



Human Rights Commission

Rights of the Child



Save the
Children



Sweden
Sverige

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Foreword

The Human Rights Commission (HRC/Commission) is an independent National Human Rights Institution (NHRI) which has a broad mandate to promote and protect human rights in Zambia. The Commission is mandated under Article 230 of the Constitution, Chapter 1 of the Laws of Zambia, to investigate and take steps to redress human rights violations, carry out research and conduct civic education on human rights, among other things. Further the Commission is empowered by Sections 9 and 10 of the Human Rights Commission Act, Chapter 48 of the Laws of Zambia, to monitor correctional facilities and other places of detention with a view to assessing and inspecting conditions of the persons held in such places and make recommendations to redress existing problems.

In line with its constitutional and statutory mandate, the Commission undertakes various activities aimed at monitoring, promoting and protecting children's rights, including investigations, awareness-raising, research and recommending legislative reforms.

This booklet has been developed as part of the Commission's efforts to create awareness on children's rights. It is particularly aimed at making children know their rights so that they are able to enjoy them. The rights of the child referred to in this booklet are not exhaustive, but only examples of some of the rights guaranteed by the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, to which Zambia is a state party. Each of the rights presented in this booklet are illustrated with cartoon images of scenarios of what they mean in reality.

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Sindiso Ngatsha Sichone

Executive Director

Definition of a Child

The United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child define a child as any person below 18 years.

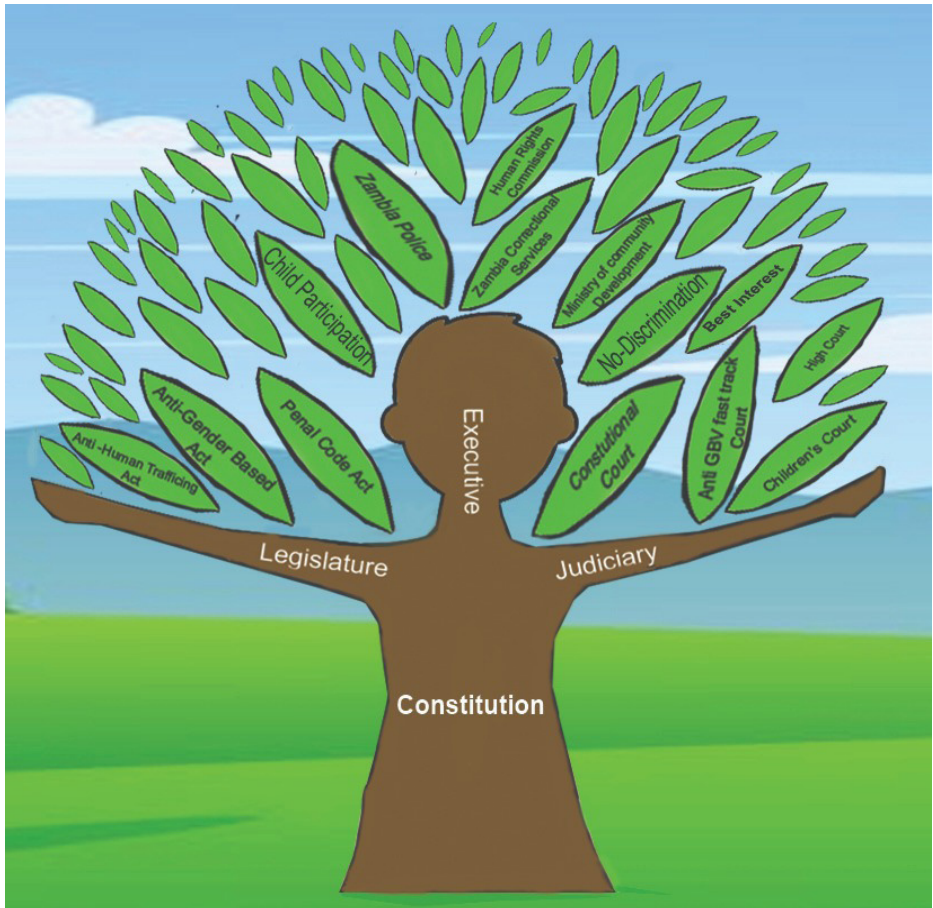
The Zambian Constitution defines a child as a person who has attained, or is below 18 years.



Children have Rights

A child is a human being. Like all human beings, children are born with rights no matter who they are, how they look, where they live, whether they have parents or not and regardless of the circumstances of their parents.

These rights are set out in the Convention on the Rights of the Child as well as the African Charter on the Rights and Welfare of the Child. In Zambia, the Constitution and many other pieces of legislation protect children against violation or abuse of their rights.



Children's Rights and Responsibilities

Children have rights and responsibilities. Many people have misunderstood the rights of children believing that they have caused indiscipline amongst children. However, it is important to note that to every right that children have, there is a corresponding responsibility. For example, to enjoy the right to education, the child has a responsibility to attend school, and respect teachers as well as the rights of other learners. To enjoy the right to health, the child has a responsibility to maintain good hygiene and refrain from illicit activities such as alcohol and drug abuse.

Disregarding lawful parental guidance and counseling as well as school rules and regulations are not part of promoting the child's rights, but indiscipline. However, children have a right to protection against torture and other cruel, inhuman or degrading treatment, punishment or neglect during the course of disciplining them.



Right to Identity

Every child has a right to be registered when he or she is born. It is the responsibility of parents or guardians to register the birth of a child at the Department of National Registration, Passport and Citizenship under the Ministry of Home Affairs and Internal security. A birth certificate is issued as an official identity document of a child who is registered and is very important as it helps the child to enjoy other rights as well as protection against abuse or violation.

No child shall be declared stateless. A child found in Zambia who is, or appears to be, of not more than 8 years of age and whose nationality and that of the parents are not known shall be presumed to be citizen by birth.



Non-discrimination

No child should be deprived of their rights or treated differently because all children deserve the best care and must be protected from anything that is harmful. It is prohibited to discriminate a child on the basis of their sex, birth, disability, race, colour, nationality, language, beliefs, opinions, or other status.



Best Interests of the Child

Whenever decisions are to be made that are likely to affect a child or children, it is required that the best interests of the child should always be considered. This means that anyone who makes decisions on matters concerning children must act in the child's best interest.



Divorce

It has happened. I just have to move on. I will marry Jane and start afresh.

I can't stay with my mum. I have to find something to do. Yes! When that house is sold, I'll be going to China, buy things and sell here.

Where are we going?

I don't know



Child Participation

Every child has the right to participate in all matters affecting his or her wellbeing. It is essential that a child is given an opportunity to be heard and the child's views are seriously considered in decision-making taking into account a child's evolving capacity.



Right to Education

Every child has the right to education. Primary education should be compulsory and free for all children. Children should be empowered through education to develop their personality and abilities; to understand human rights; to respect their parents and culture; and to respect other people's rights and cultures.

The government is offering free education up to grade 12 to ensure that every child has access to education.

The government is also addressing issues that affect the girl child's education, such as child marriages and menstrual hygiene and implementing school re-entry policy and the keeping girls in school programme, among other measures.



Right to a Healthy Environment

Children have the right to a clean, healthy and sustainable environment. They also have the right to protection from the harmful effects of environmental damage or degradation, which impact on their enjoyment of other rights such as the rights to life, survival and development; food, water and health; an adequate standard of living; leisure and culture.

It is everyone's responsibility to act now to stop or control the activities causing harm to our environment.



Safeguarding Children's Rights Online

Children have the right to access information through various media including the internet and social media platforms. However, the use of the internet comes with dangers where children can be exploited and abused online. Therefore parents and guardians have the responsibility to make sure that children are accessing information that is not harmful to them as they go about browsing the internet and using social media.



Children in Conflict with the Law

Children who break the law must be treated fairly with respect for their dignity. The detention of a child who has come in conflict with the law must always be a measure of last resort. Where a decision has been made to detain a child, he or she shall be detained separately from adults unless it is in the best interest of the child not to do so.



Child Trafficking



The recruitment, transportation, transfer, harbouring or receipt of a child for purposes of exploiting the child is prohibited.

Zambia is considered as a source, transit and destination for human trafficking.

Children are most at risk of being trafficked because they are vulnerable, and they are usually trafficked for purposes such as cheap labour, prostitution, sexual exploitation and harvesting of human body parts.

Child victims of trafficking are abused in many ways and deprived of their human rights including the rights to life liberty and Protection from inhuman or degrading treatment and forced labour.

Trafficking a child is an offence in Zambia and the convicted trafficker gets a minimum sentence of 25 years prescribed under section 3(2) of the Anti-Human Trafficking Act No. 11 of 2008.

What is Safe?

What is unsafe?



Sharing Personal details online endangers the safety and privacy of a child ❌

Sharing Educational information is safe for children ✅

For more details on rights of the child or reporting child rights violations and abuses contact:

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**Call or SMS the Human Rights
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Building A Sustainable Culture of Human Rights Together


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