



## Access to justice and women's rights in Zambia

CIVIL SOCIETY  
RECOMMENDATIONS  
FOR A BETTER  
IMPLEMENTATION  
OF THE ANTI-GENDER BASED  
VIOLENCE ACT



November 2017

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**Avocats Sans Frontières (ASF) is an international NGO specialising in the defence of human rights and support for justice in countries that are in fragile and post-conflict situations.**



For 25 years, ASF has been implementing programmes which improve access to justice for persons in vulnerable situation. It has field offices in Burundi, the Central African Republic, Chad, Democratic Republic of Congo, Morocco, Myanmar, Tunisia, Uganda and Zambia. **[www.asf.be](http://www.asf.be)**.

## LIST OF ACRONYMS & NOTE ON THE DEFINITIONS

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<b>ADR</b>	Alternative Dispute Resolution
<b>Anti-GBV Act</b>	Anti-Gender-Based Violence Act, 2010 (No. 1 of 2011), adopted on 2011-04-15
<b>ASF</b>	Avocats Sans Frontières
<b>CSO</b>	Civil society organisation
<b>DAO</b>	District Administrative Officer
<b>GBV</b>	Gender-based Violence
<b>INGO</b>	International Non Governmental Organisation
<b>MCDSW</b>	Ministry of Community Development and Social Welfare
<b>MGCD</b>	Ministry of Gender and Child Development
<b>MOH</b>	Ministry of Health
<b>MOHA</b>	Ministry of Home Affairs
<b>NGO</b>	Non-Governmental Organisation
<b>SGBV</b>	Sexual and Gender-based Violence
<b>TOR</b>	Terms of References
<b>UN</b>	United Nations
<b>VSU</b>	Victim Support Unit

## **Gender-based Violence (GBV)**

In 1993, the UN drafted the Declaration on the Elimination of Violence against Women recognizing the urgent need for the universal application of human rights for women. This attitude was also reflected in the Anti-GBV Act "Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life." Gender-based violence has become an umbrella term for any harm that is perpetrated against a person's will, and that results from power inequalities that are based on gender roles. Around the world, gender-based violence almost always has a greater negative impact on women and girls. For this reason, the term "Gender based Violence" is often used interchangeably with the term "Violence against Women" (VAW).

### **GBV survivor**

A principle that rejects the notion that women are powerless and unable to take control over their lives, but does recognize that assistance is needed to empower them, to enhance and support them to deal with the many challenges that they face.

## INTRODUCTION

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Avocats Sans Frontières (ASF) and the Young Women's Christian Association are currently implementing a EU-funded project named "Women's rights and access to justice in Zambia". The Project is implemented in the North Western in Solwezi and Kasempa and in the Northern Province in Kasama and Mbala in Zambia. The project's overall objective is to contribute to the enhancement of public participation in democratic governance and improved service delivery. The target group include women and girls and members of vulnerable groups.

One of the specific objectives of the project is that gender, equality and democratic rights are promoted at the levels of the policy level, legal framework and implementation. One of the focuses to reach this objective was to analyse the challenges relating to the implementation of the Anti-GBV Act 2011.

Gender-based violence (GBV) is endemic in Zambia with half of Zambian women having experienced some form of GBV in their lives. Zambia is ranked 116, out of 145 countries in the World Economic Forum's Global Gender Gap Index, which renders it as one of the countries in the world with the highest levels of gender inequality<sup>1</sup>. The passing of the Anti-GBV Act is a marked progress in the struggle against pervasive violence which has its roots in social and gender exclusion and power imbalance, horizontal inequalities and poverty.

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<sup>1</sup> <http://reports.weforum.org/global-gender-gap-report-2015/the-global-gender-gap-index-2015/>.

The Anti-GBV Act is considered as a progressive law and for the first time in Zambia, provides for a comprehensive framework for protection of GBV offences, and guidance on adequate recourse. After more than a decade of advocacy from Zambian civil society and collective action, the parliament passed the Anti-GBV Act in 2011, an effective legislation that provides protection and adequate recourse for survivors. Zambia is one of the only countries in SADC region to have a specific Anti-Gender-Based Violence law. The Act is in line with international legal frameworks and draws experience from global best practices. The Act is lauded for providing a holistic approach to countering GBV, one that combines legal and non-legal support<sup>2</sup> to effectively address GBV.

Despite the law being a step in the right direction, implementing this law has been far highly challenging. In order to have comprehensive protection under this law, it requires people to know their rights and their recourse available under the Act. Adequate resources are yet to be allocated. Local legal and non-legal structures are yet to be established, equipped and adapted to meet the specific needs of persons who suffer or are at risk of GBV.

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<sup>2</sup> The Anti-GBV Act provides for the establishment of Gender Committee and Provincial and District Gender Task Force, a Gender Fund to conduct information and sensitisation programs and care of the survivors, access to economic initiatives and promotes a multi-sectoral model of combating GBV.

ASF with the support from the European Union led a field study to examine the lacunae in implementation, and the barriers that exist which impede GBV survivors to seek protection under the Anti-GBV Act. The findings have been shared with various stakeholders at different levels. Round tables were organized in the four districts of implementation in order to share the findings and to collect the point of views of the duty bearers at the district and provincial level.

At the national level, a first round table was organized in Lusaka with the civil society organizations involved in Women's rights and gender based violence. The challenges compiled in the field study and the recommendations have been shared and completed by the participants. These shared and compiled recommendations will be shared with the duty bearers at the occasion of a second round table.

In the following section, the recommendations are organized under four priorities.

These recommendations are the result of a consultative process and this document is an advocacy tool for the Zambian civil society to lead to a better implementation of the Anti-GBV Act 2011.





## Priority 1: An efficient and effective comprehensive legal framework that helps secure protection and recourse from GBV

	<b>Advocacy issue</b>	<b>Persons of interest Target groups Agents of change</b>	<b>Suggested action steps Strategic action</b>	<b>Level</b>	<b>Time line</b>
1.1	<p>- Undertake a wide-ranging <b>assessment of all laws that conflict with the provisions of the Anti-GBV Act</b> in order to establish a comprehensive legal framework that helps secure protection and recourse from GBV. In particular: there is a need for harmonization with the penal code.</p> <p>- Broadening the provision of the Anti-GBV Act by including penal sanctions.</p>	<p>- Zambia Law Development Commission.</p> <p>- Ministry of Justice, the Judiciary and the Attorney General's Office.</p> <p>- Consultations with INGOs and Zambian civil society and end users of justice.</p> <p>- Involvement of Ministry of chiefs.</p>	<p>1. Form a broad based coalition group to gather support in the advocacy efforts to establish a comprehensive legal framework.</p> <p>2. Garner support through the coalition group to provide technical assistance to harmonize discrepancies in the legal provisions.</p>	<p>Lusaka.</p> <p>And organize consultations at the district level with end users of justice including persons who have suffered GBV.</p>	End of 2018

1.2	<p><b>Insure an effective implementation of the Anti-GBV Committee and the Anti-GBV Fund.</b> These two institutions required by the Anti-GBV Act are inessential in order to provide a coordinated answer to GBV. In particular :</p> <ul style="list-style-type: none"> <li>- Formalize and disseminate guidelines of the Anti-GBV Fund.</li> <li>- Formalize and disseminate guidelines and reports of the Anti-GBV Committee to CSOs.</li> <li>- Insure a better representation and communication with CSOs active in GBV.</li> </ul>	<ul style="list-style-type: none"> <li>- MGCD, MCDSW, and other relevant ministries.</li> <li>- International and Zambian NGOs.</li> <li>- Technical experts.</li> <li>- Donors sensitive to GBV.</li> </ul>	<ol style="list-style-type: none"> <li>1. Present findings to the relevant stakeholders.</li> <li>2. Garner support through the coalition group to provide technical assistance for the implementation of these two institutions.</li> </ol>	Lusaka.	2 <sup>d</sup> quarter of 2018
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	<b>Advocacy issue</b>	<b>Persons of interest Target groups Agents of change</b>	<b>Suggested action steps Strategic action</b>	<b>Level</b>	<b>Time line</b>
<b>1.3</b>	<p><b>- Allocate resources</b> such as transport, fuel, phone lines, computers and printers in police posts to enhance police investigation and ensure confidentiality in the districts.</p> <p>- Depending on available resources create specific entry point for VSU offices separate from the rest of the police station.</p>	<ul style="list-style-type: none"> <li>- VSU.</li> <li>- Ministry of Finance and National Planning.</li> <li>- Donors (institutional and private sector).</li> <li>- UN agencies and other relevant stakeholders.</li> </ul>	<ol style="list-style-type: none"> <li>1. Present findings to the relevant stakeholders especially the Ministry of Home Affairs - Zambia Police Service.</li> <li>2. Organise a meeting with MOG and VSU to discuss allocation of funds.</li> </ol>	Lusaka and district level.	1 <sup>st</sup> quarter of 2018 – 2018 budget
<b>1.4</b>	<p><b>Replicate the experience of fast track courts or mechanisms of fast judgements</b> in other provinces, based on the pilot experiences.</p>	Ministry of Justice.		Provincial level.	2020 (ongoing basis)



## Priority 2: Large-scale Public awareness and sensitisation of the full scope of the Act.

	<b>Advocacy issue</b>	<b>Persons of interest Target groups Agents of change</b>	<b>Suggested action steps Strategic action</b>	<b>Level</b>	<b>Time line</b>
2.1	<p><b>- Define protocols on mediation and ADR:</b> insure that the police and service providers have a clear interpretation of the Anti-GBV Act, considering that mediation and other ADR is not a replacement for criminal investigation and prosecution of SGBV offences, and that cases have to be referred to the appropriate forum.</p>	<ul style="list-style-type: none"> <li>- MGCD, MCDSW.</li> <li>- National Anti-Gender Based Violence Committee.</li> <li>- District and provincial task force and other relevant ministries.</li> <li>- International and Zambian NGOs.</li> <li>- Technical experts.</li> <li>- UN agencies.</li> <li>- Ministry of</li> </ul>	<ol style="list-style-type: none"> <li>1. Compile position papers, briefing documents, best practices (Zambian and global), survivors' experiences.</li> <li>2. Present it to the target groups and insure dissemination countrywide.</li> </ol>	Lusaka.	By 2021

	- Incorporate the Anti-GBV Act in Police officers curricula.	Home Affairs.			
2.2	<p><b>- Disseminate protocols, guidelines, plans and TORs</b> that have already been developed by the MGCD and MCDSW in Lusaka to their district and provincial counterparts as well as CSOs. (Related to shelters settlement, Gender Task Force roles and responsibilities, etc.).</p> <p>- Take into account these protocols for the training of paralegals and counsellors.</p>	<p>- MGCD, MCDSW</p> <p>- District Councils and DAO.</p> <p>- Gender Task Force at the provincial and district level.</p> <p>- CSOs.</p>	<ol style="list-style-type: none"> <li>1. Present the finding of the study to the relevant ministries – notably MGCD and MCDSW in Lusaka.</li> <li>2. Request the dissemination plan from the ministries or, in the absence of such a plan, advocate for the importance of sharing plans, TORs, guidelines developed with their counterparts in the district.</li> <li>3. Inform and share the outcome of the meetings in Lusaka with the District Gender Task Force.</li> </ol>	Lusaka. District level.	First quarter of 2018.

	<b>Advocacy issue</b>	<b>Persons of interest Target groups Agents of change</b>	<b>Suggested action steps Strategic action</b>	<b>Level</b>	<b>Time line</b>
2.3	<p><b>- Harmonize and disseminate simplified versions of the Anti-GBV Act</b> for all the relevant stakeholders, including the traditional authorities and the public.</p> <p>- Provide clear cut dissemination plan.</p> <p>- Harmonise and disseminate sensitization models or tools. These are the messages all the actors use in their sensitizations.</p>	<p>- Ministry of Justice, MGCD, Ministry of Traditional Affairs and Chiefs.</p> <p>- Donors.</p> <p>- UN agencies.</p> <p>- INGOs and NGOs with experience in legal pluralism.</p> <p>- CSOs.</p>	<p>1. Identify organisations and institutions who have printed or would be interested in developing simplified versions in local languages.</p> <p>2. Organise meeting(s) with these organisations, donors, ministries to develop a plan to print and disseminate a simplified version in local languages.</p> <p>3. Monitor and evaluate the process and the commitments.</p>	Lusaka and district level.	2018.



### Priority 3: A more effective coordination of stakeholders to deliver comprehensive, integrated, survivor-centred services.

	<b>Advocacy issue</b>	<b>Persons of interest Target groups Agents of change</b>	<b>Suggested action steps Strategic action</b>	<b>Level</b>	<b>Time line</b>
3.1	<p><b>Position the Gender Task Force as the coordinating actor</b> at the district level:</p> <ul style="list-style-type: none"> <li>- Develop approaches and strategies that would guide the Gender Task Force in the districts to put in practice a proactive, multi-sectorial methodology to implement the Anti-GBV Act.</li> <li>- Establish clear-cut vertical and horizontal communication channels in the districts to enhance the workings of the district Gender Task Force.</li> </ul>	<ul style="list-style-type: none"> <li>- MGCD, MCDSW.</li> <li>- National Anti-GBV Committee.</li> <li>- District and provincial task force, other relevant ministries.</li> <li>- International and Zambian NGOs.</li> <li>-Technical experts.</li> <li>-UN agencies.</li> <li>- Faith organisations and traditional authorities.</li> </ul>	<ol style="list-style-type: none"> <li>1. Workshop with the MGCD on building the know-how on developing Standard Operating Procedures to collaborate and coordinate between various sectors in the Gender Task Force on Anti-GBV activities and communication channels.</li> <li>2. Dissemination and implementation of the developed methodology.</li> </ol>	Lusaka, provincial and district level.	2018

	<b>Advocacy issue</b>	<b>Persons of interest Target groups Agents of change</b>	<b>Suggested action steps Strategic action</b>	<b>Level</b>	<b>Time line</b>
<b>3.2</b>	<p><b>Develop an integrated and survivor-oriented service delivery approach:</b></p> <ul style="list-style-type: none"> <li>- The services offered should be provided by the government departments with the support of CSOs, private sector, traditional leaders and draw in specific technical expertise to develop and implement protocols and guidelines for the smooth collaboration and coordination of these services.</li> </ul>	<ul style="list-style-type: none"> <li>- MCDSW, MGCD.</li> <li>- Ministry of Health, Ministry of Finance and National Planning.</li> <li>- VSU of the Zambian Police Service.</li> <li>- INGOS and NGOs working on GBV.</li> <li>- Donors supporting Anti GBV work in Zambia.</li> </ul>	<ol style="list-style-type: none"> <li>1. Propose an integrated approach of service delivery, monitoring and coordination at the district and provincial level with the involved stakeholders.</li> <li>2. Provide technical expertise to the MGCD to develop and coordinate such approaches.</li> <li>3. Scale up the methodology.</li> </ol>	Lusaka, provincial and district level.	By the end of 2018.
	<ul style="list-style-type: none"> <li>- There should be adequate monitoring and oversight to ensure quality services that meet the needs of the survivors.</li> </ul>				

	Design a “standard process” of service delivery based on Drop in centres’ experiences and scale it up.				
3.3	<p><b>Public awareness and sensitisation of the full scope of the Anti-GBV Act</b> and provisions related to protection, prevention and response:</p> <ul style="list-style-type: none"> <li>- Sensitisation activities on the Act should be scaled up, designed to target specific groups (not only women) and take into consideration all the provisions of the Act.</li> </ul>	<ul style="list-style-type: none"> <li>- Gender Task Force at the provincial and district level.</li> <li>- MGCD, MCDSW, Ministry of Health, Ministry of Youth Sports and Child Development, Ministry of Information and Broadcasting, Ministry of Traditional Affairs and Chiefs,</li> <li>- Women’s networks.</li> <li>- CSOs.</li> <li>- UN agencies.</li> <li>- Donors.</li> </ul>	<ol style="list-style-type: none"> <li>1. Initiate discussions on the importance and relevance of developing a common strategy for community awareness and sensitization.</li> <li>2. Facilitate an initiative to put together an action plan involving all the stakeholders to gather community awareness and sensitization methodology on the Anti-GBV Act in the districts.</li> </ol>	Lusaka and district level.	By 2021

## Priority 4: Strengthened actors at every level

	<b>Advocacy issue</b>	<b>Persons of interest Target groups Agents of change</b>	<b>Suggested action steps Strategic action</b>	<b>Level</b>	<b>Time line</b>
4.1	<b>Develop a coordinated and concerted training plan</b> to decentralise trainings and make it more accessible to public officials in remote districts. All relevant stakeholders (public officials, duty bearers and service providers) should be trained on all the provisions of the Anti-GBV Act, including facilitating the survivor to obtain civil remedies such as protection and occupation orders.	<ul style="list-style-type: none"> <li>- MGCD, MOHA (Zambia Police Service and the VSU).</li> <li>- Ministry of Justice, the Judiciary.</li> <li>- Representatives in the provincial ministries.</li> <li>- District level Gender Task Force.</li> <li>- District council members, DAOs.</li> <li>- CSOs.</li> </ul>	<ol style="list-style-type: none"> <li>1. Initiate consultative meetings with the relevant stakeholders at the district and provincial level on the value and feasibility of decentralized model for trainings.</li> <li>2. Present an advocacy briefing paper to relevant decision-makers in Lusaka.</li> <li>3. Monitor and coordinate to implement the trainings.</li> </ol>	Lusaka and district level.	<p>Plan developed in 2018;</p> <p>Follow-up 2018-2021</p>

4.2	<p><b>Advocate for the Ministry of Education to incorporate GBV in extracurricular activities</b> for example by forming the Anti GBV club</p>	<p>Ministry of Education, MGCD, Ministry of Youth, Sport and Child Development, MCDSW.</p>	<ol style="list-style-type: none"> <li>1. Initiate consultative meetings with MoE, PEO, DEBS, Head masters of various schools.</li> <li>2. Meeting between the relevant ministries to develop a model of Anti GBV Club.</li> <li>3. Disseminate the developed model</li> </ol>	<p>Lusaka, provincial and district level.</p>	<p>By end of 2018</p>
4.3	<p>Advocate for <b>mainstreaming the provisions of the Anti-GBV Act in all institutional training programs</b> in sectors such as Ministry of Health and Education, MCDSW, Police Force, etc. ToT to be targeted at operatives that are well versed with field work.</p>	<ul style="list-style-type: none"> <li>- MGCD, MCDSW.</li> <li>- Police Force.</li> <li>- Ministry of Health, Ministry of Education, and other relevant ministries.</li> </ul>	<p>A roundtable meeting with relevant stakeholders to present the study findings.</p>	<p>Training units or departments of the relevant institutions in Lusaka.</p>	<p>By 2021.</p>

	<b>Advocacy issue</b>	<b>Persons of interest Target groups Agents of change</b>	<b>Suggested action steps Strategic action</b>	<b>Level</b>	<b>Time line</b>
4.4	<b>Develop a pro-investigation and pro-prosecution reflex</b> and stricter monitoring of standards of investigation of complaints is necessary to show the political will of the Zambian state to protect its people from violence and uphold basic human rights.	<ul style="list-style-type: none"> <li>- Zambia Police Service.</li> <li>-National Prosecution Authority.</li> <li>- The Judiciary.</li> <li>- MGCD, MCDSW.</li> </ul>	<ol style="list-style-type: none"> <li>1. Roundtable discussions with the target groups to present the findings of the study.</li> <li>2. Organise consultations on establishing systems for better oversight and review into GBV cases which are reported in the districts.</li> <li>3. Periodically publish, shared and assess the trends analysis of cases investigated and</li> </ol>	District level	By 2021

			prosecuted, in meetings with the District Gender Task Force and other relevant stakeholders.		
4.5	Disseminate protocols, guidelines and <b>standards to establish and guide inspection of shelters.</b>	- MCDSW, MGCD and other relevant ministries. -INGOs and Zambian NGOs, -UN agencies,	1. Disseminate and implement the developed guidelines. 2. Insure the follow-up.	Lusaka.	2018.

## ANNEXES

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### References:

- *Avocats Sans frontières, Challenges of Implementation of the Anti-Gender-Based Violence Act 2011 in Zambia, 2017.*
- Anti-Gender-Based Violence Act, 2010 (No. 1 of 2011), adopted on 2011-04-15.

### Took part of the consultative process at the district level:

#### *Kasama:*

- Immigration, Assistant Immigration Officer
- Judiciary, Subordinate Court Clerk of Court
- District Commissioners Office, Assistant District Administrative Officer
- Village headmen
- Victim Support Office, Coordinator
- Legal Aid Board, Registry Clerk
- Ministry of Education, Education Standards Officer and Head teacher
- One Stop Centre, Legal Officer
- Young Women's Christian Association, Regional Coordinator
- Gender Based Violence, Survivors

#### *Mbala:*

- Ministry of Health, Nurse in charge
- Radio, reporters and station managers



- Ministry of Education District Education Board Secretary and Head teachers
- Local Council, Community Development Officers
- Judiciary, clerk of Courts
- Victim Support Unit, Coordinator
- Community Development, District Coordinator
- Action Aid Zambia
- Chief's Affairs Officer
- Zambia News and Information Services, District Information Officer
- HID Monitoring and Evaluation Officer
- Social Welfare, Social Welfare Officer
- Young Women's Christians Association, Counsellor
- Gender Based Violence, Survivors

*Kasempa:*

- District Commissioners Office, Assistant District Administrative Officer
- Ministry of Education, Education Standards Officer
- Drug Enforcement Commission, Officer in Charge
- Zambia News and Information Services, District Information Officer
- Office of the President, District Information Officer
- Ministry of Health, Biomedical Technologist
- District Commissioners Office, District Administrative Officer
- Judiciary, clerk of Courts
- Forestry, District Forestry Officer
- Kuba Lusa Faith Based Organisation, Executive Director
- Young Women's Christians Association, Counsellors and paralegals
- Gender Based Violence, Survivors

*Solwezi:*

- Ministry of Social welfare, youth and child development provincial Coordinator
- Victim Support Unit Coordinator
- YWCA Provincial Coordinators and Paralegals
- Local Court Magistrates
- Gender Based Violence, Survivors

**Took part of the consultative process at the national level:**

- Women in Law and Development in Africa
- Women and Law in Southern Africa
- Plan International
- Oxfam
- National Legal Aid Clinic For Women
- Zambia National Women's Lobby
- Women for Change
- Non Governmental Organisations' Coordinating Council
- Caritas





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