



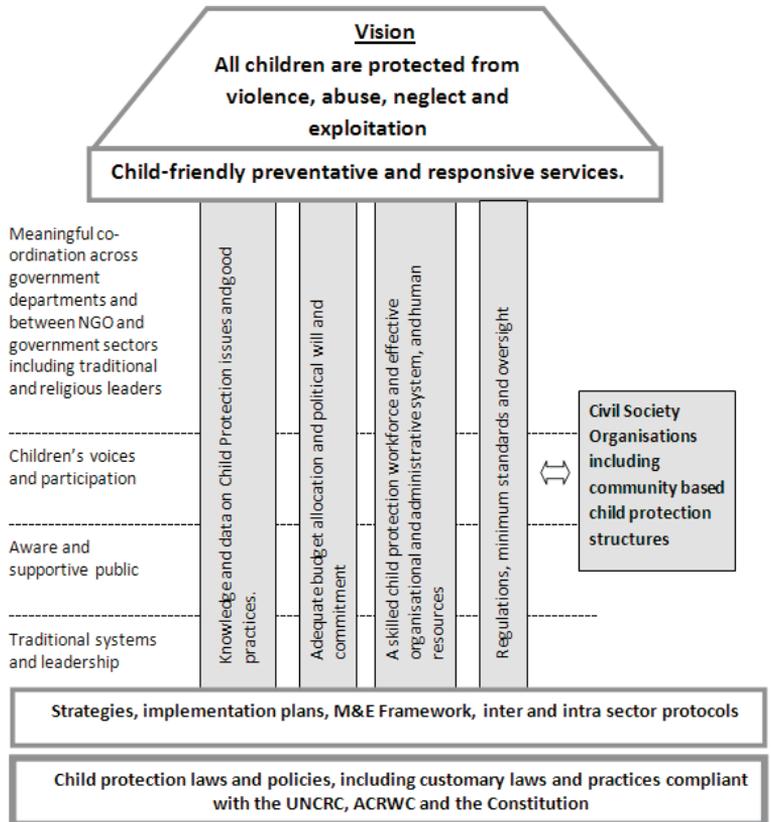
Protecting Children in Zambia from Violence, Abuse, Neglect and Exploitation

Baseline 2010: National Child Protection System in Zambia

What is a National Child Protection System and why do we need it?

Until recently, child protection focus has mostly been on individual protection problems, such as child trafficking, child labour and sexual abuse. The focus on different issues has contributed greatly to the protection of children and much has been learnt about what makes good child protection work. However, this approach has not been without its costs. Many children face multiple protection problems rather than just one, resulting in the focus on individual issues sometimes resolving one issue while leaving others untouched. This can be the case, for example, when children have been abused at home *and* are now working and living on the streets *and* are in conflict with the law. Fragmented child protection responses may deal with one of these problems but they rarely provide a comprehensive solution.

Well functioning National Child Protection Systems can provide well coordinated, equal, comprehensive, reliable and sustainable responses to children’s protection needs. Essential components of such a system includes: child protection laws and policies; meaningful coordination across government department and between sectors at different levels; knowledge and data on child protection issues and good practices; regulations, minimum standards and oversight; preventive and responsive services; a skilled child protection workforce; adequate funding; children’s voices and participation; and an aware and supportive public. When these components are present, they work together to address the multiple protection problems that children experience and strengthen the protective environment around each child.



The Southern African Context

In Southern Africa most governments have approved the relevant international and regional human rights instruments pertaining to children, including the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. There is also an increasing movement to harmonize national laws and policies in line with these instruments. However, despite this encouraging progress, international commitments to protect children from violence are often not translated into action at national and local levels. Instead, child protection remain fragmented, uncoordinated and tend to focus on issue-based programming. It has also been found that efforts to address violence against children are frequently reactive and focus on symptoms and consequences and not causes, with insufficient resources being allocated. Governments in the region are all publicly committed to children's involvement in all aspects of the National Child Protection Systems however, the mechanisms to ensure that this occurs regularly and in a meaningful way have not been formalized.

Status of child protection in Zambia

In terms of child protection, Zambia ranked 22 out of 52 in the index ranking of child protection in the African Report on Child Wellbeing, developed by the African Child Policy Forum. This is a clear indication that additional steps needs to be taken to adequately protect children. As there are no mechanisms for data collection in Zambia, it is difficult to obtain statistics on the status of child protection. With increasing poverty and the significant negative effects of HIV and AIDS, children are becoming progressively more vulnerable. In a study done on corporal punishment of children in the home and in school, it was revealed that within a two week period, 23.8% of the children interviewed reported being hit by the hand and 24% being hit by an object in the home. In schools 32% of the children reported being hit by the hand and 38.2% reported being beaten with an object. Corporal punishment of children seems to be a generally accepted and deep rooted practice to discipline children. There is very limited awareness amongst adults of alternative, non-violent methods of child-rearing. It is not possible to speak of a National Child Protection System in Zambia as there is not one coordinated programme of action. However, there are a number of systems and policies in place that govern child protection issues, and there is a National Child Policy (2006) of the Ministry of Sport, Youth and Child Development.

Status of the essential child protection components

Child protection laws and policies compliant with the UN Convention on the Rights of the Child

Zambia has signed and ratified many of the key international and regional instruments, such as the UN Convention on the Rights of the Child (UNCRC) in 1991 and the African Charter on the Rights and Welfare of the Child (ACRWC) in 2008. However, there are gaps in the domestication of these instruments into national law. The 1991 Constitution of Zambia entrenched some of the basic rights for children, and protected children from neglect, cruelty and exploitation. However, the 1996 Constitution did not include socio-economic rights and the rights of women and children in the Bill of Rights. Stakeholders are now awaiting the adoption of the latest draft Constitution, which will hopefully have greater alignment with international obligations. Laws are outdated and legislation on children is not harmonized. The Zambia Law Development Commission has made recommendations to the Ministry of Justice, who are now drafting new legislation. There are critical chasms

between national law and customary law. Of primary concern are: early marriage, corporal punishment and child labour. A policy on Child Labour has been developed but not yet adopted. The National Child Policy 2006 has a section on the protection of children's rights in general and the Action Plan for the National Child Policy will be implemented in 2010, which includes provisions for monitoring and evaluation.

Recommendations:

- Amend the Constitution to enforce gender equality, enshrine the rights of children and outlaw discrimination on the basis of age. (Zambian Law Development Commission and Ministries of Community Development and Sport, Youth and Child Development)
- Implement the strategies contained in the National Child Policy on law reform. (Ministry of Sport, Youth and Child Development, Ministry of Community Development and Social Services, Ministry of Education, Department of Home Affairs, Department of Labour and Social Security and the Judiciary)
- Prohibit, corporal punishment in all its forms, and review the Juvenile Justice Act, 1956. (Civil Society Organizations, Zambia Law Development Commission and Ministry of Sport, Youth and Child Development, Ministry of Community Development and Social Services)
- Develop a platform for regular dialogue, debate and education around traditional practices and customs as a first step towards harmonizing customary law with national law. (Zambia Law Development Commission)
- Officially launch the Child Labour Policy. (Ministry of Labour and Social Security)
- Develop a policy that governs the implementation of Child Friendly Courts by the Child Justice Forum. (Department of Justice)

Meaningful coordination across government and between sectors at different levels

Strategies for the coordination of various aspects of a National Child Protection System are in place, but since there is no harmonized legislation as yet, coordination mechanisms remain fragmented. The Ministry of Sport, Youth and Child Development is the lead department for the coordination of the National Child Policy. However, since it is not represented in all the provinces and not in any district, the Ministry of Community Development and Social Services, who is present in all the districts and provinces, coordinates on their behalf at these levels. This sometimes results in role confusion. There are some good examples of horizontal coordinating mechanisms such as the Child Law Reform Advisory Committee and the Sector Advisory Groups. There is a Sector Advisory Group for Social Protection, but not specifically for Child Protection. Civil Society Organizations are included in these coordinating mechanisms.

Recommendations:

- Improve understanding of and put in place vertical coordination mechanisms. (Ministry of Sport Youth and Child Development as the coordinator of the National Child Policy and Civil Society Organizations)
- Accelerate implementation of the Zambia Council for the Child. (Ministry of Sport Youth and Child Development)
- Establish physical presence in all provinces for effective coordination of the National Child Policy. (Ministry of Sport Youth and Child Development)

Knowledge and data on child protection issues and good practices

The National Child Policy outlines the research that should form part of a national research agenda, but it is not comprehensive in terms of child protection issues. There is no centralized information management system on child protection issues. Zambia is behind on its reporting to the UN Convention on the Rights of the Child and the African Committee of Experts on the Rights and Welfare of the Child. A number of Civil Society Organizations and the Zambian Human Rights Commission have produced research reports on various ad hoc child protection matters. There is a lack of disaggregated data (urban / rural; gender; age of children) and data from the Statistical Office is viewed as outdated and unreliable.

Recommendations:

- Expand the National Research Agenda to include child protection issues. (Ministry of Sport Youth and Child Development in consultation with other relevant Departments and Ministries)
- Establish a national data base and data collection system on child protection. (Ministry of Community Development and Social Services and Ministry of Sport Youth and Child Development in collaboration with Ministry of Justice and Ministry of Home Affairs)
- Speed up the process of reporting to the UN Committee on the Rights of the Child and African Committee of Experts on the Rights and Welfare of the Child. (Ministry of Justice)
- Ensure the next census 2010 and upcoming demographic surveys provide disaggregated data. (Central Statistical Office)

Regulations, minimum standards and oversight

Some mechanisms for regulation, minimum standards and oversight does exist. There is an independent Human Rights Commission and a Portfolio Committee for Children in Parliament. There are minimum standards pertaining to the welfare of children that govern child care facilities, adoption and care and protection of orphans and vulnerable children. All child care service providers must be registered. Although the Ministry of Community Development and Social Services is supposed to regulate child welfare through an inspection system, it is hindered by a number of aspects including insufficient resources to carry out regular and frequent inspections (social workers and transport); and inspections are not systematic as there are no monitoring tools for this purpose.

Recommendation:

- Ensure sufficient resources and systems for regular quality inspections and a pro-active system of regulation and oversight. (Ministry of Sport Youth and Child Development, Ministry of Community Development and Social Services and Ministry of Finance and National Planning)

Preventative and responsive services

There are a range of services for the welfare and protection of children offered in Zambia by the Government and NGO sector, the latter providing most of the services. The Government has introduced two main social protection welfare measures, namely the Public Welfare Assistance Scheme and the Social Cash Transfer Scheme. A data base of services is being developed. However, there are not enough preventive services and the system tends to be mostly responsive.

Government is understaffed, inhibiting their ability to respond adequately, let alone to focus on prevention. There is also a limited number of child friendly courts; insufficient specialized skills in the police Child Protection Unit; inadequate provision of counseling, rehabilitation and reintegration services by the Government and other role players; and services tend to be concentrated in the urban areas. Traditional leaders are not formally linked into any child protection mechanisms, except where they are members of the child protection committees (established in a few districts only), which are linked into the system. Poor birth registration also prevents people from accessing welfare services.

Recommendations

- An audit of child preventive and response services is needed to establish whether there are sufficient resources in the country to deal with current and future demands, and to identify specific gaps in national child protection services. (Ministry of Community Development and Social Services and Ministry of Sport Youth and Child Development supported by CSOs)
- Extensive measures to prevent neglect and abuse at family and community level need to be introduced, including information on alternatives to corporal punishment, and this is an area for further research and action. (Ministry of Community Development and Social Services and Ministry of Sport Youth and Child Development in cooperation and consultation with Civil Society Organizations, Traditional Leaders and Religious leaders)
- Improve reach of birth registrations and other identity documentation. (Ministry of Home Affairs, Traditional Leaders and CSOs)

A skilled child protection work force

Training in child protection matters seems to have intensified over the last few years, and there are reported improvements in the way cases of violence against children are being handled as well as the time it takes to finalize cases involving children. There are however staff shortages in all areas related to child protection. The NGO sector relies on volunteers to deliver many services due to insufficient funds. Training is uncoordinated and often ad-hoc. Implementation of children's services is difficult because the environments in which these people work (such as the courts and police stations) are not child friendly.

Recommendations

Define clearly the job classifications in child protection, and ensure that these are governed by minimum standards or a code of ethics. (Respective ministries involved in child protection, possibly coordinated by the Ministry of Community Development and Social services)

Establish a career path or career / training matrix for child protection workers in different government ministries and in civil society organizations, combined with a matrix of qualifications, skills, minimum standards and possible training providers. (NGOs could advocate to relevant Government Ministries and Departments for a summit that will come up with this matrix)

Adequate budget allocation

The budget allocation to child protection is the smallest of all allocations related to children (the largest being education, and then in descending order, health, housing and community amenities,

social protection, recreation and culture). There is no clarity with regards to specific budget allocation towards child protection issues across government departments. Programmes for advancing the rights of children are severely under-funded; departments often do not receive all the funds that are allocated to them. There are a number of international agencies willing to fund child protection work, and currently much of the funding already comes from foreign sources.

Recommendations

- Allocations to child protection should be prioritized and should be itemized in the budget to enable improved tracking. (relevant Government Ministries and the Ministry of Finance and National Planning)

Children's voices and participation

In traditional Zambian culture, the role of children is to be passive and subservient participants in the world of adults. The Government has, however, made written commitments to children's participation in the National Child Policy, for instance. Generally though, there are limited government mechanisms for regular and meaningful consultation with children. The Ministry of Education is supporting the establishment of child rights clubs and school councils. On a day to day programming level, children's voices are mainly expressed through NGOs that represent their interests, and some of these have direct participation mechanisms, others speak on behalf of children. There is increasing recognition of the importance of children's rights and participation in programming.

Recommendations

- Actively engage with children in all aspects of the national child protection system, taking into account article 12 (on child participation) of the UN Convention on the Rights of the Child. Develop strategies and mechanisms at national, provincial and district level to ensure meaningful and mandatory involvement and participation of children at all levels. (Ministry of Sport, Youth and Child Development and Ministry of Community Development and Social Services)
- Enhance child participation in school governance through "Childs Rights Clubs" and School Councils. (Ministry of Education, UNICEF in collaboration with Civil Society Organizations)
- Scale up Community Child Rights Groups as part of the rural community based child protection structures. (Civil Society Organizations, Ministry of Sport, Youth and Child Development and Ministry of Community Development and Social Services, Ministry of Community Development and Social Services, Ministry of Home Affairs, Ministry of Labour, Ministry of Education, the District Commissioner's office, the Local Authority and Commission for Refugees)

An aware and supportive public

Knowledge and acceptance of children's rights is not widespread, particularly in more traditional communities. Both traditional and religious leaders could play an important role in challenging some of the practices which are justified under the guise of 'culture' or 'doctrine' and they are also well-positioned to strengthen child rights values and responsibilities. Government does cooperate with civil society around child rights campaigns, yet information and awareness activities tend to focus on campaign days and are not ongoing. The Media Network on Childs Rights and Development is advancing the cause in the media.

Recommendations

- Build on the work that is being done by various NGOs on awareness raising and changing of attitudes and perceptions on issues of child abuse. (Ministry of Sport Youth and Child Development , Ministry of Community Development and Social Services and CSOs)
- Government should develop a platform for regular dialogue, debate and education around traditional practices and customs as a first step towards harmonizing customary law with national law. (Ministry of Community Development and Social Services, CSOs and Traditional and Religious Leaders)
- Religious and traditional leaders at community level should be sensitized on child protection in order to increase the prevention of violence, abuse, neglect and exploitation of children at community level. (Ministry of Sport Youth and Child Development, Ministry of Community Development and Social Services and CSOs)

Conclusion

The development of a National Child Protection System is still in the early stages in Zambia. The National Plan of Action under the National Child Policy of 2006 which contains elements related to child protection is only being piloted in 2010. The new proposed Constitution is still in draft form and it should bring the current Constitution (1991) more in line with the UN Convention on the Rights of the Child. There are still gaps in domestic legislation and a chasm between human rights informed legislation and customary laws and practices. The Zambia Council for the Child is in the process of being established and should improve coordination on child protection issues. A more expansive national research agenda needs to be outlined. Improvements in the centralization of data will help with the management and monitoring of the protection of children. Greater resources need to be focused on regulations, minimum standards and oversight, as these are mainly reactive. Prevention efforts need to be enhanced, as again the systems currently in place are mainly responsive. The child protection workforce will benefit from greater professionalization, as training is often uncoordinated and career paths are not clear. It is impossible to track budget allocated to child protection specifically, and programmes advancing the rights of children are underfunded. Traditionally Zambian children are viewed as passive participants in the world of adults, however, there are efforts to increase children's participation, particularly those supported by the Ministry of Education in the Child Rights Clubs and Student Councils. Ultimately, there is progress towards improving the rights of children in Government intention, yet the gap between intention and practice is still large, with rural areas predominantly adhering to customary practices under the guidance of conservative traditional leaders who still need to be brought on board with regards to the UN Convention on the Rights of the Child.

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way the world treats children, and to achieve
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