

**ZAMBIA FEDERATION OF ASSOCIATIONS OF WOMEN IN BUSINESS
(ZFAWIB)**

**REPORT ON THE ACTIVITIES OF CELEBRATIONS OF THE MONTH OF
THE WOMAN ENTREPRENEUR (MOWE)**

1ST TO 30TH SEPTEMBER, 2006.

PREPARED BY:

ZAMBIA FEDERATION OF ASSOCIATIONS OF WOMEN IN BUSINESS

1. INTRODUCTION

The Month of the Woman Entrepreneur (MOWE) is an initiative conceived by the International Labour Organisation and implemented by the ILO _IRISH AID Partnership Women Entrepreneurship Development Gender and Equality (WEDGE) Programme. The MOWE was first observed in Zambia in September, 2005. It was later declared an annual event by the Programme Advisory Committee [PAC.] of the ILO-WEDGE.

This year, 2006, the MOWE activities under the theme “Support to Women Entrepreneurship: Key to Sustainable Development”, were spearheaded and co-ordinated by the Zambia Federation of Associations of Women in Business (ZFAWIB).

ZFAWIB is a non-governmental organization whose main aim is to promote Women’s entrepreneurial activities in the areas of Trade, Industry, Agriculture, Environment and Service.

The Federation’s mission is to fully integrate women in the main stream of economic activity at local, regional and international level through effective elimination of gender differentials and correcting imbalances in the economic arena.

With this background, ZFAWIB was well placed to spearhead the celebrations of the 2006 month of the Woman Entrepreneur.

2. OBJECTIVES

2.1 DEVELOPMENTAL OBJECTIVE

To accelerate the full integration of women in the mainstream of economic activity and enable them to participate in poverty reduction and wealth creation through Women Entrepreneurship Development (WED).

2.2 IMMEDIATE OBJECTIVES

- 2.2.1 To create opportunities for women entrepreneurs (WE’s) to interact and network with their peers by participating in the various planned activities.
- 2.2.2 To sensitize the authorities and the general public on the importance of WED through media Programs
- 2.2.3 To reflect on past achievements and challenges; and to chart the way forward through workshops and meetings.
- 2.2.4 To create a platform for WE’s to show case their skills, gain exposure and broaden their customer base through trade shows and exhibitions.
- 2.2.5 To sensitize and lobby for support from various stakeholders for the WED movement, in order to assist women to start and grow their businesses.

3. PLANNING

Planning for the MOWE was carried out at the ZFAWIB secretariat. The planning committee was composed of members of the national PAC. and ZFAWIB board members. A number of meetings were held and responsibilities apportioned. A programme was drawn up in consultation with ILO-WEDGE.

4. PLANNED ACTIVITIES

EVENT	DATE	PLACE	TARGET	SPONSOR
Workshop – National Working Group on trade.	31 st August to 2 nd September 2006	Siavonga	ZFAWIB, National Working Group	MCTI
Launch of the MOWE	31 st August 2006	ZNBC STUDIOS Radio and Television	General Public and WEA'S	ZFAWIB, GIDD, ILO-WEDGE, MCDSS, NPC
March past and flagging off of MOWE	1 st September 2006	City Market to National Museum	All WEA'S	ZFAWIB, GIDD, ILO-WEDGE, MCDSS, NPC
Exhibition	1 st Sept 2006	Kitwe	CISEP Users/ WEA'S	ZCTU, CISEP
Training in SIYB	4 th Sept	Lusaka Kabwe Kapiri Mposhi Mpika	Potential and actual laid off women workers	ZCTU and affiliates, ILO-WEDGE
Exhibition	6 th - 8 th Sept 2006	Katondo street Lusaka	General Public	ZFAWIB, MCDSS
District Exhibition	6 th - 8 th Sept 2006	Kashikishi Nchelenge	General Public	ZFAWIB, Twala Women's club
Demonstration Workshop on machinery for SME's	22 nd Sept	Mulungushi Intl Conference Centre	Women Entrepreneur Associations	ZFAWIB, GIDD, UNDP, TDAU, Zambia Bureau of Standards

EVENT	DATE	PLACE	TARGET	SPONSOR
Joint Workshop On the Integration of Women with Disabilities	15 th Sept	Lusaka	Women's wings of DPO's and Women's Associations	Zambia Agency for Persons with Disabilities, ILO- WEDGE
Trade show	18 th Sept 2006	Nyimba	General Public, Petuake and Nyimba and Petauke WEA's	WEDAZ, ILO-WEDGE
Sensitization workshop	18 th Sept 2006	Kitwe	Senior leaders of ZCTU Affiliates	ZCTU & Affiliates, ILO- WEDGE
Fundraising Dinner Dance	22 nd Sept 2006	Lusaka	General Public WEA's	ILO- WEDGE, NPC, ZFAWIB, GIDD, ZCTU, ZTE, MLSS
Trade show	22 nd Sept	Kabwe	General Public, WEA's of CHD, ZFAWIB and ZNADOW	CHD, ZFAWIB, ZNADOW, ILO- WEDGE
Follow –up workshop	20 th Sept 2006	Lusaka	WEA's	ZFE, WEA's, ILO-WEDGE
Radio Programmes	12 th -26 th Sept	National	General Public, WEA's	ZFE, WEA's, ILO-WEDGE

5. ACTIVITIES OF THE MOWE

See file on activity chart attached.

5.1 PUBLICITY, SENSITIZATION AND COVERAGE.

Both the state and private media were used for publicity and coverage of the events. A number of advertisements appeared in the daily newspapers. Two radio interviews were broadcast on Radio Phoenix. Much of the publicity was also done by word of mouth, creating a lot of interest. (Print Media adverts attached as appendix (i) Printed flyers were distributed by members of WEA's and banners were hung at strategic points (Flyer attached as appendix (ii). There was on going press coverage during September. Q FM radio aired a number of reports. (Press cuttings attached at appendix (iii). There events were captured on Video and CD's were produced. These will be submitted to ILO –WEDGE once final editing is done and payments are made.

Photographs were taken and a picture album has been enclosed with the report.

5.2 OFFICIAL LAUNCH

The MOWE was officially launched on Zambia National Broadcasting Corporation (ZNBC) Television and Radio on the evening of 31st August, 2006 by Mrs. Barbara Chilangwa, the Permanent Secretary in the Ministry of Community Development and Social Services.

In her launch speech, the Permanent Secretary challenged all stakeholders to dedicate their efforts to include WED programmes in the various Ministries and institutions.

[Launch Speech attached as Appendix (IV)

5.3 MARCH PAST AND FLAGGING OFF

The MOWE was flagged off on 1st September, 2006. The event was marked by a march past which began at Lusaka's City market, through Lumumba and Ben Bella Roads and onto Independence Avenue ending at the National Museum where a mini exhibition was held and official speeches were made.

The march past was attended by the following:

- Women from the Zambia Union of Financial and Allied Workers (ZUFIAW)
- Ministry of Commerce, Trade and Industry.
- Zambia National Broadcasting Corporation (ZNBC)
- Officials from ILO and the Irish Embassy
- Women from the Ministry of Finance and National Planning
- Members of the Zambia Agency for Persons with Disabilities (ZAPD)
- ZFAWIB members and affiliates.

The guest of honour , Mrs. Christine Kalamwina , Acting Permanent Secretary in the Ministry of Women Affairs and Gender in Development, participated in the march past before flagging off the MOWE .

The march past was graced by the Zambia Police Band who provided the music and the Lilayi majorettes who entertained the participants.

Speeches were made by Mrs. Christine J. Mulundika, Chairperson of ZFAWIB, Mr. Gerry Finnegan, Country Director of ILO and Mr. Thomas Bellow, the representative of the Irish Government in Zambia.

In her opening remarks, Mrs. Mulundika paid tribute to ILO-WEDGE for the role they are playing in WED and for initiating the celebration of the MOWE in Zambia. She urged women to fully participate in the celebrations and activities; and then called on Mr. Finnegan to give his remarks.

The Country Director gave some insights into some of the programmes ILO-WEDGE is running and showed how they were benefiting women entrepreneurs. He commended WEA'S for the active role they are playing and called for more interaction between WEA's and other institutions such as the Zambia Federation of Employers (ZFE), Zambia Congress of Trade Unions (ZCTU) and line Ministries.

Mr. Finnegan expressed his pleasure at seeing women from the formal sector participating in the activities. He also urged the general public to support WE's not only by attending trade shows but also by buying their products as this would help grow their businesses . He wished all the women a successful MOWE.

In his speech Mr. Bellow recognized the role WEA's and ZFAWIB in particular are playing in WED. He told the gathering of other initiatives that the Irish government is promoting in the area WED and in the integration of persons with disabilities. Mr. Bellow wished the WE's a successful MOWE.

The guest of honor, Mrs. Christine Kalamwaina in her speech reiterated government's strong commitment to WED and cited the formation of the Ministry of Women Affairs and Gender in Development as proof of that commitment.

She recognized the importance of partnering with organizations such as ILO-WEDGE and commended the government of Ireland for their support. She then flagged off the celebrations of the MOWE.

(Mrs. Kalamwina's speech attached at Appendix (IV))

6. **FUNDING**

The activities of the MOWE were funded by the following institutions:

ORGANISATION	CONTRIBUTION	
ILO-WEDGE	ZMK	25,000,000.00
UNDP	ZMK	29,000,000.00
GIDD	ZMK	6,800,000.00
MCDSS	ZMK	10,000,000.00
ZFAWIB	ZMK	521,599.00
TOTAL	ZMK	71,321,000.00

7. **CHALLENGES**

The major challenge was to find partners to help fund activities. One result of this challenge was that some of the of the activities could not take place as planned

September 2006 was also the month of the national tripartite elections. This meant some of the programmes planned for the last week of September had to be rescheduled for October 2006.

8. **LESSONS**

- 8.1 Planning for the MOWE should begin as early as January each year. This will enable the co-ordinating agency to get as much support as possible for the event.
- 8.2 More representatives from line ministries should be involved in the planning as this will ensure dissemination of information to relevant authorities and effective implementation.
- 8.3 Efforts must be made to decentralize the activities of the MOWE in order to make it more inclusive. Rural provinces must be especially targeted for involvement in WED. This will go a long way in alleviating poverty.
- 8.4 Publicity is critical and more funding must be allocated to this activity in future.

9. **IMPACT**

- The events attracted much attention from the general public and this was evident from the number of people who attended the trade shows.
- The month of September saw an increase in ZFAWIB membership. Four local women's clubs and one from Ndola have since affiliated themselves to ZFAWIB.
- As a result of the activities of the MOWE, the national demonstration workshop on SME friendly technologies which was held in November attracted 150 participants, some of whom came from Chipata. There was also a participant from Nchelenge.
- New partnerships and synergies were formed between WEA's and institutions such as MCDSS, Zambia Revenue Authority and TDAU.

10. **CONCLUSION**

ZFAWIB would like to take this opportunity to thank ILO-WEDGE for the confidence they showed in according the Federation the responsibility of co-ordinating the celebrations of the 2006 MOWE.

The Federation extends gratitude to the national PAC, MCTI, MCDSS, UNDP, ZUFIAW, ZCTU , the various WEA's and individual WE's whose combined efforts made the 2006 MOWE the success that it was.

ANNEXES

**ANNEX 1: SPEECH BY MS BARBARA CHILANGWA,
PERMANENT SECRETARY, MINISTRY OF COMMUNITY
DEVELOPMENT AND SOCIAL SERVICES (MCDSS) ON THE EVE
OF THE CELEBRATIONS OF THE MONTH OF THE WOMAN
ENTREPRENEUR – 31ST AUGUST 2006**

COUNTRY WOMEN AND MEN,

GOOD EVENING.

TODAY MARKS THE EVE OF THE CELEBRATIONS OF THE MONTH OF THE WOMAN ENTREPRENEUR IN ZAMBIA.

THE MONTH OF THE WOMAN ENTREPRENEUR CELEBRATIONS ARE A RESULT OF SOME GOOD LESSONS AND PRACTICES LEARNT BY TEN (10) ZAMBIAN EXPERTS THAT WERE SPONSORED BY THE INTERNATIONAL LABOUR ORGANISATION (ILO)-IRISH AID PARTNERSHIP PROGRAMME TO GO AND ATTEND THE CELEBRATIONS OF THE MONTH OF THE WOMAN ENTREPRENEUR IN MARCH 2004 IN ETHIOPIA. WEDGE ETHIOPIA ORGANISED THE CELEBRATIONS IN MARCH 2004 TO CREATE AWARENESS AND LOBBY FOR SUPPORT FOR WOMEN ENTREPRENEURS. THE ZAMBIAN EXPERTS REPRESENTING VARIOUS WOMEN ENTREPRENEURS' ASSOCIATIONS (WEAs) AND SUPPORT ORGANISATIONS TO WEAs AND WOMEN ENTREPRENEURS (WEs) WHO VISITED ACTIVITIES IN ADDIS ABABA AND AMHARA REGIONS WERE CONVINCED THAT SIMILAR ACTIVITIES IN ZAMBIA WOULD ASSIST IN SENSITISING AND LOBBYING FOR SUPPORT FROM VARIOUS STAKEHOLDERS FOR THE WOMEN ENTREPRENEURSHIP DEVELOPMENT IN ZAMBIA IN ORDER TO ASSIST WOMEN TO START AND

GROW THEIR BUSINESSES. WEDGE ZAMBIA WHICH IS A COMPONENT OF THE ILO – IRISH AID PARTNERSHIP PROGRAMME IN CONJUNCTION WITH THE MINISTRY OF GENDER IN DEVELOPMENT (MOGID) AND OTHER INSTITUTIONAL PARTNERS CHOSE SEPTEMBER AS THE MONTH OF THE WOMAN ENTREPRENEUR IN ZAMBIA. ZAMBIA IS THIS YEAR, FOR THE SECOND TIME, COMMEMORATING THIS VERY IMPORTANT OCCASION. THE EVENT MARKS THE RECOGNITION OF WOMEN ENTREPRENEURS' QUEST FOR IMPROVEMENT OF THEIR ECONOMIC STATUS ACTIVE PARTICIPATION IN THE TRADE AND INDUSTRY SECTOR.

THE THEME FOR THIS YEAR IS “SUPPORT TO WOMEN ENTREPRENEURSHIP DEVELOPMENT – KEY TO SUSTAINABLE DEVELOPMENT”.

COUNTRY WOMEN AND MEN,

THIS THEME IS CHALLENGING US ALL TO DEDICATE OUR EFFORTS IN INCLUDING WOMEN ENTREPRENEURSHIP DEVELOPMENT (WED) PROGRAMMES IN OUR PROGRAMMES WITHIN OUR MINISTRIES AND ORGANISATIONS IN ORDER FOR THE WOMEN ENTREPRENEURS, THEIR FAMILIES, COMMUNITIES AND IN THE LONG RUN OUR COUNTRY ZAMBIA ATTAIN SUSTAINABLE DEVELOPMENT ORIENTED. WED PROGRAMMES WILL ASSIST WOMEN ENTERPRISES SOLVE THEIR NUMEROUS PROBLEMS AND ALSO ENCOURAGE AND INCREASE WOMEN'S PARTICIPATION IN THE ECONOMIC DEVELOPMENT OF OUR COUNTRY.

THE ZAMBIAN WOMEN ENTREPRENEURS' CONTRIBUTION TO THE DEVELOPMENT PROCESS IS NEGLIBLE BECAUSE IT IS STIFLED BY BARRIERS SUCH AS GENDER BIASES, POOR EDUCATION, LACK OF BOTH TECHNICAL AND MANAGEMENT SKILLS, FAILURE TO ACCESS FINANCIAL ASSISTANCE AND BUREAUCRATIC REGISTRATION PROCESSES WHICH HAVE MADE IT VERY DIFFICULT FOR WOMEN TO EITHER START OR EXPAND EXISTING BUSINESSES.

COUNTRY WOMEN AND MEN,

GOVERNMENT RECOGNISES THE CRITICAL ROLE THAT WOMEN PLAY IN THE SOCIO ECONOMIC ACTIVITIES OF THE NATION AND HAS THEREFORE PUT IN PLACE POLICY GUIDELINES TO REDRESS GENDER IMBALANCES IN THE PRODUCTIVE SECTORS, SUCH AS, PROVIDING SUBSIDIZED AGRICULTURAL INPUTS AND TRAINING IN VARIOUS SKILLS. THIS IS AIMED AT ASSISTING WOMEN TO BE ACTIVE PARTICIPANTS IN THE NATIONAL DEVELOPMENT PROCESS.

GOVERNMENT HAS ALSO RECOGNISED THAT POVERTY LEVELS AMONG WOMEN ARE VERY HIGH AND THAT THE ACQUISITION AND OWNERSHIP OF LAND IN ZAMBIA, ESPECIALLY BY WOMEN, CONTINUES TO BE A HINDERANCE TO WOMEN'S EFFECTIVE PARTICITION IN NATIONAL DEVELOPMENT. THE LACK OF LAND RIGHTS BY WOMEN IS DISCRIMANATORY, AS LAND IS CONSIDERED AS THE MOST

FUNDAMENTAL RESOURCE TO WOMEN'S ECONOMIC EMPOWERMENT AND STRUGGLE FOR EQUITY AND EQUALITY WITHIN A PATRIARCHAL SOCIETY.

THE GOVERNMENT IN ITS CONTINUED EFFORTS TO UPLIFT THE STATUS OF WOMEN IN ZAMBIA IS, THEREFORE, REVIEWING THE LAND POLICY TO FORM A BASIS ON WHICH LAND RELATED ACTS CAN AND WILL BE REVIEWED. THE POLICY SEEKS TO REDRESS THE GENDER IMBALANCES AND OTHER FORMS OF DISCRIMINATION IN LAND TENURE. CURRENTLY, THIRTY PERCENT (30%) OF THE APPLICATIONS FOR LAND ALLOCATION IS RESERVED FOR WOMEN WHILST THE REMAINING 70 PERCENT IS TO BE COMPETED FOR BY BOTH WOMEN AND MEN.

COUNTRY WOMEN AND MEN,

THESE EFFORTS SHOW WHAT GOVERNMENT IS DOING IN ADVANCING THE CAUSE FOR WOMEN EMPOWERMENT. HOWEVER, ADVANCING THIS CAUSE FOR WOMEN HAS BEEN MET WITH A NUMBER OF CHALLENGES, SUCH AS:

1. GENDER BIASED CULTURAL BELIEFS, NEGATIVE TRADITIONAL PRACTICES AND STEREOTYPING AIMED AT DISCOURAGING AND PREVENTING WOMEN FROM ACTIVELY PARTICIPATING IN THE ECONOMIC SECTOR AND
2. THE NON APPRECIATION OF GENDER BY PEOPLE WHO THINK THAT GENDER IS A WOMEN'S ISSUE.

I AM HAPPY TO NOTE THAT THE ZAMBIA FEDERATION OF ASSOCIATIONS FOR WOMEN IN BUSINESS (ZFAWIB) AND OTHER INSTITUTIONAL PARTNERS FOR THE ILO-IRISH AID PARTNERSHIP PROGRAMME AND ALSO IN CONJUNCTION WITH THE MINISTRY OF GENDER IN DEVELOPMENT WHICH IS A PARTNER ORGANISATION TO THE PROGRAMME HAVE ADOPTED THE CELEBRATIONS OF THE MONTH OF THE WOMAN ENTREPRENEUR AS AN ANNUAL EVENT AND WILL PROVIDE US WITH AN OPPORTUNITY TO ASSESS HOW MUCH WE NEED TO DO IN ORDER TO CONTINUE UPLIFTING THE STATUS OF WOMEN ENTREPRENEURS.

I THEREFORE WISH TO URGE YOU ALL TO TAKE UP THE CHALLENGE OF INCLUDING WOMEN ENTREPRENEURSHIP DEVELOPMENT PROGRAMMES IN THE ACTIVITIES OF YOUR MINISTRIES AND ORGANISATIONS SO THAT CAN PROVIDE DISCENT EMPLOYMENT AND SUSTAINABLE DEVELOPMENT TO OUR COUNTRY ZAMBIA.

COUNTRY WOMEN AND MEN,

MAY I TAKE THIS RARE OPPORTUNITY TO LAUNCH THE SECOND CELEBRATIONS FOR THE MONTH OF THE WOMEN ENTREPRENEUR. I WISH YOU ALL SUCCESS IN YOUR PROCEEDINGS DURING THIS IMPORTANT PERIOD.

I THANK YOU

GOOD NIGHT AND GOD BLESS YOU

ANNEX 2: SPEECH FOR MS SUSAN SIKANETA, PERMANENT SECRETARY, LUSAKA PROVINCE TO WOMEN ENTREPRENEURS AT THE NATIONAL MUSEUM TO FLAG OFF THE CELEBRATIONS ON FRIDAY, 1ST SEPTEMBER 2006

Salutations:

- The Mistress of ceremonies,
- The Director, ILO Lusaka office,
- Representative of the Irish Aid and the Irish Government,
- Heads of various government and private sector organizations,
- Other dignitaries,
- Media organizations,
- Women Entrepreneurs and
- Ladies and gentlemen.

First and foremost Madam Mistress of ceremonies, allow me to sincerely thank the Zambia Federation of Associations for Women In Business (ZFAWIB), Ministry of Gender in Development (MOGID) and the International Labour Organisation (ILO) Lusaka office for inviting me to flag off a very important match past for Women Entrepreneurs (WEs) this morning. Secondly, I also wish to thank the ILO-Irish Aid Partnership Programme for considering Zambia to participate in the programme since 2001. Our participation in the programme has made it possible for us to learn good practices such as the Celebrations of the Month of the Woman Entrepreneur from our sister Country Programme-Ethiopia. As such, we are this morning flagging off the celebrations of the Month of the Woman Entrepreneur for the second time in Zambia. The celebrations commenced this morning 1st September 2006 and will continue up to 25th September 2005 due to the Presidential and Parliamentary elections on 28th September 2006. Otherwise, the celebrations were supposed to continue up to 31st September 2006. I am told that the programme is financed by the Irish Government. On behalf of the Zambian Government and indeed on my own behalf, I wish to take this opportunity to pay tribute to the Irish Government for this gesture.

The ILO – Irish Aid Partnership Programme in Zambia works in partnership with the Ministry of Gender In Development (MOGID). It is also gratifying to note that the programme seriously considered the issue of sustainability and as such, implements the activities through a number of stakeholders with already existing structures. These

stakeholders includes both government, non-governmental organisations (NGOs) and Trade Unions.

I am also reliably told that the ILO-Irish Aid Partnership Programme has three (3) components namely:

1. Women's Entrepreneurship Development and Gender Equality (WEDGE),
2. Developing Entrepreneurship among Women with Disabilities and
3. Promoting the Employability and Employment of People with Disabilities through effective Legislation.

Madam Mistress of ceremonies, this points to the fact that the Programme also has at heart the needs and concerns of women and people with disabilities which is one of the concerns for the Zambian government. The interest to provide the support to our sisters with disabilities through entrepreneurship programmes should be of interest

To other stakeholders that are represented here. I want to encourage our sisters and brothers with disabilities who have shown their interest in participating in programmes that can support them in starting and growing their businesses like the ILO-Irish Aid Partnership Programme. This will enable you to participate in programmes like the celebrations of the Month of the Woman Entrepreneur which you have been part and parcel this morning so that you can be able to meet other Women entrepreneurs, interact with them and share experiences that can assist you in your businesses.

Madam Mistress of ceremonies,

Allow me to also say that I took note of some major areas that the ILO-Irish Aid Programme supports which includes the following:

- Awareness creation on the importance of Women's Entrepreneurship Development (WED),
- Developing advocacy and lobbying mechanisms for women entrepreneurs with and without disabilities ,
- Capacity building for women entrepreneurs with and without disabilities,
- Capacity building in gender sensitive service women entrepreneur associations and business development service (BDS) providers,
- Improving market access for women entrepreneurs with and without disabilities and
- Mainstreaming of HIV/AIDS awareness into the women entrepreneurship training programmes.

I am delighted Madam Mistress of ceremonies to state that the areas that the ILO-Irish Aid Partnership programme supports are also of very high interest to the Zambian Government. That is why I did not hesitate to come to flag off the walk this morning in order to commence the celebrations of the Month of the Woman Entrepreneur. You all know that Zambia's population has more women than men. It is also important to remember that majority of our women folks have humble and low education backgrounds. As such, most of them are in the Informal Economy/Sector where they are involved in various business activities such as petty trading, cross boarder trading, manufacturing, service provision, etc. Very few are involved in the male dominated

business activities due to problems that WEs still face such as lack of skills, start up capital, un conducive business environment etc. As a result, the Zambian Government is interested to support Women Entrepreneurship Development (WED) programmes so that both women and men can make meaningful contributions in the economic development of our country. After having said that madam mistress of ceremonies, I want to say that I was delighted to learn that this year, you have chosen the theme “ Support to Women Entrepreneurship Development-Key to Sustainable Development”.

I also want to pledge the support from the Ministry of Gender In Development (MOGID) and Lusaka Province where I am Permanent Secretary to programmes aimed at the WED and cross cutting issues such as HIV/AIDS and Gender which can hinder you as WEs to grow your businesses. MOGID and Lusaka Province is willing to collaborate with the Women Entrepreneurs’ Associations (WEAs) in any programmes aimed at developing WEs.

Lastly but not the least Madam Mistress of ceremonies, I am glad to note that you have decided to declare the Celebrations of the Month of the Woman Entrepreneur to be an annual event which should continue even after the support from the ILO – Irish Aid Partnership Programme which I am told will come to an end in 2007. This will be under the coordination of the Zambia Federation of Associations for Women In Business (ZFAWIB) with support from the Ministry of Gender In Development (MOGID)GIDD. I want to congratulate ZFAWIB for being entrusted to coordinate this important programme. This is a very important step ahead for Women Entrepreneurs in Zambia. The step that ILO-Irish Aid Partnership Programme took to entrust ZFAWIB with the coordination of the celebrations is very important for the ownership and sustainability of programmes. Hence the need for all stakeholders to support ZFAWIB in this noble cause. I hope and trust that during the celebrations, we will be able to sensitise a number of organizations in the Private sector and the government so that they can assist you in the sustainability of the Programme activities.

I want to urge you all as WEs gathered here this afternoon to take the activities that you will undertake during the Month of the Woman Entrepreneur seriously so that impact will be achieved.

After having said that, I now wish to declare the celebrations of the Month (September) of the Woman Entrepreneur officially commenced. May God bless you during the celebrations

THANK YOU

ANNEX 3: ZAMBIA AGENCY FOR PERSONS WITH DISABILITIES (ZAPD)

SUBJECT: REPORT OF THE BRAINSTORMING WORKSHOP ON INTEGRATION OF WOMEN ENTREPRENEURS WITH DISABILITIES AND THOSE AFFECTED AND INFECTED WITH HIV AND AIDS IN ACTIVITIES FOR WOMEN ENTREPRENEURS' ASSOCIATIONS.

DATE: 15TH SEPTEMBER 2006

PREPARED BY: JOHN PETER MWANZA (PROJECT COORDINATOR)

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1.0 BACKGROUND

Zambia Agency for Persons with Disabilities (ZAPD) with support from International Labour Organization (ILO)- Irish Aid PARTNERSHIP PROGRAMME is implementing a Women Entrepreneurship disabilities Program aimed at empowering women entrepreneurs with and without disabilities including those affected with HIV and AIDS pandemic. Among the strategies, an all inclusive development approach is desired to enhance and facilitate the WED-economic development of Zambia through Women Entrepreneurship Development (WED). It is against this background that ZAPD organized a one day brainstorming workshop held at the Salvation Army Complex on 15th September 2006 to explore possible tools to develop an inclusive Women Entrepreneurship Development sector in Zambia that takes into account issues of disability and HIV and AIDS pandemic.

1.2 Purpose of the brainstorming workshop

The purpose of the brainstorming workshop among others was to collectively find effective approach that would promote integration of women entrepreneurs with disabilities and those affected with HIV and AIDS pandemic in the activities for Women Entrepreneurs Associations(WEAS). The workshop drew participants from strategic institutions, associations and government line ministry, whose inputs, contributions and recommendations are in this report.

1.3 Numbers of participants

Twenty two (22) participants drawing from strategic associations such as Disabled People's Organizations (DPOs), Zambia Federation of Associations of Women in Business (ZFAWIB), National AIDS Council, Ministry of Community Development and Social Services (MCDSS) and Zambia Federation of Employers. However, only the representative from the financial service providers (Pride Zambia) could not make it to the workshop. Note however that the absence of such representative did not affect the deliberations as most of the participants were already aware of the roles and conditions of the financial service providers both the banks and the micro-finance institutions (MFIs) in Zambia. For representation, **see appendix one (01) attached.**

Four (04) facilitators with specialized practical experience in HIV and AIDS/gender, entrepreneurship management, labour laws business and working with women groups at grassroots formed the core facilitation team. The facilitation team was assisted by a sign language interpreter.

2.0 OPENING REMARKS

2.1 Zambia Agency for People with Disabilities (ZAPD)

The opening remarks were made by Mr. M.P Chilufya on behalf of the Director General for Zambia Agency for Persons with Disabilities (ZAPD) who could not make it due to a commitment at the National Workshop, organized by Zambia Federation Of the Disabled (ZAFOD) which was taking place on the same day. The ZAPD representative recognised the high levels of unemployment in Zambia which could be cushioned through a sound entrepreneurship developing sector and through the acquisition of practical skills in business management. In the opening remarks, he noted that the development of a sound entrepreneurship sector requires positive attitude change from the people with disabilities themselves as borrowers on one hand and the flexibility/accessibility of the financial services from financial service providers on the other hand.

2.2 Director - International Labour Organization (ILO)

The workshop was officially opened by ILO Director for Zambia who is also the ILO representative for Mozambique, Malawi and Zambia, Mr. Gerry Finnegan, who outlined a number of achievements that ILO has done in the promotion of the rights of people with disabilities in employment and entrepreneurship development in Africa and other countries in the world. For instance, he gave reference to the success of the WEDGE program in Ethiopia piloted in the year 2000/2005, and whose model has since been replicated in Zambia. He also took recognition of the importance of the month of September, which is the 'Month of the Woman Entrepreneur' as it makes women come together and reflect on a common cause.

He further explained that the United Nations has finally agreed and adopted the Convention on Employment of Persons with Disabilities. The convention now gives a

legal framework through which the rights of people with disabilities draws strength and recognition. However, he stressed that ILO does not work alone but with and through partnerships with government line ministries such as MCDSS, MLSS etc and civil society organizations (COSs), employers organizations (ZFE) and Workers organization (ZCTU) for both policy and implementation of the activities.

It was further emphasized that ILO's approach in the promotion of entrepreneurship development is through provision of business skills to women in order to competitively run and manage their own businesses. However, ILO does not provide start up financial services and similarly, the choice/type and nature of business is left with the entrepreneur. The idea of skills training support aims at empowering the people intellectually so that they acquire skills to develop potential business proposals for considerations by financial service providers. However, the Director pointed out that ILO supports the innovative ideas of people and as such, the support given in form of skills aims at unveiling potential opportunities for people with disabilities and those affected with HIV and AIDS pandemic.

3.0 FACILITATORY METHODOLOGY

The workshop was conducted using participatory methodology principles, involving full participation of the participants. After each paper presentation participants went into plenary to brainstorm on issues which arose from the presentation, seek clarifications and agree on the way forward. The outcome from plenary formed part of the recommendations and action plan

3.1 Paper presentations

Two (02) presentations were made by external facilitators on HIV and AIDS and integration of women entrepreneurs with disabilities in WEAS' activities and in entrepreneurship in general. There were constructive contributions and feedback from the participants.

3.1.1 Presentation by Ms.Terri Collins – National AIDS Council (NAC)

The presentation focused on vulnerabilities of persons with disabilities to HIV and AIDS pandemic also making reference to comparative findings of a research carried out in America on relationship between disability and exposure to risk of HIV and AIDS. It was evidenced from the presentation that persons with disabilities are more prone or vulnerable to contracting and spreading HIV and AIDS than persons without disabilities. It was further noted that within the persons with disabilities, women are more vulnerable than men in the sense that some people referred to as 'sex predators' taking advantage of the women's disabilities to satisfy their sexual desires, which result into further social impact such as unplanned pregnancies and ultimately increased number of vulnerable children without care and support. The presentation outlined that some of the factors that make persons with disabilities more prone to HIV and AIDS contraction and infection include lack of accurate information about HIV and AIDS in a format that persons with disabilities understand; hence the old adage holds that '**where there is no information, people perish**'. Further, the general lack of respect or consideration of disabilities by the well bodied persons leave the disabled women without choice but fall prey to predators. Hence, gender based violence and inequality is still a challenge towards the fight against HIV and AIDS not only among persons with disabilities but also with those without disabilities.

Probably due to idleness as it also happens when a large number of people are unemployed, persons with disabilities find themselves in situations of multiple partners and hence, the high degree of spreading the virus among themselves within a short period of time. For instance, during the brainstorming, a very sad story of a disabled women entrepreneur who had six members assisting her to run her business all died of HIV and AIDS due to multiple relationships among themselves.

However, it was noted from the presentation that coordinated voices through associations and partnerships are vital for development of a society where persons with disabilities and those HIV and AIDS in general and women entrepreneurs in particular are secure and able to participate in household, national and global economic development.

Secondly, there's need to raise awareness in matters of gender based violence against women and girls and problems of HIV and AIDS as well as disabilities using the voices of other men as role models to capture or change the attitudes of other men in fighting gender inequality in society.

Thirdly, the linking and networking of DPOs with organizations and associations that have similar services or with similar goals will enhance and provide opportunities for women with and without disabilities and those affected with HIV and AIDS participate in entrepreneurship development, gender equality and other matters that affect their welfare as women with disabilities.

3.1.2 Presentation by Ms. Maureen Sumbwe - ZFAWIB

Zambia Federation of Associations of Women in Business (ZFAWIB) presentation equally focused on the association's position towards the promotion of the women entrepreneurship in Zambia. As an institutional and individual membership organization, though not much has been done in the integration of Women entrepreneurs with disabilities, its focus is on strengthening the capacity of women groups and recommending those with potential business proposals to micro-finance institutions for funding. ZFAWIB does not provide financial services to women groups but builds entrepreneurship skills of people so that skills will be used to mobilize finances and sustaining business operations.

In terms of HIV and AIDS issues, ZFAWIB already integrates HIV and AIDS in all its training programs. For instance, when training of cross-border entrepreneurs, issues of HIV and AIDS are paramount because women entrepreneurs are their away from homes for long distances and times may facilitate the spread and contraction of HIV and AIDS among themselves and later among the households.

ZFAWIB indicated that effective coordination in the integration of Women entrepreneurs with disabilities and those affected/infected with HIV and AIDS could also be tackled through the Sector Advisory Groups (SAGs) of which ZFAWIB is already a member.

3.2 Plenary discussion

Though a lot of issues that rose from the opening remarks by both the ILO Director and ZAPD representative have already been discussed, one thing of further concern was the need to strengthen and support to micro finance institutions through Entrepreneurship Development Fund (EDF) to enhance accessibility of affordable finance support services. This is an area of advocacy by civil society organizations.

Fortunately, Program Officer for Gender in the MCDSS Mr. Nkhoma outlined that the government manages grant scheme that women groups both with and without disabilities access on competitive basis through feasible and potential business proposals. Another issue that arose from a presentation from ZFAWIB, and during the official opening remarks by the Director from ILO was the issue of giving special consideration to applications made by persons with disabilities when appraising the proposals. However, from ILO and ZFAWIB point of view, it was pointed out by all that approval of business depends on sound business proposal. The MCDSS has a similar stand when awarding grants under the grant scheme. However, concerns of complex and technical requirement for proposals was not an issue as proposals were received and analyzed in their simplest format as long as there was a clear and convincing business idea put forward.

3.3 Participatory group discussions and questions

In addition to issues raised during the presentation and plenary discussions, participants were divided into three (03) groups to discuss on how the proposed solutions to the questions could enhance the development of Entrepreneurship among Women entrepreneurs with disabilities.

1. How can women with disabilities be PRACTICALLY engaged in women entrepreneurship development?
2. How would issues of HIV and AIDS be mainstreamed in Women entrepreneurship development?
3. How can women entrepreneurs with disabilities and those affected with HIV and AIDS be facilitated to raise capital for their businesses?

3.4 Group work presentation and plenary

After group discussions, each group presented their solutions followed by the plenary discussion. The outcome of the group discussions were an addition to issues that arose during the paper presentations including the opening remarks by ZAPD and ILO. A significant amount of time was spent for plenary because the outcome of the group presentations and plenary discussions were to consolidate the recommendations derived from the presentations and plenary sessions. Further, an action plan was agreed upon though it was a bit difficult to assign responsibilities and timeframe for the implementation of the agreed roles partially due to the fact that the activities are already ongoing and also that they are multiple associations duplicating or doing more like the same thing.

4.0 MAJOR ISSUES OF CONCERN BY PARTICIPANTS

1. The issue of start up capital was so prominent and occupied centre stage. Participants were of the view that a deliberate policy by ILO and other donors should be put in place to support women entrepreneurs with and without disabilities and those affected and infected with HIV and AIDS with start up capital. It was noted that a lot of capacity building training has been done by various organizations BUT in spite of the skills it is difficult to start business activities due to lack of start up capital
2. Lack of collateral to secure loans and other financial support services continues to hinder accessibility of financial services by women entrepreneurs with disabilities. Due to risk or uncertainty involved when lending people with disabilities and those affected HIV and AIDS, financial services providers are unlikely to provide credit even when business proposals may be viable.
3. Lack of marketing information and market for products produced by women entrepreneurs with disabilities. Engaging into business is incomplete UNLESS the produce or products have a market. Participants were of the view that efforts should be made to not only disseminate market information but also facilitate markets access for products for women entrepreneurs with disabilities.

4. Uncoordinated Disabled People's Organizations (DPOs). It was observed that there are lot of DPOs which are in a fragmented manner; hence difficult to coordinate similar needs due to their fragmentation
5. Competitive funding opportunities in the financial markets still remain a hindrance to access start up capital by Women entrepreneurs with disabilities are subjected to stiff competition in accessing financial service and suggested that efforts should be made to lobby financial service providers to give a preferential empathy to women with disabilities and those affected with HIV and AIDS when appraising business proposals. However, according to ZFAWIB, who are in the process of working with financial service providers in supporting women entrepreneurship development, awarding of financial services for potential business revolves on the viability of the proposal rather than the situation of the proposed owners.
6. Gender inequality in society remains a challenge. Apart from disability, lack of gender equality and equity in resource allocation and decision making remain a challenge to women entrepreneurship development.

5.0 CONCLUSION AND RECOMMENDATIONS

1. Integrate entrepreneurship activities of women with disabilities and those affected with HIV and AIDS into entrepreneurship activities for those women entrepreneurs without disabilities and those not affected with HIV and AIDS pandemic. In this case, it will enhance accessibility of loans and other financial services due to reduction in risks
2. Affiliate the DPOs with associations such as ZFAWIB and others dealing with women entrepreneurship development and HIV and AIDS mitigation.

3. There is need for positive attitude change among the women with and without disabilities and those affected with HIV and AIDS regarding importance of paying back loan for start up capital. Encourage the culture of saving and incorporating business sustainability component including training in marketing and exhibition skills
4. Link the DPOs to responsible line ministry such as MCDSS, local and international institutions that provide financial support services. For instance, NAC did mention that under the civil society component of 'Strengthening the AIDS Response Zambia' (STARZ), it was possible to collaborate and explore means and ways of creating linkages of DPOs to organizations for possible entrepreneurship support services.
5. There should be equitable access to information by people with disabilities especially Women through provision of information in BRAILLE for the blind, interpreters for the deaf and the larger fonts for those who are partially sighted or visually impaired
6. There should be an advocate to represent the views and needs of DPOs in matters of development of women entrepreneurship, disabilities and issues of HIV and AIDS
7. Issues of HIV and AIDS should be integrated into entrepreneurship skills training and programs collectively run by women entrepreneurs with and without disabilities and those affected with HIV and AIDS through encouragement and promotion Voluntary Counseling and Testing (VCT), availability and accessibility to ARVs among others
8. Equitable access to funding of potential business proposals regardless of whether from women with or without disabilities and those affected with HIV and AIDS. Hence the need for preferential empathy to Women with disabilities.

6.0 ACTION PLAN

It was found that activities that can enhance the integration of women entrepreneurs with disabilities in activities for Women Associations are already done but in a fragmented form. However, a tentative action program indicating the proposed activities, timeframe, indicators responsible agencies is attached as **appendix two (02)**

Appendix one (01): Names of participants

Names	Organization	Status	Number
Terri Collins	NAC	Presenter	01
Maureen Sumbwe	ZFAWIB	Presenter	01
Matimba F. Peter	Facilitator	Facilitator	01
Agness Mapulanga	ZNAFOB	Blind	01
F.M P. Chilufya	ZAPD	Blind	01
M M Mpande	ZAPD	Participant	01
Jane m Jere	ZAPD	Participant	01
J. P Mwanza	ZAPD	Coordinator	
Rhoda Mutale	Marieta Centre	Physically disabled	01
Rachael Kaziya	Marieta Centre	Physically disabled	01
Besa Kabwe	ZFE	Participant	01
Fungai Sibanda	ZNLCCB	Blind	01
M. Dongo	ZNLCCB	Blind	01
Susan Mushoka	ZNAD	Deaf	01
Kennedy Nkhoma	MCDSS	GRZ	01
Josephine Chinyanta	ZFAWIB	Association	01
Musa Phiri	ZNAD	Deaf	01
Grace Kangwa	ZNFOB	Blind	01
Mate Namiye	ZNAPH	Physically disabled	01
Martin Chisanga	ZNAPH	Physically disabled	01
Charity Chimuka	DEZ	Physically disabled	01
Clara Kachawale	MEHAZ	Mentally disable	01
Total number			22

Summary of participants' status

	Status	Number
1	Deaf	02
2	Blind impairment	05
3	Physically disabled	05
4	Mentally disabled	01
	Other participants	09
Total		22

Appendix two (02): Action Plan

	ACTIVITY	INDICATORS	MEANS OF VERIFICATION	TIMEFRAM
1	Affiliation of enterprises run by Women with disabilities and those affected with HIV and AIDS to women business associations	Women enterprises are coordinated through membership to women business associations	Number of women enterprises affiliated to business associations through review meetings and follow ups	To immediately
2	HIV and AIDS information sharing and dissemination to women entrepreneurs with and without disabilities	Information about HIV and AIDS packaged in friendly format (Braille, big fonts and provision of interpreters) shared to Women with disabilities	Level of awareness about HIV and AIDS pandemic among women entrepreneurs with and without disabilities	To immediately
3	Facilitation of linkages of women entrepreneurs with disabilities to financial service providers	Women entrepreneurs with disabilities access start up capital	Number of women entrepreneurs accessing and utilizing capital from financial service providers	On going
4	Mainstreaming and integration of issues of HIV and AIDS and disabilities into women entrepreneurship development	HIV and AIDS and disability issues are part of women entrepreneurship development programs	Level and responsiveness of integration	On going
5	Provision of basic business management skills to women entrepreneurs	Women entrepreneurs increase knowledge in entrepreneurship management	Number of women enterprises formed and managed by women including those with disabilities and HIV and AIDS	On going
6	Facilitation of marketing	Access to marketing	IYES, Increased production	ongoing

	information and accessibility for goods and services produced by women entrepreneurs	information and markets for the goods and services	and sales of goods and services produced by women entrepreneurs	
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ANNEX 4:

**REPORT ON THE PETAUKE/ NYIMBA
TRADE SHOW**

HELD ON 16 TH SEPTEMBER 2006

AT
NSANANGE PLEASURE RESORT

IN EASTERN PROVINCE

PREPARED BY:

GRACIOUS DAKA MUVOMBO

WEDAZ BOARD MEMBER.

TABLE OF CONTENTS

PAGE No:

Introduction.....1

Objections.....1

Targets.....1

Expectations.....1

Speeches.....4

List of participants.....4

Conclusion.....4

Recommendations.....4

INTRODUCTION

Women Entrepreneur Development Gender Equality (WEDGE) team of the ILO and Women Entrepreneur (WEDAZ) in focus programme on Boosting Exhibition, Employment and Market Research, held the Trade show on 16th September 2006. The Trade Show was organised by a group from Women Entrepreneur Association of Zambia WEDAZ who had been trained to improve your Exhibition Skills (IYES) training in August. The Trade show took place in Nyimba Eastern Province at Nsanenga Pleasure Resort which was one of the Women Entrepreneurs premises. The Trade show was organised to market their Exhibition Skills.

OJECTIVES

The objective of the Trade show was to assist women entrepreneurs make the best use of the trade fairs to increase and improve their market access, business growth and empowerment through building capacity to acquire and improve knowledge, skills and attitude relating to marketing and business.

TARGETS

- To prepare their stands fully, getting a suitable site, designing and decorating their stands and preparing your display.
- Managing your stand during the Trade fair
- Recording you trade fair participation
- Evaluating your trade fair participation

EXPECTATIONS

- Evaluate their performance at the Trade show
- The number of visitors, especially, "customers" and sales "leads"
- The number of orders placed, and their value in Kwacha.
- The values of sales made at the fair
- Successful marketing communication made
- New ideas for production and business plans
- Draw lessons from participation
- What went well, What went badly, why?

SPEECHES

There were three speeches made

1. By Petuake WEDAZ Chairperson Mrs Funny Mushauko 2nd by the Director of ILO Mr. Geny Fennigan and the Guest of Honour the Director Secretary Mr. Febian Kapatamoyo.

From all the three speeches they all took opportunity to express their sincere gratitude and deep appreciation WEDAZ exhibitors accorded to participate in the celebration of month of the Women Entrepreneur which falls every September and especially the trade show which was brought to their own district or province.

THE THEME FOR THIS YEAR WAS SUPPORT TO ENTREPRENEURS- KEY TO SUSTAINABLE DEVELOPMENT.

The Petauke Chairperson Mrs F. Mushauko thanked ILO, WEDGE in responding to their requests of bringing the Celebrations of the September months of the Entrepreneurs and the trade show and the training, which took place in August prior to the trade, show to be brought to their province. She reported that the number of beneficiaries had increased this year compared to only two who traveled from Lusaka last year.

Nyimba WEDAZ requested for a piece of land so that they could build their own offices to maximise their programmes. They also urged ILO to bring more training to the rural areas to empower them and help find a national market to sale their productions especially after the skills they have acquired.

The District Secretary was pleased that the second celebration has taken place in his District.

He emphasised a lot of good will from the government in assisting women Entrepreneurs. He even retaliated the Chairpersons request to assisting Nyimba WEDAZ to acquire land. The District Secretary promptly offered land to Nyimba WEDAZ, as it was one of government policies to offer land to women.

He urged Nyimba WEDAZ to immediately do the paper work and see him at his office on Monday. He also said the government was committed to the Economic Social and Political Empowerment of women and is very much in support this programme as can be evidenced by the partnership. The MMD government commitment is further evidenced by it's vision of achieving full participation of women and men in the development process at all levels in order to ensure the attachment of reducing poverty far both sexes to be self sustainable and be empowered socially and economically.

He stressed that the government had continued to promote and facilitate the formation of Women's Culbs in the rural communities: these clubs serve to measure the participation of Women in Community developing projects.

The ILO Director Mr. Gerry Fennigan, Highlighted that this programme had been implemented in partnership with a number of institution which include the International Labour Organisation ILO - WEDGE IRISH AID, the community development and the Gender in development Division (GIDD). The programme is financed by the Irish government in partnership with ILO WEDGE. The programme is aimed among other things to build the capacity of women in different skills and techniques to enhance the capabilities. In this regard a number of Women have been targeted in Associations, Clubs and Various Entrepreneurs. A lot of Women have been trained in various life skills.

Mr Gerry Fennigan recommended all the WE's who were trained in the Improve Your Exhibition Skills (IYES) and have participated in the trade show to take what they were

trained seriously. He urged them to grow their business from small medium enterprises (SMS) or amaedium Enterprises (MES) as from how they usually climb the small mountains to big mountains, which impressed him, as he was driving through.

He also emphasised on improving your product designs and development skills during judgement time as he was going round the stands, most of the stands had goods, which were mostly ordered or manufactured. He encouraged the ones of product design and finishing by adding value themselves. He also urged the Audience to support the WE's by buying from them to enable their businesses grow.

The Director Sincerely thanked the Guest of Honour Mr. Febian Kapatamoya for availing himself. The WEDGE consultants Mrs. E. Simonda for working tirelessly making this programme successfully. WEDAZ Chairperson Nyimba and Petuake Mrs Olipa Mwansa and Mrs F. Mushauko for the good organisation, Mr and Mrs Mwansa for offering us their premises to use for the trade show of which it has also helped them to market the place, Mrs G. Muvombo WEDAZ Board member for coming to give support to WEDAZ Entrepreneurs.

He also said it was indeed a pleasure and an honour to be part and parcel of this years 1st trade show and hoped that all would continue to do so in future endeavour.

The Director awarded one winner from each group with prize monies. After the Awards all the exhibitors and invited gusts were invited for luncheon.

At the end of the programme Mrs E. Simonda ILO consultant invited all the exhibitors to fill in the evaluation forms and give a brief overview of the just ended trade show.

SENTIMENTS EXPRESSED

- Were pleased on the prize won.
- Their sales increased after the IYES training.
- They ended of with orders, enquiries, requests for quotation, requests for samples, business cards etc
- Able to tell what went well, what went badly? Why? And how to improve next trade show.

The list below was the Petauke / Nyimba trades show participation details:

PETAUKE/ NYIMBA TRADE SHOW PARTICIPANTS DETAILS

Number of Exhibition Daily record forms filled		Number of Exhibitors Daily Sales Record		Total number of cash sales		Number of value orders		Total number End of Trade Fair evaluation forms filled
Nyimba	Petauke	Nyimba	Petauke	Nyimba	Petauke	Nyimba	Petauke	22

08	06	09	08	05	46	08	41	
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Petauke exhibitors compared to Nyimba exhibitors recorded a better number of cash sales and values orders. This could be attributed to the fact that their exhibits were market oriented and not product or

ANNEX 5: REPORT ON THE REVIEW OF THE DISABILITY ACT

1.0 Background

Zambia enacted the persons with Disabilities Act in 1996 to respond to the changing needs of society. Since then a lot has changed. The law seem to be failing in responding to the needs of perhaps with disabilities. It felt that the law needs to be amended to place more emphasis on empowerment and rehabilitation programmes unlike handouts. In 2005, ZAPD embarked on a project to review the above Act to respond to the changing needs. A workshop with the stakeholders was held at Ibis Gardens from 6th June 2005. The stakeholders identified issues for reform. Later a working committee was appointed to review the proposals that came out of the workshop. The working committee met on 14th July 2005 at Holiday Inn Lusaka. It was realised that further consultations were needed on proposals made and incorporate some international human Rights Instruments on the rights of Persons with disabilities. As a result another workshop was organised by the Agency from 07th to 08th November 2006 at Lusaka Hotel, Lusaka. This report covers the proceedings of the said work.

1.1 Proposed programme for the 2 day workshop 07-08 Nov. 2006

TIME	ACTIVITIES	RESPONSIBLE PERSON
DAY 1		
08:00 - 08:20	Registration	ZAPD
	Welcoming Remarks	
08:20 - 09:00		ZAPD
	Introduction of Participants	
08:40 - 09:00	➤ Introduction to purpose of meeting and overview	ZAPD
09:00 - 10:00	➤ Presentation of Resolutions from the Ibis Gardens consultants workshop on review of the Act	Facilitator
	➤ Issues from Reports	
10:00 - 10:30	TEA BREAK	
10:30 - 11:30	Presentation of International Human Rights Instruments	DIF/DPO
11:30 - 13:00	Group Work	
13:00 - 14:00	LUNCH BREAK	
14:00 - 15:30	Report Back and Plenary	ZAPD
15:30 - 15:45	TEA BREAK	
15:45 - 17:00	Presentation on Issues from Plenary	ZAPD
	CLOSING OF DAY 1	

DAY 2

TIME	ACTIIVITIES	RESPONSIBLE PERSON
08:00 - 08:30	Recap Of Day 1 Activities	
08:30 - 09:30	Disabilities, Human Rights and Law	DIF,ZAPD,MCDSS
09:30 - 10:30	Group Work	DPO's
10:30 - 10:45	TEA BREAK	
10:30 - 10:45	Presentations from Groups and Plenary	
11:30 – 12:00	Role of ZAPD in Disability Issues	ZAPD / MCDSS
12:00 - 13:00	Discussion (Plenary)	
13:00 - 14:00	LUNCH BREAK	
14:00 - 15:00	Group Work	All
15:00 - 15:30	Presentations	
15:30 - 15:45	TEA BREAK	
15:45 – 16:30	Resolution / Recommendations for Law reform	
17:00	Closing	

1.2 Introduction

The Director General of ZAPD, Mr. S.Manda introduced the high table personnel which included Mr. Felix Silwamba, the outgoing ZAPD Board Chairman, International Labour Organisation Director Mr. Gerry Finnegan, Mr. Chola Kafwambulula, DIF. The Director General then asked participants to introduce themselves.

The brief background of the project was given by the Board Chairperson.

After the Board Chairperson the Director General explained the challenges that ZAPD was facing in its efforts to deliver good services to persons with disabilities. Among them are;

- Inadequate funding as the current grant from the Government is inadequate to service all persons with disabilities.
- High labour force making it difficult to meet their emoluments
- Other running expenses
- Large number of employees who have been retired and are awaiting terminal benefits is another challenge for the Agency

He pointed out that there is need to streamline the operations of ZAPD in other sections of the society. Many persons with disabilities are marginalized in society while certain disabilities can be avoided. He further stated that ZAPD has been unable to employ and return qualified personnel because of non availability of funds. The Ministry of Community Development and Social Services has devised very good strategies to eliminate some of the challenges facing ZAPD. Mr Manda also stated that there is need for equal treatment of persons with disabilities at work places. There is also need to integrate persons with disabilities in the society because it is a cross cutting issue.

Opening Remarks by Mr Gerry Finnegan, ILO Representative for Malawi, Mozambique and Zambia

While many persons with disabilities find themselves on the margins of society, an increasing trend towards a right based approach to disability issues and the full inclusion of disability issues and the full inclusion of disabled persons in society is in evidence in many countries, including Zambia. The Zambian Persons with disabilities Act (1996) reflects this trend by prohibiting discrimination on the grounds of disability, and requiring employers and service providers to make reasonable accommodation for individual requirements.

This tread will be reinforced when the UN General Assembly formally adopts the un Convention on the Rights of Persons with Disabilities in December 2006 or early in 2007. Once this Convention is in place, ratifying status will be required to review their laws, policies, programmes and services so as to bring these into line with the rights-based approach which it, thus the review of the 1996 Persons with Disabilities Act, is timely.

In reviewing the Act, Zambia should draw on two ILO conventions, which it has already ratified these are;

1. Convention No. 111 concerning Discrimination in Employment and Occupation, Ratified in 1979 and

2. Convention No. 159, concerning Vocational Rehabilitation and Employment of persons with Disabilities, ratified in 1983

The text of the current draft UN convention is a further valuable resource.

These conventions contain definitions and provisions of relevance for the review of the 1996 Act in particular, definitions of persons with disabilities and provisions regarding special positive measures which may be required to compensate for the disadvantages which people with disabilities face in obtaining and retaining jobs.

At the core of the Act should be an understanding of disability which focuses not on the impairment of the individual woman, men or child with a disability (which belongs to a medical approach) – but rather on the obstacles which make it difficult for persons with disabilities to participate fully in society (the basis of the social model of disability).

The ILO regards a person with a disability as:

“an individual whose prospects of securing, returning to, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognised physical, sensory, intellectual or mental impairment ”

The draft UN convention has adopted the following definition:

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others.

Discrimination should be understood broadly to include any distinction exclusion or preference based disability, which nullifies or impairs equality of opportunity or treatment or treatment in employment or occupation. It should also be understood to include indirect discrimination – that is apparently neutral situation, regulations or practices which in fact result in unequal treatment of persons with disabilities.

Such discrimination is often the major hurdle which woman and men with disabilities face in their everyday lives.

If the Act is to be revised, then in addition to a focus on welfare and rehabilitation, there should be a strong focus on promoting the inclusion of persons with disabilities into the mainstream of society – into Schools, vocational training centres, employment, rural development programme, poverty reduction strategies – indeed aiming at inclusion across the board.

The Zambia Agency for Persons with special Disabilities (ZAPD) at every level from the proposed General Council through the Executive Board, and the Secretariat needs to be in a position to work actively with all other representative and member based organisations of persons with disabilities to achieve this goal.

The Act should provide clearly for special positive measures aimed at effective equality of opportunity and treatment between persons with disabilities and non-disabled persons, which should not be regarded as discriminating against other non-disabled and return persons.

When it comes to employment, there should be provision in the Act to protect the jobs of workers who acquire a disability, specifying employer responsibility to facilitate job retention and return to work.

Through its technical cooperation, the ILO is in position to support countries like Zambia to revise their laws and policies in line with the recognition that people with disabilities are citizens who have or should have effectiveness of their training and employment laws so that men and women with disabilities have better opportunities. This support can be provided through the ILO's new Decent Work Country Programme (DWCP) for Zambia, which will make job creation for people with disabilities. This Decent Work Country Programme for Zambia has been planned in support of the National Employment and Labour Market Policy (NELMP), as well as the employment and Labour chapter of the draft Fifth National Development Plan. Therefore, the ILO stands ready to support the Government by ensuring that the rights of workers and job seekers with disabilities, including those living with HIV and AIDS are protected.

To support this, the international Labour Organisation in connection with its "ILO – Irish Aid Partnership Programme" is working on several related project components. These are:

- 1. Promoting Women's Entrepreneurship Development and Gender Equality**
- 2. Developing Entrepreneurship among Women with Disabilities and**
- 3. Promoting the Employability and Employment of people with Disabilities through effective legislation,**

Through these projects, the ILO has entered into a service contract with Zambia Agency for People with Disabilities (ZAPD) in order to:

- **Enhance the capacity of National Government to improve the effectiveness in practice of legislation on the training and employment of persons with disabilities**
- **Actively promote the use of the ILO legislation guidelines, for stakeholder and legislative policies on matters concerning persons with disabilities**
- **Increase the integration of women entrepreneurs with disabilities into entrepreneurship development activities,**
- **Strengthen the capacity of disabled people's organisation (DPO's)**

I would like to take this opportunity to thank the Government of Ireland and its Irish Aid Programme for its continuing support for ILO's work on equality and disability issue

Board Chairperson called upon the Minister to officially open the workshop.

Official Opening

The meeting was officially opened at 11:22 by the Minister of Community Development and Social Welfare, Honourable Catherine Namugala She apologised for arriving late.

She stated that she was looking forward to a meeting such as this one where issues concerning disabilities are to be discussed. She thanked ILO for funding the work shop. She emphasised that her Ministry is looking at issues of disabilities with the seriousness they deserved The review was ready and that it is not true that Government is not doing any thing to alleviate poverty among persons with disabilities

She went on to say that the Govt is becoming more and more aware about the problems that persons with disabilities face. The Government is ready to empower ZAPD in order to serve the persons with disabilities well. The President of Zambia has appointed a disabled persons on Citizens' Empowerment Commission

The Minister also urged the participants to reducing the number of DPO's to make it easy for the Ministry to serve persons with disabilities and called for need for DPO's to submit annual returns to the Agency.

Vote Of Thanks by Mr Chola Kafwabulul

Thank you very much your Hon. Minister, distinguished guests, Country Representative, of ILO, Director General – ZAPD, all Protocols observed.

Hon. Minister, we are glad to have you here especially that you were in our ministry before.

When opening Parliament the Republican President Mr Levy Patrick Mwanawasa, SC. said this

The above statement is very gratifying and encouraging to Persons with Disabilities. It shows your Governments good intention in addressing issues of disability. However Hon. Minister we request you to deliver the following message to the President when he comes back from China.

Persons with Disabilities gathered here have the following 7 points that they would like your good Government to consider Viz:-

- i. Full Government's sponsorship or full Governments bursary for all disabled children up to the University or College level. Disability with illiteracy is terrible**
- ii. In achieving the 30% SADC Protocol for women, let disabled women be considered in decision making in very senior appointments. We are getting frustrated in seeing only able-bodied women being appointed. The national cake should be shared equally.**
- iii. Tax should be removed on all appliances or assistive devices being used by persons with disability e.g Braille material, wheel chairs, clutches etc.**
- iv. Tax should be reduced considerably for PWD because there is a cost associated with being disabled. So to alleviate that suffering Income Tax should be reduced so that PWD have more spending power or disposable income.**
- v. PWD demand stiff punishment for all persons raping or defiling disabled people. This has become rampant your Honour.**
- vi. Ministry of Health should have a deliberate programme to ensure PWD who are also HIV Positive have access to ARVS NOT only on paper but in practice.**
- vii. The Republican President, in view of His speech when opening Parliament and what he said on disability, should immediately begin appointing PWD to Cabinet positions, senior positions in government, and other Quasi-Governmental Agencies**

Lastly Hon. Minister Persons with Disability are saying that although they may be on crutches, or wheelchairs, their brains are not on crutches or wheelchairs. They can also contribute to National Development BUT your Government needs to give them a chance to do so. Adequate funding of the Agency, We can have a good and

well framed and documented Disability ACT, but unless and until funding can be adequate the ACT will not help PWD.

Thank you very much!!

Presentation of the Initial Report on the Review of Persons with Disabilities Act No. 33 of 1996 by Mainsa Maxwell- Zambia law Development Commission.

1.0 BACKGROUND

Zambia enacted Persons with Disabilities Act in 1996 to respond to the changing needs of society. Since then a lot has changed. The law seems to be inadequate to respond to the changing needs of persons with disabilities. It was felt that the needs to be amended to place more emphasis on empowerment and rehabilitation unlike handouts. In 2005, Zambia Agency for Persons with Disability (ZAPD) embarked on project to review the mentioned Act to respond to the changing needs. A consultative meeting with stakeholders was held at Ibis Gardens from 6th June 2005 to 8th June 2005. The stakeholders identified issues for the law reform. Later a Working Committee was appointed to review the proposals that came out of the workshop. The Working Committee met 15th July 2005 at Holiday Inn, Lusaka. It was realised that further consultations were needed on proposal made and incorporate some international Human Rights in the Act.

2.0 LAW REFORM

2.1 PREAMBLE

It was resolved that the current Preamble of the Act be re-drafted to reflect the changes proposed to be made to the Act. It was further argued that the Trust Fund being referred to in the present Act is established as a Trust, it is therefore not part of the Act and not necessary to be maintained. It was agreed that the new Preamble read as follows;

"An Act to establish the Zambia Agency for Persons with Disabilities to make provisions for the welfare and rehabilitation of persons with disabilities, establishment of the General Council; establishment of the Executive Board; appointment of the Director General and other staff; establishment of Management Board and to provide for matters connected with or incidental to the foregoing."

2.2 PART 1 PRELIMINARY

2.2.1 SECTION 1

It was resolved that Section 1 of the current Act be retained at it is, but with provision that the minister shall not appoint a day that is later than six months after the enactment of the Act. While a day is not appointed, the Act shall be deemed to come into force on the date of expiration of period referred to in this section.

2.2.2 SECTION 2

- (i) The interpretation of the following terms were adopted as they are in the current Act; Agency Appointed date; Council Director, Director General, Institution, Person with Disability and Secretary.**
- (ii) ‘Board’ it was proposed that the definition of board be deleted.**
- (iii) ‘Management Board’ to mean the board to be established under Section five.**
- (iv) ‘Fund’ to mean funds of the Agency established under paragraph 9 of the schedule. This is so because the current funds being referred to are funds of the National Trust for the Disabled (NTD).**
- (v) ‘Rehabilitation’ It was resolved that the words ‘disabled persons be changed to ‘Persons with Disabilities.’**
- (vi) ‘White Cane’ The definition be changed to read; means a special walking stick used by a visually person as a mobility aid.**
- (vii) ‘Mobility Aid’ Be defined to include motor vehicle, white cane, wheel-chairs, walking frames, clutches, callipers and any other such devices.**
- (viii) ‘Disability’ Be defined as follows: is the functional limitation within the individual caused by physical, intellectual or sensory impairment, medical conditions or illness that may be permanent or transitory in nature and would sometimes entail the use of assertive devices services such as, wheelchairs, hearing aids, guide dogs, etc.**
- (ix) It was proposed that definitions for ‘General Council’ Executive Board’ and Public Facilities ‘be provided for as new elements under the proposed Act.**

2.3 Part II : Zambia Agency for Persons With Disabilities

2.3.1 Section 3

3(1) It was resolved that Subsection (1) one be adopted as it is in the current Act in order to guarantee the autonomous status of the Agency

3(2) It was resolved and recommended that the ‘General Council’ and ‘Executive Board’ be created in the structure of the system; whose functions shall be as follows

(a) General Council

- **To formulate and review policies and measures on all matters relating to disability**
- **Appraisal of status reports**
- **To lobby and advocate for the establishment of desks in all government ministries and the promotion of rights of persons with disabilities**
- **Advise the ministries on matters relating to social, political, culture, recreation and economic development, and the general well being of persons with disabilities.**
- **Do all such things as are incidental to or conducive to the foregoing**

N.B: The General Council shall meet annually

(b) Executive Board

- **To co-ordinate rehabilitation and welfare services provided to persons with disabilities by ministries, institutions and associations**
- **Monitor and supervise the provisions of services to persons with disabilities**
- **Promote public awareness relating to the prevention of disabilities and the care of persons with disabilities**
- **To formulate and develop measures and policies designed to enable disabled persons so far as possible to lead independent lives**
- **To formulate measures and policies designed to achieve equal opportunity for disabled persons by ensuring so far as possible that sporting, recreation and culture activities and are afforded full access to community and social services.**
- **Adopted section 5 (1B) (v) and (vi) from Zimbabwe Act**

(c) Functions of Secretariat

- **To plan, implement and administer programmes and services for all categories of persons with disabilities**
- **To keep statistical records relating to incidence and causes of disabilities, this may be used for the planning, promotion, administration and evaluation of services for persons with disabilities.**
- **Keep a register of persons with disabilities**
- **Provide rehabilitation, training and welfare services to persons with disabilities**
- **Carry out research into general rehabilitation programmes for persons with disabilities**
- **Carry out public awareness relating to the prevention of disabilities and the care of persons with disabilities.**
- **Co-operate with ministers and other organisations in the provision of rehabilitative, educational, training and other welfare services for persons with disabilities.**
- **Co-operate in the provision of rehabilitation and welfare services provided to persons with disabilities by ministers, institutions and associations with disabilities**
- **Carry out directly and indirectly, the development of human resource in the prevention of disabilities and in the provision of rehabilitative, education, training and the general welfare of persons with disabilities.**
- **Do all such things as are incidental to or conducive to the foregoing**

2.3.2 SECTION 4

It was resolved that the phrasing of this section is standard and should therefore be retained as it is in the present Act without amendments

2.3.3 SECTION 5

(i) Composition of the General Council

It was recommended that the composition of the General Council be inclusive as possible to include the institutions listed under Section 5 (1) of the current Act and representatives from DPO's.

(ii) Composition of the Executive Board

The composition be the list under section 5 (i) with the addition of the ministry of Sport, Youth and Child Development, Ministry of Lands and Ministry of Agriculture and Co-operatives; members must be appointed by the minister in consultation with relevant stakeholders.

2.3.4 SECTION 7

(i) It was resolved that subsections (1) to (5) to be adopted with modifications such as the replacement the 'Board' with 'Executive Board'

(ii) It was resolved that a clause be included that state the 'priority shall be given the persons with disabilities when recruiting the Director General and such other staff of the Agency as considered necessary for the performance of the Agency functions under the Act.'

(iii) Function of the Director General

1. They shall be the Director General who shall be the Chief Executive Officer of the Agency, who shall be subject to control of the executive Board and who shall be responsible for the day-to-day administration of the Agency.

2. The Director – General shall be appointed by the Executive Board for a three year term of office and shall be eligible for re-appointment

3. The Director – General shall attend Board Meetings as an ex-official and may address such meeting but shall have no vote.

4. The Director General shall be the secretary of the Board

5. The Executive Board may appoint on such terms an conditions as it may determine from time to time such other staff as it considers necessary for the performance of the functions under this Act.

2.4 Part III Management Board

It was resolved that sections 8 to 12 of the current Act be retained in their current form but with a proviso that states that priority shall be given to persons with disabilities when recruiting the Directors and such other staff of Management Boards as considered necessary for the performance of the relevant Boards' functions under the Act.

2.5 Part IV Registration

(A) Section 13

It was recommended that the current provisions be adopted and in addition insert a subsection that stipulates that registration of persons with disabilities shall be compulsory and shall only be done upon certification by a Medical Practitioner, this is in order to prevent abuse by registering members of the public who may register or be registered for improper motives.

(B) Section 14

(i) Subsections (1), (4), (5) and (6) be adopted as they are in the current Act.

(ii) Under subsection (2), it was resolved that the approved for registration of associations of and for persons with disabilities by Zambia Federation of the Disabled (ZAFOD) be discontinued and instead the responsibility be entrusted in the hands of the Director General with approval from the Executive Board. This is so in order to monitor these Associations since the Agency has powers under the Act to do so.

(iii) Under subsection (3), it was recommended that membership of Association referred to in Subsection 2 be reduced from 50 to at least 30 persons; this is so because some disabilities are not so common that you expect to have such a number. The current requirement hinders persons with disabilities from forming association that can serve their interest. It is prohibitory which must be discouraged.

(iv) It was further recommended that a provision be made under 14 to provide for grounds for refusal of registration of an association. The current Act does not provide for that. This has the danger of uncertainty and abuse by persons entrusted with such responsibilities.

(C) Section 15

(i) It was resolved that a clause be introduced under this section that stipulates that registration of institutions shall be entrusted in one hand of the Director General with approval from the Executive Board. This is to allow the Director General control and monitor the registration of associations.

- (ii) It was recommended that a provision be made under this section Act to provide grounds for deregistration of Association or institutions. The current Act does not provide for this.

2.6 Part V. Inspections

- (i) It was recommended that Sections 16 (1), (1) 17 (1) and (3), and 18 (1) and (2) be returned in their entirety.
- (ii) It was recommended that section 17 (2) be amended to provide sports and recreation facilities. It should therefore read as follows ‘ in the inspecting of facilities referred to in subsection (1) the inspector shall ensure adequate arrangement for the general welfare, education, training, rehabilitation, health, employment, sports, recreation facilities and records kept are in accordance with the provisions of the Act.’

2.7 Part VI; Discrimination On Grounds Of Disability

(A) Section 19

It was recommended that Section 19 of the current Act be retained with no changes.

(B) Section 20

It was recommended that the introductory part of section 20 be amended to read as follows; an employer shall not discriminate against a person with a disability differently from a person without a disability, unless that discrimination is to the advantage of a person with a disability.

(B) Section 21

It was resolved that in addition to the current Section 21, two section be introduced to read as;

- (i) Section 21A – which shall prohibit discrimination in the use of public facilities
- (ii) Section 21B – which shall prohibit discrimination in the discretion of information

(D) Section 22 and 23

These sections were adopted in their current form without any changes

(F) Section 24 (1)

During the consultative workshop, it was proposed that the section be amended to read as ‘a person who provides service under section twenty – two and twenty six shall be entitled 10 % tax rebate.’

However, this was rejected by the Technical Committee the reason being that tax incentives are a prerogative of the minister in charge of finances. A fixed rate cannot be put in the Act.

(G) Section 24 (3) (New Provision)

It was proposed that a new section be introduced to read as section 24 (3) which shall provide that; a person with a disability in employment shall be entitled to a tax rebate at a rate to be determined by the minister responsible for finance from time to time.

This is so because persons with disabilities are marginalized in society and this will help them overcome their challenges.

(H) Section 24 (4) (New Provision)

It was proposed that section 24 (4) be introduced to read as follows;

A person with disability registered with the Agency and unemployed shall be entitled to a Disability Allowance to be determined by the minister responsible for finance from time to time by a statutory instrument.

This will help persons with disabilities meet their challenges. It will be away of empowering them.

(I) Section 24 (5) (New Provision)

The committee recommended that section 24 (5) be introduced to read as follows; ‘a person with a disability registered under this Act who imports mobility aids assister devices and equipment shall be entitled to a tax rebate at a rate to be determined by the minister responsible for finance from time to time.’

(J) Section 25

It was resolved that subsections (1) (2) and 3 (a) be adopted as they are in the Act while in subsection 3 (b) and 3 (c), the term ‘disabled person’ be replaced with ‘persons with disabilities.’ It was further resolved that under this section a clause on penalty units be provided for as 15,000 penalty units or 3 years imprisonment or both to anyone who abrogates the provision of Part VI of this Act.

(K) Section 26

It was recommended that this section be adopted as it is in its entirety without amendments.

2.8 Part VII Miscellaneous

- (a) It was resolved that Sections 27, 28, 29, 30, 31 (1), 32 and 33 be retained in their current form without any changes while section 31 (2) the term minister responsible for community development and social welfare be replaced with minister responsible for disability affairs. This is because time might change and put disability affairs. This is because time might change and put disability affairs in another ministry and not community development. It is therefore important to provide for it in loose words.**
- (b) It was further recommended that a new section called 33A, be introduced in the line with the objectives of the African Decade on Disability 2000 – 2009 to which Zambia is a signatory to read as follows;**

‘Overall responsibility for coordination of related policies programmes and services shall be allocated to the president’s office while disability desks shall be established in all in all Government Ministries and state organs.’

2.9 Schedule Administration

- (a) Part 1 of the present Act was adopted with minor charges only to the word ‘Agency’ where the word appears it must be replaced with the executive Board. This is to reflect the proposal of the members at the end of this report.**

(b) Part II Financial Provisions

The entire part ii was adopted as it is in its current form sake for paragraph 5 (a). It was recommended that as follows.

To provide loans to registered persons with disabilities and registered associations of and for persons with disabilities for commercial ventures.

3.0 Awards and Honours

During the consultative meeting at Ibis Gardens, it was recommended that the 'Technical Committee' do a comparative study with other jurisdictions to learn from there on the administration of awards and honours. It was the view of the stakeholders that this encourages persons with disability to work hard as well as to appreciate their works. Persons with disability need to be honoured during independence celebrations.

This however was not covered by the said committee constituted for such resolutions due to time factor. This still remains hanging.

3.1 Composition of;

(A) General Council

It was recommended that the Act provide for the composition of the General Council as follows;

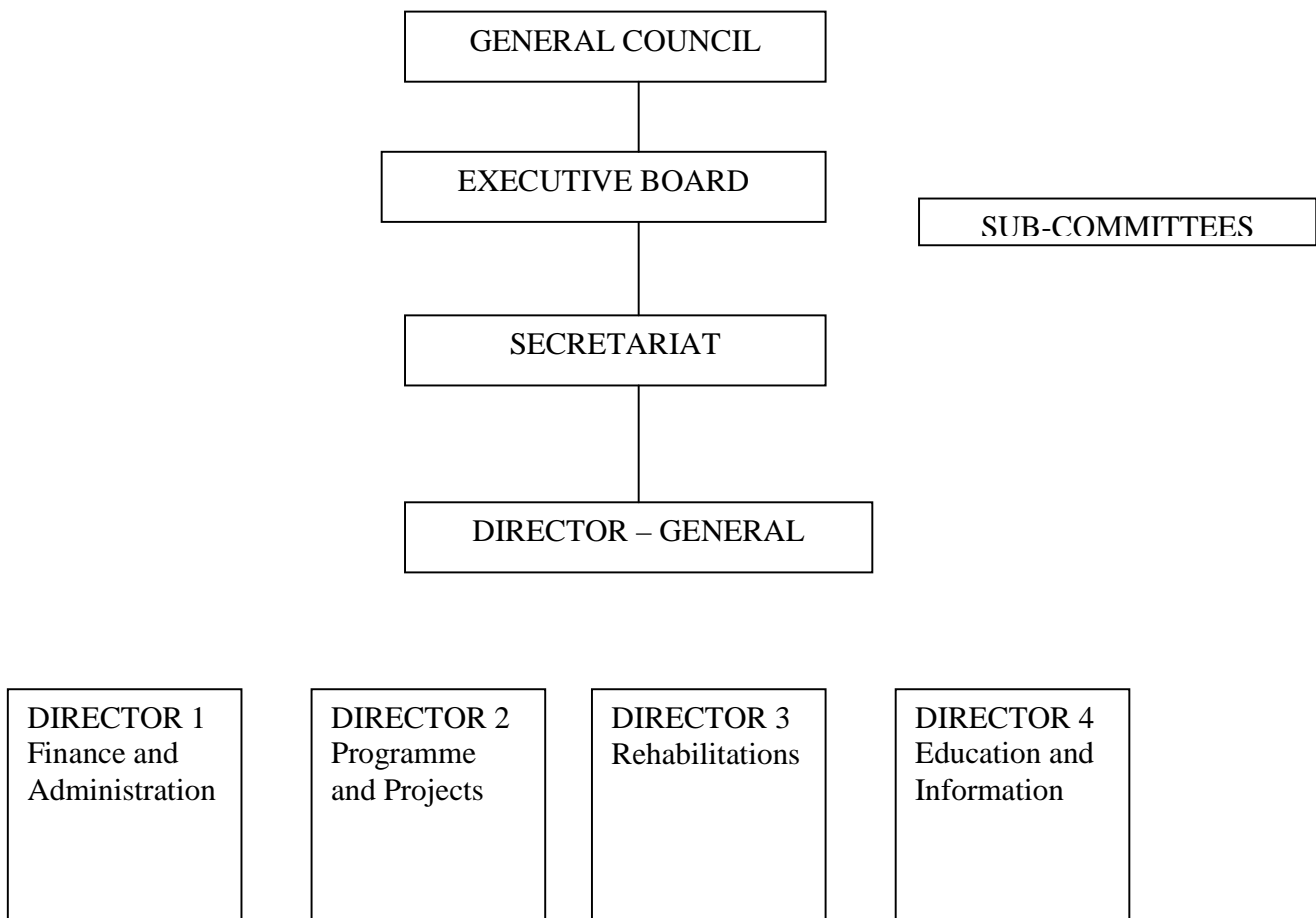
- A representative of Associations and Institutions of or for persons with disabilities.
- All Government Ministries and Institutions
- Non-Governmental Organisations Co- Co-ordinating Committee
- The Unions such as (ZCTU, ZFE, FFTUZ)
- The Church (EFZ, CCZ, ZEC and Islamic Council of Zambia)
- ZACCI
- Workers Compensation Board
- Bankers Association of Zambia

(B) Executive Board

- Director General – ex-officio and Secretary of Board
- Representatives of Associations of and for Persons with Disabilities
- Representatives of the Ministry of Commerce, Trade and Industry
- Representative of the Ministry of Finance
- Representative of the Ministry of Education
- Representative of the Ministry of Health

- **Representative of the Ministry of Justice**
- **Representative of Ministry of Youth, Sport and Child Development**
- **Representative of the Ministry of Lands and Natural Resources**
- **Representative of the Ministry of Local Government and Housing**
- **Representative of the Ministry of Transport and Communication**
- **Two members appointed by the minister**
- **Ministry of Labour**

STRUCTURE



CRITIQUE OF THE ACT BY MR CHOLA KUFWABULULA

THE DISABILITIES ACT

Many disabled people view their rights as the last in a long series of movements for Human Rights. Labour movements, black people, colonised people, poor people have all been liberated. It follows therefore that the struggle/fight for the Human Rights of the disabled is the **LAST CIVIL RIGHTS MOVEMENTS** the world over. And respect for the human rights of the disabled will never come from a document nor from institutions, it will come from the struggle against repression and from freedom.

Disabled people are the largest minority in the World encompassing more than 500 million persons, of which two thirds live in developing countries. For a long time disabled persons have been confronted with different kinds of disregard and mistreatment. Together with women and children, **legal systems** have excluded disabled people (Zambia is no exception as we shall soon see) as non-persons. Eugenic population policies were carried out with the aim to eliminate those deemed disabled through sterilisation and killing programmes. What happened in German National Socialism was the most cruel and far reaching policy of this kind, but its ideology and goal were neither new nor exceptional. Modern disability policies were much more favourable but were also based on the assumption of disabled people not being real citizens. Labelled non-productive members of society, disabled persons were and often still are excluded from main stream society, often locked in large institutions called nursing homes, deprived of all that non-disabled people take for granted: liberty, social and political life, work, education, privacy to name but a few. Disabilities policy has been based on welfare and charity concepts and has not allowed disabled persons to escape the object status and become self-determined subjects.

Bruce Curtis, an American disabled activist who has been involved in the United States in dependent living movements, re-called that through out history people have:-

“been killed at birth, denied education, denied the right to vote, denied the right to employment, denied the right to marry, denied the right to have families, have been sterilized at birth, scientifically experimented upon and imprisoned in institutions under the most inhuman conditions.

We are traditionally the last to receive the benefit or the attention of most societies”.¹

He further stated that disabled persons had been exterminated with Jews, gypsies and intellectuals by the Nazi in the Second World War.

THE PERSONS WITH DISABILITIES ACT NO. 33/1996

Defining disability is complex and controversial. Though arising from physical or intellectual impairment, disability has social implications as well as health ones. A full understanding dimension and is often associated with social exclusion, and increased exposure and vulnerability to poverty.

Disability is the outcome of complex interactions between intellectual or mental condition and the social and physical environment. It has multiple dimensions and far more than individual health or medical problem. To a great extent, it has a human rights dimension which shall be discussed at length in latter chapters.

The Persons with Disabilities Act No. 33 of 1996 was enacted on the 12th December, 1996 and it is the Act that that repeals the former Handicapped Persons Act Cap. 551 of the Laws of Zambia.

This Act establishes the Zambia Agency for Persons with Disabilities, defines the functions of the Zambia Agency for Persons with Disabilities, establishes Management Boards and the National Trust Fund.

¹ Bruce Curtis ` United Nations Sub-Commission Presentation Aug` 1982 DPI office files Winnipeg.

In order that this essay may be concise, it is imperative that the salient features of the Act are looked into below.

Definition of disability

The Act defines disability as:

“Any restriction resulting from an impairment or inability to perform any activity in the manner or within the range considered normal for a human being and would or would not entail the use of supportive or therapeutic designs and auxiliary aids, interpreters, white cane, reading assistants, hearing aids, guide dogs or any other animal treated for that purpose.

The Zambia Agency for Persons with Disabilities

1.1 The Agency is established as a body corporate with power to do all acts and things that a body corporate may legally do.

The Agency consists of seventeen (17) members.

- a) Eight representatives of association of or for persons with disabilities;
- b) Representatives, one each from the Ministries of:
 - i) Community Development and Social Welfare;
 - ii) Finance and Economic Development;
 - iii) Education
 - iv) Health
 - v) Science and Technology
- c) a representative of the Attorney-General
- d) a representative of the Zambia Chambers of Commerce and Industry; and
- e) two other members.

All the members are appointed by the Minister and hold offices for a period of three years.

1.2 The functions of the Agency are to:

- a) plan, promote and administer services for persons with disabilities;
- b) keep a register of persons with disabilities;
- c) keep statistical records incidence and causes of disabilities, etc.;
- d) provide rehabilitation, training and welfare services to persons with disabilities;
- e) promote research into rehabilitation programmes;
- f) Promote public awareness relating to prevention of disabilities.

Management Boards

2.1 In trying to empower people at the grassroots, in the Educational Sector, Government has in this Act established Management Boards in learning institutions in the Country. These Boards have been set up as bodies corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name and with power, subject to the provisions of the Act, to do all such Acts and things as a body Corporate may be law do or perform.

2.2 In the Act, the Minister shall establish management boards by Statutory Instrument. It is this instrument which will specify the composition of each board. Further to this, the Minister shall appoint the members of the board. The function of the board shall be to administer the affairs of any institution established under the Act, to persons with disabilities and to do such things as are necessary to promote the well-being of persons with disabilities. Further the Board shall have a Director who shall be the Chief Executive officer of the Board to be appointed by the Minister and shall be responsible for the day to day administration of the Board.

Registration – Part IV

3.1 The Agency shall register all persons with disabilities, institutions and Associations for and of persons with disabilities. Registration shall be in the prescribed form and through the Principal of a local authority, Social Welfare

officer, Central Statistics officer, School headmaster or an officer in charge of a health centre. Associations shall apply in the prescribed form to the Director-General. Institutions shall apply to the Agency for registration in the prescribed form.

Inspection - Part V

4.1 Inspectors shall be appointed by the Director-General to inspect institutions. These inspectors shall have powers on production of an identity card to inspect institutions and ensure that the provisions of the Act are being complied with. Obstructing an inspector in the exercise of his/her duty shall be an offence and upon conviction to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding three months or both.

Discrimination on Grounds of Disability - Part VI

5.1 In this Act Discrimination is defined as:

- a) Treating a person with a disability less favourably than a person without a disability.
- b) Treating a person with a disability less favourably from another person with a disability.
- c) Requiring a person with a disability to comply with a requirement or condition which persons without a disability may have an advantage over;
or
- d) **Not providing different services or conditions required for that disability.**

Under the Act, Discrimination in employment and learning institutions is Prohibited.

Adjustment Orders - Part VII

5.2 Adjustment Orders shall apply to any

- a) Premises constructed before the commencement of the Act to which members of the public are ordinary admitted, whether on payment of a fee or otherwise; and
- b) Services or amenities ordinarily provided to members of the public before the commencement of the Act.

5.3 Under this section, the Agency may issue an adjustment order to any person it may considers that his premises, amenities or services are not accessible to persons with disabilities.

5.4 The Act further states that on the commencement of the Act, any plan for any Premises or amenities approved, after the commencement of the Act, under the Town and Country planning Act, shall provide facilities that are accessible to persons with disabilities.

Miscellaneous - Part VIII

6.1 All property, rights, liabilities and obligations of the former Council for the Handicapped shall vest in the Agency.

General penalty - Part VIII

7.1 Under the Act any person who contravenes any provision of the Act for which no specific offence is provided shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand penalty units or imprisonment for a term not exceeding three years or to both.

Financial Provision – Part II of Schedule

8.1 The funds of the Agency shall consist of such money as may be appropriated by Parliament, fees, levy, grants and donations. Further to this, the Agency may

accept money by way of grant or donations from any source in Zambia subject to the approval of the Minister, or from any source outside Zambia, raise money by way of loans, salaries, allowances, loans shall be paid from funds of the Agency. Basically the funds of the Agency shall be used for the benefit of disabled persons.

From the above features of the Act we realize that the Persons with Disabilities Act is the Zambian Charter for the Welfare and human rights of the Disabled. It is a tool that Persons with Disabilities should fall on in seeking redress in so far as their rights are concerned. At this point, we shall now traverse the Act in order that we shade more light on how Persons With Disabilities can benefit from this Act.

We shall examine the various provisions of the ACT seriatim:-

a) **Establishment of the Agency**

The very establishment of the Agency itself is a step in the right direction because Persons With Disabilities have an organ whose sole purpose is to promote the needs, welfare, and aspirations of Persons With Disabilities in Zambia. For example Section 6(c) provides for the keeping of a register of Persons with Disabilities. This implies that Government will have records about the number of Persons with Disabilities and this in turn will help in policy making and National Development Planning. It becomes easier for Government to know the number of Persons with Disabilities and to include them in policy issues.

Section 6 (e) provides for research in rehabilitation programmes. When this is fully implemented, it is hoped that most Persons with Disabilities who are currently on the streets begging will soon be rehabilitated and as such their dignity and integrity shall restored yet again..

It should also be appreciated that under Section (5) the Composition of the Agency consists of people from all walks of life with a diverse backgrounds so that the Agency is a fully fledged and well equipped Institution.

(b) **Management Boards Section 8**

The established of a Management Board entails that the Agency is capable of being sued and can also sue in its corporate name. This gives it an advantage of autonomy in all matters pertaining to its administration.

Section 9 further gives the Board some kind of immunity. Under this Section, if judgment is obtained against the Board, no property of the Board can be confiscated and sold. Any person who obtains judgment against the Board can simply be paid out of the Revenue of the Board and not from the property of the Board. This implies that the property of the Board is “safe” from all judgment or order – what a privilege!

(c) **Inspection of Institutions Section 16**

Section 16 provides for the Director-General to be able to appoint inspectors to inspect institutions. The rationale for the inspection is to ensure that the provisions of the ACT are being complied with. So this a built in mechanism which the ACT has, in order to ensure compliance, so that at the end of the day, the ACT is not rendered useless or nugatory towards the rights of Persons With Disabilities. In fact obstructing an inspector attracts upon conviction a fine or imprisonment of three months or both a fine and imprisonment.

(c) **Discrimination of ground of Disability Sections 19, 20, 21**

Many a time Person with Disabilities have been discriminated against the World over. The Act makes discrimination an offence attracting a penalty under Section 32. One outstanding feature in the definition of discrimination is that even treating a disabled person less favourably from another person with a disability still constitutes discrimination and as such an offence. This ACT is really water tight all to the benefit of Persons with Disabilities in Zambia.

Discrimination has further been prohibited in the recruitment of Persons with Disabilities. So the disabled people now have an almost equal chance of getting employed with their non-disabled counterparts. Under Section 21, discrimination

in learning Institutions has been prohibited. What this implies is that any Person with a disability can challenge or sue any learning Institution on grounds of discrimination under Section 21. The efficacy of such a Section is to be tested by Persons With disabilities themselves, so the challenge is all up to them.

e) **Tax Rebate Section 24**

Under this Section, when an employer employs at least three Persons with Disabilities, such an employer shall be entitled to a tax rebate or a tax reduction. This is meant to encourage as many employers as possible to employ Persons With Disabilities and as a result the levels of unemployment amongst Persons With Disabilities shall be greatly reduced in the country.

f) **Adjustment Orders Section 25**

The Act is so powerful that under this Section, the Agency can compel any person whose premises are not accessible to Persons with Disabilities to make adjustments or re-design his premises in order to make them more accessible to Persons With Disabilities. The adjustments have to be done at the expense of the owner of the premises.

g) **Funds of the Agency**

Under Part II Section 9, the funds of the Agency shall consist of money as may be appropriated by Parliament and money paid to Agency by way of fees, levy, grants or donations. The fact that Parliament shall appropriate money for the Agency implies that the Agency shall forever have money in its coffers and it is guaranteed of having money for as long as the Agency is in existence. In other words its future is guaranteed. Part II Section 9(5) (a) provides for loans to Persons with Disabilities to be engaged in commercial ventures. This is encouraging because it will help Persons with Disabilities become self sufficient and contribute to National Development.

Conclusion

We have noted that the Persons with disabilities Act is a step in the right direction on the part of the Government. The Act is a brilliant initiative on the part of government since it touches on the human rights of Persons with Disabilities such as accessibility, loans for businesses, promotion of employment for Persons with disabilities by giving tax rebates to employers, and the establishment of the National Trust Fund for Persons with Disabilities.

Another significant development relates to the functions of the Agency which is empowered to initiate, co-ordinate and monitor policies and programmes, shifting from the passive role occupied by the repealed Zambia Council for the Handicapped under the Handicapped Persons Act. Over and above, the most cardinal feature of the Act is that a person with a disability can now sue anyone who does not comply with the provisions of the Act. The challenge is now for Persons with Disabilities to test the Act by bringing up legal suits for example against any person whose premises do not comply with the ACT.

CRITIQUE OF THE DRAFT AMENDMENT

PAGE 2

Preamble

Depends on the main body of the text. If you amend the text the preamble too will change because it is the summary of the main body.

PAGE 3

3(2) General Council

There is no need to introduce a council. There is no point in creating a big monster whose function is not even material. A council is a body or corpus of persons meant to advise the executive.

Executive Board

The current Board is okay so long the composition is carefully chosen to have members who are able to deliver.

PAGE 4

General Council

Not needed for the reason already given. In fact the General Council and the Executive Board appear to be one and the same.

Secretariat

Should simply be the Agency itself... The common practice is to have the Board and then the institution itself presided over by chief Executive Officer i.e. Director General.

PAGE 5

General Council and Executive Board should be removed as discussed.

PAGE 6

Membership be reduced to 10 pp PWD are already in a minority so why have a requirement for so many people.

PAGE 7

If a provision is incorporated to refuse registration, then there should also be an appeal mechanism e.g. to the Ministers.

- Before deregistration, a notice to deregister should be issued giving a notice period in which to comply with the requirement.

PAGE 8

Introduce a general prohibition of discrimination. Amusing is not good because you can't cover all types of discrimination.

- 10% Tax rebate? The Minister or Finance should determine by statutory instrument.

521 (3) -

Should specify that we are talking about income tax.

PAGE 9

Tax Allowance is for the cost associated with the disability. It is not employment according to the modern world view.

Penalty Units:

One should first look at the current Act on Penalty and fee Units

PAGE 10 Awards and Honour

No need for inclusion in the Act current procedure does not discriminate.
No need for general council.

PAGE 11 Executive Boards

No need. It will just drain the needed resources.

However there is need to have Directors to assist the Director General.

PROPOSED AMENDMENTS TO THE DISABILITY ACT NO. 33 OF 1996

(i) Powers of the Minister

The Act gives too much power to the Minister in sections 7(2), 8(1), 8(4) and 10. Yet the Agency is a Statutory and Independent body. This in essence makes the Director General's appointment a political one. Autonomy is removed. The Agency becomes a government department. It is proposed that the Director General be appointed by the Board which is a bigger organ than an individual in the name of the Minister. This will bring about stability in the Agency because the Director General will serve longer with security of tenure.

(ii) Section 14(2) illegal

Agency shall register any association of PWD approved by ZAFOD. Yet ZAFOD and the Association a rank pari-passu both have been registered by the Registrar of Societies. For example if ZAFOD does not approve an association, does it render it illegal? No !!! What criteria will ZAFOD use when approving Association? ZAFOD itself only has 6 members i.e. affiliates.

(iii) Section 14(3) number of Persons

The target figure of 50 is too high. Associations are registered by the type of disability. In most disability categories, it is difficult to get 50 people. This section is discriminatory against certain categories of disabilities e.g. downs syndrome. It also violates freedom of Association bestowed on citizens by the Constitution. Political parties only require about 10 people to register. PWD are already a minority.

(iv) Section 15

Where is the copy of the prescribed form in the Act? The ACT should have a schedule which shows the prescribed forms just like other ACTS have done.

(v) Section 20 is bad drafting

In S. 20(a), (b), (c), (d), the discrimination is constructive e.g. an advert in the press discriminate against the blind since there is no similar advert in Braille. It could read an employer shall provide all facilities required by a PWD in: -

(vi) Section 21 (a) No Overt Discrimination

The spirit of the Act in S.21 is that a PWD can be refused from registering in an institution. This again is constructive. E.g. at University a PWD will be allowed yet the circumstances at the University will drive away a PWD. 21(d) is irrelevant. It shall be affirmative and should read like (VI) above.

(vii) S.24 – Tax Rebate

The idea of the tax rebate is to reduce unemployment levels of the disabled. But employers will go for people with less severe disabilities. To practically reduce unemployment and ensure employment, the tax rebate level or percentage should be commensurate with the severity of the disability. So the ACT shall have a schedule indicating the tax rebate depending on the severity of the disability.

(viii) Adjustment Order S. 25

Practically no adjustment order has ever been issued against any owner of premises at all. We do not even know the format of the adjustment order. The Act has no schedule showing the format. It is a cosmetic section.

(ix) S. 25 4(c)

The ACT shall provide for a Special Committee which shall attend to these representations. Example the way the Lands ACT creates a Tribunal. A penalty should also be prescribed under this section and not a general penalty. Under S. 25 (2) who initiates the motion? Can a PWD complain to the Agency than the Agency issues an adjustment order? Or it's the Agency alone. And if so is the Agency alone adequate.

Proposal

Any registered PWD should be able to move the Agency to issue an Adjustment Order. But before that, that motion should be tabled before the special committee on Adjustment Order Committee (AOC) which will determine whether that's a good case for Adjustment Order.

The ACT should also prescribe the composition of the (AOC) e.g. members of Town and Country planning, a registered engineer, disabled people, construction council of Zambia.

(x) S. 26 Town and Country Planning Act

The TCPA has a committee which approves building plans. This should have some PWD sitting there. The Act i.e. disabilities Act shall provide for this.

(xi) Outer clause S.9 and Sch. S 9(2) (b)

You execute against property of a judgment debtor when they fail to pay money to you. But S. 9 prohibits levy of execution. So where will money come from. The effect is that the Boards will not easily get loans in S 9(2) (b). Further, suppliers will not easily give goods on credit. The effect is to make Boards non-credit worthy.

Proposal

There should be a provision to S. 9 indicating when the Director General of the board shall cause the payment to be made e.g. not later than 6 months otherwise

no one will deal with the Board of Credit and this could hamper the operations of the board.

(xii) 4) (b) – Adjustment Order

How can Agency give time frame when its not an expert in building? Agency would not know how long the adjustment would take!!! Again the Adjustment Order Committee shall inspect the premises and give the time frame.

(xiii) Basis for Amendment

We are justified in these amendments. As the people for whom the Act is intended, let's initiate the amendments.

(xiv) S. 32 – General Penalty

Not good enough, make penalty more severe and prescribe specific penalties for specific sections e.g. Adjustment section, Discrimination in learning institutions.

(xv) S. 17 (3) 3 months period too Short

Make penalty severe to ensure compliance.

(xvi) S. 22 Special School

This is not defined. Is it the special schools we all know about.

(xvii) S. 23 Equipment – Duty Free

The equipment under this section should be purchase duty free especially that most of them have to be imported.

(xviii) S. 24 (1) Tax Rebate

To encourage people to employ PWD including those with severe disabilities, let the Tax rebate be dependant on the level of severity of the disability. The more the disability, the higher the Tax rebate to the employer

Observation

The Disability ACT appears to concentrate mainly on the medical side specifically on rehabilitation and prevention of disability. It ought to be broader by including the economic empowerment of PWD. Rehabilitating a PWD is meaningless unless and until you rehabilitate them economically.

Suggestions

- Tax rebate for joint ventures that have PWD.
- Income Tax reduction for PWD.
- Affirmative action in tender awards for businesses owned by PWD.
- Supportive Culture when making payments for any supply e.g. food suppliers – first priority to companies owned by PWD.
- Lending institutions e.g. banks that give loans to businesses of PWD be given a tax rebate.
- In awarding contracts priority to be given to companies owned by PWD.
- Introduce a mechanism of measuring progress of economic empowerment of PWD e.g. annual returns

PRESENTATION FROM MINISTRY OF LABOUR by: Owen Mgemzulu

.0 BACKGROUND OF LABOUR AND EMPLOYMENT LAW

About a century ago, there was little or no protection for employees. Employers were basically able to treat their employees however they wanted, often paying them wages as low as possible while working them as long hours as they could get out of them. Working conditions were often downright filthy, if not hazardous and workers were offered no benefits such as health insurance or [workers' compensation](#) in the event of an accident on the job. Even children were subjected to this employment abuse.

As the [Industrial Revolution](#) swept America, Europe, and the rest of what is now known as the industrialized world, more and more people left their rural lives to live in cities and work in factories. As the number of such employees rose and working conditions worsened, it became clear that the governments would need to step in to protect the rights of the workers. These initial efforts eventually gave way to modern employment law.

2.0 PURPOSES OF EMPLOYMENT LAW

Employment law serves the following purposes:

- protects employees from any mistreatment by their employers;
- establishes fair wages;
- limits the number of hours worked in a week, and prevents children from being exploited;
- establishes rules to regulate the cleanliness of the workplace and compels employers to take precautions to protect their employees and prevent dangerous accidents.
- protects other rights of employees, too. Laws have been passed to establish standards that employers must follow in providing benefits, such as maternity protection to their female employees.
- Employment law also includes protection against discrimination in the workplace based on race, gender, religion, disability, and makes provisions for the employment of foreigners.

Generally, Employment law is a vital part of our government's efforts to protect our rights as human beings. Employment law ensures that employees cannot be overworked,

placed in an unhealthy or dangerous environment, or rendered unable to work without appropriate compensation. Employment law also guarantees that workers can't be unfairly discriminated against, and allows foreigners a period of time during which they can legally work in the country. Employment law is what stands between modern employees and such crimes as became widespread during the Industrial Revolution.

3.0 DISCRIMINATION IN EMPLOYMENT

Employment discrimination occurs whenever an employer or its representatives adversely single out employees or applicants on the basis of age, race, gender, sexual orientation, disability, religion and a variety of other reasons.

DISABILITY DISCRIMINATION

Disability discrimination has been occurring for centuries, though government regulation has only recently (within the past 100 years) stepped in to help curtail the problem. Disability discrimination occurs when an employer discriminates against a person that has a disability based on the person's disability and not the person's job performance or potential. Most frequently, employees with disabilities will not be passed up for promotions, hires, and other opportunities that an able-bodied person might be able to receive.

Equal opportunity for all is paramount to the maintenance of a free nation. As such, it is essential that those people with disabilities are offered the same employment opportunities as those individuals that do not have disabilities.

4.0 Employment /Labour Laws and Disability in Zambia

In Zambia, the law governing the protection of individuals with disabilities from discrimination in employment and the job application process emanates from the following sources:

- (i) International Law

- Universal Declaration of Human Rights
- International Labour Organization (ILO) Conventions and their recommendations ratified by Zambia.

The International Labour Organization (ILO) and its counterparts are well-placed to raise and address the issue of employment and people with disabilities, given the comparative advantage of its partnership with governments, employers and employees. In terms of standard-setting, the ILO has helped to evolve several international instruments which invite States and other actors to take concrete measures to formulate policies and programmes to counter discrimination and include those with disabilities into the employment sector, particularly from the angle of equal opportunities. These include ILO Convention No.100 concerning Equal Remuneration (1951), ILO Convention No.111 concerning Discrimination (Employment and Occupation) (1958) and ILO Convention No.118 concerning Equality of Treatment (Social Security) (1962). These are reinforced by ILO Convention No.168 on Employment Promotion and the Protection against Unemployment (1988), the ILO Declaration on Fundamental Principles and Rights at Work (1998) and the ILO Code of Practice on Managing Disability in the Workplace (2002).

Of the listed Conventions above, Zambia has ratified the following:

- **Convention No.100** : concerning Equal Remuneration (1951) ratified on 20.06.1972;

The Convention provides that each member of the ILO shall promote the principle of equal remuneration for men and women workers for work of equal value.

- **Convention 111:** Discrimination (Employment and Occupation) Convention, 1958 ratified on 23.10.1979;

This Convention provides that each state that ratifies should promote equality of opportunity and treatment by declaring and pursuing a national policy aimed at eliminating all forms of discrimination in respect of employment and occupation. Its scope covers access to vocational training, access to employment and to particular occupations and terms and conditions of employment.

- **Convention 159:** Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983, ratified on 5.01.1989

This is an International standard to ensure the “equality of opportunity and treatment to all categories of disabled persons, in both rural and urban areas, for employment and integration into the community”

Each member shall, in accordance with national conditions, practices and possibilities:

- Consider the purpose of vocational rehabilitation as being to enable a disabled person to secure, retain and advance in suitable employment
- Formulate, implement and periodically review a national policy on vocational rehabilitation and employment of disabled people
- Promote employment opportunities for disabled people in the open labour market
- Promote co-operation and co-ordination between the public and private bodies engaged in vocational rehabilitation
- Evaluate vocational guidance, training, placement, employment and other related services to enable disabled persons to secure, retain and advance in employment.

(ii) Acts of Parliament

(a) **The Employment Act, Chapter 268 of the Laws of Zambia** prohibits discrimination of any form. Thus the thrust of the law is that employers can't discriminate against you in any aspect of employment, such as:

- Hiring and firing
- Compensation, assignment, or classification of employees
- Transfer, promotion, layoff, or recall
- Use of company facilities
- Training programs
- Fringe benefits

(b) **The Industrial and Labour Relations Act, Cap 269** Section 108 (1) prohibits the termination of services of an employee by an employer, imposition of any other penalty or disadvantage on grounds of sex, race, marital status, religion, political opinion or affiliation, tribal extraction or social status.

(c) **Factories Act, Cap 441** – This Act provides for the need to observe Occupational Safety and Health standards at all work places.

(iii) Government Policy documents

The National Employment and Labour Market Policy adopted by Government including its Action Plan have specific sections on disability and employment programmes.

5.0 CHALLENGES/CONSTRAINTS REGARDING EMPLOYMENT LAWS AND DISABILITY IN ZAMBIA

The employment law is not very explicit in its provisions regarding treatment of persons with disability. For instance, under the Employment Act the matter of disability is implied under the section that prohibits discrimination.

Even though Zambia has ratified certain key ILO Conventions such as #s 100,111, and 159, and to some extent domesticated their provisions, there are serious capacity constraints in the organisations charged with the responsibility to implement them. Most straight cut laws are not being enforced due to reasons such as poor Government funding to institutions, limited knowledge of the laws by social partners as a results of lack of awareness campaigns.

Written Submission by ZAFOD Representative Felix Simulunga

Stakeholders Workshop on the Designation Review of the Persons with Disabilities Act No. 33 of 1996 held at Lusaka Hotel, in Lusaka from 7th to 8th November 2006.

1) PREAMBLE:

The preamble in the Zambian Persons with Disabilities Act No. 33 of 1996 on page 773 be provisionally provided for as proposed by the Technical Committee but with a slight adjustment as follows:

“An Act to establish the Zambia Agency for Persons with Disabilities to make provisions for the ~~welfare and rehabilitation~~ full participation, equality and empowerment of persons with disabilities; establishment of the General Assembly; establishment of the Agency Board; appointment of the Director General and other

Agency staff; establishment of Management Boards and to provide for matters connected with or incidental to the foregoing”.

2) PART I: PRELIMINARY

a) Section 1:

It is proposed that Section 1 be retained as it was, but with a provision that “*The Minister shall not appoint a day that is later than six months after the enactment of the Act. Where a day is not appointed, the Act shall be deemed to come into force on the date of expiration of the period referred to in this section*”.

b) Section 2:

- i) It is proposed that a definition of General ~~Council~~ Assembly, ~~Executive~~ Agency Board and Public facilities be provided for as new elements being proposed in the revised Act;
- ii) It is also proposed that the Act adopt the definition of disability in line with the UN Convention on the Rights of Persons with Disabilities;
- iii) It is further maintained that the term Fund, which currently refers to the National Trust for the Disabled (NTD) be redefined to refer to funds for the Agency.

iv) Definitions:

In this Act, unless the context otherwise requires---

Agency means the Zambia Agency for persons with Disabilities established under section *three*;

Agency Board means a Board established under section *three*;

Appointed date means the date appointed by the Minister under Section *one*;

Assistive device means a tool designed to assist a person with a disability to effectively participate in society on an equal basis with others and may include things like motor vehicles, white canes, wheelchairs, walking frames, crutches, calipers, hearing aids and sign language interpreters.

Association means an association registered under section *fourteen*;

Council means the Zambia Council for the Handicapped established under CAP 551 of the Laws of Zambia;

Director means the Director of the Board appointed under section *twelve*;

Director-General means the person appointed Director General of the Agency under section *seven*;

Disability means a functional limitation within the individual caused by long-term physical, mental, intellectual or sensory impairments or medical conditions, which in

interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Fund means funds for the Agency as stipulated under paragraph 9 of the Schedule;

General Assembly means a supreme body of the Agency established under section *three*;

Institution means an institution registered under section *fifteen*;

Management Board means a Board established under section *eight*;

Person with disability means a person with a long term physical, mental, intellectual or sensory impairment or medical condition, ~~including a visual, hearing or speech functional disability~~;

Public facility means a place to which members of the public are generally admitted such as restaurants, hotels, theatres, health centres, retail stores, museums, libraries, parks, schools, colleges, universities, churches, mosques, government offices, etc

Rehabilitation means the process through which ~~disabled persons~~ persons with disabilities can partially or fully restore their physical, mental, intellectual, sensory, or social functional abilities;

Secretary means a person appointed secretary under section *seven* and *twelve*;

White cane means a special walking stick used as a guide by a visually impaired person;

Repealed Act means the ~~Handicapped Persons Act~~.

3) PART 2: ZAMBIA AGENCY FOR PERSONS WITH DISABILITIES

a) Section 3:

- i) It is proposed that Subsection 1 be adopted as it was in order to guarantee the Agency its autonomy status in contrast to a Public Service entity;
- ii) It is also proposed that the General ~~Council~~ Assembly and the ~~Executive~~ Agency Board be created and that these should have separate functions with the General Assembly being supreme as follows:

General Assembly:

- (1) A General Assembly shall be held once every year and not later than fifteen (15) months from the holding of the preceding General Assembly.
- (2) The business of the General Assembly shall be:
 - i. To receive and consider the Chairperson's report of the activities of the Agency during the preceding year;

- ii. To receive and consider the Auditor General's accounts of the Agency for the preceding year;
 - iii. To receive and consider the Activity Plan for the current year;
 - iv. To consider proposed amendments to the Persons with Disabilities Act;
 - v. To elect office Bearers of the Agency Board from among representatives on the Agency Board;
 - vi. To perform any other business, which the members may deem fit.
- (3) Fourteen day's written notice at the least shall be given specifying the agenda, place, the day and the hour of the meeting, to such persons and organisations as are, under the regulations of the Agency, entitled to attend the General Assembly.
 - (4) The members present at a duly convened meeting shall constitute a quorum provided that members present may, if they feel their number is inadequate or insufficient, decide to postpone the meeting to a later date.
 - (5) Resolutions at General Assembly Meetings shall be passed by a simple majority of the votes entitled to be cast by the members present at the meeting.
 - (6) Each member shall have one vote, and in the event of equality in voting or a tie at a General Assembly Meeting, the Chairperson shall have a second or casting vote.
 - (7) At any General Meeting a resolution put to the vote of the meeting shall be decided by a show of hands or by secret ballot as may be demanded by the members.
 - (8) The members present shall choose someone of their number to be Chairperson of the proceedings of that particular General Assembly;
 - (9) A quorum of the General Assembly shall be 50% of the members. If within one hour from the time appointed for the meeting a quorum is not present, the meeting shall be adjourned; and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be the quorum;
 - (10) Participation to the Agency General Assembly shall be through organisations and not on individual basis as stipulated in Section 5.**

Agency Board Meetings:

- 1) The Agency Board meeting shall be held at least once every three months and not later than four (4) months from the holding of the preceding Agency Board meeting.
- 2) The business of the Agency Board Meeting shall be:
 - a) To review and assess the overall performance and development of the Agency biannually;
 - b) To formulate policies for the Agency in particular and for persons with disabilities in general;
 - c) To appoint special and expert sub-committees to carry out specialised tasks on its behalf and to act on recommendations thereof;
 - d) To recruit and appoint staff persons to the Agency Secretariat;
 - e) To report to the General Assembly about the Agency activities;
 - f) To examine and approve the Agency budgets and short-term action plans.
 - g) To deal with any other business referred to it by the Agency Secretariat
 - h) Seven (7) day's written notice at the least specifying the agenda, place, the day and the hour of the meeting, shall be required;**
 - i) The members present at a duly convened meeting shall constitute a quorum provided that members present may, if they feel their number is inadequate or insufficient, decide to postpone the meeting to a later date;**
 - j) Membership to the Agency Board shall be through organizations and not on individual basis as stipulated in Section 5. The agenda and minutes of the Agency shall be made public to organizations present on the Board.**

Committee Meetings

- (1) This Act hereby establishes five committees namely: Finance and Management Committee, Economic Empowerment Committee, Human Rights Committee and Tender Committee.
- (2) The Agency Board may appoint other committees to assist it in the performance of its functions and duties and may appoint such of its members and such persons who are not members of the Agency Board as it may deem fit, to be members of any such committees. The size of each committee should not exceed five (5) members;

- (3) One of the members of a committee may be designated by the Board as Chairperson of that committee and should the Board not so designate a member or should the member so designated not be present or be unable to act at any particular meeting, the committee shall elect a Chairperson;
- (4) Any committee so formed shall comply with any instructions given by the Board and shall keep minutes of its meetings;
- (5) The Agency Board may assign to a committee so established, such of its powers as it may deem fit, but shall not be divested of any power which it may have assigned to a committee and may amend or revoke any decision of such committee. A committee to whom the foregoing powers, if any, have been assigned shall continue to act and retain the powers so assigned until its appointment is revoked by the Agency Board.

The Agency Secretariat

- 1) The Secretariat shall be the main administrative organ of the Agency and shall consist of staff persons recruited and appointed by the Agency Board.
- 2) The Secretariat shall be headed by the Director General, who shall be the Chief Executive Officer of the Agency and who shall be responsible for the day to day administration of the Agency;
- 3) The Director General shall be selected through a competitive process by the Agency Board and ratified by the Minister for a 3 year contractual term of office and shall be eligible for reappointment depending on his performance;
- 4) The Director General shall attend all the Agency Board meetings as an ex-officio and Secretary to the Board to report on activities and plans of the Agency, record proceedings of the Board and other issues as may be required but shall have no voting rights;

b) Section 4:

It is proposed that the phrasing of this section was standard and should therefore be retained as it was without amendments.

c) Section 5:

- i) It is recommended that Subsection 1 becomes Composition of the General Assembly as resolved in the plenary session of 7th May 2005 IBIS Garden meeting:

Composition of the General Assembly:

- ◆ **All associations and institutions registered under this Act;**
- ◆ **All government ministries and agencies.**
- ◆ **Cabinet Office, Parliament and the Judiciary**

- ◆ All service commissions and other statutory bodies
- ◆ Umbrella Trade Unions
- ◆ Federation of Employers
- ◆ Umbrella Non Governmental Organisations
- ◆ Umbrella Church Bodies
- ◆ United Nations Agencies based in Zambia

Composition of the Agency Board:

ii) It is further proposed that the Composition of the Agency Board be as follows:

- ◆ Ten unidisability and umbrella Disabled Peoples Organisations
- ◆ Cabinet Office, Parliament and the Judiciary
- ◆ All government ministries
- ◆ Permanent Human Rights Commission

iii) An extra subsection (3) be added to read: *“The Chairpersonship of the Agency Board shall be vested in the Cabinet Office while the position of Vice Chairperson shall be elective, on an annual basis, through a General Assembly from amongst organisations present on the Board.*

d) Section 6:

It was ascertained by the IBIS Garden meeting in 2005 that the current functions of the Agency were not specific and therefore were not relevant considering present circumstances relating to persons with disabilities. It is recommended that the General Obligations under Article 4 of the UN Convention be adopted in their entirety with the relevant modifications to replace the functions of the Agency in the current Act, thus:

Functions of the Agency:

- 1) **The Agency undertakes to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, the Agency undertakes:**
 - a) **To coordinate the adoption of all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the UN convention as enshrined in Schedule II of this Act;**
 - b) **To ensure that all state organs take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;**

- c) **To ensure that all state organ take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;**
- d) **To ensure that all state organs refrain from engaging in any act or practice that is inconsistent with this Act;**
- e) **To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organisation of private enterprise;**
- f) **To undertake or promote the research, development, availability and use of:**
 - i) **Universally designed goods, services, equipment and facilities, to meet the specific needs of persons with disabilities, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disability, and to promote universal design in the development of standards and guidelines;**
 - ii) **New technologies, including information and communication technologies and assistive devices, suitable for persons with disabilities, giving priority to technologies at an affordable input.**
 - g) **To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies as well as other forms of assistance, support services and facilities;**
 - h) **To promote the training of professionals and staff working with persons with disabilities in the rights recognised in this Act so as to better provide the assistance and services guaranteed by those rights.**
- 2) **With regard to economic, social and cultural rights, the Agency shall ensure that each state organ undertakes to take measures to the maximum of its available resources, and where needed, within the framework of international cooperation with a view to achieving progressively, the full realization of these rights;**
- 3) **In the development and implementation of legislation, policies and in other decision making processes concerning issues relating to persons with disabilities, the Agency shall ensure that state organs are closely consulting with and actively involving persons with disabilities, including children with disabilities, through their representative organisations.**
- e) **Section 7:**
 - i) **It is proposed that subsections 1 to 5 be adopted as they are but with minor modifications, such as:**

- (1) Subsection (2) should be modified to read *“The Director General shall be appointed by the Executive Board, subject to ratification by the Minister responsible for disability affairs, for a three year term of office and shall be eligible for reappointment depending on one’s performance”*
- (2) Subsection (4), the term Board be replaced with Agency Board
- ii) It is also further proposed that a clause be included that states that *“priority shall be given to persons with disabilities when recruiting the Director General and such other staff of the Agency as considered necessary for the performance of the Agency’s functions under this Act”*.

4) PART III: MANAGEMENT BOARDS

It is proposed that Sections 8 to 12 be retained in their current form but with a provision that states that *“priority shall be given to persons with disabilities when recruiting the Directors and such other staff of the Management Boards as considered necessary for the performance of the relevant Management Boards’ functions under this Act”*.

5) PART IV: REGISTRATION:

a) Section 13:

It is proposed that a clause be inserted that stipulates that *“registration of persons with disabilities shall be compulsory and shall be done upon certification by a medical practitioner”*.

b) Section 14:

- i) Under subsection 2, it is recommended that the approval for registration of associations of and for persons with disabilities by Zambia Federation of the Disabled (ZAFOD) be discontinued and instead the responsibility be entrusted in the hands of the Director General with approval from the Executive Board;
- ii) Under subsection 3, it is proposed that membership of an association referred to in subsection 2 be reduced from 50 to at least 10 persons;
- iii) It is further proposed that a provision be made under this Section of the Act to provide grounds for refusal of registration of an association referred to in subsection 2 and 3.

c) Section 15:

- i) It is also proposed that a clause be included under this section that stipulates “*registration of Institutions shall be entrusted in the hands of the Director General with approval from the Executive Board*”.
- ii) It is also further proposed that a provision be made under this Section of the Act to provide grounds for deregistration of an association or institution referred to in Sections 14 and 15 of this Act and to also provide an appeal mechanism for such an association or institution.

6) PART V: INSPECTION

It is proposed that the entire Part V be adopted as it is in the current Act but with a stiffer penalty, than is currently provided, for anybody found to be guilty of an offence under the provisions of this Act.

7) PART VI: DISCRIMINATION ON GROUND OF DISABILITY

a) Section 19:

It was resolved that the entire section be adopted as it was without any amendments.

b) Section 20

It was resolved that the introductory part of Section 20 be changed to read that: “*An employer shall not discriminate against a person with a disability differently from a person without a disability, unless that discrimination is to the advantage of a person with a disability*”.

c) Section 21

This section was adopted in its current form without any change.

It is however proposed that a new section, 21A, prohibiting discrimination in the use of public facilities be provided for;

It is also proposed that another new section, 21B, prohibiting discrimination in the dissemination of information be provided for;

d) Sections 22 & 23

These sections were adopted in their current form without any change.

e) Section 24:

- i) It is proposed that subsection 1 be changed as follows: *“An employer who employs a registered person with a severe disability shall be entitled to a corporate tax rebate equivalent to an income tax threshold”*;
- ii) It is further proposed that subsection 2 be changed as follows: *“Any institution or organisation that provides services under section 22 and 26 shall be entitled to a tax rebate at a rate to be determined by statutory instrument by the Minister responsible for finance”*.
- iii) It is also proposed that a new section 3 be introduced to read as follows: *“A person with a disability in employment be exempted from income tax so as to enable such a person meet the cost of a disability”*
- iv) It is also proposed that a new section 4 be introduced to read as follows: *“A person with a disability registered with the Agency and in destitution shall be entitled to a monthly disability allowance equivalent to a monthly tax exemption threshold”*;
- v) It is also proposed that a new section 5 be introduced to read as follows: *“A person with a disability or an organisation of persons with disabilities registered under this Act who or which imports assistive devices, equipment or services shall be entitled to tax exemption on such goods and services”*.
- vi) It is also proposed that new section 6 be introduced to read as follows: *“A person who enters into a business partnership with a person with disability shall be entitled to a tax rebate at a rate to be determined by statutory instrument by the Minister responsible for Finance”*.

f) Section 25:

It is proposed that subsections 1, 2 and 3(a) be adopted as they were in the Act while in subsection 3(b) and 3(c), the term disabled persons be replaced with persons with disabilities.

It is also proposed that a new subsection 1(c) be introduced as follows: *“Premises, services or amenities as in 1(a) and 1(b) above but constructed or provided after the commencement of this Act”*

It is also proposed that a new subsection 6 be introduced to read as follows: *“Individuals may bring private lawsuits to obtain court orders to compel persons whose premises, amenities or services referred to in subsection 1 to make such places accessible but money damages cannot be awarded. Individuals can also file complaints with the Director General of the Agency who may file lawsuits and obtain money damages and penalties as stipulated in subsection 7”*.

It is further proposed that under this section, a subsection 7 on penalties be provided for as 15,000 penalty units or 3 years imprisonment or both to anyone who abrogates the provisions of Part VI of this Act.

g) Section 26:

It was resolved that this section be adopted in its current form without any change.

8) PART VII: MISCELLANEOUS

- a) It is proposed that sections 27, 28, 29, 30, 31(1), 32 and 33 be retained in their current form without any change while in section 31(2), the term Ministry responsible for Community Development and Social Welfare be replaced with Ministry responsible for Disability affairs.
- b) It is further proposed that a new section, 33A, in line with the objectives of the African Decade on Disability 2000 – 2009 to which Zambia is a signatory, be inserted to read as follows:

Overall responsibility for coordination of disability-related policies, programmes and services shall be vested in the President's Office at Cabinet Office, while disability desks shall be established in all Government ministries and other organs.

9) SCHEDULE: (FOR SECTIONS 3, 6 AND 8)

a) Part I: Administration

It is proposed that Part I be adopted as presented by Group 3 in the Plenary of 7th June 2005 as follows:

Inconsistencies of the Pwds Act with Other Written Laws

It was proposed that an extra clause in the Act be provided which states as follows: “If any inconsistency arises between the provisions of this Act and those of any other written law in relation to disability issues, the provisions of this Act shall prevail to the extent of the inconsistency”.

- Paragraphs 1, 2, 3 dealing with seal of Agency, tenure of office and removal of member be retained;
- Under paragraph 3, an extra clause (c) be added thus: “A member of the Agency other than ceasing holding office as stipulated by elsewhere in this Act, may cease holding office in one of the following ways:
 - By being withdrawn from office by own organization following change in status;
 - Upon being convicted of a criminal offence in the courts of law;
 - Upon death
- Paragraphs 4 & 5, dealing with filling of casual vacancy and proceedings of Agency were considered relevant and thus retained;

- Paragraph 6, subsection (1) was also considered relevant, however Paragraph 6, subsection (2) was split to read as follows:
 - *The Agency may appoint as a member of a committee established under subsection (1), persons who are or are not members of the Agency except that in the latter, at least one member of the committee shall be a member of the Agency.*
 - *A person appointed as a member of a committee under subsection (2) shall hold office for the period, which the Agency shall determine.*
- Paragraph 6, Subsection (3) was relevant but changed as subsection (4)
- An additional Subsection be inserted within paragraph 6 to read as follows: *“The Chairperson and Vice-Chairperson shall be elected from among the members of the committee”.*
- Paragraphs 7 and 8 dealing with disclosure of interest and prohibition of publication or disclosure of information to unauthorized persons were considered relevant with a correction of a few typographical errors.

b) **Part II: Financial Provisions:**

It is proposed that this part be adopted as it was but with changes to paragraph 5(a) to read as follows:

“To provide loans to registered persons with disabilities and registered associations of and for persons with disabilities for commercial ventures”.

c) **Part III: United Nations Convention on Disability:**

It is proposed that relevant Articles in the UN Convention on disability be appropriately captured in the Zambian context and be part of this Act under this schedule as attached.

10) **AWARDS AND HONOURS**

As per the advise from the Legal Advisor, this part should not be part of this Act but an issue that can be implemented using other mechanisms.

Compiled by:

Felix Simulunga

ZAFOD Coordinator

Remarks by the Board Chairman Dr Felix Silwimba on Day 2

1. **The position of Director General, should it be open to both the disabled and the able bodied**

2. **The act should eliminate elements of stereotype disabled person as one who is illiterate and poor and requires things done for him.**
3. **Job protection for sedentary jobs like laboratory technologists, records clerks, and data entry clerks.**
4. **Operationalize the ‘nothing about us without us’ slogan by participating in the**
 - (a) **Making assistive devices**
 - (b) **Employment in Orthopaedic Workshops**
 - (c) **Fabrication of wheelchairs and tricycles**
 - (d) **Making of Solar powered hearing aids**
 - (e) **Management of DPO’s**
5. **Children with severe disabilities and their mothers and HIV/AIDS in the family**
6. **National Trust Fund Board (NTD) and the Zambia Agency for persons with disability Board (the Agency) to be merged and make NTD a fund under the Agency**
7. **The distinction of Civil rights and independent living movements**
8. **Community based rehabilitations as intervention to reach persons with disabilities.**
9. **Mental health services users who lost employment on account of illness to reengaged after recovery**

GROUP WORK

Four groups were constituted with each specific topics to look at as follows;

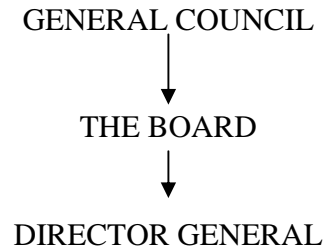
GROUP 1 (ONE) Chaired by MS P MWANASHIKU-MOJ
Administration / Structure

1. Examine the proposed organ gram (structure) in the initial report.
 - Is it feasible
 - Draw up the structure that we want
2. Examine the proposed functions of the General Council, executive Board, Secretariat
 - If we do away with the General Council where do we take functions or which functions should go to which body
3. Examine the proposed composition of the
 - ii. General Council
 - iii. Executive Board
 - iv. How many should be there?
4. Examine the current method of appointing the Director General
 - Who should appoint the D.G? Should it be the minister or the Board give reasons.
 - The term of office (contracts or pensionable)
5. Examine the current registration of D.P.Os
 - Who should be responsible? Give reasons
 - Membership

GROUP 1 Presentation in plenary

- The group felt that there is need to have the council
- And a part time board

Proposed structure to look like this;-



Functions of the General Council

- It was decided that all the points which relates to policy formulation to be the responsibility of the council
- All points relating to implementation of policies to remain the responsibility of the board

Composition of the G. Council

- Should have a No. of 50 members
- The group took into consideration the number of ministries and the representatives of persons with disabilities
- The General Council to meet once a year
- The board to consist of 30 members and the D.G to be the Secretary
- The tenure to remain 3 years contract renewable
- On the issue of having a disabled person as a D.G it was 50-50

Registration of the DPO's to remain the responsibility of ZAPD.

Membership of the DPO's for it to be registered should have a meaning of 10 members.

Reasons for having a General Council

- It will be a policy making body to check on the boards performance
- It will be a platform for persons with disabilities to contribute to the issues of disabilities.
- It will act as the AGM

OBSERVATIONS AND COMMENTS FROM PARTICIPANTS

- Need to strengthen the board and not to bring the General Council
- Need to have persons with good calibre to be on the board
- Board members to be minimised
- Need for the Agency to act like any other institutions
- The question at to who should qualify to be the Director General arose and participants were divided but it was put to test those that advocated for a disabled person were outnumbered by those who advocated for a person who would deliver either disabled or able-bodied person.
- The reason for wanting a disabled was that for the disabled to advocate for places in other communities need to start at its own home in this case ZAPD
- Participants where reminded that they should bear in mind when giving submissions that the government is the final legislator.
- The participants who are disabled emphasised that the report should indicate that they need a Director General who is disabled because he will know the sufferings /difficulties they encounter in their day to day lives.

GROUP 2 (TWO) -ECONOMIC and EMPOWERMENT

1. Explore the Tax incentives concept
 - Who should be entitled to such incentives
 - What type of Tax incentives?
 - Tax rebates to companies owned by persons with Disabilities? How can it be implemented?
2. Awarding of tenders to companies owned or run by P.W.Ds, How practical is it.
3. Explore the empowerment concept and how we can implement that.
4. V.A.T exemptions to P.W.Ds
5. Do we need an empowerment policy for P.W.Ds? Give reasons

GROUP 2

- Need to spell out who should be entitled to such tax incentives
- All disabled persons or on severity of ones disability

TYPES OF INCENTIVES

- Pay As You Earn
- Vote – On all assertive devices
- Custom Duty
- Income Tax

Companies that are run by disabled persons should be given tax rabate

- Training of small skill business persons
- Need for NTD to give grants and not loans to persons with disabilities
- Need for NTD to be administered by ZAPD

- The library run by the Government and all equipments need be given Braille materials
- Policies are needed to reduce discrimination and be as a guide
- Need for DPO'S to work with the Agency
- Need for the Government to assist in empowerment in terms of mobility of persons with disabilities

**GROUP 3 (THREE) Chaired by MS PATRICIA
HUMAN RIGHTS AND DISABILITY**

- Are there special or specific rights that need to be included in the Act?
- Explore the enforcement mechanism of such rights
- Inspection of facilities or institutions
 - i. Powers of such inspections
- Do we need time full time inspectors or part time inspectors?
- Right to Education

Right to Health

GROUP 3 presentation in plenary

Human Rights

- The Acts was silent on Human Right or Rights
- Need to amend the preamble to include human rights
- Proposed to slot in the Human Rights as a section
- Right to life
- Right to education to reduce poverty
- Right to free Medical facilities

- Right to work and employment . No termination of employment because one is disabled
- Right to privacy
- Right to decent housing
- Self representation – access to information in all areas
- Punitive measures to protect persons with disabilities
- Need for inspections to look at the structures
- Sign language to be taught in schools as a seventh language
- Government to subsidise the transport on disabled persons

GROUP 4 (FOUR)

EMPLOYMENT (LABOUR) AND DISABILITY

- How do we address employment situation in the country and it's enforcement mechanism both
- What should be the role of the Agency in employment matters
- Are there some provisions in the Act that negatively affect employment if persons with disability either in the persons with disability Act, employment Act or any other Act?

GROUP 4 presentation in plenary

EMPLOYMENT

- Challenges that disabled face when looking for employment

- They are discriminated against
- No mobility's
- Some companies prefer able-bodied
 - Structures are not accessible
 - Need for a section to be provided to look into affairs of the disabled
- Town planners to take into consideration of persons with disabilities when planning for the city

EDUCATION

- Sources of funds
- Create good environment
- Sensitise stake holders
- ZAPD to follow up cases of discrimination
- Need for a data base of persons with disabilities

CLOSING OF WORKSHOP

Closing Remarks by Honourable Deputy Minister Elijah Muchima

The Director General invited the Chair Person to call upon the Deputy Minister to officially close the workshop. The minister started by introducing himself to the participants and indicated that it was not deliberate that he did not attend the meeting but because of other commitments which induced parliament sittings. He was humbly honoured to be here and wished to be here with the participants. He emphasised that his being absent from interpreted as not being serious about the issues of disabilities. The Government is committed but cannot work alone without the society and other stakeholders such as the banks. The minister went on to state that he is directly involved in the issues of disabilities. The Minister and Deputy Minister will continue to lobby and sensitise the stakeholders on issues of disability. It's not begging but making them understand that we are partners in the development of this country. He was well informed that all went well and of course that not all questions were answered. The minister went on to state that stakeholders are willing to employ persons who are disabled as long as they have skills. He emphasised that the recommendations will be taken and studied carefully. He stressed that need to have such meeting regularly and brainstorm than going in the streets, because it is not every thing that needs to be taken to the President as Ministers are there to hear from you and they are servants for the people. Need to make use of his office as it is open for discussions. If people resolve to go in the streets then it shows that the leadership in the DPO'S will be reduced irrelevant as it sends the wrong messages to the public.

With these few words/remarks the Deputy Minister officially declared the meeting closed at 14:45 hrs.

The Board Chairman thanked ILO for making it possible for the workshop to be a success. He thanked the participants for their participation and the Director General emphasised that the documents will be done with much effort.

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