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The situation of persons with disabilities

According to the Zambia 2000 Population and Housing Census, which collected data on disability, 2.7 per cent of the population is living with a disability. The same Census says that more than 80 per cent are engaged in agriculture, making it by far the most common occupation. The census in 2010 did not collect data on disability.

In a study of 2006, made by the Norwegian SINTEF of living conditions of persons with disabilities (PWD), it was reported that the prevalence is much higher. It varied by province from 7.3 per cent in Luapula to 22.2 per cent in Western province, with an average national prevalence rate of 13.3 per cent, which sounds more realistic given the statistics worldwide. The World Bank report on disability 2011 estimates a disability prevalence of 9 per cent among the working age population (18-64 years) with substantially more women than men having a disability and more rural than urban population. The report also establishes that persons with disabilities have lower education and are significantly poorer than non-disabled. Extreme poverty (under USD 2 per day) is more than twice as common among persons with disabilities. Persons with disabilities are more often self-employed, than non-disabled persons, but many remain dependent on family members.

An ILO study (2010) revealed that economic losses related to the exclusion of persons with disabilities from productive work are large and measurable ranging from between 3 and 7 per cent of GDP.

Legal and policy framework

The government of Zambia has taken a number of legislative and policy steps that indicate commitment to advancing the rights of persons with disabilities. In terms of **international instruments**, these steps include:

- Signing and ratifying (in 2010) the United Nations Convention on the Rights of Persons with

Disabilities (CRPD), the first international, legally binding treaty aimed at protecting the human rights of persons with disabilities. The Convention is available at

www.un.org/disabilities/convention/conventionfull.shtml. Zambia's initial report was due in 2012, but has not yet been submitted (2014). The UN

Committee against Torture reviewed Zambia in 2008 but did not mention psychiatric facilities when addressing torture in places of detention, missing an opportunity to comment on the ill-treatment of people within Zambia's formal and informal mental health systems.

- Signing and ratifying other treaties that advance the rights of people, including those with disabilities, for example the UN Convention on the Rights of the Child, the African Charter on Human and People's Rights, the Convention on the Elimination of All Forms of Discrimination against Women – all of which make some reference to protecting the rights of persons with disabilities to fair treatment, appropriate care, inclusion and full participation in society.
- Signing but not yet ratifying the optional protocols to the UN treaties on disability, and on women, which would allow for cases to be taken to the UN treaty monitoring bodies in Geneva once domestic remedies have been exhausted.
- Signing the Optional Protocol to the Convention against Torture (in 2010), but not yet ratifying it. Upon ratification the government must establish a body independent from government to inspect all places of detention including mental health facilities.
- Committing to the East African Policy on persons with Disabilities (2012) outlining joint policy commitments in line with the CRPD and country level recommendations.

The African Commission on Human and Peoples' Rights has drafted a Protocol on the Rights of Persons with Disabilities. It was released for comment in April 2014 and once finalised, is likely to become part of Zambia's policy framework for advancing disability rights. Other important upcoming tools in 2014 are the CRPD Toolkit for Africa and the Accountability Framework for Africa which is part of the Common African position for Post 2015 Development.

In terms of **national laws and policies**, the following have the most direct bearing on the rights of persons with disabilities:

Since 2011, there has been a process of revising the Constitution (of 1996). A final draft was released in October 2014 but is still not adopted – and reports indicate that it may still be debated. The final draft has some positive provisions for persons with disabilities. The draft Constitution specifies that: A person with disability is entitled to the right to

- a) education and facilities that integrate the person into society;
- b) access to the physical environment, information, communications, public facilities and services, places and transportation;
- c) access materials, facilities and assistive devices for persons with disability;
- d) use sign language, Braille or other appropriate means of communication;
- e) be addressed or referred to in an enactment or officially, publicly or privately, in a manner that is not demeaning, derogatory or discriminatory;
- f) equal opportunities in the public service and cultural, political, economic and social activities;
- g) tax free materials and assistive devices;
- h) personal development and independent living;
- i) social protection, as prescribed.

The Zambian legal system is based on the old English common law traditions and recognises customary laws that comply with the values of the Constitution. Several laws have been under revision since the September 2011 general election. Apart from the Constitution, this includes the Mental Disorders Act 1951. The Persons with Disabilities Act (PWDA) was passed in September 2012 and meets

many of Zambia's obligations under the UN Convention on the Rights of Persons with Disabilities (CRPD). There is already a process of amending the Disability Act (2014).

A National Policy on Disability has been completed, approved by cabinet (2013) and is currently awaiting its launch. It is not yet public. The Ministry of Community Development Mother and Child Health is in the process of formulating a National Disability Implementation Plan of the Persons with Disabilities Act in which it is looking forward to the input of the Disabled People's Organizations.

A Mental Health Bill is yet to be finalised (2014). The draft Bill's preamble provides for respect, autonomy, non-discrimination and the right to self-determination for people with mental health issues. It sets out a community-based approach to mental health provision, establishes rights and responsibilities of patients, ensures that mental health services are available in prisons and establishes a National Mental Health Commission and a Mental Health Tribunal.

The sixth National Development Plan 2011–15 (SNDP) was launched in February 2011. It focuses on poverty reduction and improvements in the health and education sector. At the same time the national Aids Strategic Framework (NASF), the National Aids Commission Strategic plan (NACSP) and the National Health Strategic plan (NHSP) were adopted. These plans specifically mention persons with disabilities as an important target group and indicate that the government will increase its support through increased budgets, mainstreaming of policies and establishment/strengthening of effective institutions and systems.

Despite having all these legal and policy provisions, starting with legislation from 1969, the welfare of persons with disabilities has continued to deteriorate. Awareness of these pieces of legislation by persons with disabilities and the general public has been very minimal. Ignorance of the contents of the Acts has rendered persons with disabilities unable to demand their rights enshrined in the legal documents.

Implementing Agencies

The Ministry of Communication Development and Child Health (MCDMCH) is entrusted with formulating policy for persons with disabilities. The Zambia Agency for Persons with Disabilities (ZAPD), established by the 1996 disability law, has the responsibility to coordinate and implement the National Policy on Disability and act as an advisory body to the Ministry. The core functions of the Agency are to plan, promote, habilitate and rehabilitate, coordinate and administer services to all categories of persons with disabilities. The Agency also monitors and evaluates the provision of services to persons with disabilities. Its effectiveness is however questioned by the disability movement.

In 2013, the government established a *National Trust Fund for Persons with Disabilities* (NTFPD), with the aim of providing credits to persons with disabilities as they were excluded from most mainstream credits.

The Ministry of Education, Science, Vocational Training and Early Education (MESVTEE) has the responsibility for developing science and technology and for the provision of technical education and vocational training.

The government has worked since the mid 1980's to promote Education for All, including children with disabilities. Through various programs, schools have been constructed, teachers trained and methods and curricula developed. Support has been provided from the World Bank, multilateral and bilateral donors (but not Sweden). A comprehensive evaluation of the 25 years of efforts was published in January 2012 *Basic Education for Children with Special Needs in Zambia: Progress and Challenges in the Translation of Policy into Practice*. It tells a story of competing priorities, disagreements on methods and slow progress. Despite these challenges, estimates by the disability movement say that 40 per cent of children with disabilities manage to finish primary education. Around 40 per cent still do not attend school. Compared to other African countries (where the number of children with disabilities in primary education rarely reaches beyond 2–5 per cent) this is a good result. However, it does not match the heavy investment.

The *Technical Education, Vocational and Entrepreneurship Training Authority* (TEVETA) has the responsibility to improve technical education and vocational training, while linking them to the requirements of the employment sector.

The *Ministry of Health* is responsible for ensuring accessible, adequate health services to all citizens. Despite this, accessibility to basic health services is limited for persons with disabilities, due to attitudes, distances and costs. Specialised services for persons with disabilities are rare. The government regards disability as a non-life threatening condition and therefore it is not among the National Health priorities categorised under public health priorities and health system priorities. In the national health strategy disability is only mentioned in terms of prevention (of fistula and leprosy). However, improvement in mental health services is one of the national priorities.

Accountability mechanisms

Human Rights Commission of Zambia (HRC) has a mandate to investigate human rights violations, investigate maladministration of justice, propose effective measures to prevent human rights abuses, visit places of detention to ensure that treatment is in accordance with human rights standards, undertake research, education, information to enhance respect for and protection of human rights and facilitate rehabilitation of victims of abuse. The effectiveness of the Commission is not evident and no reports are found on engagement in disability rights.

Zambia Agency for Persons with Disabilities (ZAPD) has a mandate to monitor and evaluate the implementation of legal and policy provisions for persons with disabilities and for coordinating and overseeing implementation. At the same time it has implementation responsibilities of certain social security programmes.

Main civil society actors

Zambia has a large number of international, national and local civil society organisations (CSOs), of which several address the needs and/or rights of persons with disabilities. Some are providers of services, applying a charity approach, some are advocacy

organisations controlled by persons with disabilities themselves. Many organisations have been established with the purpose to represent different groups of persons with disabilities nationally and locally. Most of them are dependent on foreign funding, at times even competing for donors.

The disability movement appears to a certain extent fragmented and uncoordinated. There has been some involvement on issues like the poverty reduction strategy and review of the national constitution – mainly through the umbrella [Zambian Federation of Disability organisations \(ZAFOD\)](#), and the professional advocacy organisation Disability Initiative Foundation (DIF) supported by UNDP. ZAFOD, officially registered in 1990, has 11 member organisations and is recognised as the mouthpiece of the disability movement. ZAFOD was running a court case against the Election Committee of Zambia in 2011. This was in order to point to that the majority of persons with disabilities were excluded from casting their ballot, due to inaccessible voting places and voting methods. ZAFOD is also part of the African Decade [COPDAM project](#), aiming at mainstreaming disability and inclusive development as a crosscutting issue in national and regional policies in African society. The Zambia Association of the Deaf has some prominent leaders, who have become international advocates.

The members of ZAFOD are:

- Affiliated to the organisation Zambia National Association of the Deaf (ZNAD)
- Zambia National Association of the Partially Sighted (ZNAPS)
- Zambia Association for Children & Adults with Learning Disabilities (ZACALD)
- Zambia National Association of Disabled Women (ZNADWO)
- Zambia National Association of the Physically Disabled People (ZNAPD)
- Zambia National Association of the Hearing Impaired (ZNAHI)
- New Foundation of the Blind in Zambia (NEFOBZA)

- Parents Partnership Association for Children with Special Needs (PPACSN)
- Zambia Association on Employment for Persons with Disabilities (ZAEPD)
- Zambia Association of Parents for Children with Disabilities (ZAPCD)
- Zambia National Association of Sign Language Interpreters (ZNASLI)

Among others, ZAFOD is supported by the Finnish Embassy, Norwegian CSOs (Opportunity Zambia), UNICEF (for the Cash Transfers and Disability Research and Advocacy Project), the EU among others.



What Sweden can do – 9 questions to discuss

Within the broader context of support to democracy, human rights, health, economic empowerment and gender equality in Zambia, Sweden has a great opportunity to include issues related to the rights of persons with disabilities. Questions to discuss include:

- Could Sweden do more to keep up-dated with the developments within the area of disability rights?
 - Could Sweden do more to include disability organisations in social and professional events and networks?
 - Could Sweden do more to include disability organisations in capacity building programmes/funding modalities for civil society/human rights organisations? Especially addressing issues of fragmentation and district level advocacy and monitoring capacities?
 - Could Sweden do more to support development of accountability mechanisms in the area of disability (e.g. law reforms, access to legal aid, capacitating of HR institutions such as the Agency for Persons with Disabilities and the Human Rights Commission, reporting on the CRPD, promoting the UN “Handbook for Parliamentarians”)? Monitoring tools can be downloaded [here](#).
 - Could Sweden do more to ensure accessibility to services in the basic health system for men, women, girls and boys with various disabilities, including mental health (e.g. indicators and monitoring mechanisms that help in determining to what extent interventions and services reach men, women, girls and boys with disabilities and targeted support to develop capacity of health staff and decision makers) and linking it to CSO initiated community based inclusive development programmes?
 - Could Sweden do more to include women with disabilities (e.g. via Zambia National Association of Disabled Women) in women networks, economic empowerment and in SRHR/GBV initiatives?
 - Could Sweden do more to ensure accessibility for persons with various disabilities to economic empowerment programmes such as micro-credits, loans, vocational/skills training, agricultural and rural livelihood programmes and literacy programs - particularly for women and youth with disabilities? Examples of tools can be found [here](#).
 - Could Sweden do more to seek strategic alliances and bring a disability perspective into joint donor planning meetings with bilateral and multilateral agencies, taking into consideration that article 32 of the CRPD requires donors to do so? What support would staff need to take such initiative?
 - Could Sweden do more to promote and support inclusion of disability aspects and indicators in the overall development agenda? Especially in promoting inclusion (with quality and retention) of children and youth with various disabilities in education and skills training programmes at all levels? Download a Guide to Disability in development [here](#).
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The human rights of persons with disabilities are a Swedish government priority since 2009. As a service to staff, briefs have been prepared to provide basic information about the situation of this (often forgotten) group and inspire discussions on what Sweden could do to better include disability rights in diplomacy and programming.