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## Republic of Zambia

**STATEMENT BY MR. LIKANDO KALALUKA, SC, ATTORNEY GENERAL OF THE  
REPUBLIC OF ZAMBIA AT THE 71<sup>ST</sup> SESSION OF THE CONVENTION ON THE  
RIGHTS OF THE CHILD (CRC), 22<sup>ND</sup> JANUARY, 2016 IN GENEVA, SWITZERLAND**

**JANUARY, 2016**

**STATEMENT BY THE ATTORNEY GENERAL OF ZAMBIA AT THE 71ST SESSION OF THE CONVENTION ON THE RIGHTS OF THE CHILD, 22ND JANUARY, 2016**

**MR. CHAIRPERSON**

IT IS A GREAT PRIVILEGE AND HONOUR TO ADDRESS THE COMMITTEE AT THIS 71ST SESSION OF THE CONVENTION ON THE RIGHTS OF THE CHILD, AS I PRESENT ZAMBIA'S COMBINED SECOND, THIRD AND FOURTH PERIODIC REPORT ON THE CONVENTION ON THE RIGHTS OF THE CHILD.

THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA REITERATES ITS COMMITMENT TO THE PROTECTION AND ENFORCEMENT OF THE RIGHTS OF CHILDREN IN THE COUNTRY. CONSEQUENTLY, THE GOVERNMENT HAS UNDERTAKEN A NUMBER OF LEGISLATIVE AND ADMINISTRATIVE MEASURES TO ENSURE THE PROTECTION OF THE RIGHTS OF CHILDREN.

ZAMBIA IS CURRENTLY UNDERGOING CONSTITUTIONAL REFORMS VIA A TWO PHASED APPROACH TO THE AMENDMENTS. ON 5TH JANUARY, 2016, THE PRESIDENT ASSENTED TO CONSTITUTIONAL AMENDMENTS, THE HIGHLIGHT OF WHICH IS THE PROVISION OF THE DEFINITION OF A CHILD WHICH HAS BEEN ALIGNED WITH THE DEFINITION CONTAINED IN THE CONVENTION ON THE RIGHTS OF THE CHILD.

THE SAID CONSTITUTIONAL REFORMS WILL BE FINALISED ON 11TH AUGUST, 2016, WHEN THE COUNTRY WILL GO THROUGH A REFERENDUM TO AMEND THE BILL OF RIGHTS. SUFFICE TO STATE, THE PROPOSED BILL OF RIGHTS AMENDMENTS, PROVIDE COMPREHENSIVE CLAUSES RELATING TO THE PROTECTION AND PROMOTION OF THE RIGHTS OF THE CHILD. BESIDES THE CONSTITUTIONAL REFORMS, GOVERNMENT HAS, IN THE LAST FIVE YEARS, ENACTED LEGISLATION THAT ENHANCES THE RIGHTS OF CHILDREN. I WILL NOW HIGHLIGHT SUCH LEGISLATION.

THE GOVERNMENT ENACTED THE EDUCATION ACT OF 2011 WHICH REINFORCES THE RIGHT TO EDUCATION AT VARIOUS STAGES SUCH AS EARLY CHILDHOOD,



BASIC AND HIGH SCHOOL LEVEL. THE EDUCATION ACT ALSO PROVIDES THE RIGHT TO FREE BASIC EDUCATION AND ENSURES THAT SCHOOL ATTENDANCE IS COMPULSORY FOR CHILDREN OF SCHOOL-GOING AGE. MARKEDLY, THE EDUCATION ACT MAKES IT AN OFFENCE TO MARRY OFF SCHOOL-GOING CHILDREN. FURTHER, THE ACT ALSO PROHIBITS EDUCATIONAL INSTITUTIONS FROM DISCRIMINATING AGAINST CHILDREN IN ANY MANNER.

ALSO IN 2011, THE GOVERNMENT PASSED THE ANTI GENDER BASED VIOLENCE ACT WHICH, AMONG OTHERS, PROVIDES FOR THE ESTABLISHMENT OF SHELTERS FOR VICTIMS OF GENDER BASED VIOLENCE. IN PARTICULAR, THE ACT STIPULATES THAT SHELTERS, SPECIFICALLY FOR CHILDREN, SHOULD BE ESTABLISHED IN ORDER TO SECURE THEIR PHYSICAL SAFETY AND TO ENSURE THAT THEY ARE PROVIDED WITH TEMPORARY BASIC MATERIAL SUPPORT. ONE SUCH SHELTER HAS BEEN CONSTRUCTED IN MANSA, NORTHERN ZAMBIA WHILE TWO OTHER SHELTERS ARE UNDER CONSTRUCTION. THE ACT ALSO CLASSIFIES 'CHILD MARRIAGE' AS A FORM OF PHYSICAL, MENTAL, SOCIAL AND ECONOMIC ABUSE.

IN 2012, THE GOVERNMENT ACHIEVED ANOTHER MILESTONE WHEN IT ENACTED THE PERSONS WITH DISABILITIES ACT WHICH AMONG OTHERS DOMESTICATES THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES AND ITS OPTIONAL PROTOCOL. THIS ACT REITERATES THE RIGHTS OF CHILDREN WITH DISABILITIES AND CRIMINALIZES THE FAILURE BY PARENTS AND GUARDIANS TO TAKE THEIR CHILDREN WITH DISABILITIES TO SCHOOL.

**MR. CHAIRPERSON,**

GOING FORWARD, THE GOVERNMENT IS REVIEWING DRAFT LEGISLATION REFERRED TO AS THE CHILDREN'S CODE BILL, WHICH WILL CONSOLIDATE IN A COMPREHENSIVE MANNER THE LAWS PROVIDING FOR THE RIGHTS AND WELFARE OF CHILDREN. THE BILL WHEN ENACTED WILL DOMESTICATE THE CONVENTION ON THE RIGHTS OF THE CHILD AS WELL AS VARIOUS REGIONAL AND INTERNATIONAL TREATIES THAT ADDRESS THE RIGHTS OF CHILDREN. ONE

OF THE PROMINENT FEATURES OF THE BILL IS THAT IT HARMONISES THE DEFINITION OF A CHILD, WHEREAS AT PRESENT, THE DEFINITION VARIES ACCORDING TO THE PIECE OF ZAMBIAN LEGISLATION REFERRED TO.

IN THE YEAR 2015, THE GOVERNMENT MADE VARIOUS POLICY DECISIONS IN AN EFFORT TO BETTER PROTECT AS WELL AS IMPROVE THE WELFARE OF CHILDREN IN THE COUNTRY, CHIEF AMONG THESE WAS THE LAUNCH OF THE NATIONAL CHILD POLICY WHICH PROVIDES GUIDANCE AND THE INSTITUTIONAL FRAMEWORK THROUGH WHICH ALL CHILD RELATED PROGRAMMES IN THE COUNTRY ARE IMPLEMENTED.

**MR. CHAIRPERSON,**

TO DEMONSTRATE ITS COMMITMENT TO THE WELFARE OF CHILDREN, GOVERNMENT, IN PARTNERSHIP WITH VARIOUS STAKEHOLDERS, LAUNCHED THE MINIMUM STANDARDS OF CARE FOR CHILD CARE FACILITIES IN 2014. THE STANDARDS ENSURE THAT CHILDREN WHO ARE NOT IN A FAMILY ENVIRONMENT ARE PROTECTED AND CARED FOR IN ACCORDANCE WITH INTERNATIONAL STANDARDS. THE GOVERNMENT OF ZAMBIA RECOGNISES THAT INSTITUTIONAL CARE IS A MEASURE OF LAST RESORT. IN THIS REGARD, ALTERNATIVE CARE PROGRAMMES THROUGH FOSTER CARE, ADOPTION, KINSHIP CARE AND OTHER REINTEGRATION PROGRAMMES ARE BEING ENHANCED TO ENSURE THAT CHILDREN ARE CARED FOR WITHIN THE FAMILY ENVIRONMENT. IN ADDITION, GUIDELINES ON FOSTER CARE, ADOPTION AND REINTEGRATION THAT STIPULATE THE ROLES, RESPONSIBILITIES AND ADMINISTRATIVE PROCEDURES ARE BEING FINALISED TO PROVIDE GUIDANCE TO ALL STAKEHOLDERS.

**MR. CHAIRPERSON,**

ACCORDING TO ZAMBIA'S IMPLEMENTATION OF THE MILLENNIUM DEVELOPMENT GOAL ON HEALTH, THERE HAS BEEN SIGNIFICANT ACHIEVEMENT IN THE OVERALL INDICATORS OF THE HEALTH STATUS OF CHILDREN. FOR INSTANCE, 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.

FURTHER, IN ORDER TO ENSURE THAT CHILDREN HAVE THE RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF HEALTH, THE GOVERNMENT HAS CONTINUED TO INVEST IN THE HEALTH SECTOR, FOR EXAMPLE, THE INSTALLATION OF MODERN SPECIALISED EQUIPMENT AT SIX GENERAL HOSPITALS (MANSA, KASAMA, CHIPATA, LEWANIKA, SOLWEZI AND KABWE) IN THE COUNTRY. IN ADDITION, GOVERNMENT IS CONSTRUCTING THIRTY-EIGHT NEW DISTRICT HOSPITALS. THIS ACTIVITY IS ONGOING. THE CONSTRUCTION OF THESE HOSPITALS IS INTENDED TO IMPROVE ACCESS TO HEALTH SERVICES, AND IMPROVED HEALTH FOR CHILDREN.

ANOTHER AREA WHERE GOVERNMENT HAS MADE SIGNIFICANT STRIDES IN PROMOTING AND PROTECTING THE RIGHTS OF CHILDREN IS IN THE EDUCATION SECTOR. IN 2014, THERE HAS BEEN AN IMPROVEMENT IN EARLY CHILDHOOD EDUCATION WHEREBY 1, 526 CHILDHOOD EDUCATION CENTRES WERE OPERATIONALISED NATIONWIDE, WITH AN INITIAL ENROLMENT OF 70, 000 LEARNERS. THESE CENTRES WERE CONSTRUCTED IN MAINLY RURAL AND REMOTE AREAS WHERE NO SUCH FACILITIES PREVIOUSLY EXISTED.

THIS YEAR, THE GOVERNMENT WILL BE IMPLEMENTING A POLICY IN WHICH FEES IN PUBLIC PRIMARY AND SECONDARY SCHOOLS WILL BE REDUCED TO ENABLE MORE CHILDREN TO HAVE ACCESS TO EDUCATION AND EASE THE FINANCIAL BURDEN ON FAMILIES.

THE GOVERNMENT REMAINS COMMITTED TO PROTECTING THE MARGINALISED IN SOCIETY ESPECIALLY CHILDREN. CONSEQUENTLY, THE GOVERNMENT IS IMPLEMENTING SOCIAL PROTECTION PROGRAMMES SUCH AS THE SOCIAL CASH TRANSFER SCHEME. THE SOCIAL CASH TRANSFER SCHEME HAS INCREASED THE NUMBER OF BENEFICIARY HOUSEHOLDS FROM 145, 000 IN 2014 TO 191, 000 IN IN

2015. THE SOCIAL CASH TRANSFER PROGRAMME IS BEING SCALED UP FROM 50 DISTRICTS IN 2015 TO 77 DISTRICTS IN 2016. MANY OF THE BENEFICIARIES UNDER THIS SCHEME ARE CHILDREN. BETWEEN 2010 AND 2014, A TOTAL OF 10, 636 CHILDREN BENEFITTED FROM THE CHILD GRANT OR INCLUSIVE MODEL OF THE SOCIAL CASH TRANSFER SCHEME.

BESIDES THE ABOVEMENTIONED MEASURES, ZAMBIA'S COMBINED PERIODIC REPORT HAS PROVIDED THE COMMITTEE WITH INFORMATION ON THE VARIOUS MEASURES THE GOVERNMENT HAS EMPLOYED IN PROTECTING CHILDREN, ADDRESSING THEIR WELFARE AND FULFILLING ITS OBLIGATIONS UNDER THE PRESENT CONVENTION. IT IS NOTEWORTHY THAT THE REPORT HAS FOR THE FIRST TIME IN ZAMBIA'S REPORTING HISTORY, INCLUDED THE VIEWS OF CHILDREN FROM VARIOUS PARTS OF THE COUNTRY.

**MR. CHAIRPERSON,**

DESPITE ZAMBIA'S ABOVEMENTIONED ACHIEVEMENTS, THE GOVERNMENT HAS FACED MANY CHALLENGES IN PROTECTING CHILDREN AND ENSURING THEIR WELFARE. THE MOST PROMINENT CHALLENGE HAS BEEN INADEQUATE FINANCIAL RESOURCES, WHICH HAS RESULTED IN PROGRAMMES AIMED AT CHILDREN BEING NEGLECTED. NEVERTHELESS, THE GOVERNMENT CONTINUES TO MAKE CHILDREN A TOP PRIORITY.

IN CONCLUSION, THE GOVERNMENT WOULD LIKE THE COMMITTEE TO NOTE THAT DUE TO TIME CONSTRAINTS AND MISCOMMUNICATION ON THE DATES SPECIFIED FOR ZAMBIA TO APPEAR BEFORE THE COMMITTEE, THE GOVERNMENT WAS NOT ABLE TO OBTAIN COMPREHENSIVE AND DETAILED RESPONSES TO THE LIST OF ISSUES PROVIDED BY THE COMMITTEE, NOTWITHSTANDING, THE GOVERNMENT SHALL ADDRESS THE LIST OF ISSUES WITH THE INFORMATION CURRENTLY AVAILABLE AND IT UNDERTAKES TO AVAIL THE COMMITTEE WITH FURTHER INFORMATION AT A LATER DATE.

I, THANK YOU.