



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined fifth to seventh periodic reports of Zambia\*

#### I. Introduction

1. The Committee considered the combined fifth to seventh periodic reports of Zambia<sup>1</sup> at its 2612th and 2613th meetings,<sup>2</sup> held on 23 and 24 May 2022, and adopted the present concluding observations at its 2630th meeting, held on 3 June 2022.

2. The Committee welcomes the submission of the combined fifth to seventh periodic reports of the State party, under the simplified reporting procedure, which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level, multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas since its last review, including the adoption of the Mental Health Act, 2019, the Employment Code Act, 2019, which regulates the employment of children under the age of 15 years, the development in 2016 of national standards and guidelines for services and programmes for orphans and vulnerable children, the strengthening of the National Child Justice Forum, the development of the National Child Justice Strategy 2021–2025 and other institutional and policy measures relating to children's rights.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: children's rights and the business sector (para. 15); the definition of the child (para. 17); sexual abuse and gender-based violence (para. 24); health and health services (para. 32); education, including vocational training and guidance (para. 38); and administration of child justice (para. 44).

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the**

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\* Adopted by the Committee at its ninetieth session (3 May–3 June 2022).

<sup>1</sup> [CRC/C/ZMB/5-7](#).

<sup>2</sup> See [CRC/C/SR.2612](#) and [CRC/C/SR.2613](#).



involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

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

### **Legislation**

6. While noting that the process of Constitutional review with the aim of drafting an enhanced bill of rights has been initiated and that the bill containing the children's code has been approved by the Cabinet Office and is pending adoption by the parliament, the Committee recommends that the State party promptly adopt the children's code bill and ensure that the human, technical and financial resources for the implementation of all legislation providing for the rights of children are adequate and sufficient.

### **Comprehensive policy and strategy**

7. The Committee notes that the Department of Child Development has been made part of the Ministry of Community Development and Social Services, enhancing the implementation of the 2015 National Child Policy and the relevant action plan. It recommends that the State party:

- (a) Renew the expired National Child Policy and the relevant plan of action;
- (b) Develop and adopt a national strategy for child participation, providing 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.

### **Coordination**

8. While noting that the State party has established the National Coordinating Committee for Children and district child protection committees tasked with effective coordination of programmes and projects for children, the Committee recommends that the State party provide the National Coordinating Committee for Children and the district child protection committees with the necessary human, technical and financial resources, in order to coordinate all activities relating to the implementation of the Convention at the cross-sectoral, national and district levels.

### **Allocation of resources**

9. Welcoming the projected increase of social sector budget allocations by 34 per cent in 2022 as compared to 2021, the Committee recalls its general comment No. 19 (2016) on public budgeting for the realization of children's rights and recommends that the State party:

- (a) Conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights and, in particular, address disparities on the basis of indicators relating to children's rights;
- (b) Make sure that budgetary lines for all children, paying special attention to those in disadvantaged or vulnerable situations, are protected even in situations of financial and economic crisis, natural disasters, the coronavirus disease (COVID-19) pandemic and other emergencies, and that there is no regression;

(c) Strengthen children's forums established to provide input in the development of plans, implementation and budget tracking.

#### Data collection

10. The Committee welcomes the adoption of the Statistics Act in 2018, the establishment of the Integrated National Statistical System, the creation of the Zambia Statistics Agency and the setting up of sector-specific management information systems. Recalling its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:

(a) Continue strengthening its data-collection system and ensure that data collected on children's rights cover all areas of the Convention, with data disaggregated by age, sex, disability, geographical location, ethnic and national origin and socioeconomic background in order to facilitate analysis of the situation of children, particularly those in situations of vulnerability;

(b) Improve quality assurance of the sector-specific management information systems, such as those on social protection and alternative care;

(c) Analyse and make available to policymakers and interested organizations data on children's rights in order to further improve monitoring and legislation, policies and implementation of children's rights.

#### Independent monitoring

11. Recalling its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party strengthen the Human Rights Commission of Zambia by providing it with adequate human, financial and technical resources to enable it to effectively and independently discharge its mandate, including its capacity to effectively receive, investigate and address complaints by children in a child-sensitive and child-friendly manner.

#### Dissemination, awareness-raising and training

12. The Committee recommends that the State party:

(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.

#### Cooperation with civil society

13. The Committee recommends that the State party systematically involve civil society and organizations working for and with children in developing, implementing, monitoring and evaluating policies, plans and programmes concerning children's rights, and in preparing periodic reports to the Committee.

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

14. The Committee notes the establishment of the Zambia Environmental Management Agency and the requirement for mandatory environmental impact assessments to be conducted prior to any business operations that might have an effect on the environment. Nevertheless, the Committee remains seriously concerned about:

(a) The fact that comprehensive and updated environmental impact assessments are not routinely submitted to the Zambia Environmental Management Agency;

(b) The continuous exposure of children in Kabwe to high levels of lead in the soil and dust around the former mine and in the mining waste and the delays in implementing the World Bank-funded project to clean up lead-contaminated neighbourhoods;

(c) Small-scale mining at the former Kabwe mine, which poses an increased risk of exposure to lead, and several unlicensed, illegal mining operations;

(d) The effects of mining in Kitwe and other provinces, and the increase in mining activities in the absence of a comprehensive and effective legal, regulatory and compliance framework to prevent and respond to human rights violations;

(e) The fact that the request of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes to conduct a country visit has been pending since 2008.

**15. Recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, the Committee recalls its previous concluding observations<sup>3</sup> and urges the State party to:**

**(a) Implement expeditiously the recommendations that it supported during the third cycle of the universal periodic review, develop a national action plan on business and human rights and implement it together with the Guiding Principles on Business and Human Rights;**

**(b) Take further measures to protect human rights and the environment in mining areas and establish a regulatory framework for mining companies present on the territory in order to ensure that their activities do not harm the environment;**

**(c) Develop and implement without further delay a sustainable and comprehensive programme for lead remediation, particularly of all contaminated schools, play areas, health centres and other public areas, including containment and removal of mining waste, conduct regular monitoring of soil and air lead levels in Kabwe and take steps to ensure that children who receive treatment are not returned to contaminated areas;**

**(d) Ensure that small-scale mining operations, including all private operations for reprocessing minerals, are carefully scrutinized, licensed and regularly monitored by the Government for compliance with national laws and regulations, for human rights and environmental impacts, including through environmental and social impact assessments;**

**(e) Use an environmental impact assessment to determine safe access to Black Mountain in Kitwe and institute preventive, regulatory and compliance measures to prevent contamination of the air, water, soil and vegetation and to ensure the safety of workers and residents who are exposed to mining operations;**

**(f) Cooperate with the special procedures of the Human Rights Council, in particular with respect to the pending request for the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes to conduct a country visit;**

**(g) Ensure that individuals and communities have effective complaints mechanisms and avenues of recourse to the Government in all mining areas, including by increasing funding for the Human Rights Commission of Zambia to strengthen operations in all provinces;**

**(h) Designate a government lead on enhancing corporate social responsibility in Zambia and consider instituting measures to ensure that corporate revenue derived from the mining sector supports implementation of the Sustainable Development Goals, including through profit-sharing and effective taxation;**

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<sup>3</sup> CRC/C/ZMB/CO/2-4, para. 22.

(i) Seek advisory and technical assistance from the United Nations country team for the implementation of these recommendations through the development and implementation of a comprehensive joint programme or project in partnership with the Government and other stakeholders, such as the World Bank.

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

16. The Committee remains seriously concerned that the Marriage Act, which provides for exceptions that allow those under 18 years of age to marry and recognizes the existence of customary marriage once a child attains puberty, has still not been amended.

17. The Committee urges the State party to ensure that the Marriage Act is amended in compliance with the provisions under the Constitution and to remove all exceptions that allow those under 18 years of age to marry, including under customary law.

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

### Non-discrimination

18. The Committee recalls its previous concluding observations<sup>4</sup> and recommends that the State party:

(a) Strengthen its efforts to eliminate discrimination against children in marginalized and disadvantaged situations, including girls, children with disabilities, children living with HIV/AIDS, children with no legal identity, children with albinism, migrant and unaccompanied children and lesbian, gay, bisexual, transgender and intersex children;

(b) Systematically conduct awareness-raising and education on the issues of discrimination, intolerance and hate speech against children in marginalized and disadvantaged situations, particularly lesbian, gay, bisexual, transgender and intersex children.

### Best interests of the child

19. The Committee welcomes the development in 2018 of guidelines on best interest determination for the establishment of a standardized procedure in the management of children in vulnerable situations. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:

(a) Ensure that the principle of the best interests of the child is incorporated in legislation that is relevant to and has an impact on children;

(b) Consistently apply the guidelines on best interest determination in all legislative, administrative and judicial proceedings and in all decisions concerning children, including in custody disputes and inheritance procedures, as well as in all policies, programmes and projects that are relevant to and have an impact on children;

(c) Provide systematic training and guidance for all relevant professionals to assess and determine the best interests of the child in every area and to give the principle due weight as a primary consideration.

### Respect for the views of the child

20. The Committee notes with appreciation the strengthening of the National Child Justice Forum in 2018 and the inclusion of a provision to mainstream child participation through operational procedures in the final draft of the children's code. Recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

<sup>4</sup> CRC/C/ZMB/CO/2-4, para. 26.

(a) Establish a youth parliament and ensure that it is provided with a meaningful mandate and adequate human, technical and financial resources in order to facilitate children's effective engagement with national legislative processes on issues that affect them;

(b) Ensure that the children's code bill enshrines provisions on child participation in all settings and decisions regarding children, particularly in judicial and administrative procedures, at schools, in communities and at home, and on issues such as child marriage, sexual and reproductive health and environmental matters;

(c) Mainstream child participation as an obligation for all State and non-State actors that directly interact with children, as part of their statutes and policies;

(d) Reinforce measures to ensure that professionals working with and for children systematically receive appropriate training on hearing and taking into account children's views in all decisions that affect them.

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

##### **Birth registration and nationality**

21. The Committee welcomes the progress made in rolling out birth certification in all 10 provincial headquarters, the registration of births in hospitals and the development of the new birth to death registration through the Integrated National Registration and Information System. Taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Strengthen and speed up the roll-out of the Integrated National Registration and Information System and consider linking it with the SmartCare information management system at the Ministry of Health;

(b) Ensure that health facility birth registration desks are widely available throughout the country and are always stocked with birth notification forms, and consider digitalizing the birth notification system at the health facility level to ensure a single procedure of birth notification for health and civil notification purposes;

(c) Ensure sustainable financing for birth registration to render it less reliant on donor funding;

(d) Revise the law to prevent and respond to statelessness and consider ratifying the Convention on the Reduction of Statelessness of 1961.

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

##### **Corporal punishment**

22. Recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recalls its previous recommendation<sup>5</sup> and urges the State party to:

(a) Explicitly prohibit by law all forms of violence against children, including corporal punishment, in all settings, including in the family, through the children's code bill, and repeal the right to administer lawful punishment in the Juveniles Act;

(b) Promote positive, non-violent and participatory forms of child-rearing and discipline;

(c) Conduct awareness-raising campaigns and parenting education programmes for parents and professionals working with and for children to promote attitudinal change within the family and the community with regard to corporal punishment.

<sup>5</sup> CRC/C/ZMB/CO/2-4, para. 34.

### **Violence, including sexual abuse and gender-based violence**

23. The Committee welcomes the development of the National Prevention and Response Plan to Violence against Children 2021–2025 and notes the planned expansion of fast-track courts to address cases of sexual and gender-based violence against children, the introduction of a new police medical examination form for reporting cases of gender-based violence and the establishment of specialized desks at the Victim Support Unit to deal with issues of domestic violence, sexual abuse and child protection. However, the Committee remains seriously concerned about:

- (a) Increased levels of violence against children, particularly sexual exploitation and abuse, including online gender-based violence and domestic violence;
- (b) The low levels of reporting and prosecution and the high level of impunity enjoyed by the perpetrators of violence, including sexual exploitation and abuse of children;
- (c) The incidence of attacks against children with albinism;
- (d) The fact that violence against children is socially tolerated in the family and in society;
- (e) The weak enforcement of the Cyber Security and Cyber Crimes Act, 2021;
- (f) The inadequate support and funding for the Victim Support Unit and one-stop centres;
- (g) The weak implementation of the protocols, referral mechanisms and guidelines for the protection of child victims and child witnesses of violence;
- (h) The lack of financial support for the Childline services.

24. **With reference to its general comments No. 13 (2011) on the right of the child to freedom from all forms of violence and No. 25 (2021) on children’s rights in relation to the digital environment, as well as targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee urges the State party to:**

- (a) **Strengthen measures to eradicate all forms of violence against children, particularly sexual and gender-based violence, domestic violence and violence against children with albinism;**
- (b) **Ensure that all cases of violence against children, including sexual abuse within the child’s circle of trust, are promptly reported, investigated and prosecuted, applying a child-friendly and multisectoral approach to avoid retraumatizing children who are victims of such abuse, that appropriate remedies, treatment and support are provided to victims and that perpetrators are duly sanctioned;**
- (c) **Conduct awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse, including incest, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;**
- (d) **Strengthen awareness-raising and education programmes and campaigns with the involvement of children, in order to change attitudes, traditions, customs and behavioural practices that often result in underreporting and serve as a justification for domestic violence and sexual exploitation and abuse of children, including online;**
- (e) **Provide adequate human, financial and technical resources for the effective implementation of the Cyber Security and Cyber Crime Act and ensure that Internet service providers are regulated to ensure online safety;**
- (f) **Provide adequate resources to the Victim Support Unit of the police, to the one-stop centres and for the implementation of the guidelines on the protection of child victims or witnesses of violence;**
- (g) **Set standards and create accountability for the prevention of child sexual abuse and exploitation in the travel and tourism industry as a matter of priority;**
- (h) **Provide sustainable funding for the Childline services to ensure accessible, confidential, child-friendly and effective reporting channels.**

**Harmful practices**

25. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and taking note of target 5.3 of the Sustainable Development Goals, the Committee recalls its previous recommendation<sup>6</sup> and recommends that the State party:

(a) Provide adequate funding and human and technical resources for the renewal and systematic and comprehensive implementation of the National Strategy on Ending Child Marriage;

(b) Strengthen awareness-raising campaigns and programmes on the harmful effects of child marriage on the physical and mental health and well-being of girls, targeting households, local authorities, traditional leaders and judges and prosecutors;

(c) Ensure that intersex children are not subjected to unnecessary medical or surgical treatment without their consent, in line with the rights of the child to bodily integrity, autonomy and self-determination, and that victims of such treatment have access to justice, reparation and indemnity.

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

**Family environment**

26. The Committee notes the enactment of the Social Workers' Association of Zambia Act, 2022, and the increase in the coverage and value of the social cash transfer. It recommends that the State party continue strengthening community and family-based support services for children and families at risks, to avoid unnecessary family separation due to poverty.

**Children deprived of a family environment**

27. The Committee notes the launch in 2019 of an advocacy and communication strategy to promote family-based care for children, the adoption in 2017 of guidelines on alternative care and reintegration and the enhancement of the case management system for alternative care. Recalling its previous recommendation,<sup>7</sup> the Committee draws the State party's attention to the Guidelines for the Alternative Care of Children<sup>8</sup> and recommends that the State party:

(a) Ensure that policies and practices are guided by the principle that poverty should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration;

(b) Phase out institutionalization and adopt, without delay, a strategy and action plan for deinstitutionalization, supported by adequate human, technical and financial resources for its implementation and which includes comprehensive transformation care and protection systems;

(c) Ensure that the children's code bill explicitly prohibits institutionalization of children under 3 years of age;

(d) Develop and provide adequate resources for a robust family-based and community-based care system for children who cannot stay with their families, including by allocating sufficient financial resources for kinship and foster care;

<sup>6</sup> CRC/C/ZMB/CO/2-4, para. 40.

<sup>7</sup> Ibid., para. 42.

<sup>8</sup> General Assembly resolution 64/142, annex.



(e) Regularly monitor and review placement in alternative care, and facilitate the reunification of children with their families.

#### **Adoption**

28. The Committee recommends that the State party expeditiously adopt the children's code bill, which will domesticate and implement the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and adopt and implement, without delay, national standards for accreditation and authorization of adoption agencies.

#### **Children of incarcerated parents**

29. The Committee recommends that the State party ensure that children living with incarcerated caregivers have access to adequate early childhood education, nutrition and health services, that they enjoy the right to play and are visited regularly by social workers, that the best interests of the child are a primary consideration in all decisions taken, including sentencing, and that alternatives to incarceration are considered.

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

30. The Committee notes the development in 2016 of guidelines on inclusive education. Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, develop a comprehensive strategy for the inclusion of children with disabilities and:

(a) Operationalize the Persons with Disabilities Act, 2012, by finalizing and implementing the statutory instruments on education, health, labour and transportation;

(b) Ensure that the ministerial disability focal points have adequate, ongoing training, that they coordinate their work and that adequate resources are allocated to mainstream disability issues effectively;

(c) Fully implement the guidelines on inclusive education in all schools, ensure that all children with disabilities have access to inclusive education in mainstream schools and early childhood education centres, and guarantee that schools and early childhood education centres are equipped with trained teachers, accessible infrastructure and teaching materials adapted to the needs of children with disabilities;

(d) Conduct awareness-raising campaigns to combat the stigmatization of, and prejudice against, children with disabilities and promote a positive image of children with disabilities as rights holders;

(e) Create social protection programmes to fully fund assistive devices and other rehabilitation needs for children with disabilities and, in particular, provide sustainable and adequate funding for the National Vocational and Rehabilitation Centre;

(f) Ensure that children are not placed in institutions as a result of their disability and strengthen family and community-based care;

(g) Strengthen measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes, specialized health care and age-appropriate rehabilitation, particularly in rural areas;

(h) Develop and systemize the comprehensive collection of data on children with disabilities.

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

### Health and health services

31. The Committee notes the adoption of the National Health Insurance Act, 2018, the establishment of the National Health Insurance Scheme, the progress made by the State party in reducing the infant and under-5 child mortality rates, the recruitment of an additional 25,000 health workers over the last five years, plus 11,200 more currently in the recruitment process, and improved access to health services and medicines. Nevertheless, the Committee remains concerned about:

- (a) The increase in neonatal mortality and the high rates of perinatal death and stillbirth;
- (b) The high rates of under-5 mortality resulting from preventable diseases and conditions such as pneumonia, malaria, diarrhoea, anaemia and malnutrition;
- (c) The high rates of undernutrition, including stunting, wasting, micronutrient deficiency and overweight and obesity, and malnutrition in adolescent girls;
- (d) The unreliable provision of essential medicines and vaccines;
- (e) The lack of qualified staff and emergency obstetric and neonatal care facilities, particularly in rural areas, and the poor quality of services and infrastructure in basic public health services for children;
- (f) The fact that adolescents, particularly girls, continue to be disproportionately affected by HIV/AIDS.

32. **Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and targets 2.2, 3.1, 3.2 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Strengthen awareness about the National Health Insurance Scheme among the public, pharmacy personnel and private health service providers;**
- (b) **Strengthen measures to reduce the rates of mortality of infants and children under 5 years of age resulting from preventable causes, including by applying the technical guidance of the Office of the United Nations High Commissioner for Human Rights on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age;<sup>9</sup>**
- (c) **Identify the root causes of neonatal and perinatal mortality and stillbirth and design evidence-based and adequately-resourced programmes for comprehensive newborn health interventions and early health care;**
- (d) **Address the underlying causes of undernutrition and malnutrition in adolescent girls and strengthen preventive measures, including by raising awareness of nutrition issues and proper feeding practices;**
- (e) **Increase efforts to improve the quality of basic health-care services for all children, scale up provision of essential medicines and immunization coverage for children and provide adequate numbers of qualified staff and emergency obstetric and neonatal care facilities, particularly in rural areas;**
- (f) **Strengthen the measures to prevent and monitor mother-to-child transmission of HIV/AIDS and expand tailor-made interventions aimed at adolescent girls.**

<sup>9</sup> [A/HRC/27/31](#).

### Adolescent health

33. The Committee notes the adoption in 2019 of standards and guidelines for comprehensive abortion care, the development of a comprehensive sexual reproductive health curriculum and national standards and guidelines for adolescent-friendly health services. Recalling its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, and taking note of targets 3.5, 3.7 and 5.6 of the Sustainable Development Goals, the Committee recalls its previous recommendation<sup>10</sup> and recommends that the State party:

(a) Review the effectiveness of the comprehensive sexual reproductive health curriculum to ensure that all aspects of sexual and reproductive health education are part of the mandatory school curriculum and contribute to reducing the incidence of teenage pregnancy;

(b) Develop interventions targeted at adolescent girls and boys, placing particular emphasis on preventing early pregnancy and sexually transmitted infections, especially HIV/AIDS;

(c) Improve access for adolescents to reproductive health-care and related services and increase support to reproductive health-care and family planning services, including the provision of contraceptives and abortion;

(d) Adopt the bill on tobacco and nicotine products control and strengthen measures to provide children and adolescents with accurate and objective information on the harmful effects of alcohol, tobacco and drug and substance abuse, enforce legislation regarding the sale of alcohol to children and develop accessible and youth-friendly drug dependence treatment and self-harm reduction services;

(e) Address mental health issues among adolescents, such as depression and suicidal behaviour, which have been exacerbated by the COVID-19 pandemic, and provide information on the mental health and counselling services available in the country.

### Environmental health

34. Taking note of target 3.9 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Ensure access to and sufficient free testing and treatment for lead poisoning for all children under the age of 18 in Kabwe;

(b) Prevent exposure to high levels of lead and mitigate the consequences for children who have been exposed to high levels of lead, including disabilities;

(c) Track lead poisoning, including mortality, in the health management information system or develop a separate database for Kabwe to track lead poisoning in children.

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

35. While noting the National Climate Change Learning Strategy of 2020, the Committee draws the State party's attention to targets 1.5, 13.1 and 13.3 of the Sustainable Development Goals and recommends that the State party:

(a) Substantially reduce the rate of deforestation and land degradation and improve sustainable land management, including community forest management, and diversify livelihood options, particularly for rural communities;

(b) Reduce the vulnerability of communities, particularly children, to the impacts of climate change, including by implementing climate-smart agriculture and forest-based livelihoods;

<sup>10</sup> CRC/C/ZMB/CO/2-4, para. 50.

(c) **Strengthen climate change mitigation and adaptation measures to droughts and floods, in particular in relation to children's food, water and energy insecurity;**

(d) **Ensure that children's special vulnerabilities, needs and views are taken into account in developing policies and programmes to address climate change and disaster risk management;**

(e) **Increase children's awareness of and preparedness for climate change and natural disasters by incorporating them into the school curriculum and teachers' training programmes.**

#### **Standard of living**

36. **While noting the expansion of the social cash transfer scheme and taking note of targets 1.1, 1.2 and 1.3 of the Sustainable Development Goals, the Committee recommends that the State party ensure an adequate and sustainable standard of living for all children within its territory, particularly those in the most vulnerable situations. It also recommends that the State party:**

(a) **Strengthen measures to reduce child poverty, including by developing a comprehensive social protection programme with adequate domestic funding;**

(b) **Further expand and strengthen the social cash transfer scheme to reach more children and implement the commitments made;**

(c) **Ensure that children who receive social cash transfers also benefit from enrolment in the National Health Insurance Scheme;**

(d) **Improve children's access to safe drinking water, sanitation and hygiene and environmental protection, as well as access to and the availability and affordability of food, and consider asking the United Nations Children's Fund (UNICEF) and the World Health Organization, among others, for assistance to address these issues.**

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

#### **Education, including vocational training and guidance**

37. **While noting the rollout of free primary and secondary education, the 300 per cent increase in the disbursement of school grants for primary schools, the expansion of early childhood development through the low-cost community centres, the provision of funds for bursary support for vulnerable children for secondary school boarding facility fees, and free secondary education due to the provision of compensatory grants to schools to compensate for the school fees and parent-teacher association contributions, the Committee is concerned about:**

(a) **Persistently high dropout rates, particularly among girls, due to teenage pregnancy, child marriage, discriminatory traditional and cultural practices and poverty;**

(b) **The enrolment and retention rate disparities between boys and girls in primary and secondary school, particularly in rural areas;**

(c) **The limited infrastructure and poor quality of education and the low level of basic literacy and numeracy skills;**

(d) **Reported sexual abuse in schools perpetrated by teachers;**

(e) **The negative impact of the COVID-19 pandemic on access to education, particularly for children from poor households and children with disabilities;**

(f) **Disparities in access to and the quality and cost of early childhood education and the insufficient budgetary support for the long-term development and expansion of early childhood education.**

38. Taking note of targets 4.1, 4.2, 4.5, 4.6 and 4.a of the Sustainable Development Goals, the Committee recalls its previous recommendation<sup>11</sup> and recommends that the State party:

(a) Ensure that all positive reforms, namely school grants for primary education, bursary support for vulnerable children to attend secondary schools, the expansion of early childhood development through low-cost community centres and free secondary education, are effectively implemented;

(b) Strengthen support and assistance to pregnant teenagers and adolescent mothers to continue their education in mainstream schools, including by overcoming discriminatory traditional attitudes impeding girls' education;

(c) Address the disparities between the enrolment and retention rates for boys and girls in primary and secondary school;

(d) Strengthen the quality of education and learning outcomes, including through the review of the national curriculum in 2023, by ensuring the professional development of teachers and ensuring that schools are fully and safely accessible to all and are equipped with adequate infrastructure and educational technologies;

(e) Investigate all cases of sexual abuse in schools, end impunity and sanction the perpetrators accordingly, and ensure that children have accessible, confidential, child-friendly and effective reporting channels for such violations and that they do not face reprisals for reporting abuse;

(f) Ensure recovery from setbacks due to the COVID-19 pandemic and strengthen new methods of learning by providing better information technology infrastructure in schools and in homes, particularly for children from poor households and children with disabilities;

(g) Expand access to age-appropriate, quality, affordable and inclusive early childhood education in order to meet demand and strengthen the use of qualified and licensed community-based volunteers for early childhood development.

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

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

39. The Committee welcomes the establishment of a national referral mechanism and the development of guidelines on best interest determination for the provision of assistance to migrant children. Recalling joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration, the Committee recommends that the State party:

(a) Provide alternatives with the aim of ending detention for asylum-seeking, refugee and migrant children and for families with children;

(b) Ensure that age assessments are multidisciplinary and take into account the best interests of the child;

(c) Strengthen and provide sustainable funding for the national referral mechanism for the provision of assistance to asylum-seeking, refugee and migrant children.

**Economic exploitation, including child labour**

40. While taking note of the enactment of the Employment Code Act, 2019, and the National Action Plan for the Elimination of the Worst Forms of Child Labour, the

<sup>11</sup> Ibid., para. 54.

Committee takes note of target 8.7 of the Sustainable Development Goals and recommends that the State party:

- (a) Define, prohibit and eliminate hazardous labour practices where child workers are exposed to environmental risk factors, and identify what constitutes light work permitted for children between 13 and 15 years of age;
- (b) Address the high incidence of child labour in agriculture, artisanal mining and domestic service and other forms of child labour and institute further measures to increase school enrolment and prevent dropout;
- (c) Strengthen the labour inspectorate and the district and community child labour committees;
- (d) Ensure that children who are withdrawn from work receive appropriate treatment and compensation for any harm incurred and are enrolled in the education system.

#### **Children in street situations**

41. Drawing attention to its general comment No. 21 (2017) on children in street situations, the Committee recalls its previous recommendation<sup>12</sup> and recommends that the State party:

- (a) Prioritize family support services, family reintegration, kinship and foster care over moving children out of street situations and into institutional settings;
- (b) Collect data on children in street situations and identify and address the root causes of the phenomenon.

#### **Sale, trafficking and abduction**

42. The Committee notes the increasing number of child victims of commercial exploitation, including child sexual exploitation in prostitution and sexual exploitation of girls in bars and brothels, as well as child trafficking in border areas. Taking note of target 8.7 of the Sustainable Development Goals, the Committee recalls its previous recommendation<sup>13</sup> and recommends that the State party:

- (a) Take urgent measures to investigate, sanction and prevent commercial exploitation, including child sexual exploitation in prostitution and sexual exploitation of girls in bars and brothels;
- (b) Strengthen the training of professionals concerned with identifying and referring child victims of trafficking;
- (c) Ensure the effective provision of referral and support services to children who are victims of sale and trafficking.

#### **Administration of child justice**

43. The Committee notes the enactment of legislation to expand the jurisdiction of children's courts and family courts, the adoption of the Legal Aid Act, 2021, and the development and piloting in 2018 of the National Diversion Programme. Nevertheless, the Committee remains seriously concerned that:

- (a) The specialized children's courts and family courts are not yet operational and that the family division of the judiciary does not have the requisite human, financial and technical resources to operate;
- (b) The minimum age of criminal responsibility is still set at 8 years of age and that the children's code bill, which proposes raising it to 14 years, has not yet been adopted;

<sup>12</sup> Ibid., para. 60.

<sup>13</sup> Ibid., para. 62.

- (c) The Legal Aid Act has not yet been fully implemented and children are still not guaranteed free legal representation;
- (d) The overuse of detention in pretrial and posttrial procedures remains prevalent;
- (e) Non-judicial measures, such as diversion, mediation and counselling, are not being sufficiently used in practice;
- (f) Children are still being detained with adults in some circumstances.

44. **Recalling its general comment No. 24 (2019) on children's rights in the child justice system and with reference to the United Nations Global Study on Children Deprived of Liberty, the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

- (a) **Expedite the operationalization of the children's courts and family courts with adequate human, technical and financial resources, designate specialized judges for children and ensure that they receive appropriate training;**
- (b) **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;**
- (c) **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 recognized as having infringed criminal law at an early stage of the procedure and throughout the legal proceedings;**
- (d) **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;**
- (e) **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;**
- (f) **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.**

#### **Children in armed conflict**

45. **The Committee recommends that the State party amend section 14 (2) of the Defence Act by prohibiting the recruitment of children under 18 years of age in military service, without exception.**

### **K. Ratification of the Optional Protocols to the Convention**

46. **The Committee recommends that the State party ratify the Optional Protocol on the involvement of children in armed conflict, the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on a communications procedure.**

### **L. Ratification of international human rights instruments**

47. **The Committee recommends that the State party consider ratifying the following core human rights instruments:**

- (a) **The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;**

- (b) **The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;**
- (c) **The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;**
- (d) **The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**
- (e) **The Optional Protocol to the Convention on the Rights of Persons with Disabilities.**

#### **M. Cooperation with regional bodies**

48. **The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the African Union.**

### **IV. Implementation and reporting**

#### **A. Follow-up and dissemination**

49. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations. The Committee also recommends that the combined fifth to seventh periodic reports and the present concluding observations be made widely available in the languages of the country.**

#### **B. National mechanism for reporting and follow-up**

50. **The Committee recommends that the State party establish a standing government structure and ensure that it has the mandate and adequate human, technical and financial resources to effectively coordinate and prepare reports to and engage with international and regional human rights mechanisms and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the Human Rights Commission of Zambia and civil society.**

#### **C. Next report**

51. **The Committee invites the State party to submit its eighth periodic report by 4 January 2027 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>14</sup> and should not exceed 21,200 words.<sup>15</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

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<sup>14</sup> [CRC/C/58/Rev.3](#).

<sup>15</sup> General Assembly resolution 68/268, para. 16.



52. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents and paragraph 16 of General Assembly resolution 68/268.**

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