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Republic of Zambia

**RESPONSES BY THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA TO THE LIST
OF ISSUES IN RELATION TO THE COMBINED SECOND TO FOURTH PERIODIC
REPORTS SUBMITTED AT THE 71ST SESSION OF THE CONVENTION ON THE
RIGHTS OF THE CHILD (CRC) - 22ND JANUARY, 2016 IN GENEVA, SWITZERLAND**

JANUARY, 2016

Responses by the Government of the Republic of Zambia

Part I

1. Please provide the Committee with further information on measures taken to expedite the enactment of the draft Children's Code and ensure adequate provisions for its effective implementation.

- The government has a draft bill that is currently with the Ministry of Justice awaiting scrutiny and approval. The process was delayed due to the amendment of the Constitution as it was considered prudent to put the process on hold while awaiting the enactment of the Bill of Rights and enactment of the Constitution amendments so that the Code could be consistent with the draft Constitution yet to come into force. The Constitution was assented to on 5th January, 2016 while the Bill of Rights will be subjected to a referendum scheduled to take place at the same time as the tripartite election scheduled for 11th August, 2016. According to the Constitution, any amendments to the Bill of Rights can only be effected by referendum hence no amendments to date.

2. Please provide further information on progress achieved in the implementation of the National Child Policy and National Plan of Action. Please also indicate whether there are mechanisms in place to monitor and evaluate their effectiveness. Additionally please provide the Committee with information on the results the Sixth National Development Plan with regard to the welfare and development of children in the areas of health care, immunization coverage, infant mortality and education enrolment rates.

Please provide further information on progress achieved in the implementation of the National Child Policy and National Plan of Action.

- The National child policy was approved by Cabinet late last year and has since been finalised.
- Various ministries have been tasked with activities such as:
 - (a) improving alternative care programmes;
 - (b) ensuring all children go to school;
 - (c) ensuring children in need are provided with shelter through alternative care programmes (e.g. foster care, adoption, etc.) and through the development of Minimum Standards of Care for Child Care Facilities;
 - (d) Ministry of Youth, Sport and Child Development is undertaking:
 - (i) policy coordination on children;
 - (ii) the establishment of District Child Protection Committees (the government began by establishing committees at the district level and it shall proceed to establish committees at provincial and national level);
 - (iii) the government has established a National Coordination Committee to spearhead the National Child Policy;
 - (iv) Ministry of Youth, Sport and Child Development has conducted nationwide research on violence against children, this research will inform the National Plan of Action and programming for the next five years, policy review has been done and is awaiting printing and circulation. Please note that the National Plan of Action has not yet been costed & the budget has not been developed.

Mechanisms to monitor and evaluate effectiveness of the National Child Policy and the National Plan of Action

- Sector Advisory Group (SAGs) meetings - SAGs review how child related programmes are implemented. SAGs obtain reports from districts which submit to provinces and the provinces submit the reports to SAGs which are organized at national level. However, the full mechanisms will only become more apparent after the development of the National Plan of Action.

Please provide the Committee with information on the results of the Sixth National Development Plan with regard to the welfare and development of children in the areas of health care, immunization coverage, infant mortality and education rates.

There was significant progress in the overall indicators of the health status of children. The Under-Five Mortality rate declined from 119 per 1,000 live births in 2007, to 75 per 1,000 live births in 2014. Over the same period (2007 to 2014), the Infant Mortality rate declined from 70 per 1,000 live births to 45 per 1,000 live births. Similarly, the Neonatal Mortality rate declined from 37 per 1,000 live births in 2007 to 24 per 1,000 live births in 2014.

3. Measures on comprehensive collection disaggregated data...

- Government is in the process of finalizing the ZOMIS database which will assist in disaggregating data and information gathering on children in need by highlighting the following:
 - (i) the location of the children;
 - (ii) the sexes of the children (i.e. female or male);
 - (iii) the type of support they require; and
 - (iv) which person, organization or other entity is supporting them.

How does the data collected feed into planning and policies, budgetary allocation and national programmes for the promotion and protection of children's rights?

- The information has been useful in informing policies and budget allocations but national policies and programmes cannot be fully implemented due to financial constraints

4. With reference to the establishment of the Office of the Commissioner on Children in 2009, please indicate whether a Commissioner for Children has been appointed and whether the office is provided with adequate human, technical and financial resources in order to effectively discharge its mandate.

- The Office of the Commissioner on Children has been established (under the Human Rights Commission) and is receiving financial and technical support.
- A Commissioner was appointed but the Commissioner's term expired. Since the expiry of the term of all the Commissioners at the Human Rights Commission, the President of the Republic of Zambia has appointed new Commissioners but the appointments are pending subject to ratification by the National Assembly. The Commissioner on Children will be appointed from the Commissioners once they assume office.

5. Please update the Committee on measures taken by the State party to establish a clear definition of the child, as recommended by the Committee in 2003 (CRC/C/15/ADD.206, para. 20) Definition of a Child

- In the amended Constitution, a child is defined as a person below the age of 18 and we are developing a Children's Code which will clearly define a child.

6. In addition to the information contained in paragraph 53 of the State party's report, please provide further information on how the State party ensures that the principle of the best interests of the child is given due consideration in customary law.

- The amended Constitution has provisions on the effects of customary law and it stipulates that customary law should not be inconsistent with Constitutional provisions. Additionally, the provisions of the draft Bill of Rights will clearly espouse the principle of the best interests of the child.

7. Please update the Committee on the efforts made to expedite the legal review process so that birth certificates can be processed and issued at the district and provincial levels. Please provide further information on how the implementation of the Integrated National Registration System has helped to enhance birth registration in Zambia, especially in the rural areas.

- Late last year, the government promulgated a Statutory Instrument which intends to decentralize the certification of births at the district level.
- At present, birth registration desks exist in 122 health facilities and mothers are not required to travel long distances to provincial centres to register births, they can do so at the place of birth of the child.

8. Please provide information on the implementation of the Anti-Gender Based Violence Act. Please, also explain the reasons for the low prosecution rates of defilement cases.

Please provide information on the implementation of the Anti-Gender Based Violence Act.

[The National Prosecution Authority has prepared a response]

Please, also explain the reasons for the low prosecution rates of defilement cases.

- Despite the existence of reporting procedures, people do not report cases of defilement for the following reasons:
 - (i) victims and their families do not report cases of defilement to the police;
and
 - (ii) families believe the offence is difficult to prove and they prefer to avoid going through the protracted prosecution process.

9. Please inform the Committee about measures taken by the State party for the purpose of raising awareness of the harmful effects of child marriage, as well as measures to support girls affected by this practice.

- The government has undertaken a study to determine the causal factors of early child marriage, the findings are being used to support interventions by the government e.g. the study revealed that early child marriage resulted in lack of education opportunities for girls and it is a source of livelihood for families, such findings will better inform government interventions
- The government conducts sensitization with traditional leaders and other stakeholders
- To raise awareness with policy makers, Zambia hosted the AU Girls Summit on Ending Child Marriage, in November 2015.

- The Ministry of Chiefs and Traditional Affairs hosted officials from the organization Girls Not Brides in 2014, the visit by Girls Not Brides was, *inter alia*, intended to raise awareness of child marriage and its harmful effects on girls.

10. Please update the Committee on measures that the State party has taken to accommodate and care for children who are deprived of a family environment

- The government formulated the Minimum Standards of Care for Child Care Facilities; and
- The government acceded to the Hague Convention on Inter-country Adoption on 21st October, 2014

11. Please provide the Committee with up-to-date information on the National Policy on Disability. Please indicate measures taken to incorporate children with disabilities in the regular education system and in society by providing and enforcing mandatory standards on services, infrastructure and facilitate access to children with disabilities.

- the government enacted the Persons with Disabilities Act of 2012;
- the government developed the Disability Affairs Policy;
- The Education Act of 2011 proscribes discrimination against children on the basis of, *inter alia*, disability e.g. in terms of implementation, all new schools established are required to construct ramps to ease accessibility for children with disabilities;
- the Education Act of 2011 makes education compulsory and criminalizes failure to enroll children in schools;

- The government provides bursaries for children which includes children with disabilities; and
- The government implements the Public Welfare Assistance Scheme and the Social Cash Transfer Scheme, children with disabilities are beneficiaries under these schemes;

12. In the light of information presented by the State party's report (para. 98) that adolescent pregnancies are among the principle factors leading to high maternal mortality rates and neonatal deaths, please provide the Committee with further details on the implementation of the Adolescent Reproductive Health Strategic Plan to address concerns relating to adolescent reproductive health.

- [Information to be provided by Dr. Makasa of the Zambian Mission in Geneva]

13. Please provide further information on measures taken for the purpose of identifying and supporting children in vulnerable situations. Please inform the Committee whether State party is considering increasing allocations for social protection of children in vulnerable situations, including child-headed households.

Measures taken for the purpose of identifying and supporting children in vulnerable situations

- Government developed the ZOMIS database which will assist in information gathering on children in need; and
- Government is implementing various social protection programmes such as, the Social Cash Transfer Scheme, the Public Welfare Assistance Scheme, the placement of children in Children's Homes and implementation of foster care services.

Increasing allocations for social protection of children in vulnerable situations, including child-headed households

- Social Cash Transfer funding was increased from K150, 000 in 2015 to K250, 000 in 2016

14. Please provide the Committee with further details on measures taken by the State party to eliminate the direct and indirect costs of education and to address high dropout rates from school owing to poverty, financial constraints, long walking distances, unfavourable cultural beliefs for boys and girls and pregnancies and early marriages for girls.

- The government has a policy of universal free primary education;
- The government implements an education bursary scheme through the Ministry of Education;
- The government implements a re-entry policy for pregnant girls; and
- This year, the government introduced a policy of reduced fees for secondary school pupils (in boarding).

15. Please provide the Committee with further information on the implementation of diversion programmes in the administration of juvenile justice as well as the on the measures taken to support the Legal Aid Board in ensuring the right of legal representation of children in judicial proceedings. Additionally, in the light of reports regarding the absence in prisons and police stations of separate holding cells for children, please indicate what measures have been taken by the State party to address this concern.

Implementation of diversion programmes in the administration of juvenile justice

- Diversion programmes are being implemented through YWCA, PRISCA (Prisons Care), Child Care Foundation and a proposal on diversion programmes was included in the Children's Code Bill. There is a diversion programme in pilot phase in Lusaka.

Measures taken to support the Legal Aid Board

Government -

- (i) increased funding to the Legal Aid Board;
- (ii) decentralized the Legal Aid Board;
- (iii) delinked the Legal Aid Board from the Ministry of Justice, thereby making the Legal Aid Board independent; and
- (iv) supports the practice within the legal fraternity that allows lawyers without practicing certificates (i.e. lawyers who have not been admitted to the Zambian Bar) to appear before the Magistrates Court;

Additionally, the Law Association of Zambia (LAZ) encourages private practitioners to take up *pro bono* cases.

Please indicate what measures have been taken by the State party to address the absence in prisons and police stations of separate holding cells for children.

- The government has created separate holding cells for juveniles;
- The government has introduced a Centralized Arrest and Referral Services (CARS) system for juveniles; and
- The Child Justice Forum is developing guidelines on bail bond to ensure that children do not end up in detention.

16. Please inform the Committee on measures taken to promote access to health care and education by refugee children.

- The government implements -
 - (i) a policy of universal primary education which applies to refugee children; and
 - (ii) a policy of free healthcare in refugee centres.

Part II

In this section the Committee invites the State party to provide a brief update on the information presented in its report regarding:

(a) New Bills and laws and their respective regulations

Laws

- The amended Constitution;
- The Persons with Disabilities Act of 2012;
- The Education Act of 2011;
- Amendments to the Penal Code;
- The Anti-Gender Based Violence Act of 2011;
- The Anti-Human Trafficking Act of 2008; and
- The Matrimonial Causes Act of 2007.

Bills

- The Children's Code Bill;
- The Gender Equity and Equality Bill; and
- The Marriage Bill.

(b) New institutions and their mandates, and institutional reforms

- The government established the Ministry of Chiefs and Traditional Affairs and realigned government portfolios as follows:
 - (i) the Ministry of Education was divided into the Ministry of General Education and Ministry of Higher Education;
 - (ii) the Department of Child Development was moved from the Ministry of Gender to the Ministry of Youth, Sport and Child Development;
 - (iii) the Department of Mother and Child Health was moved from the Ministry of Community Development and Social Welfare to the Ministry of Health; and
 - (iv) the Department of National Planning was upgraded to a ministry.

(c) Recently introduced policies, programmes and action plans and their scope

- (a) The National Child Policy;
- (b) The National Social Protection Policy; and
- (c) The Anti-Human Trafficking Policy.

(d) Recent ratification of human rights instruments

- i. accession to the Hague Convention on Inter-country Adoption; and
- ii. accession to the Hague Convention on the Civil Aspects of International Child Abduction.

Part III

Data, statistics and other information, if available

[Where there is no information provided, details will be submitted at a later date]

- 1. *No information available.*
- 2.
- (a) *No information available*

(b) *Children registered at birth:* [2015 information to be provided by Ngosa UNICEF]

(c) *No information available*

(d) *Children who came in conflict with the law:* 1,608 children were in conflict with the law in 2014, out of these, 1,423 cases were disposed of through the provision of appropriate court orders such as probation, diversion programmes, approved school orders and reformatory orders. [Further details of figures can be provided upon request. Mrs. Munga of Ministry of Community Development and Social Welfare has the relevant figures]

(e) *No information available.*

3.

(a) *No information available.*

(b) *No information available.*

(c) *Placed in institutions:* 7, 866 children were placed in institutions in 2014. In 2015, 5, 022 children were recorded in institutions. The decline in numbers was due to the fact that some children were adopted, admitted to foster care or reintegrated back into their families.

(d) *Placed with foster families:* 312 children were placed into foster families in 2014.

(e) *Adopted:* 197 cases of adoption were recorded in 2014. 25% of the adoptions were intercountry.

4. The government has embarked on an exercise to register all persons with disabilities across the country. To date 3, 366 persons with disabilities have been registered. When the exercise is completed in 2016, the government will disaggregate the data as requested

by the Committee. The registration of persons with disabilities is intended to facilitate provision of relevant services to persons with disabilities.

5. *No information available.*

6. *No information available.*

7. Priority areas affecting children with regard to implementation of the Convention

- Corporal punishment in homes - proscription of corporal punishment in homes;
- Education;
- Health;
- Migrant and trafficked children; and
- Effects of climate change on children.