



Republic of Zambia

**STATE PARTY REPORT ON THE
IMPLEMENTATION OF THE CONCLUDING
OBSERVATIONS AND RECOMMENDATIONS
ON THE AFRICAN CHARTER ON THE
RIGHTS AND WELFARE OF THE CHILD**

REPORTING PERIOD: 2019-2023

ZAMBIA



Contents

| | |
|--|----|
| FOREWORD | 3 |
| LIST OF ACRONYMS/ ABBREVIATIONS | 4 |
| CHAPTER I..... | 6 |
| INTRODUCTION | 6 |
| CHAPTER II..... | 8 |
| GENERAL MEASURES OF IMPLEMENTATION | 8 |
| CHAPTER III..... | 17 |
| DEFINITION OF THE CHILD | 17 |
| CHAPTER IV | 18 |
| GENERAL PRINCIPLES | 18 |
| CHAPTER V | 25 |
| CIVIL RIGHTS AND FREEDOMS..... | 25 |
| CHAPTER VI | 30 |
| FAMILY ENVIRONMENT AND ALTERNATIVE CARE | 30 |
| CHAPTER VII | 33 |
| HEALTH AND WELFARE | 33 |
| CHAPTER VIII | 41 |
| EDUCATION, LEISURE AND CULTURAL ACTIVITIES | 41 |
| CHAPTER IX..... | 48 |
| SPECIAL PROTECTION MEASURES | 48 |
| CHAPTER X..... | 62 |
| RESPONSIBILITIES OF THE CHILD..... | 62 |
| DISSEMINATION OF DOCUMENTATION AND WAY FORWARD | 63 |
| ANNEXES | 64 |
| LEGISLATION..... | 64 |

FOREWORD

The Government of the Republic of Zambia is pleased to present its State Party Report to the African Union’s Committee of Experts on the Rights and Welfare of the Child. This Report provides information in response to the Concluding Observations and Recommendations made by the Committee in 2018 in line with the implementation of the ACRWC, which give effect to the provisions of the Charter and on the progress made in the enjoyment of the rights of children contained therein.

Zambia acknowledges that challenges remain in the fulfillment of the obligations contained in the Charter and has put in place strategic and administrative systems to address the challenges. Therefore, Zambia remains committed to the full implementation of the African Charter on the Rights and Welfare of the Child and other International, Regional and Sub-Regional Human Rights Instruments aimed at promoting the rights of children.

LIST OF ACRONYMS/ ABBREVIATIONS

| | |
|----------|---|
| ACRWC | African Charter on the Rights and Welfare of Children |
| AHDI | Archie Hinchcliffe Disability Intervention |
| CAC | Comprehensive Abortion Care |
| CBRC | Community Based Rehabilitation Centre |
| CDF | Constituency Development Fund |
| CRC | Convention on the Rights of Children |
| CRWC | Charter on Rights and Welfare of Children |
| CSRH | Comprehensive Sexual Reproductive Health |
| ECE | Early Childhood Education |
| GBV | Gender Based Violence |
| GEWEL | Girls Education Women Empowerment Livelihood |
| HIV/AIDS | Human Immuno Virus/Acquired Immuno Deficiency Syndrome |
| ILO | International Labour Organisation |
| INRIS | Integrated National Registration Information System |
| KGS | Keeping Girls in School |
| MHM | Menstrual Hygiene Management |
| NCCC | National Coordinating Committee for Children |
| NDP | National Development Plan |
| NGO | Non-Governmental Organisation |
| NHIMA | National Health Insurance Management Authority |
| NRM | National Referral Mechanism |
| OPD | Organisation of Persons with Disability |
| PTA | Parent Teacher Association |
| SCT | Social Cash Transfer |
| SRH | Sexual Reproductive Health |
| TWG | Technical Working Group |
| UN | United Nations |
| UNZA | University of Zambia |
| UNESCO | United Nations, Educational, Scientific and Cultural Organisation |

| | |
|--------|---|
| ZDHS | Zambia Demographic Health Survey |
| ZAMISE | Zambia Institute of Specialised Education |
| ZLDC | Zambia Law Development Commission |
| 7NDP | Seventh National Development Plan |
| 8NDP | Eighth National Development Plan |

CHAPTER I

INTRODUCTION

1. The State Party wishes to inform the Committee that since the Concluding Observations and Recommendations were made in 2018, the State Party has taken legislative and administrative measures to ensure that it progressively implements the concluding observations and recommendations to fulfil the provisions of the CRC. This report is the State party report on the implementation of the Concluding Observations and Recommendations made by the Committee in 2018 in respect to the implementation of the ACRWC

2. The Committee is invited to note that the State Party submitted to the United Nations Committee on the Rights of the Child, a report based on the provisions of the Convention on the Rights of the Child (CRC) which was reviewed in 2022. Some elements of that report have been used in the preparation of this report.

3. The process of preparing the State Party report on the implementation of the Convention on the Rights and Welfare of the Child commenced with soliciting information and responses from specific government and non-governmental organisations. The information was used to draft the State Party report. Following the finalisation of the draft State Party report, consultative meetings were held in order to ensure a participatory approach involving different stakeholders on the measures put in place by the State to implement the provisions of the Convention. Among the consultative meetings held was the validation workshop which brought together key government line Ministries and Civil Society Organisations, including Non-Governmental Organisations. The purpose of the validation meeting was to ensure that the information reported is accurate and reflect the actions and measures taken by the State to implement the Concluding Observations and Recommendations of the Committee on the ACRWC

4. In order to give an opportunity to the children to take part in the preparation of the State party report, the Government of the Republic of Zambia decided that children be consulted in the preparation of the report. However, time could not permit the State Party to conduct nation-wide visit consultative meetings with children; instead the State relied on the children's shadow report submitted to the UN. The Children Shadow report was a consultative process that obtained children's views and contributions to the concluding observations and recommendations of the African Committee of Experts on the CRC. Over 184 Children, 116 females and 68 males, drawn from all the 10 provinces, age range from 9 years old to 18 years old, with 7 young adults older than 18 years participated in the development of the Children's Shadow report for the Zambia's Combined 5th, 6th and 7th State Party Report to the UN expert committee.

5. This report is accompanied by principal legislations including reports, guidelines, policies and detailed statistical information related to specific subject issues. Where hard copies have not been provided, the State party has ensured that sufficient information has been provided.

6. This report is structured in line with thematic areas as contained in the African Charter on the Rights and Welfare of the Child. For each thematic area, a separate section is dedicated to bringing out specific information obtained from the children's Input Report. The separate section for the views of children is meant to avoid clouding their critical views with the mainstream information provided by the State party.

7. The content of this report, therefore, reflects the contribution of key stakeholders with regard to how the country has performed in undertaking its obligations under the African Charter on the Rights and Welfare of the Child.

CHAPTER II

GENERAL MEASURES OF IMPLEMENTATION

8. Under this section, the report provides information pursuant to Article 1 of the Charter, in particular, the necessary steps and measures taken to promote and realize the rights and welfare of children.

Legislation

a) Revision of the Constitution and the Bill of Rights

9. The State party welcomes the observation and recommendation of the Committee on the revision of the Constitution to expand the Bill of Rights to include the rights of children. The State party would like to draw the Committee's attention on Part III of the Constitution of Zambia which provides for the Bill of Rights. Article 24, in particular, protects children's rights from all forms of exploitation. Article 24(3) protects children from being subject of traffic in any form. The State party amended its Constitution in 2016 (Amendment No. 2 of 2016). Notable in the provisions of the amended Constitution is the definition of the Child which has been aligned with the provisions of the CRC and the ACRWC. Further, Article 35(2) of the Constitution provides for the citizenship by birth of any child of not more than 8 years old whose nationality and parents are not known. In addition, the Constitution makes provision for the establishment of Family and Children's Court in Article 120(3)(b).

10. However, in respect to the recommendation of the Committee in the 2018 Concluding Observations and Recommendations regarding revision of the 2016 amended Constitution; the State party reports that the Constitution revision process for the expansion of the Bill of Rights has not been concluded during the period under review; the State party continued with the consultative process following the unsuccessful referendum to amend part three of the Constitution – The Bill of Rights. A Constitution referendum was held in Zambia on 11th August, 2016 alongside the general elections. Voters were asked whether they approved of the proposed amendments to the Bill of Rights and Article 79, which dictates the process of future amendments. Zambians voted in a referendum and rejected changes to the Bill of Rights in the Country's Constitution which involved additional provisions on Civil and Political Rights and new provisions on Economic, Social, Cultural, Environmental and Special Rights, as well as the replacement of the provisions governing Constitutional amendment. The failure of the Zambian Constitutional referendum provides an opportunity to pursue a more inclusive and comprehensive Constitutional reform process. This could include ensuring that the provisions of the recently enacted Children's Code Act No. 12 of 2022 are taken on board in the Constitution amendments for the Bill of Rights.

b) Measures taken to realize the Rights and Welfare of the Child: Legislative

11. The State party acknowledges the observation of the Committee which noted with concern that the Children's Code Bill had not been adopted despite the recommendation forwarded by the State party from the UN Committee on the Rights of the Child in 2016 to expedite the adoption. The State party reports that there have been significant developments during the reporting period in relation to legislation and policies relevant to advancing the promotion and protection of the rights of children within its territory. Notable among recent legislation is the enactment of the Children's Code Act No. 12 of 2022, Amendment of the Anti-Human Trafficking (Amendment) Act No. 16 of 2022, the Marriage Amendment Bill 2023, the Penal Code Amendment, Chapter 87 of the Laws of Zambia, Immigration and Deportation Amendment Bill 2023, Amendment to the Forests Act No. 4 of 2015, the Climate Change Bill 2023.

12. *The Children Code Act No. 12 of 2022* was **enacted in August, 2022**, in compliancy with the recommendation of the Committee. The Children's Code Act represents a landmark in advancing the system of children rights and protection in Zambia. The Act prescribes the system of protection of vulnerable children, provides for prevention and reporting violence and abuse, regulates child offending, introduces a child-centered justice system, and outlines the functioning of alternative care (prevention of placement into care, foster-care and institutional care) and adoption. Specifically, it consolidates laws relating to children; provides for parental responsibility, custody, maintenance, guardianship, foster care, adoption, care and protection of children; provides for the grant of legal aid to, and establishes procedures for the treatment of children in conflict with the law in line with **Articles 37 and 40 of the CRC**; establishes diversion and alternative correctional programmes and promotes the rehabilitation of a child in conflict with the law through programmes to facilitate restorative justice and compliance with laws; provides for the protection of a child victim and child witness in investigative and judicial processes, establishes the Juvenile and Children's Court of the Family Division. The Act domesticates the CRC, the ACRWC, the Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption (Hague Convention on International Adoption) and the Convention on the Civil Aspects of International Parental Child **Abduction (Preamble of the Act/Articles 4 of the CRC)**. The Act also re-asserts all basic rights of children that are already incorporated into sectoral legislation (e.g., right to health, education) as well as the right of the child to be heard and the child's opinion to be considered in decision-making as well as the right to participation. A copy of the Act is attached for the Committee's further scrutiny.

13. Subsequently, the following laws have been repealed and replaced following the enactment of the Children's Code Act: Legitimacy Act 1929, Adoption Act 1956, Juveniles Act 1956 and the Affiliation and Maintenance of Children Act 1995.

14. The State party notes that the issues raised by Children in the Children's Shadow report to the UN committee relating to the delay in the enactment of the Children's Code Act have been taken over by the enactment of the Children's Code Act No. 12 of 2022.

15. *The Anti-Human Trafficking (Amendment) Act No. 16 of 2022*; is aligned to the Children’s Code Act, and international standards as it relates to the protection of vulnerable migrants, including children in mixed migration flows. The amendments stipulated by this law allow fast-tracking of cases of child trafficking and decriminalization of consent to be smuggled and provides for referral to safe places to prevent immigration detention of children. The Act is comprehensive and provides for, among other things, the prohibition, prevention, and prosecution of human trafficking. It further provides for the filing of and dealing with matters related to human trafficking; establishes the Committee on Human Trafficking and provides for its powers and functions. The Act also provides for the establishment of centres and victims of human trafficking and the Human Trafficking Fund. Furthermore, it domesticates the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. A copy of the Act is attached for the Committee’s further scrutiny.

16. *The Marriage (Amendment Bill 2023)*: The State party welcomes the Committee’s concluding observations and recommendations for the amendment of the Marriage Act Chapter 50 of the Laws of Zambia to address (a) exceptional circumstances which allow children to get married before prescribed age with parental consent and judicial authorization according to Section 10 of the Marriage Act, (b) customary laws that allow child marriage once a child reaches puberty. The State party would like to update the Committee that the amendment of the Marriage Act is underway in that the Marriage amendment Bill of 2023 was submitted to Parliament and has passed third reading. The Marriage Amendment Bill of 2023 seeks to introduce the definition of the child in accordance with the Constitution and align it with the Children’s Code Act No.12 of 2022. The Children’s Code Act has defined the age of a child as below 18 years, in line with the Constitution, Article 266 as well as prohibited child marriage and brings customary law in line with statutory law under Section 18 of the Children’s Code Act. Section 167 of the Act also recognizes children that are married or at risk of marriage as well as children born by a child among the vulnerable children that are in “need of care and protection”. This categorization implies that these children are eligible for statutory social services and facilitation to access support in continuing with education and alternative care solutions, when required.

17. *The Penal Code (Amendment) Chapter 87 of the Laws of Zambia*: The State party welcomes the Committee’s recommendation to raise the age of criminal responsibility from 8 years to 12 years. The State party reports that the Penal Code Chapter 87 of the Laws of Zambia was amended to increase the age of criminal responsibility to 12 years.

18. The State party reports that the process of strengthening all its child-related legislations is an ongoing exercise. To this effect, the ZLDC in conjunction with other stakeholders conducted

an audit and review of all child-related legislations. The following are some of the pieces of legislation undergoing review and amendments during the reporting period:

- a) *Births and Deaths Registration Act, Chapter 51 of the Laws of Zambia*: The provisions that relate to financial obstacles for late registration of births and centralized issuance of birth certificates were considered for revision in this Act. To this effect, the Births and Deaths Registration, Statutory Instrument No. 44 of 2016 is in place which provides for the decentralizing of birth registration and issuance of birth certificates. The Birth and Death Act is currently under consideration for amendment so that it is aligned to the Children's Code Act and to provide for best international practices for Civil Registration and Vital Statistics.
- b) *Intestate Succession Act, Chapter 59 of the Laws of Zambia*: The review considered the definition of the child in the Children's Code Act to align it with the Children's Charter and the Convention on the Rights of the Child.
- c) *Widows and Orphans Act, Chapter 279 of the Laws of Zambia*: The review aimed at revising the definition of the child in the Children's Code Act because it is discriminatory.
- d) *Day Nurseries Act, Chapter 313 of the Laws of Zambia*: The view considered removing discriminatory words such as "illegitimate children" and other discriminatory clauses from this Act.
- e) *Employment of Young Persons and Children Act, Chapter 274 of the Laws of Zambia*: The review considered revising the definition of the child in the Children's Code Act to align it with the Charter, the CRC and the ILO Convention concerning Minimum Age for Admission to Employment and the ILO Convention concerning the Prohibition and immediate Action for the Elimination of the Worst Forms of Child Labour.
- f) *Defence Act, Chapter 106 of the Laws of Zambia*: The review of this Act is being considered on raising the voluntary enlistment age beyond the current age of 16 and the prohibition of forced or compulsory recruitment of children for use in armed conflict. The State party considered the Committee's observation and recommendation on recruitment of <18 years of age into military service with written parental consent (Section 14(2) of the Defence Act and welcomes the Committee 's stressing that Charter Article 22 prohibits recruitment of children into military without exception. The State party reports that it is in the process of ratifying the Optional Protocol on the involvement of children in armed conflict to the Convention on the Rights of the Child.

- g) *The Immigration and Deportation Act, 2010*: The review is being considered to align the definition of the child with the Constitution and protection of vulnerable child migrants and their repatriation.

c) Comprehensive Policy, Strategy, and Coordination

National Plan of Action for Children

19. The State party welcomes the recommendation for (a) the revision of the expired National Child Policy (b) development of a National Strategy for Child Participation to provide for procedures and guidance for child participation in education, health, social justice, and governance systems (c) allocate specific and adequate budgets for the implementation, monitoring and evaluation of child-related policies, strategies, and plans at all levels.

20. The State party reports that during the period under review, the national child participation framework was developed to provide procedures and guidelines for the participation of children in administrative and judicial proceedings and include children participation in education, health, social justice and governance systems.

21. The State party regrets the slow process to revise the expired national child policy and the strategy on ending child marriage. However, the State party remains committed to revise the national child policy and the strategy on ending child marriage.

22. The State party reports that it has developed the *8NDP* which sets out Zambia's strategic development direction and priorities for the period 2022 to 2026. This Plan follows the *7NDP* that was implemented over the period 2017 to 2021. *This is the fourth development plan* in the series of NDPs towards the National Vision 2030 in which Zambians aspire to live in a prosperous middle-income country. The *8NDP* was formulated in line with the provisions of the National Planning and Budgeting Act No. 1 of 2020 and the National Planning and Budgeting Policy of 2014. The legal and policy framework provides for a coordinated and integrated national development planning and budgeting process that is participatory, responsive and results oriented. The theme for the *8NDP* is "*Socio-Economic Transformation for Improved Livelihoods.*" The overall aim is to improve the efficiency and competitiveness of the economy to sustainably lift the living standards of the people. The theme emphasizes the need to build and get back on track towards the realization of the Vision 2030 through economic recovery, stabilization and steady growth, coupled with interventions in the social sectors to realize the socio-economic transformation that will ultimately uplift the livelihoods of the Zambian people.

23. The State party reports that the National Migration Policy and the National Policy on Human Trafficking and Smuggling of Migrants were adopted. Within the reporting period, the first ever National Refugee Policy was also adopted in August 2023.

24. In addition, the State party has developed a number of social protection programmes that are meant to promote and complement good and unifying Zambian traditions and positive cultural values. Such programmes include the Food Security, SCT, Women Empowerment Fund and the Public Welfare Assistance Schemes as well as GEWEL.

d) Mechanisms for Coordinating

25. The State party welcomes the Committee's observation and recommendation that it would be paramount for the State party to establish a strong and effective coordination mechanism among and between various Ministries with a view to avoid sporadic responses.

26. The State party reports that the National Coordinating Committee for Children now has a legal establishment in the Children's Code Act No. 12 of 2022, with clear mandate to coordinate all activities relating to the implementation of the CRC and the ACWRC. The recognition of the NCCC in a legal instrument provides it with power to convene all stakeholders working in the child sectors. By recognizing the NCCC in the Children's Code Act and prescription required for its operationalization provides a greater opportunity to better enforce coordination and hold accountable stakeholders working in the child welfare sectors especially ensuring that concluding observations and recommendations from both the African Committee of Experts on the Rights and Welfare of Children as well as the UN Committee of Experts on the Rights of the Child are implemented and monitored through the NCCC. The State party has concluded drafting the statutory instrument to operationalize the NCCC and its sub structures at Provincial and Districts levels.

27. Furthermore, to encourage inter-sectoral synergy, the NCCC through the Statutory Instrument established the TWGs at national level for sectoral coordination. The TWGs and these include Child Survival, Child Development, Child Protection and Child Participation. The State party also strengthened coordination and management of mixed migration flows to protect and support migrant children. The State Party developed and revised the National Referral Mechanisms for vulnerable migrants to ensure a multisectoral coordinated care and to increase access to gender sensitive basic services. The NRM for vulnerable migrants is a supporting tool for strengthening collaboration between the different frontline officials working with children on the move. The mechanism provides guidance to the frontline officials on the different stages of assistance to vulnerable migrants requiring protection assistance and promotes the coordination of national stakeholders for provision of effective and comprehensive protection assistance to selected categories of vulnerable migrants in line with the national legal frameworks and international best practices.

28. The State party is working on strengthening family welfare systems to ensure that children remain within the family settings. To this effect, the National Alternative Care Working Group and Children in Families Working Group have been established.

Budget/ Allocation of Resources

29. The State party reports that it allocated adequate funds for the implementation of child related policies, strategies, and plans. The State party introduced free education from primary to secondary level, continues to provide opportunities to more adolescent girls to remain in school as well as to transition from primary to secondary school. Besides the free education policy, the State party increased budgetary allocation for bursary and boarding schools targeting girls through the CDF. The CDF was also increased and extended to provide for women empowerment, support children and adolescent with disabilities and targeting youths, creating opportunities for families to access finance for business and job opportunities, all of which have a positive impact on ending child marriages. The State party prioritized and increased the number of households on SCT from 973, 323 to 1,024,000 and the transfer value from 300 kwacha to 400 kwacha bimonthly for the poor and vulnerable households as well as increasing from 600 Kwacha to 800 Kwacha bimonthly for persons with disabilities in the 2022 budget, most of whom are children. The State party also increased the allocation towards Social Protection from 3.6% in 2022 to 4.9% in 2023. In absolute terms, the allocation increased from 6.3 Kwacha billion to 8.1 billion Kwacha.

2. Data

Measures taken to raise awareness on the Children's Charter

a) Measures taken to make the principles and provisions of the Children's Charter widely known to adults and children

30. The State party notes the recommendation of the Committees to;

- a) Intensify systematic dissemination of the Committee's concluding observations among the general public and professionals working with and for children, and ensure their implementation.
- b) Ensure that all professionals working with and for children, in particular the judiciary, social workers, law enforcement officials, health-care personnel, teachers, immigration and asylum officers, and professionals and staff working in all forms of alternative care, receive mandatory training on children's rights.

31. The Committee may wish to know that the State party, during the period under review, has been working in collaboration with the Civil Society Organizations, in raising awareness on the concluding observations and recommendations. The State party has been popularizing the concluding observations and recommendations by printing and sharing with stakeholders and Civil Society Organizations. In addition, children's clubs have been established in selected schools to facilitate information sharing by children using peer to peer learning model.

32. However, the State party reports that it faces several challenges in ensuring that the concluding observations and recommendations are disseminated. One major challenge that the State party faces is inadequate funds to raise awareness about children's rights and responsibilities in the rural parts of the country.

b) Measures taken to widely disseminate the report to the Public

33. The State party welcomes the Committee's recommendation for popularization of the Charter and its monitoring mechanism and to disseminate both State party report along with the concluding observations and recommendations among various stakeholders and children. The State Party agrees with the Committee that dissemination lays the ground towards the implementation of the recommendations as well as addressing the challenges stated in the State party report.

34. The State party reports that the concluding observations and recommendations were circulated to all government institutions concerned and the State party disseminated the concluding observations and recommendations to the public through print and electronic media, public dissemination meetings, workshops, discussions, school debates and other public fora such as traditional cultural ceremonies, national and international mark days.

Views of Children on General Measures of Implementation

Views of the Children on Comprehensive policy, strategy and coordination

35. With regard to Comprehensive policy, strategy, coordination and definition of the child, the following were the views of children captured through their input to the State Party responses;

a) Comprehensive policy - Over 75% of the children rated government efforts at enactment of a Children's Code Bill at 'amber', 'because the Bill was supposed to be enacted in May 2021 which then leaves us children with the hope of the Bill passed when Parliament resumes for the 13th Session on 10th September, 2021.' Twenty five (25) % rated the government efforts 'red' because, 'they have done nothing for 17 years.'

b) Even though the children who were consulted knew nothing about the National Child Policy, they nevertheless commended government for its developmental effort and for 'reaching out to many people.' More than 50% of the children stated that they knew about the District Child Protection Committees in their districts and knew some children who were helped by the Committees.

c) Views on business and child rights - More than half the children who took part in the discussion said they knew about the lead poisoning in Kabwe and according to them the government had fully answered the Committee's questions about actions it has taken on lead

poisoning. Children rated government efforts as 'green', because 'government has reached people who have been poisoned and are yet to reach more.

CHAPTER III

DEFINITION OF THE CHILD

36. The State party acknowledges the Committee's recommendation for harmonization of the definition of the Child and wishes to report that it complies with the provision of Article 2 of the Children's Charter regarding the definition of a child. Article 266 of the Constitution of Zambia (*Amendment No. 2 of 2016*) provides for the definition of the child. To ensure that other laws comply with the provisions of the Constitution, the State party has enacted the Children's Code Act No.12 of 2022 which clearly defines the Child in line with the Constitution. Subsequent amendment to various pieces of legislation has commenced in order to align them to the Children's Code Act. Other laws that also seek to align the definition of the child to that of the Charter are the Immigration and Deportation Amendment Bill of 2023. The Committee may wish to note that this process has already started, for example, Section 2 of the Gender Equity and Equality Act and Persons with Disability Act define a child as a person who is below the age of 18 years. Other national documents such as the National Child Policy, the Minimum Standards of Care for Child Care Facilities and the Orphans and Vulnerable Children Standards comply with the definition of a child in the Charter.

Views of the Children on the Definition of Child

37. With regard to views of children on the definition of the child, the following views were captured through their input to the State Party responses;

- a) *View on the definition of the child* - The children understood a child to be a person below the age of 18 years. Almost all the children reported that they could not count the many of their friends who had gotten married as children.
- b) The children added that, 'in rural areas, children are not aware of the dangers of early marriages. They added that parents/guardians, who are poor and do not value education, do not push for their children to remain in school.'
- c) Children rated government efforts as 'red' because according to them, 'the government needed to provide at least reasonable information on minimum age of marriage and there are many children married off below the age of 18 years old.'

CHAPTER IV

GENERAL PRINCIPLES

38. Under this section, the report provides information on the principal legislative, judicial, administrative and measures in force or foreseen; factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Children's Charter and implementation priorities, as well as specific goals for the future.

a) Non-Discrimination (Articles 3 and 26)

39. The State Party notes the Committee's observation that there is no clear law which specifically protects children in general and children in vulnerable situation, such as children with disabilities, the girl child, from discrimination. The State party welcomes the recommendation to include in the draft Child Code Bill a provision which prohibits discrimination based on status, origin, religion, sex, disability or any ground of the child or his/her parents, guardians or caregivers. The State party also recognizes the Committee's observation on the discrimination of children of Islamic faith and children with disabilities.

40. The State party wishes to report that the enacted Children's Code Act No. 12 of 2022 has resolved all these issues and would like to draw the Committee's attention to PART II of the Children's Code Act on THE RIGHTS AND RESPONSIBILITIES OF THE CHILD: This part of the law from Section 5-28 provides for the rights of children, details the child rights principles, best interest determination, non-discrimination, child participation and respect for the views of the child in all spheres of life (Part 5 of the CRC Preamble).

41. Furthermore, the State Party also would like the Committee to refer to the Children's Code Act Section 7(1) which clearly states that "a person shall not discriminate against or punish a child on the basis of race, colour, sex, gender, age, language, political or other opinion, conscience, belief, tribe, pregnancy, health, ethnic or social origin, disability, property, birth, economic or other status of that child's parent, guardian, custodial parent or person having parental responsibility". The State party also wishes to report that there are other laws as well as policies which support the equality of all persons, including children. The Committee may also wish to note that children belonging to the most vulnerable groups, such as girls, children with disabilities, orphans, disadvantaged children are entitled to the enjoyment of the same rights guaranteed in the Bill of Rights of the Constitution of Zambia. Article 23(1) and (2) of the Constitution of Zambia prohibit discrimination either by law or person. The Persons with Disability Act No. 6 of 2012 is also premised on the principle of Non-Discrimination.

b) Best interest of the Child (Article 4)

42. The State party welcomes the Committee's observation that the best interests of the child is not provided for in the Constitution, the Juvenile Act and Criminal Procedure Code and the view that a strong legal basis for the consideration of the best interests of the child is crucial in the implementation of the principle in all settings including in judicial and administrative procedures. The State party also welcomes the recommendation on the need to consider including the best interests in the Constitution, and other laws. The State party also notes the Committee's concerns about the customary laws and norms that don't take into account the best interests of the child and the recommendation that the State party establishes a rule that regulates the application of customary laws as they should be in line with best interests of the child.

43. The State party wishes to report that the Children's Code Act No. 12 of 2022 is now the supreme law on matters relating to children and it has harmonised with customary laws. Section 26(e) of the Act provides for the duty and responsibility to preserve and strengthen the positive cultural values of the community in the child's relations with other members of that community while, Section 38(1)(c)(i) provides for parental guidance in religious, moral, social, cultural and other values. Some policies that reflect the principle of the best interests of the child are the National Child Policy, National Health Policy, and National Policy on Disability. The State party also reports that it considers the best interests of the child to be paramount in all administrative matters concerning children such as access to justice, issues of child placement, foster care, adoption, child custody, social protection, child health and education. Furthermore, the best interests' determination is applied for assessment for child asylum seekers, refugees and irregular migrants.

44. Furthermore, the State party wishes to report that it has been working in collaboration with the Civil Society Organisations in sensitizing stakeholders on various legal issues including the principle of the best interests of the child. For example, the State party has had engagement meetings with some religious leaders as well as traditional leaders at grass roots level and members of the House of Chiefs. These traditional leaders have demonstrated that they appreciate the need to uphold the best interests of the child and have shown commitment to apply the concept when dealing with issues of children in the application of customary laws in their areas.

45. The State party would also like to draw the Committee's attention to section 18 (1) sub section (b) which prohibits a person not to subject a child to cultural rites and religious or traditional practices, that are likely to negatively affect the child's life, health, social welfare, dignity, and physical or psychological development. An adult, therefore, cannot and should not endorse, facilitate, or solemnize a marriage where one or both partners are under the age of 18 years. Further, the law places the responsibility on verification of the age (where this is in doubt) on the adult. The State party also wishes to report that a high level meeting was held with the House of Chief and Parliamentarians in order to build consensus and influence on customary practices.

46. Furthermore, Local Court Magistrates who administer customary law have been trained in the promotion of the best interests of the child. Customary law on the whole has demonstrated a shift towards upholding the best interests of the child. The State party also wishes to inform the Committee that it intends to continue to engage traditional leaders to ensure that the best interests of the child are taken into consideration at community level.

47. The State party also reports that the administration of child justice takes into consideration the best interests of the child when dealing with children in contact and conflict with the law. In this regard, the State party reports that for the implementation of the Children's Code Act, guidelines for children in the justice system have been developed to ensure that the best interest of the child is paramount. The State party has drafted guidelines for National Prosecutors on the application of the Children's Code Act for children in the criminal justice system as well as guidelines for Police Officers for handling children in conflict and contact with the law. These guidelines are expected to be endorsed in the first quarter of 2024. The National Framework on Diversion has been revised and aligned to the Children's Code Act which has provided for diversion as a measure of first resort to ensure that children do not go through the formal rigid criminal process, as much as possible. Furthermore, the Committee may wish to note that the Children's Code Act stipulates the protection of child witnesses and prioritizes diversion and non-custodial sentencing whilst raising the age of criminal responsibility to 12 years and enabling access for migrant refugee children to protection services.

The Right to Life, Survival and Development (Article 5)

48. The State party welcomes the Committee's observations that while the reduction of child mortality is a significant achievement, the right to life of children requires the State party to undertake positive measures to ensure that children are not exposed to factors that could potentially endanger their lives and the need for the right to life to be assessed jointly with the right to survival and development. The State party wishes to report that it has taken effective measures in implementing and protecting the rights of the child with regard to the right to life, survival and development. Article 12 of the State party's Constitution protects the right to life, with Article 12(2) specifically protecting the life of the unborn child. The State party also reports that it has in place the Termination of Pregnancy Act, Chapter 304 of the Laws of Zambia, which protects the unborn child from losing its life unless under specific circumstances such as the viability of the pregnancy itself or the danger to the life of the mother.

49. The State party also acknowledges the Committee's observation that the State party is amongst the 10 countries in the continent with the highest rate of malnutrition and stunting. The

State party further notes the concern by the Committee that only 30% of the population has access to sanitation facilities and the reduction in the health budget of 5% of the total GDP in 2014.

50. The State party wishes to report that steps have been taken to accelerate stunting reduction efforts and has since implemented a multi-sectoral strategy converging multiple high impact interventions to improve food security and nutrition practices at community level in 42 of 116 districts. There is a considerable reduction from 40% in 2014 to 35% in 2018 which has shown a significant reduction of 5% through the 1,000 most critical days and 1,000 SCT nutrition pilot project. The programme focuses on the first 1,000 days of life that is from conception until 24 months old, a crucial period in which nutrition is vital to ensure optimal child development. The project is being piloted in four (4) districts reaching 12,500 households. Other measures include mainstreaming nutrition in national programmes and policies. While insufficient in scale, this provides learning for expansion of malnutrition prevention interventions, improve multi-sectoral coordination and budget advocacy for nutrition. However, there is still more that needs to be done to increase nutrition, spending for under-fives to sustain gains and expand coverage of key interventions.

51. The State party recognises the Committee's recommendation for the State party to ensure the right to life of all children by preventing diseases that cause child mortality, particularly through an increased immunization coverage, distribution of hygiene facilities and increased access to clean water; to devise strategies to fight malnutrition, link such strategies with agricultural strategies and programmes, provide nutrition supplements to malnourished children, raise awareness about nutritious food within items available at household, promote exclusive breast feeding for the first 6 months and continued breast feeding up to 2 years of age; to provide food support to communities who are most affected and most economically disadvantaged; to increase its budget allocation to the health sector mainly to nutrition, immunization and hygiene with a view to adhering to the Abuja Declaration, which requires State parties to allocate at least 15% of their total budget to the health sector and to enhance its collaboration with other stakeholders who can technically and financially support the State party to ensure the right to life, survival and development of children.

52. The State party wishes to report that:

a) Mortality rate has reduced from 119 (2007 Zambia Demographic and Health Survey (ZDHS)) to 75 (2013-14 ZDHS) per 1,000 births;

b) The nutrition status of children under the age of five has declined from 53 percent (2001-02 ZDHS) to 40 percent (2013-14 ZDHS). There has been slight increase in the proportion of children who are wasted over the past six years, from 5 percent in 2007 to 6 percent in 2013-14. There have been no changes in the proportion of underweight children between 2007 and 2013-14 with 15 percent in both surveys;

- c) There has been a notable increase in the percentage of households with an improved source of drinking water from 24 percent in 2007 and 65 percent in 2013-14 (ZDHS).
- d) There has been an increase in the number of households with access to improved sanitation from 24 percent in 2007 to 25 percent in 2013-14 (ZDHS); and
- e) The immunization of children stands at 68 percent and this has not changed since 2007 to 2013-14 ZDHS.
- f) On Child Development, the State party has introduced the Early Childhood Education (ECE) Policy of 2014 which has increased access and facilities for early childhood education for children below the school going age, and promoting positive parenting skills.

53. The State party also reports that in 2024, the projected health budget has been increased to K20.9 billion from K17.4 billion in 2023, representing an increase of 20.2 percent and 6 percent in nominal and real terms. The State party would like to draw the Committee's attention to the 2024 budget which outlines ambitious plans for the recruitment of additional healthcare workers in Zambia. Building upon the 3,000 recruits in 2023 and the deployment of 11,276 workers in 2022, an additional 4,000 health workers are slated to be hired in 2024.

c) Respect for the views of the Child (Article7)

54. The State party acknowledges the recommendation by the Committee for the State party to establish clear laws and policies to ensure child participation on matters which concern them. The Committee recommended that the State party expedites the adoption of the Access to Information Bill which has been a draft since 2003 and ensure the protection of children's rights in this regard. The State party further acknowledges the recommendation on the need to step up efforts in sensitizing families to ensure that they respect children's right to participate in matters that affect them and for the State party to consult children in decision making processes in particular, in line with their evolving capacities.

55. The State party wishes to report that it has made significant progress towards implementing the Committee's recommendations. The State party reports that it has made provision for child participation in the Children's Code Act to ensure the views of a child are given due weight and the right to be heard in matters affecting them, including children in judicial proceedings, family integration processes and other administrative decisions concerning child welfare.

56. On the issue of the Access to Information Bill, the Committee may wish to note that the Access to Information Bill is under consideration in parliament. However, Section 4(e) of the Children's Code Act provides for child participation and respect for the views of the child in all spheres of life. Section 6 also provides for the right to expression and Section 21 also provides that a child is entitled to rest, leisure, play and participation in cultural and artistic activities appropriate to the age of that child. Section 38 provides for parental responsibility - "Parental Responsibility"

means the duties, rights, powers, responsibilities and authority which, by law or otherwise, a person has in relation to the child.

57. The State party has also developed the National Child Participation Framework which provides for procedures and practices in child participation. Furthermore, the State party is in the process of establishing the children's parliament to promote the active and effective participation, involvement and interaction of children in all aspects of development through parliamentary and governmental processes and legislation for the full enjoyment of children's rights and the right to fully participate as enshrined in the National Children's Policy, Convention on the Rights of Children and African Charter on the Rights and Welfare of Children

58. The Committee may also wish to note that the State party has worked closely with implementing partners to commemorate the children's events such as the International Children's Day of Broadcasting, Day of the African Child, International Day of the Girl Child and World Children's Day, ensuring meaningful participation, creating space for children to raise their voices and talk about issues affecting themselves with policy makers. In addition, the State party with support from cooperating partners has mainstreamed children's consultations in child development programming. For example, during the commemoration of the World Children's Day, consultations are carried out with children and their views are fed into a 'Call to Action' and presented to the Minister responsible for child affairs and the Members of Parliament.

59. The State party is also in the process developing sector specific guidelines to guarantee the participation of boys and girls in all matters concerning children, in line with their evolving capacities. So far, guidelines have been developed for the Media and Education sectors.

60. The State party has continued to strengthen multi- sectoral community mobilisation and awareness programmes, targeting traditional leaders, civic leaders, religious leaders and parents. The State party also wishes to report that it has also strengthened platforms where views of children can be heard. In addition, community radio stations are being supported with financial resources to disseminate information on the Children's Charter using local languages.

61. Other initiatives include the formation of media and press clubs in schools, formation of child friendly platforms in communities, sensitization and mobilisation of communities on child participation, formation of school councils which provide platforms for children to participate in governance. The principle of child participation is one of the key pillars in the National Child Policy, as such institutions that deal with children are required to observe this principle whenever they are developing and implementing programmes for children.

Views of Children on the General Principles

62. With regard to views of children on the General Principles, the children views captured through their input to the State Party responses held the following views:

- a) *Non-discrimination:* The State party wishes to inform the Committee that children who provided input to the State party report stated that their fellow children with albinism are not as free as the others without albinism. The children claimed that children with albinism, ‘are not as free as they are to move anywhere in local communities because they can be captured by witches and wizards.’

Children from Secondary schools claimed that they knew about lesbians, gays, and bisexual, transgender and intersex children. One group gave an example of a girl who, according to them, ‘has changed her looks to that of a boy.’ The group stated that ‘she is now a ‘lesbian’.

The children noted that the government did not say anything about discrimination against lesbian, gay, bisexual, transgender and intersex children in its report.

90% of the children rated government’s efforts as ‘amber’ because, ‘at least children with disabilities and HIV/AIDS are being helped or treated.’

- b) *Best Interests of the Child:* The children reported that some parents and teachers according to them make decisions in the best interest of them. They claimed that teachers know what is in the best interest of children but pretend they do not know. The children rated government efforts as ‘amber’, ‘because something is being done but a lot needs to be done.’ One group of children from a rural district said a lot more awareness among parents/guardians and teachers was needed especially in the rural areas.
- c) *Respect for the Views of the Child:* The children disagreed with the government’s position that child justice and specialized staff handle child matters quickly. They explained that child cases delay due to long procedures which in most cases ‘do not come out as expected.’ Most children in rural areas claimed that though they had heard about GBV fast track courts they did not have any in their area. Consequently, they did not agree with government’s claim that child friendly courts facilitate child participation. They rated government efforts ‘red’ since, ‘most rural districts do not have GBV fast track courts or child friendly courts and the government did not answer on youth parliament. The children said they would be happy to belong to youth parliament since they are already used to belonging to clubs.

CHAPTER V

CIVIL RIGHTS AND FREEDOMS

a) Name, Nationality, Identity and Registration at Birth (Article 6)

63. The State party notes the concern raised by the Committee that only 17% of children in general and 11.3% of under five children in particular are registered and that the establishment of registration in health facilities is limited to ensuring registration of new children, and not children who are currently not registered. The State party welcomes the recommendation by the Committee to further decentralize birth registration, including certification, and strive to reach the target of establishing registration centres in at least 50% of health centres by 2020.

64. The State party further acknowledges the Committee's recommendation to introduce mobile registration as well as launch birth registration campaigns to register children who are not registered and undertake extensive awareness raising, especially in rural areas, to inform parents and care givers about the importance of birth registration and if possible provide incentives to encourage registration of children.

65. The State party wishes to report that steady progress has been made through the development of the first ever National Civil Registration and Vital Statistics Policy to scale-up registration of vital events including births, and is implementing a National Strategic Plan (2021 - 2026) to improve the civil registration and vital statistics system. In line with this plan, the State party is working on boosting birth registration by decentralizing the services to health facilities. To this effect, birth registration desks have been established in 806 health facilities in all the ten (10) provinces. In these communities, parents access free birth registration services for their children as part of a "health package" at birth or during their visits to a health facility for services such as immunization. The State party is also conducting mobile birth registration exercises with the target of achieving 50% birth registration coverage for children below the age of five (5) by 2026, as espoused in the 8NDP.

66. The 2018/2019 ZDHS indicates that birth registration coverage for children below the age of five (5) increased from 11% to 14%. This increase is not significant but with the systems put in place, birth registration will increase significantly.

67. In order to improve this coverage and to attain universal coverage, the State party aims to improve birth registration in the country, with the Health Facility-Birth Registration Desks having been established across the country; the idea is to take birth registration facilities as closer to the communities as possible. At present, the State party is manually registering births in about 806 health facilities with plans of scaling up to cover the entire country. The arrangements being put in place for birth registration in health facilities will also cover health facilities serving in refugee

camps as a way of ensuring that children born from refugees are accorded the opportunity to be given an identity.

68. As a way of enhancing efficiency in birth registration the INRIS has been fully developed and is being implemented as one of the modules in the system of birth registration. With this system, more than 300,000 children have been issued with the birth certificates with a unique identity number which will be used as a national identity number when children attain the age of 16 years. This is meant to confer citizenship of children from birth through birth registration. In order to ensure that births are registered as soon as they occur, the State Party plans to link the INRIS to the Health Information System (Smart Care).

69. The Committee may wish to know that the Births and Deaths Registration, Statutory Instrument No. 44 of 2016 provides for the certification of a birth at district level and has been actualized by establishing certification centres in 46 Districts. The target is to start printing birth certificates in all the 116 districts by the end of 2024.

The State party will continue with:

- a) Mounting national wide awareness campaigns among the citizens on the importance of birth registration;
- b) Creation of sectoral platforms for stakeholders involved in national registration such as the involvement of traditional leaders and midwives in birth registration of children;
- c) Capacity development for the Department of National Registration, Passport and Citizenship through training and provision of computers and transport; and
- d) Decentralisation of the issuance of birth certificates.

b) Freedom of Expression (Article 7)

70. The State party welcomes the observations made by the Committee on the State party's provisions of the Constitution that guarantee fundamental freedoms. The State party also notes the Committee's observation that the realization of fundamental freedoms requires the duty to respect, protect as well as fulfil and that the State's duty, particularly in the situation of children to fulfil their fundamental freedoms by providing positive measures is crucial. The State party also welcomes the Committee's recommendation that the State party provides forums and platforms where children can express their views; provide information that is necessary and appropriate for their age in a child friendly manner; and empower children about their rights and freedoms. The State party also notes the concern raised by the Committee that the main impediment of the enjoyment of these rights by children are families, communities, and Government officials such as the police and welcomes the recommendation for the State party to educate communities,

parents and its officials about the rights of children to fundamental freedoms and how they can assist children to enjoy the freedoms.

71. The State party reports that it is committed to promote the freedom of expression of the child and this is evident in various legislative measures which require the opinion of children in matters concerning them such as the Constitution of Zambia which recognises the freedom of expression, which is guaranteed for all citizens regardless of age (Article 20). The Children's Code Act, **as highlighted earlier**, provides for child participation and respect for the views of a child in all spheres of life. **Section 6** also **provides for the** Right to expression and **Section 21** provides that a child is entitled to rest, leisure, play and participation **in cultural and artistic** activities appropriate to the age of that child. Children are also given an opportunity to express themselves through the commemorations of children's mark days. The development of the National Child Participation Framework is a step further to implement the Children's Code Act.

c) Protection against Child Abuse and Torture

72. The State party welcomes the observation by the Committee on the progress the State party has made towards the amendment of the Criminal Procedure Code and the Penal Code to prohibit corporal punishment. The State party also notes the Committee's concerns on the non-prohibition of corporal punishment in all settings including at home, on the fact that the Juvenile's Act provisions may be used to perpetrate corporal punishment; particularly article 46(7) which entitles parents to administer punishment against juveniles and Article 58(4) of the Juvenile Act's Reformatory School Rules which allows caning of the child. The State party further notes the Committee's concerns on lack of specific provision which prohibits corporal punishment in alternative care centres and the existence of social norms which approve corporal punishment, and to compressively revise its laws and ensure that no piece of law gives a gate way to corporal punishment to parents, police, or any other person in any setting. The State party also notes the Committee's recommendation to use the opportunity of the Draft Child Code Bill and ensure that the Code explicitly prohibits corporal punishment in all settings including home, reformatory centres, alternative care centres and other settings. The State party further affirms the Committee's recommendation for the State party to identify positive disciplining methods that do not harm the child in any way and promote the same among parents, the police, care givers, staff working at centres where children are kept, and communities as well as the continuous sensitization until change of attitude against the use of corporal punishment is achieved in the community.

73. The State party wishes to report to the Committee that the Constitution of Zambia protects people's civil and political rights as well as their social and economic rights. Furthermore, Section 23 of the Children's Code Act specifically guarantees children the right to protection from torcher and cruel treatment or punishment. In addition, the State party wishes to report that it has since repealed the Juveniles Act by the enactment of the Children's Code Act which expressly prohibits corporal punishment in all settings. The State party wishes to report further that it has in place the

Minimum Standards for monitoring of child care facilities, which states that children should be disciplined in accordance with the child's individual needs and development, and should not include harsh or unusual treatment such as corporal punishment, abusive language, or threats. Therefore, any person who inflicts corporal punishment or other forms of physical violence on a child can be charged with the offence of assault on a child in accordance with the Penal Code Chapter 87 of the Laws of Zambia which attracts a minimum mandatory sentence of 5 years. Furthermore, child safeguarding shall apply in all settings as provided for by the Children's Code Act and will enhance zero tolerance to violence against children, including corporal punishment.

74. The State party wishes to report further that it has in place institutions that ensure the protection from abuse and torture of all children in accordance with the existing relevant legislation. These institutions include the Office of the Commissioner for Children under the Human Rights Commission, the Department of Social Welfare in the Ministry of Community Development and Social Services, the Child Protection Unit and Victim Support Unit in the Community Services Directorate of the Zambia Police Service.

75. The State party has also undertaken capacity building and sensitisation of personnel involved in the administration of child justice. The law enforcement officers and personnel in the Judiciary, the Department of Social Welfare and Civil Society have been trained and sensitised on rights-based approaches to child protection. The State party is also in the process of developing a training curriculum for law enforcement officers to include human rights and children's rights, in particular. In order to enhance coordination and collaboration amongst the various stakeholders in the administration of child justice, the Child Justice Forum under the Judiciary was established in 2003.

Views of the Children on Civil Rights and Freedoms

76. With regard to civil rights and freedoms, the children views captured through their input to the State Party responses held the following views:

- a) *Birth Registration* - Less than a quarter of the children reported that they have birth certificates whereas three quarters stated that they do not have birth certificates. Children in the rural areas assumed that birth records are birth certificates. The children who were aware of the difference between birth records and birth certificates stated that there was lack of knowledge on where to acquire birth certificates and the general registrar's offices are far for those in remote areas. The children rated government efforts as 'amber', and said "although the government did not respond fully to the Committee's question, it was doing something about registering more children.
- b) *Freedom of the child from all forms of violence, including corporal punishment* - Teachers, both male and female and parents/guardians (step mothers were singled out)

still inflict corporal punishment and verbal abuse. 'Some teachers have replaced corporal punishment with verbal abuse,' said some children and continued, 'teachers know that corporal punishment is not acceptable even verbal abuse but they pretend. Many parents do not know about children's rights especially in the rural areas.' The children in urban areas reported that though they are aware of GBV fast track courts they do not know of any child that has been helped by the courts. Furthermore, some children stated that they are aware of the Police Medical Examination Report Form and the Desks while their peers in the rural areas expressed ignorance. The children rated government efforts as 'Red' due to what they said was an increase in violence against them by their parents/guardians, teachers and other family members.

- c) *Harmful practices* - The children stated that though there was increasing awareness in Zambia on the dangers of child marriages, such marriages should be abolished completely for a 'child', to enable the girl child acquire education and be independent.' Other children wanted to see stiffer punishment for parents who marry off their children and requested government to provide adequate sponsorship for children whose parents cannot afford to send them to school to avoid school drop outs and child marriages. They added that inter-sex children were given less attention. 'No information about such children was distributed,' they added. 'People were not taught on how to act around such children and that leads to most of them being discriminated against.' They declared that inter-sex children should enjoy their rights just like any other child. The children disagreed with the government that the Zambia Police Service Victim Support Unit visited schools to raise awareness on the dangers of child marriages adding, 'maybe they just go as far as the Chiefs' palaces and do not reach our schools.' Half of the children rated government efforts as 'amber' and explained that 'government was making efforts to improve the situation of child marriages but that the government did not fully respond to the Committee's question.'

CHAPTER VI

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

77. In relation to family environment and alternative care, the State party notes the observations and recommendations made by the Committee and wishes to report that it has increased the budget allocation towards social protection programmes. The social protection programmes are aimed at improving the living conditions of children and their families. The State party has also developed the volunteer policy aimed at assisting the volunteers from various settings to provide services effectively and efficiently to the children and families in need of care.

78. The State party also notes the Committee's recommendation that the State party focuses on preserving families and ensuring that children live within a family setting and the need to identify and prevent factors that lead to separation of children from their parents, such as abuse and poverty.

79. The State party wishes to report that the enacted Children's Code Act has domesticated the UN Alternative Care Framework and legislated the National Alternative Care Guidelines by providing a continuum of care for children in need of care. The Children's Code Act provides for family-based care for children in need of care as a measure of the first resort and institutional care as a measure of the last resort. The Act also provides for children without appropriate care or at risk of family separation as children in need of care and protection and, further the State party recognizes social protection programmes such as the SCT and the Women and Girls' Empowerment as family strengthening programmes to prevent child-family separation. The Children's Code Act also provides for strengthening family-based care as first resort. The State party is also in the process of finalizing the intensive family support programme.

80. The State party is also currently reviewing the National Social Protection Policy framework with a view to guide the implementation of interventions that will improve the welfare and livelihood of the poor and vulnerable, overcome inequalities and enhance provision of social security as well as protection across the lifecycle. It will reflect the State party's resolve to address issues that affect human and social development. In addition, the Policy will guide the implementation of Shock Responsive Interventions, Nutrition Sensitive Social Protection, System Strengthening and foster inclusion and delivery of social protection programmes in order to attain sustainable national development.

81. The Committee strongly recommends that the State party focuses on preserving families and ensure that children live within a family setting. The Committee further recommends State party to identify and prevent factors that lead to separation of children from their parents, such as abuse and poverty.

82. The State party wishes to report that it continues to use the national alternative care framework for children in need of care in programme implementation. The framework provides a continuum of care for orphans and vulnerable children; this prioritizes family-based care, with kinship care being the preferred family based alternative care choice. The State party also ensures the prevention of family child separation (keeping family together); other family-based care options such as adoption foster care and kinship care are prioritized.

83. The State party also acknowledges the recommendation to revise laws and ensure that inter-country adoption is carried out in line with the principles of the Hague Convention, establish case management systems as well as mechanism to monitor the situation of adopted children outside the State party.

84. The State party wishes to highlight that the Children's Code Act establishes the Children's Court (high court), Juvenile Court and other reforms relating to child justice, outlines domestic and inter-country adoption procedures.

85. Furthermore, the State party wishes to inform the Committee that the primary responsibility for care and giving guidance to children remains that of the parents and society at large. However, it is also the responsibility of the State party to care for children where the parents are unable to do so. The Constitution of Zambia commits to uphold the values related to the family, morality and patriotism. The Constitution recognises the customary law, multi-ethnicity, multi-racial and multi-cultural groupings of the Zambian population. Traditionally, the family is the smallest and most important unit of Society. As such, the State party has endeavored to create an enabling environment where children can grow up in families.

Views of the Children on Family Environment and Alternative Care

86. The children expressed the following views on aspects of Family Environment and Alternative Care:

Children deprived of family environment

- a) Three quarters of the children said they knew that if a child had no family, government was supposed to ensure that it found other alternative places for the child to live especially with any member of its family, 'or else it would end up on the streets.' However, the children denied being aware of any information on the importance of a child staying within a family environment, 'since the Cheshire Homes look after children with disabilities well.'
- b) A small percentage of children said they knew families that receive SCT but added that the SCTs, 'sometimes do not serve any purpose for some beneficiaries as they cannot

afford all their basic needs.’ The children rated government’s efforts as ‘amber’ as ‘the government was making progress and had partially done its work.

Children in prison with their mothers

- a) The children’s views were that children should not be in prison as they are innocent. They further stated that since there was no formal arrangement for children to be in prison they should then be released immediately and placed in a safe house that the government had mentioned in its report. They added that, ‘in fact there should not be a formal arrangement for children to be in prison at all.’
- b) The children rated government efforts as ‘red’ since they said, the government did not respond fully to the Committee’s question. The children added that the efforts for improved nutrition, health and education was not done by government but by some NGOs that are supporting the children and their mothers.

Children with disabilities

- a) More than half of the children stated that though they were very much aware of children with disabilities, they were not aware of special facilities that have been built for children with disabilities. They said some of the children accessed school depending on the level of disability. They added that children with minor physical disabilities were integrated in the classes with everybody else but those with severe disabilities had special classes for themselves.
- b) The children stated that sometimes children with disabilities stopped school because they felt afraid of mixing with those without disabilities. They further stated that the children with hearing impairments were also very short tempered and usually got upset easily. Furthermore, the children claimed that there was also peer to peer violence among the children with hearing impairment.
- c) The children rated government efforts as ‘red’ since, ‘the government had not done much for children with disabilities. They do not have recreational facilities suitable for them. Early childhood education does not cater for children with disabilities and they live the most disadvantaged lives

CHAPTER VII
HEALTH AND WELFARE

87. The State party notes the Committee's concern that health facilities were not accessible to all children, especially for those in rural areas, and that there was also a challenge in relation to the quality of health services provided by the Government. The State party also notes the recommendation by the Committee on the need to establish additional health centres in rural areas and ensure that hospitals and health centres had sufficient facilities; and strive to elevate the quality of health services.

88. The State party wishes to report that it has made steady progress in establishing health centres in rural areas and the process is still on going. The status of the rural health centres established stands at 1,162 in 2023 as compared to 1,080 in 2017 representing an increase of 82 rural health centres.

89. The State party also notes the concern raised by the Committee on the increasing incidence of teenage pregnancies and the recommendation to provide sexual reproductive health education to children in schools as well as out of school children and also sexual reproductive health services in health units both in urban and rural areas.

90. The State party has put in measures to address the committee observations and recommendations which include:-

- a) Implementing the Adolescent Health Strategy 2017 -2021 which focuses on scaling up comprehensive adolescent friendly health facilities through creation of adolescent health spaces.
- b) Strengthening the leadership and governance through multi-sectoral stakeholders' coordination and adolescent health technical working groups at national, provincial and district levels which include all line Ministries.
- c) Health promotion and demand creation for health services through different platform's (school health services, media platforms, facebook).
- d) Comprehensive sexual education programmes for out of school children through peer education, education community dialogue sessions with the keepers, parents or guardians.
- e) There are also various partners supporting service delivery and health promotions activities in the country.
- f) Community mobilization through the adaptive leadership programmes.
- g) Provision of assistance to pregnant adolescents – the State party working in collaboration with UNESCO has been managing a programme of Safe Spaces for adolescents.

91. The State party welcomes the Committee's recommendation on the need to provide early childhood development care for children with disabilities, ensure that they have access to education and health care services, allocate sufficient budget for the implementation of the National Disability Policy and ratify the Protocol to the African Charter on Human and Peoples' Rights and the Rights of Persons with Disabilities.

92. The State party wishes to report that it has made some steady progress in providing early childhood development care for children with disabilities. To ensure that children with disabilities have access to early childhood education and care, the following measures have been undertaken:

- a) Inclusive Education Guidelines 2016, were developed to ensure that all schools provide inclusive education as well as free education to all;
- b) Building of accessible school infrastructure that caters for different disabilities and reservation of 10% of bursaries to students with disabilities; and
- c) Lowering of the academic requirements for entry into tertiary education from 5 to 4 credits.

93. The State party also wishes to report that there is a pediatric rehabilitation centre particularly for children with disabilities where infrastructure and equipment has been provided to cater for children with health-related disabilities like autism, down's syndrome and also a developmental intervention clinic and audiology centre of excellence. Additionally, the State party has established assessment centres at each provincial general/ central hospital to help in early identification of children with special education needs and disability. Furthermore, a National Teacher Training Institute for Special Education called ZAMISE working in collaboration with the UNZA has the mandate of training teachers, caregivers and community workers in handling learners with special education needs and disability. Since inception in 1971, the Centre has on average been graduating 100 different categories of Teachers to handle: hearing impaired, visually impaired, learning disability and specialists in rehabilitation of physical disability and independent living experts. From 2016, ZAMISE in association with UNZA started offering degree programmes in the aforementioned special education categories, to cater for all levels of education from early childhood education to secondary sector.

94. To ensure that children with disabilities have access to inclusive education the State party wishes to report that in the past, special schools were created for children with critical/ extreme disabilities; however, the trend has changed with focus on inclusiveness for the partial and mild, where children with disabilities are mainstreamed to learn with other children. Teachers are taught on how to handle children with disabilities together with others. This is done with a view to eliminate discrimination of children with disabilities.

95. Early grade screening and identification for school placement is conducted for all early grade learners to identify any learning challenges to ensure the learners are placed in appropriate facilities for appropriate interventions. This is done by District Special Education Standard Officers, with the help of trained experts from ZAMISE and UNZA. Community outreach programmes are undertaken for CBRC and general sensitization of community members and parents on matters of special education, early identification and early interventions, through a multisectoral approach system involving Ministries in charge of education, health and child welfare. The education system through the office of the Guidance and Career Counselling Teachers are trained to handle aspects to do with learners with special educational needs to ensure that they are benefiting from the education system in schools where special units or schools are not available. In addition, when procuring teaching and learning materials, the State party does include procurement of equipment and assistive devices for children with special needs. The education sector under the 8NDP (2022-2026), has committed to employing strategies that will enhance inclusion and participation of citizens considering their age, gender, disability and other factors which include, inclusion of the needs of learners with disabilities in the teacher training curriculum and the introduction of sign language from grade one to four, among others. The State party through collaboration with the Organization of Persons with Disabilities (OPDs) has promoted inclusive education in 154 schools.

96. To prevent absenteeism and dropout from schools, the State party wishes to report that it is undertaking a nationwide sensitization of pupils, teachers and members of the public against discrimination of children with disabilities and encourage parents through quarterly conduct of community outreach programmes by a district multi-sectoral team of officers from Ministries in charge of education, health and community development to allow children with disabilities to access services such as education, psychosocial support and other services. In addition, the office of the guidance and counseling plays an important role in carrying out sensitisation activities and counseling sessions with learners and teaching staff respectively. The State party has further scaled up the school feeding programme from 38 districts to 52 districts reaching three million learners, which also benefits learners with special education needs and disabilities.

97. On the issue of providing rehabilitation services for children with disabilities, the State party wishes to report that in line with the policy of inclusiveness, efforts have been intensified to provide rehabilitation services in line with the community-based rehabilitation and care initiatives for consistence and sustainability of programmes through the setting up of rehabilitation centres and provision of assistive devices such as wheelchairs, walking crutches, hearing aid, reading glasses and walking sticks for the blind. The State party has been progressively establishing reading and rehabilitation centres, which offer among others, guidance, counselling and appropriate training. The National Vocational and Rehabilitation Centre in Ndola, Copperbelt Province is one such centre that provides skills in four (4) disability areas that include; hearing, visual, intellectual and physical/neurology.

98. Furthermore, the State party has laws which provide for health policy makers to provide for, among other services, rehabilitative operation treatment and appropriate assistive devices. Out Patient Departments such as AHDI are also complimenting efforts by providing physiotherapy and home school-based education to at least 3,845 children in selected districts where they have established centres in Lusaka, Eastern and Southern Provinces. Other measures put in place include, the introduction of a course in Orthotics and Prosthetic at UNZA and the establishment of a workshop to make assistive devices for children with disabilities at University Teaching Hospital and Beiti Cure Trust Hospital, which use paper technology. Additionally, there are two other private hospitals, St. John Paul Orthopaedic Hospital and Italian Orthopaedic Hospital that are referrals and provide free rehabilitation services to children and home-based rehabilitation through mobile services.

99. To facilitate full inclusion of children with disabilities in all areas, the policy is inclusive in all aspects and the non-discrimination principle rules. All the services provided, such as recreation, leisure, play, culture and community-based care, are based on the four pillars of child rights outlined in the 2015 National Child Policy (i.e. Child Survival, Child Development, Child Participation, Protection Rights) and the Children's Code Act.

100. The State party has taken measures to facilitate full inclusion in all aspects of play, leisure and recreation, among them being the training of coaches in disability sports, formation of sports clubs for children in schools and funding the National Paralympic Committee of Zambia. It is also encouraging formation of parent-to-parent clubs in communities to create opportunities for positive parenting of children with disabilities, to participate in the rehabilitation of children with disabilities.

101. The Committee notes from various reports that lead pollution, especially in Kabwe, is significantly affecting the health and wellbeing of children by affecting their right to clean water and healthy environment. The Committee recommends that the State party undertakes studies to assess the situation and identify the cause and impact of the pollution. The Committee recommends that the State party adopts strict regulation and accountability on companies that undertake mining and contribute to lead pollution. The Committee encourages the State party to evacuate children in most affected areas and devise strategies on how to clean the pollution.

102. While noting the National Climate Change Learning Strategy of 2020, the State party wishes to draw the Committee's attention to targets 1.5, 13.1 and 13.3 of the Sustainable Development Goals.

- a) Free screening and treatment of children commenced and about 12,500 children have so far been screened and 1,570 have been treated.

- b) Campaigns have been conducted in the Lead hot spots through schools and community mobilization and sensitization campaigns.
- c) Soil testing was done in all the areas and properly mapped indicating the levels of pollution.
- d) Screening is being done in all the schools in the hot spots through drilling of boreholes and equipping them with solar driven pumps and water tanks.
- e) Mining companies are engaged to ensure that they reduce environmental pollution.

103. Various reports, including the State party report, indicate that there is lack of fund management, coordination and administrative capacities, which are the major challenges in the health and welfare system that hinder effective implementation of the Charter as well as the State party's initiatives. The Committee recommends that the State party undertakes extensive training and capacity building of those involved in the implementation of health policies and strategies; establish a clear framework of coordination and collaboration underlining the role of concerned Government organs and stakeholders; and seek technical support from non-governmental stakeholders who have expertise in the health and welfare area.

104. The State party acknowledges the Committees' recommendations to undertake extensive training and capacity building of those involved in the implementation of health policies and strategies; establish a clear framework of coordination and collaboration underlining the role of concerned Government organs and stakeholders and seek technical support from non-governmental stakeholder who have expertise in health and welfare area.

105. The State party is pleased to inform the Committee that to ensure access to quality health services and personnel, the State party through the National Health Strategic Plan (2017-2021), addresses the challenges of critical shortages of health workers, equitable distribution of available workers and quality health services. Efforts have been undertaken to strengthen human resource management, planning, and administration at all levels and continues to expand the health workforce as and when the overall resources framework allows. There has been an increase in the enrolment of students and the use of an equitable system in the enrolment of nurses and clinical officers among provinces. The State party also promotes retention of health workers especially in the rural areas. A total of 4,000 health workers were recruited during the COVID-19 pandemic. On quality health personnel; the State party has initiated a number of programmes to build capacity of the health personnel with the view to improve the quality of health service provision to the citizens. In addition, a unit for quality improvement and assurance has been created to address improvement in the quality of health services provision.

With regards to working with non-governmental stakeholders, the State party has continued to collaborate with various partners among them UN Agencies in areas of supporting service delivery and health promotion activities in selected parts of the country.

Views of Children on Basic Health and Welfare

106. The following were the views of children on basic health and welfare:

Health and Welfare Services:

- a) While children from rural areas said they walk long distances to health centres, they did acknowledge that they do access health services; and children from urban areas said they easily access health centres.
- b) The children reported that when they go to a health centre unaccompanied by their parents or guardians, health workers tend to attend to adults first unless there are no adults or there are less adults in queues. They further stated that sometimes they are given the medicine free of charge at the hospital and other times they are given prescription to take to their parents/guardians to buy the medicine. All the children said they are not aware of any law to discourage breast milk substitutes. They said breast feeding is very common in their communities and added that they see a lot more uneducated non-working mothers breast feeding their babies more than the educated working mothers.
- c) The children said they did not think that the government's 1 million NHIMA target in the country was enough. And a good number of the children were not aware whether their parents/guardians were on the NHIMA. The children stated more girls get infected by HIV than boys because they are more vulnerable when poor and need more things than boys so they go out with older men, who have the money to give them but who also infect them with HIV and STIs. The children thought more Social Cash Transfers for the poor would help more girls in not getting infected. The children rated the efforts of the government on this issue as amber because, 'at least its efforts are recognised with benefits of doubt.'

Adolescent health

- a) Children stated that they are not aware of the CAC in 2019 and that girl children did not know that they could request for CAC services. The girls said even if they knew that CAC services were free at public institutions, they would not feel comfortable to get the services as they are afraid of what their parents/ guardians would do to them if they were seen getting such services.

- b) The majority of the children said they were learning CSRH in school but they were not aware that guidance and counseling teachers were working with health staff to ensure that girls in learning institutions have access to SRH services. The children questioned why the prevalence of teenage pregnancies is getting higher when the youth safe spaces are there in health centres.
- c) The children also thought the prevalence of drug, alcohol and tobacco among adolescents is getting higher meaning that the sensitization programme government has put in place is not helping many children. The children rated government efforts as ‘amber’ because, ‘a lot more needs to be done to help teenagers benefit from the services being offered by government to reduce their vulnerability.’

Environmental health

- a) The majority of the secondary school children said they were aware of the lead poisoning in Kabwe while most primary school children said they were not aware.
- b) While the children said they were satisfied with the government’s response to the Committee’s questions, they did not think that there was enough information on lead and other toxic poisoning in Zambia especially among children.
- c) The children rated the government effort ‘amber’ because of what the government was doing in Kabwe but it needed to do more to prevent the same happening in others areas of the country.

Standard of living Information on Improvement of the access to water, sanitation and hygiene for children, including in schools

- a) The majority of the children claimed that not many children in Zambia obtain drinking water from improved sources, and not many children access improved sanitation facilities. The urban based children said their schools obtain water from both water and sewerage companies and boreholes whilst children from rural areas said they rely on boreholes.
- b) The girl children said the schools’ supply of MHM package to girls is irregular and most of the time when the girl children need the package, they are just sent home.
- c) The children said none of their families are benefitting from the SCTs. The children rated the government’s efforts as ‘red’ since they claimed the government did not respond fully to the Committee’s question. One group claimed that the 1,152,012 beneficiaries have been the same for the past 3 years.

Impact of climate change on the rights of the child

- a) The children in secondary schools in Lusaka reported that they are actively taking part in climate change activities such as climate change cafes where they discuss issues about climate change, take part in debates, quizzes or plant trees and in creative recycling such as making plastic bags and bracelets. Other children from Lusaka said they have attended workshops on climate change.
- b) Children from outside Lusaka also shared that they have been learning about climate change and how it is important to plant trees, avoid pollution, prevent soil erosion through climate smart cultivation and stop burning things among other things they are learning. All the children spoke about littering being bad and how as children they should try their best to stop littering.
- c) The children rated government efforts as ‘amber’, ‘because even if the government has made efforts, the children have not been empowered to adopt sustainable lifestyle especially in the rural areas.’

CHAPTER VIII

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

107. The Committee notes the development of the Education Act which tries to domesticate the right to education as enshrined in the African Children's Charter; the provision of free primary education; the increase in the number of primary schools; the recent increase in the budget allocation for the education sector; the adoption of the re-entry policy for girls who get pregnant while they are in school; and the introduction of feeding and bursary programmes to support vulnerable children. While appreciating these progressive developments, the Committee has noted the following concerns:

- a) The disparity on completion rate among urban-rural children as well as boys and girls;
- b) Fees levied on parents at primary education for various contributions in spite of the law which makes primary education free;
- c) The disproportion in the number of primary and secondary schools as secondary schools are almost 10% of the number of primary schools;
- d) The low transition rate from primary to secondary schools due to various reasons including the very low number of secondary schools, inaccessibility of secondary schools, and school fees in secondary schools;
- e) High dropout rate for girls due to teenage pregnancies, child marriages, insufficient hygiene facilities, the low value given to girl's education; poverty and child labour; and
- f) Lack of sufficient investment and capacity building for early childhood development and preschool education.

108. Moreover, on inclusive education, the Committee is concerned that many schools do not have necessary infrastructures such as ramps, pathways for wheelchair use to cater for the needs of children with disabilities. The Committee also notes that there is lack of trained special needs teachers as well as learning and teaching materials that are accessible for children with disabilities. The challenge is of great magnitude in rural areas as the general poor infrastructure and inaccessibility of schools exacerbates the situation.

109. The Committee therefore recommends that the State party undertakes the following measures to further progress on the implementation of the right to education:

- a) Remove any kind of fee in form of contribution or payments in primary school and ensure that there is free primary education in practice;
- b) Continue to allocate increased budget to the education sector and build more schools in rural areas and increase the number of secondary schools to ensure there is transition;
- c) Strive towards reducing and further eliminating the fees for secondary education to increase the enrolment rate in secondary education;

- d) Elevate the quality of education by training teachers, reducing the student-to-teacher ratio by employing more teachers; increasing contact hours of students; providing sufficient materials to students; providing appropriately equipped classrooms; and ensuring that the libraries in schools are functional;
- e) Provide sexual reproductive health education in schools; promote re-entry policy; and address the stigmatization of children who get pregnant while in schools;
- f) Promote girls' education and retention in schools by sensitizing parents and communities about girl's education, fighting child labour and child marriage, creating safe spaces in schools free of abuse, and providing sanitary pads for girls;
- g) Devise policy framework for early childhood development; invest in establishing early childhood development centres that have appropriate space, sufficient funding, and trained teachers. The Committee also recommends that proper monitoring and evaluation of such centres is undertaken regularly;
- h) Renovate schools to ensure that they have the necessary infrastructure to accommodate children with disabilities;
- i) Train teachers with special needs education and ensure that schools have materials that are accessible to children with disabilities so that inclusive education is fully realized.

110. The State party welcomes the concerns raised by the committee on education, leisure and cultural activities and therefore, wishes to submit to the Committee the following;

- a) With regards to removing any kind of fee in form of contribution or payment, in primary school and ensure that there is free primary education in practice, the State party has since 2022 been implementing a free education policy and since then, all forms of fees or payment in monetary or in kind have been abolished.
- b) On the Committee's recommendation for increased budget allocation to education sector, the State party wishes to report that budget allocation has been increased from 9.6% in 2021 to 10.4% in 2022. Furthermore, in 2023 the budget increased to 12.7% of the National Budget. The State party also wishes to inform the Committee that budget allocation and necessary procurement procedures have been concluded with the continuation of construction of additional classroom spaces. 132 primary and secondary schools are under construction while some 20 Early Childhood Centres, 36 primary schools and 40 secondary

schools have been completed. All these are being constructed in all the 10 provinces of the State party.

- c) On the need to provide sexual reproductive health education in schools; promote re-entry policy and address the stigmatization of children who get pregnant while in schools, the State party wishes to report to the Committee that support to the Guidance and Counseling Unit has been institutionalized and specific budget lines with heads for provision of sexual reproductive health. Assistance to pregnant adolescents has been enhanced through the community engagement of Parents-Teacher Committees to operationalize the re-entry policy. Furthermore, a programme of Safe Space Management and menstrual hygiene in primary and secondary schools since February, 2022 is fully operational, with the provision of sanitary towels.
- d) On the recommendation to promote girls' education and retention in schools by sensitizing parents and communities about girl's education through a multi-sectoral district committee quarterly community engagement, the State party wishes to inform the Committee that this is being done through road shows, community hall talks and public assembly gatherings, with Ministries responsible of health, education and community development and child welfare taking the rotational lead, fighting child labour and child marriages, creating safe spaces in schools free of abuse, and providing sanitary wear for girls.
- e) On the recommendation to devise policy framework for early childhood development, invest on establishing early childhood development centres that have appropriate space, sufficient funding, and trained teachers as well as recommendation that proper monitoring and evaluation of such centers is undertaken regularly, the Committee may wish to note that the State party has a fully operational Directorate of Early Childhood Education, mandated to manage the sector and has since been coordinating all players in the sector. Furthermore, the State party has introduced free ECE provision in all government schools, the recruitment of 2,170 ECE teachers in 2022, including community schools, the provision of school ECE grants including community schools and introduction of school feeding programmes in all schools, provision of ECE activities in community schools which was not done previously to standardize the delivery of ECE education and bench marking with best practices.
- f) In recognising the recommendation to renovate schools to ensure that they have the necessary infrastructure to accommodate children with disabilities, the State party wishes to report that infrastructure standards have been developed and all the new ECE centres will abide by these prescriptions. For the already existing centres, policy guidance has been provided to renovate the buildings to accommodate the element of age appropriateness and disability friendly infrastructure. To facilitate the renovation and rehabilitation of

infrastructure, grants have continued to be provided to all educational sector players from early childhood to secondary school. Furthermore, the State party has allowed the respective school surrounding communities to take advantage of the increased CDF to renovate dilapidated school infrastructure and build new ones, where necessary, while rehabilitation is ongoing the emphasis will always be to make the learning infrastructure special for education needs and disability accessible, as provided for, in the standards being implemented in the new hubs being constructed as earlier reported.

- g) In acknowledging the recommendation to train teachers with special needs education and ensure that schools have materials that are accessible to children with disabilities so that inclusive education is made possible, the State party reports that all teacher training institutions ranging from colleges to universities has taken advantage of the curriculum reforms, and have since harmonized the national teacher training curriculum to include special education needs and disability training. With the establishment of ZAMISE, the State party does conduct community outreach, in liaison with the multi-sectoral district committees.

111. Furthermore, the State party wishes to highlight the following in order to promote the development of education in Zambia:

- a) Grants - the State party has continued to implement the Education for All policy which is aimed at increasing access to all free of User and Parent Teacher Association fees. This breaks the barriers of access.
- b) Bursary Support - whilst the State party provides a grant for orphans and vulnerable learners to purchase books, uniforms and all other learning materials, there is also support from the World Bank through the KGS project that supports vulnerable girls through their secondary education. In addition, the State party through CDF is offering boarding school bursaries to all vulnerable learners to cure some issues that discourage learners from attending school, such as walking long distances to school, through;

- ✓ *Establishment of Early Childhood Education (ECE) Community Centres*
- ✓ *Introduction of free ECE provision in all government schools*
- ✓ *Recruitment of ECE teachers including community schools.*
- ✓ *Provision of school ECE grants including community schools*
- ✓ *Introduction of school feeding programmes in community schools*
- ✓ *Provision of ECE activities in community schools.*

112. Furthermore, the National Multi-sectoral ECD policy framework has been drafted and will proceed for review with cooperating partners starting December, 2023. The ECD investment

advocacy meeting was conducted members of parliament (*who are members of the parliamentary caucus on the rights of children*).

113. The State party wishes to report further that the introduction of the Education for All policy in January, 2022 brought about an education system running from ECE to secondary education where learners are not required to pay any User of PTA fees. This was coupled with increased funding to schools through enhanced grants in order to improve operations. The introduction of this policy has seen the coming back into school of many children that had dropped out due to various reasons.

a) Leisure, Recreation and Cultural Activities (Article 12)

114. The Committee appreciates the establishment of recreational and reading facilities and provision of play grounds in schools. However, the Committee notes from the State party report that there is lack of facilities in such centres and that the centres do not take into consideration the specific needs of children with disabilities. Reports also indicate that public play grounds are being leased to private businesses, who would charge children to access the play grounds. The Committee recommends that the State party renovates its reading and recreational centres by providing books that can interest children, facilities that entertain children, and play grounds that can accommodate children with disabilities. In addition, the Committee recommends that the State party ensures that public play grounds remain public and free so that children from economically disadvantaged families also have access to leisure and play.

115. The State party welcomes the observations and recommendations on Leisure, Recreation and Cultural Activities. The State party wishes to report that it recognises the importance of sport, play, leisure and recreation in the development and character formation of young people. To operationalize this, the State party has been constructing play parks in all the new hub centres and satellites. The already existing centres have engaged communities to help construct play parks using locally available materials. This has been implemented and cooperating partners have come on board to help communities with additional play park materials. This is working so well in the rural areas, where natural play park model has also been adopted and has provided a play platform for the children at ECE level irrespective of special education needs or disability.

116. The State party also wishes to submit that Play spaces for children were created in areas where colonial masters resided while shanty compounds had welfare centres as play spaces run by social welfare services department, but not adequately equipped. After independence, play spaces in high-cost areas were not utilized by children and ended up becoming desolate, hence the Council opened them up by law after being dormant for a long time. Developers identified them and applied to the Council to develop infrastructures. They were offered and changed the purpose. Others acquired the plots by default. The Cities started expanding while land for plots was shrinking and

currently there is no land available for play spaces. However, despite the foregoing challenges, the state party undertake to take the following measures:

- a) Protect the available play spaces.
- b) Create play spaces where land is still available.
- c) Buy back the land that has been given out in order to create more play spaces.
- d) Repossess land that was obtained by default using the applicable laws.
- e) Revamp the existing spaces and encouraging children to utilize the facilities to avoid encroachment.
- f) Strengthen laws to govern the play spaces.

Views of the Children on Education, Leisure and Cultural Activities

- a) The children said the ECE satellite centres are mainly in urban areas. The children in secondary school said their parents were paying a lot of money for their education.
- b) The children said there were more drop outs because of poverty, child marriages, disability and teenage pregnancies. Some said the girls who return to school are welcomed and treated fairly by other children while other children reported that the girls who return to school after giving birth are stigmatized and bullied and told to, ‘go back home and focus on the child.’
- c) The children in boarding schools said they are fed from the school using money the government gives the school and money paid by their parents/ guardians and also from the production units such as vegetable gardens. However, children not in boarding schools disagreed with the government on the school feeding programmes as they claimed there are no such programmes in their schools.
- d) The children rated government efforts ‘amber’ as they claimed there is a lot to be done to put rural children in ECE centres and to get all children who give birth to “return to school to complete their education.”
- e) Rest, leisure, recreation and cultural and artistic activities: The children stated that they play sports like football, volleyball, basketball and netball while there are additional recreational activities such as Television, dancing and variety shows especially in boarding schools and resource centres where they do ‘reading and research.’
- f) However, the children in day schools complained that they only do sports once a week, usually on Fridays which they said forces them to do one sport only as they are unable to do more in a week.

- g) The children said it was not fair that the government responded that Councils are mandated to provide recreation, sport and leisure in local communities when this does not happen and when Councils are part of the government. They further added that the lack of recreation facilities in communities has led to more children taking alcohol, drugs or teen pregnancies. The children rated government efforts 'amber' as they said there is a lot more to be done. Some of the children said "we are allowed to take part in cultural activities although there are very few general ones and most are mainly to do with initiation ceremonies for girls".

CHAPTER IX
SPECIAL PROTECTION MEASURES

Refugee and Displaced Children

117. The State party notes the concern on the lack of facilities in Kenani camp and the prolonged relocation to Mantapala due to roads that cannot be used in the rainy season, and that the camp is accommodating beyond its capacity which has resulted in poor facilities, insufficient basic services and waterborne and other communicable diseases. The State party further notes the recommendation to increase the capacity of Kenani camp or build roads that take to Matampala site and the need to strengthen efforts to provide basic services and hygiene materials in both sites.

118. The State party notes the concern raised by the Committee on the bad state of the road to Mantapala and wishes to report that the state of the road is under discussion by various stakeholders to mobilize resources to build it. The State party also wishes to report to the Committee that Kenani Camp has adequate facilities; such as water and sanitation facilities and other lodging infrastructure. However, the camp was designed as a transit centre for refugees before they are finally moved to Mantapala Camp. Currently, all refugees have since been moved permanently to Mantapala Camp.

Children in armed conflicts

119. The Committee is delighted to note that State party has not suffered from any armed conflict so far. There are, however, cases of violence and political tensions especially during election period. The Committee strongly encourages the State party to focus on prevention and control such tensions in a peaceful manner. The Committee also encourages the State party to ensure that children are not engaged in such tensions and are not affected by any political violence.

120. The State party welcomes the observation by the Committee that while it has not suffered from any armed conflict, there are however, cases of violence and political tensions during the election period and encourages the State Party to ensure that children are not engaged in such tensions and are not affected by any political violence. The State party wishes to report this issue is under consideration to ensure that children are not caught up in political violence during elections.

121. The Committee reiterates its recommendation that the State party should revise its Defense Act to ensure that children are not recruited in the military in whatsoever circumstance including with parental consent.

122. The State party wishes to submit to the Committee that the Defense Act is currently under review.

Children in Conflict with the Law

123. The State party acknowledges the recommendations made on children in conflict with the law and draws the Committee to the following:

124. The State party has taken note of the recommendation on expediting the operationalization of the children's courts and family courts with adequate human, technical and financial resources, designate specialised Judges for children and ensuring that they receive appropriate training.

125. The Committee may wish to note that the Family and Children's Division which was created by the Constitution of Zambia (Amendment) Act Number 2 of 2016 has been operationalised and five (5) Judges have currently been assigned to sit and hear matters in the Division. The Provincial Judges-in-Charge have also been designated to hear family and children's matters. The Judges have therefore, been hearing family disputes as well as applications for inter-country adoptions, domestic adoptions, international child abduction, foster care and other applications relating to children.

126. Furthermore, the State Party wishes to report that the Judges have also been hearing and determining criminal matters in which a child is jointly charged with an adult, pursuant to the Children's Code Act, which provides for the remission of such matters in the Children's Court.

127. As regards the human, financial and technical resource, the State party hereby submits that the number of Judges in the Division and the provinces is inadequate to dispose of the pending matters before the courts. This has led to a high Judge-to-Case ratio, with each Judge receiving an average of more than 400 cases.

a) The State party has noted the need to progressively have more judges appointed, as this is not only essential to alleviating the heavy work load but also aid in availing the Judges adequate time to deliver well researched and reasoned judgments to develop the new court's jurisprudence.

b) With regard to the technical resource, the Children's Code Act also provides for the option to use a video link for court proceedings. However, the State Party through a dedicated agency digitalizing government operations called SMART Zambia is currently working on improving internet connectivity service to resolve the unstable connections which disrupt prematurely court proceedings. This typically causes delays and adjournments of court hearings.

c) The State party has taken note of the recommendation to promptly raise the minimum age of criminal responsibility to at least 14 years of age, adopt the children's code bill and amend the Penal Code. The State party is pleased to inform the committees that the age of criminal responsibility has been raised to 12 years as

contained in the Penal Code (Amendment) Act No. 13 of 2022 and the Children's Code Act.

- d) On the recommendation to expedite the implementation of the Legal Aid Act and ensure the provision of qualified and independent legal aid to children who are alleged to have infringed criminal law or are accused of or recognised as having infringed criminal law at an early stage of the procedure and throughout the legal proceedings, the State party wishes to point out that although the Legal Aid Act does not specifically provide for the legal representation of children, Section 72(2) of the Children's Code Act provides that a child in conflict with the law who is appearing before a court is entitled to legal representation. Furthermore, Section 72(3) places a duty on the Legal Aid Board to provide legal aid services in instances where a child cannot afford to retain legal representation of choice.
- e) The State party has also noted the recommendation to ensure that detention is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to its withdrawal. The State party wishes to submit that the Children's Code Act stipulates that a child may temporarily be committed to a transit centre. Detention of children is now a measure of last resort as granting applications for bail to children is now on their own recognizance thereby making the grant of applications for bail almost automatic. Where a child is not released on bail, the Court makes an order to remand the child to a child transit centre. The Children's Code Act provides that the maximum period of a remand warrant shall be seven (7) days, and the remand warrant shall not be renewed without the appearance of the child at the hearing. It further stipulates that the total period of remand of a child shall not exceed ninety (90) days.
- f) On the recommendation to systematically implement the National Diversion Programme by promoting non-judicial measures, such as diversion, mediation and counselling for children accused of criminal offences and, wherever possible, the use of non-custodial sentences for children, such as probation or community service; although children in conflict with the law cannot be ordered to perform community service, the State party wishes to highlight that Part VI of the Children's Code Act provides for diversion, the conditions for diversion, the requirements as well as the consequences for failure to comply with diversion requirements. The Act goes further to provide for a matter involving a child to be sent to mediation and the various instances during which the court may order counseling of a child, for the few situations where deprivation of liberty is justified as a measure of last resort, ensure that the children concerned are not detained together with adults and that detention conditions are compliant with international standards, including with

regard to access to education and health services, accommodation, vocational training and mental health care and treatment.

- g) Owing to inadequate and in some cases a lack of facilities for children at police stations, there have been reports of children being detained with adults. In instances where children are not detained with adults, there seems to be a practice of keeping them at the inquiries section which results in their being exposed to the public despite the Children's Code providing that the child has the right to privacy.
- h) Section 75(6) of the Children's Code provides that a child shall not be placed on remand in an adult prison or correctional centre. In adhering to the provision, the courts do not sign warrants without an indication of the transit centre to which a child is being admitted. This strict requirement by the court was what resulted in the creation of Kamwala Transit Centre in which children are now being kept.

Children of Imprisoned Parents and Caregivers

128. The State party notes the Committee's concern with the information in the State party Report which states that Prison Services are empowered to receive children in the prison. The Committee would like to stress that article 30 (1)(d) of the Charter is clear in providing that State parties are obliged to ensure that a mother shall not be incarcerated with her child. Moreover, the Committee notes with concern that there are no separate cells for mothers/caregivers incarcerated with their children, and children imprisoned with their mothers are not provided with special diet and education. The Committee urges the State party to comply with article 30 of the Charter by ensuring that mothers are subjected to non-custodial sentences whenever possible. In cases where custodial order is a must, mothers imprisoned with their children should be provided with separate cells where there is sufficient diet, early childhood education, health care services and hygiene facilities. The Committee recommends that the State party provides for non-custodial sentence as a priority for mothers and the provision of separate cells for mothers imprisoned with their children in its draft Correctional Services Bill to give it a legal ground. The Committee encourages the State party to refer to its General Comment No. 1 on Article 30 of the Charter for further guidance on addressing issues of children of imprisoned care givers.

129. The State party welcomes the concerns raised by the Committee on children of imprisoned parents and caregivers and therefore, wishes to report that it is in compliance with Article 30 of the Charter on matters pertaining to expectant mothers and mothers of infants who are facing a custodial sentence. Section 25(4) of the Penal Code and Section 306 of the Criminal Procedure Code prohibits a death sentence to be passed against an expectant mother. Section 25(4) of the Penal Code provides that, "where a woman convicted of an offence punishable with death is pregnant, the sentence to be passed on her is imprisonment for life instead of death".

130. In relation to the infant of an imprisoned mother, the State Party is complying with the provision of the Charter. Section 56 of the Prisons Act Chapter 97 of the State party empowers the Prisons Service to receive an infant of a woman prisoner into the prison environment so that such an infant is not suddenly detached from its mother and that such a child can later be handed over to the father, relatives, friends or Social Welfare for protection. However, when the child has attained the age of four (4) years, the officer in-charge, on being satisfied that there are relatives or friends, may hand over the child if satisfied with their capacity but if not, may hand over the child to welfare authorities under the approval of the Commissioner General for Correctional Services. There is however, a proposal to reduce the age from 4 years to 2 years in the Zambia Correctional Services Bill that is currently being drafted which will take into consideration the best interests of the child.

131. The State party is however, concerned that the correctional facilities are congested and there are no separate facilities for expectant and lactating mothers. In addition, the children have no special diet and access to early childhood education. The State party is in the process of reviewing the law that governs correctional facilities.

132. The Committee may also wish to know that the State party has adequate laws that comply with Article 30(d) on sentencing of a mother with a child. Section 24(b) of the Penal Code, Sections 2 and 4 of the Penal Code (Amendment) Act No. 12 of 2000, Section 2 of the Criminal Procedure Code (Amendment) Act No. 13 of 2000 and Section 3 of the Prisons (Amendment) Act No. 14 of 2000 provide for non-custodial sentences to be passed on petty crimes. These are the laws that are applicable when dealing with a mother of an infant.

Child Labour and Exploitation

133. The Committee appreciates the adoption of the National Child Labour Policy and the Employment of Young Persons Act where the State Party has established minimum working age. Despite these provisions, reports in 2017 provide that close to 30% of children between the age of 5-14 are engaged in child labour. The State party report also provides that 1.3 million children are involved in child labour. Moreover, children between 13-15 years who are only allowed to engage in light works according to the law are subject to heavy and hazardous works. The Committee is alarmed that the State party is amongst the 10 countries in Africa where child labour is prevalent. The Committee notes that child labour is also prevalent in the family setting, and poverty as well as unemployment of parents result in child labour. The Committee is also concerned that recently the State party has reduced the number of Labour Inspectors and the fund allocated to Labour Inspection.

134. The Committee therefore recommends that the State party:

- a) Implements the Employment of Young Persons Act by ensuring that children below the minimum working age are not employed;
- b) Increases the human and financial resource for labour inspection to ensure that children are not subjected to child labour and those engaged are withdrawn;
- c) Prosecute those who employ children below the working age, in an unacceptable working environment, and in hazardous works;
- d) Strengthens the social protection support and provision of bursaries to economically disadvantaged parents;
- e) Devises programmes to increase income making capacity of parents; and
- f) Sensitize communities about the short- and long-term impact of child labour on the family setting, agriculture, industries including extractive industries.

135. The State party welcomes the observations and recommendations from the Committee and wish to submit the following:

- a) On the recommendation to implement the Employment of Young Persons Act by ensuring children below the minimum working age are not employed, the State party wishes to inform the Committee the State party has enhanced the Legislation on Employment of Young Persons Act and repealed it to enrich it and sit all labour matters in one Act. Therefore, the State party ensured that the new Act places emphasis and stiffen the penalties to perpetrators, to the effect that children below the minimum working age are not employed by enforcing the Employment Code Act through conducting labour inspections.
- b) With regard to increasing capacity for labour inspections to ensure children are not subjected to child labour and those engaged are withdrawn, the State party wishes to report to the Committee that it has strengthened the labour inspectorate by increasing funding for inspections. The funding for Labour inspections has increased from K530,000 in 2021 to K2, 500,000 in 2022 and K3,200,000 in 2023. Furthermore, the 2024 budget has catered for more funding, specifically for child labour activities which will go a long way in empowering the District Child Labour Committees to undertake more activities at district level.
- c) In relation to prosecution of those who employ children below the working age, unacceptable working environment and hazardous works, sale, abduction and trafficking of children, the State party would like to bring to the attention of the Committee that the Employment of Young Persons Act was repealed and the provisions of the said Act are now incorporated into the Employment Code Act. Therefore, the State party ensures that children below the minimum working age are not employed by enforcing the Employment Code Act.

d) Whilst the Committee observed that State party needs to strengthen its legal framework by ensuring that children who are affected by smuggling, commercial sexual exploitation and trafficking without movements are provided legal protection, the State party wishes to report that it has made progress in strengthening the framework on child labour through the enactment of the Employment Code Act which prohibits the employment of children below the minimum working age and through the revision of the National Action Plan on Child Labour. Furthermore, the State party has developed a Labour Migration Strategy which is dealing with all matters of human trafficking, including child trafficking. The State party has also developed the Statutory Case Management guidelines; and Thematic guidance notes have also been developed and launched to protect the children. Other guidance notes include; Children in Alternative Care, Migrant Children, Circumstantial Children, Child Marriage, Violence Against Children and Children in Conflict with the Law.

e) The State party has conducted trainings for law enforcement officers including front line officers to equip them with the necessary skills and knowledge on the identification of victims of human trafficking including that of child trafficking. In this regard, the State party has trained over 500 law enforcement and frontline officers in 2023.

Sale, Abduction and Trafficking of Children

136. The State party welcomes the observations and recommendations on the sale, abduction and trafficking of children and therefore, wishes to report to the Committee that there is now in place the Anti-Human Trafficking Department to deal with matters of Human Trafficking. Section 2A of the Anti-Human Trafficking (amendment) Act No.16 of 2022 provides for the creation of the Anti-Human Trafficking Department with the responsibility to sensitize and educate the public on the dangers of trafficking in persons as well as to collect and share information related to trafficking.

137. The State party with support from cooperating partners has concluded extensive capacity building workshops in collecting, analysing and dissemination of disaggregated data and statistics for improved policy formulation.

138. On the recommendation to have the State party increase capacity of law enforcement to deal with child trafficking issues including investigation and prosecution, the State party wishes to update the Committee that through Section 2A (2) (a), of the now enacted Anti-Human Trafficking Act, the State party conducts activities on matters connected with trafficking in persons as well as to investigate, arrest and prosecute cases of trafficking in persons.

139. Section 3A (1) of the Anti-Human Trafficking (amendment) Act No. 16b of 2022 states that a person who recruits, transports, transfers, harbors, receives or obtains a child within or across the territorial boundaries of Zambia for the purposes of exploitation commits an offense and is liable on conviction to imprisonment for a term of not less than Thirty (30) years and may be liable to imprisonment for life.

140. The State party also extends protection from sale, trafficking and abduction to children who are victims of trafficking found in its territorial land. According to Section 31 of the Anti-Human Trafficking Act, a child who is a victim may be placed in temporal safe care, pending an investigation. In case of a child who is not a Zambian national but who is a victim of human trafficking, the Court may make an order that the child be assisted to apply for an asylum and allowed to remain in the territory of the State party for the duration of the child's Court Order. Furthermore, the Penal Code also provides protection to children from abduction. However, child trafficking is still a grey area as many cases go undetected. In addition, the Act does not protect children that are victims of smuggling on account that they do not have the capacity to consent.

Sexual Abuse and Exploitation (Article 27)

141. The State party acknowledges the observations and concerns of the Committee, and wishes to report that there is an increase in the reported cases of sexual exploitation including subjecting children to prostitution and that children are often sexually abused in the family setting where it is mostly unreported and in some instances results in forced marriages despite the amendment of the Penal Code. Furthermore, the State party notes the concern that children between the age of 14 and 18 are reportedly engaged in prostitution, but that there is low conviction rate of perpetrators. The State party also notes the Committee's recommendation that the State party intensifies its efforts to prevent sexual abuse of children by sensitizing communities, engaging traditional leaders and parents particularly in reporting incidents of sexual abuse and the need to provide escape shelters for children who have been abused and would like to escape from further abuse such as forced marriage or perpetuated sexual abuse.

142. The Committee also recommends that the State party ensures the prosecution and conviction of perpetrators by undertaking thorough investigation and strictly adhering to the amendment of Penal Code in rendering sentences. Moreover, the Committee encourages the State party to increase the capacity of the Zambia Police Service Victim Support Unit for it to provide appropriate medical and psycho-social support for victims. The Committee also urges the State party to craft a strategy to address the situation of children engaged in commercial sexual work in all parts of the Country.

143. The State party welcomes the observations made by the Committee and wishes to report that there are adequate laws that protect children from sexual exploitation and sexual abuse. The Constitution of the State party protects children from all forms of exploitations including sexual

exploitation. The statutes of general application which promote and protect children include the Children's Code Act No. 12 of 2022, which is now the main child safeguarding statute in Zambia and provides for child safeguarding measures in institutions and organizations in relation to awareness raising, preventing, reporting and responding to child safeguarding concerns. The Penal Code is the main criminal statute in Zambia and it contains provisions designed to protect children from abuse, neglect and all forms of exploitation. protects children from all forms of sexual exploitation by stiffening the punishments. Section 137 of the Penal Code (Amendment) Act of the State party protects children from being indecently assaulted while section 137(A) of the same Act protects children from sexual harassment. Section 138 of the Penal Code (Amendment) Act No 15 of 2005 protects children from being defiled, forced into prostitution and being detained in brothels with intent to defile them while section 156 of the same Act protects children from being victims of unnatural offences and incest. Furthermore, section 177 of the Penal Code (Amendment) Act No 15 of 2005 protects children from being used in production of pornography. The Anti Gender Based Violence Act of 2011 applies to, among other people, child victims of gender-based violence which is defined to include "physical, mental, social or economic abuse against a person because of that person's gender...". This statute covers children in a domestic setting, and the Education Act which provides for the protection of children from being sexually harassed and married off whilst being a learner.

144. Further, the State party established the Zambia Police Service Victim Support Unit in 1994 under the Zambia Police Service to fight sexual exploitation which received the legal backing through the Zambia Police (Amendment) Act No. 14 of 1999. The Unit has been fighting sexual exploitation of children through sensitization, investigation and counselling of both the victim and the accused person so that they can refrain from the vices.

145. Evidence on the fight against sexual exploitation by the Zambia Police Service Victim Support Unit is shown by their annual statistics that show the total number of GBV cases dealt with by the Unit country wide.

Children belonging to Minority Groups

146. The State party notes the Committee's concern that that there are no children from minority groups though other reports provide that the Batwa living by Bangweulu are marginalized and isolated in terms of service provision and inclusion, and the recommendation that if so, the State party provides the necessary support to children of Batwa in accessing education, health and child protection services.

147. The State party wishes to inform the Committee that there are no such ethnic, religious or linguistic minorities or indigenous groups living within this territory.

Harmful Practices

Child marriage

148. The State party acknowledges the observations made by the Committee that the State party has adopted the National Strategy on ending Child Marriages to combat the scourge of child marriage and the study conducted on child marriages. The State party also notes the concern that according to the finding of State party, child marriage is very high at 40% and that there are legal loop holes which allow marriages at 16 years with parental consent and the operation of customary law which allows child marriages once puberty is reached.

149. The State party wishes to report that several programmes have been carried out by implementing the National Strategy to end child marriages. The Committee may wish to note that Zambia is among the 12 countries implementing the Global Programme to End Child Marriage. The State party has introduced free education at all levels from primary to secondary education, implementing a programme on keeping girls in school and introduced a re-entry policy for adolescent girls who drop out for reasons of pregnancy. The State party has also increased CDF with a dedicated allocation for bursary fees targeting girls as well as boarding schools.

150. The State party further reports that the enacted Children's Code Act criminalizes child marriages. As for the Marriage Act, the Committee may wish to know that it is under review to align it with the Children's Code Act and the process is ongoing.

151. On implementing and raising awareness about the Marriage Act, the State party has provided adequate legal framework that guarantees equality between men and women. Equality is recognized as a national principle under Article 8 of the Constitution. Furthermore, Sections (20)(21)(22) of the Gender Equity and Equality Act provide for the Right to Nationality, Sexual Reproductive Rights, Marriage and Family Life. The State party using multi-agency strategies has been able to provide for public information, campaigns aimed at educating all at the local level, among them traditional leaders, parents and teachers about the Marriage Act, ending child marriage and related matters.

152. In addressing the high rate of child marriages, the State party has instituted a national response by launching a multi-stakeholder anti-child-marriage campaign. Structures to fight child marriage have been put in place including a civil society coalition against child marriage and a ten-member inter-ministerial committee has been constituted. The State party working with stakeholders developed a National Strategy on Ending Child Marriage 2016-2021. However, the Strategy is under review and a development of a new Strategy has commenced which has outlined the strategic focus, provides an operational framework and aims at accelerating national efforts to end child marriages by 2030. Currently, the prevalence of child marriage stands at 29% from 40% based on the 2018 Zambia Demographic Health Survey. Furthermore, the State party has continued

engaging traditional leaders in sensitizations to harmonize the discrepancy in marriage age between customary marriage and statutory marriage according to the Constitution. In addition, the State party is in the process of concluding the review of marriage act to a clear definition of a child in the law by aligning it with the provisions of the Constitution of Zambia and the Children's Code Act. This will ensure effective harmonization and enforcement of laws on child marriages and as of November 2023, the State was in the second stage of finalizing.

153. Furthermore, the National Advocacy and Communication Strategy 2018-2021 was launched in 2019, to enhance the implementation of national interventions on ending child marriage. The communication strategies will forge connections that allow State and Non-State Actors to work towards the common goal of ending child marriages. The programme is being piloted in selected districts and during the 2019-2020 period, 974 cases were dealt with. A total 2,800 community members participated in community dialogue meetings on gender norms.

154. The Zambia Police Service Victim Support Unit in partnership with Non-State Actors have been involved in awareness raising and conducting training workshops for traditional leaders and their spouses and has further engaged the community and schools through sensitization to raise awareness on the subject matter. The State party wishes to report further to the Committee that it continues to stride on ending child marriages through integrated interventions.

Sexual Cleansing

155. The State party notes the concern by the Committee that sexual cleansing is practiced in some parts of the country and the recommendation on the need to undertake sensitisation to eliminate the practice.

156. The State party acknowledges the concern and wishes to report that the enacted Children's Code Act prohibits sexual cleansing. In addition, there are a number of sensitisation programmes especially on interpreting of the Children's Code Act, being undertaken to eliminate the practice, targeting the traditional authorities who are the custodians of customary laws, the Civic Leaders, Civil Society Organisations and the Communities. The sensitisation programmes include round table discussions, radio and outreach programmes.

Children living and working on the Street and other vulnerable Children

157. The Committee commends the State party for the adoption of the National Child Protection Policy, the establishment of Child Protection Committees in various districts, and the setting up of rehabilitation centres for children withdrawn from the streets. The Committee also notes with appreciation the fact that the State party conducted a study in 2006 on children on the streets. However, the Committee notes that the number of children on the streets is increasing. There are close to 1.3 million orphans and vulnerable children in the State party report who are at risk of

going on the streets as such vulnerability along with poverty and abuse are factors that drive children to live on the street.

158. The Committee recommends that the State party undertakes updated study on the number and situation of children on the streets as the previous study is now outdated. The Committee encourages the State party to provide preventive child care mechanisms to cater for the needs of orphans and vulnerable children through social protection schemes and alternative care. The Committee further recommends that children already living on the street are not marginalized and receive basic services with no discrimination. The State party in this regard is encouraged to strengthen the capacity of Child Protection Committees to enable them deliver services to children on the street. Moreover, the Committee recommends that rehabilitation and reintegration services are intensified and children on the street receive skills training to change their situation.

159. The State party acknowledges the observations made by the Committee and wishes to report that it remains committed to address the problem of children on the streets and will continue to implement programmes aimed at removal and reintegration of children on the streets and equipping them with survival skills and empower them with start-up tools. The allocation of funds for Skills Bursaries under CDF is another intervention and the Free Education Policy which allows school drop outs to return to school following the ban on payment of school fees. In addition, members of the community are encouraged to form cooperatives after which they are eligible to access grants under CDF to enable them venture into some income generating activities towards fighting poverty.

160. Furthermore, the State party is implementing the SCT Scheme which empowers vulnerable families with monthly grants to reduce household poverty. There is also GEWEL programme which aim to empower women economically and provide the basic education requirement for vulnerable girls.

Views of the Children on Special Protection Measures

161. The following views were expressed in the children's consultative workshops:

- a) Asylum-seeking, refugee and migrant children: Most of the secondary school going children reported that though they are aware of the meaning of asylum – seeking, refugee and migrant children, they do not personally know any child asylum seekers nor refugees but live with many children from the Democratic Republic of Congo, Rwanda, Burundi, Malawians and Zimbabweans in their residential areas.
- b) The children said the government tries its best to deal with such children though it has challenges to provide for its own Zambian children. Some of the secondary school children

expressed happiness that Zambian citizenship recognises automatic citizenship by birth which allows many of the children born in Zambia from migrant parents, become Zambians.

- c) The children however said they rated government efforts as ‘amber’ because the government did not fully respond to the Committee’s question on detaining children because of migrant status but, ‘at least there is some guidelines which are in place, although the implementation may still have some challenges.’
- d) Economic exploitation, including child labour: The majority of the children claimed they were not aware of the District Child Labour Committees that work to prevent child labour in each district.
- e) The children further claimed that they know child labour to be work that is ‘too much,’ for a child and that can, ‘harm the child physically and even resulting in death.’ The children reported that they consider bricklaying, stone breaking and carrying heavy things to be hazardous labour for a child. They claimed that child labour was common in their communities.
- f) However, they rated the government’s efforts ‘red’ since they claimed that if the Community Child Labour Committees were actually monitoring child labour in communities, child labour would not be rampant in communities..
- g) Children in street situations: The children stated that in Zambia there are many children on the streets because in towns they can be clearly seen. The children further said there are many children in street situations because of hunger in homes, mistreatment at home and being orphaned. Some children reported that they do talk to the children living on the street in trying to understand why they ended up on the street while others said they avoid children in street situations because they are unapproachable and commit crimes like petty theft and violence.
- h) The children rated government efforts ‘amber’ because the government, although making some efforts should be, ‘persistent with giving basic needs to all children to reduce the problem of children living on the streets.’
- i) Administration of child justice: Less than half of the children thought that raising the age of criminal responsibility from 8 to 12 years would be a good idea; more than half thought otherwise, they said the children at the age of 12 were still young and ‘do not know what they are doing.’ Almost all the children said they did not know much about free legal services in the country. They also said they knew that some child offenders are detained in

police cells with adult offenders because there are not enough separate detention rooms for child offenders.

- j) The children rated government efforts 'amber' since they said it had plans to improve the situation for child offenders.

- k) Child victims and witnesses of crimes: The children said they were not aware of any child who had been sexually abused. Others asked where these places of safety were and how someone would know about them. The children stated that among the Desks some of them just know about Child Protection Desks. They rated government efforts 'amber' because they were giving the government the 'benefit of doubt as there is need for more efforts to ensure more children are aware of these services in schools.

CHAPTER X

RESPONSIBILITIES OF THE CHILD

162. The Committee notes with appreciation that the State party promotes the responsibilities of the child towards the family, superiors, elders, the nation and the continent. The Committee recommends that the State party educates children about their responsibilities along with their rights. The Committee recommends that children are also educated about the limits of their responsibilities so that a responsibility does not subject them to violation of their rights, in which case they are empowered to report such abuse. The State party should also educate parents, communities, traditional and religious leaders that responsibilities of children should not hamper their right to participation, education, as well as freedom from abuse and child labour.

163. The State party welcomes the recommendation and wishes to update the Committee that the Children's Code Act and the Child Participation Framework provide for the responsibilities of the child. The children's parliament will also serve as a platform for sensitizing the children, including children's mark days and other child related programmes. Child safeguarding clubs as provided for in the Children's Code Act also contributes to educating the children about their responsibilities alongside their rights. Furthermore, the State party is undertaking sensitisation programmes to educate parents, communities, traditional and religious leaders that responsibilities of children should not hamper their right to participation, education, as well as freedom from abuse and child labour.

DISSEMINATION OF DOCUMENTATION AND WAY FORWARD

164. The State party is committed to distributing and disseminating the Children's Charter as part of the general awareness programmes, in particular through the school curriculum. Furthermore, Zambia is committed to giving effect to the provisions of the Children's Charter within the domestic legal regime through the various legislative, administrative, judicial and other processes.

165. In recent years, there have been important legislative developments relevant to the promotion and protection of children's rights. The State party invites the Committee to note that it will continue to review legislation and policy with a view to align it with international standards.

ANNEXES

LEGISLATION

The following are excerpts from the various pieces of legislation referred to in the State Party report:

1. Adoption Act, Chapter 54 of the Laws of Zambia
2. Affiliation and Maintenance of the Children Act, Chapter 64 of the Laws of Zambia
3. Anti-Gender Based Violence, Act No.1 of 2011
4. Anti-Human Trafficking Act No.11 of 2008
5. Births and Deaths Registration sAct, Chapter 51 of the Laws of Zambia
6. Children’s Code Act No. 12 of 2022
7. Constitution of the Republic of Zambia
8. Education Act No.23 of 2011
9. Gender Equity and Equality, Act No. 22 of 2015
10. Immigration and Deportation Act, 2010
11. Penal Code, Chapter 87 of the Laws of Zambia
12. Persons with Disabilities Act No.6 of 2012
13. Prisons Act, Chapter 97 of the Laws of Zambia
14. Technical Education, Vocational and Entrepreneurship Training Authority Act No.13of 1998

POLICIES, GUIDELINES AND STANDARDS

1. Alternative Care and Reintegration Guidelines, 2017
2. Early Child Education Policy, 2014
3. Minimum Standards of Care for Child Care Facilities
4. Nationwide Assessment Report on Child Care Facilities, 2017
5. National Child Participation Framework

Zambia State Party Report.
December 2023.

