95
<b>TOTAL</b>	<b>1382</b>	<b>85</b>	<b>6.2</b>	<b>1299</b>	<b>93.8</b>

Source: Compiled by Gender Links from data collected from Electoral Commission of Zambia and Zambia Women's Lobby (March 2012).

Table 2.8 reflects Zambia's most recent local government election results disaggregated by sex. It shows the percentage of seats won by each party. A total of 1382 representatives were elected and candidates were selected from seven parties.

Movement for Multi-Party Democracy (MMD) and Patriotic Front (PF) obtained the most votes. PF elected the most women, 44 in total, which is still a mere 8.3% of those elected.

The single digit women's proportions prove there is still plenty of work to be done within political parties. Women barely occupy 10% of party space in local government. Moreover, while there was a shift in voting patterns in the 2011 election and the Zambian electorate ushered in change by rejecting the ruling party, none of the main parties addressed the country's obligation to gender equality as stipulated in the SADC Protocol.

<sup>6</sup> Gender and Local Government in Zambia (2007).

<sup>7</sup> Ibid.

<sup>8</sup> Matlosa, K. 2007. "Lesotho" in Cawthra, G., du Pisani, A and Omari, A (eds) *Security and Democracy in Southern Africa*.

Respondents to a research study identified several reasons why Zambia has been unable to achieve equal representation of women and men in decision-making positions:

- **Party Support:** Parties did not adopt women candidates to stand for election. Men are considered more likely to win.
- **Culture, patriarchy and beliefs:** The belief that women have no place in governance and decision-making persists in Zambia and other SADC countries.
- **Identity, conflict and violence:** Issues of women's identity as far as how they are recognised both within and outside party structures are related to the culture, beliefs and attitudes that prevail in a society. Threats of violence prevented some women from running. The lead-up to the election was fraught with reports of party-on-party violence.
- **Financial constraints:** Parties did not provide funds for women's campaigns. In some cases women were told they would receive investment from a party only to later learn it was not available.
- **Media portrayal of women:** Journalists contribute to the character assassination of women political aspirants. Women, especially at the local level wary of the potential repercussions of a possible negative media campaign.
- **Capacity building efforts:** In the absence of legal frameworks and reserved seats for women, the onus is on civil society and institutions such as ECZ to keep the on the political agenda in non-election years.

*"The numbers of women are decided at a political party level and this has contributed to the low numbers of women in local government in Zambia."* Morris Mbolela, Secretary General, Local Government Association of Zambia - LGAZ

A quota or system that reserves seats would enable women to contest male candidates in an open FPTP system. Lesotho Congress for Democracy (LCD), the former ruling party in Lesotho, has an internal 30% party quota so that women stand a good chance of significant wins in the country's FPTP system. Women LCD politicians have 32% overall representation within local government and constitute 44.1% of the party's overall seats.

If these systems are implemented there is a need for greater capacity building and training to facilitate women's access to the necessary political platforms. This type of empowerment helps minimise issues of safety and security and protects women from abuse and character assassination.

The foundation for moving toward a quota was already laid during the Constitutional reform process. Various institutions have proposed that 30% of local authority seats be reserved for women. This could work for Zambia as it has in

Lesotho. Draft Constitution proposals include a call for a legislated quota to ensure that Zambia meets the 50/50 target. Zambia may have missed the 2015 mark to obtain 50% women's representation but attaining gender equality in decision-making remains a crucial endeavour.

## Capacity building of women candidates

Female MPs who are aspiring for political office in all political parties indicate that lack of resources is the biggest obstacle. Candidates have to mobilise their own resources.

The Zambia National Women's Lobby has led the training of candidates with support from NGOCC Basket fund acquired through cooperating partners such as National Democratic Institution (NDI) and SADC Parliamentary Forum (SADC PF) and development partners. Once the candidates are adopted, it is mainly the ZNWL that train and sensitise the adopted women on skills such as fundraising, public speaking, public advocacy and coalition, alliance building and networking skills. GL has done some work with local government councillors as part of the Centres of Excellence for gender mainstreaming in local government programme.



Councillors Oscar Kaleya, Joyce Sakala and Sydney Namweene from Chongwe District Council working on a group assignment at a COE meeting.  
Photo: Albert Ngosa

## The public service

**Table 2.4: Selected gender disaggregated positions in the executive and civil service (before 20th September 2011)**

DECISION-MAKING POSITION	Women	Men	Total	% for women	% for men
Secretary to the Cabinet	0	1	1	0	100
Deputy Secretary to the Cabinet	0	2	2	0	100
Secretary to the Treasury	0	1	1	0	100
Auditor General	1	0	1	100	0
Permanent Secretaries	7	35	42	17	83
Deputy Permanent Secretaries	0	24	24	0	100
Special Assistants to the President	1	3	4	25	75
District Commissioners	11	57	68	16	84
Directors	23	77	100	23	77
Deputy Directors	13	58	71	18	82
Assistant Directors	37	140	177	21	79
Assistant Secretaries	11	24	35	31	69
<b>TOTAL</b>	<b>114</b>	<b>466</b>	<b>560</b>	<b>19.6</b>	<b>80.4</b>

Source: GIDD, 2011.

Table 2.4 shows that public service requires engendering. Out of a total of 580 members of staff in senior positions in civil service, only 115 were women in the MMD-led government, which translates into 20% of the positions while men enjoyed 80%. There were seven out of 42

Permanent Secretaries, making it 17% compared to the 83% for men. All the 24 Deputy Permanent Secretaries were men while the Auditor General is a woman. Zambia is very far from achieving gender parity in public service

## Women making inroads into judiciary

**Table 2.5: Selected gender disaggregated positions in the judiciary and national commissions**

DECISION-MAKING	Women	Men	Total	% for women	% for men
Chief Justices	2	0	2	100	0
Deputy Chief Justice	1	0	1	100	0
High Court Judges	19	19	38	50	50
Magistrates	9	24	33	27	73
Local Court Justices	97	711	801	12	88
Human Rights Commissioners	2	5	7	29	71
Anti-Corruption Commissioners	2	3	5	40	60
Public Service Commissioners	1	5	6	17	83
Teaching Service Commissioners	0	4	4	0	100
Police and Prison Commissioners	1	6	7	14	86
Electoral Commission of Zambia Commissioners	2	6	8	25	75
Commissioner for Investigation	1	0	1	100	0

Source: MGCD, 2012.

Table 2.5 shows that more women are making inroads into the Judiciary, although it has faced various controversies based on corruption reports. More female high court judges have been appointed and there is now gender parity, 19 women and 19 men. There are two women Chief Justices: Judge Lombe Chibesakunda and Judge Florence Mumba. However, at magistrates level, out of the total of 33 magistrates, only nine (27%) are women while out of the 801 Local Court Justices, only 97 are women, which is only 12%.

### Two females head the judiciary

In June 2012, President Michael Sata appointed Lombe Chibesakunda as acting Chief Justice and Florence Mumba as acting Deputy Chief Justice. The judiciary is the most engendered structure in leadership positions in Zambia with both top positions being held by women. Justice Chibesakunda is Zambia's first female lawyer and Solicitor-General. She is also the first female judge and has served as Zambia's first Human Rights Commission chairperson. Justice Chibesakunda also served as



Deputy Minister in the Ministry of Legal Affairs, Zambia's envoy to Japan and the United Kingdom, and is one of the longest serving senior members of the Supreme Court bench. Justice Mumba is a former chairperson of the Electoral Commission of Zambia (ECZ) and served as director of the Legal Aid Department in 1978.

In 1989, she was appointed Ombudsman, a position she held until she became Supreme Court Judge in 1997. In 1997, she was elected judge for the International Criminal Tribunal for Yugoslavia (ICTY) and also served as vice-president for ICTY from 1999 to 2001. In 2003, Justice Mumba was sworn-in as member of the Appeals Chamber of the International Criminal Tribunal for Rwanda.

Source: Sunday Times, 15th June, 2012.

In the Ministry of Education and Vocational Training, which was headed by a female Minister, Dora Siliya, all four Public Service Commissioners were male. The new Minister is a male. There is a need to increase lobbying

and advocacy efforts targeting the decision-makers to enact 50:50 staffing or apply the zebra principle where, if a woman is the head, the deputy should be a man.

## Participation in decision-making



*Protocol provides for State parties to adopt specific legislative measures and other strategies to enable women to have equal opportunities with men to participate in electoral processes including the administration of elections and voting.*

*It also provides for equal participation by women and men in policies, strategies and programmes for building the capacity of women and men in decision-making through leadership and gender sensitivity training and mentorship; support structures for women in decision-making; structures to enhance gender mainstreaming and changing decision-making attitudes and norms. The Protocol specifies that men be included in these activities.*

### Election management

The Electoral Commission of Zambia (ECZ) has five commissioners appointed by the president: three females (60%) and two males (40%), one of whom is the chair. The Commission works under the Electoral Act which has no provision for increasing women's participation

in politics. The ECZ is not mandated to propose legal amendments. ECZ receives funding from the government and is audited by the Auditor General's Office. ECZ has two major functions and these are to register the voters and manage an election.

### Voting

Figure 2.6 shows that at least 50% women and 50% men are registered to vote - that means there is gender parity.

Experience in the last by-elections has shown that many women fear violence and do not go to vote while others have argued that they do not see any benefits of voting as their voting does not seem to lift them out of poverty. Another reason given was the long distances to the

polling stations, especially difficult for older citizens and people with disabilities.

Political parties know that women are the main voters during elections and target them during the campaigns. However, women have become victims of several

**Table 2.6: Women and men eligible voters  
Women and men registered to vote**

NO	PROVINCE	REG. VOTERS	FEMALE	MALE
1	CENTRAL	486,027	237,039	248,988
2	COPPERBELT	853,816	390,441	463,375
3	EASTERN	652,104	350,151	301,953
4	LUAPULA	417,149	215,398	201,751
5	LUSAKA	777,818	352,573	425,245
6	NORTHERN	667,532	339,405	328,127
7	NORTH WESTERN	319,134	161,429	157,705
8	SOUTHERN	648,298	336,628	311,670
9	WESTERN	401,438	226,597	174,841
<b>TOTALS</b>		<b>5,223,316</b>	<b>2,613,655</b>	<b>2,609,661</b>

Source: Electoral Commission of Zambia 2011.



Luanshya Municipal Council Advocate, Dorcas Malama giving a group presentation.

Photo: Albert Ngosa

malpractices by political parties where they distribute chitenges (cloth) and money (brown envelopes) to entice them to vote for certain candidates. Most voters vote on party lines and not according to whether a candidate is a man or woman.

Civil society organisations consider gender during the civic education. For example, during the training undertaken by Zambia National Women's Lobby, Women for Change, NGOCC, Zambia Centre for Interparty Dialogue, women have been encouraged to stand in any positions up to presidential level.

### Citizens score efforts by all stakeholders in enhancing participation

Figure 2.7 shows that citizens feel that there is no enabling environment to enhance women's participation in public life with scores all below 5 (50%) out of 10 except in the area of establishing structures to enhance gender mainstreaming.

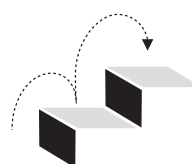
**Table 2.7: Enhancing participation by women in public life**

Measure of participation	On a scale of 1-10 (1 very low and 10 very high)	Explanation
Leadership, gender sensitivity training or mentorship	3	Limited leadership training undertaken by government. Training undertaken by CSOs especially the Zambia National Women's Lobby and NGOCC.
Support structures for women in decision-making	2	Women are almost absent at this level.
Establishment and strengthening of structures to enhance gender mainstreaming	5	<ul style="list-style-type: none"> <li>• GIDD.</li> <li>• Focal Point Persons in Line Ministries.</li> <li>• Women Parliamentary Caucus.</li> </ul>
Changing discriminatory attitudes and norms of structures and procedures	3	Statutory laws compromised by customary laws.
Inclusion of men in gender related activities including community mobilisation	5	National Gender Policy.

Source: Reference group 2011.

### Costing

The Electoral Commission of Zambia (ECZ) conducted general capacity building, voter education and elections related legislative processes. Of the ZMK 2.8 billion (US\$5,1 million) received in 2010, the ECZ spent 42% on voter education. However, this did not include a gender element and ECZ lost an opportunity to educate the Zambian electorate on the importance of ensuring women's equal representation in politics. The ECZ could have joined forces with civil society and mounted a campaign to encourage voters to support women candidates.



### Next steps

There is a need for:

- More advocacy to engage political parties and government to replace the FPTP electoral system because is not conducive to increasing the number of women in political decision making structures. The requirement to increase pressure on political parties



to adopt the 50:50 threshold as stipulated in the SADC Protocol should be enshrined in the Constitution.

- To empower the women's leagues and the political party leadership. The political parties could also be encouraged to have early adoptions of their candidates to give ample time for their capacity building and for the candidates to situate themselves in the communities where they will stand.
- Women have to mobilise and ensure that the constitutional provision of proportional representation is maintained. There should be constructive engagement and submissions by the various women's organisations, the Ministry of Gender and Child Development, NGOCC as coordinating body and its member organisations and other stake holders. They should push for provisions including the 50:50 equal representations in all structures of decision making.
- The ZNWL to take the lead and re-launch the 50:50 campaign under the auspices of the Southern Africa Gender Protocol Alliance represented in Zambia by WLSA-Zambia to give this a regional perspective.
- A deliberate plan and effort targeting women in Local Government. Efforts should be made to create

partnerships with Local Government Association of Zambia to develop a sustainable programme for empowering women at this level building on existing initiatives.

- To address customs and traditions which influence the negative perceptions about women's participation in politics. This could be carried out through citizen civic education, targeting voters in communities.
- Engage the President to appoint women in vacant positions in the public sector to increase the numbers of women in public service.
- To explore a good mix of the strategies including lobbying for quota system, gender sensitisation, candidate schools, interrogating the adoption systems and procedures in favour of proportional representation, zebra lists, advocacy and lobbying, exchange visits in the region among others
- Engendering the political party manifestos.
- More involvement with the media such as television, radio as well as social media such as cellphones, internet and websites as platforms to lobby for increasing the number of women in decision-making.



Rev Nsofwa, Prof Luo, Charles Chisala and Matrine Bbuku Chuulu at the planning meeting on the draft protocol on gender and development.

*Photo: Colleen Lowe Morna*





"Sarah"

Anushka Virahsawmy





# CHAPTER 3

## Education and training

### Article 14

#### KEY POINTS

- Zambia has an SGDI score of 96%, which is based on empirical data. In comparison the citizen score (CSC) which gauges citizen's perceptions is much lower at 69%. The CSC takes into consideration qualitative nuances that are not necessarily captured by the SGDI, such as gender violence in schools and quality of education among other factors.
- Gender is strongly reflected in the 2011 Zambia Education Act.
- Zambia has free universal basic education for all children.
- The country has almost achieved gender parity in terms of enrolment at primary level with 49% girls and 51% boys.
- Literacy rates for women are lower at 61% compared to 72% for men.
- Retention of girls at secondary school is a concern as girls enrolment drops to 45 % at this level.
- However of the tertiary institutions that were analysed as part of this research showed that there are more women at tertiary institutions at 52% compared to men at 48%.
- It is illegal to take a child out of school to marry and is punishable by 15 years up to life imprisonment.
- Education accounts for nearly 20% of the national budget.



Zambia has achieved gender parity at primary school but retention is a challenge at secondary level. Reading circles a child friendly intervention to cultivate a culture of reading.

Photo: Courtesy of FAWWEZA

Table 3.1 SGDI and CSC scores on education and training

	SGDI	CSC
Scores	96%	69%
Ranks	10	5

Table 3.1 shows that Zambia, with a SGDI score of 96%, should reach gender parity at primary,

secondary and tertiary level by the 2015 deadline.

However, the SGDI captures only school enrolment and not the quality of education. Zambians using the CSC give a lower score of 69%, ranking it fifth in the SADC region. However, women scored the government's performance much lower at 61% compared to

men at 73%. This could be attributed to many challenges such as Gender Based Violence (GBV) in schools, teenage pregnancies and retention in schools which affect the girl child disproportionately.

## Background

Gender parity in education is a human right, a foundation for equal opportunity and a source of economic growth, employment creation and productivity.

With only two and a half years to go before the 2015 deadline for realising the 28 targets of the SADC Gender Protocol and the MDGs, achieving gender parity in education is one of the goals that Zambia will likely meet.

Attention needs to shift to ensure retention and improved quality of education as you move to higher levels of education and ensuring adequate resources to maintain gains made in the sector thus far. For girls, staying in school is not just about good grades. Early marriage and family responsibilities can take girls out of school early, especially because of the burden of care exacted by HIV and AIDS. Some families still do not see the value in educating girls. Poor infrastructure, such as lack of water and sanitation facilities, exacerbates the situation. Sexual harassment, by both peers and teachers, can make girl learners unsafe. All of this can undermine girls' education.

In Zambia, the National Gender Policy (2000) has guided the Ministry of Education and other stakeholders on how to address gender discrimination against women and girls. Particular attention is paid to the curriculum, the pedagogy, education materials, teachers' attitudes and classroom interaction. The Education Policy "Educating Our Future (1996)" views education as a right. The 2011 Zambia Gender Education Act is gender responsive.

Attention to education dates back to the 1980s when stakeholders realised that special measures were needed to improve access to quality education, especially for girls. National NGOs were set up, such as the Forum for Female Educationalists of Zambia (FAWEZA) and the Campaign for the Girl Child Education (CAMFED) to complement government's efforts. Two strategic



Girls at school have to perform other household chores in Katete, Zambia.  
Photo: Cynthia Kalizinja

documents, the *Focus on Learning* of 1992 and *Educating Our Future* of 1996, have been key in shaping interventions towards the vision for an educational system that addresses access to education for boys and girls, including children with disabilities, orphans due to HIV and AIDS and other vulnerable children.

The Government created the 1996 Technical Education and Vocational Entrepreneurial Training (TEVET) to address the needs of unemployed youth who could not progress to colleges and universities. It offered vocational and skills training programmes.

The main priority remains the first nine years of basic education - Grades 1 to 9. The strategic plan also incorporates gender equity, HIV and AIDS, and special educational needs as cross-cutting issues. Education remains a priority in the 2011 Sixth National Development Plan (SNDP). However despite the progress, access to quality education remains a challenge.

Zambia has signed the Millennium Development Goals (MDGs) and the Education For All (EFA) initiative. In the MDGs and EFA initiative, Zambia has committed itself to eliminating gender disparities in primary and secondary education and achieving gender equality by 2015. In the Sixth National Development Plan (SNDP) - the Ministry of Education makes a commitment to achieve gender equality by putting in place "...mechanisms and facilities to encourage the retention of girls in the education system and to provide facilities in education institutions that are girl-friendly"

## Education for All Goals

- a) Expanding and improving comprehensive early childhood care and education.
- b) Ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free compulsory primary education of good quality.
- c) Ensuring that the learning needs of all young people and adults are met through access to appropriate learning and life skills programmes.
- d) Reducing by 50% the illiteracy levels by 2015, especially for women, and equitable access to basic and continuing education for all adults.
- e) Eliminating gender disparities in primary and secondary education by 2015; improving all aspects of the quality of education and ensuring excellence of all so that recognised and measurable learning outcomes are achieved by all.

Source: Dakar Framework for Action, p. 11.



## Enrolment and retention



*The Protocol provides that state parties shall enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education.*

Education is enshrined in the Constitution as a right in order for Zambia to attain its Vision 2030, Education for All (EFA) and MDG goals. Enrolment levels have been increasing exponentially at all levels in the past ten years at an average of 6.9% for grades 1 to 7 and 9.5% for grades 1 to 9 since 2000. This is in sharp contrast to the previous decade when enrolments were growing at an average rate of slightly less than 1%. Increase in enrolments at basic school level has also been attributed to the emergence of community schools. There were

only 50 community schools in 1995 compared to more than 3,000 as of the year 2012. Most community schools enrol orphaned and vulnerable children (OVC). The main challenge the community schools face is poor quality of education. Many of the volunteer teachers have little or no training and there is a lack of availability of learning materials for both teachers and learners.

There are demands for review of the curriculum as well as the need to strengthen non-formal education.

**Table 3.2: Access and enrolment in the education sector 2010 and 2011**

INDICATOR	2010		2011	
	FEMALE (%)	MALE (%)	FEMALE (%)	MALE (%)
Net enrolment rate -grade 1-7 (NER) %*	95	94	96	95
Net enrolment rate -grade 8-9 (NER) **%	49	51	52	54
Net enrolment rate -grade 10-12	39	45	42	48
Primary school dropout rate	2.1	1.8	1.7	1.5
Secondary school dropout rate	1.9	4.5	1.6	4.0
Literacy rate*			61	72
Primary school completion rate (%)	95	94	96	95
Secondary School Completion rate (%)	41	52	43	55
Completion rate grade 9	-	-	43	55

Source: 2010/2011 Educational Statistical Bulletin/Annual School Census Reports/GIDD Information Department, 2011 \*UNESCO 2011 report.

Table 3.2 shows that although net enrolment rates for boys and girls are almost similar for grades 1-7. However completion rates for primary school are 55% for boys compared to a low rate of 43% for girls.

Currently, Zambia's education system is in a state of transition. Basic education has been expanded from seven to nine years. This is followed by three years instead of five years of secondary and between two and five years of tertiary education. The system allows children who drop out of grade 12 to enter vocational skills training, adult literacy or open learning centres."<sup>1</sup>

### Net enrolment ratio

The Net Enrolment Ratio (NER) is highest at 94% for primary school children in grades 1-7 but for basic education, Grades 1-9 level, the NER drops to 84 %. At this level there are as many boys as girls of the correct

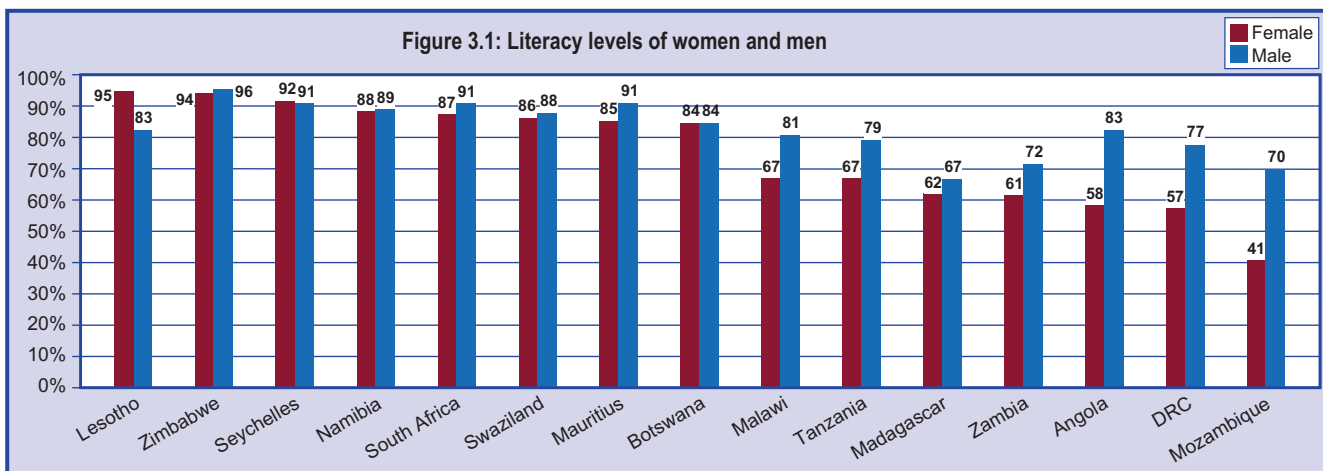
ages in Grades 1-9. Therefore, there are now roughly equal numbers of boys and girls at primary school levels. At high school level (grades 10-12) NER is significantly lower at 30%. There are many pupils whose age is not appropriate for the grades that they are placed in. Although, a low NER is generally observed for both sexes, the NER is even lower for girls.



Children from Samuelo village in Katete look to the future - Zambia, April 2012.  
Photo: Cynthia Kalizinja

<sup>1</sup> 2008 - 2010 National Implementation Framework (NIF). MoE.

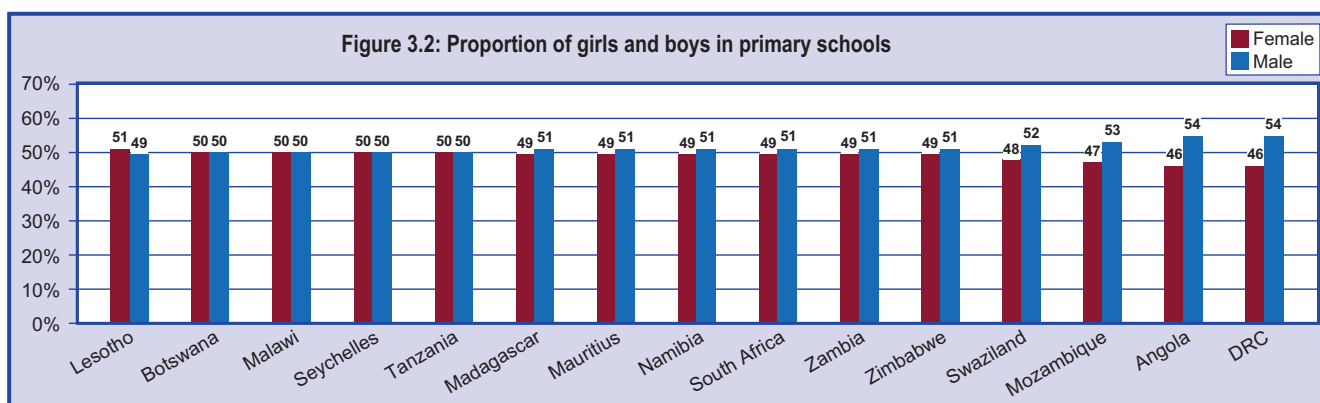
## Literacy



Source: Gender Links Regional Barometer Report, 2012.

Figure 3.1 shows that Zambia is one of the few SADC countries with a significant gender literacy gaps. The literacy rate is only 61% for women compared to 72% for men. There is a similar trend in the rest of Southern Africa, with the exception of Seychelles where women have lower literacy levels than men.

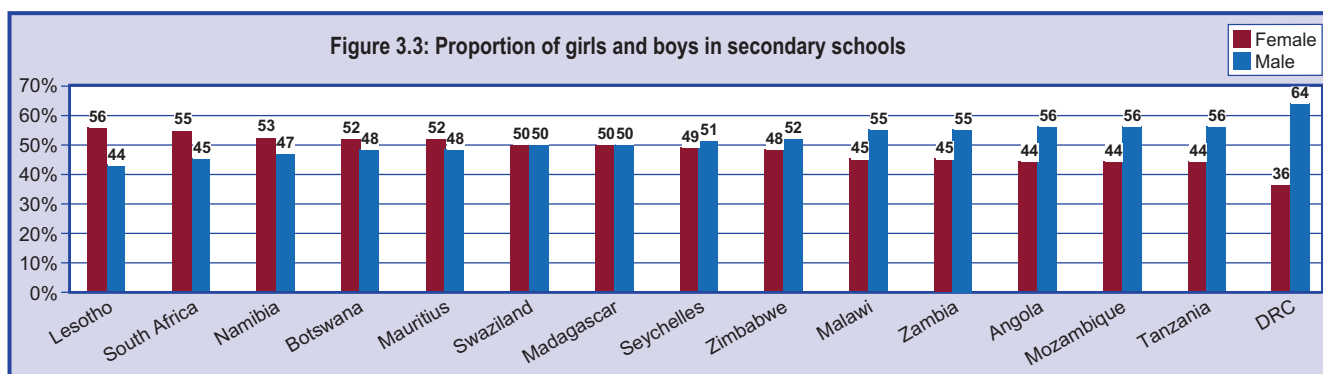
## Primary school



Source: Gender Links Regional Barometer Report, 2012.

Figure 3.1 shows that primary education continues to be Southern Africa (and Africa's) greatest success story. As in most SADC countries, in Zambia there are now almost equal numbers of boys and girls enrolled in primary schools - 49% girls compared to 51% boys. Zambia ranks in the top 10 in the region with gender parity at primary level.

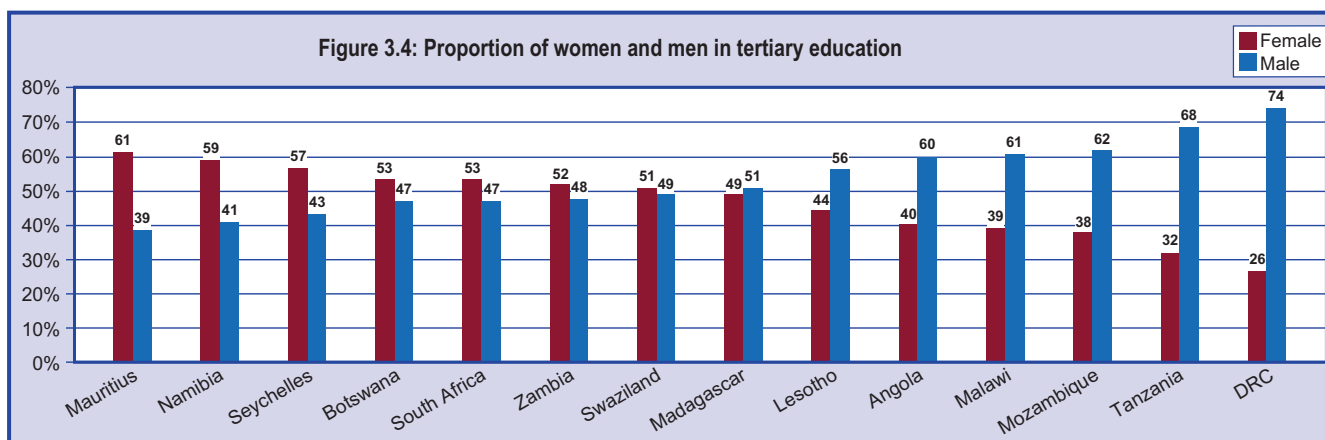
## Secondary school



Source: Gender Links Regional Barometer Report, 2012.

Figure 3.3 shows that the gender gap at secondary level is narrowing. In Zambia, boys at 55% still outnumber girls at 45%.

## Tertiary education



Source: Gender Links Regional Barometer Report, 2012.

Figure 3.4 shows that of the tertiary institutions sampled in this research there are more females at 52% than males at 48%. However further research needs to be conducted to determine the choice of subjects that women take up at this level to assess whether they are moving away from the traditional areas such as arts, social sciences, nursing, teaching and others to areas traditionally dominated by men such as Science and Technology.

### Enrolment at universities

If you disregard other tertiary institutions and focus on universities only there are fewer women than men enrolled although specific figures were not available. It proved difficult to obtain sex-disaggregated data on admissions at various universities in Zambia (University of Zambia Great East Road Campus, Copperbelt University, Zambia Open University, Mulungushi University).

However the Zambian Education Policy of 1996: *Educating Our Future* states that: "Education is a right for each individual and it is a matter of fairness or justice that access to and participation and benefit in the education system be available to all." The Ministry of Education implements the gender policy to address gender-based discrimination against women and girls within education. The main thrust of the policy is the CRC.

The Education Policy of 1996 addresses factors that hinder access, progression and accomplishment of girls and young women in schools and colleges and seeks to ensure that female students are integrated with males as equal beneficiaries and participants at all levels of education (National Policy on Education 1996:3). Currently, practice shows that females are under-represented at nearly all institutions of higher learning in Zambia, namely the Copperbelt University, the Open University and the University of Zambia. The representation of females is better at training colleges than in the universities.

But there are positive qualitative developments at some universities. For example a first female Vice Chancellor at Mulungushi University, Hellicy Ngambi, appointed with effect from 1st September 2012. Previously she served as the Executive Dean of the College of Economic and Management Sciences at a University in South Africa.

But this is not the case elsewhere. Out of 12 research and graduate schools and directorates including the University of Zambia, only one woman is currently holding a senior position - that is, Margaret Munalula who is the Dean of the School of Law.

At Assistant Dean level, only one out of eight professors is a woman. (Assistant Deans cannot make decisions.) In the school of Natural Sciences, Mubanga Lombe is the only female member at high management level. She is heading the Mathematics and Statistics Department, a position considered higher than that of Assistant Dean.



Learning is lifelong. Participants attending a gender mainstreaming workshop in Kabwe Council.

Photo: Colleen Lowe Morna



### Dropout rates

Girls drop out of school for many reasons including early marriages. Poverty has also forced girls to stop school and look for employment as casual workers or domestic house servant. Others stop education to take care of their sick parents.

In 2010, the national dropout rate for grades 1-7 was 2.1%. The dropout rate was higher for girls (2.3%) than for boys (1.8%). The national dropout rate for grades 1-9 was slightly higher at 2.3%. Girls had a higher dropout rate than males (2.7% for girls and 1.9% for boys). Dropout rate for grades 10-12 was 1.0%. Female dropout rate was more than twice that of males (female 1.6 %; male 0.6%).

Out of 13,769 girls who were reported pregnant at basic education level, 5,034 (37%) were readmitted in school between six to 12 months after delivery. Out of 1,817 girls reported pregnant and enrolled in high school, more than half (56.9 %) were readmitted. Readmission rate is higher for high school girls than girls who were in basic education.

When meals were provided in community schools, enrolment and retention of OVC increased.

### Quality of education

The education sector focusses on increasing access to education for children living in rural areas and peri-urban areas, and improving the quality of education overall. The poor quality of education is partly due to poor pay for teachers. The poor pay forces them to miss lessons in search of additional income outside of school. In a study undertaken by ZANEC, it was established that teacher absenteeism was common in the education sector with teachers from both public and community schools being more absent than those teachers in private schools.

### Performance

According to the 2011 Examinations Council of Zambia (ECZ), based on high school examination results, boys performed better than girls in all provinces except for in the Northern Province where girls performed better than boys. Although there are differences, in provinces such as Copperbelt, Eastern, Western and Southern, the trend is that the gaps in pass rates are narrowing between the boys and girls.

There is gender parity for girls and boys at primary school level especially for grades 1-5 due to government policy to enroll 50% girls and boys at grade one level. In some cases, more girls than boys are enrolled for grade one. Gender disaggregated data indicate that the number of pupils dropping out of school at grades 1-7 level is equally high for girls and boys.

### *Factors contributing to the differences in school performance between girls and boys and measures to address them*

Poor performance of girls and boys is attributed to many factors including poverty, living in rural areas, and being orphaned. Most orphans and vulnerable children are found in community schools, where the quality is poor. They are also more likely to drop out due to early marriages.

Despite the fact that the proportion of boys and girls sitting for examinations is similar, girls continue to under-perform compared to boys in all three examinations. This pattern remains unchanged over the three years studied and therefore is unlikely to change significantly by 2015 (ZANEC, 2011). "At Grade 12 level, even though in absolute numbers more boys registered for the grade 12 examination, the percentage of boys who registered and sat for the examination was the same as that of girls - 97%. Of the girls who sat only 58% obtained full certificates, while 63% of the boys got full certificates." (Ibid).



Quality of education at community schools requires attention as it is generally poor at the moment. Painting on the wall made by students at Nega Nega community school. Art work prepared and supervised by Mrs. Ayano Mizuguchi, painter, designer and volunteer.

## LAWS THAT SUPPORT GIRLS' RETENTION IN EDUCATION

### The Anti-Gender-Based Violence Act, 2011

Part 1, Section 3 (1) (m) criminalises abuse delivered from the following cultural or customary rites or practices: (iv) forced marriage; (vi) child marriage

\*\*\*\*\*

### The Education Act, 2011

#### Part IV, Section 18

(1) states, "Subject to the Constitution and any other written Law, a learner who is a child shall not contract any form of marriage" and

(2) states, A person shall not - (a) marry or marry off a learner who is a child; or (b) prevent or stop a learner who is a child from attending school for the purpose of marrying or marrying off the learner who is a child.

#### Part IV, Section 25

(2) states, A learner who falls pregnant or impregnates a female learner while pursuing a course of study at an educational institution shall be re-admitted to the educational institution after delivery of the baby.

#### Part IV, Section 28

(1) states, A teacher, employee or other person at an educational institution shall not impose or administer corporal punishment or degrading or inhuman treatment on a learner or cause corporal punishment or degrading or inhuman treatment to be imposed or administered on the learner.



Source: FAWEZA, 2011



## Gender strongly reflected in the Zambia Education Act (2011)

The Zambia Education Act 2011 mainstreams gender in line with Article 14 of the SADC Gender Protocol. This provides for equal access to quality education and training for women and men as well as their retention at all levels of education. It further provides for challenging stereotypes in education and eradicating GBV in educational institutions. Examples include:

*Article 31: Gender balance and equity in educational institutions and educational systems:*

- (1) The Minister shall promote equity in access to education, participation in, and successful completion of education at all levels, irrespective of gender, social class or disability.
- (2) Without prejudice to the generality of sub-section (1), an Education Board or board of management shall develop and implement plans for the promotion of equal opportunities of access to, and participation in, the various levels of school education for which the education board or board of management is responsible.
- (3) An Education Board or board of management shall ensure that both the curriculum and the associated teaching materials at an educational institution are gender sensitive.
- (4) Gender issues and the development of gender sensitive teaching methodologies shall be integral to the pre-service and in-service training of teachers.
- (5) The Minister shall endeavour to provide equal education opportunities for both male and female learners.

*Article 32: Provision for protection against gender-based violence*

- (1) An Education Board or board of management shall develop procedures for preventing the gender based violence of employees, teachers and learners at educational institutions.
- (2) An education board or board of management shall establish mechanisms of dealing with cases of gender-based violence.

The Act reinforces the National Policy on Education of 1996, which has specific provisions aimed at eliminating factors that hinder access, progression and accomplishment of girls in schools and colleges. Female and male students are to be treated as equal beneficiaries and participants at all levels of education.



A gender responsive Education Act will go a long way in improving girls' access to and encouraging retention in the education system - Zambia, 2005.

Photo: Gender Links

Part IV 18 (1) of the policy provides that:

Subject to the constitution and any other written law, a learner who is a child, shall not contract any form of marriage.

2) A person shall not:

- (a) Marry or marry off a learner who is a child; or
- (b) prevent or stop a learner who is a child from attending school for the purpose of marrying off the learner who is a child.
- (c) a person who contravenes this section commits an offence and is liable, upon conviction, to imprisonment for a period of not less than fifteen years and may be liable to imprisonment for life.

Section 19 says that an educational institution shall not discriminate against a learner in any manner. Section 22(1) provides that the Minister shall ensure equal access to quality education to all learners, including poor and vulnerable children. While section (5) ensures that education board and the board of management of an educational institution shall adopt a policy of positive and affirmative action in relation to poor and vulnerable children.

Limitations include the lack of specific reference to gender parity in decision making in all areas and at all levels within the sector. The act is also silent on the role of teachers, employees and administrators in bringing about the desired changes.



### Policy on teenage pregnancy: re-entry policy

The re-entry policy in education allows pupils that fall pregnant to return to school. However, the number of girls who are re-admitted after dropping out due to pregnancy is reducing. A review by the Ministry of Education in 2010 found that some educational providers were unaware of the re-entry policy. In other incidences girls who returned after delivery faced hostility from both school administrators and fellow pupils. The review also noted that some civil society organisations argue that the policy contributes to increasing dropout rates because the pupils get pregnant knowing that they will be re-admitted into school. Other critics of the re-entry policy have argued that the policy increased irresponsibility and recklessness on the part of the girls as there is no deterrent for getting pregnant (Ministry of Education, 2010).

The re-entry policy is silent on the learners who are fathers. Boys who fathered babies continue with the education.

### Gender based violence in schools

Gender violence in school remains a major concern. The forms of violence vary, but generally revolve around rape or sexual abuse. The problem stems from gender inequalities between women and men, which then transfer onto girls and boys. Some other forms of abuse involve hitting, intimidation, verbal abuse and coercion to have sexual relationships with teachers. Bullying of girls by boys is a common phenomenon in schools and sexual abuse of girl children by teachers and other civil servants is extensive. Psychological abuse is another large problem, which unlike physical or sexual violence receives little attention. The violence affects all levels in the sector - including female teachers, workers, girl children and boy children.

The major challenge for the Ministry of Education is to improve the safety of girls. According to FAWWEZA, more girls are becoming pregnant in urban boarding schools.

Many girls are forced to leave their rural communities because there are not enough places in schools there. The lack of spaces is partly due to the pace at which basic schools have been upgraded to upper basic ones.

Some girls have been raped at the boarding schools. The 2011 Anti- Gender Based Violence Act has not yet been implemented.

#### Example of gender stereotypes in educational materials, Zambia

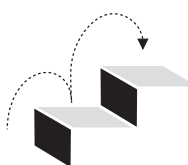
The following is an excerpt of an old grade one English school reader book.

This is Jelita, Jelita is a girl. She is cooking nshima. Look at Mulenga, Mulenga is a boy. He is kicking the ball.

### Costing and budgetary allocations in the education sector

Education accounts for 20% of the Zambia budget. The new Education Act compels Government to facilitate the provision of more community schools, especially for girls, enforce a 50/50 enrolment policy at basic and high school, and introduce bursary for Orphans and Vulnerable Children that is 60:40 in favour of girls. At the primary school level, there is no separate amount earmarked for the retention of the girl child.

There is, however, a programme section on equity: ZMK 435,456.6 billion or US\$ 91,674,947 in 2011. Ministry of Education bursary support largely targets the University level and is not gender disaggregated. Curriculum Development and Educational Materials had a total budget of ZMK 35,664 billion (US\$ 7,445,402) in 2011. Education materials for basic schools cost ZMK 14,725 billion (US\$ 3,073,912.1808) in 2011. The budget estimates are not gender disaggregated, but the new Education Act (2011) places an obligation on the Education Boards or Board of Management to ensure gender responsive curriculum and teaching materials at educational institutions. FAWWEZA has a bursary scheme to support girls wishing to pursue science and mathematics.



### Next steps

There is a need for:

- Advocacy for more adult literacy classes and especially to narrow the gender gap. More efforts to implement the Youth and Adult Literacy Act.
- Enhanced Training of Trainers for Adult Literacy Facilitators/Animators through Training for Transformation used predominantly by the Catholic Church. It is an empowering tool for individuals and groups specifically targeting rural women and girls.
- A separate Commission for Youth and Adult Literacy similar to Permanent Human Rights Commission with Cabinet status so that it will have its own Strategic Plans and budget allocations.
- Support for the documentation of the FAWWEZA “back-to-back” concept so that it can be replicated and scaled up in all the provinces. Increased awareness raising campaigns, specifically targetting rural women and girls.
- Equal access of girls in institutions of learning, and additional resources such as books, desks.
- Revising text books and the school curriculum to remove gender stereotypes.
- More support for community schools to mainstream them in public education system.
- Sustained allocation of resources to the education sector that is used in a gender responsive manner.





"Ntkozo"

Anushka Virahsawmy





## CHAPTER 4

# Productive resources and employment, economic empowerment

## Articles 15-19

### KEY POINTS

- The SGDI score is 68%, which places the country at number 11 in the region.
- Citizens were more critical in scoring government's performance against the SADC Gender Protocol targets for this sector at 62%. The CSC is based on perceptions and can be influenced by qualitative factors that are not taken into account in the SGDI.
- The Ministry of Lands, Natural Resources and Environmental Protection has a policy stipulating that women should have access and be allocated 30% of the land.
- Government, ZARD and partners are piloting studies on gender responsive budgeting in the agriculture and health sectors.
- Women continue to struggle to access credit.
- Women's labour force participation rate, at 60% is much lower than that of men at 86%.
- No national time use studies have been conducted in Zambia except for a few ad hoc sector specific studies.



Women involved in livestock production but need additional resources to scale up their initiatives.

Photo: Derrick Sinjela

Table 4.1: SGDI and CSC scores of productive resources and employment, economic empowerment

	SGDI	CSC
Scores	68%	62%
Ranks	11	6

With only two years to go before the 2015 deadline, Table 4.1 with an SGDI score of 68% and a CSC score of 62% shows that Zambia may not meet all the targets of the SADC Gender Protocol related to this sector. While there has been progress in the economic sector



the pace is painfully slow. The global financial crisis may exacerbate the situation.

The SGDI is a composite of the following indicators: the female share of economic decision-making positions; the ratio of female labour force participation to male labour force participation; the female/male unemployment rate; the female share of non-agricultural labour and length of maternity leave.

When rating the government, citizens may have also taken into account qualitative indicators such as poverty levels, access to productive resources, and women's economic literacy. Women were more critical in scoring their government giving a mark of 58% compared to 64% for men.

### Background

Vision 2030 of Zambia is for "a prosperous middle income nation by 2030. Zambians, aspire to live in a strong and dynamic middle-income industrial nation that provides opportunities for improving the well-being of all, embodying values of socioeconomic justice, underpinned by the principles of: (i) gender responsive sustainable development; (ii) democracy; (iii) respect for human rights; (iv) good traditional and family values; (v) positive attitude towards work; (vi) peaceful coexistence and; (vii) private-public partnerships" (Vision 2030, 2006).

The vision guides development through successive five-year national development plans and budgets. The Sixth National Development Plan (SNDP), along with the national gender policy (2000), aims to eliminate gender inequalities in socio-economic and political development. The Gender and Development chapter in the SNDP recognizes the need to promote gender equity and equality. However, the plan is not as gender responsive as it lacks concrete time-bound targets and indicators with related budgets. Also, unless key line ministries have baseline data, which is gender disaggregated, progress is difficult to monitor.

Zambia has made significant economic progress in recent years. During the FNDP period (2006-2009), Zambia averaged an economic growth rate of 6.1% per annum compared to 4.8% during the Poverty Reduction Strategy Paper (PRSP)/Transitional National Development Plan (TNDP) (2002-2005) period.

Despite gender mainstreaming training and a circular from the

Ministry of Finance and National Planning (2011-2013) compelling key line ministries to mainstream gender in the planning, so far they have not engendered the allocation of resources. Moreover, although the government has appointed Gender Focal Points (GFPs) in the line ministries, the GFPs are junior to the planner and the accountant and so their influence is limited. The other main challenge is the traditional cultural attitudes. Many people believe that the head of the household has to be a man and he accesses information, loans and services, such as agricultural extension. By contrast, culturally, women are predominantly perceived as housewives and just a source of labour or wealth. This prejudices women's access to and ownership of productive resources such as land, housing and property. Language and various proverbs reinforce this.

- **"Mwalumi ngo mutwe wa ng'anda"** (Tonga saying), or **"Umwaume e mutwe wa ng'anda"** (Bemba saying) meaning, "A man is the head of the household and decision-maker".
- **"Bana basimbi ndubono"**, a Tonga saying, meaning "Daughters are wealth", or a means to acquisition of wealth.

The bride price, "*lobola*" sometimes forces girls into early marriages, especially in rural areas where traditional cultural practices and norms remain dominant despite efforts to raise awareness against the practice. The girl is valued because she will bring wealth to her immediate family as she is controlled by fathers, maternal uncles, brothers or other male relatives.



Women in the informal sector contribute significantly to the economy. Women displaying their wares at the Kapiri Muposhi market - Zambia, March 2012.  
Photo: Colleen Lowe Morna

## Women and men in economic decision-making

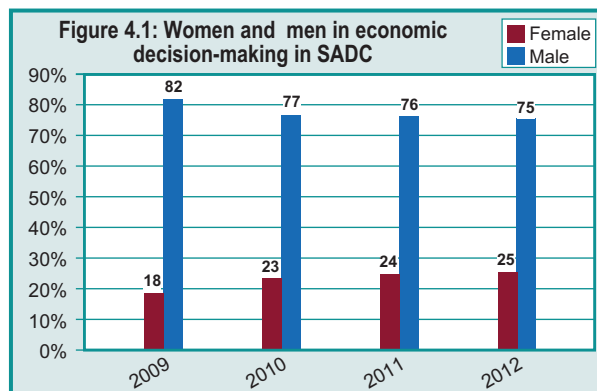


*The Protocol provides that state parties shall, by 2015, ensure equal participation by women and men in policy formulation and implementation of economic policies.*

Politics and the economy are closely intertwined. Governments determine economic policies and practices, and economics give power to those in leadership positions. There are quantitative arguments for gender balance in representation in decision-making. Women have a right to representation. But there are also qualitative arguments for balance.

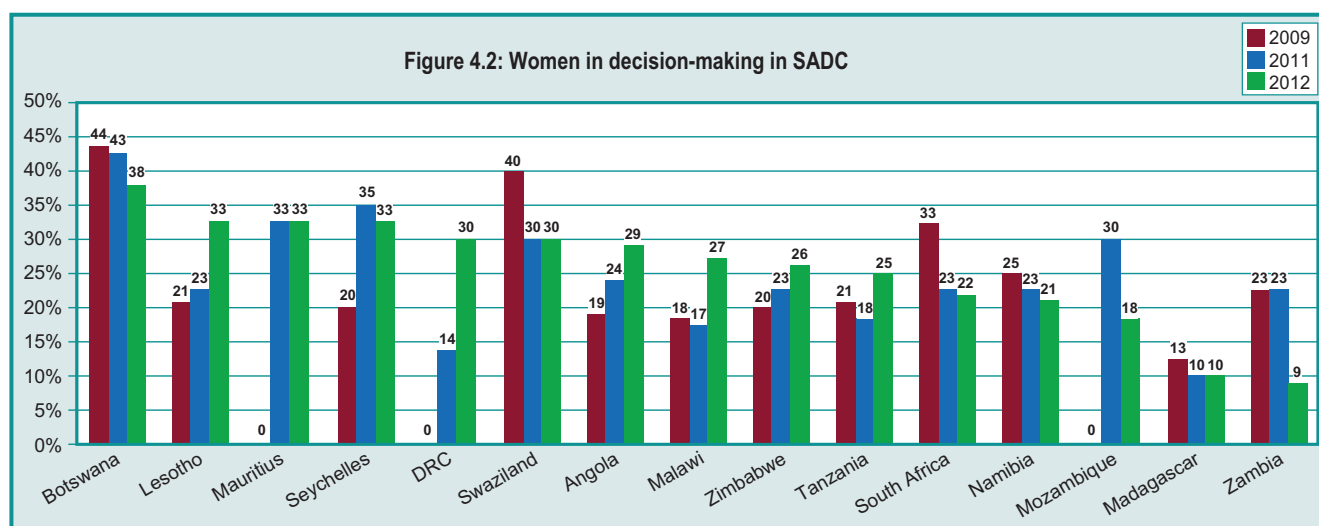
Although women are not all the same, there are certain issues that they feel more strongly about than men, because of their life experiences. It is the responsibility of governments to plan for development, and allocate the needed resources to achieve the goals set out in the plans. Economic justice starts with ensuring that these resources and strategies adequately serve these needs.

Figure 4.1 shows that since the barometer began tracking this indicator in 2009, women's participation in economic



Source: 2012 SADC Gender Protocol Barometer, Gender Links.

decision-making (minister and deputy minister, permanent secretaries in finance, economic planning, trade and governors of the reserve bank) the proportion has gone up by 6% (from 18% to 25%).



Source: 2012 SADC Gender Protocol Barometer, Gender Links.

Figure 4.2 shows that Zambia recorded a drastic decrease for women's participation in economic decision-making positions of 24%, from 23% in 2011 to a mere 9% in 2012 and ranks bottom in the region.

### Decision-making structure at MACO, 2010

Although the Ministry of Agriculture and Cooperatives (MACO) is one of the key ministries with more women than men few women occupy key decision-making positions.

The GIDD (2010) Gender Audit of the Ministry of Agriculture and Cooperatives showed that gender stereotypes permeate the employment patterns within the sector. At ministerial level, the audit revealed that since Independence in 1964, only two females have been appointed as ministers while only one female has been appointed as a permanent secretary.

At the time of the gender audit, the minister, deputy and permanent secretary were all men. From the total labour force of 5,679 in the Ministry of Agriculture and Cooperatives, only 1,212 were women compared to 4,467 men. Women are therefore under-represented in decision-making structures of the Ministry.

Regarding other positions at lower levels of decision-making in the ministry, most women occupy positions such as agricultural officers, agricultural assistants, livestock officer, typists and stenographer. By contrast men tend to be the economists, mechanics and assistant agricultural officers.

## Gender budgeting



*The Protocol provides that State Parties shall ensure gender responsive budgeting at the micro and macro levels including tracking, monitoring and evaluation.*

Budgets are a government's most important policy instrument, shaping social and economic development and reflecting priorities for action. They outline how much will be spent on health care, military or education, what taxes may be introduced, increased or decreased,

strategies for increasing employment or access to housing, and every other activity of the government. Although budgets may appear to be gender-neutral policy instruments, expenditures and revenue collection can have different effects on women and men.

### Gender budgeting initiatives in Zambia take root



Edwidge Mutale, Permanent Secretary in the Ministry of Gender and Child Development at the Women's constitutional conference, June 2012.  
*Photo: Margaret Machila*

UN Women, formerly UNIFEM, has collaborated with the Zambian Government and civil society organisations. The partners are government agencies on one hand, with GIDD as the lead agency and Ministry of Finance and National Planning, Ministries of Health and Agri-

culture and Cooperatives as focal ministries. On the NGO side, the lead organisation is the Zambia Association for Research and Development - ZARD, with other key partners being the Non-Governmental Coordinating Council (NGOCC), Women and Law in Southern Africa (WLSA), Caritas Zambia and Civil Society for Poverty Reduction (CSPR).

The project commissioned two appraisal studies for the Agriculture and Health sectors. The studies undertook a sector-specific situation analysis to understand the needs and identify gaps from a gender perspective. The reports are yet to be finalised and circulated for public use.

The project aims to move beyond awareness raising to activities that will serve to institutionalize Gender Responsive Budgeting (GRB) within the government system, and provide concrete ways of amending budgets and the underlying programmes, projects and practices so that they promote gender equality. The project



incorporates four main areas of activities, namely (a) gender budget statements; (b) gender-aware policy appraisals; (c) citizen report cards; and (d) general GRB awareness raising.

Preliminary findings of the two appraisal studies are given below:

### **Gender budgeting in agriculture**

The general objective of the study is to conduct a Gender Awareness Policy Appraisal of the Farmer Input Support Program, how it has contributed towards government's goal of redressing the existing gender imbalances and provide equal opportunities for women and men to actively participate and contribute to their fullest ability and equitably benefit from national development.

The specific objectives of the study are:

- To analyse the agriculture policy with a focus on FISP from a gender perspective;
- To determine the extent to which the resource allocations are adequate to facilitate policy and programme implementation;
- To analyse the impact of the policy, programme and budget on service delivery from a gender perspective.
- In order to reduce poverty levels and food insecurity and achieve a sustainable economic growth, the government has identified agriculture as the priority sector. To demonstrate its commitment to the agriculture sector the government had, between 2004 and 2010, varied the agriculture budget allocations between 5% and 8% of the total national budget, indicating that Zambia has yet to comply with the 2003 African Union (AU) Maputo Summit decision of allocating at least 10% of the budget to the agriculture sector. In 2011, the Government signed the Comprehensive Africa Agriculture Development Programme (CAADP) compact and reaffirmed the commitment to allocate at least 10% of the national budget to agricultural development.

### **Preliminary findings**

Agriculture is underperforming in many developing countries for a number of reasons. Among these is the fact that women lack the resources and opportunities they need to make the most productive use of their time. Women are farmers, workers and entrepreneurs but tend to face more constraints than men in accessing productive resources, markets and services. Women are less likely than men to own land and livestock, adopt new technologies, use credit or other financial services or receive education, or extension services. In some cases, women do not even control the use of their own time.

In Zambia, women constitute 64 % of the rural population and approximately 80% of the producers of the food are women.<sup>1</sup> Despite the women's larger contribution to agriculture, there is still a big gap in resource allocation. The participation of women in the FISP has continued to remain low. This is also exacerbated by a lack of commitments to tackle gender inequalities in agriculture by the implementing Ministry.<sup>2</sup> From inception to 2008/09 farming season, only 36.78% of the total number of farmers benefiting from FISP were women (see Table 4.2).

**Table 4.2: Proportion of males and females benefiting from FISP**

Year	Female	Male	Total	% Female	% Male
2002/03	56,791	74,314	131,105	43.32%	56.68%
2003/04	49,076	95,315	144,391	33.99%	66.01%
2004/05	38,887	77,028	115,915	33.55%	66.45%
2005/06	47,389	88,928	136,317	34.76%	65.24%
2006/07	73,470	134,078	207,548	35.40%	64.60%
2007/08	46,884	75,754	122,638	38.23%	61.77%
2008/09	74,279	139,271	213,550	34.78%	65.22%
<b>Total</b>	<b>386,776</b>	<b>684,688</b>	<b>1,051,464</b>	<b>36.78%</b>	<b>65.12%</b>

Source: MACO, 2010.

From Table 4.2 above, we extract the percentage of women benefiting from FISP. The proportion of women who benefit has consistently been below 40% except in 2002/2003.

### **Reproductive health**

This study sought to understand how reproductive health policies translate into budgets and how both contribute to increasing or reducing gender inequalities. Further the study seeks to explore the impact of the reproductive health policies and budgets on women, men, girls and boys who are the ultimate target groups. The purpose of the study was to conduct a Gender Aware Policy Appraisal for the Ministry of Health, with special reference to the Reproductive Health Policy.

A Gender-aware policy appraisal (GAPA) is an analytical tool which involves scrutinising the policies and programmes through gender lens by paying attention to the gender needs and priorities, which could either be implicit or explicit gender issues. GAPA analyses programmes and policies funded through the National budget from a gender perspective. This tool tries to answer the following questions:

- Are policies 'gender-neutral'?
- Are policies and programmes likely to reduce or change gender inequalities?

<sup>1</sup> FAO (2011) The State of Food and Agriculture 2010-11. Women in Agriculture. Closing the gender gap for development.

<sup>2</sup> Farnworth, C.R. et al (2011) Zambia Feed the Future Assessment Report.

- c. Do budgetary allocations follow policy commitments on gender inequalities?

The overall objective is to assess from a gender perspective the Health policy focussing on the Reproductive Health services to determine whether these policies and programmes with their respective budgets contribute to reducing or increasing gender inequalities

### Specific Objectives

- To conduct a Situation Analysis of the Reproductive Health Services within the Health Sector;
- To conduct a policy analysis of the Health policy with a focus on the Reproductive Health Policy and Programme from a gender perspective;
- To analyse the Budget for the Reproductive Health Programme from a gender perspective so as to determine the extent to which the resource allocations are adequate to facilitate policy and programme implementation;
- To analyse the impact of the policy, programme and budget on service delivery from a gender perspective;

A gradual increase in the overall budgetary allocation to reproductive health can be observed over the years but this may not be adequate to accommodate the shift in policies to take on activities for the safe motherhood action groups, the huge investments in setting up basic and comprehensive emergency obstetric and newborn care to mention just a few. In addition, there are a lot of factors that may hinder progress in access like road

infrastructure and bridges that fall outside the jurisdiction of the health sector. For impact to be realised it is important to ensure that the focus of gender responsive budgeting cuts across all players within the reproductive health fraternity. It is also critical that efforts are targeted at the budget making process to ensure an all-inclusive participation of stakeholders.

Key recommendations emerging from the study include:

- Provide clear guidance to MPSA on gender responsive budgeting.
- Make gender a key component of the budget making process.
- Make inclusion of gender mandatory during the budget hearing process.
- Need to take concrete steps towards institutionalizing gender responsive budgeting.
- Clearly define Men's reproductive health needs and identify key players in the implementation process.
- Involve key players in the budget making process and give them adequate decision making powers.
- Advocacy for adherence to Abuja declaration on commitment made by member states to committee 15% of annual budgets health.
- Resource allocation to match activities for impact, further identify funding points for maximum impact.
- Use bottom up approach to the extent possible for priority setting in reproductive health.

*Excerpts from: Gender Responsive Budgeting - Gender Awareness Policy Appraisal - Farmer Input Support Program (2011). Zambia Association for Research and Development*

## Costing implementation of the SADC Gender Protocol

Building on work by the Ministry of Gender and Child Development and NGOs such as ZARD, on gender budgeting, Zambia has embarked on a national programme to mainstream gender, cost, and make budget allocations to facilitate implementation of the 28 targets of the SADC Protocol on Gender and Development. This will result in the development and adoption of a holistic costed gender action plan to guide all ministries and relevant stakeholders in addressing gender inequalities.

At the time of writing an inception meeting, organised by the Ministry of Gender and Child Development in partnership with SADC Secretariat (Gender Unit), GIZ and Gender Links had been convened in Lusaka on 8

August 2012. This is against the background that Zambia signed the SADC Gender Protocol at adoption in 2008, and is at advanced stages of ratifying. This initiative intensifies at a time when the region has less than two and a half years to go before 2015 when SADC Member States will account and report on progress made towards the attainment of gender equality and equity. State and non-state actors attended the meeting. The training workshop will take place in November 2012. This is based on a costing and implementation model developed by Gender Links that brings together all elements of the SADC Gender Protocol campaign.

Please read Chapter 10 for details of the project and methodology.

## Multiple roles of women



*The Protocol provides that by 2025, state parties shall conduct time use studies and adopt policy measures to ease the burden of the multiple roles played by women.*

According to the Centre for Time Use Research, no national time use surveys have been conducted in Zambia (as of 2009). Similarly, there appear to be few available small-scale studies of women's time use in Zambia.<sup>3</sup>

Time use studies aim to provide information on the work performed by women and highlight the time they spend on unpaid activities including domestic chores, the care of children, the elderly and the sick, water and fuel collection, and voluntary community-oriented work. In so doing, they seek to address the problem of the 'invisibility' of women's unpaid work, and draw attention to the amount of time women spend engaged in activities that often go under recorded (or not recorded at all) in labour and household surveys (Budlender, 2007, p.11).<sup>4</sup>

There is some evidence of a negative impact of increased care giving responsibilities on women's agricultural labour supply in Zambia. A qualitative study of the Monze district of southern Zambia found that women were forced to abandon their agricultural work because of their care-giving responsibilities stemming from HIV/AIDS. The study showed that women and grandparents are overburdened with caring for patients and fostering orphans. When men become sick, women take on the role of primary care giver while also trying to carry out their roles as homemaker, intensive farm labourer, and mother. The study concluded that a rigid division of labour was a limiting factor in household responsiveness to HIV/AIDS (Waller 1997, also cited in Blackden and Wodon, 2006). More broadly, Fontana and Paciello (2010, p. 54) note that there is now ample evidence that women disproportionately carry the burden of care emanating from the HIV/AIDS crisis, and that 'having to care for their sick relatives reduces



Women performing multiple roles. Breaking gender stereotypes as women participate in construction work at a Taso Basic School in Katete - Zambia, April 2012. Photo: Cynthia Kalizinje

women's capacity to engage in paid work, in both farm and non-farm activities'.<sup>5</sup>

A recent study of food security, nutrition, and women's agricultural livelihoods in Western Province, Zambia, revealed evidence of conflicting demands between domestic and agricultural tasks. The study found that women's work in crop production and piece-work impacts on care and feeding because small children are left for long periods when women are trading or engaged in farm work. Women interviewed for the study described how child care must fit around these livelihood activities, and how taking care of children reduced the amount of work that could be achieved. Women were aware of the trade-off they were making, but they were compelled to meet the immediate need to feed their families (Kent and MacRae, 2010).<sup>6</sup>

## Economic empowerment



*The Protocol provides that state parties shall by 2015:*

- *Adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors;*
- *Review national trade and entrepreneurship policies, to make them gender responsive;*
- *Introduce affirmative action measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes.*

<sup>3</sup> Helpdesk Research Report: Time use studies and women's empowerment, DFID Zambia, Mcloughlin, C., October 2011 pg 2.  
<sup>4</sup> Helpdesk Research Report: Time use studies and women's empowerment, DFID Zambia, Mcloughlin, C., October 2011 pg 2.  
<sup>5</sup> Helpdesk Research Report: Time use studies and women's empowerment, DFID Zambia, Mcloughlin, C., October 2011 pg 2.  
<sup>6</sup> Helpdesk Research Report: Time use studies and women's empowerment, DFID Zambia, Mcloughlin, C., October 2011 pg 2.





Excerpt from *The Times of Zambia* by Charles Chisala

The Citizen Empowerment Act (No. 9 of 2006) prohibits discrimination based on sex in access to and control of economic resources and employment. Many women and men at district and community levels are unaware of the Act. A gender audit in the agriculture sector noted that there is political will towards gender mainstreaming, but the ministry, like others lack technical competences to effectively mainstream gender in planning and budgeting processes.

The mid-term review showed some gaps between what budget figures in the Fifth NDP projections and the actual expenditure. The Gender Audit also found that the areas where most women occupy such as livelihood programmes, irrigation developments, agriculture infrastructure, livestock development, and agricultural marketing, received limited funding despite being identified as priority areas in Fifth NDP.

The Trade and Industrial draft policy recognises that women are marginalised in the workplace and in enterprise. The policy proposes continuous education and training to promote gender equality and to ensure an understanding of international best practice. The policy identifies the challenges to increase representation of women at all levels, from the boardroom to the shop floor and to promote women entrepreneurs. One of the objectives of the policy is to promote gender equality in the productive sectors of the economy. The policy prescription on gender is that the government will encourage skills development and entrepreneurship in women and encourage the teaching of vocational, technological and applied skills at the country's tertiary institutions, including for women.

### Women in mining

Given the growth in the mining sector and the fact that mining is now the main revenue source for Zambians and the region, women's participation in this productive sector is important.

An ILO report on employment in the organised mining sector (2002) indicates that mining is predominantly a male-dominated field. Development planners rarely

associate mining with women and, in the past women have been prohibited from working underground. Some of the informal activities undertaken by women and children include stone-crushing which is hazardous to their health. Despite the risks, women have been keen to participate in mining both as workers and owners of the miners.

Interviews with women who are involved in small-scale mining show women miners are not put in positions as policy makers and lack incentives for developing their businesses. Namakau Kaingu, the President of the Zambia Association of Women in Mining, said there are no incentives to support female miners. Margaret Zulu, a female miner, indicated that women also face challenges marketing their produce locally and internationally.

The Women in Mining Association, a member of NGOCC, is determined to increase its influence in the mining sector. The Chairperson of the Zambia Association of Women in Mining, Mary Lubemba, points out that women lack appropriate machinery and instead have to use the traditional "pick and shovel." Women in mining need much more support in terms of funding so that they are able to acquire the modern machinery used in mining. Women require further assistance in terms of processing the raw materials from the mining sector so that they are able to "add value to our products by supplying finished goods to the world markets." Some of the initiatives that women have undertaken include training of women in design and processing of jewelry.



Women's multiple roles at play. Stone crushers, an occupation hazardous to their health, take a break - Zambia, June 2006. Photo: Trevor Davies

Another challenge for the women in the mining sector is to access cooperating partners who invest in the mining and also enhance their technical knowledge. Mining is one of drivers towards Zambia's prosperity by 2030. Although many pledges were made towards empowerment of women in the sector, most of the investments in the sector are gender-blind.

In the mining sector, the average remuneration for women is lower than that for men. Fewer women are represented in senior management positions compared to men. Since this is a non-traditional sector for women, the government could enact gender responsive

frameworks to guide developments within the sector. Also, fewer women than men are trained in mining; tertiary institutions could develop affirmative actions to increase the numbers of female students studying mining.

The ILO points out that women working in the mining sector often do the more hazardous jobs such as stone crushing. In Solwezi, anonymous sources revealed that increasingly women are abused by investors; they also often resort to commercial sex work or to extremely lowly paid domestic work for executives in the mining firms.

#### **Barrick Lumwana mining company promotes gender equality as part of their corporate social investment**

Barrick Lumwana Mining Company is one of the private sector companies that has addressed women's empowerment at national level and within the communities in which it is operating in Solwezi in North-Western province. Barrick Lumwana Mining Company funded the Zambia Women's Conference on engendering the 1st Draft National Constitution as part of its corporate social responsibility programme towards gender equality in Zambia. Moreover, Lumwana Mining Company has the first Zambian female member of the company's management team (2007-2011). Brenda Tamba-Tamba Liswaniso is one of the two Zambian females on the 15-member Lumwana Mining company management team.

Liswaniso provides leadership to the implementation of CSR. Her core functions include business development, community development, stakeholder engagement and enforcing compliance to the International CSR standards. Among her various posts, Liswaniso worked in a UNDP-funded capacity building project under Ministry of Finance and Economic Development, where she led the development of NGO/CBO beneficiary training and technical assistance for 11 local organisations and focused on strategies for improving livelihoods in resource-challenged communities. At SNV-Netherlands Development organisation, Liswaniso's work included designing training modules on gender and environmental mainstreaming.

#### **Affirmative action and procurement**

The provision for affirmative action in procurement is potentially one of the most far reaching of the Protocol's provisions. There are no policies that provide affirmative

action for procurement and tender procedures. This is an area that Zambia has to pay much attention to if the country is to meet the targets set for 2015 in the economic sector.

## **Property and resources**



*The SADC Protocol provides that by 2015 state parties shall review all policies and laws that determine access to, control of, and benefit from, productive resources by women.*

#### **Credit and productive resources**

There are several factors hindering women from accessing credit and productive resources in the region including poverty, powerlessness in decision-making, limited access to land, capital credit or cash, fertiliser or manure, technological training, and non-farm labour markets etc. Customary structures and institutionalised discrimination result in land exchanging between male hands. Women's lack of access to productive resources not only perpetuates the feminisation of poverty, but

also negatively impacts on national development as a whole. Furthermore, some assets such as livestock are dealt with along customary law lines which align property with a male head of households, even if it is not his as such, rendering access complicated for the actual owner.

#### **Land ownership**

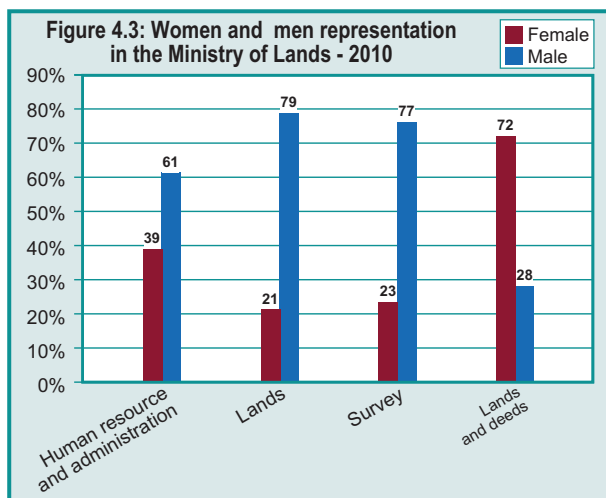
More than 70% of the farmers are women (ZARD, 2010) and although they do most of the work, they earn very

little. Women lack access to land, labour, information, technology and loans. Culturally, they are also not encouraged to join cooperatives.

The Ministry of Lands, Natural Resources and Environmental Protection has a policy stipulating that women should access 30% of the land. In 2010, The GIDD Audit for Ministry of Lands shows that the Ministry of Lands had put in place strategies to "ensure that at least 30% of the land allocated is reserved for women, and the remaining percentage is competed for on equal basis by women and men" (GIDD, 2010). Although these provisions are progressive, the Ministry of Lands, Natural Resources and Environmental Protection, the Ministry of Local Government and Housing as well as traditional leadership have not effectively translated these policy provisions into action.

According to the Ministry of Lands gender audit (2010), the number of women assessing land since the implementation of the affirmative action of 30% of land for women, women's access to land has in fact declined from 21.9% in 2006 to 19.9% in 2007 and 18.6% in 2008 (ZARD, 2010). The decline in the number of women assessing titled land can be attributed to lack of knowledge on existing legal provisions for ownership of land by women; inadequate financial resources to develop the land as well as negative cultural perception about women owning land. Although local authorities are aware of the 30% land allocation to women policy, not much has been done to enforce the policy.

The Audit further reveals that although the Ministry has been benefitted from gender sensitisation, officials lack technical capacity to mainstream gender in the planning and budgeting process.



Source: Gender in Development Division (2010). Gender audit of the Ministry of Lands, Lusaka.

Figure 4.3 shows that in 2010, when the gender audit was undertaken, the Minister of Lands was a female, the deputy was male while the permanent secretary

was a female. Overall, the top management comprised of 70% females and yet land allocation was skewed towards men. However, in the Surveys Department, there are no female surveyors. In Human Resource and Administration, 61% are men compared to 39% women.

The gender audit revealed the need to scale up capacity building of staff especially on gender mainstreaming and recommends harmonising customary and statutory laws and to remove discriminatory provisions against women.

### Women in agriculture and livestock development



Women are involved in livestock farming but need resources to upscale the initiatives. A woman poultry farmer from Thundu village in Katete - Zambia, April 2012.  
Photo: Albert Ngosa

The agricultural sector provides livelihoods to 60% of Zambians (Country Programme Document for Zambia 2011-2015). The sector is dominated by small-scale farmers, (84%) most of whom are women.

In recent years, Zambia has suffered climate change with extremes in weather patterns ranging from floods to droughts, which have had devastating impacts on agricultural yields. Moreover women face additional challenges such as limited access to information, agricultural extension and credit inputs, land, technology and decision-making power.

The National Agricultural Policy (NAP) aims to facilitate development of sustainable and competitive agricultural sector to ensure food security and income-generation at household level. The policy also seeks to maximise the sector's contribution to the Gross Domestic Product (GDP).

The new government recognises agriculture as a priority with the vision of "efficient, competitive and sustainable agricultural sector that ensures food security and increased income." The sector recognises the poverty experienced by women, unequal access to and control of agricultural resources even though the goal is gender-blind: "to promote increased and sustainable agricultural



production, productivity and competitiveness in order to ensure food security, income generation, creation of employment opportunities, and reduction in poverty levels.” According to the 2010 Living Conditions Monitoring Survey (LCMS), the total extreme poverty levels were estimated at 42.3% of the population. The incidence of extreme poverty was higher in female-headed households (44.45%) than in male-headed households (41.9%).

Most women in the sector are involved in subsistence agriculture. They are often considered as beneficiaries of the sector and not architects of change in which they have access to productive resources such as knowledge, skills, finances and appropriate tools of production.

Fewer women compared to men are in key decision-making structures within the sector. Men dominate the agricultural businesses such as the Zambezi Organic Rice Growers Association (ZORGA), Chipeco Fisheries Company, Zambia Agribusiness Technical Assistance Centre (ZATAC), Zambia Development Agency. The sector also lacks gender disaggregated data for planning and budgeting processes.

In an effort to challenge the sector, organisations such as Women in Agriculture, the newly formed Zambian Chapter of African Women Entrepreneurs Program (AWEP) are trying to empower women so that they can enter into the business side of agriculture.

### **Zambian land policy guarantees ownership by women**

During the launch of 2010 Barometer in Lusaka, Vincent Mbumwe, information specialist in the Ministry of Gender, announced that the government had enacted a policy to ensure that women own 30% of the land. While this is yet to be put into practice, the Ministry of Local Government and Housing as well as traditional leadership, the adoption of this policy, and its direct linkage to the provisions of the Protocol, mark a key breakthrough.

Men in Zambia still have more access to, control over and ownership of land in comparison to women. The few women who access, control and own land still face many challenges. This is the more so when the land is controlled by traditional leaders who apply customary practices.

The shift towards women owning land follows pressure from civil society, churches and other stakeholders. The



Land policy to ensure that at least women own 30% of land in Zambia. Kafue women selling sugarcane - May 2011.

Photo: Cynthia Kazilinjé

policy entitles women to be allocated 30% of all advertised Council or state land. Women can then compete with men for the remaining 70%. The question is now whether the policy is truly benefiting women, and the chances of the target being met by 2015.

There are two types of land in Zambia: state and customary. The latter covers about 6% of the total land area. Customary land is held under customs and traditions governing land use and ownership. Under customary law, when one's husband dies, a widow sometimes is chased from the land left for her by her late husband.

A case in point is that of a widow in Monze southern Province, Theresa Chilala, who had her homestead turned into a graveyard by relatives of her late husband. Until some civil society groupings intervened in her situation, relatives buried seven bodies in the back yard of her house. Chilala was tormented by her brother-in-law following her to marry him after the death of her husband in 1996. The traditional Tonga custom allows a widow to be inherited by her in-laws after having sex with one of her dead husband's male relatives to free the widow from her husband's ghost.

Some of the actions being taken include:

- Government conducting countrywide consultations through the House of Chiefs to enable them to develop policies and strategies that assist women to acquire land.
- Review of current land policy.
- Sensitisation of traditional leaders on the need of giving land to women.

Challenges include:

- The process of acquiring land is still cumbersome. Potential landowners must approach the local authority that is supposed to advertise the land to the public. Applications must then be made for the land, and the Commissioner of Lands in the Ministry of Lands, acting on behalf of the national President, approached for a title deed. This title is then given after relevant documentation has been finalised and necessary surveys conducted.
- In some instances, women are still not allowed to own land and control land under customary law. Their male relatives are instead entrusted to hold land rights on their behalf.
- Customary law also enables a widow's relatives to grab land and other property as well as interfere with the livelihood of her family.

- Despite being a signatory Zambia does not fully adhere to some international rights treaties such as the SADC Gender Protocol.
- The 30% policy is not fully benefiting women because most council land has already been taken. Implementation is slow.
- 90% of Zambia falls under traditional designation and only 10% under state. This means vast land that women should benefit from is still controlled by traditional leaders who maintain cultural practices that bar women from acquiring land.
- Review of the Land Act is slow.
- Some financial institutions still require collateral for women to access loans from the banks to enable them buy land.
- Resources for land purchase are limited.

Out of the total number of 6,013 land offers issued in 2010, 1,167 offers were issued to women representing 19.4% of the total offers issued. This was a slight increase in comparison to the number of offers issued to women in 2009.

**Table 4.3: Land offers issued by gender from 2006 to 2010**

	2006	2007	2008	2009	2010
Total number of offers issued	7, 253	5,867	6, 654	6,880	6,013
Number of offers issued to women	1, 612	1, 001	1,035	1,135	1,167
% of offers issued to women	22%	17%	16%	17%	19%

Source: Zambia Ministry of Lands 2011.

Figure 4.2 demonstrates that women still have a minority share in land in Zambia. While there is room for improvement the policy has helped improve the situation. Some of the measurable outcomes of the 30% policy are that more women accessing and controlling land; it provides policy and other initiatives to protect women; traditional leaders have increased awareness of the need to allow women to own land; successful government lobbying is taking place; cultural practices that prohibit women from controlling land are slowly being done away with; and women are more able to access loans from financial institutions because of successful awareness raising initiatives.

Although more work needs to be done in making more land accessible for distribution and in reviewing overall land policy, if fully implemented and followed, the initiative can be replicated in other countries and ensure women's economic empowerment through access to land.

## Employment

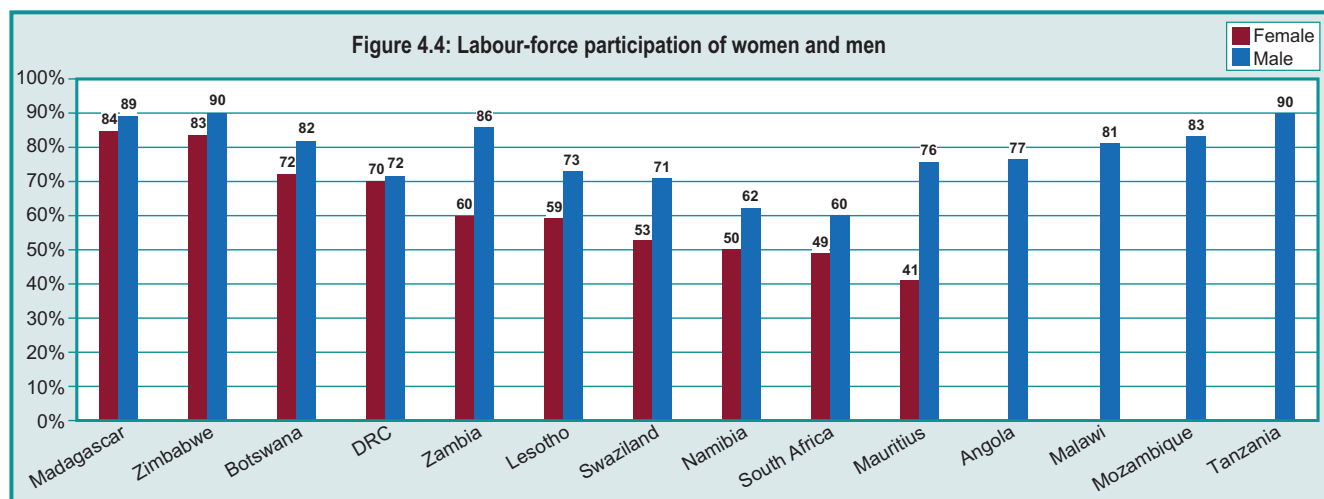


*The Protocol provides that by 2015, state parties shall review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy. It also provides for equal pay for equal work, eradication of occupational segregation and maternity and paternity benefits.*

### Labour force participation

Labour force participation refers to the number of people employed within an economy, and those who are unemployed but are looking for a job. These people

of “working-age” are between the ages of 16 - 64 years old. Students, homemakers and retired people under the age of 64 years are not counted as part of the labour force.



Source: 2012 SADC Gender Protocol Barometer, Gender Links.

Figure 4.4 shows that in Southern Africa, labour force participation for women continues to lag behind that of men. In Zambia, women's labour force participation is 60% compared to 86% for men.

In Zambia, many women are farm labourers earning meagre salaries. Despite the recorded reduction of poverty levels in the urban areas, poverty JCTR (2011)

indicates that rural poverty level has reached 80%. This is at a time when Zambia has recorded high macro-economic indicators, and has qualified as a middle-income country. The rural poor suffer poor service provision and increased malnutrition linked to rising costs of food items. Most vulnerable rural households are female or child-headed.



Source: 2012 SADC Gender Protocol Barometer, Gender Links.



Figure 4.5 shows that Zambia is the only SADC country where women's unemployment rate (11%) is lower than men's (14%).

To address extreme poverty, the government has reviewed the Employment Act and the Industrial Relations Act. The current minimum wage for domestic workers has been set at ZMK520,000 (US\$100) and ZMK 1,000,000 is the minimum wage employment.

#### Zambia in formalised and low wages

The JCTR, *Policy Brief, and Employment in Zambia*:

*Current Situation and Prospects for the Future*, 2011 reveals that most people are working in the informal sector. In another Policy Brief (October, 2011), JCTR shows that 4,699,585 people (90%) are working in the informal employment being paid very low wages and sometimes not paid at all.

Currently, there is inadequate social protection for the vulnerable families comprising women, children, the youth and people with disabilities (Chibuye, Post Newspaper Column, 12th April 2011).

**Table 4.4: Comparable wages figures - "Take Home Pay", 2011**

	Teacher	Nurse	Guard with Security Firm	Secretary in Civil Service	Average Monthly Income in Urban Low-Cost Area-CSO	Pieceworker on a Farm
<b>Payslip</b>	ZMK 1,145,325 to ZMK 1,631,600	ZMK 1,121,000 to ZMK 2,105,000	ZMK 250, 000 to ZMK 850,000	ZMK 653, 000 to ZMK 1,320,127	ZMK 645,326 (between October 2004 and January 2005)	ZMK 5,000 to ZMK 15,000 per day

Source: JCTR Basic Needs Basket: A comprehensive Overview, 2011, p.6.

Many women work as teachers, nurses and as secretaries or support staff in public service or as farm workers. Table 4.3 that appeared in the April 2011 JCTR Basic Needs Basket for Lusaka shows the low salaries that

women receive. The farm workers receive between ZMK 5,000 to ZMK 15,000 per day. This was based on an average exchange rate of ZMK 4,690 Zambian Kwacha per US\$ at the end of April 2011.

**Table 4.5: Conditions of employment**

Provision	Yes/No	Provisions
Maternity leave	Yes	<i>Employment and Industrial Relation Act</i> : After 2 years of employment.  A woman is entitled to 90 days. However, there is a campaign to increase the number of days to about 180 days to encourage exclusive breastfeeding.
Paternity leave	No, legal provision	While there are no legal provisions, some organisations allow a man to be on leave for a few days after the birth of a child. This is usually provided for in a collective agreement.
Sexual harassment	No	Some organisations have in-house policies on sexual harassment. However, if reported, such cases would be dealt with under the Penal code.
Same retirement age and benefits for women and men	Yes	Both men and women retire at the age of 55.

## **Next steps**

- The two line Ministries of health and agriculture and livestock show that there is a need to ensure adherence to the guidelines and application of gender-responsive planning and budgeting guidelines.
- The Ministry of Gender and Child Development should consolidate the partnership between Ministry of Finance which began in 2011 on Gender-Responsive Budgeting (GRB) and scale up the initiative to facilitate implementation of the costed gender action plan.
- Line ministries need gender disaggregated data as a basis for planning and budgeting.
- Government should encourage traditional leaders to implement the 30% quota for land allocation to women.
- Collect sex disaggregated data on economic indicators.
- Implement an extensive monitoring and evaluation programme to measure successes of policies and programmes aimed at women's empowerment.



Women remain on the periphery of the economic sector. A trader at the Kapiri Mphoshi market in Zambia.

Photo: Colleen Lowe Morna





"Zarina"

Anushka Virahsawmy





# CHAPTER 5

## Gender Based Violence

### Articles 20-25



Marching for justice: Sixteen Days of activism against gender violence in Luanshya municipal council. Photo: Albert Ngosa

#### KEY POINTS

- Citizens scored the government's performance at 66% based on perceptions of progress made against the GBV targets set for 2015 in the SADC Gender Protocol. This places the country at number two out of the 15 SADC countries.
- Zambia is the only country in the region with an Anti-Gender Based Violence Act. Passed in 2011, the Gender Based Violence Act implementation is still in its infancy, although more cases are being reported.
- Although reliable comprehensive data on extent, response, support and prevention of GBV is difficult to find, statistics show almost half (47%) of girls and women aged 15 years and above in Zambia have experience of physical violence.
- The Gender Based Violence Act provides for setting up of a gender based violence fund.

Table 5.1: CSC scores on gender based violence

	SGDI	CSC
Score	N/A	66%
Rank	N/A	2

Table 5.1 shows that citizens give the government's performance a score of 66% based on perceptions placing the country at number two compared with the rest of the 15 SADC countries. Perhaps the passing of the Anti-

Gender Based Violence Act in 2011 a unique law in that it does not focus on domestic violence like most countries but addresses GBV in a holistic way which could have influenced the outcome.

However, women were more critical than men in that they gave a much lower score of 61% compared to the 69% mark respectively. This could be attributed to the fact that women are disproportionately affected by gender violence.

Like the Constitutional and Legal Rights sector, it is difficult to obtain comprehensive quantitative data that is comparable, so there is no SGDI score for GBV.

### Background

Gender based violence is one of the most common yet unacknowledged and serious human rights violations not just in Zambia but the rest of the SADC region. The Anti-Gender Based Violence Act provides protection for survivors of all forms of gender violence.

Reliable and comprehensive quantitative data on GBV is difficult to obtain. Police statistics are highly contested because of under-reporting of GBV and inadequate data collection tools.

Zambia will join four other SADC countries including Botswana, Mauritius, South Africa (four provinces only)

and Zimbabwe that have rolled out the GBV Indicators Project to measure extent, response, support and prevention of GBV.

The project has been a collaboration of Ministries/ Departments of Gender or Women's Affairs together with Gender Links, central statistics offices, research institutes and other stakeholders.

In Zambia the project will initially be rolled out to four districts - Mazabuka, Mansa, Kitwe and Kasama and then the rest of the country in the second phase. At the time of writing the report, researchers were being trained so that the project could begin in earnest.

According to the 2007 Zambia Demographic Health Survey (ZDHS), almost half (47%) of girls and women aged 15 years and above in Zambia have experienced physical violence.

Several prevention strategies have been adopted including advocacy campaigns. For example civil society and government commemorate the 16 Days of Activism against gender violence on an annual basis. Campaigns are linked to regional and international best practices such as the Red Light Campaign spearheaded by Women and Law in Southern Africa on eradication of violence against women and children.

## Extent of gender violence



*The Protocol urges Member States to endeavour to reduce current levels of gender based violence by half by 2015.*

The year 2012 has witnessed an increase in the number of reported GBV cases in Zambia. The number of cases of defilement, which the law defines as the "unlawful and carnal knowledge of a child under the age of 16," is a concern. In the first quarter of 2012, the police Victim Support Units recorded 615 defilement cases nationwide. Lusaka province reported the highest number totaling 383, followed by Central province with 48 cases.

Cases of assault were 885 for the same period. Similarly, Lusaka reported the highest number of cases, 409, followed by Copperbelt province with 127 cases and Central province with 103 cases.

Gender-based disputes, most of which were over land, totalled 716. Most of these were in the Copperbelt province with 505 cases, followed by Western province with 109.

Negligence to provide support cases were estimated at 690 for the first quarter of 2012, with the Copperbelt province recording 366 cases, followed by Lusaka with 286 cases.

Statistics show that GBV cases are more prominent in urban areas. Out of the total number of 3, 446 for the quarter, 1,265 were from Lusaka province while 1,141 were reported from the Copperbelt province (VSU, 2012).

Early child marriages are on the increase. Customary laws have no minimum age for marriage although statutory law stipulates that no child of 16 years and under can be married. The Ministry of Gender and Child Development is sensitising the traditional and church leaders to discourage the practice. Magistrates' courts are intervening through the use of the Anti-GBV Act which needs to be translated into local languages.

Table 5.2: Gender-based violence statistics

REPORTED OFFENCES	TAKEN TO COURT										NOT TAKEN TO COURT					
	REPORT		CONV		ACQUIT		W/D		PEND	TOTAL	W/D		PEND	TOTAL	TOTAL	TOTAL
	2009	2010	2009	2010	2009	2010	2009	2010			2009	2010	2009	2010	2009	2010
Murder	29	23	9	9	0	0	0	0	14	23	18	4	4	2	1	6
Assault O.A.B.H	2605	2791	383	192	25	23	146	166	90	644	712	1268	881	693	1198	1961
Defilement	1676	2419	277	240	63	162	32	36	261	633	1065	962	1238	81	166	1043
Rape	244	254	60	45	13	17	7	10	33	113	128	108	94	23	32	131
Muted rape	60	0	15	0	7	0	4	0	6	32	0	18	0	10	0	28
Indecent assault	188	170	36	23	2	4	14	6	35	87	108	77	43	24	19	101
Abduction	9	35	2	6	0	1	1	0	1	4	22	3	9	2	4	5
Neglecting to provide	1811	1715	21	36	3	0	18	52	77	119	174	442	296	1250	1245	1692
Child desertion	98	86	6	10	1	0	3	7	16	26	39	47	23	25	24	72
Infanticide	4	10	0	1	0	1	0	1	4	4	9	0	1	0	0	0
Abortion	29	21	6	7	0	0	1	0	6	13	13	14	8	2	0	16
Defilement of imbecile	15	11	4	2	0	0	0	0	3	7	6	6	5	2	0	8
Malicious damage	169	68	1	5	0	3	0	8	4	13	29	41	9	148	30	189
Bigamy	22	1	1	0	0	0	0	0	0	1	0	10	1	11	0	21
Incest	30	41	4	4	0	0	0	1	9	13	32	14	4	3	5	17
Threatening violence	45	57	4	5	0	2	5	7	5	14	28	9	12	22	17	31
Unnatural offence	16	17	1	5	0	0	0	0	4	5	13	7	2	4	2	11
Unlawful wounding	89	67	19	13	4	0	1	5	15	39	39	49	17	1	11	50
B.H	7		1		0		0		3	4		2		1		3
F.F.P. of marriage	34	3	4	0	0	0	0	0	0	4	0	10	0	20	3	30
Human trafficking	9	13	4	6	0	0	0	0	1	5	8	4	5	0	0	4
Use of insulting lang	53	153	9	35	0	0	3	1	5	17	56	9	28	27	69	36
Criminal trespass	2	4	1	0	0	0	0	0	0	1	2	0	2	1	0	1
Depriving beneficiary	260	211	6	16	1	0	5	23	11	23	87	48	48	139	76	237
Assault on a child	18	42	4	8	0	0	0	2	4	8	18	6	11	4	13	10
Theft	32	66	10	1	0	0	0	10	6	16	23	8	15	8	28	16
Disputes	707		0		0		0		0	0		575		575		707
<b>TOTAL</b>	<b>8261</b>	<b>8278</b>	<b>888</b>	<b>669</b>	<b>119</b>	<b>213</b>	<b>242</b>	<b>335</b>	<b>613</b>	<b>1855</b>	<b>2629</b>	<b>3078</b>	<b>2756</b>	<b>3078</b>	<b>2943</b>	<b>6426</b>
																<b>5656</b>



Table 5.2 tracks reported crimes against those that went to court and successfully concluded. This shows that very few reported cases that relate to gender end up with convictions. For example of the 254 cases of rape reported in 2010 only 45 (17.7%) resulted in conviction,

17 were acquitted, 10 were withdrawn and 56 are still pending. This gives a total of 126 (49.6%) that were taken to court. The remainder, just over half were not taken to court. Of these 32 were withdrawn while the rest that were filed were closed.

## Legal



*The Protocol requires that State Parties shall, by 2015, enact and enforce legislation prohibiting all forms of GBV. Linked to this is the obligation that all laws on GBV provide for the comprehensive testing, treatment and care of survivors of sexual offences which shall include emergency contraception, ready access to post exposure prophylaxis at all health facilities to reduce the risk of contracting HIV and preventing the onset of sexually transmitted infections.*

Zambia has set a new trend by developing an Anti-Gender Based Violence Act (2011) which is much more comprehensive than most Domestic Violence Acts in the subregion. It is unique in providing for the setting

up of shelters, an Anti-Gender Based Violence Fund and support services for the abused. The President of Angola José Eduardo dos Santos signed off a domestic violence law at the time of writing in July 2011.

### Zambia: Anti-Gender Based Violence Act passed



Promoting safety in public spaces is key at local level. Faith Ngozi a police officer attending a gender-training workshop at Kabwe district council - Zambia, March 2012. Photo: Colleen Lowe Morna

The Anti-Gender Based Violence Act (2011), signed off by Zambian President Rupiah Banda in April 2011 is a major step forward in the fight against Gender Based Violence (GBV) in Zambia. One of the most comprehensive laws on GBV in SADC, the Act gives hope to many women and children who have been subjected to GBV without adequate recourse. It offers a comprehensive framework for protection and means of survival for victims and survivors of GBV as well as prosecution of perpetrators.

Gender-based violence continues to be a problem in Zambia with the number of reported cases on the rise. According to figures, one in five women has experienced sexual violence at some point in their lives. Of all the forms of violence, spousal abuse or domestic violence was the highest form of abuse reported. If implemented by the government agencies and other role players, this will contribute to reducing levels of gender based violence.

The Act comes after more than ten years of advocacy for a comprehensive and effective piece of legislation and has been received well by all sections of Zambian society and particularly women's organisations. The years of ground work have paid off because unlike other SADC countries that have specific domestic violence Acts, Zambia has an anti-gender based violence law which is more far reaching and comprehensive.

The Act takes its inspiration from the gender based violence provisions of Articles 20 - 25 of the SADC Protocol on Gender and Development which calls on States to enact and enforce legislation prohibiting all forms of GBV; discourage traditional norms including social, economic, cultural and political practices; public awareness programmes; adopt integrated approaches; provision of specialised facilities including support mechanisms for survivors of GBV among other obligations.

This is one of the few GBV Acts in SADC that specifically provides for:

- The establishment of a Gender Based Violence Fund to assist victims.
- Establishment of an all-inclusive GBV Committee.
- Establishment of shelters.
- Provision of emergency monetary relief.
- The addressing of harmful traditional practices.

There are, however, some shortcomings identified by organisations like Women in Law in Southern Africa (WLSA). For example the term “domestic relationships” excludes some forms of gender violence such as violence associated with prostitution; violence at the work place; violence by the police and security forces including torture of detained women.

The Act targets:

- Perpetrators of GBV.
- Judiciary who handles cases of GBV when taken to court.
- Police service.

- Government departments.
- Women and men.
- Civil society, the church and other stakeholders.
- The Nation at large.

Government agents and civil society have begun disseminating and sensitising the public on the provisions of the Act and training the judiciary; a communication strategy and putting together a National Gender Monitoring and Evaluation Plan. This is being done in tandem with the reviewing of the National Gender Policy.

Challenges to be overcome include effective implementation; limited financial and human resources; weak monitoring and evaluation strategies; slow court trials; public awareness, especially in rural areas; and types of violence not catered for by the Act. But the Act sets a precedent for other SADC countries. It is a good practise that can and should be replicated.

## GBV response and support



*The SADC Protocol provides that by 2015 state parties shall: Enact and enforce legislation prohibiting all forms of gender-based violence; ensure that laws on gender-based violence provide for the comprehensive testing, treatment and care of survivors of sexual assault; review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence; enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society; enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.*

**Table 5.3: GBV response and support**

Provisions	What is in place?	What needs to be put in place?
<b>Laws/ policies</b>		
Legislation prohibiting all forms of GBV.	GBV Act.	Implementing the Act since it is new.
Ensuring that all perpetrators of GBV are brought to book.	GBV Act, Victim Support Unit, ASAZA.	Implementing the Act since it is new.
Comprehensive testing, treatment and care of survivors of sexual offences - emergency contraception.	One-stop Centres have been put in place in some locations.	To be replicated countrywide.
Access to Post-Exposure Prophylaxis for survivors of GBV.	One-stop centres in all clinics and Hospitals.	Information and sensitisation.
Prevention of sexually transmitted infections (STIs).	One-stop centres.	To be replicated countrywide.
Social and psychological rehabilitation of perpetrators of GBV.	One-stop centres.	To be replicated countrywide.
Review of criminal laws and procedures on sexual offences and GBV to eliminate gender bias and ensure that justice and fairness are accorded to the survivor.	Penal Code was reviewed and a comprehensive GBV Act was put in place.	Implementation of these laws.

Provisions	What is in place?	What needs to be put in place?
<b>Human trafficking</b>		
Specific legislation to prevent human trafficking.	Passed in 2008.	Implementation.
Mechanisms to eradicate national, regional and international networks.	Country policy and Law and National Response Strategy.	Implementation as these mechanisms are still new.
Harmonised data collection on trafficking.	Plan in place.	Not yet implemented.
Capacity building, awareness raising and sensitisation campaigns on trafficking.	Red Light Campaign by WLSA and Government.	Capacity building for potential victims to recognise the danger. Media are an important player.
<b>Sexual harassment</b>		
Adopt laws, policies, programmes that define and prohibit sexual harassment.	Laws in place.	Implementation.
Gender balance in bodies adjudicating sexual harassment cases.	Although there are females and males, there are more males than females. Victim Support Unit of the Police Service, YWCA shelters and One-Stop Centers and ASAZA Centers.	More females should be appointed.  The services are to be replicated country wide.
<b>Support services</b>		
Cases on GBV to be heard in a gender sensitive environment.	These are not yet in place.	Create gender sensitive environment.
Special counselling services.	One-stop centres.	Still run by NGOs.
Dedicated and sensitive services provided by police units; health; social welfare.	These are in place, Victim Support Units.	Expansion and to be Countrywide.
Accessible information on services available to survivors of gender based violence.	The NGOs, Police Victim Support Units providing information and support.	To be also taken to rural communities.
Accessible, affordable and specialised legal services including legal aid to survivors of GBV.	Being provided for by the Law Association of Zambia (National Legal Aid Clinic for Women), WLSA, IJM and Legal Resources Foundation, Legal Aid Board (Government).	Information dissemination about these services.
Specialised facilities, including support mechanisms, for survivors of GBV.	GBV Act provides for these.	The Act is still new and requires implementation.
Rehabilitation and reintegration facilities for survivors of GBV.	GBV Act provides for these.	These should be put in place.
<b>Training of service providers</b>		
Gender sensitisation training for all service providers engaged in the administration of justice, such as judicial officers, prosecutors, police, prison, welfare and health officials.	Various interest groups, especially NGOs, together Government provide these.	It should be sustained.
Community sensitization programmes for survivors of GBV.	These provided by mostly by NGOs.	Implementation of the GBV Act.
Formal training programmes for service providers.	Police training.	Expansion.

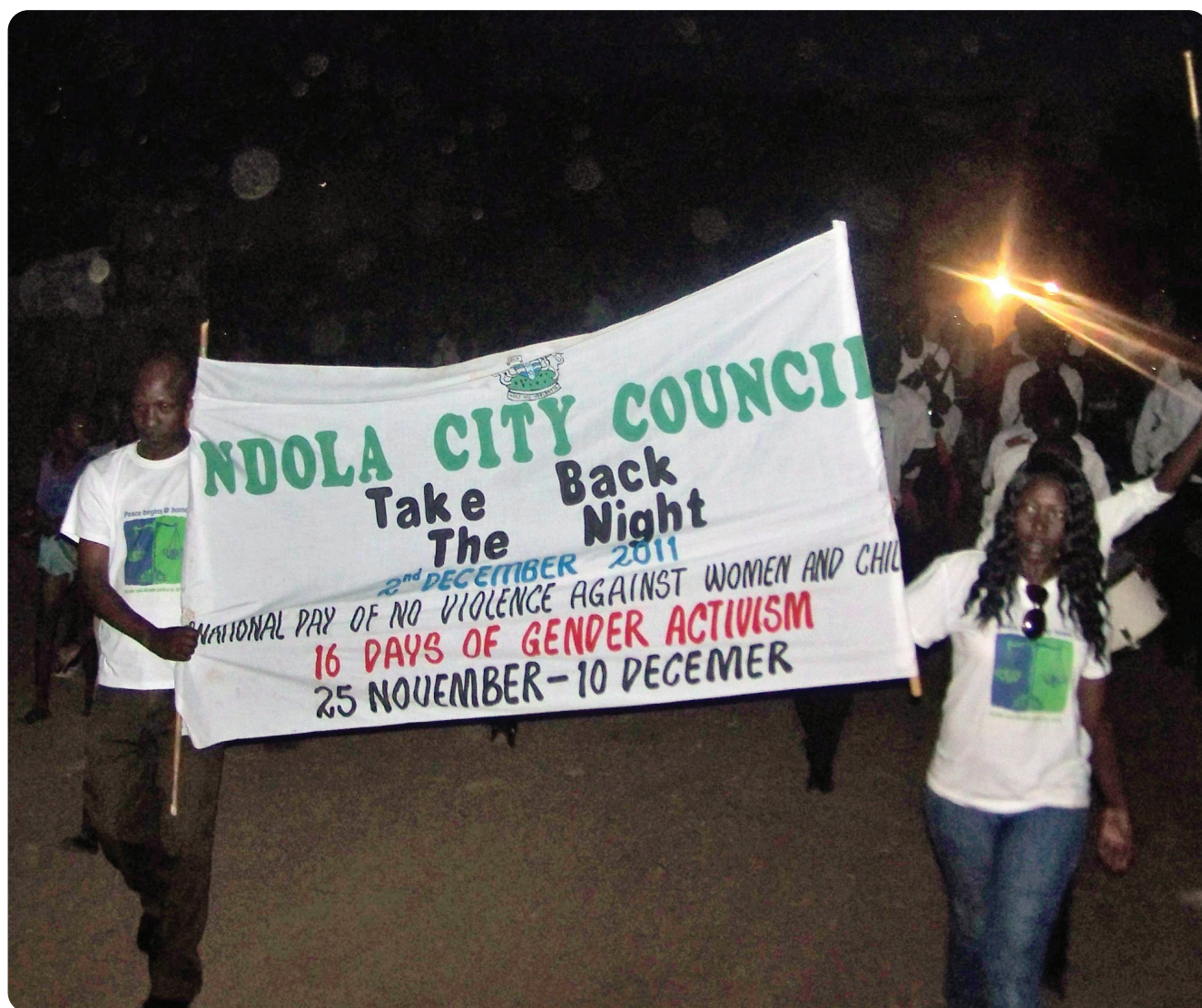
Source: Gender Based Violence Act, 2011.

## Human trafficking



By 2015 states are also expected to: enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to survivors, with the aim of re-integrating them into society; put in place mechanisms by which all relevant law enforcement authorities and institutions may eradicate national, regional and international human trafficking networks; put in place harmonised data collection mechanisms to improve data collection and reporting on the types and modes of trafficking to ensure effective programming and monitoring; establish bilateral and multilateral agreements to run joint actions against human trafficking among countries of origin, transit and destination countries; and ensure capacity building, awareness raising and sensitisation campaigns on human trafficking are put in place for law enforcement officials all parties.





Participants at the Ndola City Council *Take Back the Night* march during the 16 Days campaign.

Photo: Albert Ngosa

Zambia has an Anti-Human Trafficking Act passed in 2008 to protect citizens from being trafficked as well as prosecute those found guilty. The country is both a source, transit, and destination country for men, women, and children subjected to forced labour and sex trafficking. Most trafficking occurred within the country's borders and involved women and children from rural areas exploited in cities in domestic servitude or other types of forced labour in the agricultural, textile, and construction sectors. Zambian trafficking victims have also been identified in South Africa, the Democratic Republic of the Congo, and Namibia.

The government increased law enforcement efforts by convicting one trafficking offender under its 2008 anti-trafficking law and investigating and prosecuting three additional suspected trafficking cases. Government-provided protection for victims remained weak; though

the government continued to provide services to victims through partnerships with international organizations and NGOs, the continued lack of shelters significantly hindered appropriate victim care, as victims were, at times, detained in jails alongside trafficking offenders.

A multi-stakeholder process to develop a national action plan has resulted in amplified national campaigns and outreaches to raise awareness about human trafficking. The country developed a 2011-2012 National Anti-Trafficking Plan but no further information on implementation was available to measure outcomes and impact of the plan. WLSA working with partners has embarked on a Red Light Campaign since the build-up to the 2010 Soccer World Cup tournament but continues to date to raise awareness on human trafficking.

## Support services



*The Protocol calls upon states to put in place mechanisms for the social and psychological rehabilitation of perpetrators of gender based violence and establish special counselling services, legal and police units to provide dedicated and sensitive services to survivors of gender based violence. The draft Protocol says shall: provide accessible information on services available to survivors of gender based violence; ensure accessible, effective and responsive police, prosecutorial, health, social welfare and other services to redress cases of gender based violence; provide accessible, affordable and specialised legal services, including legal aid, to survivors of gender based violence; provide specialised facilities, including support mechanisms for survivors of gender based violence; provide effective rehabilitation and re-integration programmes for perpetrators of gender based violence.*

Zambia has established specialised facilities in police stations called Victim Support Units. The country has made noteworthy progress in supporting Coordinated Response Centres (CRCs). These units provide counselling,

legal advice, police services as well as preliminary medical services. Response Centres are housed within health facilities and there is currently a move to roll out more in selected areas of the country.

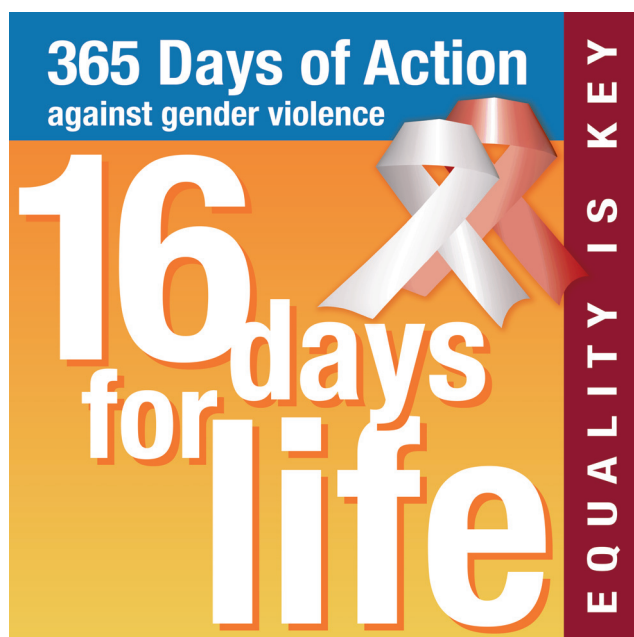
## Integrated approaches



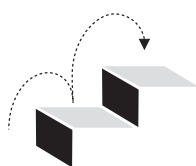
*The SADC Protocol on Gender and Development calls on states to adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender-based violence by 2015.*

The new Anti-Gender Based Violence law provides for the formation of a gender-based violence committee to oversee gender-based violence in the country and the setting up of an Anti-Gender Based Violence Fund. It is hoped that this will be harmonised with the National Action Plan to end Gender Based Violence adopted in 2010 by the Gender in Development Division (GIDD) which is now a fully-fledged Ministry of Gender.

Zambia launched the National Action Plan on Gender Based Violence, the National Gender Communication Strategy and the Gender Song on 25 November 2010. The statement by the Vice President read during the launch by the Minister of Gender and Women in Development emphasised the catalytic role of leaders at all levels, including herself, in the struggle to end this scourge. Zambia is the first to launch a gender song that will unite women and men in the work to promote gender equality and equity.







## Next steps

Using the developed guidelines, The Ministry shall intensify implementation through:

- Information and awareness raising: Community sensitisation for survivors of GBV, translations of Anti-GBV Act into seven main local languages and distributing them to major stakeholders, especially traditional leaders as administrators of customary justice.
- Joint Collaborative efforts with various stakeholders including schools, FBOs, traditional leadership, NGOs.
- Media campaigns targeting potential victims of GBV on prevention measures. There will be more use of community radios to debate and popularise the Act and the Amended Penal Code (2005).
- Tougher penalties to deter offenders from repeating the offences.
- Empowering the Police Service, especially the Victim Support Unit, with adequate transport and other resources.
- Roll out of the gender based violence indicators project at national level to obtain comprehensive data.



Involvement of men is critical to prevention of gender based violence. Men from Thundu village rate government's performance against the 28 targets of the SADC Gender Protocol - Zambia, April 2012.

Photo: Cynthia Kalizinje





A different kind of family

Anushka Virahsawmy



## CHAPTER 6

# Health

## Article 26



Reducing maternal mortality ratio by 75 % is one of the set targets of the SADC Gender Protocol.

Photo: Gender Links

### KEY POINTS

- Zambia is only half way towards meeting the health targets set for 2015 in the SADC Gender Protocol as reflected by the SGDI score of 52%. The country ranks 12th out of the 15 countries in the SADC region.
- The overall citizen's rating of the sector, based on the CSC, has improved from 55% in 2011 to 62% this year.
- The 2007 ZDHS shows that close to half (47%) of all deliveries were assisted by a health provider. This probably accounts for the high maternal mortality rate of 630 per 100,000 live births.
- Only 40% of the sexually active population use contraception.
- Only 48% of the population have access to adequate sanitation facilities.

Table 6.1: SGDI and CSC scores on health

	SGDI	CSC
Scores	52%	64%
Ranks	12	4

Table 6.1 shows that the SGDI score is just over the halfway mark at 52%. Thus Zambia sits at number 12 out of the 15 SADC counties in the

region in terms of performance. This shows that the country will likely not meet the health targets in the SADC Gender Protocol to be achieved by 2015. The SGDI is based on the following indicators: women between the ages of 15-49 years reporting use of at least one form of modern contraceptive method, births attended by skilled personnel, and the maternal mortality rate (out of 100 000).



It is however encouraging that the overall citizen's rating of the sector, based on the CSC, has improved from 55% in 2011 to 64% this year.

## Background

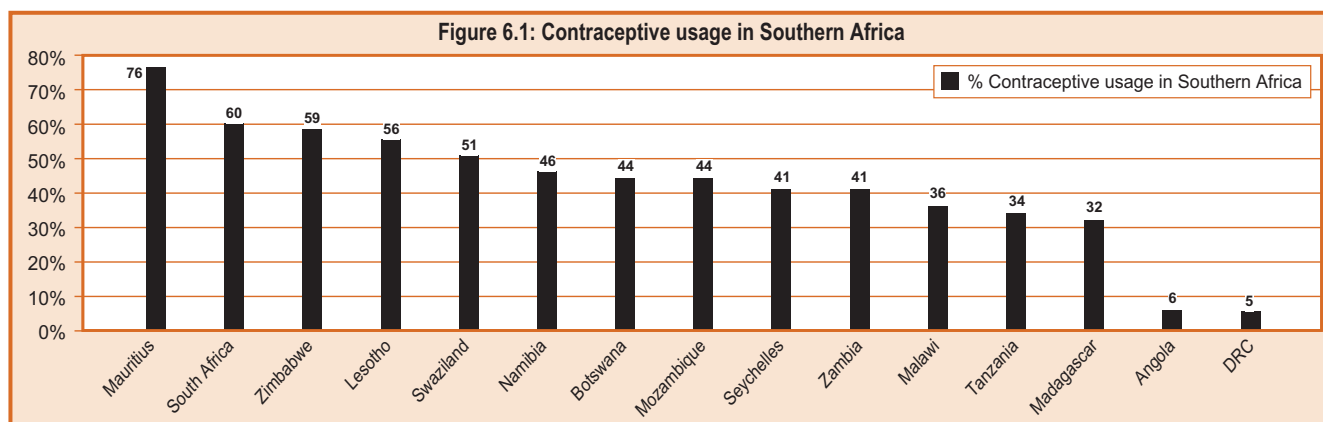


A woman reads the statistics of the female condom in SADC countries.  
Photo: Gender Links

The World Health Organisation (WHO) has defined sexual health as: "a state of physical, emotional, mental, and social well-being related to sexuality. It is not merely the absence of disease, dysfunction or infirmity. Sexual health requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. For sexual health to be attained and maintained the sexual rights of all persons must be respected, protected and fulfilled."<sup>1</sup>

Zambia continues to fall short of the agreed Health sector financial allocation of 15% of the national budget set in the Abuja Declaration. In 2011, the budget allocated to the health sector was only 8.6% despite the sector being recognised as a priority area in 2011-2015 SNDP.

## Family planning/contraceptive usage



Source: 2012 SADC Gender Protocol Barometer, Gender Links.

<sup>1</sup> World Health Organisation (2002). The world health report 2002 Reducing risks, promoting healthy life, World Health Organisation.

The 2007 Demographic and Health Survey (DHS) shows that teenage pregnancy is common and that 28% of Zambian adolescents have had a child by their 19th birthday. Teenage pregnancy is higher in rural areas at 35% compared to 20% in urban areas.

Health services in rural communities are poor, especially access to emergency obstetric care. According to the 2008 Ministry of Health and National Aids Council Zambia Country Report, 52% of births occur at home while 43% occur in public facilities. The same report indicates that urban women are more likely to deliver in a health facility (79%) than women in rural areas (28%). In rural areas, many women live far from the nearest health facility and transport is a problem.

The 2007 ZDHS shows that close to half (47%) of all deliveries were assisted by a health provider. Women in urban areas are more likely to be assisted by a skilled provider (75%), while women in rural areas are likely to be attended to by either a traditional birth attendant (31%) or a relative and other (32%).

Although the percentage of deliveries assisted by skilled health personnel increased from 45% in 2009 to 48% in 2011, over 50% of women are still having potentially unsafe deliveries. The maternal mortality rate for Zambia is as high as 630 per 100,000 live births. This means that about eight women die each day due to complications arising from pregnancy and childbirth. (UNICEF)

In 2010, life expectancy at birth in 2010 was 49.9 years for women and 52.6 years for men.

The government has introduced mobile hospitals to increase access to health services especially for rural communities.

Zambia has a reproductive health policy.



Figure 6.1 shows that only 41% of the sexually active population in Zambia use contraception. In fact only five of the SADC countries (Mauritius, South Africa, Zimbabwe, Lesotho and Swaziland) now have contraceptive use rates of more than 50%.

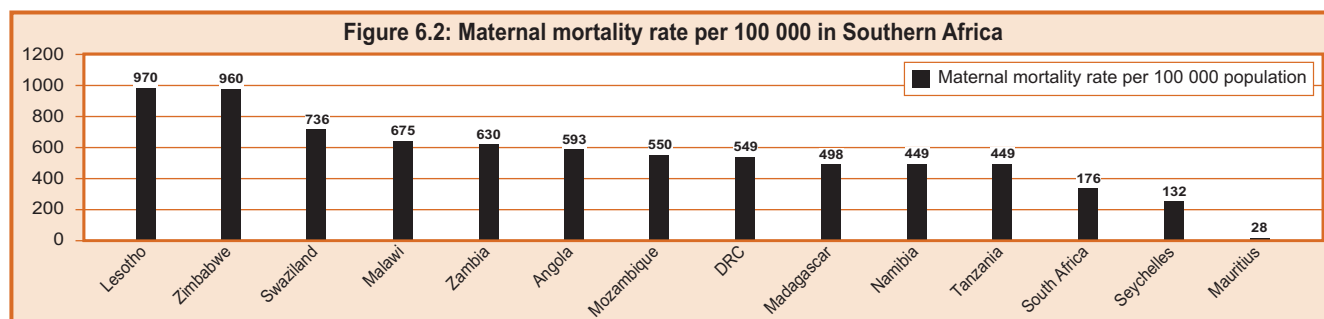
Zambia has a policy on family planning; both men and women are involved in the campaigns aiming to educate people about contraceptive use. Although the Ministry of Health and most civil society organisations promote family planning methods, some faith based organisations have not been keen on promoting condom use arguing that it promotes promiscuity.

Oral contraception has been used the most but in the wake of HIV and AIDS, condom use has increased significantly especially among youth.

The Ministry of Health, NAC, ZNAN and CSOs have been promoting the female condom.

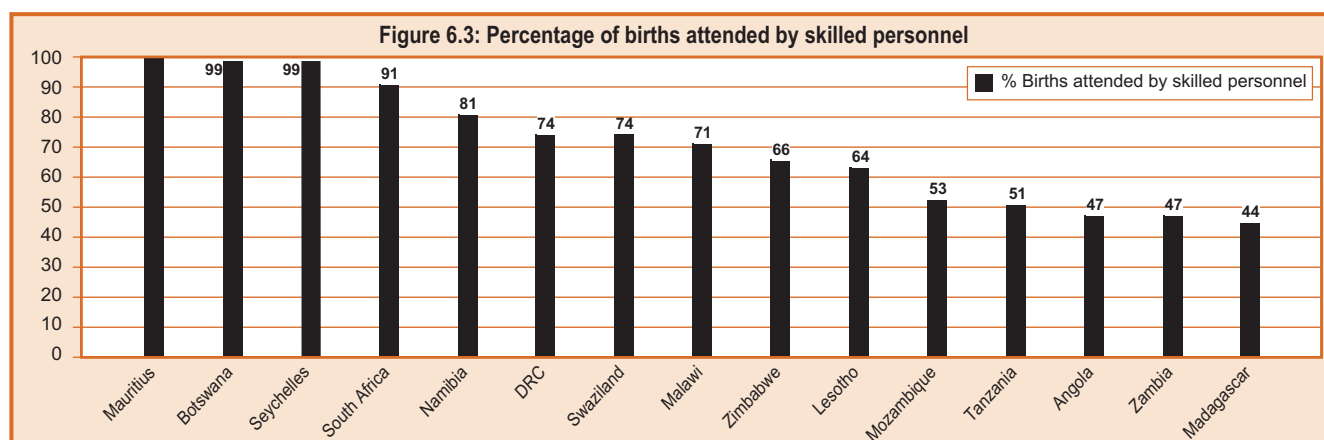
So far, educated women are more likely to use the female condom, although women interviewed commented that men did not like using them. This is a challenge because men still make most decisions relating to sexuality.

## Maternal mortality



Source: 2012 SADC Gender Protocol Barometer, Gender Links.

Figure 6.2 reveals that Zambia has the fifth highest rate of maternal mortality rate with 630 maternal deaths per 100,000 live births. This is among other countries in the SADC regions that still have high levels of maternal mortality.



Source: 2012 SADC Gender Protocol Barometer.

At 47%, Figure 6.3 shows that Zambia is among five of the 15 SADC countries with less than 60% of births attended by a skilled medical professional. The country is second from last with Madagascar at the bottom of the list. Top performers are Mauritius, Botswana, Seychelles and South Africa.

## The right to choose

Zambia has one of the most liberal abortion laws in sub-Saharan Africa, allowing abortions to be carried out on broad health, as well as socio-economic grounds.

The Termination of Pregnancy Act of 1972 permits an abortion to be performed if three registered medical practitioners are of the opinion formed in good faith that (a) continuation of the pregnancy would involve risk to the life or of injury to the physical or mental health of the pregnant woman, or of injury to the physical or mental health of any existing children of the pregnant woman, greater than if the pregnancy were terminated; or (b) that there is substantial risk that if the child should be born, it would suffer from such physical or mental abnormalities as to be severely

handicapped. In determining whether (a) above exists, account may be taken of the pregnant woman's actual or reasonably foreseeable environment or age.<sup>2</sup>

A person who performs an abortion in violation of the provisions of the Act is subject to the punishments prescribed in the Penal Code of 1 November 1931 for the performance of an illegal abortion. The penalty is fourteen years' imprisonment for a person who, with intent to procure a miscarriage, unlawfully administers a noxious thing or uses any means. A woman who undertakes the same act with respect to herself or consents to such an act is subject to seven years' imprisonment.<sup>3</sup>

However, due to stigma, cultural attitudes, women's lack of decision-making power over reproduction and lack of knowledge about the availability of safe abortion, unsafe abortion is rife. Furthermore, although abortion

is legal, bureaucracy means it is extremely difficult to access the service. Women are supposed to consult with, and then get approval from, three physicians before they can go to one of the few facilities that perform safe abortions. Although national statistics on the prevalence of unsafe abortion in Zambia are not available, according to hospital-based records, unsafe abortions are estimated to be the cause of approximately 30% of maternal deaths and one of the top five causes of maternal mortality in the country.

Many women in Zambia are unaware of the law that allows for the termination of unwanted pregnancy. To address the problem, there have been campaigns and debates on the issue to create awareness among women and service providers, and calls have been made to amend the law and put in place standards and guidelines for reducing unsafe abortion.

## Sanitation



*The SADC Gender Protocol requires that by 2015 member states ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prison.*



Clean-up of market place under Big Tree in Kabwe - Zambia, March 2012.

Photo: Colleen Lowe Morna

The provision of sanitation and hygiene facilities is integral to improving women's health throughout the

region. Poor sanitation results in increased spread of communicable diseases such as TB and malaria which women are particularly vulnerable to. Furthermore, menstruation, pregnancy, and post-natal care become increasingly difficult for women without proper hygiene and sanitary facilities, as does caring for family and community members living with HIV. According to the World Health Organisation, almost one tenth of all global deaths can be avoided by providing clean drinking water, better sanitation and improving water resources management to reduce incidences of water-borne diseases and cases of accidental drowning.

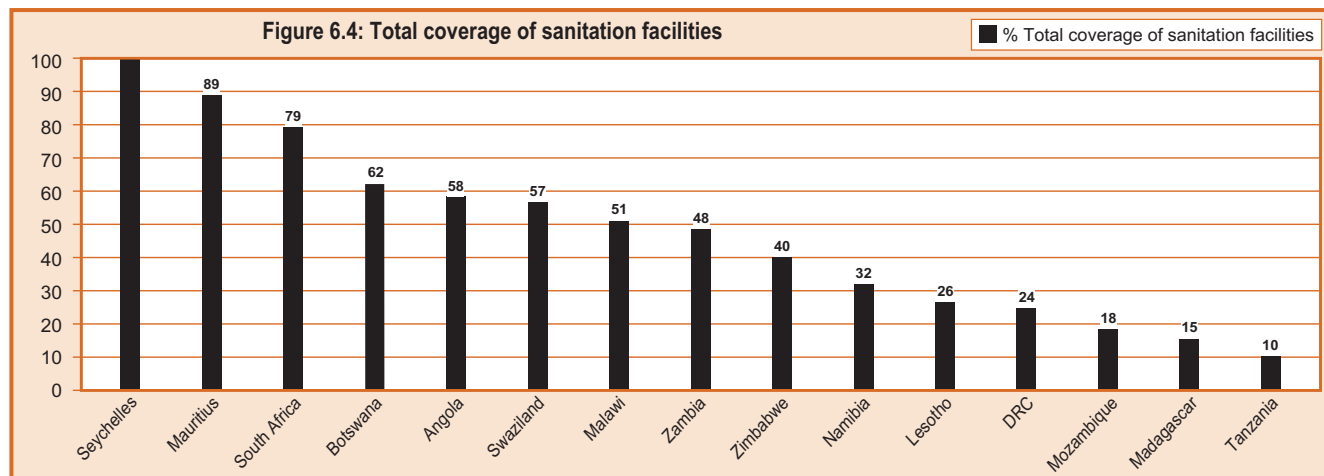
Household sanitation is everyone's responsibility, but the reality is that women, especially those in rural areas, bear a disproportionate burden of household responsibilities. Tasks such as cooking, cleaning, care giving and caring for children

are easier when there is running water. Inadequate sanitation also impacts on women and girls' personal

<sup>2</sup> Source: Population Policy Data bank maintained by the population division Economic and Social Affairs of the United Nations Secretariat.  
<sup>3</sup> Source: Population Policy Data bank maintained by the population division Economic and Social Affairs of the United Nations Secretariat.

safety. Women's risk of experiencing rape and sexual assault are reduced when toilets and water supplies are located close to home, and where they do not have to leave their homes at night to access these. Women thus have a vested interest in ensuring that there are develop-

ments in sanitation in the countries, and their energies should be harnessed to implement national and community projects to improve sanitation. Although providing hygiene and sanitation facilities are provisions of the protocol, the developments have been slow.



Source: 2012 SADC Gender Protocol Barometer, Gender Links.

## Health and financing

The Ministry of Health has an estimated ZMK 2.5 trillion or US\$ 467,065 000 allocated for 2012. The Ministry expected to recruit 686 health personnel to fill the vacant positions and to recruit 2,300 health personnel against ZMK 77 billion or US\$ 14,385 600 set aside for additional positions. The current head count for Ministry of Health staff is 32,935 out of the required 59,998 staff. The Government has abolished user fees.

Some ZMK 400 billion is for district grants and district hospitals while ZMK 23 billion is for medical equipment, K40 billion or US\$ 7 473 for infrastructure programmes and 17 billion or US \$ 3 176 for staff related debts such as gratuity for doctors and payment for settling allowances. Approximately ZMK 75 billion or US \$ 14 012 is for procurement of medicines and medical supplies. There are plans to construct 27 district hospitals and 125 health posts across the country.. Approximately US\$5 million is for essential drugs. The Ministry of Health has also received from USAID, Global Funds, DFID and UNDP an estimated total of US\$ 7 million.

The assumption is that most of these facilities and allocated resources benefit women more as they access health care more than men.

In 2010, GIDD undertook a gender audit to identify gender gaps within the sector and also to inform gender responsive budgeting supported by the UN Women in partnership with ZARD and NGOCC. During the audit,

participants were requested to identify the challenges facing the sector. They said long distances from the health service delivery points were one of the major challenges for both women and children. The second major challenge was lack of trained staff and poor infrastructure of the facilities.



## Next steps

There is need for more focused strategic interventions, increased allocation of resources through gender-responsive planning and budgeting.

The main priority should be:

- To enhance gender-sensitive, appropriate and affordable quality health care to reduce the maternal mortality ratio by 75%.
- To empower youth and women so that they have more control over their sexual reproductive health.
- To ensure the provision of hygiene and sanitary facilities.
- To keep sex disaggregated records of beneficiaries of services.
- Promote gender involvement of men in advancing sexual and reproductive rights.





"Anita"

Anushka Virahsawmy





# CHAPTER 7

## *HIV and AIDS*

### *Article 27*



Working together to fight HIV and AIDS.

Courtesy: [akbilas.blogspot.com](http://akbilas.blogspot.com)

#### **KEY POINTS**

- Zambia's overall SGDI score is 58% based on empirical data while the overall citizen's score based on perceptions is 72%.
- The HIV and AIDS prevalence rate reduced from 16.9% to 14.3% in the past year.
- Women form the majority of those living with HIV at 57% compared to 43% men.
- Urban areas have a higher HIV prevalence rate estimated at 20% compared to 10% for rural areas.
- HIV transmission from parent to child which occurs during pregnancy, birth or breastfeeding is estimated at 10 %.( FNDP, 2010).

**Table 7.1: SGDI and CSC scores on HIV and AIDS**

	SGDI	CSC
<b>Scores</b>	58%	72%
<b>Ranks</b>	9	4

Table 7.1 shows the SGDI score of 58% and a much higher CSC score of 72%. The SGDI is an empirical score which measures comprehensive knowledge on HIV and AIDS, the proportion of women living with HIV, and HIV-positive women benefitting from the Prevention of Mother to Child Transmission (PMTCT) programme.

The CSC is based on perceptions meaning that it looks into other qualitative aspects that are not necessarily found in quantitative data. For example the higher citizen score, may have been influenced by the visible efforts by government and stakeholders to address HIV and AIDS. However women were more critical and gave a score of 69% compared to a male score of 75%. Women are disproportionately affected by HIV compared to men.

### Background

Zambia has one of the highest prevalence rates of HIV and AIDS in the region. Out of a total population of just over 13 million people, it is estimated that there are over one million people living with HIV, an estimated one million orphaned children, and more than 200,000 people in need of Anti-Retroviral Therapy (ART). The accompanying human, social and economic consequences make HIV and AIDS one of most crucial contemporary developmental challenges.

The country is a signatory to a number of global and regional agreements and declarations including the Millennium Development Goals, the Paris Declaration, UNGASS Declaration, Universal Access, Abuja Declaration, African Union Maseru/Maputo Declaration, and the 2008 SADC Protocol on Gender and Development. In the 2005 World Summit Outcome (resolution 60/1), world leaders committed to a massive scaling up of HIV prevention, treatment and care with the aim of coming as close as possible to the goal of universal access to treatment by 2010 for all who need it.

The Protocol seeks to assess progress in the development and implementation of

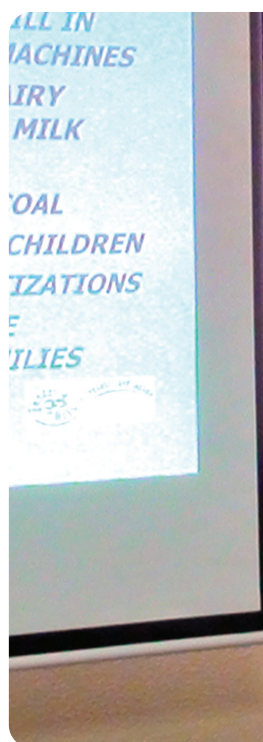
national-level HIV and AIDS policies, strategies, laws and implementation.

HIV and AIDS has undermined achievements towards the attainment of the Millennium Development Goals (MDGs). According to the Sixth National Development Plans (2011), the HIV and AIDS prevalence rate has reduced slightly from 16.9% to 14.3%. Treatment coverage of Anti-Retroviral Therapy (ART) has increased significantly. Urban areas have a higher HIV prevalence rate estimated at 20% compared to 10% for rural areas. HIV transmission from parent to child which occurs during pregnancy, birth or breastfeeding is estimated at 10 %.( FNDP, 2010).

Out of 6,822,332 adults who tested for HIV, only 1,910,253 (28%) receive their test results. By contrast out of 79,498 HIV-positive women who tested under the PMTCT programme, 47,175 (61%) received a complete course of ARVs.

Resources for scaling up HIV interventions on treatment, care, prevention and support flows from the health sector's budgetary allocations and is supplemented by external financing. HIV and AIDS is also treated as a cross cutting issue which means that all line ministries have to mainstream HIV and AIDS and commit adequate resources to combatting the pandemic.

The SNDP sets out clear priority areas and annual targets that stakeholders in the subsector can work on in their annuals plans towards 2015.



Theresa Sikute Chishimba presenting on her organisation's care work activities at the 2012 Zambia Gender Justice and Local Government Summit.



Photo: Albert Ngosa



**Table 7.2 : Baseline and key performance indicators for the Sixth National Development Plan**

Key Performance Indicators	Baseline 2010 (%)	Annual targets				
		2011	2012	2013	2014	2015
TC - No. of adults tested for HIV and receiving their test results	1,910,253/ 6,822,332 (28%)	2,275,417/ 7,001,282 (33%)	2,643,413/ 7,167,607 (37%)	3,023,728/ 7,330,249 (41%)	3,414,029/ 7,481,984 (46%)	3,816,765/ 7,633,530 (50%)
PMTCT - No. of HIV+ women receiving complete course of ARVs	47,175/79,498 (2009) (61%)	60,002/81,504 (73%)	66,415/83,598 (79%)	72,828/85,708 (85%)	79,242/87,883 (90%)	85,655/90,163 (95%)
ART - No. of people with HIV/AIDS who receive ARVs	283,863/434,168 (2009) (68%)	361,919/ 452,399 (80%)	398,692/ 469,050 (85%)	420,415/ 483,236 (87%)	443,643/ 498,476 (89%)	462,443/ 513,826 (90%)
ART - No. of children who have HIV/AIDS & receiving ARVs	21,050/36,215 (2009) (62%)	26,080/ 38,379 (68%)	28,595/ 39,429 (72%)	31,110/ 39,469 (79%)	33,625/ 38,785 (87%)	36,140/ 38,042 (95%)

Source: SNDP, 2011, p. 29.

Regarding the number of adults testing for HIV and Aids and receiving their tests, the ministry expects an annual average increase of 4%. By 2015, there should be a 50% increase from the current 28%. Regarding the number of HIV women receiving PMTCT the ministry expects an increase from the current 2009 baseline of 68% to 95% in 2015.

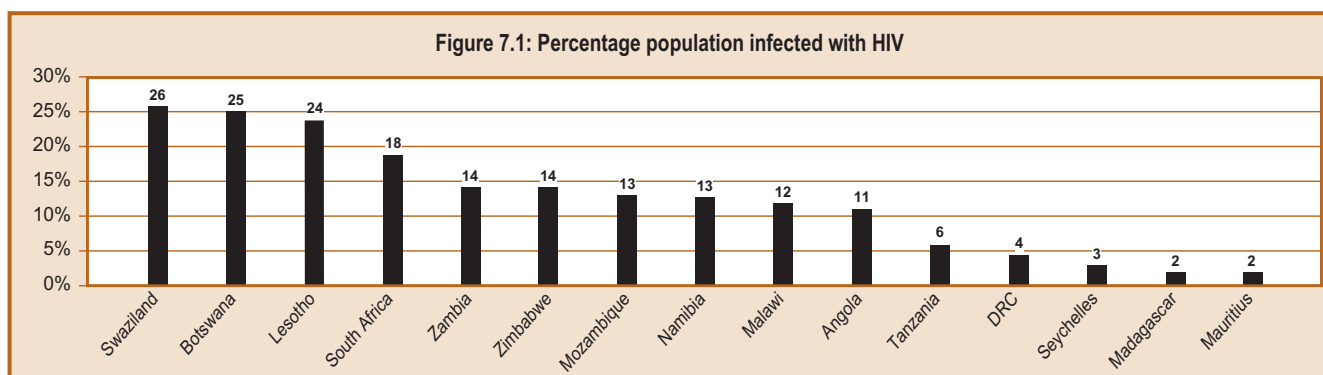
In addition the number of HIV-positive children who need ART who receive them, should increase from 62% in 2010 to 95% in 2015. This target can only be achieved with more gender-responsive annual plans and budgets.

However, access to treatment has improved dramatically. HIV- positive-eligible clients accessing ARVs has increased from approximately 3,000 in 2004 to 285,000 in 2009.

Prevention programmes have also been scaled up, including the number of testing and counselling (TC) sites and PMTCT clinics. Despite these prevention efforts, the number of new infections remains high, with an estimated 82,681 adults newly infected in 2009. Key drivers of HIV in Zambia include:

- Multiple concurrent partnerships;
- Low and inconsistent condom use;
- Low rates of male circumcision;
- Mobility/labour migration;
- Vulnerability and marginalisation;
- Cross-cutting issues include gender inequality and gender base violence (GBV); alcohol and substance abuse; poverty and income inequalities; stigma and discrimination; harmful cultural practices; human rights violations; and a lack of a comprehensive sex and life-skills education for young people.

### The current situation

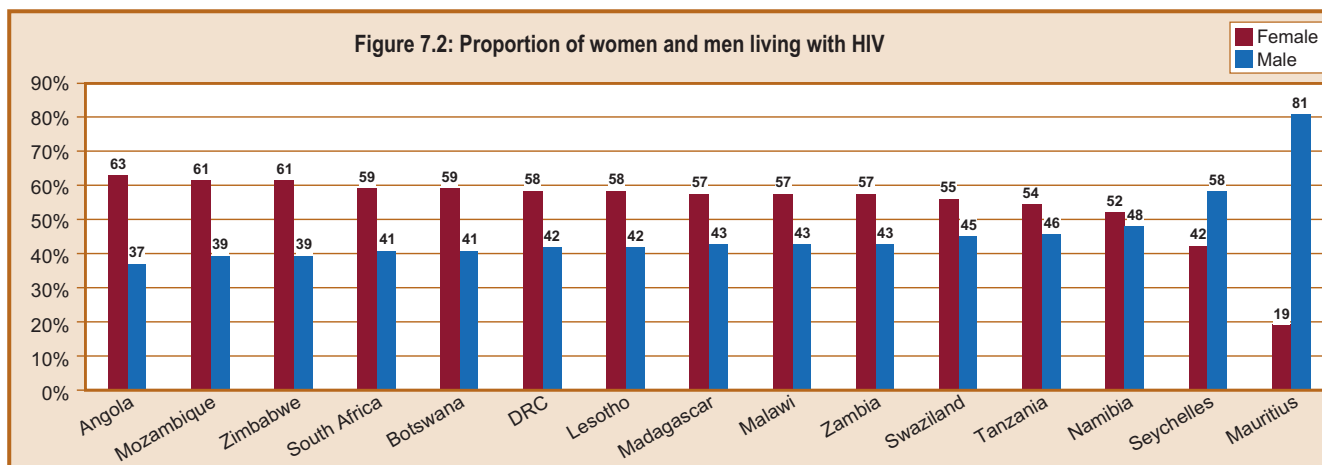


Source: 2012 SADC Gender Protocol Barometer, Gender Links.

Figure 7.1 shows that HIV and AIDS prevalence continues to vary greatly in SADC countries: Four of the 15 countries have an HIV prevalence rate of more than 15%, while four countries have a prevalence rate of 4% or less.

Surprisingly this includes DRC a post conflict country. The other three are island countries where the main means of transmission is via drug use. Zambia's prevalence rate of 14% is the fifth highest in the region.

Figure 7.2: Proportion of women and men living with HIV



Source: 2012 SADC Gender Protocol Barometer, Gender Links.

## Policies



*State parties shall take every step to adopt and implement gender-sensitive policies and programmes, and enact legislation that will address prevention, treatment, care and support in accordance, but not limited to, the Maseru Declaration on HIV and AIDS.*

There is no time bound target for this provision but it is at the heart of informing HIV interventions. Policies provide a framework for addressing the pandemic with an emphasis on prevention.

In Zambia, a number of policies and legal instruments have an impact on the HIV prevalence on women and girls. These include the Reproductive Health Policy; the National Health Strategic Plan (2011 - 2015); the Convention on the Rights of Persons with Disabilities; the Youth Policy and the Child Policy.

Zambia's legal and policy frameworks on HIV and AIDS include the National HIV and AIDS/STD/TB Act (2002), National Decentralisation Policy (2002), National HIV and AIDS/STI/TB Policy (2005), Population Policy (2007), Reproductive Health Policy (2008), and the Zambia Decent Work Country Programme (ZDWCP) 2007-2011 and the National AIDS strategic framework (NASF) 2011 - 2015.

The multi-sectorial Strategic Framework coordinated by the Zambian National AIDS Council (NAC) is in place. Key stakeholders play a role, including Co-operating Partners (CPs), the Churches Health Association (CHAZ) and the Zambia National AIDS Network (ZAN) among others. The Multi-sectorial plan seeks to improve the institutional and managerial capacities of NAC, CHAZ and ZAN; enhance the sub-granting capacity of CHAZ and ZAN; strengthen national planning and



Policies in Zambia have a strong treatment component.

Photo: Trevor Davies

implementation of HIV and AIDS programmes; increase focus on women and reproductive health; increase focus on the synergies between HIV prevention and treatment and young people, children orphaned by HIV and AIDS and strengthen the involvement of the civil society in the management of the response.

### **Integration of gender in the policy and HIV and Aids framework**

Gender is mentioned in the National HIV and AIDS framework and addressed as a cross cutting issue. HIV and AIDS is also addressed as a cross-cutting issue in the Sixth National Development Plan which provides the national plan for 2011-2015. The National Strategy for the Prevention of HIV and STIs (2009) also provides a guide to prevention of HIV infections. All the documents argue for treating both gender and HIV and AIDS as cross cutting issues in the line ministries but these are not adequately implemented as stipulated in the plans of action.

The relationship between HIV and AIDS and poverty has been clearly defined in Zambia. The presence of HIV and AIDS leads to poverty, while poverty creates vulnerability to HIV and AIDS, as reported in the Fifth and Sixth National Development Plans. The FNDP and SNDP establish that in communities where HIV and AIDS is highly prevalent, the agricultural production and food and nutrition security of households are likely to be severely affected. There is also a greater impact on women than on men (SNDP, 2010). Women tend to be responsible for household food and nutrition security, as well as providing most agricultural labour. During episodes of illness, household incomes are diverted to pay for medical treatment, appropriate nutrition and, ultimately, funeral costs. For this reason, the researcher chose the Ministry of Agriculture for budget analysis to establish the extent to which government has allocated corresponding resources in the wake of the epidemic.

### **National AIDS strategic framework (NASF) 2011 - 2015**

The NASF articulates the national priorities for the HIV and AIDS response that are aligned to the Sixth National Development Plan. Gender is explicitly mainstreamed in the NASF (2011 - 2015) and National Operational Plan (NOP 2011 - 2015), with clear and measurable gender-based outputs and targets. However, policy gaps still remain. For example, vulnerable populations need to be targetted, and there is a limited use of the human rights-based approach. The overall national HIV and AIDS policy (2005) is under review to address emerging policy gaps.

In the Sixth National Development Plan 2011-2015, Zambia seeks to focus on four key objectives and their related activities:

*To reduce the rate of new infections every year (HIV incidence)*

- Intensifying and accelerating prevention of sexual transmission; promoting prevention of Transmission of HIV in family settings including MTCT.
- Integrating prevention in all aspects of care at all health care settings.

- Expanding and scaling-up access to and use of VCT services.

*To expand access to appropriate care, support and Treatment for people living with HIV and AIDS, their caregivers and their families, including services for TB, STIs and other opportunistic infections*

- Promoting Universal access to quality ART and confidential counselling and testing;
- Scaling up of treatment for TB/STIs/OI including cancers; and
- Strengthening home and community based care and provide access to palliative care, treatment, care and support.

*To provide improved social support services for orphans, and vulnerable children, people living with HIV and their caregivers and families*

- a) Scaling up support services for Orphans and vulnerable children; promoting Programmes of food; and
- b) Ensuring security and income/livelihood generation for PLHA and their caregivers and families.

*To strengthen the capacity for a well-coordinated and sustainably managed HIV and AIDS multi-sectoral response*

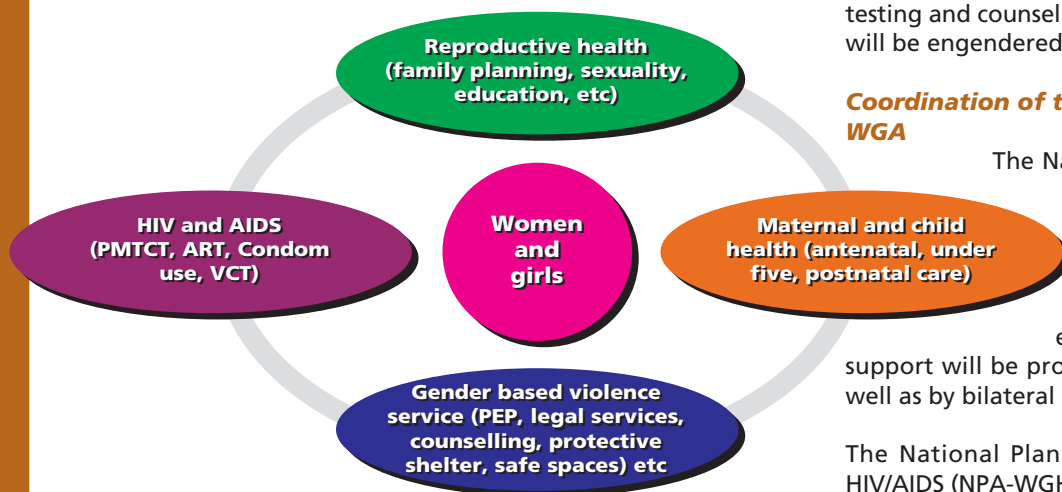
- Promoting practices which reduce stigma and discrimination through structural and community measures;
- Strengthening mainstreaming, decentralisation and community HIV and AIDS response;
- Enhancing resources and tracking of a sustained national response;
- Strengthening monitoring, evaluation and research; and
- Streamlining and aligning the HIV and AIDS Institutional Arrangements in line with the Decentralisation Policy and other legal instruments.

### **The National Plan of Action on women, girls and HIV and AIDS**

The NPA-WGHA provides a systematic approach to tackle women and girls' vulnerability to HIV infection. The NPA-WGHA sets out actions to reduce women and girls' vulnerability to HIV infection and to mitigate the impact of HIV and AIDS at individual, household, community, institutional and national level. Activities focus on strengthening the rights of people living with HIV. The plan recognises the cross cutting nature of women's health needs and that women and girls encounter barriers when accessing services and information. Figure 7.3 provides an understanding of women's health needs.



**Figure 7.3: Women's reproductive health needs**



The National Plan of Action on Women, Girls and HIV/AIDS (NPA-WGHA) identifies six objectives:

- To develop and support interventions that will promote and protect women's and girls' sexual rights and empower them to protect themselves from HIV infection, by the end of the NPA cycle.
- To promote equity and equality measures in education at all levels by the end of the NPA cycle.
- To protect women and girls from all forms of violence by the end of the NPA cycle.
- To protect women and girls' rights to inheritance and ownership of property, including land, by the end of the NPA cycle.
- To account for and provide sustained support and remuneration for care givers of people living with HIV by the end of the NPA cycle.
- To provide a comprehensive and integrated package of treatment and care for women and girls living with HIV by the end of the NPA cycle.

Apart from being the most affected by the HIV epidemic, women also are mainly responsible for caring for people living with HIV. In Zambia, almost half of all households caring for orphans are headed by women. Many studies have shown that these female-headed households are more vulnerable to shocks, such as those that result from famine and other natural disasters.

The NPA has committed to addressing the unequal distribution of care work by first exploring the extent of the problem, then finalising and disseminating the Volunteer Charter. The NPA will also promote the establishment of income-generating activities for women at community level, and advocate for integration of services to ensure a continuum of care where women, men, girls and boys have

equitable access. Provision of prevention services, including male and female condom distribution, HIV testing and counselling, PMTCT, and male circumcision will be engendered.

#### **Coordination of the implementation of the NPA-WGA**

The National Plan of Action on Women, Girls and HIV/AIDS (NPA-WGHA) will be implemented at national and sub-national level by government departments, civil society organisations, and private entities. Technical and financial support will be provided by the UN country team, as well as by bilateral and multilateral donors.

The National Plan of Action on Women, Girls and HIV/AIDS (NPA-WGHA) will advocate for a rights-based approach to provide services, built on existing services and using government structures.

Despite the ongoing sensitisation programmes on HIV and AIDS, challenges remain; for example, behaviour change is slow and line ministries do not commit adequate resources, especially towards impact mitigation for orphans and vulnerable children.

As noted there are legal and policy frameworks developed including the National HIV and AIDS/STD/TB Act (2002), National Decentralisation Policy (2002), National HIV and AIDS/STI/TB Policy (2005), National HIV and AIDS Strategic Framework (2006-2010), Fifth National Development Plan (2006-2010), Population Policy (2007) and, Reproductive Health Policy (2008). The National HIV and AIDS response has been developed in line with the '3 Ones Principle': one national AIDS strategic framework, one national coordinating body and one monitoring and evaluation (M&E) system.

The necessary and relevant institutional arrangements for a multi-sectorial national AIDS response are in place. Strategies include: addressing issues of governance,



ARVs increasing being found on the shelves.

Photo: Trevor Davies

poverty, gender, economic, socio-cultural, legal, sexual violence and physiological factors. These factors are different for boys and girls, women and men. Gender and HIV and AIDS have been mainstreamed in most areas as reflected in the Fifth National Development Plan and Sixth National Development Plan. Like other policy and strategic frameworks, there is a big gap between policy and implementation.

Analysing the way HIV and AIDS affects households can help overcome some of the challenges the pandemic poses at the community level. During the Citizen Score exercise, men and especially women reported taking

care of people living with HIV and care for orphans amidst poverty. They particularly talked about long distances to the rural health centres. They talked about how some are stigmatised, have no support and end up dying. Many of those living with HIV lack nutritious food, which could help build up their immune systems to prevent opportunistic infections.

Cultural practices are still a challenge in many communities; for example some still promote cultural cleansing. Advocacy work has been undertaken by Ministry of Health and the National Aids Council (NAC) and several NGOs.

### Challenges relating to gender and HIV and AIDS

The gaps identified by Ministry of Gender and Child Development in relation to HIV and gender are:

- The slow pace in domesticating the regional and international instruments which aim at improving the status of women. According to the Joint Mid Term Review of the NASF 2006-2010, Zambia is lagging behind on gender-based discrimination and GBV. The GBV Act requires more resources to implement it.
- The slow pace in implementing gender policies and programmes. Despite the fact that Zambia has enacted many policies and programmes in various line ministries, resources to implement them is sometimes insufficient. There is also a need for gender-sensitive HIV/AIDS workplace policies. Most HIV/AIDS work place policies are not gender sensitive and where there are policies; most of them are not implemented.
- Gender is not prioritised in planning, implementation and evaluation of national activities including in the HIV and AIDS programme. Gender mainstreaming is not part of the national planning processes although it is mentioned in the fifth and sixth national development plans. Much more needs to be done to ensure that gender is mainstreamed and is cross cutting in plans and budgets.
- There are not gender experts in all NAC Thematic Groups and there is weak collaboration on gender and HIV and AIDS-related activities in the key structures namely NAC, GIDD and PTFs, DATFs and GFPs

(provincial, district Aids taskforces and Gender Focal Point persons).

- Inadequate capacity in the various structures to undertake gender-based analysis and incorporate it in programming.
- HIV/AIDS programming has not adequately addressed issues of transforming gender norms that determine sexual relations between males and females as well as intergenerational sexual relations (World Bank (2009)).
- Women and girls empowerment programmes are not linked to HIV and AIDS interventions e.g. income generating activities, macro and micro credit facilities such as the Citizen Empowerment Commission. These are generally gender blind and do not focus on practical and strategic needs of girls and women.
- Existing legislation is weak and customary laws are in conflict with the treaties and conventions signed by the government.
- The ABC campaign does not adequately address the gender dimensions as well as the sexual and reproductive rights. As such, the Rights Based Framework is not effectively applied.
- The ABC campaign in the context of polygamous marriages is not adequately addressed.
- There is limited gender disaggregated data needed for planning and budgeting.

## Prevention



*The Protocol requires that by 2015, state parties shall develop gender-sensitive strategies to prevent new infections, taking account of the unequal status of women, and in particular the vulnerability of the girl child as well as harmful practices and biological factors that result in women constituting the majority of those infected and affected by HIV and AIDS.*

## Context



The red ribbon has helped to raise awareness on HIV and AIDS. Councillor from Monze district council wears red ribbon while attending a workshop, as part of the Centres of Excellence for gender mainstreaming in local government programme - Zambia, May 2012. Photo: Albert Ngosa

The Zambia National HIV and AIDS Policy was enacted in 2005 and created the National HIV/AIDS/STI/TB Council in 2002 to coordinate the multi-sectoral response to HIV and AIDS. NAC has promoted the implementation of the policy and coordinated the development of Zambia's HIV and AIDS Strategic Plan through the Technical Committees.

NAC is the body through which funding is mobilised and multi-sectoral partnerships galvanized for a coordinated HIV and AIDS response. Various analyses of the documents show that "its analysis of the ways in which HIV and AIDS impacts males' and females' vulnerability was lacking" (GIDD, 2010). There is a gap in information on the gender dimensions on the driving forces for the epidemic in different population groups.

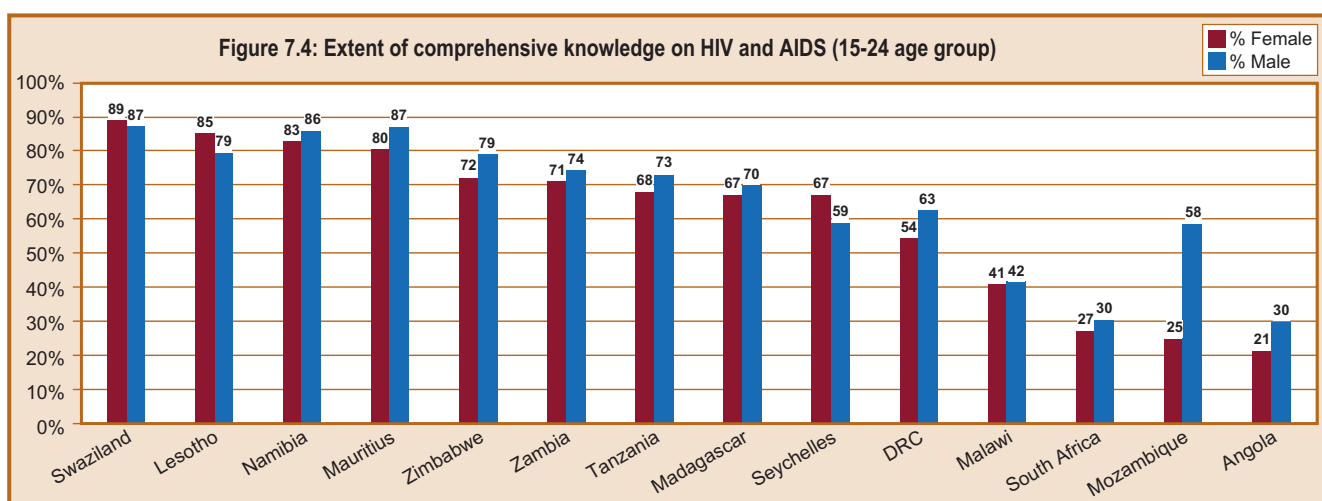
For example the HIV prevalence in women aged between 30-34 years is possibly due to social and economic vulnerability, limited access to life skills and information as well as the lack of negotiation skills for safe sex. They tend to lack protection under customary laws.

Zambia has received funds from the Global Fund and other cooperating partners, working mainly through Ministry of Health, National Aids Council and Zambia National Aids Network (ZAN) and also through the Churches (CHAZ). But HIV prevalence is not dropping and has remained more or less stable since the nineties. It is as high as 25% in some urban centres. Although the HIV epidemic has infected and affected all parts of the Zambian society, young women and girls are the most vulnerable. It is estimated that among young women aged 15-24, HIV prevalence is nearly four times that of men in this age group.

## Prevention strategies

As part of strategies to prevent HIV among women and girls, the NPA proposes to address the gender issues that make women and girls more vulnerable to HIV infection. These include socio-cultural factors such as unequal power relations between men and women; gender-based violence; society's acceptance of males as more dominant and therefore being tolerant of multiple sexual partnerships for men; and unfair and discriminatory property and inheritance laws.

In addition, the NPA proposes to strengthen the framework for dealing with gender-based violence at all levels; provide appropriate, accessible and affordable services for survivors of GBV, and review or reform legislation to better protect women and girls. This is because of the strong link between GBV and HIV.

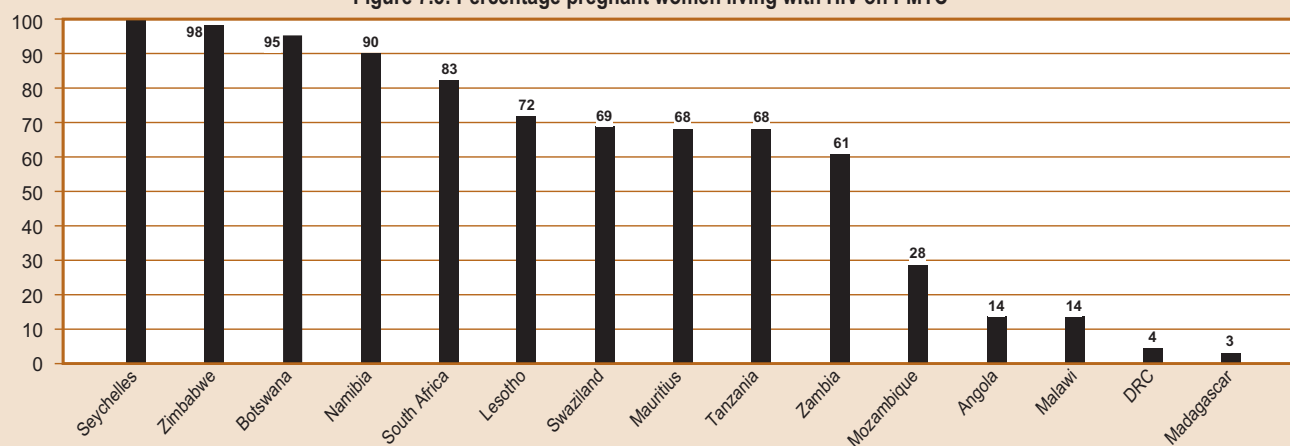


Source: 2012 SADC Gender Protocol Barometer.

Figure 7.4 shows that more males (74%) than females have comprehensive knowledge on HIV and AIDS in the age group 15 - 24 years. This places the country at number six in the SADC region.



Figure 7.5: Percentage pregnant women living with HIV on PMTC



Source: 2012 SADC Gender Protocol Barometer, Gender Links.

Figure 7.4 shows that at least 61% of pregnant women living HIV and AIDS are on PMTC. Zambia will have to accelerate progress in order to meet the targets by 2015 as there are only two years before the deadline.

In 2011, the United Nations identified 22 priority countries in sub-Saharan Africa to scale up PMTC as a result of high maternal mortality. At least 12 of the 22 countries are in the SADC region. Zambia is one of them along with Angola, Botswana, DRC, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, and Zimbabwe.

## Treatment

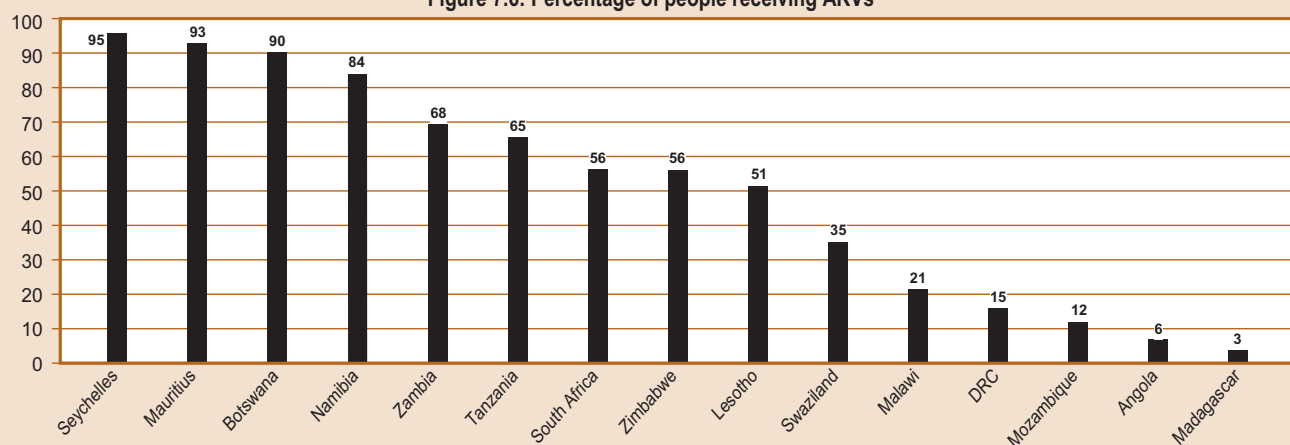


*The Protocol requires state parties to ensure universal access to HIV and AIDS treatment for infected women, men, boys and girls.*

The policy on access to HIV and AIDS treatment mentions women as a specific beneficiary group. Although ARVs are available in Zambia, women still face challenges accessing them due to, among other factors, distances to ART centres as well as stigma and discrimination. In most cases, married men do not want to know their HIV status and discourage their wives from testing. Some women have tests secretly. Once given their drugs,

women cannot take them openly for fear of being victimised by their husbands. In some cases women have shared their HIV status with their husbands, only to be beaten up for “bringing HIV into the house” and sometimes they are divorced by their husbands. However there is no empirical data to determine the extent of this problem.

Figure 7.6: Percentage of people receiving ARVs



Source: 2012 SADC Gender Protocol Barometer, Gender Links.

Figure 7.6 shows that there are no changes regarding the access to ART treatment figures from last year which show that universal access has not been achieved anywhere. Across the SADC region coverage ranges from 3% to about 95%, with the lowest percentages in Angola and Madagascar. Zambia is ranked fifth.

Despite the positive policies, there is a gender gap in accessing treatment between women and men, boys and girls due to poverty levels. Improved access to economic resources for women and girls living with HIV is an important component that contributes to improved treatment and care. Both the infected and affected

require economic empowerment for improved treatment and care. There is also a difference between men and women living in rural areas and those in urban.

Estimates of expenditure show that the national budget aims to include the development of work place policy on HIV and AIDS. The budgets aim at the development of the policy documents, a positive trend towards proper, comprehensive workplace policies within all line Ministry Budgets. Failure to budget for treatment, care and support in the work places makes government ineffective due to staff who are frequently absent from work either because they are sick or may be taking care of their sick relatives or attending funerals.

## Care work



*The Protocol requires Member States to develop and implement policies and programmes to ensure the appropriate recognition of the work carried out by care-givers; the majority of whom are women, to allocate resources and psychological support for care-givers as well as promote the involvement of men in the care and support of people living with AIDS.*

In 2010, inspired by Article 27(c) of the SADC Protocol on Gender and Development, Gender and Media Southern Africa (GEMSA) and VSO-RAISA developed the Making Care Work Count Policy Handbook. The objectives of the handbook include to influence the development, adoption, implementation and enforcement of policy frameworks that promote the recognition and support of care providers in the context of HIV and AIDS, and to promote public engagement on care work related issues.

The handbook proposes six principles that need to inform care work policies:

- **Remuneration:** People doing the work of government have a right to be financially rewarded.
- **Logistic and material support:** It is imperative that care providers are provided with care kits as well as other support, such as uniforms for identification, bicycles, food packs, monthly monetary allowances, soap, free medical treatment, financial support for income generating projects, raincoats, umbrellas, agricultural inputs, stationery and transport allowances, among others, to provide quality care.
- **Training and professional recognition:** Protocols of training and accreditation should be developed through a governing body within the country to regulate and standardise the training.

- **Psychosocial support:** Care for care providers should be prioritised with psychosocial support programmes developed and provided to care providers.
- **Gender equality:** The gender dimensions of HIV should be recognised and catered for.
- **Public private partnerships:** There is a need to advocate for stronger public private partnerships in the delivery of PHC services through C&HBC programmes.

Table 7.3 outlines progress on policy and legislative initiatives to regulate care work in Zambia based on information available to researchers at the time of writing.



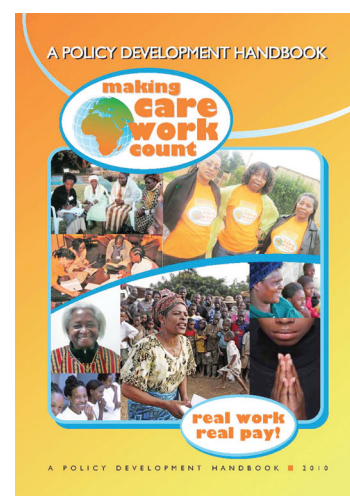
**Table 7.3: Progress in addressing care work in Zambia**

Issue	Progress
<b>Remuneration</b>	No stand alone care work policy. A provision is contained in the HIV and AIDS policy but does not contain provisions on remuneration. Progress on draft policy hampered by limited networking and coordination across organisations.
<b>Logistical and material support</b>	National guidelines that specify materials to be made available to care providers. A limited number of these are available.
<b>Training and professional recognition</b>	No policy that recognises care givers as professionals except the third line of care givers (professionals like nurses, clinical officers etc). Care givers are trained by qualified trainers from the Ministry of Health (MoH) and other organisations. Care givers receive a certificate of attendance after training. CHBCs are registered under the Registrar of Societies. CHBC organisations are also required to register with the DHMT in their area of operation.
<b>Psychological support</b>	No policy though the issue of psychological support is catered for in guidelines for care givers.
<b>Gender equality</b>	No policy.

Capacity-building sessions have been held in Zambia with CSOs as well as with national AIDS council to outline advocacy processes to support their efforts. The main components of these processes include:

- Country mapping and stakeholder analysis;
- Building a coalition;
- Influencing policy uptake and implementation;
- Developing an advocacy and lobbying plan; and
- Monitoring and evaluation.

CSOs in Zambia have begun using *Making Care Work Count* campaign to influence the development of a care policy.



### **Zambia: Men make great care workers too**

*By Peter Hamajata*

I started care work in 2003 when I joined the VK Community Care Organisation. VK Community Care Organisation was registered in 2002 and is located in Garden Compound, 7km from Lusaka centre, and has a population of 12 000 people.

Before I joined I was working with an organisation to empower women and raise their standard of living in Chibombo District.

In 2002, my first born son was diagnosed with HIV, and by that time he was staying with his grandmother. He phoned and told me he was not feeling well and I agreed that he should come to Lusaka. At the time he got sick he was staying in a village where there was no clinic.

He came to Lusaka and stayed with me. He complained of general body pains. I looked at him: he was very sick, and there was a need for him to be taken to the hospital. I took him to the nearest health centre, 7km from my house.

At the centre, the doctor examined him and referred him for Voluntary Counselling and Testing (VCT). After undergoing VCT we discovered he was HIV-positive. He was counselled and then referred to an ART clinic where he was tested and examined for his CD4 count and told that he immediately had to start anti-retroviral treatment. After one month he developed Kaposi's sarcoma and his whole body swelled, especially the legs.

Wounds developed and he even started to smell. My wife could not bathe him because he was male so I took up the responsibility of taking care of my son; taking



him to the toilet and bathing him. The most difficult thing was not having any other person or relative to help. I had no option but to get leave from work for one month.

Things did not change; my son's sickness got worse, I had to take him to the University Teaching Hospital every week for injections to treat the sarcoma, which is cancer of the skin. This whole procedure took six months and I had to stop work to concentrate on caring for my son so my wife continued to work and had to provide for us all.

I thank my wife for taking up the responsibility of feeding us all, while I took up the responsibility of caring for our son, which was care work for both of us. I thank God for that assistance from my wife.

With this experience, I developed a very good relationship with the staff at the health centre and the hospital and I was referred to VK Community Care Organisation by the government clinic so I could learn how to provide better care and support to my son, and other patients at home.

It was a good suggestion and I was happy because I already thought the work was interesting. VK Community Care Organisation trained me for five days in basic home-based care and I was given a certificate. This inspired me and I got encouraged to join in caring for people living with HIV and AIDS.

In the community I started caring for, and providing support to, patients and I gave a lot of good examples of how a man can care for patients in their homes. I also encouraged other men in the community to join in care work and 11 men were recruited into the organisation. I then stopped looking for employment and my heart went to caring for patients. I was motivated by training in counselling and testing and I appeared on state radio, talking about care and support and the involvement of men in care work.

I cannot stop care work now because I enjoy it so much. My son became better, and able to work. But after two years my son forgot he was sick, he wouldn't listen to me and he went back to bad behaviours: drinking spirits and smoking. He even forgot to take his ARV's.

My son could not adhere to treatment; he developed TB and died within four days of being

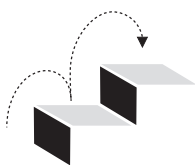
diagnosed with it. However, I cannot stop caring for people living with HIV and AIDS because we need to protect other people who might want to stop treatment and behave the way my son did.

People living with HIV and AIDS need education and information so that they can live longer. It is not easy but we can do much more with the resources provided. Involvement of both men and women in care work must be supported by providing them with incentives so they can be motivated. In turn they will provide quality care to those living with HIV and AIDS.<sup>1</sup>



Men care too - First Zambian President Dr Kenneth Kaunda is a champion for an HIV free generation.  
Photo: <http://www.google.co.zalimgres>

<sup>1</sup> This "I" Story is part of the Gender Links Opinion and Commentary Service special series on care work. Available at [<http://www.genderlinks.org.za/article/zambia-men-make-great-care-workers-too-2011-06-26>].



## Next steps

- To accelerate and intensify prevention in order to reduce the annual rate of new HIV infections.
- To accelerate the provision of universal access to comprehensive and quality treatment, care and support for people living with HIV and AIDS (PLHA), their caregivers and their families, including services for tuberculosis (TB), sexually transmitted infections (STIs) and other opportunistic infections (OIs).
- To mitigate the socio-economic impact of HIV and AIDS, especially among the most vulnerable groups, orphans and vulnerable children (OVC), PLHA and their caregivers and families.
- To strengthen the systems which underpin Zambia's response to HIV and AIDS.
- To strengthen the capacity for a well-coordinated and sustainably managed HIV and AIDS multisectoral response.
- To put in place comprehensive workplace and community prevention, treatment, and impact mitigation response to HIV and AIDS in the various sectors.
- To increase budgetary allocations on HIV and AIDS as a cross cutting issues.
- To strengthen mechanisms for a coordinated multi-sector decentralised response to HIV and AIDS, focusing on key drivers of new infections.
- To adopt a standalone care work policy with a budget allocated to ensure implementation takes place.





"Nicole"

Anushka Virahsawmy





## CHAPTER 8

# Peace building and conflict resolution

## Article 28

### KEY POINTS

- Overall, citizens scored government's performance at 59% based on their perceptions on progress made so far in meeting targets of the SADC Gender Protocol. This puts the country at number nine out of the 15 countries in the SADC region.
- In Zambia women make up 12% of troops deployed in peace-keeping missions which is higher than the regional average of 3%;
- In Zambia, the greatest proportion of women representation of those (19%) deployed in peace-keeping operations, in 2011 played the role of experts compared to the police and troops categories.
- Legislation and policies relating to the defense and peace and security sector are not gender sensitive.
- Zambia is yet to develop a National Action Plan for the implementation of UN Resolution 1325.
- Women are beginning to make inroads in high-level positions in the security sector.



President Michael Sata attends to women police officers at state house.

Photo: Eddie Mwanaleza - Source: [www.ukzambians.co.uk](http://www.ukzambians.co.uk)

Table 8.1: SGDI and CSC scores on peace building and conflict resolution

	SGDI	CSC
Score	N/A	54%
Rank	N/A	13

Table 8.1 shows that citizens give their country a score of 54% on women's participation in peace- building and conflict- resolution, which

gives Zambia a ranking of ninth out of the 14 countries in the SADC region (excluding Angola). Women and men gave the country an equal rating of 54% just over the half way mark of where the country needs to be by 2015.

### Background

With two and a half years until 2015, the target date for meeting the target of the SADC

Protocol on Gender and Development, Zambia has a long way to go to ensure its security sector has a gender balance and is gender sensitive and responsive. It is unlikely that the country will meet the targets in Article 28, which also calls for State Parties to adopt and implement United Nations Security Council Resolution (UNSCR) 1325.

In 2004, the UN Secretary General urged member states to adopt National Action Plans (NAP's) for the implementation of UNSCR 1325, noting that the "creation of an action plan provides an opportunity to

initiate strategic actions, identify priorities and resources, and determine responsibilities and timeframes at a national level."<sup>1</sup>

However qualitative nuances show that there are some bright sparks as the incumbent President has sworn in several women into high level decision making positions in defence, the police and anti-corruption commission.

This needs to be extended to other areas of decision making outside the peace and security sector.

Zambia is a member of the Non-Aligned Movement (NAM), the Commonwealth, The African Union, the Southern African Development Community (SADC), and the Common Market for Africa, which has its headquarters in Lusaka. Historically, under President Kenneth Kaunda's government, Zambia played a critical role in bringing peace to the region. Kaunda supported liberation movements in Mozambique, Namibia, Southern Rhodesia (Zimbabwe), and South Africa. President Chiluba, the second republican president, continued the peace initiatives. His government played a constructive regional role sponsoring Angola peace talks that led to the 1994 Lusaka Protocols.

In addition, Zambia has provided troops to UN peacekeeping initiatives in Mozambique, Rwanda, Angola and Sierra Leone and was the first African state to cooperate with the International Criminal Tribunal for Rwanda in 1994. In 1998, Zambia took the lead in efforts to establish a cease-fire in the Democratic Republic of Congo. Zambia was active in the Congolese peace effort following the signing of a cease-fire agreement in Lusaka in July and August 1999.

Despite the regional participation in peace efforts, Zambia has not developed a plan of action for its own security situation. The draft constitution has not mainstreamed gender into new laws and white papers for the security services sector. The laws in the sector are not accompanied by special measures and incentives to attract women to the security services sector and there is no Country Plan for UN Security Council Resolution 1325.



Proportion of women in the peace and security sector still far from the 50% target set for 2015 - Zambia.  
Photo: webcrawlerblog.com

<sup>1</sup> Peacewomen, "National Implementation Overview" <http://www.peacewomen.org/pages/about-1325/national-action-plans-naps>.

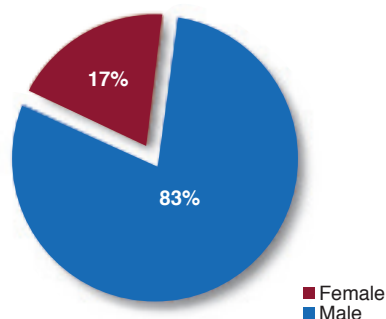


**Table 8.2: Policy provisions for women's representation and participation**

Constitution reflects gender equality clause	Defence force acts/White papers	Police force acts/ White papers	Correctional services/Prisons Act	Signed Protocol to prevent, suppress and punish trafficking in persons, especially women and children
No	Defence Act 45 of 1964 (last amended In 1994) in [Vol. 8 Chapter 106 of Constitution] - no gender equality specific clause. Language in act not gender sensitive.	Police Act (amended in 1999) [Vol. 8 Chapter 107] - no gender specific clause but does note that women are eligible for pension if they resign or get married.	Prisons Act 56 of 1965 (amended 2000) [Vol. 7 Chapter 97] Section 75 states that women prisoners shall not be employed outside of prison except on the recommendation of the medical officer. No gender equality clause.	Yes

Source: 2012 SADC Gender Protocol Barometer.

**Figure 8.1: Women and men representation in the police force**



Source: Seminar report, women in peace keeping operations, Zambia 12 - 13 October 2009.

Figure 8.1 shows that at 17% women are far from the 50% representation target set by the SADC Gender Protocol and UN Resolution 1325.

However, there are qualitative gains as the incumbent President Michael Sata has appointed women to senior decision making positions in the police force.

On 15 February 2012, President Sata appointed the first woman (and youngest ever) Inspector General of Police, 39-year-old Stella Libongani. Overall Zambia has 17% women in its police force. Other key appointments to the security sector include: Catherine Makwala as the country's first female Brigadier General in the Zambia; Rosewin Wandu as the first female Anti-

Corruption Commission Chief and Stella Libongani as the first Inspector-General of Police.

In October 2011, the President had just appointed six police women provincial commissioners: Brenda Muntemba for Southern Province, Grace Chipaila for Eastern Province, Charity Kamanga for Lusaka Province, Mary Chikwanda for Northern Province, Joyce Kasosa for Luapula Province and Mary Tembo for Copperbelt Province. Critics point out, however, that Sata has appointed very few women to such top posts outside the security sector. For example there are just two female cabinet ministers out of 19, four female deputies, one female provincial minister, and only a handful of women on various commissions, technical committees.

#### Correctional/prison services

At the time of writing researchers did not have access to the proportion of women's representation employed in correctional services. However women constitute 2.6% of women prisoners.



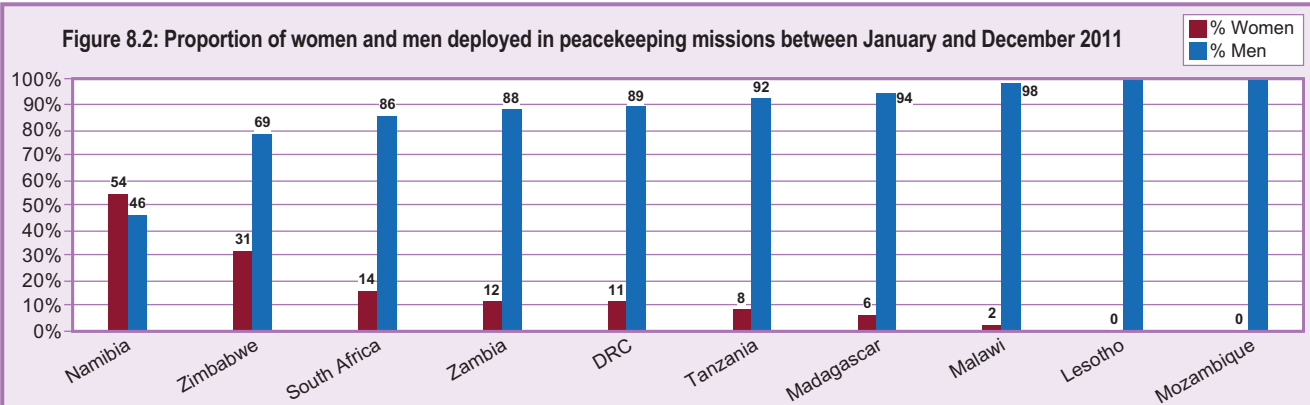
Rosewin Wandu, first female Anti-Corruption Commissioner-in-Chief in Zambia.

Photo: lusakatimes.com



## Peace keeping missions deployed in SADC

Figure 8.2: Proportion of women and men deployed in peacekeeping missions between January and December 2011

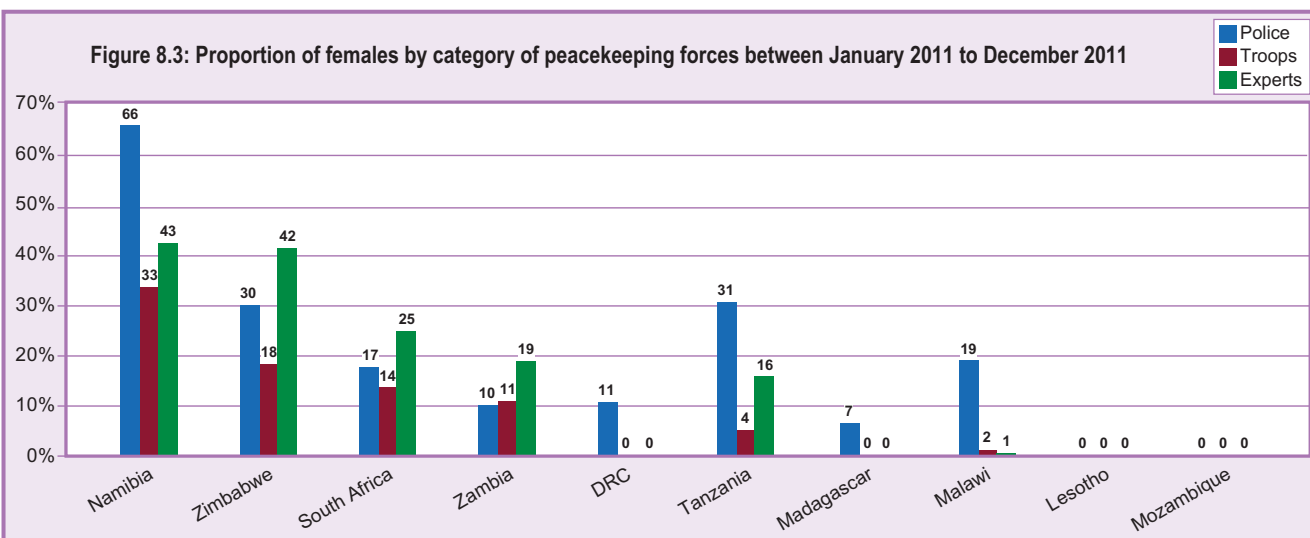


Source: 2012 SADC Gender Protocol Barometer, Gender Links.

Figure 8.2 shows that the proportion of women in UN peacekeeping missions remains far less than the United Nations Department of Peacekeeping Operations (UNDPKO) targets and nowhere near the 50:50 target.

In Zambia women make up 12% of troops deployed in peace-keeping missions, which is higher than the regional average of 3%.

Figure 8.3: Proportion of females by category of peacekeeping forces between January 2011 to December 2011



Source: 2012 SADC Gender Protocol Barometer, Gender Links.

Figure 8.3 shows that in Zambia, most of the women (19%) deployed in the year 2011 played the role of experts in peace keeping operations. This is followed by the proportion of female troops and police deployed at 11% and 10% respectively.

### Costing and budgetary allocations

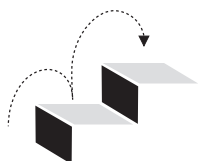
The Ministry of Defence has attempted to mainstream gender in its budgeting but it is piecemeal and mostly linked to HIV and AIDS with some allocations for gender equality and equity.

But initiatives costed are event based. A close analysis shows that costing is based around key calendar dates and not linked to strategic ongoing programmes, such as increasing women representation and participation in the peace and security sector.

For example, the Research and Planning, Gender in Development Unit has a section entitled Programme 8: Promotion of Gender Equality and Equity estimated at ZMK 194 000 000 (US \$39 200) in 2010 and reduced to ZMK 64 000 000 (US \$12 900) in 2011. The activities

under this section include personnel training, 16 Days of Gender Activism, Women's Day Celebrations and Consultation visits.

This lays the foundation for further work. Although gender issues are not mainstreamed in the sector, it is a positive sign that the Zambia budget has several gender-related items.



## Next steps

There is a need for:

- A situational analysis on gender in the Defence forces to establish the roles of women and girls in the sector.
- Information on the participation of women in decision-making structures within the Ministry of Defence.
- A gender self-assessment exercise that to ensure that key stakeholders within the Ministry are key participants in the gender analysis. This should lead to the identification of gender-based gaps and development of a plan and budget for engendering the Defence Force.
- Review legislation to ensure that it is gender sensitive and does not discriminate against women. This will ensure that police, defence and correctional or prison services Acts are gender sensitive and provide for women's special needs



Men dominate the security sector. A member of the security sector attending the 2012 Zambia Local Government and Gender Justice Summit as a judge - March 2012.

*Photo: Albert Ngosa*

- The laws must be accompanied by special measures and incentives to attract women to join the security services sector.
- Record keeping should be gender disaggregated.
- Making gender training compulsory. All levels of personnel, including senior management, should receive gender training to respond to gender-based violence and to challenge those cultural stereotypes that perpetuate gender discrimination.
- Gender budgeting and costing is an important tool for assessing commitment to mainstreaming gender in the sector.





"Growing up"

Anushka Virahsawmy





## CHAPTER 9

# Media, information and communication

## Articles 29-31



Participants engage with the findings of the GMPS study during the GMPS consultative workshop in Lusaka, Zambia on 26 August 2010.  
Photo: Thabani Mpofu

### KEY POINTS

- Zambia SGDI is 60%, which is three percentage points lower than the citizens' score of 63% that is based on perceptions;
- The GMPS media monitoring (2009/2010) shows that in Zambia women make up 33% of employees in media houses.
- The 2010 GMPS study revealed that women make up 14% of news sources, five percentage points lower than the regional average.
- News in Zambia relies mostly on primary rather than secondary sources. Primary sources make up 86% of all sources compared to overall regional average of 67%.
- Women make up only 26% of sources in stories that mention GBV. This suggests that men speak for women even on issues that affect women disproportionately.

**Table 9.1 SGDI and CSC scores for Media, Information and communication**

	SGDI	CSC
Scores	60%	63%
Ranks	10	3

Table 9.1 shows that Zambia with an SGDI score of 60%, is ranked 10th in the region for the gender and the media sector. The SGDI score considers women's participation in the media as employees, on boards and in management. It also includes the proportion of women as lecturers and students in media institutions as well as the proportion of women news sources in media content.

Citizens gave a slightly higher score of 63% placing the country third in the region. The CSC captures other qualitative nuances such as sensationalism of news and gender stereotypes perpetuated in various media.

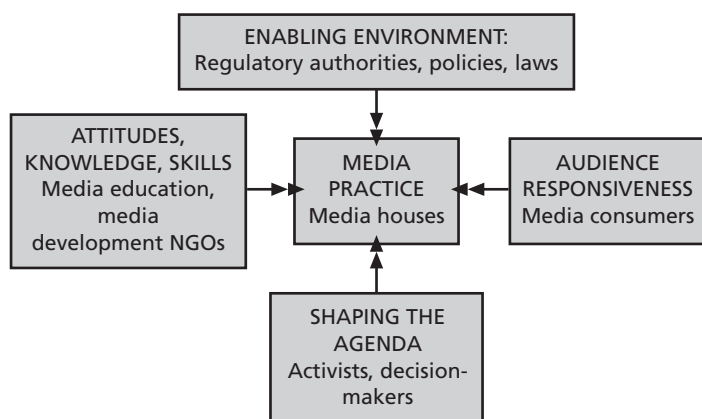
### Background

Citizens' access to accurate information on diverse political, economic and social issues is essential for the development of an informed population within a democracy. The mainstream media is a major resource in societies for the dissemination of information, knowledge and ideas and messages, as well as spaces for the public to engage in discourses on current affairs.

Gender activists recognise the critical importance of the media in changing attitudes and mind-sets, but have not always been strategic in engaging journalists.

**Figure 9.1** demonstrates the different entry points for gender and the media. This begins with gender aware policies and laws, implemented by regulatory authorities. Audiences through taking up complaints make these policies and laws a reality. Media education and media development NGOs have the capacity to influence attitudes, skills and knowledge of media practitioners,

**Figure 9.1: Entry points for gender in the media**



particularly at the entry level, but also through on going courses. Activists and decision-makers, especially women decision-makers, help to set the gender and media agenda through well-co-ordinated campaigns, and a proactive approach to the media. Ultimately the ball is in the court of the media to change. This change needs to be within the media: that is in its institutional make up, as well as in media content.



Perpetual Sichikwenkwe, a female journalist from Zambia who has written extensively on gender and media issues in the country and the SADC region - attending the Gender and Media Summit - Johannesburg, October 2010. Photo: Trevor Davies

There is only one time bound media target in the Protocol: the achievement of gender parity in media decision-making by 2015. The wording of the provisions is careful not to be prescriptive or make assumptions about the extent to which government can regulate or influence the media (especially the private media). However, the provisions are significant in that:

- They cover both media content and the institutional make ups of the media.
- They touch on both policy and training.
- They touch on both the sins of omission (the absence of women's voices and need to give women equal voice) as well as the sins of commission (the perpetuation of gender stereotypes in the way in which women are covered; especially the coverage of gender violence).
- The provisions are consistent with freedom of expression. Indeed, they underscore the argument that gender and media activists have been making: that the subliminal silencing of women in the media is - the world over- one of the worst violations of freedom of expression.

Key research studies that GL and partner organisations have undertaken in the region, that form the basis of advocacy and training efforts, and that make it possible for monitoring progress in this sector are summarised in Table 9.2:

## Training

**Table 9.2: Summary of key gender indicators for Zambia**

	ZAMCOM		Evelyn Hone College		University of Zambia	
	Male	Female	Male	Female	Male	Female
<b>Representation</b>						
Staff	75	25	64	36	69	31
Students	33	67	35	65	44	56
<b>Other indicators</b>						
	Yes	No	Yes	No	Yes	No
Gender policy		✓		✓		✓
Sexual harassment policy	✓				✓	
Gender considered in the curriculum	✓		✓		✓	
Committee/individual responsible for gender mainstreaming						

Source: GIME 2010.

Table 9.2 gives a snapshot of findings of the Gender in Media Education research study conducted by GL in partnership with the three institutions offering journalism and media studies in Zambia.

Key findings show that:

- The institutions have more female students.
- There are more male members of staff than female.
- The institutions have gender policies.
- There are no gender considerations in terms of curriculum development and no specific committee or individual responsible for gender mainstreaming.

## Equal representation of women and men in the media by 2015



*The Protocol urges Member States to take measures to promote the equal representation women in the ownership of, and decision-making structures of the media in accordance with Article 12.1*

*that provides for equal representation of women in decision-making positions by 2015.*

In 2007/2008 GL and GEMSA conducted the most comprehensive survey to date on women and men in Southern African media houses against the provisions. The study covered 126 media houses and more than 23,000 employees in all SADC countries except for Angola. The results are summarised in Table 9.3 gives a snapshot of the Zambia findings.

### Key findings

At 33% Zambia's percentage of women employees in media houses is below the 50% target in the SADC Gender Protocol.

Men dominate across most levels and departments except at technical level. The gender stereotypes are more glaring; for example women only making up 11% of those in the design department.

**Table 9.3: Representation of women and men in media houses in Zambia**

Category	% Female	% Male
Overall % employees by sex	33	67
<b>OCCUPATION LEVELS</b>		
Non permanent	33	67
Unskilled	21	79
Semi skilled	67	33
Skilled technical	54	46
Professionally qualified	37	63
Board of directors	27	73
Senior management	33	67
Top management	11	89
<b>CONDITIONS OF EMPLOYMENT</b>		
Part time	40	60
Full time, fixed term contract	10	90
Freelance <sup>1</sup>	38	62
Full time open ended contract	30	70
<b>DEPARTMENTS</b>		
Human resources	32	68
Advertising /Marketing	46	54
Finance & administration	49	51
Editorial	38	62
Design	11	89
Production	23	77
Printing & distribution	6	94
Technical/IT	17	83
<b>POLICIES</b>		
Gender policy	22	
Sexual harassment policy	11	
Want gender policies	78	

Source: GMP5 2010.

<sup>1</sup> This condition of employment refers only to freelancers in the production department of the media house.



## Gender in media content



*The Protocol calls on Member States to encourage the media to give equal voice to women and men in all areas of coverage, including increasing the number of programmes for, by and about women on gender specific topics and that challenge gender stereotypes. The Protocol urges member states to take measures to discourage the media from:*

- *Promoting pornography and violence against all persons, especially women and children;*
- *Depicting women as helpless victims of violence and abuse;*
- *Degrading or exploiting women, especially in the area of entertainment and advertising, and undermining their role and position in society; and*
- *Reinforcing gender oppression and stereotypes.*

In 2003, GL and MISA, with technical support from the Media Monitoring Project (MMP) of South Africa, conducted the *Gender and Media Baseline Study* (GMBS) study (which covered 12 Southern African countries). This study, conducted over one month and covering more than 25,000 news items, is the largest regional media monitoring study ever to have been conducted anywhere in the world.

In 2006, GL, as part of the MAP partnership, conducted the HIV and AIDS and Gender Baseline study, extending

this and the GMBS to the DRC, Madagascar and Seychelles the following year.

In 2009, GL undertook a sequel to the GMBS - the *Gender and Media Progress Study* (GMPS). This is a follow-up study to measure whether or not the strategies - advocacy, training and the policy roll-out process - have assisted in the transformation of some of the media's ethical shortcomings identified in the GMBS. This study was conducted in tandem with the global study (GMMP 2010), providing a further opportunity for global benchmarking.

**Table 9.4: Summary of key findings**

GENERAL MEDIA PRACTICE	GMBS ZAMBIA	GMPS ZAMBIA	GMPS REGIONAL	GMMP GLOBAL
Topics	%	%	%	%
Economics	N/A	14	12	17
Gender equality	N/A	1	1	N/A
Gender violence	N/A	2	1	N/A
Politics	N/A	23	19	28
Sports	N/A	18	18	N/A
<b>Geographic scope of stories</b>	%	%	%	%
International	N/A	24	22	26
SADC	N/A	4	8	N/A
National	N/A	59	42	N/A
Local/community	N/A	5	18	N/A
Provincial	N/A	7	10	N/A
<b>Type of sources</b>	%	%	%	%
Primary sources	N/A	86	69	N/A
<b>Anonymity</b>	%	%	%	%
Anonymous sources	N/A	8	18	N/A
<b>Diversity of sources</b>	%	%	%	%
Single source	N/A	64	67	N/A
<b>GENDER IN THE MEDIA</b>	<b>2003 GMBS ZAMBIA</b>	<b>2010 GMPS ZAMBIA</b>	<b>2010 GMPS REGIONAL</b>	<b>2010 GMMP GLOBAL</b>
<b>Who speaks</b>	<b>% women</b>	<b>% women</b>	<b>% women</b>	<b>% women</b>
Overall	13	14	19	24
Private media	N/A	14	19	N/A
Public media	N/A	14	20	N/A
Community	N/A	0	22	N/A
<b>Who speaks on which topic</b>	<b>% women</b>	<b>% women</b>	<b>% women</b>	<b>% women</b>
Economics	13	12	15	21

Education	N/A	22	24	N/A			
Gender Equality	33	40	43	N/A			
Gender Violence	33	40	41	N/A			
Political Stories	6	9	13	18			
Sports	8	12	12	N/A			
Gender of sources by medium	% women	% women	% women	% women			
Print	N/A	13	18	24			
Radio	N/A	12	20	19			
Television	N/A	22	25	26			
Who is seen	% women	% women	% women	% women			
Images in newspapers	N/A	26	27	N/A			
Ages - sources	% women	% women	% women	% women			
35 - 49 years	N/A	36	37	N/A			
50 - 64 years	N/A	26	20	N/A			
65 years or older	N/A	0	0	N/A			
Ages - images	% women	% women	% women	% women			
35 - 49 years	N/A	18	28	N/A			
50 - 64 years	N/A	10	14	N/A			
65 years or older	N/A	6	4	N/A			
Occupation	% women	% women	% women	% women			
Beauty contestant	100	100	73	N/A			
Business person	11	11	15	14			
Government official	N/A	10	14	17			
Health worker	33	17	27	31			
Homemakers	100	75	63	72			
Politicians	5	8	11	17			
Sex worker	N/A	0	62	39			
Sportsperson	8	9	8	11			
Personal identity	%	%	%	%			
Women	5	5	10	N/A			
Men	1	1	5	N/A			
GENDER IN NEWSROOMS	2003 GMBS ZAMBIA	2010 GMPS ZAMBIA	2010 GMPS REGIONAL	2010 GMMP GLOBAL			
Who does what	% women	% women	% women	% women			
All reporters	N/A	35	29	N/A			
TV reporters	36	49	42	44			
TV presenters	32	45	58	52			
Radio reporters	49	32	30	37			
Print reporters	16	34	25	33			
Who reports on what	% women	% women	% women	% women			
Economics	21	33	28	40			
Gender Equality	44	67	32	N/A			
Gender Violence	20	63	38	N/A			
Political stories	20	20	24	33			
Sports	8	30	18	N/A			
Sources and sex of reporter		%W	%M	%W	%M		
Female sources by sex of reporter	N/A	34	7	31	15	28	22
GENDER VIOLENCE AND THE MEDIA	2003 GMBS ZAMBIA	2010 GMPS ZAMBIA	2010 GMPS REGIONAL	2010 GMMP GLOBAL			
GBV stories compared to total	N/A	2	4	N/A			
Advocacy and protest stories	N/A	22	11	N/A			
Who speaks on GBV	% women	% women	% women	% women			
% of women in stories on and mentioned in GBV	N/A	26	27	N/A			
Function of GBV sources	%	%	%	%			
Victim/survivor	N/A	15	19	N/A			
Alleged perpetrator/perpetrator	N/A	25	11	N/A			
Who reports on GBV	% women	% women	% women	% women			
Percentage of women reporters	N/A	67	35	N/A			

GENDER, HIV AND AIDS AND THE MEDIA	2006 STUDY ZAMBIA	GMPS ZAMBIA	GMPS REGIONAL	2010 GMMP
	%	%	%	%
HIV and AIDS coverage compared to total	3	2	2	N/A
<b>Subtopics</b>	%	%	%	%
Prevention	50	47	26	N/A
General	18	19	37	N/A
Treatment	16	13	12	N/A
Care, support and rights	8	13	14	N/A
Impact	8	9	12	N/A
<b>Geographical scope</b>	%	%	%	%
International	8	15	12	N/A
Regional	9	6	8	N/A
National	58	63	56	N/A
Local	14	10	15	N/A
<b>Function of sources</b>	%	%	%	%
Official and UN Agencies	55	19	19	N/A
Civil society and NGOs	14	12	18	N/A
Experts	15	22	17	N/A
Traditional and religious leaders	7	4	2	N/A
People living with HIV and AIDS	3	2	7	N/A
Person affected	5	41	36	N/A
<b>Sources</b>	% women	% women	% women	% women
Who speaks on HIV and AIDS	35	15	20	N/A
<b>Reporters</b>	% women	% women	% women	% women
Who reports on HIV and AIDS	33	44	37	N/A

Source: GMPS 2010.

While gender-based violence receives relatively more coverage than gender equality, the proportions are still low. Stories are based on event reports rather than in-depth, well researched articles. There was no coverage of topics such as maintenance, support for those affected and of sexual harassment.

The proportion of HIV and AIDS coverage to total coverage decreased compared with earlier studies, but the proportion of those affected has increased significantly from 5% in the 2006 HIV and AIDS and Gender study to 41% in the GMPS. At 2% of all sources, the proportion of those living with HIV and AIDS whose voices are heard in the news is very low.

Partners conducted the GMPS in Zambia from 19 October 2009 to 16 November 2009. It covered 11 media houses and 2,080 news items. The study is part of a regional survey that covered 14 countries in Southern Africa and 33,431 news items.

It is a follow-up to the *Gender and Media Baseline Study (GMBS)* conducted in 2003, as well as the *HIV and AIDS and Gender Baseline Study (2006)* and the *Francophone Gender, HIV and AIDS and Media Study (2008)*. Comparisons are also made where relevant with the Global Media Monitoring Project (GMMP) that has been conducted every five years since the Fourth World Conference on Women in Beijing in 1995, with the fourth such study conducted parallel to this regional study in 2010.

Although the study concerns media content, it also examines the underlying gender dynamics within the institutional structures of the media. For example whether women tend to cover certain kinds of news more frequently than men and vice versa. In this respect parallels are drawn where relevant with the *Glass Ceilings in Southern Africa Media Study (2009)* which surveyed where women and men are in the media. Another relevant study is the Gender in Media Education (GIME) study which ran parallel to the GMPS, and sought to establish how gender considerations were reflected and integrated in media training.

Reference is also made to the *Gender and Media Audience Study (2006)* which has sought to understand if there are differences in the way women and men gain access to and engage with the news, and what implications these have for coverage and marketing.

The GMPS was undertaken against the backdrop of the SADC Protocol on Gender and Development in August 2008 which set 28 targets to be achieved by 2015, including 50% representation of women in all areas of decision-making. The protocol also encourages the media to ensure that women and men have equal voice in the media and that gender stereotypes are challenged. It specifically calls for gender sensitivity in the coverage of gender violence recognised as a particularly challenging area of coverage. The key findings are as follows:



**Gender equality is not given top priority in Zambia, constituting only 0.5% of all topics covered during the monitoring period.** Politics was given the most coverage at 23% followed by sports (18%) and economics (14%).

**The proportion of primary sources is higher in Zambia than the regional average:** Primary sources make up 86% of all sources compared with the overall regional average of 69%. Zambia National Broadcasting Corporation Television (ZNBC TV) had the highest proportion at 93%, followed by Sky FM (91%) and ZNBC Radio and *The Monitor* with each at 90%. Hot FM and *The Post* were the lowest at 81% and 80% respectively.

**The proportion of single-source stories in Zambia is lower than the regional average:** Single-source stories in Zambia constitute 64% of the total compared with the overall regional average of 67%. The fact that more than half of all stories in Zambia rely on single sources is a cause for concern. It helps to explain the low proportion of women sources in that where there is only one source the chances are high in our male-dominated society that this will be a male source.

**The voices of popular opinion dominate the news in Zambia:** Popular opinion make up 36% of sources with experts' or commentators' views following at 25%. The high percentage recorded for popular opinion could be attributed to the wrangle between the media and government on the state of the media in the country that has led to a six-month ultimatum given to the media (August to December 2009). However, chances are high that men's opinions dominated stories.

### Gender in media content

**There has been a marginal increase in the proportion of women sources from 13% in the 2003 GMBS to 14% in this study:** This is below the regional average of 19% and the global average of 24%.

**There are differences in the way that print, television and radio gain access to women sources:** At 22%, television has the highest proportion of women sources followed by print (13%). Radio, a non-visual medium, has the lowest proportion of women sources at 12%.

**Women are more likely to be seen than heard:** Women constitute 26% of all images in newspapers in Zambia (27% in

the regional study) compared with 13% of news sources in the print media.

**There are variations across individual media:** Hot FM and MUVI TV, which are private media, have the highest proportion of women sources at 24% each. The national television ZNBC TV follows at 18%. *The Post* and Sky FM have the lowest proportions of women sources at 9% and 4% respectively.

**Women's voices are most likely to be heard in the "soft" areas:** These include gender equality (40%), gender violence (40%), housing (40%) and sex and sexuality (36%). Women's voices are least heard in politics (9%), mining (11%) and sport (12%).

**The voices of women start to disappear when they reach the age of 50:** The majority of women sources are in the 35-49 year age group. After this category the number of women sources start decreasing and are virtually absent in the 65 years and older age group.

**Gender biases in occupational categories are pronounced:** Women in Zambia dominate as fashion models (100%) and homemakers (75%). They are virtually absent as scientists and miners. However, the proportion of women politicians increased from 5% in the GMBS to 8% in GMPS and among academics from 7% to 22%.

**Women are more likely to be identified by a personal tag than men:** 5% of women in Zambia are identified by personal tags such as mother, wife or daughter as compared to 3% of men being identified as father, son or husband.



Women taking up non-traditional roles in the media in Zambia.

Photo: Gender Links

**But there are some interesting gender benders:**

For example, men make up 100% of those in the sex workers category in Zambia, a role often associated with women. It has to be noted that this represents one man interviewed and no women.

**Gender in newsrooms**

**There are more women presenters than women reporters:** Women constitute 35% of all reporters (higher than the regional average of 29%) but 45% of presenters. Women constitute 34% of print reporters (25% in the region). This suggests that women are more valued for their physical than mental attributes.

**There are interesting gender benders in beats:** While there is still a gender division of labour in newsrooms, with men predominating in hard and women in soft beats, women in Zambia have been venturing into hard beats. Women reporters now cover hard beats like sustainable development (70%), human rights (63%) and crime (61%). On the other hand, male reporters now cover sex and sexuality (100%).

**Having more women in top and senior management positions does not necessarily result in more women sources:** In Zambia there are 33% women in senior and top management, yet women make up 14% of sources.

**But having women journalists does make a difference:** The difference between the extent to which women and men reporters access women sources is most marked in Zambia. Women constitute 34% of sources in stories written by women journalists in Zambia, compared with 7% in stories written by men.

**Gender-based violence**

**Gender-based violence and stories that mention GBV accounted for 2% of topics covered:** This is lower than the regional average of 4%.

**Women make up only 26% of sources in stories about or that mention GBV:** This suggests that men speak for women even on issues that affect women most intimately.

**Survivors constitute 15% of all sources on GBV:** This is lower than the regional average of 19% and of the proportion of perpetrators whose voices are heard (25%). This suggests that GBV in Zambia is still covered from the perspective of perpetrators, despite the training on covering GBV from a human rights perspective offered by GL and other partners over the past seven years.

**Advocacy and protest and domestic violence receive the most coverage in Zambia making 22% and 19% of the total number of stories respectively:** There are no stories about sexual harassment, maintenance, and support for those affected.

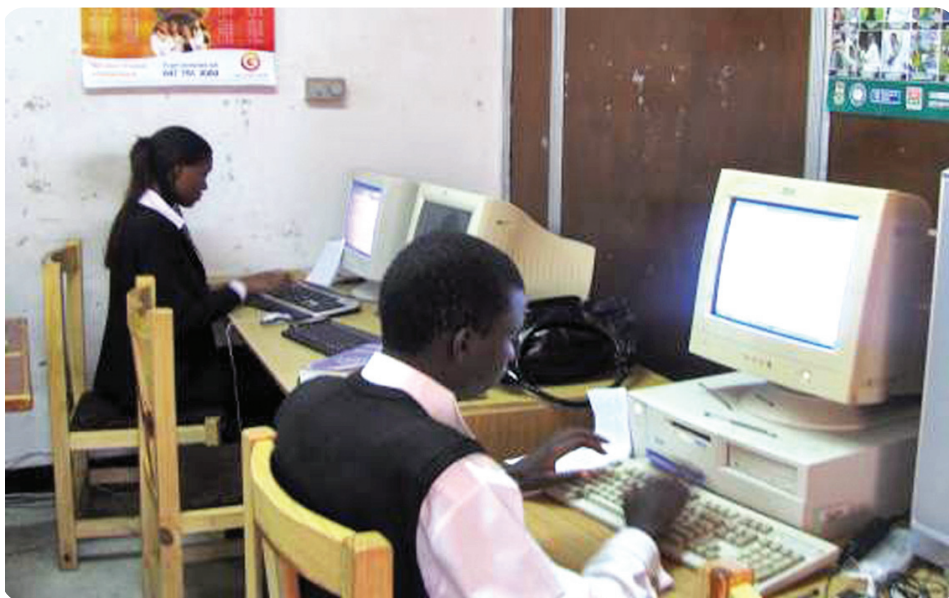
**There is no gender parity in the coverage of GBV:** Women journalists (67%) cover the topic more frequently than men journalists.

**HIV and AIDS**

**The proportion of HIV and AIDS coverage has dropped:** In Zambia, coverage has dropped from 5% in 2006 HIV and AIDS, Gender and Media Study to 2% in the GMPS, similar to the region overall.

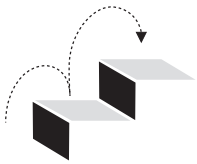
**The voices of people living with HIV and AIDS are missing in media coverage:** People living with HIV and AIDS account for only 2% of sources disaggregated by function, from 3% in the 2006 study. Voices of people affected by HIV and AIDS increased from 5% in 2006 study to 41% in GMPS.

**The proportion of women sources on HIV and AIDS has dropped:** In Zambia the proportion has dropped from 35% in the 2006 study to 15% in the GMPS. This is lower than the regional average of 20% and is a cause for concern.



Salome Matantilo (left), Online editor at The Monitor and Digest newsroom, at work in Zambia.

Photo: Sikhonzile Ndlovu



## Next steps

- The development of gender-responsive editorial and employment policies and guidelines is an important first step towards directing and managing change in media houses to address many of the gaps and inequalities identified in gender and media studies.
- Those media houses participating in the COE's process can serve as best practices and provide examples of how gender mainstreaming in the media improves accountability to the public; strengthens media practice and enhances the elements of good journalism; and makes good business sense as new audiences are tapped.
- On-going activism within the gender equality and women's empowerment sector must broaden its focus to include the media as one of the institutions for changing mindsets and attitudes.
- Gender and media literacy for the wider population largely remains uncharted terrain in Lesotho and the media training institutions are a critical partner. This sphere of work is critical for building a broad base of informed citizens who can engage with the media and use their voices to demand accountability, media professionalism and high ethical standards.
- The journalism and media institutions in Zambia that participated in the audit of gender in media education

are part of a wider network of tertiary institutions in Southern Africa collaborating through the GMDC to incorporate gender into media education teaching, learning and research. Incorporating gender in media education and journalism training is essential for sustainable change in newsrooms.

### **What the Government of Zambia can do**

- Pledge to mainstream gender in all information, communication and media laws.
- Pledge statutory regulatory authorities, and encouraging self-regulatory authorities, to use whatever leverage they have at their disposal, especially in relation to publicly funded media, to ensure gender accountability. This could include requiring gender balance and sensitivity in institutional structures as well as editorial content part of licensing agreements, as well as annual reports stating progress in this regard.
- Pledge to ensure that gender will be mainstreamed in all publicly funded media training institutions, and where they exist encouraging privately funded media training institutions to follow suit.





"Isabella"

Anushka Virahsawmy





## CHAPTER 10

# Implementation

## Articles 32-36



Local government has emerged as a key player in the implementation of the SADC Gender Protocol. Participants at a workshop in Chingola Council learn about the SADC Gender Protocol - Zambia, October 2010.

*Photo: Albert Ngosa*

### KEY POINTS

- Zambia has signed but not yet ratified the SADC Gender Protocol.
- Gender budgeting initiatives are taking root and the country has embarked on a process of costing implementation of the SADC Gender Protocol through developing a costed gender action plan.
- The gender equality and women's empowerment sector has actively pushed for the domestication of all gender equality and women's rights instruments signed by Zambia.
- The Southern Africa Gender Protocol Alliance led by WLSA-Zambia will be working to strengthen its institutional mechanisms at the national level to coordinate advocacy efforts around raising citizens' awareness of and monitoring government's implementation of the SADC Gender Protocol targets including measures such as identifying gender champions for the 28 targets.
- Local government is an active player in implementing the SADC Gender Protocol as part of the Centres of Excellence initiative.

## Signing



*Article 39 provides that the Protocol shall be duly signed by the authorised representatives of Member States.*

Zambia is among 13 out of the 15 SADC countries that have signed the SADC Gender Protocol. Botswana and Mauritius are the only two countries that are yet to do so.

## Ratification



*The Protocol states that it shall be ratified by the signatory states in accordance with their constitutional procedures and shall enter into force 30 days after the deposit of instruments of ratification by two thirds of the member states.*

Zambia is among the three SADC countries that have signed but not ratified the SADC Gender Protocol. The other two are Madagascar and Malawi. To date 10 countries have ratified the SADC Gender Protocol, which is over the two thirds of the signatories.

The Ministry of Gender and Child Development is working on having all the treaties and conventions to which Zambia is party to, domesticated. For example CEDAW mapping has been completed, which involved identifying gender gaps and making recommendations to the Ministry of Justice responsible for the domestication process.

There is evidence that the ministry has intentions of ensuring that gender is mainstreamed in the various line ministries. For example, the Ministry of Gender only has ZMK 27.8 million (US\$4,166) for coordinating the ratification of the SADC protocol on Gender and Development. This amount is inadequate given that the other line ministries and especially the Ministry of Justice, responsible for the ratification and domestication of the international treaties and conventions, have not specifically budgeted for the ratification of the SADC Gender Protocol.

Zambia will not have another election before 2015; but the constitution making process is an opportunity for



Edwidge Mutale, Permanent Secretary in the Ministry of Gender and Child Development at the Women's constitutional conference, June 2012.  
Photo: Margaret Machila

more progress regards implementation of the 28 targets.

The Constitution making processes gives a new opportunity for the women of Zambia to engender the Constitution. Regarding increasing the number of women in decision-making, civil society organisations through ZNWL and NGOCC have demonstrated renewed commitment.



### 10.1: National gender machinery and processes

Component	Yes/No	Comments
National Gender Policy	Yes	This is currently being reviewed to identify the gender gaps. This is important in order to re-align the policy to national and regional developments such as the 2008 SADC Protocol on Gender and Development.
National Gender Policy aligned to the SADC Protocol	No	The review of the National Gender Policy may lead to re-alignment.
Gender Machinery open to reviewing National Gender Policy and aligning to SADC Protocol	Yes	The National Gender Policy is currently undergoing review to incorporate elements from the Protocol.
Gender Ministry	Yes	A new Ministry of Gender and Child Development was set up in 2012 and has been given a full Cabinet portfolio. GIDD is now under Ministry of Gender and Child Development. The technical committee for drafting the National Constitution has recommended that Zambia should have a National Gender Commission. There should be a concrete timeframe for the establishment of the Commission.
Gender focal points in all line departments	Yes	Sometimes these are referred to as Women's Desks. These require capacity building and adequate resources to engender the line ministries. Gender Sensitisation workshops of the key line ministries are being undertaken. The line ministries should have gender self-assessments undertaken. Training in gender responsive budgeting should target the Ministry of Finance as well as local government.
Gender structure in parliament	Yes	Zambia National Parliamentary Caucus but it is inactive. It is recommended that a Women In Politics (WIP) network/caucus should be revived.
Active collaboration with civil society	Yes	The Minister and Permanent Secretary have enhanced collaborative efforts between Ministry of Gender and Child Development and civil society organisations. Also collaborative efforts have increased between NGOCC and other stake holders. There is evidence of collaboration on the implementation of the Anti-Gender Based Violence Act of (2010), advocacy on the process of engendering the 1st Republican Draft Constitution, and the planned efforts towards domestication of the Protocol as well as developing a costed gender action plan aligned to the Protocol.
Plan for domestication/ popularisation of the Protocol?	Yes	The Ministry of Gender and Child Development has completed the consultations with the line ministries who have all supported the ratification of the Protocol. CEDAW mapping has been completed by the Ministry of Gender and Child Development. Ministry of Justice, mandated to handle the ratification and domestication of the international treaties and conventions, is collaborating with the Ministry of Gender and Child Development. ZNWL launched the campaign in 2009; this requires intensification with increased collaboration with all stakeholders including government, donors, civil society, the media, private sector and FBOs.
National action plans with measurable time frames	Yes	The Sixth National Development Plan and the Ministry of Gender and Child Development Strategic Plans 2011-2015. Gender Based Violence National Guidelines will be the basis for multi-sector and multi-stake holder participation and implementation programme. Various stakeholders consultative workshop have been held with a view to developing concrete collaborative plans with for example the three church mother bodies (CCZ, EFZ, and ZEC) and the Traditional Leaders. Advocacy, communication, mobilisation committees on engendering the Constitution formed and operational in first half of 2012. Each of the committees has a concrete activity plan and budget to the end of 2012. Most of the plans are already being implemented.
In-country Gender Responsive Budgeting processes	Yes	UN Women, ZARD and the Ministry of Gender are collaborating in doing assessments of ministries' rate of implementing gender responsive budgeting. Pilot rapid assessments have been done for the Ministries of Agriculture and Health. Working with SADC GU, Gender Links, local Alliance network, development partners and other stakeholders the Ministry of Gender is developing a costed gender action plan that will provide a roadmap for gender budgeting processes for line ministries.
Upcoming processes/entry points	Yes	Developing a new constitution and costing the SADC Gender Protocol currently underway.

Gender equality is considered in the Sixth National Development Plan and has specific actions for implementation. Based on the Directive in the 2011

Budget Speech, some line ministries have tried to incorporate gender equality projects; there will be no additional funding for gender mainstreaming.

## Costing and gender budgeting



*Article 33: Financial Provisions: State parties shall ensure gender sensitive budgets and planning, including the designation of necessary resources towards initiatives aimed at empowering women and girls. State parties shall mobilise and allocate the necessary human, technical and financial resources for the successful implementation of this Protocol.*

The SADC Gender Protocol underscores the importance of ensuring adequate resources to ensure implementation of the SADC Gender Protocol. Gender budgeting initiatives are taking root in Zambia as discussed in Chapter 4 on Economy, productive resources and employment. The country has begun the process of costing implementation of the SADC Gender Protocol through developing and costing gender action plan that will accompany the reviewed national gender policy.

The Ministry of Gender is collaborating with SADC Gender Unit, civil society including the local Alliance network led by WLSA Zambia with technical assistance from Gender Links. The process is guided by a model developed by developed by GL - the SADC Gender Protocol Barometer- Policy-Gender action plan-Gender Responsive Building-Capacity Building Model that brings several components together illustrated by Figure 10.1.

**At a glance, Figure 10.1 shows the key components of the model:** The implementation of the SADC Gender Protocol building requires a multi-sectoral approach on existing work.

**Implementation of the SADC Gender Protocol:** is the broad objective.

**Gathering baseline data:** This will entail using data from the national Central Statistical Offices and reports to the SADC Secretariat by government complemented by the SADC Gender Protocol Barometer produced by the Alliance as well as other national gender reports to various bodies. This will provide baselines against which progress will be measured.

**Training and capacity building:** The development of national gender policies and costed gender action plans require capacity building workshops with modules on gender mainstreaming, gender budgeting and costing implementation of policy at national levels. Key line ministries' gender focal points and budgeting officers should ideally attend for sustainability of the process along with leading civil society leaders to support the relevant ministries over time.

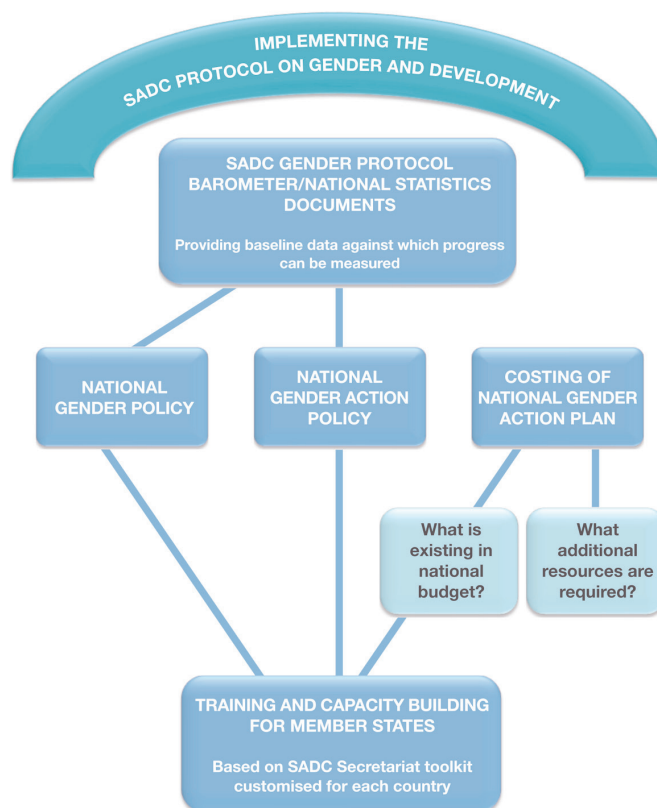
**Resource allocation for implementation of key provisions of the SADC Protocol on Gender and Development:** In the process, it is important for the

national gender machinery to lobby and ensure that there is allocation of resources for the implementation of the costed gender action plan. This should include looking at what are the existing resources within national budgets, what are the gender entry points and an assessment of additional resources required. This includes advocacy and lobbying by the national gender machinery to the national treasury.

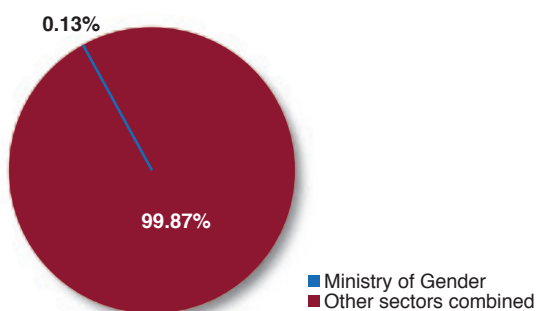
### Tracking national budget allocations

The Ministry of Gender receives a very small proportion of the national budget and this impedes the work of the agency in monitoring and coordinating gender mainstreaming and programmes across all line ministries. Figure 10.2 illustrates the proportion of the national budget allocated to the gender ministry.

Figure 10.1 Costing model developed by Gender Links



**Figure 10.2: National budget allocation to the Ministry of gender**



Source: MTEF 2012.

Because of the work on costing the SADC Gender Protocol, it is possible to track proportions allocated to the different line ministries. Table 10.2 gives a breakdown of appropriated expenditure across all line ministries.

**Table 10.2: Analysis of appropriated expenditure 2012**

Line Ministry	Total	% of total budget
<b>Human Rights</b>		
Police and Prisons Service Commission	3 315 564 443	0.014%
Zambia Police - Min of Home Affairs HQ	742 575 182 616	3.204%
Judiciary - HQ	254 196 402 890	1.097%
Justice	295 140 576 080	1.273%
Human Rights Commission	10 731 058 517	0.046%
<b>Human Development</b>		
Gender and Child Development	29 059 524 209	0.125%
Drug Enforcement Commission	29 918 358 171	0.129%
Disaster Management and Mitigation Unit	67 654 093 720	0.292%
Community Development, Mother and Health	157 229 139 764	0.678%
Health	2 566 933 794 819	11.074%
Education	4 850 866 692 395	20.927%
<b>Governance</b>		
OP - Management Development Division	114 668 126 123	0.495%
OP - Teaching Service Commission	3 230 340 484	0.014%
OP - Commission for Investigations	5 026 101 235	0.022%
OP - Security Intelligence Services	313 402 179 141	1.352%
OP - Lusaka Province - HQ	65 924 586 365	0.284%
OVP	15 778 261 691	0.068%
National Assembly	256 602 591 408	1.107%
Electoral Commission	48 802 115 126	0.211%
Chief and Traditional Affairs HQ	68 002 791 355	0.293%
Home Affairs -	269 352 185 979	1.162%
Foreign Affairs	324 936 177 486	1.402%
Local Government	5 583 967 892 951	24.09%
Local Government - Housing, Early Education & Environmental Protection	458 266 174 873	1.977%
Defence	1 792 998 697 647	7.735%
Anti-Corruption Commission	60 162 453 812	0.260%
<b>Growth Sectors</b>		
Public Service Commission	5 429 162 790	0.023%
Auditor General	77 732 965 545	0.335%
Mines and Natural Resources	101 454 537 853	0.438%
Information, Broadcasting and Tourism	109 863 992 124	0.474%
Commerce, Trade and Industry	90 207 530 368	0.389%
Finance and National Planning	1 108 575 887 431	4.783%
Labour, Youth and Sports	136 543 149 628	0.589%
Lands, Energy and Water	631 349 500 075	2.724%
Agriculture and Life Stock	1 635 337 685 317	7.055%
<b>Infrastructure</b>		
Public Services	533 995 306 911	2.304%
Transport, Works, Supply and Communication	360 337 002 698	1.555%
<b>TOTAL</b>	<b>23 179 567 784 040</b>	



Table 10.2 shows that the amount of money allocated to the Ministry of Gender is little compared to such sectors as the Ministry of Defence for example that gets a share of about 7.7%

A closer analysis in the detailed MTEF shows that the current Zambian Budget (estimates of revenue and expenditure, 2012) has not addressed gender equality as a cross cutting issue. An analysis of selected ministries, such as Ministry of Health, Education, Agriculture, and Local Government and Housing and Community Development, shows that they have limited activities committed towards gender equality. Some Ministries have International Women's Celebrations as the only activity.

In 2011, a pilot project under GIDD/ZARD conducted a gender-based analysis of Ministry of Health and Agriculture

### **Gender focal points in line ministries**

The line ministries have Gender Focal Point (GFPs) persons whose main responsibility is to enhance gender mainstreaming in all sectors. The GFPs are supposed to have a strong link with the MGCD on gender mainstreaming of the public sector. In some cases, some ministries have Gender-Sub-Committees tasked to facilitate and enhance gender based planning and costing.

Provincial and District Committees as well as other community level sub-committees ensure that the planning and budgeting processes from the community levels are engendered. There is a need to strengthen the links between the planners, accountants and GFPs and MGCD. All these three require training in gender mainstreaming and gender responsive budgeting. Many pieces of legislation can be enacted but without resources, not much can be achieved.

### **Implementation of the SADC Gender Protocol at local government level**

A sphere of governance closest to the people, local government structures especially councils have emerged as key allies in implementing the SADC Gender Protocol as well as taking it to local communities. This comes from the realisation that the only way to have a real impact at the local level is to work at council level.

Several research studies such as *"Ringling up the Changes, Gender in Politics in Southern Africa"* found that local government is a neglected area of the gender and governance discourse. Similar research conducted in ten Southern African countries in the series, *At the Coalface, Gender and Local Government*, made the same observations. This led to GL's launch of the Centres of Excellence in gender mainstreaming and local government process. It came from the realisation through the research studies that the only way to have a real impact at the local level is to work at council level.

While policies and strategies at national level are important, these remain so many words if they are not translated into action on the ground. Similarly, it has become clear that the ambitious targets of the SADC Protocol on Gender and Development need to be localised.

GL is working in at least 10 councils in 10 SADC countries to cascade the COE model and has formed strategic partnerships with local government associations, Ministries of Local Government, community based organisations and other role players to ensure that local government is an avenue for promoting gender equality and equity.

Key targets of the local council gender-planning framework have been aligned to the SADC Protocol on Gender and development. Flagship projects include key targets of the SADC Gender Protocol to be achieved by 2015 such as training for women in politics aimed at contributing to the 5050 target and reducing by half the current levels of gender based violence.

The work at the local government level has therefore evolved. Some of the key achievements arising from taking implementation of the SADC Gender Protocol to local level through the COE model include:

***Raising awareness of the SADC Gender Protocol at local level:*** We have found that the Protocol is a good instrument to work with to attain gender parity." In Chibombo, Zambia, a Council without a COE, managers said they had not heard of the SADC Gender Protocol: "In the rural areas you have to start with changing the attitudes of women, let alone the attitudes of men."

***The SADC Gender Protocol improving lives as shown by stories gathered by COE Councils and individual "Changing Lives" stories:*** COE councils are displaying various outward symbols of their commitment, like award certificates from summits in their council chambers. Kapiri Mposhi has started renaming streets after women.

***Women taking leadership in response to the 5050 SADC Gender Protocol target:*** Rachel Mwelwa, Deputy Mayor and gender champion in Kabwe, Zambia added, "Everything about me has changed... I now have the ability to do research and to be confident in everything I do. My motto is, yes we can, the time is now!"

COE Councils cited several examples of ways in which women are being exposed to leadership opportunities outside political office, often contingent on elections that only happen every five years. Many COE councils have stepped up the appointment of women managers: Kapiri Mposhi, Zambia has V-WASH water committees with a 50% quota for women.

**Access to productive resources - In line with Articles on economy and productive resources:** In Zambia where the government has passed a law giving women access to at least 30% of land title deeds, a distinguishing feature of COEs is that these have taken this provision to heart. In Kabwe, for example, several women have recently been given access to land because of the Council's gender policy. Kabwe is also assisting women to access finance through registering women's clubs, assisting them to open bank accounts, and linking them to credit providers like the Copperbelt Environmental Project.

**Women and men are breaking gender stereotypes:** Gender benders: COE councils cited several examples of women and men in non-traditional roles. In Kapiri Mposhi, a woman-owned business had won a road construction tender for the first time. Men are participating in council meetings on subjects once considered "women's issues."

**Health, HIV and AIDS and Sanitation:** This forms part of the gender action plans that councils who are part of the COE programme have undertaken.

**Going green, going clean:** Some councils are taking up environmental campaigns

**365 days of local action to end violence:** While non-COE councils still struggle to understand the role of local government in ending violence, all COE councils have flagship projects to end GBV and point to tangible evidence of what is possible. Kabwe and Kapiri Mposhi have set aside budgets for street lights and clearing of empty fields in areas with a notorious reputation for gender violence.



Maimbo Ziela, national coordinator of WLSA-Zambia and local Alliance focal network attending the Alliance annual meeting - Johannesburg, August 2012.  
Photo: Lucia Makamure

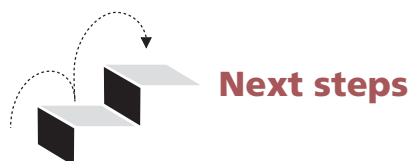
## Civil society

The Southern Africa Gender Protocol Alliance a "network of networks" started as a loose coalition in 2005 when the campaign for the adoption of the SADC Protocol on Gender and Development began. As the SADC Gender Protocol campaign shifted from pushing for signing and ratification to lobbying for implementation, it became apparent that there is a need for the Network to reorganise to be effective in monitoring implementation by Member States.

In Zambia, WLSA-Zambia national chapter coordinates the Alliance at national level in its role as national for network. In the coming year the local network, backed by the regional secretariat will focus on strengthening institutional mechanisms to facilitate advocacy work on raising awareness of the SADC Gender Protocol for citizens as well as tracking implementation. There is a need to develop gender champions for each of the 28 targets in order to move forward in a coordinated way.

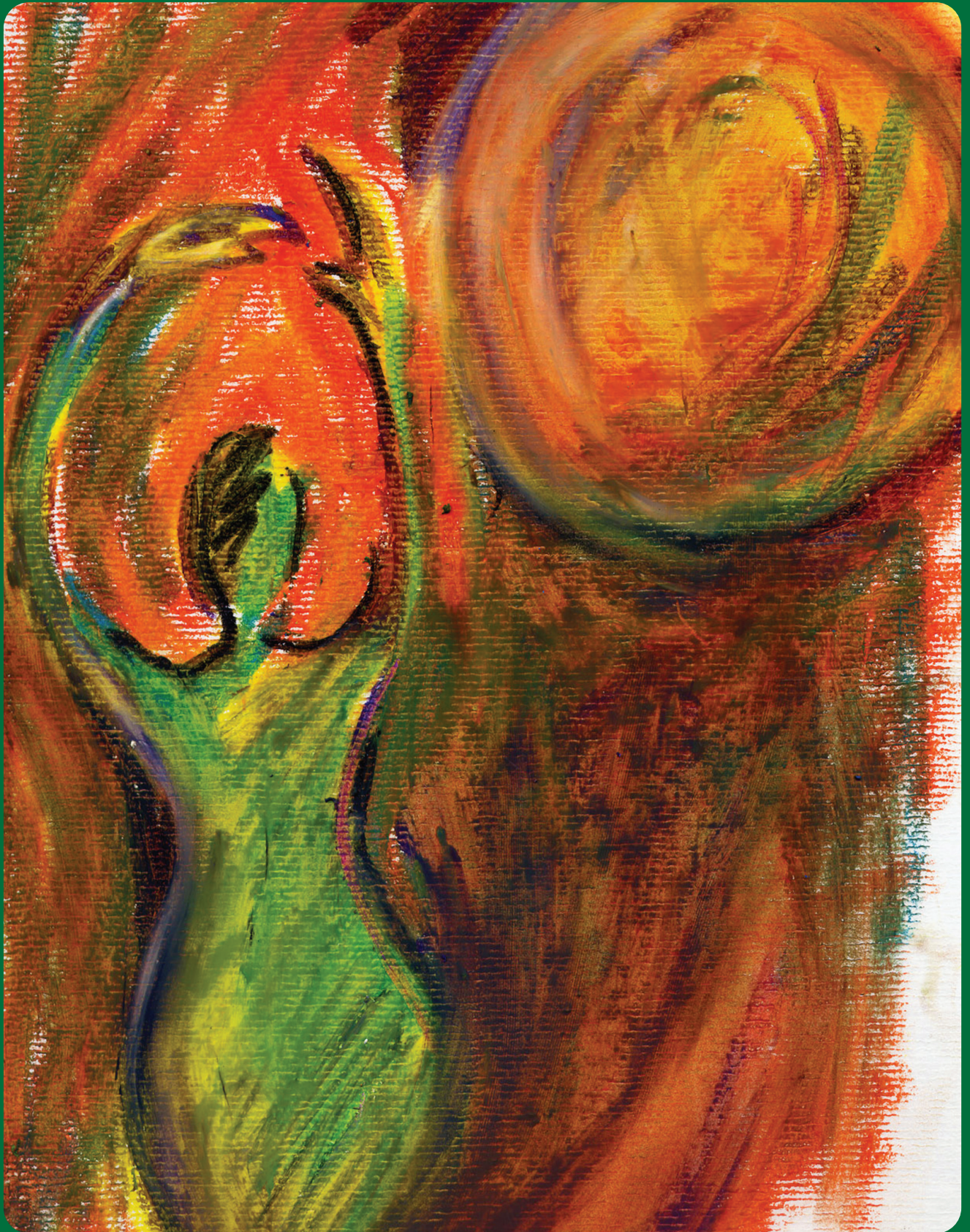
## Conclusion

Zambia has only signed and not ratified the 2008 SADC Protocol on Gender and Development. Despite not ratifying the Protocol, there has been notable progress towards more gender equality. However, the non-ratification compromises the work being promoted by both Government and civil society organisations. Moreover, although an array of Policies that have been enacted, most are not being fully implemented due to lack of resources.



- Continued advocacy to ensure the engendering of the Constitution; Women must participate fully on the technical committee on the drafting of the Constitution and mobilise women at community, district, provincial and national forums.
- Sensitisation of the Anti-Gender Based Violence and Education Acts and to ensure that they are fully enforced. The Ministry of Gender and Child Development has developed *National Guidelines for the Multi-disciplinary Management of survivors of Gender Based Violence in Zambia*. Scale up and intensify the 50:50 campaign launched in 2009 by the Zambia National Women's Lobby. The post-election review, jointly organised by the ZNWL and NGOCC, argued that the ZNWL should re-launch the campaign and coordinate with its members and other stake holders especially the media.





Anushka Virahsawmy



## CHAPTER 11



# Gender and climate change



Climate change is a global concern. Marching for climate justice during COP 17 - Durban, December 2011.

Photo: Saeanna Chingamuka

### KEY POINTS

- Climate change affects women disproportionately.
- Women's representation in decision-making positions on climate change and sustainable development related decision-making bodies are 60% and Zambia tops the list in SADC.
- There is a lack of gender-disaggregated data for the sector.
- Adaptation and mitigation strategies remain largely gender blind.
- Budgets for addressing climate change and disaster risk reduction management should be gender responsive.
- The Southern Africa Gender Protocol Alliance stepping up campaign for gender and climate change including lobbying at national level.

### Context

#### Global

There is no doubt that the overall climate is changing, and this poses serious global challenges. This is because climate change is an environmental, social, economic, energy, food, political, ethical and moral challenge. It is a crisis

perpetuated by the endless pursuit of growth and prosperity.

Ultimately, the world faces not just a climate crisis, but also a crisis of sustainability. The key contributor to global warming is human-induced climate change, because of exploitative, unsustainable economic growth, consumption

and production patterns, applied especially by the global North and the elites in developing countries. Women in the south contribute the least to climate change yet feel its effects the most.

### **SADC level**

#### **Peace begins @ home**



Gender and climate justice by 2015!

Against this background, the Southern African Gender Protocol Alliance has embarked on a campaign for an Addendum to the SADC Gender Protocol on Gender and Climate Change. This underscores the fact that like a constitution, a protocol is a living document that should be open to amendment, reflecting specific needs and concerns at any given time. This is yet another example of how - by being organised and strategic - civil society is yet again prying open democratic spaces and getting gender into key areas of the regional agenda.

There are precedents in the region to governments elaborating on gender instruments in response to civil society demands. In 1998, a year after the signing of the SADC Declaration on Gender and Development, Heads of State adopted an addendum on violence against women and children. Just as women's organisations drafted this addendum, so the Alliance has drafted an Addendum on Gender and Climate Change for consideration by Heads of State through their ministers.

Even before the adoption of this addendum, the Alliance decided in 2012 to include an eleventh chapter in the Barometer on gender and climate change. This measures the performance of governments against the draft provisions of the Addendum. The message is simply that there is no time to waste.

### **National level**

Zambia is experiencing increasing droughts and floods, and other knock-on effects: 'social, economic and environmental problems, such as increased poverty and deforestation due to charcoal burning'.

Although issues of environmental protection fall directly under new Ministry of Local Government and Housing, environmental issues should be cross cutting in various line ministries such as Ministry of Mines, Ministry of Agriculture and Livestock, Ministry of Lands, Ministry of Community Development, of Defence, of Industry and Commerce, Ministry of Health, Education and others.

A National Policy on Environment Zambia provides a framework for addressing environmental and climate changes. Parliament amended the 1990 Environmental Protection and Pollution Control Act during the implementation of the FNDP. This led to the creation of a new institutional framework, the Environmental and Natural Resources Management Systems.

However, despite the enactment of the legal and policy frameworks, the challenge is to translate the policy directives into harmonised and coordinated implementation plans. The sector has weak institutional and legal frameworks to implement and enforce the laws. There is a lack of human resources as well as funding.

### **Gender and climate change**

While climate change affects everyone, it does not affect everyone equally. The poor and vulnerable in Africa and other developing countries that have the least responsibility for climate change suffer the most as they experience violence, exclusion and loss of sovereignty over natural resources. Women make up 70% of the world's poor and this places them on the frontline of coping with disproportionate climate impacts on their livelihoods.



Working together for a clean environment. Women participate in a clean-up of market space under Big Tree in Kabwe. Photo: Colleen Lowe Morna

Of the people who die in climate-induced natural disasters, 85% are women, while 75% of environmental refugees are women. Owing to these and other vulnerabilities that emerge from women's social role and status, their voices and interests need amplification within policy-making around climate change.

It is important to understand the human face of climate change, not least because climate change has particular

gender characteristics. Women suffer more from the impacts of climate change because of their limited access to services and goods. A growing body of literature on the gendered impact of climate change highlights aspects such as:

- Food insecurity - the stresses placed on women to provide sufficient food for their families;
- Water - the added effort required to secure sufficient water for family and access to clean water to prevent water borne diseases;
- Health - interruptions to health services delivery for example anti-retroviral treatment or TB treatment,

and impacts on those caring for the terminally ill (unpaid care work);

- School dropout - girl children who drop out of school because of responsibilities on the home front; and
- Migration and displacement - threats to women's safety and security because reliable water sources are further away or forced displacement owing to natural disaster. In the case of floods and tsunamis, for instance, women are the majority of victims because they stay to protect children.
- Women are more likely to be the unseen victims of resource wars and violence because of climate change.

Table 11.1 outlines the gender dimensions of climate change.

<b>Table 11.1: Gender dimensions of climate change</b>	
<b>AREA OF CONCERN</b>	<b>GENDER IMPLICATIONS</b>
<b>Food security</b>	Productivity in Southern Africa is expected to drop by 20-50% in extreme cases to 90% of the rural poor's intake.
<b>Water</b>	Climate change is likely to exacerbate water shortages. Women are largely responsible for water management in communities and in the home. Shortages will result in greater time spent fetching water, exacerbate disease, and divert women from other economic pursuits.
<b>Division of labour</b>	Crop and livestock production changes could affect the gendered division of labour and have negative effects on incomes of women and men.
<b>School drop out</b>	Increased household chores may lead to larger numbers of girls dropping out of school.
<b>Land</b>	Women's already tenuous rights to land could be eroded further.
<b>Transport</b>	Men generally have a much higher carbon footprint than women, as more women use public transport.
<b>Health</b>	Women are the most affected by ill health in communities, as they bear the brunt of caring for the sick. Climate variability can fuel nutrition-related diseases and epidemics like malaria, increase the spread of vector and water-borne diseases, and reduce drinking water availability, exacerbating heat stress and respiratory illness.
<b>Stress</b>	Stress levels and related diseases may increase for both women and men. Because they are expected to provide for the family, men experience and express stress in different, often more devastating ways than women.
<b>Migration</b>	Resource shortages may increase male migration and increase the burden of work and family care on women.
<b>Gender violence</b>	Adolescent girls report high levels of sexual harassment and abuse in the aftermath of disasters, because of families living together in open spaces, lack of privacy for dressing and bathing among others. Scarce resources worsen conflict, and there is often a gender dimension to this.
<b>Mortality</b>	A study of disasters in 141 countries has shown that women and children are 14 times more likely to die than men.
<b>Decision-making</b>	Most key decision-making institutions relating to climate change have a male-dominated hierarchy.

### **Effect of mining on environment**

Mining operations of national and transnational corporations have been cited for environmental and climate injustices. They have destroyed land, displaced people and have promoted conflict among various chiefdoms.

The national and transnational corporations have total control of the land where mining activities are undertaken and deprive communities of the ownership

of mining. Mining activities are taking place in almost all 10 provinces of Zambia. In these communities, mining activities have destroyed women's alternative livelihood opportunities, such as production of honey, farming, gardening and fishing. The difficulties in accessing licensing, has caused women, youths and children to engage in illegal mining activities. They have no legal protection.



Women and men alike working in the mining sector have been exposed to illnesses, such as TB. For example, in Kitwe, communities have suffered air and river pollution. Zambia has been mining continuously up to 1994 without addressing the potential danger of lead. The smelting process which was unregulated during that period has contributed the release of heavy metals in dust particle form which has settled in the ground in surrounding communities. Although the mine and smelter are no longer functional, the city is poisoned as a result of the debilitating concentrations of lead in the soil and water from slug hips that were left from the smelting and mining era" (Moody, 2007, p. 136).

This has an impact on women as they are often left with the burden of caring for the sick miners, usually men who are affected by the minerals and chemicals.

The process of cleaning Kabwe started in 2007 and is still in progress. The World

Bank approved a US20 Million Dollar grant to clean up the town.



Women selling charcoal for survival in Kafue even though sustained handling is hazardous to their health - Zambia, September 2012.  
Photo: Cynthia Kalizinje

## National frameworks for climate change

### **National Adaptation Programme of Action (NAPA)**

Both the fifth and sixth National Development Plans show that the government supports the National Adaptation Programme of Action (NAPA). The NAPA is expected to complement government efforts by contributing to security of vulnerable groups, including women and children, in Zambia who suffer the adverse effects of climate change.

Zambia comprises 84% natural vegetation, including 50 million hectares of forest with a deforestation rate of approximately 250,000-300,000 hectares per year. Zambia faces a huge challenge in forest management. Millions of trees are cut for farming purposes, fuel or for road development. Mostly communities in high density areas and rural communities burn charcoal for energy and also sell it. Many depend on trees for energy. Despite guidelines by Ministry of Lands and Traditional leaders as well as local government authorities to control charcoal burning, the practice continues due to lack of alternative sources of energy.

### **Conservation farming**

The challenge for Zambia is to develop capacities, policies and legal frameworks for adaptation, mitigation and response climate change.

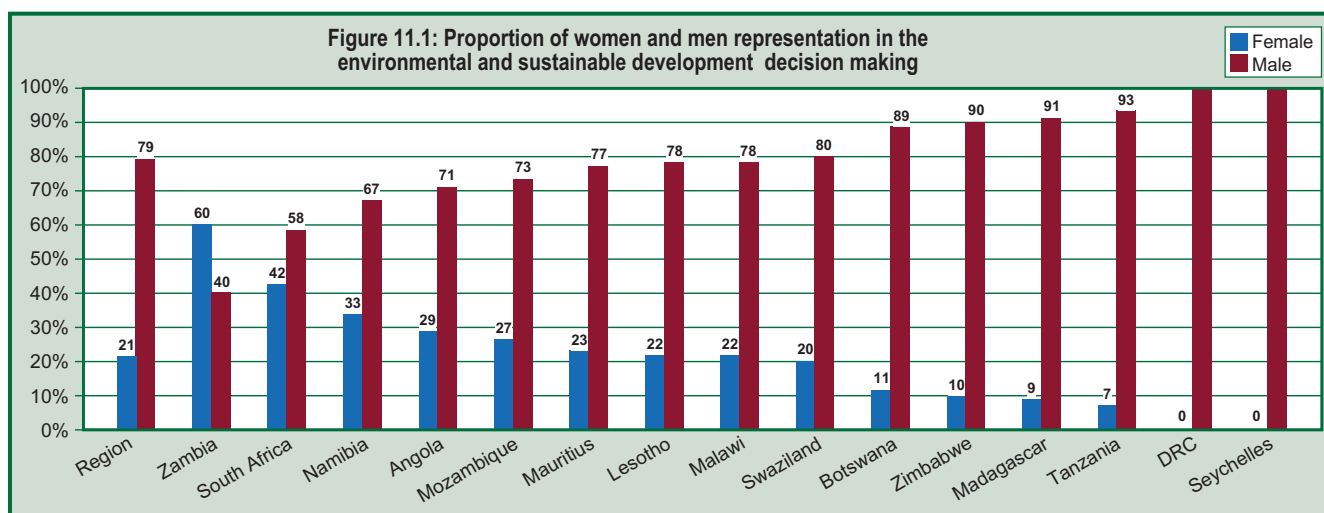
The Norwegian Church Aid and the Barefoot College of India empower women in solar energy as an alternative source of energy. Overfishing by mostly women in the search for improved livelihood is one of

the challenges that Zambia is facing. Grassroots Trust (2012) has observed that catching small fish using mosquito nets or Chitenges is depleting fish from the rivers. Grassroots Trust recommends empowerment of women by organising the fishing communities to regulate their own fishing rules and ensure ownership of the resources. This is because natural resource management is an important system of conserving the environment.

## Women and men in decision-making in environment and agriculture



*It is proposed that the Addendum on Gender and Climate Change makes reference to ensuring women and men equal participation in all decisions related to climate change at all levels by 2015, as specified in Article 12-13 of 2008 SADC Gender Protocol.*



Source: 2012 SADC Gender Protocol Barometer, Gender Links.

At 60%, Figure 11.1 shows that Zambia has surpassed the 50/50 target in terms of women representation in climate change and sustainable development related decision-making bodies. Zambia leads the rest of the

SADC region in this sector. Key positions that women occupy include Minister and Deputy Minister of Local Government, Housing, Early Education and Environmental Protection as well as Minister of Tourism.

## Gender disaggregated data



*It is proposed that the Addendum calls on all SADC states to establish, by 2015, a system to collect sex disaggregated data and develop qualitative and quantitative indicators on climate change.*

Like almost all other SADC countries, Zambia has not successfully collected or collated sex disaggregated data on the effect of climate change or natural disasters at a national scale. Ad hoc studies may have been carried by NGOs but information is scant.

In order to develop robust systems for collecting gender disaggregated data the following are key: Co-ordination of all relevant government institutions, humanitarian agencies and UN agencies; emphasis on protection of individuals; and development of effective early warning mechanisms.

## Sustainable technology



*It is proposed that the Addendum calls on all SADC States to develop, deploy and disseminate sustainable technology that is responsive to women and men, for example, promoting cleaner burning fuel for household use that will reduce air pollution and cut annual cooking costs for women by 25%.*

Like in most SADC countries women and men have traditionally relied on wood for cooking - readily available and cheaper. There are emerging campaigns

to urge citizens to use cleaner energy but the startup costs are usually big and do not offer an incentive for the citizens to opt for those alternative energy sources.

### Waste management

Zambia has recognised the important role sustainable environmental and natural resource management plays in socio-economic development. In 1985 Zambia initiated the formulation of the National Conservation Strategy (NCS) in 1985 and subsequently the National Environmental Action Plan (NEAP) (1994). National Solid Waste Management Strategy (NSWMS) was developed involving stakeholders. It provided an integrated approach to addressing the problem of poor solid waste management which negatively affects human health and environment.

The newly created Ministry is mandated to deal with environmental protection and solid waste management. Poor sanitation has led to outbreaks of water borne diseases such as cholera, diarrhea, and dysentery. In many instances the burden of care for the sick in the family and in communities falls on women.

Industrial waste has been reported to be polluting water sources. There is also increasing attention on non-solid waste such as used oils and sewer sludge.

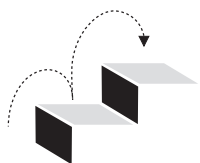
Consistent with the Agenda 21 and the World Summit on Sustainable Development, Zambia seeks to devise collaborative interventions to protect the environment and control pollution; promote sustainable waste management practices; protect and preserve human health; and sustainable rationale for sustainable use of natural resources.



A woman cooking using an energy saving wood stove in Zambia.

Photo: Cynthia Kalizinje





## Next steps

There is a need for

- Lobby for the Addendum to the SADC Gender Protocol on Gender and Climate Change and nominate gender, climate change and sustainable development champions.
- Map climate change effects on women through an initial qualitative study that can be developed into specific quantitative frameworks.
- Intensify public awareness campaigns.
- Build capacity of women from different contexts on climate change issues; and
- Together with women from communities, develop adaptation and mitigation programmes that are replicable.



- Government to commit to gender concerns in national budgets with specific regard climate change and environmental affairs.
- Set clear short and long-term targets for reducing carbon emission that keep average global temperature increases well below 1.5 degree Celsius, and support a shared vision that enables gender equality and avoids adverse effects on vulnerable groups - especially women.
- Use the local radio stations in addition to using the national broadcasters to disseminate information on climate change.



Good waste management controls pollution and preserves human health thus contributing to reducing women's burden of caring for the sick. Women cleaning streets in Zambia, 2006.

Photo: Derrick Sinjela

# Annex A

## COMPARATIVE ANALYSIS OF THE CSC AGAINST THE SGDI

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	CSI SCORE/10	COMMENT	SGDI SCORE	WHAT THE SGDI MEASURES
<b>ARTICLES 4 - 11: CONSTITUTIONAL AND LEGAL RIGHTS</b>				
✓ Endeavour to enshrine gender equality and equity in their Constitutions and ensure that these are not compromised by any provisions, laws or practices.	3	<ul style="list-style-type: none"> <li>- There are new pronouncements by the new Patriotic Front Government and these are in progress. Change of government is also an opportunity.</li> <li>- Communities do not seem to be reformed and much more work needs to be done at the domestic level.</li> <li>- Grassroots levels lack education.</li> <li>-(v) Current constitution still does not support gender and is not amended (lower levels not principle levels of action through the draft constitution for 2012 has been engendered but needs to be refocused.</li> <li>- Article 23 compromises gender equality.</li> </ul>		
✓ Review, amend and or repeal all discriminatory laws.	3	<ul style="list-style-type: none"> <li>- Many law reviews have taken place to domesticate laws but implementation is lacking.</li> <li>- Anti-Gender Based Violence Act (2010) in place.</li> <li>- Penal Code Act (2005) (Amendment) has been done. The penal code now mentions violence against women.</li> <li>- Education Act- mentions traditional marriage as an offence for school going children below the age of 16 (inclusive).</li> </ul>		
✓ Abolish the minority status of women.	2	<ul style="list-style-type: none"> <li>- Statistics still show that women are the minority.</li> <li>- Zambia discriminates against women.</li> <li>- Cultural practices still promote the minority status of women.</li> <li>- Women are not where it matters like cabinet, parliament, local government.</li> <li>- Currently gender issues are isolated and not mainstreamed in various public and private decision making structures.</li> <li>- There is need for more affirmative action, more implementation and integration into the mainstream decision making structures.</li> <li>- There are some positive changes e.g. Reintroduction of the Ministry of Gender and Child Development.</li> <li>- Increasing appointments of women in decision making such as Police Service and Judiciary.</li> <li>- Equality issues are mainstreamed in the draft constitution.</li> <li>- More advocacy to ensure positive changes is sustained.</li> </ul>		
<b>ARTICLES 12-13 : GOVERNANCE (REPRESENTATION AND PARTICIPATION)</b>				
✓ Endeavour to ensure that 50% of decision-making positions in all public and private sectors are held by women including through the use of affirmative action measures.	1	<ul style="list-style-type: none"> <li>- A very bad downward (negative) trend in the region.</li> <li>- It is not possible to have 50:50 in parliament as women are financially insecure.</li> </ul>	21	What this score consists of: • Parliament: The percentage of parliamentarians who are women. The measure includes both upper and

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	CSI SCORE/10	COMMENT	SGDI SCORE	WHAT THE SGDI MEASURES
		<ul style="list-style-type: none"> <li>- It is bad for local government. -there are too few women.</li> <li>- Needs the laws to pressure political parties to adopt more women.</li> <li>- Needs laws to pressure structures to adhere to the laws.</li> <li>-The 1st Republican Draft Constitution (2012) has provisions for proportional representation. The 50:50 equal representation has to be mentioned in all constitutional provisions.</li> <li>- Zambia has reduced the cabinet position from 18% to 11%, from 16% to 12% (Parliament) and from 6% to 4% (Local Government).</li> <li>- Women are missing in decision making within the economic sectors such as finance, agriculture and commerce.</li> </ul>		<p>lower houses of parliament for countries that have more than one house.</p> <ul style="list-style-type: none"> <li>• Local government: The percentage of local government councillors/ representatives who are women.</li> <li>• Cabinet: The percentage of members of the Cabinet who are women. The measure includes deputy ministers and ministers of state where they are members of the Cabinet. Similarly, it includes the President if s/he is a member of Cabinet.</li> </ul>
<b>ARTICLES 14: EDUCATION AND TRAINING</b>				
✓ Enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education in accordance with the Protocol on Education and Training and the Millennium Development Goals.	6	<ul style="list-style-type: none"> <li>- The Education Act (2011) contains re-entry, retention and Gender Based Violence.</li> <li>- The new Government prioritises education in theory but much has to be done in practice. PF Government should give this policy a chance which is strong on defilement.</li> <li>- The draft constitution (2012) has opened the Bill of Rights and education is part of the Bill of rights and if retained, will be justiciable.</li> <li>- There is a draft policy on adult literacy. This should be enacted into law. An Adult literacy commission is recommended.</li> <li>-The elderly women are going back to school but generally adult literacy is under financed and yet literacy is key to the attainment of other goals including good governance and women's rights and gender. School uplifts the standard of living for women.</li> <li>- Both boys and girls and women and men have equal opportunity.</li> </ul>	96	<ul style="list-style-type: none"> <li>• Primary school: The number of girls enrolled in primary school expressed as a percentage of total primary school enrolment.</li> <li>• Secondary school: The number of girls/women enrolled in primary school expressed as a percentage of total secondary school enrolment.</li> <li>• Tertiary education: The number of women enrolled in tertiary education institutions expressed as a percentage of total tertiary enrolment.</li> </ul>
✓ Adopt and implement gender sensitive educational policies and programmes addressing gender stereotypes in education and gender based violence, amongst others.	5	<ul style="list-style-type: none"> <li>-The Education Act (2011) mentions early marriages and traditional marriages which are categorised as sexual offences.</li> <li>-The Anti-Gender Based Violence also treats forced and early marriages as sexual offences and so does the Penal Code (Amended).</li> <li>-There are teachers who abuse children. They rape and molest them.</li> <li>- More defilement cases and GBV cases.</li> <li>- More drop out of kids from schools due to GBV e.g. Muchinga Province, defilement case, kid forced to marriage.</li> <li>- Weekly boarding in rural areas are also recipe for abuse of children.</li> </ul> <p>FAWEZA, Zambia Civic Education, Save the Children Norway and Sweden are supporting Children's Rights Clubs in schools which address their rights. Other Children's Rights organisations are intensifying the anti-GBV campaigns in Schools.</p>		



SPECIFIC TARGETS TO BE ACHIEVED BY 2015	CSI SCORE/10	COMMENT	SGDI SCORE	WHAT THE SGDI MEASURES
		<ul style="list-style-type: none"> <li>- There should be timeframes for the achievement of various targets so that it would be possible for pressure groups to monitor progress.</li> <li>- Implementation of policies is very slow.</li> <li>- There is need for the Reference group in Zambia (Gender Links Zambia) to identify gaps and priorities for this sector.</li> <li>- Limited monitoring.</li> <li>- There should be sensitisation on the policies.</li> <li>- There is need for parental help.</li> </ul>		
<b>ARTICLES 15-19: PRODUCTIVE RESOURCES AND EMPLOYMENT, ECONOMIC EMPOWERMENT</b>				
✓ Ensure equal participation by women and men in policy formulation and implementation of economic policies.	2	<p>Few women are taking part in small scale businesses (micro-entrepreneurship) although there are still limited credit facilities due to lack of security for women.</p> <ul style="list-style-type: none"> <li>- Macro enterprises are skeptical to give loans to small businesses and they ask for collateral.</li> <li>- Women are still not in control of productive resources</li> <li>- No adherence to 30% land allocation.</li> <li>- Women still perform multiple roles.</li> <li>• Female LFP/Male LFP. The Labour Force Participation rate of women expressed as a percentage of the labour force participation of men. The labour force participation rate is calculated as the (number of women/men of working age (usually 15+ or 15-64) who are either employed or looking for work) divided by the total number of women/men of working age.</li> <li>• Female/male unemployment rate. The unemployment rate of women expressed as a percentage of the unemployment rate of men. The unemployment rate is calculated as the (number of women/men who are looking for work) divided by the (number of women/men who are either employed or looking for work).</li> <li>• Female share of non-agricultural paid labour. The number of women employed in paid work outside of agriculture expressed as a percentage of all people employed in paid work outside of agriculture.</li> <li>• Length of maternity leave: The number of weeks leave to which a woman is entitled in respect of pregnancy and childbirth.</li> </ul>	68	<ul style="list-style-type: none"> <li>• Female share of economic decision making: The number of women occupying high-level economic decision-making positions expressed as a percentage of all such positions in the country. The positions included in the measure are Minister and Deputy Minister of Finance, Minister and Deputy Minister of Trade and Industry/Commerce, Minister and Deputy Minister of Planning Commission, Central Bank, or their equivalents, permanent secretaries.</li> </ul>
✓ Conduct time use studies and adopt policy measures to ease the burden of the multiple roles played by women.	1	<ul style="list-style-type: none"> <li>- Studies not documented and not analysed.</li> <li>- Most efforts are made by CSOs but for government there is usually limited funding for studies.</li> <li>- Not much advocacy is being undertaken on economic empowerment of women.</li> <li>- Studies undertaken not disseminated for use to take action.</li> <li>- Studies undertaken should be repackaged for mandates such as gender.</li> </ul>		

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	CSI SCORE/10	COMMENT	SGDI SCORE	WHAT THE SGDI MEASURES
✓ Adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors.	2	<ul style="list-style-type: none"> <li>- Businesses are only for the Chinese. It seems they are more trusted than us Zambians and yet they are harsh and women cannot work for them.</li> <li>- Most trade policies are not gender sensitive and do not look at small scale businesses in which most women are involved.</li> <li>- Some people get favors to go into business</li> </ul>		
✓ Review national trade and entrepreneurship policies, to make them gender responsive.	0	<ul style="list-style-type: none"> <li>- Cross Boarder Trading is hard for women. The Boarders are too tough.</li> <li>- There is need for "feminity study on women and Trade."</li> <li>- AGOA, COMESA and Cross Border Trade need to be engaged.</li> <li>- Laws and policies are in place such as maternity leave but there is limited awareness raising.</li> <li>- ILO is doing a lot of work but the work is not known.</li> <li>- There is need for engage and partner with ILO.</li> <li>- Policies are not being reviewed from a gender perspective</li> </ul>		
✓ With regard to the affirmative action provisions of Article 5, introduce measures to ensure that women benefit equally from economic opportunities, including through public procurement processes.	2	<ul style="list-style-type: none"> <li>- Land is still at 30%. 30% is not the goal but 50%.</li> <li>- There is no affirmative action on land Act.</li> <li>- Awareness raising is lacking of the various loan opportunities for women.</li> <li>- FAMOS process- engendering the banks.</li> <li>- Lower interest rates for loans.</li> <li>- Zambia national commercial bank and Invest Trust bank have some loan opportunities for women for women entrepreneurs.</li> <li>- Need to investigate conditions for borrowing.</li> <li>- AGOA-Zambia hosted AGOA but it is not clear on what the outcomes of women's participation.</li> </ul>		
✓ Review all policies and laws that determine access to, control of, and benefit from, productive resources by women.	3			
	1	<ul style="list-style-type: none"> <li>- Action plans in this area do not often take off the ground.</li> <li>- Processes are more inclusive of CSOs and private sector participation but there is no deliberate move to have women participation.</li> <li>- The participation of women in the formulation of national economic policies such as the National Budget and Sixth National Development Plan is limited even though the budget process at Ministry of Finance and National Planning is headed by a woman.</li> <li>- Public Procurement Act and Citizen Economic Empowerment Commission in place but most beneficiaries are men.</li> <li>- Enforcement of the Act is still weak.</li> </ul>		
✓ Review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy.		<ul style="list-style-type: none"> <li>- Women do not have equal economic opportunities.</li> <li>- Women lack information about public procurement processes.</li> </ul>		

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	CSI SCORE/10	COMMENT	SGDI SCORE	WHAT THE SGDI MEASURES
		<ul style="list-style-type: none"> <li>- Too often, it is not what you do but who you know.</li> <li>- Job competitions are currently more tight.</li> <li>- Women are usually the first to be laid off.</li> <li>- No deliberate actions to employ girls and women (no affirmative action).</li> <li>- Need for equal employment opportunities in hiring for government and other organisations.</li> </ul>		
<b>ARTICLES 20-25: GENDER BASED VIOLENCE</b>				
✓ Enact and enforce legislation prohibiting all forms of gender-based violence.	6	<ul style="list-style-type: none"> <li>- Anti-Gender Based Violence Act (2010) is in Place.</li> <li>- Victim Support Units are trying.</li> <li>- The Media report the cases but we are not sure if the girls are helped by the Government.</li> <li>- Enforcement can be difficult especially when violence takes place at homes and some of it is silent such as emotional ones.</li> <li>- Despite the laws, GBV is on the increase.</li> <li>- Even when laws are there, women still feel inferior and cannot take advantage of the laws.</li> <li>- The Act will facilitate change.</li> <li>- Many NGOs/private coming up with projects for women who are abused e.g. ASAZA and CDC and Care International is implementing ASAZA (A Safer Zambia) in 8 districts- Chipata, Mazabuka, Livingstone, Kabwe, Ndola, Kitwe and there are 2 Centres in Lusaka (Mutendere and Burma Residential Area).</li> </ul>		
✓ Ensure that laws on gender based violence provide for the comprehensive testing, treatment and care of survivors of sexual assault.	6	<ul style="list-style-type: none"> <li>- The law provides for all the services mentioned. Implementation is the challenge.</li> <li>- Tests are undertaken at the Clinic and Hospitals but one needs a police report first.</li> <li>- Women change their minds and fear to report their husbands for fear of losing a marriage.</li> <li>- Shelters are needed for maintenance of survivors.</li> <li>- UTH sometimes provides services but access to more health centers is limited</li> <li>- Limited compensation of victims of GBV.</li> <li>- The offences are not included in the GBV Act.</li> <li>- Holistic system of services is still lacking</li> </ul>		
✓ Review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence.	3	<ul style="list-style-type: none"> <li>- There is need for tougher laws for criminals that rape women and girls.</li> <li>- Same sex marriages are criminalised.</li> </ul>		
✓ Enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society.	6	<ul style="list-style-type: none"> <li>- Human Trafficking Act in place.</li> <li>- Sensitisation and implementation needed.</li> <li>- Shelters are needed.</li> <li>- Need to monitor implementation.</li> <li>- Coordination between various stake holders needed e.g. IOM, Immigration, Police, Ministry of Justice, WLSA etc.</li> </ul>		
✓ Enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.	5	<ul style="list-style-type: none"> <li>- Inform the public more about the laws.</li> <li>- Teach children about sexual harassment so that they don't do it when they grow up.</li> <li>- Radio sensitisation.</li> <li>- Stiffer penalties and sanctions needed.</li> </ul>		
✓ Adopt integrated approaches, including institutional cross	3	<ul style="list-style-type: none"> <li>- Holistic system of services is still lacking.</li> </ul>		



SPECIFIC TARGETS TO BE ACHIEVED BY 2015	CSI SCORE/10	COMMENT	SGDI SCORE	WHAT THE SGDI MEASURES
sector structures, with the aim of reducing current levels of gender based violence by half by 2015.		<ul style="list-style-type: none"> <li>- VSU is going down due to lack of resources</li> <li>- Increase budget for the activities.</li> <li>- VSU is under resources in terms of skills and materials are lacking.</li> </ul>		
<b>ARTICLES 26: HEALTH</b>				
✓ Adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care.	3	<ul style="list-style-type: none"> <li>- Personnel/manpower challenges.</li> <li>- Health sector is major source of concern as it is going down.</li> <li>- Babies are being delivered in the street.</li> <li>- Reproductive health and medical care for HI/AIDS poor.</li> <li>- Health sector is in a mess.</li> <li>- Filthy conditions.</li> <li>- Increased budget but for emoluments and infrastructure.</li> <li>- Reproductive health needs increased funding.</li> </ul>	52	Women using contraception: The percentage of women aged 15 to 49 years reporting that they use a modern form of contraception.
✓ Reduce the maternal mortality ratio by 75%.	2	<ul style="list-style-type: none"> <li>- Women are still dying in compounds from Traditional Birth Attendants.</li> <li>- They require training.</li> <li>- In Serenje, we have a new maternity wing and this has brought relief. Sanitation has improved and general hygiene.</li> <li>- 591 per 10,000 births compared to 700 per 10,000.</li> <li>- Increases in complications at birth.</li> </ul>		<ul style="list-style-type: none"> <li>• Maternal mortality ratio: The number of women who die while pregnant or within 42 days of termination of pregnancy for every 100,000 live births of babies.</li> </ul>
✓ Develop and implement policies and programmes to address the mental, sexual and reproductive health needs of women and men.	3	<ul style="list-style-type: none"> <li>- The female mental patients are abused in the streets and some get pregnant to strangers. They require support and protection.</li> <li>- Cultural beliefs</li> <li>- The Declaration of Zambia as a Christian Nation.</li> <li>- Lack of healthcare services and limited trained healthcare personnel.</li> <li>- Young girls getting pregnant, early marriages and early motherhood.</li> <li>- Despite lack of sex education, kids marry and have sex early.</li> <li>- Lack of counseling services.</li> <li>- Men rely on cultural aspects and there is no open communication between women and men on reproductive rights.</li> </ul>		<ul style="list-style-type: none"> <li>• Births attended by skilled personnel. The percentage of births in a given year in which the women is assisted by trained staff such as midwives or nurses.</li> </ul>
✓ Ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prison.	1	<ul style="list-style-type: none"> <li>- More needs to be done to decongest prisons and improve nutritional and sanitary facilities.</li> <li>- There are no policies to address the special needs of women in prisons.</li> <li>- Situation of women in prisons is worsening.</li> <li>- Services are very poor. Hospitals are not service friendly.</li> <li>- Need more workers in rural areas.</li> <li>- No interventions except for the faith based organisations.</li> </ul>		
<b>ARTICLES 27: HIV AND AIDS</b>				
✓ Develop gender sensitive strategies to prevent new infections.	6	<ul style="list-style-type: none"> <li>-Treatment and care should improve. -The continued availability of ARVs.</li> <li>-There are drugs but not addressing nutritional needs.</li> <li>- There is improved access to ARVs but not for</li> </ul>	58	<p>What this score consists of:</p> <ul style="list-style-type: none"> <li>• Comprehensive knowledge on HIV and AIDS: The percentage of women aged 15-who can correctly answer specified questions about HIV and</li> </ul>

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	CSI SCORE/10	COMMENT	SGDI SCORE	WHAT THE SGDI MEASURES
		the rural woman.		AIDS. • Living with HIV as proportion of total: The number of women who are HIV-positive expressed as a percentage of all people who are HIV-positive. • HIV-positive pregnant women receiving PMTCT: The number of HIV-positive pregnant women receiving prevention of mother-to-child transmission treatment expressed as a percentage of all HIV-positive pregnant women.
✓ Ensure universal access to HIV and AIDS treatment for infected women, men, boys and girls.	6	A lot has been done though hospitals are not very friendly. - Free ART. - Access to ARVs has been a challenge. - Improve access for adolescents. - Lack of medicine; provision of medicines is bad. - Impact of reducing Global Fund. - HIV/AIDS affects performance of health systems by increasing demand for services in both quantity and complexity and by reducing supply of services by its impact on numbers and performance of health workforce. - Lack of trained human resources is a significant challenge to scaling up the health sector's response to HIV/AIDS. - High prevalence of HIV related illness has seriously overburdened health care system at all levels, accentuating burden on a thinly stretched workforce whose numbers are also diminishing due to HIV/AIDS.		
✓ Develop and implement policies and programmes to ensure the appropriate recognition, of the work carried out by care-givers, the majority of whom are women; the allocation of resources and psychological support for care-givers as well as promote the involvement of men in the care and support of People Living with HIV/AIDS.	1	- It is mostly women and older women especially who are care givers. - More men should be involved. Male involvement in programmes still needed. - Most care givers are just volunteers. - There is need to involve men. - Have no idea on policy level. - CSOs are very few. - There are more faith based organisations into the work.		
<b>ARTICLE 28: PEACE BUILDING AND CONFLICT RESOLUTION</b>				
✓ Put in place measures to ensure that women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes, in accordance with UN Council Resolution 1325 on Women, Peace and Security.	2	If we had a war, Zambians would not know what to do or where to go. - Zambia champions other countries peace processes. We should learn from those processes and design mechanisms for Zambia. - Only conflict resolutions are developed during elections e.g. There are Conflict Management Committees at the District level. - As a Paralegal officer at district level, I deal with conflict and we link up with Legal Resources Foundation. - Numbers have dropped. - No alternative action.		

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	CSI SCORE/10	COMMENT	SGDI SCORE	WHAT THE SGDI MEASURES
<b>ARTICLES 29 - 31: MEDIA, INFORMATION AND COMMUNICATION</b>				
✓ Take measures to promote the equal representation of women in ownership of, and decision-making structures of the media, in accordance with Article 12.1 that provides for equal representation of women in decision-making positions by 2015.	1	<ul style="list-style-type: none"> <li>- Males are in decision making.</li> <li>- The public media are biased towards government and the private towards opposition.</li> <li>- In Serenje, we are in a process of opening a community media to be headed by a woman.</li> <li>- Important to have equal representation of women in the media so that both can bring out issues of concern from the community.</li> </ul>	60	<ul style="list-style-type: none"> <li>• Women employees as % of total: The number of women employees working in media institutions expressed as a percentage of all employees in media institutions.</li> <li>• Women as % of board of directors: The number of women directors of media institutions expressed as a percentage of all directors of media institutions.</li> <li>• Women as % of management: The number of women managers in media institutions expressed as a percentage of all managers in media institutions.</li> <li>• Female % of staff in institutions of media learning: The number of female staff in institutions of media learning expressed as a percentage of all staff in institutions of media learning.</li> <li>• Female % of students in institutions of media learning: The number of female students in institutions of media learning expressed as a percentage of all students in institutions of media learning.</li> <li>• Percent women news sources: The number of women referenced as sources in the media expressed as a percentage of all people referenced as sources.</li> </ul>

**TOTAL = 85 / 280 x 100 = 30.36%**

The score cards for Zambia were filled in by the Reference group who worked in thematic groups. Where there was more than one score, the consultant added the scores and came up with an average. The names of the participants that filled in the score cards are listed under each section and these are attached to the report. Twenty two (22) participants, two (02) men and twenty (20) women from a cross section of civil society participated in the scoring.

Source: (2010). *Zambia Country Health Status Report*.



## BACKGROUND NOTE ON GENDER AND RELATED INDICATORS

This background note provides information on the various existing indicators considered in developing the **SADC Gender and Development Index (SGDI)** that is introduced for the first time in this Barometer.

The **Human Development Index (HDI)** - which is **not** a gender indicator - has four components which are meant to reflect Amartya Sen's "capability" approach to poverty rather than a simple income/expenditure monetary measure of poverty. The HDI components are (a) life expectancy at birth for health, (b) adult (15+ years) literacy rate and (c) combined gross enrolment rate for primary, secondary and tertiary education for education, and (d) gross domestic product (GDP) per capita for income. The four component scores are averaged to get the HDI number. The HDI thus gives a single simple (some would say simplistic) measure of the average achievement of the country in terms of human development. A league table was published in the annual Human Development Reports of the UNDP until 2009, and is widely quoted.

The HDI - like all measures - can be criticised on many grounds. Some of the criticisms are relevant from a gender perspective.

Firstly, composite indices are appealing because there is only one number. But having a single number is not useful for policy-making purposes unless one knows WHY the single number is lower than one wants it to be. For example, South Africa's HDI has fallen in recent years. The main reason for this is a significant drop in life expectancy, which is one of the four components. The HDI indicator cannot tell you this. It is only by looking into the components that you can see it.

Secondly, there are data problems. UNDP uses international data-sets in the interests of having a uniform approach. This is probably the only feasible approach for an index covering so many countries and compiled from a single office. However it results in the use of data that are relatively old, and thus indicators that are out-of-date. It also results in individual countries contesting the indicators. The need to have indicators for as many countries as possible can also lead to the use of lowest-common-denominator variables, rather than the variables that would best reflect what the indices aim to measure. Where data are not available, sometimes heroic assumptions have to be made. In the case of the **Gender-related Development Index (GDI)** (see below), this is especially the case in relation to sex-disaggregation of GDP.

Thirdly, the indicators are all based on averages, and thus do not capture inequalities within a single indicator.

In 1995, at the time of the Beijing Conference, UNDP developed two gender-related indices - the Gender-related Development Index and the **Gender Empowerment Measure (GEM)** - to complement the HDI.

The GDI uses the same variables as the HDI, but each of the components is adjusted for unequal achievement between women and men. The GDI thus shares all the problems that the HDI has, but also has some further problems.

One problem with the GDI is that it assumes that equality on longevity would mean equal life expectancies for men and women. However, biologically women can expect to live longer than men. So when life expectancies are equal this suggests that women are disadvantaged in some way. This is not reflected in the GDI.

A confusing feature of the GDI is that the method uses only the male-female gap, without considering whether it is males or females who are "doing better". So a country where women outperform men in education will have the same penalty as a country where men outperform women by the same amount. We might think this is not a problem (in that men and boys should not be disadvantaged), but it does complicate how we interpret the GDI if the index combines some components where males are advantaged and others where females are advantaged.

Probably the biggest problem with the GDI is that it is heavily influenced by the income variable, so that wealthier countries will - all other things being equal - be reflected as having less inequality than poorer countries. Analysis has shown that for most countries the earned-income gap is responsible for more than 90% of the gender penalty. Exacerbating this problem is the fact that the income estimates are based on "imputed" rather than real data. Thus for many developing countries the earned income gap is assumed to be 75% because reliable data are not available. The 75% was chosen on the basis of 55 countries (including both developed and developing) for which data are available. Yet another exacerbating feature is that the data for the 55 countries relate only to formal non-agricultural wages. Yet in many African countries only a small proportion of the workforce - and an even smaller proportion of employed women - is employed in the formal non-agricultural sector.

The final problem to be raised here is lack of sex-disaggregated data in some cases. As a result, each year there are fewer countries that have GDI scores than have HDI scores. This means that a higher place in the inter-country ranking for the GDI than the HDI does not necessarily mean that the country is doing relatively well on gender.

The GEM focuses on political, economic and social participation rather than Sen's capabilities. The components are women's representation in parliament, women's share of positions classified as managerial and professional, women's participation in the labour force and their share of national income. Fewer countries have data on all of these elements than on the GDI elements and each year there are therefore fewer countries in the GEM index than in the GDI index.

The GEM measures income in more or less the same way as the GDI, so this component has the problems described above. The influence of the absolute level of income - and thus the bias favouring wealthier countries - is, in fact, stronger for the GEM than the GDI. The political component is problematic in that a parliamentary quota for women will automatically increase the GEM score, but will not necessarily mean that women exercise greater political power in the country.

The **Millennium Development Goals (MDGs)** are eight goals that 192 United Nations member states and at least 23 international organisations committed themselves to achieving by 2015. One or more targets have been agreed in respect of each goal, with one or more indicators for each of the targets.

Goal 3 is to promote gender equality and empower women. Target 4 is assigned as the measure of achievement in respect of Goal 3. Target 4 is expressed as eliminating gender disparity in primary and secondary education preferably by 2005 and in all levels of education no later than 2015. There are four indicators, the first of which has three elements.

The third and fourth indicators relate to employment and decision-making respectively. These additional indicators were included by the team which proposed the standard indicators to emphasise that education is not only an end in itself, but also a means to other ends. The third and fourth targets thus reflect back on the goal, which is about "empowerment" as well as equality. The targets attempt to measure the economic and political aspects of empowerment. The four indicators are: (a) ratio of girls to boys in primary, secondary and tertiary education; (b) ratio of literate females to males of 15-24 year olds; (c) share of women in wage employment in the non-agricultural sector;

and (d) proportion of seats held by women in national parliament.

These indicators are very similar to those used in the other well-known international indices. The second education indicator differs from most other indices by focusing on 15-24 year olds. This focus captures changes in education levels better than a measure that covers all adults, as the all-adult measure will be biased downwards by past discrimination against women rather than reflecting what is happening now within education.

The MDG Gender Task Force proposed that further indicators be added to the standard set to measure (a) gender gaps in earnings in wage and self-employment; (b) the hours per day or year that women and men spend fetching water and collecting fuel; (c) the percentage of seats held by women in local government bodies; and (d) the prevalence of domestic violence. These additional indicators were not added to the standard set.

Development of the **Gender Equality Index (GEI)** was motivated, at least in part, by the standard measures' lack of attention to issues related to the body and sexuality, religious, cultural and legal issues, ethics, women's rights and care.

The index was called the GEI, rather than the **Gender Inequality Index (GII)**, so as not to focus only on gender imbalances. Instead, the index would measure the extent to which gender equality was achieved in any country.

It was recognised that as a global, comparative measure, the GEI would lose cultural and national specificity and would not capture gender equality in all its dimensions. It was thus proposed that each country also describe the historical and cultural context, and develop country-specific "satellite" indicators to complement the GEI.

The GEI covers eight dimensions, each of which has a number of indicators. The dimensions are:

- Gender identity;
- Autonomy of the body;
- Autonomy within the household;
- Political power;
- Social resources;
- Material resources;
- Employment and income;
- Time use.

The availability and adequacy of the GEI indicators have been tested only in Japan and Indonesia. These tests revealed the especial difficulty of measuring the first two dimensions quantitatively.

In the early 2000s, the United Nations Economic Commission for Africa (UNECA) developed the African **Gender Status Index (GSI)** and the **African Women's Progress Scoreboard (AWPS)**. The AWPS is based on more qualitative judgments, although these are given numeric scores. The existence of the AWPS alongside the GSI is noteworthy, as it highlights the realisation that some aspects of gender equality cannot be adequately captured by quantitative indicators. The GSI is similar to the GDI and GEM in being computed from quantitative data. A major difference is that there are far more indicators - 43 in all!

The use of 43 indicators has two major drawbacks. Firstly, it means that most countries are likely to lack data on at least one indicator, or be forced to use unreliable data from small samples. Secondly, it means that the meaning of the index - and its direct usefulness for policy-making purposes - is even more obscure than for the HDI, GDI or GEM as one has to examine all the elements in detail to work out why a country is scoring higher or lower. The developers of the GSI acknowledge that there may be too many indicators.

UNECA tested the index in twelve countries (Benin, Burkina Faso, Cameroon, Egypt, Ethiopia, Ghana, Madagascar, Mozambique, South Africa, Tanzania, Tunisia, Uganda). The process took substantially longer than predicted. The delays in part reflected the challenges involved in collecting and checking so many indicators. Even with these delays and despite specifying five-year periods for each indicator, it was not possible to find all the indicators for each country.

The indicators are divided into three blocks, namely social power, economic power, and political power. The indicators all deal with gender issues, understood as the relations between women and men, and thus as needing to compare indicators for men and women. This means that maternal mortality and violence against women are not covered because they only concern women.

Each indicator represents a simple arithmetic comparison of the number of women to the number of men, thus reflecting the gender "gap". (A few of the indicators need a bit of manipulation to be able to get a gap.) Unlike the HDI and GDI, the GSI does not take the overall level of achievement into account. As a result, a good score on the GSI could reflect a high level of equality, but at a level of achievement that is poor for both women and men (girls and boys).

For weighting purposes, each of the three blocks - social, political and economic - has equal weight. Further, within each component of each block, each of the indicators has equal weight. In effect, this means that indicators that are in a component with relatively

few indicators "count" more than those in a component with a greater number of indicators. The developers of the GSI suggest that other weighting approaches could be considered, such as:

- Weighting more heavily the components or blocks where there are the biggest gaps.
- Weighting more heavily those that can be changed more easily in the short term so that one can more easily "see" the impact of advocacy and policy changes.
- Giving less weight to the "political power" block because it deals with a small population than the other two blocks.

The table shows all the GSI indicators, and the component and sub-component into which they fit.

In the 2010 Human Development Report the GII replaced the GDI. This measure, unlike the GDI, is not influenced by the absolute level of achievement or development. Instead, like the GSI, several of the components focus on the degree of inequality in achievement between males and females on different measures while others focus on levels of women's achievement. The consequence is that a country can score well on this measure even if absolute levels of achievement are low as long as the measures for females and males are equally low.

The three equally weighted dimensions covered by the GII are reproductive health (maternal mortality ratio, adolescent fertility rate), empowerment (share of parliamentary seats held by women and men, attainment at secondary and higher education levels) and labour market participation (labour market participation rate). The rating works in the opposite direction to that of the GDI i.e. a level of 0 indicates no inequality while 1 indicates extreme inequality.

The SGDI on the status of women in SADC countries is based on 23 indicators. The indicators are grouped under six categories, namely Governance (3 indicators), Education (3), Economy (5), Sexual and Reproductive Health (3), HIV and AIDS (3), and Media (6). There are, unfortunately, no indicators for the Protocol articles on Constitutional and legal rights, gender-based violence and peace building and conflict resolution. The fact that there are no indicators for some topics reflects the difficulty in finding appropriate indicators with reliable data for these. These are areas that the Southern African Gender Protocol Alliance hopes to address these gaps in future years.

Within some of the categories there are disappointing gaps. Ideally, the SGDI would have included an indicator measuring the disparity in pay between women and men doing paid work. Unfortunately, as discussed in the section on other indicator measures such as the GDI, the



available datasets of disaggregated earned income are heavily based on assumptions rather than on empirical data. In respect of the maternity leave indicator, the time given to a woman worker does not necessarily mean that she will receive pay while on leave. In some cases, no pay is guaranteed, in other cases only a proportion of the pay is guaranteed, and in some cases paid leave is only available to certain categories of employees, such as those employed by government. For next year's index, more detailed information on maternity leave as well as paternity leave will be included.

To create the composite index, two challenges needed to be addressed. The first was the differing number of indicators in the various categories and how this should be dealt with in weighting. This was necessary so that, for example, media was not given twice the importance ("weight") of governance or education because it had six indicators while governance and education each had three indicators. The second challenge was the difference in the range of "raw scores" that were possible for each indicator and how these could be standardised so that averages were not comparing apples and giraffes. If this standardisation were not done, an indicator for which the score could range from 0 to 50 would have only half the weight of another indicator for which the score could range from 0 to 100.

#### *Weighting*

Each category was given equal weight by calculating the average score across the indicators in that category. So, for example, for categories with three indicators, the score for that category was the average across the three. This approach also solved the problem of how to deal with countries for which some indicators were missing, as the average was calculated on the available indicators for each country. Nevertheless, while this generated a score for all categories across all countries except for media in Angola, the averages for countries with missing indicators should be treated with caution as they are not exactly comparable with those of countries for which all indicators were available. The number of missing indicators ranged from zero for Madagascar, Mauritius, Namibia, South Africa, Tanzania and Zambia, to nine for Angola.

#### *Standardisation*

Standardisation aimed to convert all "raw scores" into values that range from 0 (for the worst possible performance) to 100 (for the best possible performance). The indicators consist of several types in terms of what they are measuring:

- Many of the indicators measure the female percentage of people with given characteristics. All the

governance, education and media indicators have this form. For these indicators, the raw score could range from 0 to 100. However, if our aim is to ensure that women do not face discrimination, then a raw score of 50 is the target. In standardisation, all scores of more than 50 - of which several were found, for example, for tertiary education - were therefore changed to 50.

- Several of the indicators measure the percentage of women and girls with a given characteristic. Two examples of such indicators are the percentage of women using contraception and the percentage of women aged 15-24 with comprehensive knowledge on HIV and AIDS. For these indicators, the raw score could range from 0 to 100 and the score therefore did not need further standardisation.
- Several of the indicators measure the female rate for a given characteristic as a percentage of the male rate. Examples here are female labour force participation as a percentage of male labour force participation, and the female unemployment rate as a percentage of the male unemployment rate. In these cases possible scores could range from 0 to more than 100 where the female rate is more than the male rate. In the one case where the score was more than 100 (unemployment rate in Zambia), the score was changed to 100.
- Finally, two of the indicators that relate specifically to gender or women's issues have scores that fall outside the above categories. The first is the number of weeks of maternity leave to which employees are entitled. The second is the maternal mortality rate, which is expressed as the number of deaths for every 100,000 live births. For the first of these indicators, we assumed that the possible range was from 0 to 16 weeks, and calculated the actual number of weeks as a percentage of 16. For the second of these indicators, we set the possible range between 0 and 2000 out of 100,000 (see [http://en.wikipedia.org/wiki/Maternal\\_death](http://en.wikipedia.org/wiki/Maternal_death)), and calculate a score out of 100 by dividing the raw score by 20.

A further challenge in the standardisation process was that while the majority of indicators measure a desirable characteristic, for which a high score indicates good performance, there are a few indicators that measure undesirable characteristic for which higher scores reflected poorer performance. The negative indicators are the ones relating to unemployment rate, female share of people living with HIV, and maternal mortality rate. For these indicators the rate was inverted by subtracting the standardised rate from 100.

## Components of the Gender Status Index

Block	Component	Sub-component	Indicator
Social power 'Capabilities'	Education	Enrolment	Primary enrolment rate
			Secondary enrolment rate
			Tertiary enrolment rate
		Dropout	Primary dropout ratio
			Secondary dropout ratio
		Literacy	Ability to read and write
			Primary school completed
	Health	Child health	Stunting under 3
			Underweight under 3
			Mortality under 5
		Life expectancy at birth	
		New HIV infection	
		Time spent out of work	
Economic power 'Opportunities'	Income	Wages	Wages in agriculture
			Wages in civil service
			Wages in formal sector (public and/or private)
			Wages in informal sector
		Income	Income from informal enterprise
			Income from small agricultural household enterprise
			Income from remittances and inter-household transfers
	Time-use or employment	Time-use	Time spent in market economic activities (as paid employee, own-account or employer)
			Time spent in non-market economic activities or as unpaid family worker in market economic activities
			Time spent in domestic, care and volunteer non economic activities
		Employment	Or: Share of paid employment, own-account and employer in total employment
	Access to resources	Means of production	Ownership of urban plots/houses or land
			Access to family labour
			Access to credit
			Freedom to dispose of own income
		Management	Employers
			High civil servants (class A)
			Members of professional syndicates
Political power 'Agency'	Public sector		Administrative, scientific and technical
			Members of parliament
			Cabinet ministers
			Higher courts judges
	Civil society		Members of local councils

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2012 SADC Gender Protocol Barometer

WHO 2012 report

UNAIDS 2012 report

UNESCOT 2011 report

# The SADC Protocol on Gender and Development



## Encompasses

commitments made in all regional, global and continental instruments for achieving gender equality.

## Enhances

these instruments by addressing gaps and setting specific, measurable targets where these do not exist.

## Advances

gender equality by ensuring accountability by all SADC Member States, as well as providing a form for the sharing of best practices, peer support and review.



In August 2008, Heads of State of the Southern African Development Community adopted the ground-breaking SADC Protocol on Gender and Development. This followed a concerted campaign by NGOs under the umbrella of the Southern Africa Gender Protocol Alliance.

By the 2012 Heads of State summit, 13 countries had signed and nine countries had ratified the SADC Gender Protocol: two-thirds of the signatories. South Africa and the DRC, two of the countries that have ratified the Protocol, still need to deposit their instruments of ratification with the SADC Secretariat. Barring these technicalities, the Protocol is to all intents and purposes in force. The clock is ticking to 2015, when governments need to have achieved 28 targets for the attainment of gender equality. In keeping with the Alliance slogan: "Yes we must," this 2012 Barometer provides a wealth of updated data against which progress will be measured by all those who cherish democracy in the region. The SADC Gender and Development Index (SGDI) introduced in 2011 complements the Citizen Score Card (CSC) that has been running for four years to benchmark progress. While there are several challenges, the successes to date strengthen our view that change is possible.

***"2015, yes we must!"***

