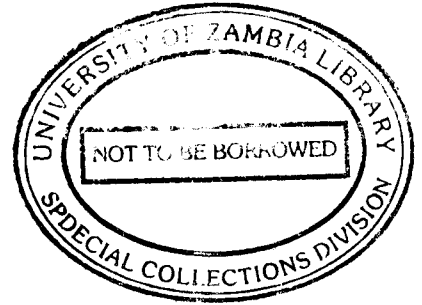


Obligatory Essay



On

THE WOMAN AS A VICTIM OF PATRIARCHY

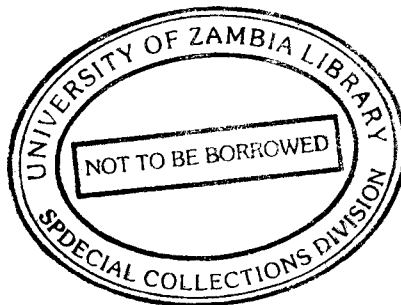
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THE UNIVERSITY OF ZAMBIA
SCHOOL OF LAW



I recommend that the Obligatory essay prepared under my supervision by
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Entitled: THE WOMAN AS A VICTIM OF PATRIARCHY.

Be accepted for examination. I have checked it carefully and I am satisfied that it
fulfills the requirements to format as laid down in the regulations governing
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PREFACE

Patriarchal Discrimination and other forms of Discrimination and related intolerance continue to threaten women's' enjoyment of their rights and fundamental freedoms. In situations of poverty, economy, education violence against women, power and decision making, Human Rights of women, and Health though Zambia has ratified the Convention on Elimination of all forms of Discrimination Against Women (CEDAW).

The goals of Universal Ratification have not been achieved and there continue to be a large number of reservations to the Conventions. Family, Civil, Penal, labour, and commercial Laws or coded and administrative rules and regulations still have not integrated a gender perspective. Legislative and Regulatory gaps as well as lack of implementation and enforcement of Legislation and Regulations perpetuate inequality and discrimination. All this is because of the Patriarchal society that we live in.

This paper will look at what is the origin of Patriarchy, the kinds of discrimination against women and what measures have been undertaken to end the discrimination as a result of patriarchy.

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DEDICATION

To my God, I owe my life to you despite the ups and downs of being unwell through out my studies you stood by my side and saw me through. Thank you very much for my life.

To my Mum and late Dad, for the unselfish Love and sacrifices no amount of money could ever buy. For understanding that I had to come to school and study at the time they needed me most. Thank you very much for believing in me.

CHAPTER ONE

1.0 INTRODUCTION

Was there ever a time when a time when civilization was non-patriarchal? However, this is far from proven although there are some indications that this may have been the case. Assuming there was, how did the transition from non-patriarchal to patriarchal culture take place?

The arguments that men are more aggressive and physically stronger than women naturally make men win the competition over women for a better place in the society. Yet, there is nothing that a man can do that a woman cannot do. Women are entering the military; they are entering traditionally male sports like soccer, wrestling even competing directly against males. It is assumed because men receive the cultural benefit of patriarchy more than women do, that men therefore must have designed and implemented patriarchy.

Presumably, women are "not the weaker sex" and that patriarchy is an inherent violent system, which stands in the way of peace and wholeness of humankind. In other words, "equity and justice among the sexes is the origin and destiny of the human species, but somewhere along the line there was a fall and expulsion from Garden of Eden"¹ this fall could have been perpetrated by one sex against the other, since one sex is not weaker than the other. There had to be some deception or illusion that entered human culture to cause the two sexes to collaborate in this failure of justice. Why would women collaborate in the oppression? We are at a point that suggests blaming the victim; an old ploy of oppression to justify men's privilege but this is not the only conclusion available.

¹ By Carl Magnuson *The World from Within: Triumph and failure of an evolutionary Adaptation* (2002)

"The origin of patriarchy may be a case of cultural crisis leading to the choice of a lesser evil in order to avert a crisis that could destroy the culture altogether"². The question of course, is what sort of crisis could possibly convince women to surrender their social position and embrace a patriarchal system that cruelly oppress them. The culture sees that all life peace, harmony, fertility, etc are emerging from the characteristic of feminists, which are celebrated in feminist anthropology, affection nature, intimacy, mothering empathy, and so on. While these characteristics are essential to human growth and life, by themselves they constitutes a cultural threat, the threat of differentiation. These feminine qualities tend to erase boundaries and differences. When differences begin to disappear, a crisis develops which develop into random violence. The random violence can destroy the community. The medicine against this crisis is the maintenance of difference through carefully managed and targeted sacrificial violence, with the feminine herself as the sacrificed victim. The feminine characteristic therefore has to be balanced with an artificially exaggerated masculine principle aggression and differentiation in order to avert the crisis, patriarchy becomes the means to survive³.

1.1 ROOTS OF OPPRESSION

We could therefore say, patriarchy refers exclusively to the Hebrews of the Old Testament⁴. Breaking it down, '**ARCHY**' means rule, and '**PATRI**' means father. The point is the word patriarchy in its manifestation at large in every society is defined as a world-wide religion that maintains a system were only men have most of the money and control most of there sources, which gives power over every body else. How then did patriarchy start?

² Ibid Page 1

³ By Gay and Lesbian Mormons Affirmation Chapters. HTML. Wwww affirmation. Org 1996-2004

⁴ Hebrews Chapter 12: verse 7-9

The myths surrounding a woman remain covered and unexamined. According to the Christian circles woman was made from man and not from woman. In Genesis Chapter 2 Verse 22, the Bible states that "and the rib which the Lord God had taken from man, made a woman and brought her to man." The Qu'ran does not state how the woman was created, but states, "as far as personal rights are concerned, the husband and the wife stand at par. In Chapter 4:35 supervisory authority on account of, the physical advantage they possess the financial responsibility that they carry for providing for the household.⁵ It further states that men are guardians over women because Allah has made some of them excel, and because men spend on them their wealth. So virtuous women are obedient and guard the secrets of their husbands with Allah's protection. This verse explains two reasons why man has been head of the family, (a) has superior mental and physical faculties and (b) his being the bread earner and maintainer of the family. It is therefore naturally fair that he, who earns and supplies the money for the maintenance of the family, should enjoy a supervisory status.

Already from the foregoing, we can see that God the creator of everything at first only had man in his mind; the creation of woman was a second thought after he saw that man was lonely. He created the woman to be a companion and a helper of the man. He said, "it is not good for the man to be alone, and I will make a helper suitable for him. Hence, the Lord caused the man to fall into deep sleep; and while he was sleeping, he took one of the man's ribs and closed up the place with flesh. Then the Lord God made a woman from the rib he had taken out of the man, and he brought her to the man".⁶ We can therefore see the reason why woman was created was because there was nothing else suitable among the animals that God had created to be Adam's helper, hence the creation of woman. Unfortunately, the serpent deceived the woman created from the rib of the man and she first ate the forbidden fruit. The fruit that the Lord

⁵ Chapter 279 Al-Baqarar

⁶ Genesis Chapter 2 Verse 18

said they must not eat and if they ate, they could die, the Lord said "you must not touch it, or you will die".⁷ Because of the disobedience of the woman, God punished the serpent and both man and woman. The Lord said to the woman "I will greatly multiply thy sorrow thou shall bring forth children and your desire shall be thy husband, and he shall rule over thee. The Lord God made it clear from the beginning **that man shall rule over woman**. This from the beginning brought the subordinate position to woman. We can therefore see that "Eve is the first Biblical paradigm of womanhood. She becomes the wife who acquiesces and the mother of patriarchy. As obedient wife, Eve plays a double role. She becomes a Victim of patriarchy in her own body and in the abrogation of her independence. She reinforces patriarchal social order because she clings to her husband and for this she suffers within the terms of the story. Patriarchy is the only social order that can protect her from chaos, nullity and void, these are conceptualized as a nightmare of turmoil and disorder"⁸

From the foregoing illustration, we find that this paradigm of subordination of a woman is extended culturally. We find that cultural abuse often focuses on sexuality and gender role-playing, which are transmitted and enforced first within the family and then with broader social milieu. Such enforcement often refers directly or indirectly to culturally paradigms rooted in the Biblical and theological models and imaginary. The invocations of family values are and appeal to obedience to patriarchal authority. They refer concurrently to the suppression of autonomy and sexuality. Hence, we can therefore see that patriarchy begins in a single home and spreads further to the society and much further to the whole world.

To elaborate further we shall look at the family set up. The Holy Bible tells us that, wives should submit to their husbands as they do to the Lord God. It

⁷ Genesis Chapter 3 Verse 6

⁸ By Sharon H Nelson. Controlling Metaphors, Myths, and Illusions.1999

further tells the men folk to be the head of the family as also Christ is the head of the Church.⁹ "There just as the church is subject to Christ, so let the wives be to their own husbands in everything"¹⁰. This was the letter by ST Paul to the Ephesians. As already stated in the foregoing, the woman is commanded to be under the power of her husband in everything. This meant putting women in their culturally perceived place, which the church proceeded to do. Hence, women according to the letter to Titus are to be keepers of the home and always obedient to their husbands, so that the word of the Lord God is not blasphemed.¹¹ Women are further commanded to learn in silence with all subjection.¹² A woman is not to usurp authority over a man. Because of what the Bible orders woman what to do and what not to do, we find that men have taken advantage of the situation. In actual sense, the writings in the bible were the beginning of the problem for the woman to be the victim of patriarchy. Hence man overlooked woman from the word go and did not give her the chance to be his partner in all issues except may be in sexual matters. However even in such matters, the woman is expected to submit, what I actually mean by submission here, is for the woman never to say no to her husband whenever he demands for sex, because if she did it would be insubordination.

The teaching of the Bible caused the woman's home to be the kitchen. You can imagine what this meant being in such a dull place all the time, just eating cooking etc all the time, it meant that the woman was always going to be dull because of lack of exposure and hence not able to contribute to matters outside the kitchen walls. This made the woman to be seriously lagging behind in all aspects of life such as in economic matters, education, politics, in decision making, just to mention a few. As already stated, and speaking from experience, this had a serious negative impact on the woman. It actually made her to start

⁹ Ephesians Chapter 5 Verse 22

¹⁰ Ephesians Chapter 5 Verse 25

¹¹ 1 Timothy Chapter 2 Verse 5

¹² 1 Timothy Chapter 2 Verse 11

believing that she was actually inferior, she was actually not capable to make decisions, her job was to listen, that she was not even capable of taking care of herself she needed a man to do this for her.

It is imperative not to think that the teachings in the Bible were deliberately misinterpreted by our 'men folk' just to have dominion over women, so that they could satisfy their selfish motives without anyone questioning them. It is perceived in our culture that a man is always right whilst the woman is always deceitful as per the first woman EVE, when in actual sense it is the opposite.

CHAPTER TWO

2.0 WOMEN'S STATUS

There has been some changes in attitude and position of women in society over the last few years, however we do not have to look too far to realize that inequality, discrimination and oppression continue to exist. "Biology has been used to both justify and explain women's oppression. Early scientific explanations, which portray women's inferior position as 'natural', focused on the size of women's brains or their physical weakness; today such arguments appear to be ridiculous"¹.

In which ways are women oppressed? To answer this question some aspects will be discussed under the following themes.

- Education and training
- Violence against women
- Women in power and decision making
- Women and the economy
- Human rights of women
- Women and health

2.1 EDUCATION AND TRAINING

In this area, women are facing gender imbalance. The differences may be attributed to the combined effects of:

- a) Parental negative attitude towards the education of female children
- b) The formal education system which tends to confine women's sphere of education to domestic and household levels, there by discouraging them from taking technical subjects; and
- c) Traditional public attitudes towards the education of women.

¹ BY Nga Pukapuka Beijing+5 – Women 2000 Gender Equity and Peace 2015

d) Persistent use of gender stereo types in educational materials

2.2 HISTORICAL BACKGROUND

The issue of gender disparity in education should be examined by taking into account historical, cultural and socio-economic differences between the sexes. "For example during colonial times, the role of education was to prepare girls to assume the role of wives in marriage. Education for girls was not for obtaining credentials or preparing them for skilled jobs. Those girls who went to school during the colonial period most of them found men to marry them."²

The adult (16 years and above) illiteracy rate among Zambian women for instance is higher than men. Similarly, female representation at all levels of education is lower in comparison with males. Education is an important resource on which personal status and power are built in modern society that values educational credentials. Through education women, can achieve economic independence, therefore women must be given equal opportunity in education to enhance their personal status.

2.3 DISPROPORTIONAL REPRESENTATION

Not only is the ratio of females at all levels of education lower than males, their progression rate is also lower. In other words, females drop out of school earlier than their male counterparts do. Despite the policy of positive discrimination in favor of girls and to encourage more girls in secondary schools by lowering the cut-off point in the grade 7 National Examination, there remains a highly disproportionate representation of males and females through secondary school, e.g. girls comprise only one-third of total secondary school enrolment. A higher number of girls drop out in general than boys³. Similarly, female representation

² By Raj Bardouille Research on Zambian women in retrospect and prospect 1992.

³ Gender in Development Division Cabinet Office, Lusaka Zambia, Zambia's Progress Report on the Implementation of Beijing Platform For Action, March 2004.

in technical colleges and national universities is marginal in any given academic year.

The implication of the lower representation of women in education and their virtual marginalization in technical and skilled areas may be seen in relation to their marginal involvement in wage employment in the modern sector, which requires the possession of skilled and a certain level of education as prerequisites for entry.⁴

2.4 OVERVIEW

In some countries for instance Zambia, efforts to eradicate illiteracy and strengthen literacy among women and girls are constrained by lack of resources, insufficient political will, persisting gender discrimination, gender based occupational stereotyping, lack of child care, persistent use of gender stereotypes in educational materials and insufficient attention paid to the link between women's enrolment in higher educational institutes and in some cases inadequate salaries and benefits, make retaining and attracting professionals difficult. Additional economic social and infrastructure barriers, as well as traditional discriminatory practices as earlier stated, have contributed to lower enrolment and retention rates for girls. In some countries the inappropriate design and application of structure adjustments policies like, the reaching of the Highly Indented Poor countries (HIPC), has had a particularly severe impact on the education sector since they resulted in declining investment in educational infrastructure⁵.

Despite the ratification in 1985 by Zambia of the United Nations Convention on Elimination of all forms of Discrimination Against Women, discriminatory aspects of the law against women still exist. The clauses in the Convention have not yet

⁴ Ibid Page 8

⁵ By Nga Pukapuka, Beijing +5 – Women 2000 Gender Equity, Development and Peace by 2015

been fully implemented. Women's rights and freedoms continue to be abrogated by administrative practices and prejudices. There is need to move beyond liberal legalization that is enactment of laws, to implementation of the provision of the Conversion.

2.5 ~~WOMEN AGAINST VIOLENCE~~ AGAINST WOMEN

Women are also victims of male violence this includes physical, mental and sexual violence. Male violence and male abuse of power are undeniable facts of our lives; women and children feel their effects.

2.6 SEXUAL AND MENTAL VIOLENCE

It may be instructive to start with **RAPE**. Male rape of women is actually one of the male violence against women and one of its most devastating forms. It involves total violation of a woman's body, mind and spirit, and when one listens to and take victims seriously, one will know that its effects are debilitating long after the act itself. **ROBIN WEST** argues

"Heterosexual penetration and fetal evasion are both harmful to women, as is unwanted fetus no less than unwanted penis which evades my body and can potentially destroy my sense of self. An unwanted pregnancy is disastrous, and motherhood is intrusive, the child intrudes, similarly while unwanted heterosexual intercourse is intrusive. The penis occupies the body and drugs the woman in intercourse no less than rape."⁶

It is almost horrifying rape is now our culture. "One in three females are sexually abused before age of fifteen⁷". In a survey taken around the town of Lusaka, out of 100 men and women of different ages, a quarter of the men and sixth of the women said that a man has the right to have sex with a woman without asking

⁶ Jurisprudence and Gender (1988) 55 University of Chicago Law Review 1.

⁷ By Mercy Siame, Nakatiwa Mulikita, Sara Longwe and Roy Clarke, Beyond Inequalities Women in Zambia 1999

as long as he has spent money on her. A majority of the girls and a near majority of the boys said that it is permissible for a man to force sex on a woman if the couple has dated for six months. Historically the cultural response to rape has been to ask questions like what was she wearing, where was she walking, what did she do to stop it? Battered and raped women are labeled as prostitutes, blaming the victim for the wrongs of the perpetrator and this way victim-blaming relieves us from asking more disturbing questions like, "who is doing this to women? And why? Most of the men who commit these offences seem normal to most of the people who know them. They could be good lecturers, good lawyers, good scientists, high profile business men but what they do behind closed doors is totally unacceptable, they just happen to be committing criminal offences every where. Male acquaintances, family member, co-worker, classmates, dates by friends and husbands commit seventy five to ninety percent of rape. "Man's discovery that his genitalia could serve as a weapon to generate fear must rank as one of the most important discoveries of prehistoric times, along with the use of fire, and the first crude stone axe",⁸.

The wholemark of the problem is that men are licensed as sexual predators. For instance, Zambia is primarily a patriarchal nation and most people are socialized to believe that women are inferior to men. Meaning that women should do everything possible to make men happy even if it is at the expense of their own happiness. Women are taught to respect and please a man from a very tender age as already stated in the fore going. This is further elaborated during pre-marital celebrations and initiation ceremonies; emphasis is on pleasing the man. The question is, is the man taught how to please his wife? The answer is no. If the woman does not please her husband, he can justifiably walk out and go to other women. In this way, a woman is educated to see herself primarily as a sex object, and an instrument of sexual pleasure. A study done among a sample of sexual active women in Lusaka and in peri-urban indicate 86 percent practiced

⁸ By Belenky Against our will: Men Women and Rape. wyld wombynz power wurdz Part1 (1996)

dry sex (using herbs to dry out vaginal fluid before sexual intercourse) to enhance the sexual pleasure of the man. This study also revealed that the practice is common even among educated women, sixty percent among workingwomen admitted to practicing dry sex. The traditional form of marriage is rooted in the principal of male control over the sexual relationship. As already stated, the husband has a right to demand sexual intercourse, and the wife's duty is to submit. Production and the rearing of children is the primary duty of a wife so much that under all varieties of customary law a wife may be divorced purely on the ground that the marriage is childless.

Within patriarchal sexual relationships, males may not accept the use of contraceptives, and are not likely to agree to their wives using condoms, or other forms of contraceptives this means it is very difficult, or impossible for a woman to protect herself from the risk of pregnancy or HIV infection. The other sexual oppression arises within the system of polygamy, which gives married men a high degree of sexual freedom. A man may always be legitimately on the look out for additional wife.

We could say that the tension between ancient and modern practices is illustrated by the recent history of Zambian government, which maintains customary law and patriarchal practice, while at the same time signing International Convention and Declarations on Women's Rights.

2.7 PHYSICAL VIOLENCE

Men they know and once trusted and loved most often victimize women, The answer that generally mean most to the men going through our questioning include the following; men batter women because they can get away with it. Most men know that no matter who starts the fight, they can generally

overpower a woman. Also the fact that men have been socialized to dominate and control women. Physical force (battering and rape) is the extremes to which men resort if necessary to maintain that control. When one says men batter because they can get away with it and it works, one is describing some of the workings of patriarchy (control over women).

2.8 OVERVIEW

Women continue to be victims of various forms of violence. Inadequate understanding of the root causes of all form of violence against women and girls hinder efforts to eliminate violence against them. There is lack of comprehensive programmes dealing with the perpetrators, including appropriate programmes, which would enable them to solve problems without violence. Inadequate data on violence further impedes informed policy-making and analysis. Social cultural attitudes, which are discriminatory and economic inequalities, reinforce women's subordinate place in society, which makes women and girls vulnerable to many forms of violence. In many countries for instance, Zambia the coordinated multidisciplinary approach to responding to violence, which includes the health system, as well as the justice system, is still limited. Domestic violence, including sexual violence in marriage, is still treated as a private matter. Insufficient awareness of the consequences of domestic violence, how to prevent it and the rights of victims still exists. The legal and legislative measures, especially in criminal justice area, to eliminate different forms of violence against women and children are weak in this country. For instance the offence of rape according to the penal code states " any person who commits the offence of rape is liable to imprisonment for life,⁹" "or any person who attempts to commit rape is guilty of a felony and is liable to imprisonment for life."¹⁰

⁹ Section 133 of the Penal Code Chapter 87 of the Laws of Zambia

¹⁰ Section 134 of the Penal Code of the Laws of Zambia

The issue is this kind of sentence is not mandatory; therefore, it depends on the adjudicator who handles the matter. If he or she feels can sentence the convict to only two years, its up to him, such a grave offence is supposed to have a mandatory life sentence so that the perpetrators are deterred from committing such offences.

A large part of the patriarchal system resides in the gender image of both men and women, high proportion of males believe it is a God given or biological given right to rule over females. Men commonly believe themselves to be cleverer, strong decisive and adventurous. In other words patriarchal male stereotypes are widely believed and have a high degree of (socially-constructed) reality in a patriarchal society. This gender self image is reinforced by

- (i) The media, with television and advertisements taking lead.
- (ii) Women also believe to a large extent that they are less capable than men and that men have a right to rule domestically.

2.10 POWER AND DECISION MAKING

Despite general acceptance of the need for gender balance in at all levels, a gap between de jure and de facto equality has persisted. The participation of women at the highest levels of national and international decision-making has not significantly changed since the time of the fourth world conference on women in Beijing in 1995. Gross under representation of women in decision making bodies in all areas including politics, conflict prevention and resolution mechanisms, the economy, the environment and the media, hinders the inclusion of a gender perspective in these critical spheres of influence. Women continue to be under represented at the legislature, ministerial as well as at the highest levels of corporate sector and other economic and social institutions. As already stated, traditionally assigned gender roles limit and compel women to assume the burden for household responsibilities. The traditional belief is that public affairs

politics are for men, rooted in the principle that a man is the master of the home, and that women are concerned with childcare, domestic maintenance and subsistence food production. "It is this constant dawn-to-dusk labor of women that leaves them little time to engage themselves in power decision-making"¹¹.

Initiatives and programs aimed at increasing women participation in decision making are hindered by lack of resources, gender sensitive attitudes, lack of awareness of women to engage in decision making, lack of accountability of elected officials and political parties for promoting gender equality; lack of social awareness of the importance of balanced participation of women and men in decision making. For instance, the electoral system Zambia adheres to does not provide for promotion of women to participate in the legislature or ministerial levels. Zambia adheres to the **FIRST PAST POST (FPP)** electoral system. This system does not promote gender and woman's participation in political Matters. Most of the time only a quarter of women are adopted to stand in various political parties. To promote gender equality in such matters Zambia could adopt the electoral system like the one used in South Africa, **PROPORTIONAL OF REPRESENTATION** is the electoral system used. This system allows the party to give positions to women in parliament and ministerial positions. Unwillingness on the part of men to share power, and insufficient dialogue and cooperation with women's NGO's is one of the causes of such problems.

2.11 OVERVIEW

Despite that the Zambian women fought side by side with men in the struggle for political independence, women's participation in politics in terms of their representation in parliament is negligible.¹² "For instance, out of 135 members of parliament in 1990 only seven or (5%) were females. Similarly less than 5% of

¹¹ Ibid Page 11

¹² Zambia National Women's' Lobby Research Paper on Political Parties. Adoption Systems in relation to the Adoption of, Women May 2003.

women held managerial positions in 1990¹³. Therefore, women must sensitize men and women the need for greater representation of women in the electoral process as well as their participation and experience in political decision-making bodies. In pluralist Zambia, there should be more opportunities and encouragement for women's political participation.

2.12 WOMEN AND THE ECONOMY

Gender analysis of formal sector employment reviews wide disparities between men and women. Up to the 1985, there was a rapid increase in male employment in mining manufacturing, construction transport and utilities. Women were relegated to lower levels of the expanding public sector and service industry such as sales related positions. As a way of revitalizing the economy in the mid 1980's, the government instituted **STRUCTURAL ADJUSTMENT PROGRAMME (SAP)** whose measures included a freeze in public sector. Female wage-earnings were also seriously affected even though they were already affected in low-wages, low skill jobs. Many women lost employment or were downgraded to less secure and lower paying positions. The layoffs resulted in a rapid decline for workers. Women in the informal sector tend to be concentrated in food, textile beer and street vending activities, which require less capital and yield lower incomes. This is due almost entirely to women's inability to raise adequate capital and productive resources due to restrictions to commercial credit. Women have less access to means of production in land, credit and education.

The slow rate of increase in the numbers of women establishing new business is due to continuing discrimination in access to credit. Commercial Banks and most other Banks demand collateral against a loan, which involves de-facto discrimination against women since women do not usually own land or property.

¹³ Ibid Page 15

Why do we say so? About 90% of land is under the customary regime controlled by traditional chiefs. The chiefs follow patriarchal principles, so that women virtually have no direct access to land¹⁴.

The law states that the Head of State has the administrative right to alienate land vested in him to any Zambian or Non-Zambian through the ministry of lands. However, the same law says the president cannot alienate customary land without considering local law and tenure. The head of state must also consult the chief and local authority in which the land is situated. In our culture the custom is that when the Head of the house dies, the person who inherits the land is the firstborn child and not the wife or daughters. As we all know, owning land is the beginning of owning wealth.

In agriculture, the situation has remained static for the last decade. Women remain a slight majority amongst the agricultural labour force. What does this mean? This means women are the majority subsistence farmers or used as laborers by the men folk. The issue is the men will take all the money after the produce is sold and only give their women almost nothing as compared to what they keep. This is very bad. I remember in my village women alone would go to the fields whilst the men did other things but at the end of everything the men would buy them chitenges or just a dress each and they would accept without complaining.

“Men predominate in the higher paid job categories and women predominate among the unemployed. “It is estimated that more than 90% of wages and salaries are paid to men. These gender gaps in formal employment are no accident, but are the result of discrimination. A large part of which originates in the home, where the gender division of labour gives many women fulltime work

¹⁴ By Mercy Siame, Nakatiwa Mulikita, Sara Longwe, Roy Clarke. Beyond Inequalities Women in Zambia 1999

from early morning to late night with child-bearing, child-rearing, looking after the home and subsistence food production undoubtedly much of the reason for the predominance of males in wage employment, especially at the higher levels¹⁵. Despite the fact that gender discrimination is illegal under the Constitution¹⁶.

Even where both husband and wife are in employment, husbands retain complete control over the wages earned, and only give to his wife at his own discretion. In the same vein, the couple is likely to keep their moneys separately rather than put in a domestic pool. In this arrangement, the woman becomes solely, or mainly responsible for domestic expenses while man keeps his earnings for personal expenses such as beer and entertainment. Males will usually control the domestic income.

The importance of a gender perspective in the development of macro-economic policy is still not widely recognized. Many women still work in rural areas in the informal economy and in the service sector with low levels of income and little job and social security. The gender wage gaps continue in the formal sector. Gender discrimination in hiring and promotion of sexual harassment in the workplace persist. In some countries women's full and equal rights to own land and other property is not yet recognized in legislation. Progression in professions in most cases is still more difficult for women due to lack of structures that take family responsibilities on account that effective implementation of legislation and practical support system is still inadequate. Women still perform the larger part of unremunerated work.

2.13 WOMEN AND HUMAN RIGHTS

¹⁵ Ibid Page17

¹⁶ Article 23 (3) of the Constitution of Zambia, cap 1 of the Laws of Zambia.

An important step to protect the rights of women was taken when Zambia ratified the ***UNITED NATIONS CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)*** IN **1995**. Though Zambia has ratified several international and regional instruments regarding the status of women, appropriate steps have to be taken to make the provision part of Zambian law so that women in the Zambian courts can use them.

2.14 AFFIRMATION

The law is often discriminatory in its rights and application, even when it is not discriminatory in fact. The law reforms are limited in that they stop short of introducing any provision for affirmative action to ensure equal treatment for women. The main problem, which underlies the discriminatory application of the law, is that unwritten customary law remains in effect. Zambia's dual system of law provides the main legal basis for perpetuating and legitimately gender discrimination, which is allowed in customary law within the Local Courts Act¹⁷. The constitution purports to protect citizens from discrimination on grounds of sex and marital status. However the constitution includes a clause, which exempts all forms of discrimination arising from customary family and personal law. This means it exempts from its purview all those areas where discrimination is most practiced, and which provides the ideological foundation for the larger pattern of social discrimination. In this regard, the constitution serves to legalize discrimination in wide areas of administrative and social practice by allowing the local courts to preside over such matters.

2.15 INSTUTIONALISATION OF DISCRIMINATION

This discrimination entails an internal legal contradiction within the constitution itself. The constitution provides protection from discrimination on grounds of

¹⁷ Section 12 (2) of the Local Courts Act Cap 27 of the Laws of Zambia

gender¹⁸. This is contracted by the same constitution, which permits on grounds of gender in passport, marriage and customary law. Customary law is unwritten and varies between one tribe and another but the one common factor is the legalized discrimination against women, customary law is patriarchal law, which subjects females to adhere to the decisions of men. Under customary law as already stated in the foregoing land is normally allocated to men with women regarded as legal minors, under the custody of husbands, or else fathers, uncles or brothers. This flows from the customary concept of a wife as a minor and that her husband has to discipline her which includes battering her if he thinks that that is the correct punishment, which means it is not considered as an offence, unless it goes too far such that it becomes life threatening. It is because of the pervasiveness of this belief in the police and courts of law that it is difficult for a woman to obtain legal action taken against a violent husband. In customary marriage law, consent between parties does not include the consent of the bride to be. Moreover the bride is either sold for a bride price (lobola) or given away for a token, thereby signifying the status of a wife as her husband's property. Bride price or token effectively removes the right of a woman to walk out of a marriage, since she or her relations are likely to have to repay the monies to dissolve the marriage.

In the case of marriages, customary law allows polygamy. A man may take as many wives as he wishes; where as a woman will only have one husband. In reality, a husband is entitled to have girlfriend on the basis that these are prospective wives, so it is not considered adultery. By definition adultery is primarily a female offence. This approval of male philandering is the main reason for the rapid spread of HIV/AIDS in Zambia. Where children are not produced, the relations of the wife may provide the husband with an additional wife. Where a husband dies a brother of the deceased may inherit the widow as if she was a piece of property.

¹⁸Article 23 of the Constitution of Zambia

These discriminatory aspects of customary law perpetuate and legitimize the traditional pattern of patriarchal gender relations in Zambia. The struggle for women's rights takes place in the tensions between modern statutory law and International Conventions on one hand, and customary law on the other. For instance, the custom of paying a bride price to the woman's relatives is one retrogressive factor, it makes women lose their freedom from their husbands, as they become just like bought property. Given the dual system of law, women are caught in this awkward dictum. Similarly there are tensions between women's rights in modern urban society, and patriarchal control in a traditional rural society. There are no clear cultural lines between modern and traditional practices; rather the values and beliefs of the latter permeate the former. This tension brings about contradiction between statutory law and administrative practices. For instance, the passport office requires a mother, who applies to add her children's names on her passport to get the written permission from the father although fathers require no such permission from the mother. This requirement is legitimized on the application forms. Similarly, a married woman who applies for a passport the passport office requires having the signed permission of her husband so that she could be given a passport. This is symptomatic of gender discrimination against married woman in Zambia.

- ✘ Even though Zambia has ratified the **CEDAW**, the goal of ratification has not been achieved and there continue to be a large number of reservations to the convention. Family, penal civil customarily gaps as well as lack of implementation and enforcement of legislation and regulation, perpetuate inequality and discriminations against women have been introduced. In Zambia, many women do not have sufficient access to the law because of lack of legal literacy, lack of information and resources, insensitive and gender bias and lack of awareness of the human rights of woman by law enforcement officials and the judiciary. There is insufficient recognition of women and girls' reproductive rights. Some women

continue to encounter barriers to justice and the enjoyment of their human rights because such factors as their tribe, culture, religion, and socio-economic class¹⁹.

2.16 WOMEN AND HEALTH

Health is a human right, which should be accessible and affordable to everyone, in Zambia this is not the case. Several factors including ill equipped health centers poor quality service, inadequate trained staff, this is actually becoming worse day by day. User fees place health services out of the reach of many women. Over the past decade, the health status of women and children has deteriorated despite Zambia's adoption of global goals for health improvements, and the efforts of the United Nations Agencies, especially the World Health Organization and Unicef²⁰.

2.17 REASONS FOR HEALTH STATUS OF WOMEN

2.18 POVERTY

This is so because young women resort to prostitution as a means of survival just because they have no other means of earning their living. They actually sacrifice their bodies and in the end earn their deaths. Further, some women stay in their marriages even if when they know very well that their husband's behavior is a health hazard, because they have no other means of survival.

2.19 SUBORDINATE POSITION

It is difficult for women to insist on using condoms in order to protect themselves from sexual transmitted infections and HIV/AIDS even when they know the sexual partner has been promiscuous. Also for instance in this country there is much emphasis by traditional marriage councilors on giving sexual pleasure.

¹⁹ By Mercy Siame Nakatiwa Mulikita, Sara Longwe, Roy Clarke. Beyond Inequalities Women in Zambia 1999.

²⁰ Zambia's Progress Report on the Implementation of Beijing Platform for Action, 2004. Zambia in Development Division Cabinet Office Lusaka Zambia, March 2004.

Before marriage, girls are told never to say no when a husband demands for sex, they are taught that it is a taboo to say no to the husband when he asks for sex. Even in a situation where a wife knows that she is at a risk of contracting HIV/AIDS from her spouse, it is unlikely she could persuade him to use a protective sheath; on the other hand, she simply cannot refuse unprotected sex. In this manner, HIV/AIDS sends many faithful wives to their graves.

In this country with respect to maternal mortality and morbidity rates as well as with respect to measures addressing the health of women and girls given their special vulnerability regarding sexually transmitted infections, together with endemic infections and communicable diseases such as malaria, tuberculosis, diarrhea, water borne diseases and chronic non transmissible diseases remain unacceptable²¹.

The absence of holistic approach to health and health care for women and girls based on women's rights to the enjoyment of the highest attainable standard of physical and mental health through out the life cycle has constrained progress. As already stated in the foregoing, poverty and lack of development continue to affect the capacity of many developing countries to provide and expand quality healthy care.

2.20 STRUCTURAL ADJUSTMENT PROGRAMME (SAP)

Very often women can not afford to pay for the clinical fees because cash is mostly earned and controlled by men, this is more so because of the **SAP** which introduced fees in hospitals and health centers. This has also brought about shortage in human resource due to a large number of health staff migrating to neighboring countries or overseas. The Privatisation of health care system in some cases has resulted in poor quality, reduced and insufficient health care services and leads to less attention to the most vulnerable groups of women.

²¹ By Mercy Siame, Nakatiwa Mulikita, Sara Longwe, Roy Clarke. Beyond Inequalities, Women in Zambia. 1999.

CHAPTER THREE

3.0 MEASURES THAT HAVE BEEN TAKEN TO REDUCE GENDER IMBALANCE

3.1 WOMEN AND POVERTY

Considerable progress has been achieved in increasing the recognition of gender dimensions of poverty and in recognition that gender equality is one factor of specific importance for eradicating poverty, particularly in relation to the feminisation of poverty. Efforts have been made to integrate a gender perspective into poverty eradication policies and programmes by governments, non-governmental organisations, and multilateral, international, and regional financial institutions¹.

Pursuing a two-way approach of promoting employment has made progress and income-generating activities for women have emerged as a successful strategy for economic empowerment.

3.2 MEASURES BEING UNDERTAKEN

The government has put in place specific measures to eliminate the gender imbalance that place a heavier burden of poverty on women at household, community and national levels. In addition, governments, in collaboration with civil society co-operating partners has continued to pursue the objectives of enhancing access to and control opportunities in economic structures and

¹By Nga Pukapuka Beijing+5 – 2000 Gender Equity, Development and Peace for the 2015

means of production; enhancing women's participation in employment and income generating activities and participation in decision making².

3.3 THE MEASURES AND STRATEGIES INCLUDE THE FOLLOWING

- Formulation of the poverty reduction strategy paper (PRSP) and the transitional national development plan (TNDP) which provide a framework for poverty reduction programming and expenditure priorities.
- Instructions to all government ministries to make a provision for poverty alleviation and gender equality through the Medium term Expenditure Framework, poverty reduction Strategy Paper/Transitional National Development Plan and the Budget Call Circular since 1999. Implementation of the Women's Entrepreneurship Development Corporation Ireland. Under the auspices of a project entitled "JOBS", Gender and small enterprises in Africa; the objective of the programme is to contribute to the social and economic empowerment of women;
- Carrying out capacity activities on engendering the budget for all line ministries. In this regard, a draft framework has been developed that will facilitate the collection, collation and analysis data.
- Implementation of the social support programmes such as the public welfare.
- Provision of support to peri-urban self-help (PUSH) programme. The programme is aimed at alleviating poverty in both urban and rural districts. The programme targets female-headed households, terminally ill breadwinners and child headed households. In 2002 the programme received a total of K400 000 000=00 from the poverty reduction programmes allocation in the national budget.
- Implementation of the food security pack through Programme Against malnutrition (**PAM**) the programme is aimed at improving agricultural

² By Mercy Siame, Nakatiwa Mulikita, Sara Longwe, Roy Clarke. Beyond Inequalities Women in Zambia 1999

productivity and household food security among the targeted vulnerable but viable farmers especially women.

Addressing the legal and administrative barriers to women's ownership and access to property. Some time back the law discriminated against women owning property. The law has since changed and it now allows women to own property.³

Secondly the interstate and succession Act has been tailored in such a way that the widowed woman will not remain impoverished after the death of her husband, at least 20% of the property will go to the widow⁴. In this regard the woman will be able to soldier on even when the husband is no more. It is imperative to state that one of the most common thing that brings about poverty is the woman being widowed and hence poverty grabbing by the man's relatives. The law has since handled this though not 100% successful but at least, we can relax and say if we face such kinds of problems we can go to the courts of law and the courts of law will address such problems. In this regard we can acknowledge that in some instances customarily law is adhered to except where there is a conflict between customary law and the statute, where there is inconsistency with the written law the statute prevails⁵. Further the constitution protects against discrimination against sex etc⁶. Hence affording women equal opportunities with their male counter parts in being employed. Women as already stated could now own land as much as they want, infact the Minister of Lands recently was calling for women to apply for land so that they can be empowered. Customarily the land belonged to the man and even inheritance of land was only for men.

³ Article 16(2) of the Constitution CAP 1 of the Laws of Zambia.

⁴ Section 34 of the Intestate Succession Act Cap 59

⁵ Section 12 (1) of the Local Court Act Cap 29

⁶ Section 23 (6) of the Constitution of Zambia Cap 1 of the Laws of Zambia

3.4 EDUCATION AND TRAINING

There is an increased awareness that education is one of the most valuable means of achieving gender equality and the empowerment of women. Progress has been achieved in women and girls' education and training at all levels especially where there was sufficient political commitment and resource allocation.

Alternative education and training systems are used to reach women and girls in indigenous communities and other disadvantaged and marginalized groups. For instance we have NGOs like **FAWEZA** trying to promote and improve the girls education. Zambia remains committed to attaining equity and equality through the provision of free basic education to all eligible school aged y a in any given society population. This is borne from the realisation that the provision of education is one of the strategic means of achieving gender equality and equity in any given society hence the ending of patriarchy. The government of the Republic of Zambia also reiterates its commitment to ensuring that by the year 2015 children boys and girls will be able to complete a full course of primary schooling as contained in the **MILLENNIUM DECLARATION AND MILLENNIUM DEVELOPMENT GOALS (M.D.G)**⁷. In this regard government has put up in place a number of policies and programmes aimed at improving access to education and the quality of services in the education sector. This includes the implementation of the education policy that provides for the provision of free primary education (**grades 1-7**). Programmes such as Basic Education Sub Sector Investment Programme (**BESSIP**), programmes for the advancement of girl child Education (**PAGE**) have continued to be implemented as part of the measures to ensure equity and sustainable development⁸.

⁷ Gender in Development Division, Cabinet Office Lusaka Zambia. Zambia's Progress Report on the Implementation of the Beijing Platform for Action 2004.

⁸ Ibid page 28

In order to address the gender imbalances as well as improving equity and access in the education sector, the government and other stake holders, including Non Governmental Organisations have been carrying out the following measures and strategies;

- “Restructuring of the Zambian Education in conformity with the public service reform programme (**PSRP**). In this regard the ministry has developed a strategic plan whose goals among others are aimed at such as;
- Introduced reforms aimed at addressing disparities between girls and boys in relation to access, enrolment, progression, retention and completion rates are being implemented.
- The **PAGE** has changed parents and community perceptions about values of educating girls in comparison/preference to boys, by putting in place the Ministry of Education Strategic Sector plan (2003-2007) which aims at addressing issues of accessing education by all school age going children, particularly girls and the general vulnerable groups. This plan includes a specific sub-programme/component on equity and gender within the planning and information directorate of the ministry”⁹.

Through this sub programme, the sector will reinforce free primary education policy through the public media information campaigns and increase number of girls at upper basic and high schools levels, especially through the re-entry policy bursary schemes and advocacy strategies. The strategic sector plan is a successor to Basic Education sub sector Investment Programme (**BESSIP**).

- Introduction of the pregnancy re-admission policy, which allows girls who fall pregnant to be re-admitted after child delivery.

⁹ Gender in Development Division Cabinet Office, Zambia’s Progress Report on the Implementation of the Beijing Platform for Action 2004

- Implementation of the equity and gender sub- programme is continuation of initiatives aimed at increasing participation by going in basic and high school education. Under this programme, for implementing initiatives which include systematic and targeted sensitisation of traditional leaders, communities and parents on the importance of education specially of girl children.
- Mentoring of girls by senior female managers through the Student Alliance for Female Educationalists (**SAFE**) clubs. This is to help the girls with their career paths. Further it has been noted that many organisations are trying to meet the gender balance by making it a deliberate policy to train as many females as males. For instance the Judiciary in 1996 admitted 30 candidates to be trained as lay Magistrates, out of the 30 only two were females. However, it is encouraging to note that in 2004 again they admitted about 30 candidates to be trained as lay magistrates and now out of these 15 were females. One realises that even in tertiary education institutions are not left behind in this progression¹⁰.

3.5 WOMEN IN POWER AND DECISION MAKING

In this regard there has been growing acceptance of the importance to society of the full participation of women in decision making and power at all levels and in all forms. Women have also attained higher positions in these spheres, an affirmative and positive action policies and measures to reconcile family and work relationships. Natural mechanism for the advancement of women as well as national and international women politicians, parliamentarians' activists and professionals in various fields have been established or upgraded and strengthened. Government is committed to the implementation of the principle of affirmative action in order to improve women's participation in decision-making positions. This results from the

recognition that equitable participation of women and men in decision-making is key to the fulfilment of a gender responsive development process¹¹. In this regard as already stated in the foregoing Zambia is part to **THE UNITED NATIONS CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION against WOMEN (CEDAW)**, which calls for non discrimination of women in social, economic and political spheres. Furthermore Zambia is also a signatory to **SADC GENDER DECLARATION ON GENDER AND DEVELOPMENT OF 1997** which demands 30% representation of women in decision-making positions at all levels¹².

As already stated in the foregoing, in order to enable the participation of women in power and decision-making government, NGO and other stakeholders have undertaken the following measures.

- “Adoption of the strategic plan of action for National Gender Policy in January 2004 which emphasises the need to promote equitable gender representation at all levels of decision making especially through affirmative action.
- Formulation of electoral reforms technical committee, to review the Electoral Act with a view of putting in place a more robust electoral system. The process is open to the public and efforts are being made to ensure that the Act incorporates the various provisions of the **CEDAW** and **SADC** Declaration of Gender and Development of 1997 to ensure 30 percent representation of women in politics¹³.

3.6 MEASURES BEING UNDERTAKEN

¹⁰ Ibid Page 28

¹¹ By Mabila, Women’s Political Participation Circumstances that Prohibit Participation, 2004.

¹² Zambia National Women’s Lobby Research Paper on Political Parties Adoption system in relation to Adoption of Women, May – October 2003.

¹³ by Zambia National Women’s Lobby, Research Paper on political Parties Adoption system in relation to Adoption of Women, May-October 2003

- Creation of the Committee on Legal Affairs, Governance of Human Rights and gender. The committee subjects the activities of government administration to detailed scrutiny to ensure that gender issues are given priority and prominence.
- Establishment of special bursary scheme at the university of Zambia to ensure that more women access tertiary education to enhance their chances of holding decision-making positions.
- Sensitisation programmes by civil society targeting women politicians and political parties to ensure increased women's participation in decision making.
- Intestification of capacity building and awareness creation activities on the importance in power and decision making through among other programmes the movement 2000 conceptualisation and developed by NGOs.
- Enhancing partnership among public NGOs and the Private Sector as well as concerned individuals to address gender inequality in politics and decision-making positions.¹⁴

3.7 VIOLENCE AGAINST WOMEN

The government has committed itself to ensuring that both women and men enjoy a productive life which is violent free and where the rights of both sexes are respected in accordance with the provisions of the Republican constitution and relevant instruments on human rights. Zambia has participated and is apart to a number of international and regional instruments that outlaw violence against women and these are;

(I) The United Nations universal Declaration on Human Rights

(II) The Convention on the Elimination of all forms of discrimination against women (**CEDAW**)

¹⁴ Gender in Development Division Cabinet Office, Zambia's Progress Report on the Implementation of the Beijing Platform for Action 2004

- (III) The African Charter on Peoples and Human Rights
- (IV) The SADC Declaration on Gender and Development (1997) and its addendum on the Prevention and Eradication of Violence Against Women and Children (1998).

3.8 MEASURES BEING UNDERTAKEN

In order to address the issues to violence against women and children, government and civil society is undertaking or has put in place the following measures.

- The establishment of the Sex Crimes Unit in the Zambia Police Service to deal specifically with cases of sexual violence. The establishment of the **Sex Crime Unit** is intended to supplement the efforts of the victim support unit (**VSU**), which was created in 1994. Cases dealt with by the **VSU** include property grabbing (which amounts to theft), spouse battering and sexual abuse.
- Introduction of the Drop in Centre and Shelters for battered women, and abused children and counselling services to victims and perpetrators of violence by various NGOs.
- Review of Republican Constitution, which provides a unique opportunity for issues of gender to be mainstreamed into the primary law of the land.
- Adoption of the national Gender Policy (NGP) by the government and the strategic plan of action in 2000 and 2004 respectively.
- The initiation of a process of strengthening laws, enforcement mechanisms by government which is intended to lead towards putting up a place in integrated approach on combating gender based violence through an institution frame work comprising of all stake holders, the community, Districts, Provincial and National levels.
- An enquiry into codification of customary laws, which will eventually be harmonised with statutory laws so that the application of two sets of

laws is not contradictory. The initiative will address gender issues of gender-based violence at customary law.

3.9 WOMEN AND HEALTH

The vision of government is to improve the delivery of health services through the principles of sustainable leadership accountability and partnership. To do so the government aims at ensuring equality in health opportunities through the promotion of the integrated supervision approach to basic health services. The health sector in Zambia is guided by the health reforms, which were initiated as a result of the general deterioration of infrastructure, limited access to health services, inadequate logistical support and general law and declining quality of life.

After the **INTERNATIONAL CONFERENCE ON POPULATION DEVELOPMENT (ICPD) IN 1994** and the **FOURTH WORLD CONFERENCE ON WOMEN (FWCW) HELD IN 1995**, the government put in place a number of policy measures in health sector to ensure the improvements of the life chances of women and girls through out the life cycle.

3.10 MEASURES BEING UNDERTAKEN

In order to ensure that the different situation and requirements of men and women are catered for both in service deliveries and human resources management. The government in collaboration with NGOs cooperating parties and other stakeholders are implementing the following measures.

- Development of an action plan by the ministry

Of health whose objective is to develop guidelines and tools for mainstreaming gender issues in planning capacity building and delivery of basic Health care package (BHCP)

- Mainstreaming of gender concerns in the health strategic plan (2001-2005) and inclusion of a specific chapter on gender and Health which

is regarded as one of the major areas of focus and thrust during the coming years implementing systematic system of gender balancing in the composition of Health Boards and staffing of management teams to ensure that women specific concerns are contained in the action plans of District Health Boards.

- “To increase male participation in family health
- Promotion of women’s health in order to reduce illness and mortality related to child bearing. It is the intention of government to achieve this objective through improved nutritional status of pregnant and breast-feeding woman.
- Prioritising areas of safe motherhood in Zambia which include antenatal family planning serving essential and safe deliveries, integrated post-natal and family planning services, essential obstetric care and management of complications of abortions.
- Introduction of training in counselling and interpersonal communication including analysis of service providers attitudes to aid in development of appropriate materials and intervention
- Development of the national AIDS/STI TB and leprosy programme strategic plan whose goals are the reduction of HIV/AIDS transmission, a reduction of socio economic impact of HIV/AID and mobilising local and external resources.
- Strengthening and consolidation of AID prevention activities in the context of health reforms have been put in place. In addition AIDS prevention activities in context of health reforms have been put in place in addition AIDS Focal Points have been appointed in all ministries whose responsibilities is to educate the general public on the implication of AIDS and advocate for behavioural change.
- Initiative to review traditional practices and initiation ceremonies have already begun. The government in collaboration with ‘traditional

initiators' have already started working out strategies to review the initiation curriculum to ensure that issues of HIV/AIDS and STDs are incorporated. "Traditional initiators" and other stakeholder are in the process of producing general guidelines on what should be taught during initiation ceremonies for both girls and boys"¹⁵.

3.11 WOMEN AND HUMAN RIGHTS OF WOMEN

Legal reforms have been undertaken to prohibit all forms of discrimination and discriminatory provisions have been eliminated in civil penal and personal statutes law governing marriage and family relations, all forms of violence, women's political work and employment rights, steps have been taken to realise women's enjoyment of their human rights through the creation of an enabling environment, including the adoption of policy literacy and awareness campaigns at all levels. Women's NGOs have also.

It is interesting to note that Zambian women have come up with NGOs to spearhead the participation of women in power and decision making positions. For instance **WOMEN'S LOBBY GROUP** have organised seminars, workshops of women from different political parties. Further Zambia ratified the **CONVENTION ON ELIMINATION OF ALL FORM OF DISCRIMINATION AGAINST WOMEN (CEDAW)**. As already stated in the foregoing the constitution provides for the protection of women against any forms of discrimination¹⁶

¹⁵ Gender in Development Division Cabinet Office Zambia's Progress Report on the Implementation of Beijing Platform for Action 2004

¹⁶ Article 23 (6) of the Constitution of Zambia Cap 1 of the Laws of Zambia.

CHAPTER FOUR

4.0 FUTURE OUTLOOK

4.1 WOMEN AND POVERTY

In order to accelerate the implementation of the national poverty reduction measures, Government and other stakeholders shall undertake the following measures:

- In depth gender analysis monitoring and evaluating of poverty reduction alleviation programmes
- Develop instrument for main streaming gender in all programmes.
- Sensitise women and men particularly traditionalists, politicians and planners on the economic benefits of women owning commercial, industrial and agricultural land
- Intensify efforts at empowering women with knowledge on their rights and opportunities, skills as well as sensitise society on practices that negate the advancement of women.
- Intensify efforts to facilitate equitable access by girls and boys to education
- Design a comprehensive and synchronised training programme to women's skill in income generating activities and entrepreneurship
- Strengthen and broaden partnership and commitment for enhanced poverty alleviation measures acceptable
- Accelerate the development of measures at aimed at strengthening and enhancing the co-ordination of poverty reduction/ alleviation programmes
- Streamline, simplify and decentralise procedures for obtaining credit and enhance efforts to create awareness among women on the existence of poverty reduction programmes.¹

¹ Gender in Development Division Cabinet Office Lusaka Zambia Progress Report on the Implementation of the Beijing Platform for Action 2004.

4.2 WOMEN EDUCATION AND TRAINING

4.3 FUTURE OUTLOOK

In order to address the constraints identified and ensure increased retention and progression especially among girls in the educational system the following initiatives should be undertaken and continued through political and other support;

- Increased resource allocation through the sector strategic plan.
- Strengthening Teacher education programmes to address the high teacher HIV/AIDS related illness increased rehabilitation and expansion of existing schools construction of new schools /and colleges of education to address inadequate classroom space and attract more girls and women into these institutions. For instance **ZAMBIA INSTITUTE OF ADVANCED LEGAL EDUCATION** is not adequate enough to attract more students especially ladies. There is need to expand such institutions so that we have more qualified legal counsels in the country. After all knowledge of the law is an eye opener to almost every thing that surround us.
- Increased recognition of the role of the girl child and women in the education sector and national development
- Increased support for more affirmative action programmes to contribute to increased support for more affirmative action programmes to contribute to the increase in enrolment and retention rates of girls and women. Various initiatives to increase girls enrolment and retention need better coordination process and identification of best practises and designing good advocacy programmes especially among traditional and community leaders.
- Criminalizing the act of early marriage and forced marriages of girls to ensure that parents and legal guardians do not withdraw girl's children from school. For instance coming up with a section in the penal code under cases against morality stating, "***any person who marries or***

allows to marry any girl below the age of 18 yrs is guilty of a felony and is liable to imprisonment for not less than 10 years."

This kind of legislation will deter many people from marrying or allowing young girls to get married.

- Codifying the right to education to the extent that, "***any parent or guardian who does not enrol her child into any school at the age of 7 years is guilty of a felony and is liable to imprisonment not less than 5 years"***.
- Building more schools in able to cutter for all the school going age children.

4.4 WOMEN AND HEALTH

4.5 FUTURE OUT LOOK

In order to ensure equitable access to health and improved health provision, the following measures need to be undertaken.

- Conduct a gender impact assessment of all health programmes
- Mainstream into the health policy, plans programmes.
- Induce gender capacity building mechanisms in health sector.
- There is need to come up with a law that makes it mandatory for women to have free medical care especially for problems related to obstetrics and gynaecology in government hospitals and clinics because these are the main causes of deaths among women².

² By Women's Lobby group, Research Report on Political Parties Adoption System in Relation to Adoption of Women, 2003.

4.6 WOMEN AND DECISION MAKING

4.7 FUTURE OUTLOOK

To further enhance the participation of women in power and decision-making the following action and initiatives should be undertaken by government and stakeholders

- To incorporate gender concerns in the republican constitution to ensure that all forms of discrimination against women are eradicated.
- Engender the electoral process to ensure that the provision contained in the SADC Declaration on Gender and Development and the CEDAW and other international instrument on gender are systematically incorporated to enhance women's participation in politics. For instance introduce the electoral system that encourage women to own positions in parliament for instance the electoral system used in South Africa, **THE PROPORTIONAL OF REPRESENTATION.**
- Put in place affirmative action measure to increase women's participation in high levels of decision-making positions.
- Adopt domesticate all convention and international instruments that Zambia is a party to Gender National law especially the ***BEIJING 1995 convention.***

4.8 WOMEN AND VIOLENCE

4.9 FUTURE OUTLOOK

As matter of agency and priority, the pass of the violence against women Bill and also review and revise where appropriate legislation that will ensure women and girls are protected against all forms of physical, psychological and sexual violence and ensure that they are provided with recourse to justice. In order to reduce the scourge of gender violence government should undertake the following measures and strategies.

- The legislators should come up with the law that does not allow women who are battered by their husband to withdraw the matters that are

already before the courts of law. As already mentioned in the forgoing women have a tendency of withdrawing case of assault or any form of violence that are already before the courts of Law with the pretext that their husbands are the bread winners and if they are sentenced to jail there would no one to take care of them. There should be an amendment to criminal procedure code on the withdrawal of such cases. For instance the criminal procedure code allows to withdrawal such cases under section 201, it states that "***if a complaint, at any time before a final order is passed in any case under this part, satisfies the court there are sufficient grounds for permitting him to withdraw his complaint, the court may permit him to withdrawn the same, and shall there upon acquit the accused.***"³"

This section 201 is often abused in the courts of law by women who are battered by their spouses, hence allowing the violence to continue.

4.10 TO STOP THE VIOLENCE THESE MEASURES SHOULD BE UNDERTAKEN

- Stiffen laws and establish counselling services for the perpetrators of violence in order to reduce incidences as well as availing services to the victim.
- Further undertake advocacy programmes on issues of gender passed violence in order to increase awareness alertness that was done in 2000 the **CONVENTION ON ELIMINATION OF ALL FORM OF DISCRIMINATION AGAINST WOMEN'S RIGHTS** and freedoms stop being abrogated by administrative practices and prejudices. There is need to move beyond liberal legislation that is enactment of laws to implementation of the provision of the convention. In this regard, the reservations to the convention should be revisited and if possible removed, family, civil, penal labour and commercial laws or codes or

³ Section 201 of the Criminal Procedure Code cap 88 of the Laws of Zambia

administrative rules and regulations should be fully integrated gender perspective. There is need to sensitise women especially those who are not literate on the issues concerning their Human Rights. There should be a deliberate policy to include human rights in the curriculum starting from primary school levels not only in human Rights Clubs but it should be one of the subjects offered to pupils. This is cardinal because it is very important that every human being is aware of their inherent human rights so that no one tramples upon them, and if in any case one did the victim will be able to stand up and challenge that person.

- Information and resources should be readily available. The media should be in the forefront in sensitising women available so that every woman has access to it.

CHAPTER FIVE

5.0 CONCLUSION

5.1 WOMEN AND POVERTY

The government has recognised the importance of achieving sustained economic growth as the most important variable in reducing poverty. In line with the broad objectives of promoting growth and diversification in production and export. Government has adopted a poverty reduction strategy paper (PSRP) covering 2002-2005. These documents place emphasis on growth stimulating interventions, which are expressed in key economic sectors as agriculture, manufacturing tourism and mining¹.

The government recognises that gender is relevant to growth and poverty reduction as it cuts across economic and social boundaries. Therefore, in March 2000 the government adopted the National Gender Policy which outlines specific measures to address the problem associated with poverty particularly women's poor access to various productive resources. The goal is to eliminate the gender imbalances that places a heavier burden of poverty on women at household, community and National levels in this regard the woman should also take an initiative to embarrass the government policy². There is need to put up a spirited fight by the women from all walks of life to make sure government does not end up implementing these policies on paper. Women should be able to take out men for dinner, for a drink for a holiday on their ticket not always looking up to the men. This is why most men are selfish and treat women like objects because they control them financially. The women must achieve FINANCIAL

¹ Gender in Development Division Cabinet Office Lusaka Zambia Progress Report on the Implementation of the Beijing Platform for Action 2004.

² Gender in Development Division Cabinet Office Lusaka Zambia Progress Report on the Implementation of the Beijing Platform for Action 2004,

INDEPENDENCE and this we are going to achieve who knows may be men will be begging from women and stop being patriarchal.

5.2 WOMEN AND EDUCATION

Zambia remains committed to attaining equity and equality through the provision of free basic education to all eligible school aged going children. The government of the Republic of Zambia this is from the realisation that the provision of education is one of the strategic means of achieving gender equality and equity in any given society. The government of the Republic of Zambia also reiterates its commitment to ensuring that by the year **2015**, children boys and girls alike will be able to complete a full course of primary schooling as contained in the **MILLENNIUM DECLARATION AND MILLENNIUM DEVELOPMENTAL GOALS**. However, in my view this is not going to be possible considering the economic constraints that the Nation is undergoing. More resources are needed to achieve these goals. There is need for the International community and institutions like the International Bank for Reconstruction and Development (IBRD) commonly known as World Bank and the International Monetary Fund to offer tangible assistance so that the Nation can achieve these goals. The conditions that go with this assistance should be relaxed a bit to enable Developing Nations achieve these Millennium Declaration and Millennium Developmental Goals.

In this regard, government has put in place a number of policies and programmes aimed at improving access to education and the quality Services in the education sector. This includes the implementation of the education policy, which provides for provision of free primary education (grades 1-7) programmes such as basic Education Sub Sector Investment Programme (**BESSIP**) Programme for the Advancement of Girl-child Education (PAGE) and early

childhood and development programmes have continued to be implemented as part of the measures to ensure equity and sustainable development³.

In this regard it is imperative that the women continue to fight their battle until they reach the required standards. Hence there is need to see to it that women stood up and be committed. A girl child should be able to show the world that after all the size of the brain of the boy and that of hers are just the same, there is nothing like the boy has a bigger brain by getting results that are just as good as those of the boy child in all subjects or courses.

5.3 WOMEN IN POWER AND DECISION MAKING

Government is committed to the implementation of the principle of affirmative action in order to improve women's participation in decision-making positions. This results from the recognition that equitable participation of women and men in decision making is key to the fulfilment of a gender responsive development process. Women have special interests and needs that may not be properly represented in organs where the majority are overwhelmingly men. "Zambia's population now stands at 9.8 million people of which 50.1 percent are women. Despite efforts to facilitate increased women's representation in decision making by government and civil society process. Statistics indicates that women have been under represented at all levels of decision making in government. Parliament, the private, sector, special committees, religious groupings, boards and other institutions in the community. Although there has been a steady increase in the number of female members of parliament (MPS) from 1998 the numbers still remain low. However there has been a steady increase from 6-7 per cent in 1991 to 12 per cent in 2004. There are a total number of 20 cabinet ministers comprising 5 females and 15 males representing 25 percent of women

³ Gender in Development Division, Cabinet Office, Lusaka, Zambia's Progress Report on the Implementation of the Beijing Platform for Action. 2004.

cabinet ministers. However at Deputy Minister and permanent secretary level, female representation still remains low at 8.9 and 19 per cent respective⁴

“Position of directors the total number is 100 and there are 77 men and 23 women. Deputy director the total number is 71 and there are 58 men and 31 women. Surely what does this mean? This is simply the result of man being so selfish. Always enjoying to be leading the way. There is this stupid maxim that ‘behind a successful man there is always a woman’. This simply means woman is always expected to rally behind the man and not to be in front this is why woman should stand up and be counted. Equally in the Judiciary we only have five female judges, we need more female judges if we are serious with having a democratic government.

5.4 WOMEN AND VIOLENCE

The government has committed itself to ensuring that both woman and men enjoy productive lives, which are violence free and where the rights of both sexes are respected in accordance with the provisions of the Republican constitution and relevant international instruments on human rights. In this regard, Zambia has participated and is party to a number of International and Regional Instruments that outlaw violence against women.⁵

Violence against women affects not just the direct and immediate victim and but also other members of a family, friends and the wider community. The often-visible consequences are the physical injuries, which vary from death, maiming, fractures to bruises. In addition to physical injuries, victims of sexual violence may be infected with sexually transmitted Infections (STI) including HIV/AIDS. The social and economic impact of violence on women and children and national

⁴ By M. Siame, N. Nawatwika, S. Longwe, R. Clarke *Beyond Inequalities, Women in Zambia*. 1999

development is yet to be fully measured, especially in terms of health, lost working hours and failure by women and children to realise their full potential. While the government has established structures with the police service, the Judiciary, Ministry of Community Development and Social Services, there continues to be incidences of violence against women and the girl child. "In the year 2004 records from the victim support indicated an increase in the number of defilement of girl children as well as rape of women"⁶. However most cases never reach the police stations let alone the courts of law. As already stated in the foregoing the issue of violence against women in Zambia is closely linked to the socio economic status of women and the strong patriarchal beliefs, which reinforce men's and boys' dominance over women⁷.

5.5 WOMEN AND HEALTH

The vision of the government is to improve the delivery of health services through the principles of sustainable leadership accountability and partnership. To do so government aims at earning equality in health opportunities through the promotion of the integrated supermarket approach to basic health services. The health sector in Zambia is guided by the health reforms, which were initiated because of the general deterioration of infrastructure, limited access to health services. Inadequate logistical support and general low and declining quality of life.⁸

Despite government's recognition that reproductive health is key to sustainable human development in Zambia, the indicators show that a lot is yet to be done in order to achieve high quality of life of the population. It has also recognised that gender concerns are cross cutting and thus, require to be addressed

⁵ Gender in Development Division Cabinet Office Lusaka. Zambia's Progress Report on the Implementation of Beijing Platform for Action 2004

⁶ Ibid page46

⁷ Ibid P45

⁸ Gender in Development Division Cabinet Office Lusaka Zambia, Progress Report on the Implementation of Beijing Platform for Action 2004.

through out the health sector and not as an isolated subject. During the past decade, considerable efforts have been made to promote gender equality in the health sector. It has become increasingly evident that a clear understanding of the linkages between gender equality and the goals of health sector are essential, may be this is why we now have a female Minister of Health.

5.6 WOMEN AND HUMAN RIGHTS

The government has committed itself to ensure that rights of both sexes are respected in accordance with the provision of the Republican Constitution and relevant international instruments that outlaw violence against women, these include among others the following

- THE UNITED DECLARATION ON HUMAN RIGHTS
- THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)
- THE AFRICAN CHARTER ON PEOPLES'S HUMAN RIGHTS
- THE CONVENTION ON THE RIGHTS OF A CHILD
- RHE SADC DECLARATION ON GENDER AND DEVELOPMENT (1977) AND ITS ADDENDUM ON PREVENTION AND ERADICATION OF VIOLENCE AGAINST WOMEN AND CHILDREN (1998)

However despite having participated in a number of international instruments mentioned in the foregoing concerning the human rights of women, it is sad to say that the implementation has not fully been done due to several constraints. A lot more needs to be done to achieve the Millennium Development Goals on human rights.

There is need that the provisions of the above agreements are strictly adhered to and are incorporated into national laws. Steps should be taken to realise women's enjoyment of their human rights through the creation of an enabling environment including the adoption of policy measures, the improvement of

enforcement and monitoring mechanisms and the implementation of legal literacy and awareness campaigns at all levels.

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