

HUMAN RIGHTS COUNCIL
28th Session of the Working Group on the
Universal Periodic Review (UPR)

Stakeholder Submission on:

The Human Rights Situation in

ZAMBIA

Submitted by:

Associazione Comunità Papa Giovanni XXIII (APG23)
(NGO's in Consultative Status with the ECOSOC)



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INTRODUCTION- The Associazione Comunità Papa Giovanni XXIII (APG23) is a catholic international association founded in Italy.¹ The Community is now present in thirty countries of the five continents. The Association has Special Consultative Status with the United Nations Economic and Social Council (ECOSOC)². The APG23 present in Zambia since 1985, has prepared the following submission to focus on the implementation of the recommendations accepted by Zambia in the second cycle of the UPR, regarding to the right to education, to the issue of access to food, and to the rights of Persons with Disabilities.³

1 -Right to Food and Nutrition

FOCUS ON: Recommendations n. 102.56 up to 62 (A/HRC/22/13)⁴

1.1 Sources-In 2005 the government drafted a national strategy called Vision 2030⁵, under which they commit to: develop and/or advocate for policies and programmes that will ensure food and nutrition security, food quality and safety, prevent and control specific macro and micronutrient deficiencies, strengthen nutrition care practices for vulnerable groups, develop and sustain human resource in the nutrition sector, establish and maintain an efficient institutional arrangement.⁶ In 2013 the Zambian Vice President has taken the commitment to halve malnutrition within 2023. A certain number of high level projects have been planned in 2014 and the drive at international level has been translated in special attention at national Government level although without adequate financial resources in the following years, for example: the Social Cash Transfer (SCT) in the years 2015/16. However, given the extremely high levels of malnutrition, the attempt of building and sustaining this action has not yet given the desired results.⁷

In fact, in 2013–2014, 40% of children were affected by stunting, 15% were underweight, and 6% of children suffered from wasting, with a high under-five mortality rate (75 deaths per 1,000 live births in a year) ⁸ In Zambia, malnutrition has been estimated to underlie up to 52% of all under-five deaths. The picture of malnutrition is exacerbated by the HIV/AIDS pandemic⁹.

The Association mostly works in the Copperbelt area: for the children who are born and raised in the shanty compounds, the right to life, health and food are not yet guaranteed. APG23 assists malnourished Zambian children in the Rainbow Project Supplementary feeding programs (SFPs). The Rainbow Project, under the Pope John 23rd Association, is a large-scale model of care for orphans and vulnerable children operating since 1998 in the Ndola and Kitwe Districts.¹⁰ SFPs in Zambia are not widely available and

¹ Its activities in the world of poverty and marginalization brought to the direct sharing of the life with the poor in 1973 when the first family-home was opened.

² APG23' commitment at the UN is the result of sharing the life with the poor and is the fruit of the international elaboration and synthesis of the action for the removal of the root causes which create injustice.

³ The information and data provided herein have been sourced from people cared for by the members and volunteers of the Association Pope John the 23rd in Zambia (Copperbelt Province) and public documents, research material –Questionnaires collected by volunteers, members and users of nutritional projects in the Community Papa Giovanni XXIII Association, in six different compounds of the city of Ndola, and two peri urban areas- 8 nutritional centers (november/december 2016)

⁴ Report of the Working Group on the Universal Periodic Review* Zambia- Human Rights Council 20nd Session UPR- A/HRC/22/13-31 december 2012

⁵ <http://unpan1.un.org/intradoc/groups/public/documents/cpsi/unpan040333.pdf>

⁶ Develop and/or advocate for policies and programmes that will ensure food and nutrition security, food quality and safety at individual household, community and national level;

- Prevent and control specific macro and micronutrient deficiencies and promote appropriate diets and lifestyles throughout all stages of human life;
- Strengthen nutrition care practices for vulnerable groups, including young children, adolescents, women at reproductive age, and people living with HIV/AIDS, and those affected by non-communicable diseases such as diabetes, hypertension, coronary heart diseases, and cancer;
- Develop and sustain human resource capacity in the nutrition sector to meet the growing nutrition demands; establish and maintain an efficient institutional arrangement and strong nutritional networks.

⁷ (Harris, Jody; Haddad, Lawrence and Grütz, Silke Seco (2014) Turning Rapid Growth into Meaningful Growth: Sustaining the Commitment to Nutrition in Zambia, Brighton: IDS

⁸ Zambia WHO Country Office. Zambia: WHO Statistical Profile. Available online: <http://afro.who.int/en/zambia/who-country-office-zambia.html> (accessed on 25 February 2016). 2. Central Statistical Office (CSO) (Zambia), Ministry of Health (MOH) (Zambia), ICF International. Zambia Demographic and Health Survey 2013-14; Central Statistical Office, Ministry of Health, and ICF International: Rockville, MD, USA, 2014.

⁹ When the condition of being HIV-positive coexists with malnutrition, the risk of growth failure and morbidity increases, and children delay recoveries and suffer relapses of malnutrition events. See Charles Michelo, R.M. Set criteria might have high potentials in the management of severely malnourished children in Zambia, evidence from an evaluation of an “Outpatient Therapeutic Care Program (OTP)” in selected communities in Lusaka urban, Zambia. Med. J. Zambia 2012, 39, 6–12. 6. Arpadi, S.M. Growth Failure in HIV-Infected Children. Available online: <http://www.who.int/nutrition/topics/Paper%20Number%204%20-%20Growth%20failure.pdf>

¹⁰ The model is made by several components, including the Community-based Program against malnutrition. The Survey carried on by the Rainbow Operators has covered mostly the following compounds: Chifubu (Ndola), Kabushi (Ndola), Pamodzi (Ndola), Twapia (Ndola), Kaloko (Ndola), Kawama (Ndola), and the rural areas of Maria Chimona (Masaiti) and Baluba (Luanshya).

most areas are not covered by nutrition-specific interventions targeting moderate acute malnutrition. Rainbow Project SFPs are, to our knowledge, the only well implemented sites with this holistic approach in the Copperbelt. There is a need for greater implementation of SFPs in Zambia, taking into consideration different scenarios ¹¹ None of our Operators has any knowledge of Governmental programmes of food distribution to chronically ill people. An increment of the nutrition education in schools from grade 1^o to 12^o within the subject called “Food and Nutrition” has been noticed. There are local government policies that favour the production of food but these are not fully implemented. Training is not always offered and often, in the areas where the sensitization is carried out, there is no water. The District Agriculture Coordinating Office in order to sensitize families utilizes the Field Officers but often the support they are expected to offer is not properly directed. Since January 2017 the Zambian Government is employing very qualified staff by absorbing it from the private sector; some private clinics have seen recruited in the public sector even up to 75% of their staff.

1.2. Concerns- We recognize the efforts made by the new financial law of 2017¹², the increase in social security from 2.4% in 2016 to the 4.2% of the budget in 2017, and in particular the Social cash transfer (SCT), with the coverage increment from 242,000 to 500,000 families, as well as the slight increment in the number of beneficiaries of the Food Security Pack (FSP) from 30,000 to 40,000 beneficiaries in 10 provinces. The Government should continue to regularly adopt long term Social Protection Programs for a sustainable impact. It would be prudent for the Government to deal with appropriate policies and new regulations to significantly address the challenges of transparency and fairness in the Administration. In budgetary terms it calls on the Government to take progressive steps in the taxation in the mining sector to increase revenue instead of overly increasing the costs of other services (e.g.: electricity). The serious problem of access to necessary and sufficient food we believe will continue in 2017. Despite both social protection and nutrition attracting ‘priority’ high-level commitment for nutrition, sensitive social protection has not yet been achieved.

1.3 Recommendations

1. Strengthen nutrition education in schools of all levels.
2. Develop a strategic plan of action, the National Food and Nutrition Action Plan, outlining the deadlines and progressive advances of the Zambian Government in both financial and political management.
3. Undertake a comprehensive review on the use of public funds and private investment on nutrition, involving also the private actors in ensuring transparency.
4. Create a transparent and well-structured system for the management of funds with a monitoring system for the budget that would also involve the private social sector.
5. Significantly increase (and maintain) public funding for nutrition to achieve the nutrition goals according to national and international commitments.
6. Commit to extend the coverage of FSPs and SFPs, SCT and RTFs (Ready to Use Therapeutic Foods) at national level in the forthcoming budget laws.
7. Take immediate measures against corruption, to enhance transparency and accountability around the budget and for the immediate implementation of the proposals on the review of the Public Finance Act, to promote punitive measures for erring officers and the Planning and Budgeting Bill for promoting adherence to the budget in order to reduce unplanned expenditure.
8. Increase the taxation in the mining sector to obtain new financial revenue to be allocated for the needs of national nutrition and the fight against poverty.

2- Right to Education

FOCUS ON: Recommendations n. 102.62 up to 67 (A/HRC/22/13)¹³

2.1 Sources-Zambia was among the countries that committed to meeting the goal of achieving universal primary education by the year 2015 (Millennium Goals-United Nations, 2005). Early childhood education

¹¹ See: Community-Based Management of Child Malnutrition in Zambia: HIV/AIDS Infection and Other Risk Factors on Child Survival MDPI Published: 1 July 2016

¹² Budget Address by Honourable Felix C. Mutati, MP Minister of Finance Delivered to the National Assembly on Friday, 11th November, 2016 available on <http://www.parliament.gov.zm/node/6051>

¹³ Vedi nota n.2

is considered of great importance to the nation's Ministry of Education (MoE). Zambia is committed to Education For All, an initiative to provide primary education for all school-aged children in the country and to reduce illiteracy before the end of the decade.¹⁴ Nevertheless looking beyond 2015, the priorities of the last 15 years have not changed; Zambia does not just need to help children entering primary school but above all to offer, once they enter, the appropriate tools to achieve basic learning skills. Achieving universal access remains a difficult challenge given the limited places at school and meeting the learning needs of young people is increasingly critical due to the predominantly young population of Zambia. The situation of young people, especially girls, requires innovative approaches to offer them job opportunities, and protect them from vices and abuses. Ensuring also adult literacy is strategic in many respects and it is essential for providing adequate learning support to children, especially in rural areas. Budget allocations to the sector have ranged between 17.2 per cent and 20.2 per cent over the past five years. The highest allocations were in 2014 and 2015, with the sector budget reaching 20.2 per cent in both years. The allocation for 2016 is the lowest in six years, from ZMW 9.4 billion in 2015 to ZMW 9.1 billion in 2016.¹⁵ In the 2017 budget allocations is expected a weak increase in funding the education sector with 10.6 billion ZMW¹⁶; this is definitely a step forward but completely insufficient even considering the non-bridgeable gaps of the previous budget.

2.2 Education and disability- Zambia ratified the Convention on Persons with Disabilities (UNCRPD) in 2010. In 2012 the Zambian Government passed the Persons with Disabilities Act and adopted a revised disability policy. According to the World report on disability (WHO 2011), every population of a country comprises 15% of persons with disabilities. This is translated as close to 1.8 million people in Zambia. The disability national prevalence for Zambia, according to SINTEF report, is at 13.3%.¹⁷ The Persons with Disabilities Act provides for the inclusive education at all levels¹⁸, but persons with disabilities are usually excluded from the education system. This is more so with respect to persons with intellectual and psychosocial disabilities who considered to be un-trainable or are simply denied education on the basis that there are not enough financial and other resources for their education. There are also very few specialized instructors or teachers to assist persons with disabilities at the level of primary, secondary or even tertiary education. Education facilities also lack infrastructure and assistive devices necessary to reasonably accommodate persons with disabilities. APG23 in Zambia supports a project with the aim to educate, train and integrate children and adults with disabilities. This project¹⁹ is divided into 3 phases:

- the first phase is a special school for intellectually impaired children.
- the second phase is a course on the basics of agriculture and livestock in a farm (Ukubalula)
- the third phase is a day care centre performing occupational therapy in the Association's farm. (Mary Christine Project)

Since most of these children come from poor families, APG23 offers a free of charge school bus service and two meals a day. Moreover APG23 organizes regular meetings and home visits with families of children and young people aimed at promoting a mentality of integration and recognition of diversity as a positive value.²⁰

2.3. Concerns- This report is the result of an intensive process of consultation that has taken place over the

¹⁴ Since 2002, when the government announced the Free Primary Education (FPE) Policy, the country registered over 1.2 million more learners, increasing Zambia's net enrolment from 71 per cent in 1999 to over 97 per cent in 2013 but the goal is not yet achieved.

¹⁵ Vedi; ZAMBIA-Education budget brief 2016 - UNICEF

¹⁶ The 2017 Budget Address by Honourable Felix C. Mutati, MP Minister of Finance Delivered to the National Assembly on Friday, 11th November, 2016 available on <http://www.parliament.gov.zm/node/6051>

¹⁷ World Health Organization and World Bank: World Report on Disability 2011; World Bank 2012 (Zambian Population) - SINTEF Living Conditions Report in Zambia, 2006 -

¹⁸ The Disability Act provides Responsible Minister shall, in consultation with the Minister responsible for Education come up with rules and guidelines to ensure that persons with disabilities are not excluded from the general education system on the basis of disability

¹⁹ In 2016: the first is a special school for intellectually impaired children with 30 pupils aged between 7 and 15 years. They are trained to perform activities aimed at improving their cognitive and learning skills based on their potential. The teachers are employed and paid by the Ministry of Education, they are specialized in teaching to the children with disability.

- the second is called Ukubalula and it involves 20 disabled children aged 16 and above. They attend a course on the basics of agriculture and livestock in a farm owned by the Association. At the end of the 3-year course, the boys take an examination recognized by the State.
- The third phase is a day care center called Mary Christine Project where 33 adult person with disability, coming mostly from the two previous phases, perform occupational therapy in the Association's farm. They receive a small monthly allowance.

²⁰ <http://www.apg23.org/it/zambia/>

course of two months, using a methodology of empirical research²¹ In the light of the foregoing considerations, after monitoring 14 primary schools and 4 secondary schools (towns of Ndola and Kitwe) we have reached the following observations:

- In almost all schools only routine maintenance (painting, replacing windows, upgrading, refurbished floor, toilets etc.) were carried on. No major interventions, except in a school where a classroom for children with disabilities was built, took place.
- The routine maintenance work as well as renovations and expansions are paid by the students themselves through taxes that the Parents Teachers Association (PTA) and the Board impose. Often the work begins but then remain unfinished for lack of funds. Government funding requested are never allocated.
- The school fees are adjusted yearly depending on the different schools, according to the Ministry guidelines, without the School having a say.
- Only few Schools were provided of desks, chairs, books and other school supplies for all the pupils/student.
- All schools have complained about lack of facilities, resources and educational material.
- All schools have complained about the high number of students per class and the shortage of teachers.
- In all schools, computers for ICT lessons are insufficient.
- The inclusion of disabled children is present in a number of schools but not all and they are essentially disabled children affected with physical problems. For disabled children affected with intellectual impairment the common thought is still that they should be placed in special schools.
- The only means for partial inclusion of disabled people is achieved by the modernization of the facility and the removal of architectural barriers and building a Special Unit block within the school premises.
- All schools have stated that children do not undergo any form of physical punishment.
- The Government teachers' salaries are revised yearly.
- Courses for the teachers are organized by the Continuing Professional Development Study (CDP) in all schools; they are compulsory and free of charge for the teachers.

2.4 Recommendations:

1. Implement public funding in the education sector with specific budget areas to ensure all students learning tools textbooks and other facilities.
2. Provide for national mapping mechanism of schools for planning extraordinary restructuring actions.
3. Carry out regular monitoring and independent reporting for an egalitarian distribution of appropriate school aids in schools and to address the mismanagement and corruption by ensuring transparency and fairness in the micro-management at the local level.
4. Ensure the building of new classes in existing schools and the recruitment of a greater number of teachers to reduce the pupil / teacher ratio and the number of pupils per class.
5. Develop clear and well coordinated policies for inclusive education of children with disabilities especially those with mental disabilities with guidelines and documents that must be made accessible to all education stakeholders.
6. Train more Special Education teachers, involving the disabled people in the training sessions.
7. Make compulsory the use of the sign language and Braille, and create independent courses in all teachers training institutions in Zambia.
8. Strengthen and review the CPD by providing for a mandatory training on inclusion of people with disabilities in all schools.

Encourage parent/ community of disabled pupils to be involved in the classroom activities so that they could be able to provide their expertise in certain skill which teachers may not possess

9. Encourage parent/communities of disabled pupils, to get involved in disabled people's organizations working with Schools.

3- Disabled people rights

FOCUS ON: Recommendations n. 102.7- 102.9- 102.10- 103.4

(A/HRC/22/13)²²

²¹Data and information reflect the field experience of over 10 professionals including educators, trainers and operators for the development of the community, who are involved in training, education and formal care of school-age children (in the age group of 6 to 20 years).

²² Vedi nota n.2

3.1 Sources- Zambia signed the CRPD on 9 May 2008 and ratified it on 1 February 2010. The Optional Protocol was signed on 29 September 2008 and has not yet been ratified. The National Employment and Labour Market Policy (NELP) already backdates to 2005²³ and reviewed with Zambia Decent Work Country Programme (2013-2016)²⁴, shows the best intentions of the Government to provide better services for assistance to support the vulnerable groups, including people with disabilities. The 6th National Development Plan (SNDP) from 2011 to 2015²⁵, aims to achieve the full participation, equality and empowerment of persons with disabilities.²⁶ The government is working closely with the Zambia Agency for Persons with Disabilities.²⁷ Even the expert of the United Nations has highlighted a number of initiatives taken by the Zambian authorities to improve the protection framework for people with disabilities, including the strengthening of the Agency for Persons with Disabilities, the production of a national disability survey, and the significant efforts to make social protection framework including persons with disabilities.²⁸ It should be noted as an urgent the financial support of Government to the Agency that too often, resorts and entrusts its commitment to fundraising from private NGOs.

3.2 Concerns- The experience of our staff and volunteers on the ground shows us still a rather disheartening situation regarding the possibility of social and / or labor inclusion. We point out in particular that in the Copperbelt where we are present, the Mary Christine Project of APG23 (see §2.2), day care centre, is the only reality that offers training and job opportunities to people with mental disabilities. Surely the question of mental disability is an area in which national authorities must commit themselves in a more incisive and specific manner in all sectors including education and employment. The Human Rights expert drew attention to the situation of persons with psychosocial or intellectual disabilities.²⁹ The person with mental disability is not adequately safeguarded, has no legal ability to act, this means that he is the most vulnerable among the vulnerable.

3.3. Recommendations

1. Ratify urgently the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CERD) as recommended in the previous UPR.
2. To pass the New Mental Health Bill³⁰ into law, invest in adequate and comprehensive community-based supports services in order to empower disabled people and relieve families.
3. Create day care structures or opportunities for vocational training especially for people with mental disabilities or day care places for socialization and creative activities for attaining the integration of people with disabilities.
4. Plan and carry out national awareness-raising programs for the integration of intellectually disabled people in social life, work and school with special focus on rural activities.
5. Make a national mapping of existing structures for social and working integration of the intellectually disabled people to sustain and develop the private social sector that carries out activities in favour of the disabled people and developing with it an effective partnership for an action of control and transparency of the Government measures.
6. Strengthen with adequate Government funding the National Agency for People with Disabilities.

Finally on reporting and follow up of the third UPR Cycle, we would like to recommend to Ensure the effective implementation of UPR recommendations through the establishment by the time of the mid-term review of the current cycle, of a permanent governmental mechanism to liaise with relevant ministries and consult with civil society, National Human Rights Institutions (NHRIs) and all relevant

²³ http://www.ilo.org/addisababa/countries-covered/zambia/WCMS_365542/lang--en/index.htm

²⁴ Zambia Decent Work Country Programme (2013-2016) available at <http://www.ilo.org/public/english/bureau/program/dwcp/download/zambia.pdf>

²⁵ 'Sixth National Development Plan 2011-2015 (Zambia)', available in link at: <http://theredddesk.org/countries/plans/sixth-nationaldevelopment-plan-2011-2015-zambia>

²⁶ It wants to provide more support to disabled people through increased public spending on disability; develop policies to encourage inclusiveness; reviewing existing legislation; and establish or strengthen the institutions and the systems that cater to people with disabilities

²⁷ The Zambia Agency for Persons with Disabilities is a Government agency responsible for safeguarding the interests of persons with disabilities, in order to ensure the protection and promotion of the rights of persons with disabilities

²⁸ Vedi: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19896&LangID=E>

²⁹ His following statement is of particular interest: "The deprivation of liberty based on disability is an accepted practice in Zambia" for reference see nota n.15

³⁰ See: <http://mentalhealthworldwide.com/2016/05/non-presentation-mental-health-bill-zambia/>

stakeholders.