



GENDER EQUALITY AND SOCIAL INSTITUTIONS IN ZAMBIA

Zambia is one of the most urbanised countries in Africa and has achieved a reasonable level of democracy. These factors should benefit women, yet the overall situation in regard to gender equality remains difficult. Tradition imposes many restrictions on women, the effects of which are more pronounced in rural communities than in urban areas.

FAMILY CODE

Zambian women have extremely limited rights in relation to family matters. The minimum legal age for marriage in Zambia is 16 years for both men and women, and parental consent is required if either party is below 21 years of age. The incidence of **early marriage** is high, primarily because customary marriages usually take place soon after a girl reaches puberty. A 2004 United Nations report estimated that 24 per cent of girls between 15 and 19 years of age were married, divorced or widowed.

Marriages in Zambia can be customary, legal or religious, but religious unions are not recognised by the state. Although rare in general, customary marriages sometimes disregard the law in that they are arranged, without the bride's consent, between the future husband and the bride's parents. The majority of marriages in Zambia proceed through the mutual consent of both parties.

Polygamy is legally permitted within every type of marriage and is widespread. In legal marriages, the first wife is required to consent to polygamy at the time of marrying; in practice, men rarely consider their wives' opinions before taking a second (or subsequent) wife. A 2003 Demographic and Health Survey found that polygamy affected 16 per cent of married women in Zambia. The prevalence of the practice varies according to region and level of education: it is more common in rural areas, although the figures have recently risen in urban areas, and the incidence is very low among women who have received higher education.

Husbands are traditionally the heads of families in Zambia. They have sole **parental authority** and make most of the important household decisions, including those regarding the use of contraception. In the event of divorce following a legal marriage, the courts grant child custody in the best interests of the children. In the case of separation after a customary marriage, the children typically stay with the father.

Zambian women face discrimination in the area of **inheritance**. According to a 1989 law, widows have the right to inherit 20 per cent of their husbands' property; by contrast, widowers are entitled to inherit all of their wives' property. In polygamous marriages, half of the inheritance is divided between the children (irrespective of gender) and the remainder is split equally between the wives. Despite the 1989 law, most families follow customary practice in which the deceased's family claims it is entitled to seize the estate. This practice leaves the widow and children in a precarious situation, unless the family of the deceased agrees to take them in as part of the estate. As the courts rarely intervene to apply the civil law in such cases, customary law prevails (although it does appear to be losing ground).

PHYSICAL INTEGRITY

The physical integrity of women in Zambia is not well protected and **violence against women** is prevalent: by some estimates, nearly half of Zambian women have been subjected to violence in one form or another. Married women are the main victims and the perpetrators are almost always their husbands, but parents and teachers are frequently abusive as well. Public awareness campaigns to counter violence against women appear to be having little influence.

The custom of paying a dowry incites domestic violence: having paid a bride price, the husband and other men in the family consider the woman to be their joint property. Women are subjected to such strong social and psychological pressure that they rarely speak about this issue.



Some 15 per cent of the adult population in Zambia is HIV positive, which means the repercussions of rape can be fatal. To date, the justice courts have not fulfilled their potential in helping to curtail rape. The Penal Code provides for heavy sentences, but most offenders receive only a small fine. In villages, the custom is to pay a sum of money to the victim's family to avoid rape charges being pressed. Sexual violence is also common within couples and accounts for one-third of all reported cases of domestic violence, but the law does not recognise spousal rape as a crime.

Zambia's Penal Code entitles victims of violence (including rape) to press charges and recognises violence as grounds for divorce. But women are not protected by any specific legislation, and authorities often encourage them to drop the complaints and return to their husbands.

There is no evidence to suggest that [female genital mutilation](#) is a common practice in Zambia, nor is it a country of concern in relation to [missing women](#).

CIVIL LIBERTIES

Overall, Zambian women's civil liberties are respected and they have [freedom of movement](#). However, women wishing to obtain a passport still need the written consent of their children's father. There are no reported restrictions on women's [freedom of dress](#).

OWNERSHIP RIGHTS

Zambian women experience numerous forms of discrimination in regard to ownership rights. In rural areas, custom prohibits married women from having [access to land](#). Married women are entitled to hold land in usufruct, contingent on this use being granted by their husbands. The vast majority of land in Zambia is owned by men; only a tiny percentage is owned jointly by married couples.

Most Zambian women do not own any property until they marry. In a legal marriage, women are entitled to enter into contracts and have [access to property other than land](#), either individually or jointly with their husbands. Women who enter into customary marriages are not authorised to acquire possessions; after a divorce, they are entitled to keep only kitchen utensils and gifts received from their husbands.

The difficulties Zambian women experience in obtaining [access to bank loans](#) is related to their lack of ownership rights. Most women are unable to provide the required guarantees and, although the practice is illegal, banks often demand that women provide proof of their husbands' consent when applying for loans. Access to loans is vital for Zambian women, and several institutions have been created to assist them. Many women also rely on informal alternatives: some acquire financing via tontines; others obtain short-term loans through private lenders, but the rates are usurious.



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