**REPUBLIC OF ZAMBIA**



**INPUT** **FOR AN EXPERT WORKSHOP AND COMPREHENSIVE THEMATIC STUDY ON THE HUMAN RIGHTS DIMENSION OF CARE AND SUPPORT**

**Ministry of Justice**

**May, 2024**

The Republic of Zambia considered the Note Verbale from the Office of the United Nations High Commissioner for Human Rights, calling for contributions and input comprising replies to the guiding questions into the preparation of an expert workshop to address the human rights of women, persons with disabilities, children and older persons as caregivers, as well as receivers of care and support, and for their self-care from a gender equality and human rights perspective, with the objective of evaluating experiences, good practices and main challenges regarding the effective recognition of the rights of caregivers and those receiving care and support.We are pleased to provide the following responses to the questionnaire.

1. **In your country, regional or at the global level, how are the following rights recognized and protected under national, regional and/or international law? Please provide concrete examples, such as legal provisions, jurisprudence of courts and/or human rights mechanisms:**
	* **Human rights of unpaid and paid caregivers, including those who are women, persons with disabilities, children and older persons;**
	* **Human rights of recipients of care and support, including those who are women, persons with disabilities, children and older persons;**
	* **Human rights relevant to self-care of caregivers and recipients of care and support, including those who are women, persons with disabilities, children and older persons**

**Such recognition and protection may be made in relation to, but not limited to, the rights to work, social security, adequate housing, health, education, enjoyment of scientific advancement, legal capacity, equality in marriage, independent life in the community, rest and leisure, and the rights relevant to participation. It may include the recognition of care and/or support as human right(s) under the law.**

The Government of the Republic of Zambia recognises the need to respect, protect and uphold the human rights of unpaid and paid caregivers, as well recipients of care and support and is cognisant of the unique challenges that women, persons with disabilities, children and older persons face in this regard. In light of this, various policy and administrative measures have been put in place improve their human rights situations, including the enactment of legislation such as the Disability Act No. 6 of 2012, Gender Equity and Equality Act of No. 22 of 2015, Employment Code Act No. 3 of 2019, Children’s Code Act of 2022, Disability Policy, Child Policy, Aging Policy, Social Protection Policy, and the Volunteer Policy.

Zambia continues to make progress in the advancement of the rights of persons with disabilities. Full participation of persons with disabilities is critical to the development, implementation and monitoring of inclusive policies. Further, inclusion enables communities combat discrimination, harmful stereotypes, and recognise diversity, promote effective participation, and overcome barriers. The Persons with Disabilities Act, 2012, recognises the rights of persons with disabilities including women. The Act make provision for the general principles applicable to persons with disabilities in sections 4 and section 36(b). Section 4 provides that principals applicable to persons with disabilities include: respect for inherent dignity of persons with disabilities, individual autonomy including the freedom to make one’s own choices, and independence of persons; and non-discrimination. Section 36 on the other hand, empowers the Minister responsible for Labour to prescribe safeguards to promote the rights of persons with disabilities to social protection and an adequate standard of living and continuous improvement of living conditions, as well as access by persons with disabilities, especially women and girls, to social protection and poverty reduction programmes.

The Gender Equity and Equality Act of No. 22 of 2015, also provides for protection against Gender Based Violence and participation of women in all aspects of life including women with disabilities. Section 22, of Part IV of the Act states that a woman has, on an equal basis with a man, power to decide and act on all matters relating to marriage and family life. While section 30 and 32, of Part V provides for the elimination of discrimination in education and vocational guidance, as well as, health care services. Furthermore, under the Employment Code Act No. 3 of 2019, Section 41 provides for special protection of mothers including paid maternity leave and protection from work due to maternity. The Act also provides that an employer shall not terminate a contract of employment of an employee based on reasons relating to absence from work during maternity.

As regards, the rights of children, the Children’s Code Act, 2022, recognises and protects the rights of children including the right to care, health, education and housing. Section 9(1) provides that a [child](https://zambialii.org/akn/zm/act/2022/12/eng%402022-08-11#defn-term-child) has a right to live with, and to be protected and cared for by, the [child](https://zambialii.org/akn/zm/act/2022/12/eng%402022-08-11#defn-term-child)'s parents, or to appropriate alternative care if the [child](https://zambialii.org/akn/zm/act/2022/12/eng%402022-08-11#defn-term-child) is separated from the parents.

Despite these advancements, there still remains gaps in the legal framework to adequately provide for both unpaid and paid caregiving. The Government is cognisant of the need to ensure enactment of legislation for the recognition of care and/or support as human right as this is essential for upholding and protecting human rights and remains committed to adopting measures aimed at enabling the enjoyment of rights of caregivers and recipients.

1. **Concrete policy or programmatic measures taken to promote and ensure the rights of caregivers and recipients of care and support in national care and support systems, mentioned under Question 1 above. If possible, please indicate the impacts of such measures.**

**Such measures may include, but not limited to, social security/protection, working conditions, human support, childcare, long-term care and support, health services, education, transportation, housing, water and sanitation, assistive devices, digital technology,**[**deinstitutionalization**](https://www.ohchr.org/en/documents/legal-standards-and-guidelines/crpdc5-guidelines-deinstitutionalization-including)**, access to justice, governance, financing, monitoring and evaluation, and awareness raising.**

Concrete policy and programmatic measures taken to promote and ensure the rights of care givers and recipients of care and support include the following:

1. Through the volunteer policy, caregivers or volunteers have been recognized and are accorded the role of interacting with recipients of care and support. As a first entry point for service provision, various forms of volunteer trainings are provided ranging from short to long term trainings as well as refresher and continuous mentorship are conducted. This ensures the quality and consistency in providing care and support to vulnerable groups. The policy contains measures around regulating the conduct of volunteers and also establishes standard operational procedures for volunteer service organizations.
2. Various social protection programmes implemented have embodied the rights of beneficiaries which include the right to decide whether one wants to be provided with support and care, the nature of the support as well as decision about their situation. Further, recipients of care and support have the right to complain when they are not satisfied or have concerns about the service and this is provided through a grievance redress mechanism that is part of programme/project design and implementation.
3. Through the Aging Policy, a framework for promotion of participation of older persons in social and economic affairs of the nation is provided. The policy provides for strategies to strengthen and promote pre and post retirement training, guidance and counselling, development and implementation of strategies to create awareness on the rights of older persons so as to strengthen their dignity, as well as sensitise older persons on their rights.
4. **Main challenges faced at the national level in creating robust, resilient and gender-responsive, disability-inclusive and age-sensitive care and support systems with full respect for human rights.**

The Main challenges faced include the following:

1. Uncoordinated efforts for universal access to support, which can help in addressing gender inequalities and ensuring access to essential services for all.
2. Appropriate and functioning interinstitutional and inter-sectoral coordination aimed at ensuring that all targeted populations needing care and support are covered, to guarantee cross-sectoral standards and regulations, and so that all key actors are accountable within a governance framework.
3. The high costs associated with providing quality care and support is a significant barrier, particularly for people from marginalised and impoverished communities.
4. **As much as possible, we would appreciate receiving the following information in relation to your responses to points 1 and 2 above:**
	* **Data disaggregated by sex/gender, age, disability, and if possible also by other grounds, including income, race/ethnicity, geographic location, migratory status and other characteristics;**
	* **Information on people who are in vulnerable situations and/or who face intersecting forms of discrimination, such as single parents, widows/widowers, children deprived of family environment; persons with disabilities and older persons in care institutions; as well as those who are affected by humanitarian crises, armed conflicts, disasters; living in poverty; living in rural areas; migrants, refugees, asylum seekers; belonging to minorities or indigenous communities; and those who are deprived liberty.**

The Republic of Zambia is currently in the process of compiling the necessary data and will be able to share in due course.