



# HANDOUT OF NATIONAL POLICY AND LEGAL INSTRUMENTS SUPPORTING CBR/CBID IN ZAMBIA

There are a broad range of national legal and policy instruments in Zambia related to persons with disabilities. Information on some of the main instruments is provided below.

## Constitution of Zambia (last amended in 2016)

**The Constitution of Zambia** was formally adopted in 1991, and amended in 2009 and 2016. The 2016 amendment should be read in conjunction with the 1991 constitution.

Among national values and principals, the constitution lists human dignity, equity, social justice, equality and **non-discrimination**; where 'discrimination' is defined as 'directly or indirectly treating a person differently on the basis of that person's birth, race, sex, origin, colour, age, **disability**, religion, conscience, belief, culture, language, tribe, pregnancy, health, or marital, ethnic, social or economic status'.

Article 112 (f) of the 1991 Zambian Constitution, amended in 1996, includes disability with supportive anti-discrimination clause Article 23 (3) which prohibits discrimination against any person or persons.

Article 112 (f) of the Constitution provides that *the state shall endeavour to provide to persons with disabilities such social benefits and amenities that are suitable for their needs and are just and equitable. This provision seeks to ensure that persons with disabilities receive appropriate and necessary support services so as to facilitate the full inclusion in communities and also full enjoyment of their human and fundamental rights.*

However, article 112 (f) falls within the Directive Principles of State Policy and according to Article 111 of the Constitution, the provisions of the Directive Principles of State Policy are non-justiciable and cannot be legally enforced.

The 2016 amendment adds:

*A person with a disability is further entitled to the right to –*

- (a) Education and facilities that integrate the person into society;*
- (b) (b) access to the physical environment, information, communication, public facilities and services, places and transportation;*
- (c) Access materials, facilities and assistive devices for persons with disability;*
- (d) Use sign language, Braille or other appropriate means of communication;*
- (e) Be addressed or referred to in an enactment or officially, publicly or privately, in a manner that is not demeaning, derogatory or discriminatory;*
- (f) Equal opportunities in cultural, political, economic and social activities;*
- (g) Tax free materials and assistive devices;*
- (h) Personal development and independent living; and*
- (i) Social protection, as prescribed*

## **Zambia's Vision 2030 (2006-2030)**

Zambia's Vision articulates the country's development agenda over twenty-five years and is operationalised through five year development plans.

The Zambian people's vision is to become **“A Prosperous Middle Income Nation by 2030”**. By 2030, Zambians aspire to live in a strong and dynamic middle-income industrial nation that provides opportunities for improving the well-being of all, embodying values of socioeconomic justice, underpinned by the principles of: (i) gender responsive sustainable development; (ii) democracy; (iii) respect for human rights; (iv) good traditional and family values; (v) positive attitude towards work; (vi) peaceful coexistence and; (vii) private-public partnerships.

Zambians also aspire for a common and shared destiny, united in diversity, equitably integrated and democratic in governance, promoting patriotism and ethnic integration. Further, the nation should have devolved political systems and structures while retaining the roots and positive aspects of their own mould of social, cultural and moral values.

The Vision recognizes streamlining of service delivery for persons with disabilities as key to achieving the goals and objectives of the Vision.

## **The 7<sup>th</sup> National Development Plan (7NDP)**

The plan exists for the period 2017- 2021. The Plan, like the three preceding national development plans, is aimed at attaining the long term objectives as outlined in the Vision 2030.

The Plan departs from sectoral-based planning to an integrated multi-sectoral approach under the theme “Accelerating development efforts towards the Vision 2030 without leaving anyone behind”. The integrated approach recognises the interlinked nature of sustainable development which calls for interventions to be tackled simultaneously through a coordinated approach

In addition, social protection programming promotes household food and nutrition security requirements. Special focus is on reducing poverty and vulnerability among women, the youth, the elderly and persons with disability.

Parameters and benefits of pension schemes and employment injury schemes will be redesigned, which will include disability-related contingencies and other provisions aimed at improving access and inclusion of marginalised and excluded groups.

The education sector in collaboration with other sectors will employ several strategies to ensure that efforts are working towards attainment of Zambia's Vision 2030. The strategies will also enhance inclusion and participation of all citizens taking into account their age, gender, disability and other factors.

## **Persons with Disabilities Act (PWDA) No 6 of 2012**

The PWDA was passed in September 2012 and supersedes the Persons with Disabilities Act 1996. The act promotes the *participation of persons with disabilities with equal opportunities in the civil, political, economic, social and cultural spheres of day-to-day life.*

In 1996, Zambia adopted the original Persons with Disabilities Act which prohibited discrimination on the grounds of disability, and created a State agency, the Zambia Agency for Persons with Disabilities (ZAPD), whose mandate is to plan, promote, coordinate services to persons with disabilities and advise the Minister on disability issues. The subsequent 2012 Act was put in place to continue the existence of the ZAPD and define its functions and powers; and to ensure the UN CRPD became mainstreamed as an integral part of national development.

The Act promotes the participation of persons with disabilities with equal opportunities in the civil, political, economic, social, and cultural spheres; provides for mainstreaming of disability issues as an integral part of national policies and strategies of sustainable development; ensures accessibility by persons with disabilities to the physical social economic and cultural environment, and to health, education, information, communication and technology; and emphasizes independent living through opportunities for personal, family and national development.

However, harmonisation of other relevant legislation and policies such as the National Employment and Labour Market Policy, Ministry of Health Policy, The Education Policy, Community Development Policy (CDP), Sport, Youth and Child Development Policy and Finance and National Development Policy is essential to avoid conflict of the law.

## **National Policy on Disability 2013**

In 2013 the Zambian government published the National Policy on Disability. The policy aims to integrate people with disabilities in the mainstream of society with a stated intention of *equal opportunities for persons with disabilities that are fundamental for living and development by 2030.* The policy focuses on the following areas; poverty; unemployment; human rights and development; economic development; information and education; prevention and rehabilitation; accessibility and HIV/AIDS.

The policy is intended to guide Government and stakeholders through the process of equalising opportunities for persons with disabilities, in recognition that efforts to improve the welfare of persons with disabilities were previously fragmented, uncoordinated and ineffective.

The strategies to achieve these objectives include: integration of persons with disabilities into the vocational training system; development of programmes for the equalization and integration into mainstream society; provision of devices to promote the inclusion of disabled persons in the workplace and in the education system; provision of microcredit facilities for self-employment; promotion of the participation of persons with disabilities in decision-making on issues relating to their welfare; development of mandatory standards of physical accessibility; gender mainstreaming in the provision of services to persons with disabilities; advocacy programmes on human rights and disability issues; and promoting research on disability issues.

## **Education Act 2011**

The Education Act regulates the provision of accessible, equitable and qualitative education; domesticates the Convention on the Rights of the Child in relation to education,

It states that equity means affording a fair chance in education to a child, in particular, a girl child, a child with special needs or any other vulnerable child or group of children

The act aims to include children with disabilities in the mainstream education system, except for children with severe impairments who continue to be catered for in segregated special schools.

## **Inclusive Education and Special Education Implementation Guidelines 2016**

In 2016 the Inclusive Education and Special Education Implementation Guidelines were published. Their aim was to improve the provision of special education services in the country and to provide a framework for use by educators and other stakeholders in Zambia's education system.

## **The National Employment and Labour Market Policy (NELP) 2005**

The NELP shows the government's intentions to provide improved care and support services to vulnerable groups, including persons with disabilities.

## **Sources**

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