



Associazione Comunità Papa Giovanni XXIII

Universal Periodic Review (UPR) for ZAMBIA

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**NGO Submission by
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UNIVERSAL PERIODIC REVIEW (UPR)
REPUBLIC OF ZAMBIA

EXECUTIVE SUMMARY

The Associazione Comunità Papa Giovanni XXIII, NGO in Special Consultative status with ECOSOC, has prepared the following submission for the Universal Periodic Review of the Republic of Zambia with the intention to focus on the implementation of the recommendations accepted by Zambia in the first cycle of the UPR, with regard to the right to education.

The submission examines the accessibility, the availability, and the full effectiveness of the right to education, and the protection from violence and degrading treatment of students in public schools.

Moreover, the Association would like to highlight the issue of access to food as a fundamental human right. The information and data provided herein have been sourced from public documents, research material, and first-hand reports from people cared for by the members of the Association Pope John the 23rd in Zambia (Copperbelt Province).

1. RIGHT TO EDUCATION

The present submission reports the observations made in various schools by school staff, the members of the Association Pope John 23rd and the pupils themselves. It has been clearly noted that the Zambian Government has drawn and developed a number of specific policies to help in the adequate implementation of the Millennium Development Goal 2 (MDG 2), Education for All. Our current observation made during the review period is that the ambitious target of implementing the right to education is still a dream and more considerations have to be carefully taken into account, if the country is determined to successfully meet the 2015 deadline.

1.a. Compulsory and not free education

Zambia has made considerable progresses in promoting and implementing the right to education. The Education Bill of 2011 offers a significant opportunity to protect and realize children's right to education. Every Zambian child, without any discrimination, should have access to education without fail from grade one to grade seven. Basic education as defined in article 14 n. 2 of the Education Bill, shall be available and accessible to all persons.

Through the observation of school workers such as teachers, headmasters, students and the direct evidence of pupils and their parents, the Association notes that, families are often still required to pay for school supplies despite the current legal framework, and consequently, a lot of parents fail to enroll their children in schools due to poverty. The parents have to pay school fees that often include tuition fees, registration fees, progress report books, identity cards, examination fees, stationery fees, sport fees, maintenance fees and computer studies; moreover, pupils sometimes have to pay project fees which go towards the smooth running of the schools.

The Government has been providing free learning and teaching materials in schools, but these provisions are inadequate and insufficient. The tuitions and extra lessons are often compulsory fees which pupils are obliged to pay; if the students cannot pay the fees, they are chased away from school. Boys and girls are obliged to buy and wear the uniforms, even though, uniforms are no longer compulsory by law in primary schools; this additional expenditure is a burden to already overstretched families. Uniforms should not be imposed on the pupils. Too many children cannot go to school because their families are unable to pay for uniforms.

In this way, the right to education is denied, breaching international covenants such as article 26 of the Universal Declaration of Human Rights¹, article 28 of the Convention on the Right of the Child², article 13

1 that emphasizes that everyone has the right to education and that the education shall be free.

2 that recognizes the right of the child to education and in the section "a" says that the member states provides to make primary education compulsory and available free to all.

of the Covenant of Economic Social and Cultural Right³; as well as article 17 of the African Charter on Human and Peoples' Rights⁴ and article 11 of the African Charter on the Rights and the Welfare of the Child⁵

1. b. School Infrastructure

Even though the Government has embarked on an aggressive programme to build more schools and expand the existing infrastructure, many schools remain under resourced; a lot of school buildings are in bad shape and very few are large enough to accommodate the enrolled number of students. The situation is worsening especially in the rural areas.

The number of desks and chairs is insufficient, especially in the rural areas where in some cases students have to study sitting on the floor. The classrooms are overcrowded and often poorly equipped. Not every school has access to clean drinking water and electricity. Sometimes, the number of toilets is not adequate for the number of the students.

Furthermore, in the rural and remote areas, pupils face the additional problems because of an insufficient number of teachers and long distance to reach school. Many children arrive tired at school because they have to walk a long distance and often they do not even have breakfast before their walk.

The Government of Zambia has not revised the curriculums and the textbooks used in the schools. Some textbooks contain out of date information there are not enough for all students.

1.b. Equal Access to Education

Disabled children

Education Bill provides the equal access to quality education to all learners including poor and vulnerable children as set out in article 22⁶. Article 31(1) emphasizes that the minister shall promote equality in access to education and participation in and successful completion of education at all levels regardless of gender, social class or disability.

Notwithstanding the enactment of the legislation, disabled children do not have equal access to education; disabled pupils are denied access to education in most of schools because of stigmatized and negative attitude of the school administration and staff members. Despite the initiative by the Ministry of Education of giving an extra allowance to those schools with special education programmes, only a few schools have a special unit for those pupils with the various disabilities.

Rule 6 of the standard Rules on the Equalization of Opportunities for Persons with Disabilities⁷ asserts that education for persons with disabilities should form an integral part of national educational planning, curriculum development and school organization. Students with disabilities should be afforded the same portion of educational resources as students without disabilities. States should aim for the gradual integration of special education services into mainstream education

However in Zambia the specials schools for disabled and the schools with special education programmes are very few. Teachers trained in Special education are also quite few and barely motivated. There is also the problem of the unmet needs of wheel chair bound learners. Consequently, many children with disabilities are denied access to school and the opportunity to receive an education.

This is a breach of article 23 of the CRC⁸ and article 7 paragraph 1, article 8 paragraph 2b, article 9 paragraph 1a and article 24 of the Convention of the Right of Persons With Disabilities⁹.

Girl Pupils

3 provides the rights of everyone to education.

4 emphasizes that every individual shall have the right to education.

5 That asserts that every child shall have the right to an education.

6 The same article emphasizes that the education board or the board of management shall adopt a policy on a positive and affirmative action in relation to poor and vulnerable children.

7 <http://www.un.org/esa/socdev/enable/dissre00.htm>

8 That recognizes that disabled child has effective access to and receives education CRC art 23.

9 <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>

The Association would like to highlight the condition of the girl. The Association notes that many girls are forced to drop out of school because of early marriage or pregnancy. Notwithstanding the government strategy and policy to help them, a lot of girls cannot finish their studies. Girls, especially those living in rural areas, are disadvantaged and discriminated against and they do not have the opportunity to attend school or complete their studies due to the fact that they are female. In many situations the families do not recognize the importance of education for a woman. The right to education for girls is not ensured and this breaches article 10 of the Convention on the Elimination of All Form of Discrimination Against Woman¹⁰.

The re-entry policy

Teenage mothers have the right to go back to school, any school, unconditionally. This should encourage the girl to perform to the expectations of the society and turn her life around for her sustainable future. In spite of the efforts of the government and the attempts of the school administration to encourage teenage mothers to re-enter at school, the Association notes that often these girls do not go back to school for fear of being stigmatized by the other pupils. Moreover, the girl students need to be better informed about the re-entry policy because in many situations they are unaware of this opportunity;

1. c. Abolition of corporal punishment

Article 28 of the Education Bill prohibits corporal punishment¹¹. Nevertheless, corporal punishment continues to be used in schools. Many children complain that teachers beat pupils with little reasons including: a student performing poorly, arriving late to school or unpaid school fees. No form of punishment causing physical pain should be inflicted on a child for any offence. Many Zambian teachers are breaching the articles 28¹² and 37¹³ of the Convention on the Rights of the Child by using corporal punishment. The Government of the Republic of Zambia has to work extensively effectively implement article 28 of the Education Bill and ensure a policy that raises awareness against the corporal punishment.

1. d. Teaching Human Rights at school.

The development of a national strategy for human rights education in the school system has not been satisfactory. In some cases, teachers have no interest in teaching human rights or they simply do not know how or what to teach. The Association has further observed that awareness campaigns on the Rights of the Child and Human Rights in general are not adequate. Some of the causes are the inadequate training on human rights' and limited economic resources to invest in knowledge and awareness of human rights.

Recommendations

- ⤴ Implementation of the Education Bill of 2011 in all provinces of the country.
- ⤴ To make basic school from grade one to grade nine free and accessible for all including provision of school requirements such as text books, school uniforms if still requested, and other school fees like tuition fees, registration fees, progress report book, identity card , examination fees stationery fees, sport fees, maintenance fees,computer studies etc.
- ⤴ Construction of new schools across the country, as well as improvement and expansion of existing schools.

10 “States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women...” art 10 CEDAW.

11 Article 28 of Education Bill provides that teacher, employee or other person at an educational institution shall not impose or administer corporal punishment or degrading or inhuman treatment on a learner or cause corporal punishment or degrading or inhuman treatment to be imposed or administered on a learner. A teacher, employee or other person who contravenes subsection (1) commits an offence.

12 “States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention” art 28 paragraph 2 CRC.

13 “No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment” Art 37 CRC.

- ⤴ To ensure that every school has the adequate number of classrooms, desks and chairs.
- ⤴ To ensure that every school is accessible to all disabled children.
- ⤴ To provide equal access to quality education to all learners including disabled children.
- ⤴ To enhance special education programs in the schools and increase the number of teachers trained in special education.
- ⤴ To implement awareness campaigns that encourage girls living in rural areas to attend school.
- ⤴ Publicity to raise awareness of re-entry policy for girls who have had children.
- ⤴ To implement policies to discourage early marriages for girls who are still attending school.
- ⤴ To take adequate measures to ensure that corporal punishment, other degrading treatment and any act of violence against children at school are not allowed.
- ⤴ To Improve the conditions of service and salary for teachers and provide them with incentives to motivate them.
- ⤴ To take adequate measures to increase the teaching of human rights at school.

2. RIGHT TO FOOD

The right to food is a fundamental human right recognized in the Universal Declaration of Human Rights¹⁴ and in the International Covenant on Economic, Social and Cultural Rights¹⁵. General Comment 12 says that “the right to adequate food is realized when every man, woman and child, alone and in community with others, has physical and economic access at all times to adequate food or means for its procurement”¹⁶. Through the experience of a member of the Association who lives in Zambia, this submission would like to enlighten how too many people continue to be affected by chronic undernourishment. The Association mostly works in the Copperbelt area, where many women, men and children suffer from extreme hunger. For the children who are born and raised in the shanty compounds, the right to life, health and food are not guaranteed; their daily ratio of calories is often well below the minimum standard for survival. Malnutrition increases vulnerability to other illnesses and very often has serious physical and mental effects. Although the Government has made progress, the Public Health System does not yet have the skills and tools necessary to prevent and treat malnutrition. The Association wants to highlight the lack of specialized medical facilities for treatment of severe malnutrition and the shortage of health personnel. There is a shortage of doctors specialized in the treatment of malnutrition and the staff is often unable to use the specific medical and nursing protocols to manage the treatment of malnutrition. Overcrowding of the pediatric wards results in the increased spread of infectious diseases that are very debilitating for children already affected by malnutrition. In addition, children are brought to the hospitals very late due to poor knowledge of nutritional disorders. The lack of collaboration among the various health facilities and the cost of transport to the hospital also present serious obstacles for most families. Furthermore, children with acute malnutrition who are admitted to the hospitals are treated for a period of only 3 months, with plumpy-nut, a high protein nutritional medical food supplement which enables rapid and initial recovery of the child. Afterwards, these children are discharged without any other support. These children, still debilitated by previous episodes of malnutrition, can face other illnesses that can be fatal to them.

Despite the efforts of the Zambian government, malnutrition is still a major problem in the Copperbelt: national data reveal that almost 50% of children under age of 5 years are chronically undernourished and 5% of them suffer from acute malnutrition. Since nutrition is linked intrinsically to health and to life, the Right to Food cannot be separated from the concomitant rights to health and to life. Evidence has demonstrated links between adequate nutrition and improved outcomes for HIV treatment. Adequate nutrition is necessary to maintain the immune system, manage opportunistic infections, optimize response to medical treatment, sustain healthy levels of physical activity, and support optimal quality of life for a person living with HIV.¹⁷ Additional evidence has demonstrated that “many persons living with HIV in resource-limited settings

14 Article 25 of Universal Declaration of Human Rights.

15 Article 11 of ICESCR reiterates the Universal Declaration of Human Rights with regards to the right to an adequate standard of living, including food, and specifically recognises the right to be free from hunger.

16 1999 General Comment No.12 of ICESCR.

17 HIV/AIDS, Nutrition and Food Security: What We Can Do?, The World Bank.

already suffer primary malnutrition.”¹⁸ The members of the Association have seen many children admitted in the hospitals and affected by chronic undernourishment and can name them one by one. In all these situations the Right to Food is not yet guaranteed in spite of the efforts of the Zambian Government to comply with the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights.

Recommendations

- ♣ To include acute and chronic malnutrition as an important issue in the treatment of HIV, Malaria and Tuberculosis (TB).
- ♣ To train adequately all health personnel in the country on the diagnosis and treatment of acute malnutrition and include the topic of malnutrition in the university and college programmes for doctors, nurses and clinical officers being an issue of high priority and emergency in the country.
- ♣ To make available RUTF (Ready to Use Therapeutic Food) on a continuous and constant basis throughout the country and ensure that is administered by a competent authority to avoid wasting resources and to ensure that malnourished children are the beneficiaries of the resources.
- ♣ To form national, provincial and district task forces to assess the effects of treatments and coordinate the efforts of various stakeholders.
- ♣ To formulate Government agricultural policies that favour the production of local food for the sustenance of individual families.
- ♣ To implement nutrition education programmes targeting schools, adolescents, and especially pregnant women by using the best food resources in the country.
- ♣ Campaigns for civil society to combat the problem of stigma.
- ♣ Combat unemployment.
- ♣ Reduction of maternal mortality.
- ♣ Promotion of breastfeeding.
- ♣ Formation of a national consultation with representatives from all stakeholders on malnutrition.
- ♣ Creation of Supplementary Feeding Programmes for moderately malnourished children.
- ♣ Distribution of food supplements for adults suffering from chronic infectious diseases at local clinics and the enhancement of urban agriculture programs to encourage the consumption of vegetables at family level.
- ♣ Production of television and radio programmes on a national scale on the problem of malnutrition.