



Country session: Zambia CRC

Date of session: 23rd and 24th May 2022 (90th session)

Context

The review was delayed due to the Covid 19 pandemic, which disrupted the normal planning of the CRC Sessions.

Zambia is the 7th country to be reviewed under the Simplified Reporting Procedure.

In August 2021, there were presidential elections in Zambia, which lead to a new government in place.

Background information

OHCHR press release [here](#)

Webcast: [first part](#), [second part](#)

Audio file [here](#)

Reporting

Reporting methodology

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

Common core document	
Initial submission	3 March 1995
Updated document	21 March 2005

CRC	
No. of report	5 th to 7 th
Due date	15 February 2021
Submission	11 November 2021

Public reports from children's rights defenders:

[Written inputs](#) :

NGOs

- Human rights Watch
- National coalition: Archie Hinchcliffe Disability Intervention, Advocacy for Child Justice, Bwafwano Integrated Services Organisations, Caritas Zambia, Care for Nature Zambia, Life Line Child Line Zambia, Environmental Africa, Panos Institute of Southern Africa, Child Sentinel Trust of Zambia, Sports in Action,



	<p>Zambia Civic Education Association, Zambia Interfaith Networking Group</p> <ul style="list-style-type: none"> • National Child Rights Forum on behalf of Children- report based on children’s consultations • ISSZ- Intersex Society of Zambia and NNID Foundation - Netherlands organisation for sex diversity • Under the same sun - Albinism Foundation of Zambia • Global Initiative to End All Corporal Punishment • The Center for Reproductive Rights and the Women and Law in Southern Africa Research and Educational Trust, Zambia • Transbantu Association Zambia (TBZ) • Equality Now and End FGM Canada Network
--	--

State delegation

[The delegation of Zambia](#) was large and high level. The delegation was led by the Minister of Justice, while other members were mainly from the Ministry of Justice, the Ministry of Health and the Ministry of Community Development and Social Services.

The State's opening statement is available [here](#).

Committee’s Task Force members

Name & Last Name	Country
Gehad Madi (coordinator)	Egypt
Suzanne Aho	Togo
Rinchen Chopel	Bhutan
Ann Skelton	South Africa



Dialogue description

i. Character of the dialogue

The dialogue was cooperative and constructive. The state delegation provided comprehensive, concise, and clear answers, in a well organised and structured format. The delegation answered most of the questions raised by the Committee. The dialogue was focused and based both on juridical, technical, and sometime political answers brought by the delegation.

ii. General assessment made by the Committee

The Committee thanked the delegation for the constructed and engaged dialogue, and for its openness and willingness to acknowledge problems and to present planned measures to solve them. The Committee noted the intention of the new government to make a turnaround on children rights protection. However, the Committee stressed that most of the child rights issues raised are pending the adoption of the Children's Code Bill and the process of reviewing existing laws and policies.

iii. Main issues discussed

General measures of implementation:

- **Comprehensive policy, strategy, and coordination:** The Committee noted that major child rights protection measures are pending the adoption of the Children's Code Bill, and asked information on the timeline for its enactment. The delegation answered that significant steps in this respect have been taken by the new government and that it will be enacted at the next session of the Parliament in June 2022. In addition, regarding the ratification of the three Optional Protocols to the Convention on the rights of the Child, the government started the process of OPAC and OPSC ratification, and OPIC accession.
- **Children in conflict situations:** The Committee expressed its concern about the provisions of the Defense Act allowing the recruitment in the army of children. The delegation informed that the Defense act is currently under review to adress this matter.
- **Children's rights and the business sector:** The Committee expressed its serious concern about child labour in Zambia, in particular, in mining, and about the high exposure of children to lead contamination. The Committee further asked about measures to provide remedies for children who become disabled due to lead contamination. Moreover, the Committee requested information on the reasons for the delay of the visit of the Special Rapporteur on toxic waste pending since 2008. The delegation reported that Zambia mobilized resources under the Mining and Environmental Remediation and Improvement Project, which aim is to reduce environmental health risks and address exposure of children to high level of lead contamination. The project includes environmental and health interventions. The delegation informed that compensation is under discussion for children becoming disabled from mining activity and that awareness-raising measures are made to this concern.

Definition of the Child

- The Committee asked about measures taken to recognize the supremacy of the Constitution and to forbid children marriage. The concern was raised in relation to the Marriage act providing circumstances to marry under 21 years of age with the parental consent and judicial authorization, as well as concern about the legal recognition of customary marriage, possible once the child attends puberty. The delegation acknowledged the inconsistency of the legislation related to child marriage and the definition of the child. It informed that

the Law Development Commission has been engaged to review the Marriage Act and harmonize the different legislations, in order to comply with the CRC Convention. The delegation informed that under the national strategy on ending child marriage (2016-2021), efforts are being made to develop a communication strategy - including trainings, awareness-raising campaigns, and engagement with traditional leaders in rural areas. The Delegation informed that the Penal code is also currently under review to address this issue and establish criminal liability in terms of child marriages.

General principles

- Non-discrimination:** The Committee asked about measures in place to avoid discriminatory practices, in particular against children with mental behavioral and development disorders, children with disabilities, children with albinism, children with a migrant background, and girls. The Committee asked information about measures to enhance the non-discriminatory access to education and to social welfare services. The delegation informed that the non-discrimination principle have been included in the Children's code. Moreover, measures have been taken through the National Disability Policy, and by creating awareness around the rights of albinos, including through the commemoration of the International day of Albinism. Moreover, guidelines have been put in place to face the challenges related to the rights of migrant children. However, the government recognized that additional measures need to be taken.

The Committee also noted that no meaningful measures have been taken to address discrimination against LGBT and intersex children. In particular, the members raised the need to ensure that intersex children are not subjected to unnecessary medical or surgical treatment in line with the rights of the child to bodily integrity autonomy and self-determination. The government informed that consent is necessary for all medical surgical interventions, however it acknowledged that there is a difficult cultural background in regard of LGBT rights and that further clarity and more specific measures are needed.
- Best interests of the child:** while noting with appreciation the adoption of the Guidelines for Best Interests Determination, the committee asked about measures to ensure that there is consistency in all legislative, administrative, and judicial proceedings in order to respect the best interest of the child as guaranteed by the Convention. Moreover, it asked about measures taken to provide systematic training to all professional. The delegation informed that since 2020, trainings on children's rights to social workers, police and the judiciary are implemented under the Child Justice, also with the support of civil society partners and UNICEF. Moreover, awareness-raising materials have been distributed (booklets, brochures) and TV/radio programs have been conducted.
- Respect for the views of the child:** The Committee asked about steps planned to mainstream child participation as an obligation for all state and non-state actors in decision-making processes affecting children. The delegation indicated that the child participation principle has been integrated in the Children's Code Bill. Moreover, the State has started formulating a child participation framework and specific guidelines, providing procedures and practices to government and institutions working with children, to make this principle operational.

Civil rights and freedoms

- Birth registration:** The committee asked about measures to increase the birth and civil registration of children and address the disparities between rural and urban areas, including through awareness-raising campaigns. The committee asked about the budget in place to this purpose. The government answered that there is a new strategy, running from 2021 to 2025, targeting birth registration to 50% by 2025. Moreover, decentralization of the issuance of the certificates to the province has been put in place, to simplify the access to birth certificates, as well as a digitalization project with prioritization given to the rural areas. However, the delegation indicated that the Covid-19 pandemic affected and slowed the process.

Violence against children

- Freedom of the child from all forms of violence, including corporal punishment:** The committee asked about legislative and policy measures taken to ensure an explicit prohibition of corporal punishment and promote positive non-violent forms of discipline. The delegation informed that provisions to establish the complete abolition of corporal punishment in all settings are included in the Children's Code bill. The government is also working on the elaboration of a childhood guiding principles, specifically for the school sector and to provide guidance and counseling to teachers. Moreover, awareness-raising efforts are made to address violent parenting and promote a non-violent environment.
- Harmful practices: Sexual abuse and exploitation:** The Committee stressed that despite the enactment of the recent amendments to the Penal Code and the Anti-Gender-Based violence Act, there is still widespread incidence of sexual violence, including rape and incest. The Committee asked about measures to raise awareness and ensure accessible, confidential, child friendly, and effective reporting channels for such violations. The State informed that it developed a National Prevention and Response plan on ending violence against children, which is currently operational at a national and provincial level. Moreover, the government is addressing sexual violence also through the Child Online Protection strategy, and there is a desire to develop a gender-based violence program. There is a Child protection Unit and the Victim support unit within the Zambian police to ensure that gender-based violence and violence against children are addressed. As a major concern, the Committee asked about measures to prevent and create accountability for child sexual abuse and exploitation in the travel and tourism industry, where rates are high. To this respect, the delegation noted that more specific measures should be taken.

Family environment and alternative care

- Children deprived of a family environment:** While noting that the foster care guidelines and trainings to foster care personnel are not yet operational, the Committee asked about measures taken to prevent unnecessary family separation and prevent the placement of children in institutional care and prioritize kinship and foster care. The delegation informed that measures have been taken to address poverty and to facilitate reunification of children into families. It informed that facilitation of foster care and adoption is a priority, that foster families have been created and that the foster care guidelines are operational.
- Adoption:** To the Committee question on the ratification of the Hague Convention on Protection of Children and Cooperating in Respect of Intercountry, the delegation answered that it will be domesticated in the Children's Code bill.
- Children in prison with their mothers:** The committee asked about the access to facilities and adequate services to children incarcerated with their mothers. The delegation explained that children under four can be incarcerated with their mothers, except when the child inspector decides otherwise considering the best interest of the child.

Children with disabilities

- The Committee asked about awareness-raising measures on laws and policies related to disabilities. It asked also about measures to train teachers, to increase the access to rehabilitation centres and to prevent the placement in institutions. The delegation indicated that the National agency for persons with disabilities, created under the National Disability Act, is in charge of raising awareness and promoting rights of children with disabilities. Moreover, it informed that efforts are still in progress, for example the creation of the National Disability Management Information System and the implementation of national surveys to collect data.



Basic health and welfare

- While recognizing the progresses made, the Committee noted that child mortality for health issues is still high. The Committee asked about measures to protect from malaria, to bring health care and medical infrastructures to an adequate level, to train health care professionals in addressing chronic and acute diseases and to fight child malnutrition. The delegation indicated that child health remains a priority in Zambia. The national malaria elimination program has been put in place with a focus on children under the age of five as well as pregnant women. Moreover, steps have been taken to address the deficiency of the healthcare infrastructures in the country, including for example through the construction of 650 health posts in particular in rural areas. In relation to nutrition, improvements have been shown in statistics, however it remains a major concern. Multi-sectoral interventions are held involving Ministry of Health, the Ministry of Agriculture, the Ministry of livestock, the Ministry of Education and other partners. Those interventions includes strengthening the National Food and Nutrition commission, increasing food security and promoting local food consumption. The committee also asked about measures to guarantee the access to reproductive health education, in particular in relation to HIV and to early pregnancies, expressing its concern on the criminalisation of abortion in Zambia. The delegation indicated also that while condoms are not distributed in schools, a comprehensive sexual education is being implemented which is culturally sensitive and age appropriate. Finally, with regard to HIV, the government explained having a robust program on the elimination of mother to child transmission, showing in recent years a reduction of the transmission to around 8%.

Education, leisure and cultural activities

- **Education:** While acknowledging the progresses, the Committee asked information on the quality of education and the budget in place, including the reasons for its instability. Moreover, the Committee asked about measures to fight the high drop-out rate, in particular of early pregnant girls. The delegation explained that many intervention have been made, including through the Education Enhancement Project, which strengthens the quality of teaching, learning material and the building of school infrastructures. Moreover, it indicated that as a new government, the priority is to provide free primary but also secondary education, led by the principle of non-discrimination. The dialogue also dealt with the progression of boarding school access and measures to guarantee the access to education to asylum-seekers, refugee and migrant children.

Special protection measures

- **Administration of child justice:** The Committee noted tat the new Legal aid Act needed to be adequately empowered and financed, and asked about measures to fully implement it and provide children with free legal aid. The delegation confirmed that the Act was reviewed with specific provisions focused on children's rights. This has created room for increased capacity as well as fundings, for example the Legal Aid board has received an increased budget of around 30%. The committee asked about measures in place to raise the age of criminal responsibility to 14 years old. The delegation informed that until the Children's Code Bill is enacted, the age of criminal responsibility remains at eight years old. The committee also asked information about children in prisons, and if specific facilities for children are in place. To this respect, the delegation informed that efforts have been made to create areas where children are separated from adults.

Recommendations of the Committee

In its [concluding observations](#), the Committee drew the State party's attention to the need for urgent measures concerning the following areas:

- **Legislation:** The Committee recommends that the State Party promptly adopt the Children's Code Bill and ensure that the human, technical and financial resources for the implementation of all legislation providing for the rights of children are adequate and sufficient.



- **Children’s rights and the business sector:** The Committee urges the State Party to implement recommendations that it supported during the Third Cycle of the Universal Periodic Review, and to develop a National Action Plan on business and human rights. The Committee urges the State Party to protect human rights and the environment in mining areas and establish a regulatory framework for mining companies in order to ensure that their activities do not harm the environment. Moreover, it recommends the State party to develop and implement a sustainable and comprehensive programme for lead remediation, particularly of all contaminated schools, play areas, health centres, and other public areas, and avoid return of children with treatment to contaminated areas. Moreover, it requests the State party to ensure an effective complaints mechanism to victims, with avenues to recourse, in all mining areas, and to use environmental and social impact assessments to prevent contaminations. The Committee also invites the State Party to cooperate with Human Rights Council Special Procedures, in particular with the Special Rapporteur on toxics and human rights.
- **Definition of the child:** The Committee urges the State Party to ensure that the Marriage Act is amended in compliance with the provisions under the Constitution and remove all exceptions that allow marriage for those under 18 years of age, including under customary law.
- **Non-discrimination:** The Committee recommends the State Party to intensify its efforts to eliminate discrimination against children in marginalised and disadvantaged situations, including girls, children with disabilities, children living with HIV/AIDS, children with no legal identity, children with albinism, migrant and unaccompanied children and LGBTI children.
- **Respect of the view of the Child:** The Committee recommends the State Party to establish the Youth Parliament and provide with a meaningful mandate and adequate human, technical and financial resources. The Committee expects that the Children’s Code Bill contains all the provisions on child participation in all settings and decisions regarding children, particularly in judicial and administrative procedures, at schools, communities and at home, on issues such as child marriage and sexual and reproductive health and environmental matters. In addition, the Committee recommends mainstreaming child participation as an obligation for all state and non-state actors directly interacting with children as part of their statutes/policies, and reinforcing trainings of professionals working with children on hearing and taking into account children’s views in all decisions affecting them.
- **Birth registration:** the Committee recommends the State Party to strengthen and speed up the roll out of the INRIS, to ensure that Health Facility-Birth Registration Desks are widely available across the country and always stocked with birth notification forms, to consider digitalising the birth notification system, to ensure sustainable financing for the birth registration, revise the law to prevent and respond to statelessness and to ratify the Convention on the Reduction of Statelessness.
- **Violence against Children:** The Committee urges the State Party to explicitly prohibit by law all forms of violence against children, including corporal punishment, in all settings, including in the family, through the Children’s Code Bill, and repeal the “right to administer lawful punishment” in the Juveniles Act. Moreover, the Committee recommends conducting awareness raising campaigns and parenting education programmes. In addition, the Committee urges the State Party to strengthen measures to eradicate all forms of violence against children, particularly sexual and gender-based violence, domestic violence and violence against children with albinism. It urges to ensure that all cases of violence against children are promptly reported, investigated, and prosecuted, and that appropriate remedies, treatment and support are provided to victims and perpetrators are duly sanctioned. The Committee also press the State to conduct awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse, including incest, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations. Among other measures, the Committee also recommends ensuring that intersex children are not subjected to

unnecessary medical or surgical treatment, without their consent; and that victims have access to justice, reparation and indemnity.

- **Children with disabilities:** The Committee urges the State party to adopt a human rights-based approach to disability, to set up a comprehensive strategy for the inclusion of children with disabilities and fully implement the Inclusive Education Guidelines in all schools, to ensure access to inclusive education in mainstream schools and Early Childhood Education Centre. The Committee also expect the State Party to ensure that children are not placed in institutions due to their disability and to strengthen family and community-based care, and access to health care.
- **Health:** The Committee recommends the State Party to strengthen awareness about the National Health Insurance Scheme and measures to reduce mortality rates among infants and children under 5 years of age. The Committee also invites the State to identify root causes of neonatal, perinatal mortality and still birth and design programmes for comprehensive newborn health interventions and early health care. Moreover, the Committee recommends the State to address underlying causes of undernutrition and malnutrition, to strengthen preventive measures and increase efforts to improve quality of basic health-care services for all children, including providing adequate qualified staff and emergency obstetric and neonatal care facilities, particularly in rural areas. Finally, the Committee recommends strengthening the measures to prevent mother-to-child transmission of HIV/AIDS and expand tailor-made interventions aimed at adolescent girls. **In regard to adolescent's health,** the Committee, among other measures, recommends the State party to review the effectiveness of the Comprehensive Sexual Reproductive Health curriculum to ensure that all aspects of sexual and reproductive health education are part of the mandatory school curriculum and to contribute to reduced teenage pregnancies.
- **Economic exploitation, including child labour** The Committee recommends the State Party to define, prohibit and eliminate hazardous labour practices where child workers are exposed to environmental risk factors, and to identify what constitutes light work activities permitted for children between 13 and 15 years of age. The Committee also expect the State Party to address widespread child work in agriculture, artisanal mining, domestic services and other forms of child labour, and to institute further measures to increase school enrolment and prevent dropout. Moreover, it recommends strengthening the labour inspectorate and District and Community Child Labour Committees and ensure that children withdrawn from work receive necessary treatment and compensation for any harm incurred and are enrolled in the education system.
- **Sale, trafficking, and abduction:** the Committee recommends the State party to take urgent measures to investigate, sanction and prevent commercial exploitation, including child sexual exploitation in prostitution and sexual exploitation. Moreover, the committee recommends strengthening the training of professionals concerned with identifying and referring child victims of trafficking and to ensure effective provision of referral and support services to children who are victims of sale and trafficking.

The Committee also drew the State party's attention to the recommendations concerning the following areas:

- General measures of implementation: **Legislation, comprehensive policy and strategy; coordination; allocation of resources; data collection; Independent monitoring; dissemination, awareness-raising and training; cooperation with civil society; Children's rights and the business sector**
- General principles: **best interest of the child**
- Family environment and alternative care: **Family environment; children deprived of a family environment; adoption; Children of incarcerated parents**



- Basic health and welfare: **Environmental health; impact of climate change on the rights of the child; standard of living**
- Education, leisure, and cultural activities: **Education, including vocational training and guidance**
- Special protection measures: **Asylum-seeking, refugee and migrant children; children in street situations; administration of child justice**
- Ratification of the Optional Protocols of the Convention
- Ratification of international human rights instruments
- Cooperation with regional bodies

Sustainable Development Goals

Throughout its Concluding Observations, the Committee referred to the following targets:

- Target 16.9 to provide legal identity for all including through birth registration
- targets 5.2, 16.1 and 16.2 to eliminate all forms of violence in public and private spheres, significantly reduce all forms of violence and related death rates, to end abuse, exploitation, trafficking, violence and torture against children
- target 5.3 to eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations
- targets 2.2, 3.1, 3.2 and 3.8 to end all forms of malnutrition, to reduce global maternal mortality ratio, to achieve universal health coverage
- targets 3.5, 3.7 and 5.6 to strengthen the prevention of treatment of substance abuse and to ensure universal access to sexual and reproductive health care services,
- target 3.9 to reduce the number of deaths and illnesses from hazardous chemical and air, water, and soil pollution and contamination
- targets 1.5, 13.1 and 13.3 to build resilience of the poor and those in vulnerable situations, reduce their exposure and vulnerability to climate-related extreme events and other economic social and environmental shocks and disasters; to strengthen resilience and adaptive capacity to climate related hazards and natural disasters; to improve education, awareness raising and institutional capacity on climate change mitigation, impact reduction.
- targets 1.1, 1.2 and 1.3 to eradicate extreme poverty, to reduce at least the half of the proportion of men, women and children living in poverty, to implement nationally appropriate social protection systems and measures for all
- targets 4.1, 4.2, 4.5, 4.6 and 4.a to ensure complete free, equitable and quality primary and secondary education; to ensure access to quality childhood development, care and pre-primary education; to eliminate gender disparities in education; to ensure that all youth achieve literacy and numeracy; to



build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive environment

- target 8.7 to eradicate forced labour, modern slavery and human trafficking, and secure the prohibition of worst forms of child labour, including child recruitment and use of child soldiers.

Next State report

CRC	
No. of report	Eighth periodic reports
Due date	4 January 2027

Disclaimer: Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.