



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### List of issues prior to submission of the combined fifth to seventh periodic reports of Zambia\*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 15 February 2021. The replies should take into consideration the Committee's recommendations, contained in its concluding observations (CRC/C/ZMB/CO/2-4) adopted on 14 March 2016. The Committee may take up all aspects of children's rights set out in the Convention.

#### I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes, and any other type of measures taken, such as the creation or reform of institutions, significant for the implementation of the Convention;

(b) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

3. The Committee also requests the State party to provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including with regard to child participation and data collection, and how such measures promote the realization of children's rights under the Convention.

#### II. Rights under the Convention and its Optional Protocols

##### A. General measures of implementation (arts. 4, 42 and 44 (6))

###### Comprehensive policy, strategy and coordination

4. Please provide information about:

(a) The timeline for the adoption of the children's code bill and how it incorporates international and regional human rights standards and whether all the changes in the child-related legislation reviewed by the Zambia Law Development Commission have been included;

(b) How the national child policy (2015) has been implemented and what mechanisms are in place for the coordination of implementing activities;

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\* Adopted by the pre-sessional working group on 14 February 2020.



(c) The coordination and division of mandates related to the implementation of the convention between the Ministry of Youth, Sport and Child Development and the Ministry of Justice;

(d) An update on the functioning of the Council for Child Services.

#### **Data collection**

5. Please inform the Committee about the measures taken to improve the collection and quality of disaggregated data on the implementation of the Convention and use that data for the formulation, monitoring and evaluation of policies, programmes and projects for the implementation of children's rights.

#### **Independent monitoring**

6. Please provide an update on:

(a) The oversight role of the National Assembly in relation to children's rights;

(b) The mandate, capacity, resources and activities of the Office of the Commissioner for Children;

(c) The establishment of a dedicated body for the independent monitoring of the Convention able to receive, investigate and address complaints by children in a child-sensitive manner, ensure the privacy and protection of child victims, and undertake monitoring and follow-up activities for child victims.

#### **Children's rights and the business sector**

7. Please provide an update on the measures taken concerning the establishment of a regulatory framework for the mining industries operating in the State party to ensure that their activities do not negatively affect children's rights or endanger environmental, health and other standards relating to children's rights. Please inform the Committee about the actions taken to clean up the lead contamination in Kabwe and explain what has been the financial investment in addressing this issue so far and the results.

### **B. Definition of the child (art. 1)**

8. Please provide information on measures taken to set the minimum age of marriage at 18 years, without exception.

### **C. General principles (arts. 2, 3, 6 and 12)**

#### **Non-discrimination**

9. Please provide information on initiatives taken to eliminate, in practice, discrimination against children in marginalized and disadvantaged situations, namely in accessing education and health, particularly for children with disabilities, children with albinism, girls, children belonging to religious minorities, children living with HIV/AIDS, children with a migrant background and refugee, asylum-seeking and undocumented children. Please also provide information on the measures taken to eliminate discrimination against lesbian, gay, bisexual, transgender and intersex children.

#### **Best interests of the child**

10. Please provide information on the dissemination to all relevant professional groups, as well as traditional and religious leaders, of policy, procedures, criteria and guidance to determine and consistently apply the best interests of the child as a primary consideration in all legislative, administrative and judicial proceedings concerning children, particularly in rural areas, in cases of inheritance, education and land allocation.

**Respect for the views of the child**

11. Please inform the Committee about the measures in place to guarantee the right of the child to be heard in various settings, particularly in judicial and administrative procedures, at schools and at home, on issues such as child marriage and sexual and reproductive health, and whether all relevant professionals, particularly teachers, are provided with training on the right of the child to be heard. Please also provide an update on the establishment of and resources for the Youth Parliament.

**D. Civil rights and freedoms (arts. 7, 8 and 13–17)****Birth registration**

12. Please provide updated information on the prevalence of birth registration and certification among children, including the results from the 2018/2019 demographic and health survey. Please also explain how the newly established comprehensive and integrated civil registration and national identity system will be operationalized through the Integrated National Registration and Information System (INRIS) with respect to reaching universal coverage and registration of children, especially in rural areas, and groups of children in marginalized situations, such as children born at home and refugee children.

**E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)****Freedom of the child from all forms of violence, including corporal punishment**

13. Please explain what measures has the State party taken to:

(a) Explicitly prohibit by law corporal punishment and end its practice in all settings;

(b) Accelerate the reform of the judicial system, such as the fast-track courts, to prevent delays in addressing cases related to sexual violence against and the exploitation of children, and on the legislative and administrative provisions taken to enable the reform;

(c) Change attitudes, traditions, customs and behavioural practices that often result in underreporting and serve as a justification for domestic violence, including the sexual abuse of children;

(d) Tackle cyberbullying and the online sexual exploitation and abuse of children.

14. Please provide information on the steps taken to:

(a) Strengthen and improve access to the support, preventive and response services to child victims of abuse, particularly sexual abuse, gender-based violence and domestic violence, such as the Victim Support Unit, the Child Protection Unit and one-stop centres;

(b) Strengthen national mechanisms and funding for a coordinated response to gender-based violence against children and address reports of sexual and gender-based violence in schools and at home;

(c) Adopt and implement guidelines, protocols and referral mechanisms to protect the rights of child victims or witnesses of violence, and the related training of relevant professionals;

(d) Provide funding for the Childline service.

**Harmful practices**

15. Please provide information on what measures have been taken to:

(a) Implement and raise awareness among traditional leaders, parents and teachers, particularly at the local level, of the Marriage Act, which sets the age of marriage at 21 years of age;

(b) Ensure that intersex children are not subjected to unnecessary medical or surgical treatment and provide adequate counselling, support and access to effective remedies for victims subjected to such treatment during childhood;

(c) Address the high rate of child marriage.

**F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

**Children deprived of a family environment**

16. Please explain what measures the State party has taken to:

(a) Put in place mechanisms for preventing unnecessary family separation, often due to poverty;

(b) Prevent the placement of children in institutional care and prioritize family-based care, especially kinship and foster care;

(c) Support kinship and foster care, including with financial resources, community-based and accessible social services, an adequate number of social welfare officers at district level and specialized support for children with disabilities;

(d) Ensure that alternative care for children under the age of three is always provided through family care;

(e) Support parents when children placed in alternative care return to their families;

(f) Ensure that institutions are phased out and that all residential care is brought in line with the guidelines on alternative care, that children are only admitted in appropriate cases based on rigorous screening, that they have individual care plans and protection guarantees and that any reports of abuse are thoroughly investigated.

**Adoption**

17. Please provide information on the measures taken to ensure that the safeguards provided for in the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption are domesticated and implemented, including through the development of national standards for the accreditation and authorization of adoption agencies.

**Children in prison with their mothers**

18. Please provide information on the access of children living with their mothers in prison to adequate and nutritious food, to health services, to the right to play and to early childhood education, and the measures taken to prevent the imprisonment of caregivers.

**G. Children with disabilities (art. 23)**

19. Please provide information on the measures taken to:

(a) Fully enforce the 2012 Persons with Disability Act and the national policy on disability and raise awareness and knowledge of the disability-related legislation;

(b) Ensure that children with disabilities have access to early childhood education and care, early development programmes and inclusive vocational training opportunities;

(c) Ensure that all children with disabilities have access to and benefit from inclusive education and that adequate human, material and technical resources are available;

(d) Prevent absenteeism and dropout from schools of children with disabilities owing to stigmatization and the lack of qualified teachers, infrastructure, assistive devices and teaching and learning materials;

- (e) Provide children with disabilities with rehabilitation, assistive devices and reasonable accommodation for inclusion in all areas of life;
- (f) Facilitate the full inclusion of children with disabilities in all areas of public life, including leisure, play and cultural activities, and community-based care.

## **H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

20. Please update the Committee on the implementation of the social health insurance scheme and provide information about the progress made to:

- (a) Eradicate under-five mortality owing to preventable diseases and malnutrition and eliminate stunting owing to inadequate nutrition;
- (b) Ensure access to quality health services and personnel, particularly in rural areas;
- (c) Revise legislation on regulating the marketing practices of breastmilk substitutes (SI48), raise awareness concerning the importance of breastfeeding and ensure that the International Code of Marketing of Breastmilk Substitutes is strictly enforced;
- (d) Eliminate mother to child transmission of HIV and eradicate new HIV infections, particularly among adolescents.

### **Adolescent health**

21. Please describe the measures taken to:

- (a) Provide free and safe abortion services to girls, and guidance and information on abortion services;
- (b) Ensure comprehensive, age-appropriate education on sexual and reproductive health and rights, including information on family planning, contraceptives and the risks related to early pregnancies, as well as the prevention and treatment of sexually transmitted infections;
- (c) Address the incidence of drug, alcohol and tobacco use by adolescent children.

### **Environmental health**

22. Please provide information on the measures taken to assess the impact and address the consequences of lead contamination in Kabwe on children's health, including the availability of free testing and free treatment for lead poisoning.

### **Standard of living**

23. Please provide information on:

- (a) Efforts to decrease child poverty, including on the implementation of the commitment of providing yearly contribution of 400 kwacha (US\$ 27) per child;
- (b) How the State party has ensured adequate expenditure for children in view of the need to implement cuts in spending;
- (c) Improvement of the access to water, sanitation and hygiene for children, including in schools;
- (d) Coverage and management of the social cash transfer programme and how it benefits children.

### **Impact of climate change on the rights of the child**

24. Please provide information on the measures taken to:

- (a) Reduce deforestation and land degradation, including in relation to unsustainable agricultural and forestry resources management practices;

(b) Mitigate food, water and energy insecurity and its impact on the rights of children in view of the increased intensity and frequency of drought and floods;

(c) Inform the population about the negative impacts of climate change on children's health and livelihoods and of habitat loss;

(d) Empower children to adapt to climate change, adopt sustainable lifestyles and develop mitigation strategies.

## **H. Education, leisure and cultural activities (arts. 28–31)**

### **Education**

25. Please inform the Committee about the measures taken to:

(a) Promote access to and enrolment in early childcare and education, particularly in rural areas;

(b) Ensure that primary and secondary education is free, without hidden costs, and accessible to all children, including girls;

(c) Prevent early school leaving, owing to poverty, child marriage, socio-cultural attitudes around girls' education and the lack of adequate sanitation facilities for girls;

(d) Increase the transition to and retention of children, particularly girls, in secondary schools;

(e) Advance the quality of education and improve educational outcomes.

### **Rest, leisure, recreation and cultural and artistic activities**

26. Please provide information on the measures taken to provide children with safe, accessible and inclusive sporting, recreational, leisure, cultural and artistic activities, particularly with regard to children with disabilities, refugee and migrant children, and children in socioeconomic situations that put them at a disadvantage.

## **I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

### **Asylum-seeking, refugee and migrant children**

27. Please provide information on the measures taken to:

(a) Provide all asylum-seeking, refugee and migrant children with birth registration and documentation, and access to education, health and social protection services;

(b) Ensure that children are not detained because of their migration status.

### **Economic exploitation, including child labour**

28. Please describe the measures taken to:

(a) Prevent the worst forms of child labour, particularly in agriculture;

(b) Define and monitor the prohibition of work in hazardous conditions for children below the age of 18.

### **Children in street situations**

29. Please explain what measures the State party has taken to ensure that children in street situations have access to health care, education, housing and preventive, recovery and reintegration services.

### **Administration of child justice**

30. Please inform the Committee about measures to operationalize the specialized family courts and children's court as divisions of the High Court, in accordance with the

Constitution (amendment) of 2016, and the measures taken to implement its previous recommendations (CRC/C/ZMB/CO/2-4, para. 64) including:

- (a) Raising the age of criminal responsibility to 14 years;
- (b) Ensuring that children have access to free legal counsel;
- (c) Ensuring that children are not detained with adults;
- (d) Ending the overuse of detention in pretrial and post-trial procedures, speeding up trials and replacing detention with measures such as diversion, probation, counselling and community service, especially for minor offences.

#### **Child victims and witnesses of crimes**

31. Please explain what measures are in place to protect child victims and witnesses in criminal justice proceedings, particularly in cases relating to sexual offences. Please also explain what steps are being taken to improve the reporting and prosecution of sexual offences, to ensure the full psychological and physical protection of child victims and witnesses and address the fear of retaliation by perpetrators who have been acquitted, which may hinder them from pressing charges.

### **III. Statistical information and data**

32. The statistical information and disaggregated data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention and its Optional Protocols. The data should be disaggregated by age, sex, ethnic origin, national origin, type of disability, geographic location and socioeconomic status.

33. The provision of tables presenting trends over the reporting period is recommended and explanations or comments on significant changes that have taken place over the reporting period should also be provided.

#### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

34. Please provide information on the budget lines regarding children and the social sectors by indicating the amount and the proportion of each budget line in terms of the total national budget. In particular, please provide information on the budget allocated for the seventh national development plan (2017–2021).

#### **B. Definition of the child (art. 1)**

35. Please provide data, disaggregated as described in paragraph 32 above, on the number and proportion of children under 18 years of age living in the State party, and the number of girls and boys under 18 who are married.

#### **C. General principles (arts. 2, 3, 6 and 12)**

36. Please provide data, disaggregated as described in paragraph 32 above, on the number of cases of discrimination affecting children, prosecutions brought before the courts under legislation governing non-discrimination and the sanctions issued to perpetrators.

#### **D. Civil rights and freedoms (arts. 7, 8 and 13–17)**

37. Please provide data, disaggregated as described in paragraph 32 above, on the number of stateless children.

**E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

38. Please provide data, disaggregated as described in paragraph 32 above, on:

(a) The number of cases of violence against children, including corporal punishment, abuse, neglect, domestic violence, sexual and gender-based violence in and outside the home, that have been reported to the authorities, investigated and prosecuted, and the sanctions issued to perpetrators, disaggregated by type of offence;

(b) The number and type of protective measures and multidisciplinary remedies provided to child victims and witnesses of violence, in particular domestic, sexual and gender-based violence.

**F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

39. Please provide data, disaggregated as described in paragraph 32 above, on the number and proportion of families and children receiving economic and other types of support services.

40. Please provide data, disaggregated as described in paragraph 32 above, on:

(a) The number of children in institutional care and the average number of days of stay;

(b) The number of children in family- and community-based care;

(c) The number of children adopted domestically and internationally;

(d) The number of children of incarcerated parents.

**G. Children with disabilities (art. 23)**

41. Please provide data, disaggregated as described in paragraph 32 above, on the number and proportion of families and children receiving economic and other types of support services.

42. Please provide data, disaggregated as described in paragraph 32 above, on:

(a) The number of children with disabilities;

(b) The number of children with disabilities living with their families;

(c) The number of children with disabilities living in institutional care and average days of stay, disaggregated by reason for placement;

(d) The number of children in family- and community-based care;

(e) The number of children with disabilities in inclusive education;

(f) The number of reported cases of violence, including sexual violence, against children with disabilities, the number of investigations and prosecutions carried out and the sentences issued.

**H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

43. Please provide data, disaggregated as described in paragraph 32 above, on:

(a) The infant mortality rate;

(b) The number of malnourished and stunted children;

(c) The number of child deaths due to preventable diseases;

(d) The number of paediatric and mental health services and professionals specialized in young children and adolescents, particularly in rural areas.

44. Please provide data, disaggregated as described in paragraph 32 above, on:



- (a) The number of adolescent mothers;
- (b) The number of children suffering from drug, alcohol and tobacco abuse;
- (c) The number of sexual and reproductive health services available to adolescents.

45. Please provide data, disaggregated as described in paragraph 32 above, on the number and proportion of children living below the poverty line and in extreme poverty.

#### **I. Education, leisure and cultural activities (arts. 28–31)**

46. Please provide data, disaggregated as described in paragraph 32 above, on:

- (a) The number and proportion of children not attending primary and secondary school;
- (b) The number of children not transitioning from primary to secondary school;
- (c) The number and proportion of children, including children with disabilities, and girls, dropping out of school;
- (d) The number of cases of sexual abuse in schools;
- (e) The number and proportion of children attending early childhood education, including children with disabilities, and the average years of attendance.

#### **J. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

47. Please provide data, disaggregated as described in paragraph 32 above, by country of origin and by accompanied or unaccompanied status, on:

- (a) The number of asylum-seeking and refugee children;
- (b) The number of migrant children;
- (c) The number of asylum-seeking, refugee and migrant children who are in detention;
- (d) The number of asylum-seeking, refugee and migrant children, attending school and with access to health care.

48. Please provide data, disaggregated as described in paragraph 32 above, on the estimated number of undocumented children and the number of those children who have access to education, health care and welfare services.

49. Please provide data, disaggregated as described in paragraph 32 above, on:

- (a) The number of children working in hazardous conditions;
- (b) The number of cases of child labour investigated and prosecuted, and the sanctions issued to employers.

50. Please provide data, disaggregated as described in paragraph 32 above and by types of violation reported, on:

- (a) The number of reported cases and the number of children involved in trafficking;
- (b) The number of such children who have been provided with access to rehabilitation programmes;
- (c) The number and percentage of such cases that have resulted in sanctions, with information on the country of origin of the perpetrator and the nature of the penalties imposed.

51. Please provide data, disaggregated as described in paragraph 32 above and by type of crime, on:

- (a) The number of children in detention, including in pretrial detention, in facilities such as police cells and prisons, and the average number of days of stay;
  - (b) The number of children referred to diversion and non-custodial sentencing options;
  - (c) The number of children detained together with adults and the average number of days of stay;
  - (d) The proportion of children in conflict with the law who received legal aid throughout legal proceedings.
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