



Human Rights Commission

Rights of the Child



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Table of Contents

Foreword.2

Definition of a Child.....3

Children have Rights.....4

Children’s Rights and Responsibilities.....5

Right to Identity.....6

Non-discrimination.....7

Best Interests of the Child.....8

Child Participation.9

Right to Education.....10

Right to a Healthy Environment.....11

Safeguarding Children’s Rights Online.12

Children in Conflict with the Law13

Child Trafficking.....14

Foreword

The Human Rights Commission (HRC) is an independent National Human Rights Institution established under Article 230 of the Constitution of Zambia (Amendment) Act, No. 2 of 2016. The HRC is mandated to promote and protect human rights and fundamental freedoms, including the rights of children. In carrying out this mandate, the HRC investigates alleged human rights violations and abuse, conducts public education and awareness programmes, undertakes research, monitors compliance with human rights standards and advocates for legal and policy reforms to strengthen the protection of human rights in Zambia.

Children are entitled to all human rights by virtue of being human. They have the right to survival, development, protection, participation and non-discrimination. Because children are among the most vulnerable members of society, they require special care and protection to ensure they grow up in safe, supportive and nurturing environments where they can realise their full potential.

The HRC therefore plays a vital role in promoting and protecting children's rights. It receives and investigates complaints of human rights violations affecting children, monitors institutions responsible for their care and protection, raises public awareness on children's rights and works with Government, civil society organisations, communities and other stakeholders to advance the best interests of every child. The HRC also advocates for laws, policies and practices that uphold children's rights in accordance with national, regional and international human rights standards.

This booklet has been developed as part of the HRC's public education programme to increase awareness of children's human rights. It explains some of the key rights guaranteed under the Constitution of Zambia, the Children's Code Act, No. 12 of 2022, the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. Although the rights highlighted in this booklet are not exhaustive, they provide an introduction to the fundamental rights and protections that every child is entitled to enjoy. It is my hope that this booklet will empower children to know and claim their rights, while encouraging parents, guardians, teachers, communities and all duty bearers to respect, protect and fulfill those rights. By working together, we can build a society in which every child is valued, protected and given the opportunity to thrive.

Mbololwa Wamunyima (Ms.)
DIRECTOR-GENERAL
HUMAN RIGHTS COMMISSION

Definition of a Child

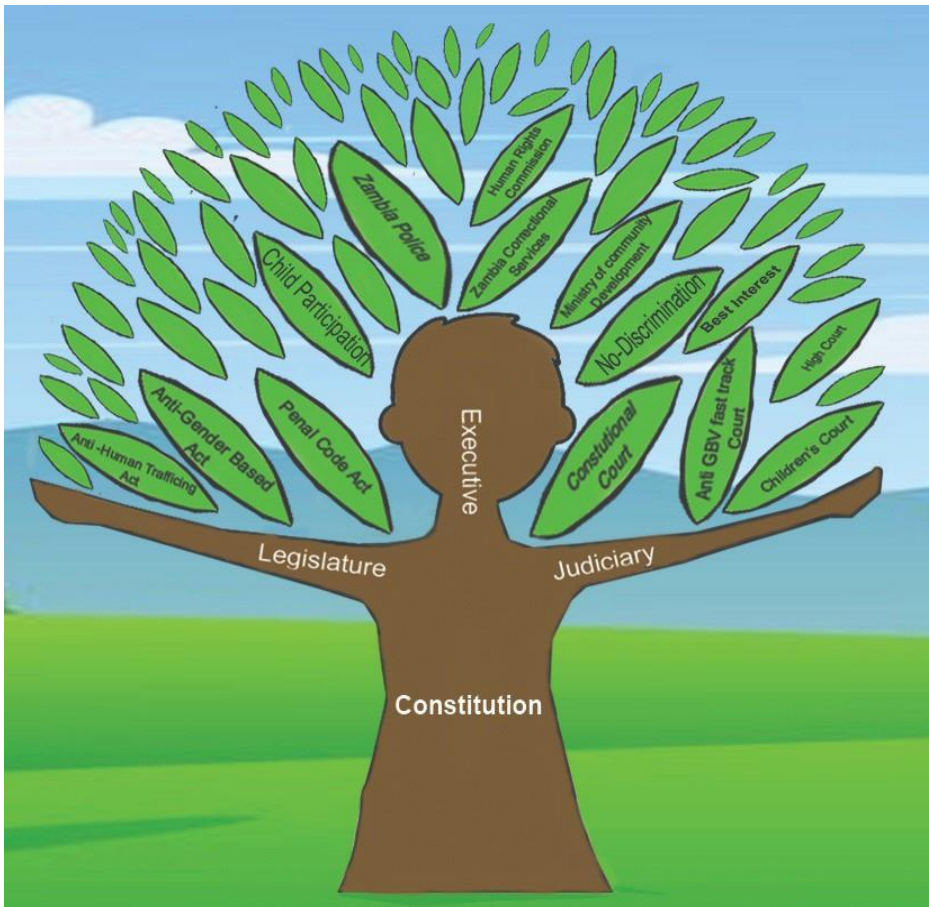
The United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and the Constitution of Zambia define a child as any person below 18 years.



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 and their birth.

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 the Children's Code Act protect children against violation or abuse of their rights.



Children's Rights and Responsibilities

Children have rights and responsibilities. Some 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 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 or punishment (corporal punishment) or neglect during the course of disciplining them.



Right to Identity

Every child from birth has a right to a name and nationality, to be registered when he or she is born. It is the responsibility of parents or guardians to register the birth of a child, in accordance with the Births and Deaths Registration Act, 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, privileges and benefits as well as protection against abuse or violation such as human trafficking.

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.

A child has a right to establish who his or her biological parents are, where practicable, if it is in the best interest of the child.



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 or punish a child on the basis of their sex, birth, disability, health, pregnancy, ethnic or social origin, race, colour, nationality, language, political or other opinion, conscience, beliefs, tribe, property, economic, or other status.



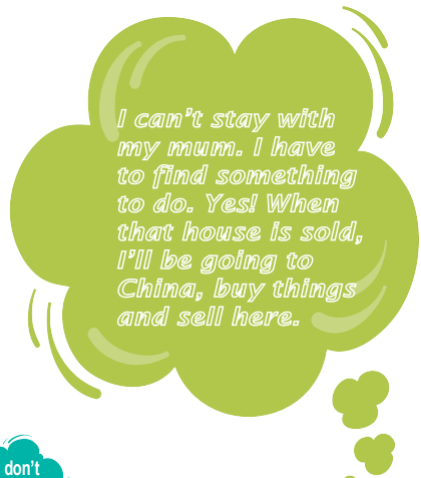
Best Interests of the Child

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 such as the safety, health, education, development, family care, special needs and identity of the child necessary for their well-being.

A child who is capable of forming his or her own views shall be given an opportunity to express those views freely in all matters affecting the child and the views of the child shall be given due weight in accordance with the age and maturity of the child.



Divorce



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.



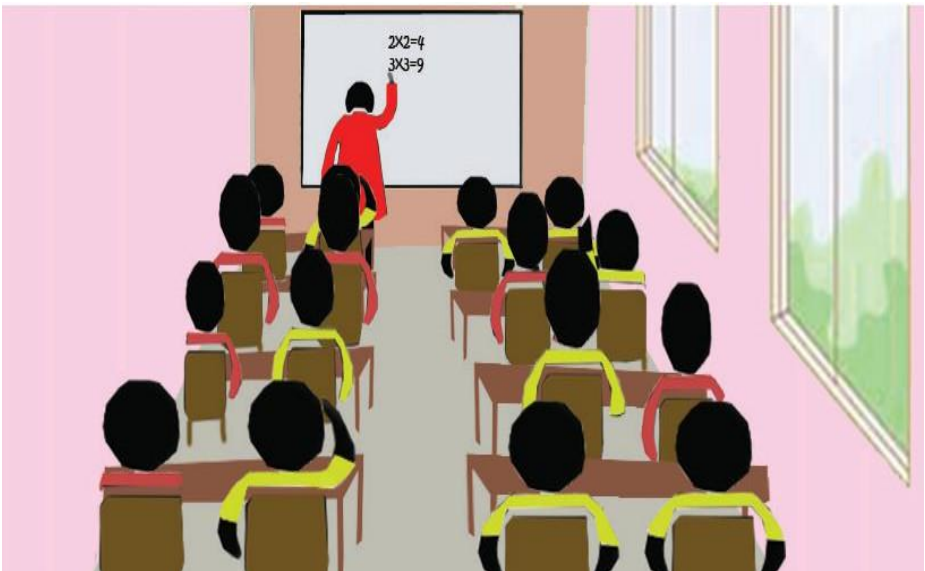
Right to Education

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.

Pupils have the responsibility to respect teachers, school rules and regulations and the rights of others.



Right to a Healthy Environment

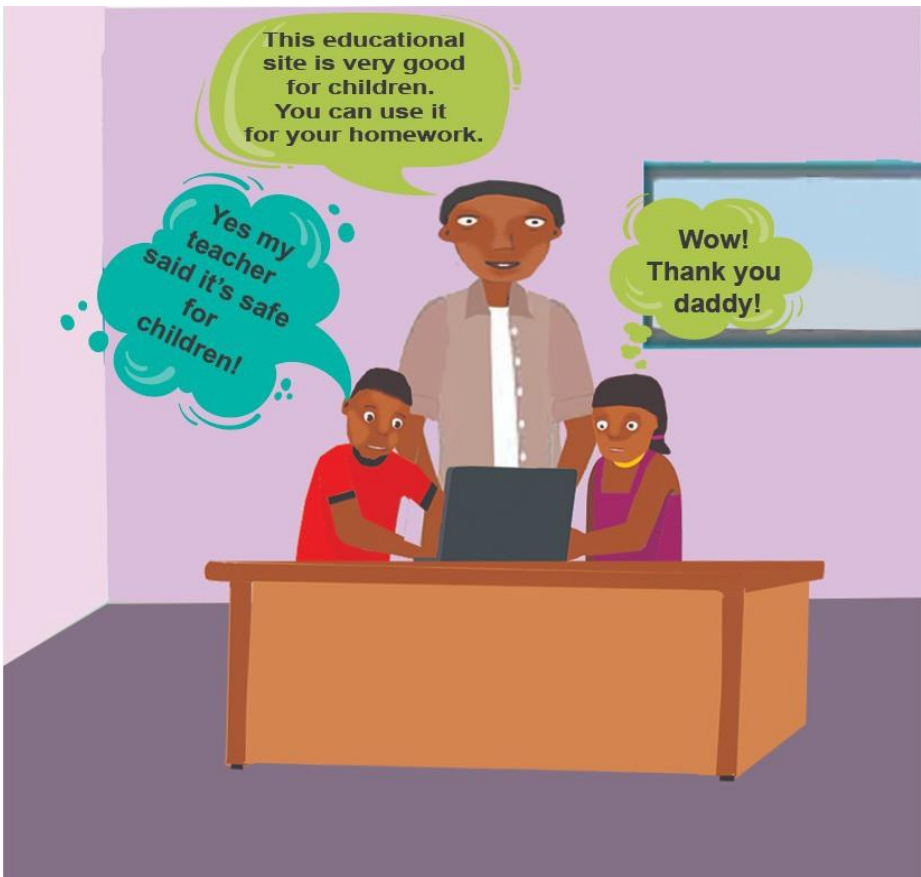
Children have the right to a clean, healthy and sustainable environment. They also have the right to protection from the harmful effects of environmental damage or degradation, which impact on their enjoyment of other rights such as the rights to life, survival and development; food, water and health;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



Diversion shall be applied as a measure of first resort for all children that come in contact with the law. Diversion is the handling of cases for children alleged to have committed an offence away from the criminal justice system. Section 58 of the Children's Code Act outlines diversion options and factors to be considered when determining the appropriate diversion measure. Options include an informal reprimand by a law enforcement officer, family group conferencing, mediation and restitution. The factors include, the nature and circumstances of the offence, the degree of harm caused by the child, the culpability of the child, the extent of the child's involvement in the offence and the child's age and developmental needs. Section 59 of Children's Act outlines the conditions for diversion.

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, harvesting of human body parts and drugs.

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 or punishment and forced labour.

Trafficking a child is an offence in Zambia and the convicted trafficker may be liable to imprisonment for a term of not less than thirty years and may be liable to imprisonment for life as prescribed under section 3 A(1) of the Anti-Human Trafficking Act, No. 16 of 2022.

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 ✓



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