

NGO REPORT
UNIVERSAL PERIODIC REVIEW

REPUBLIC OF ZAMBIA



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Table of Content

A. The Right To Education

- Primary Education
- Provision of Basic Education: Community Schools
- Skills Education

B. Need to Strengthening the Response to HIV and AIDS With Regard to the Children

- Recommendations

C. The right of the child: Street Children Issue

- Recommendations

D. Natural Resources and Local Development

- Recommendations

1. Franciscans International and Edmund Rice International would like to bring to the attention of the UPR Mechanism some human rights issues of concern to our three organizations. May we urge the review to pay due attention to the following:

A. The Right To Education

2. Zambia has made considerable progress in promoting and implementing the right to education as set out in the *Universal Declaration of Human Rights*, Article 26, and in the *Convention on the Rights of the Child*, Article 28 (a) for its school-age population at primary school level. According to UNESCO data for 2005, some 93% of girls and 91% of boys are in primary school. At the same time, however, only 83% of children complete a full course of primary school (UNESCO Institute for Statistics).

3. With regard to the International Covenant on Economic, Social and Cultural Rights (1966) ratified by Zambia, Article 13, and bearing in mind the General Comments on its implementation, it is relevant to recall that States Parties are charged with ensuring that “the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents” (General Comment No. 13, E/C.12/1999/10).

4. Considering the paramount importance of the right to education, during the review, particular attention needs to be given to the three following aspects:

a. Primary Education

5. Our organizations are aware that the Education Bill is currently before the Parliament and would like to call for social partners, including faith-based and other civil society organizations in the consultation process. Recommendations, observations and comments have been formulated by the Education Secretaries Forum from the Council of Churches (CCZ), the Evangelical Fellowship of Zambia (EFZ) and the Zambia Episcopal Conference (ZEC). Our organization urges the Review to dedicate specific debate on the following issues:

- **Coordination and strengthening of national efforts to ensure that rates of completion for primary school exceed the current (2005) level of 83%;**
- **Schools that have been upgraded to the status of upper basic schools are faced with many challenges including inadequate infrastructure to deliver programmes and curricula;**
- **Ensure that teachers trained to teach the curriculum for Grades 8 and 9 be made available through the expansion of the teacher education service ;**
- **Develop a strategic platform that supports the partnership for a permanent and genuine dialogue with all actors involved in the education system regarding policy development on schools and teacher recruitment for qualitative education in Zambia;**
- **Provide expanded access to good quality education and training.**

b. Provision of Basic Education: Community Schools

6. The participation of private community initiatives, including faith-based organizations, in the provision of basic education, especially in poorer urban and some rural areas has been significant. Government support for these initiatives has been erratic and the schools in question are virtually totally reliant on private donor funding from Churches and NGOs. Such schools cater to the most vulnerable in Zambian society. They are, as the Government of Zambia clearly appreciates, an essential and integral dimension of the expansion and effectiveness of the right to education in the most under-privileged regions in Zambia.

7. Our organisations urge the Government of Zambia to effectively implicate the policy enunciated in its Education Our Future document to “contribute to the running costs of such schools, through the provision of teachers and teaching supplies or through a system of capitation”.

c. Skills Education

8. Zambia has enjoyed strong economic growth in recent years and is currently at 5.5%. While still below the Sub-Saharan Africa average of 6.1%, the sustained growth has the potential to make a contribution to poverty reduction in Zambia, in particular the full realisation of the right to education. General Comment No. 13 on Article 13 of the International Covenant on Economic, Social and Cultural Rights recommends that technical and vocation be provided that enables “students to acquire knowledge and skills which contribute to their personal development, self-reliance and employability and enhances the productivity of their families and communities” (General Comment No. 13, E/C.12/1999/10).

- **Sue to the contribution of the various Skills Training Centres set up by various civil society organisations, including faith-based organizations; our organisations recommend that all government impediments and disincentives to the development of technical and vocational skills Zambia be removed;**
- **We further recommend that such institutions be exempt from rates imposed by the Local Councils¹. Such rates, along with user fees, are an unnecessary burden on an important sector of Zambian education. They only serve to inhibit the promotion of the right to education for vulnerable Zambian children.**

B. Need to Strengthen the Response to HIV and AIDS with regard to Children

9. Of the estimated population of 12,000,000 in Zambia, 1.2 million are HIV infected, of which 1.1 million are 15 years old, 610 000 under 15 years old and 250 000 children under 15 years. (UNAIDS 2006 Global Report).

10. Many factors contribute to the prevalence of HIV in children. Indeed, there is a high burden and a high prevalence of infection in women of childbearing age.

¹ In this regard, we particularly regret the fact that Kafue Local Council sent in a bailiff to remove a vehicle and computers from St. Ambrose Skills Training Centre.

In addition, the limited coverage of prevention of mother-to-child transmission interventions worsens the infection situation of the children.

11. As a result of the high rates of HIV and AIDS infection, the number of orphans has also increased. In 2005, there were 1,197,867 orphans in Zambia (SOURCE??) and this number is expected to escalate to 1,328,000 by 2010, if the present trend continues. Furthermore, over 50% of HIV-infected children who do not receive treatment die by the age of two, while 75% die by the time they are five. Due to the increasing orphanhood, children heading households has become an issue of deep concern. Children in such situations are extremely vulnerable and poor, regardless income.

12. Moreover, extreme poverty leads to withdrawal from school, lack of access to adequate health care and social services, as well as hinders the rights of the children as a whole. The risks of child trafficking, child abuse and exploitation are very real. Girl children, who already fall victim to traditional reluctances in terms of access to education, are increasingly supporting the burden of heading households.

13. In addition, the number of orphans created by HIV and AIDS in Zambia has put grandparents in a peculiar role. They become new parents. More than 33% of orphans live with grandparents. Due to their age and their declining capacities, families of this kind face several problems, including caring for growing children and looking after a larger number of children without adequate resources. Grandparents are the largest group of Orphans and Vulnerable Children (OVC) caregivers, followed by other relatives. Most of time, the extended families are overwhelmed.

14. In 2003, the Committee on the rights of the child (CRC) stated that it « remains extremely concerned at the high incidence and increasing prevalence of HIV/AIDS amongst adults and children and the resulting high and increasing number of children orphaned by HIV/AIDS. In this regard, the Committee is concerned at the insufficiency of alternative care for these children.» (CRC/C/15/Add.206, 2 July 2003 §50).

15. Furthermore, the situation is leading to the street children phenomenon.

16. Considering the major impact that this disease has on the full enjoyment of human rights, including the right to life and the right to health in Zambia, especially by children, the response of the government to HIV and AIDS should be specifically addressed during the UPR. Franciscans International and Edmund Rice International recommend the Human Right Council to:

- **Specific national programme matched with a national action plan to effectively address the problem of:**
 - **Orphan Vulnerable Children (OVC);**
 - **Grandparents heading households composed with poor orphan vulnerable children;**
 - **Poor households struggling to provide care for orphans on much wider scale than at present;**
- **Comprehensive programmes to meet the needs of children without adult caregivers;**

- **Increased support and coordination among community-based associations, faith-based organizations, NGOs and other civil society organisations to improve their contribution to tackling the disease and its consequences on children;**
- **Integration of HIV and AIDS services into other child health services;**
- **Identification of HIV infected children;**
- **Expansion of prevention of mother-to-child transmission of HIV services;**
- **Transparency in management of resources devoted to the combat against HIV and AIDS**

A. The rights of the child: Street Children Issue

17. According to UNICEF, 1600 to 2200 children in Zambia sleep permanently on the streets, with 500 to 550 in Lusaka, the capital. An additional 6400 to 8800 children across the nation work on the streets on a daily or regular basis, with some ending up there permanently. Surprisingly, some parents (20% to 25%) send their children out to the streets to ask for money. Others end up there due to domestic violence, abuse and death of parents. 25% of children living permanently in the street and 45% of occasional street children have both or at least one parent alive.

18. Their vulnerability exposes them to various risks such as child trafficking, child labor, and abuse, including sexual mistreatment and exploitation. Boys may engage in criminal activities, offences and infringements. As for the girls, sexual assault remains a serious threat. Little or no access to education, especially a lack of education on the HIV and AIDS pandemic, combined with no access to social services (CRC/C/15/Add.206, 2 July 2003), is feeding the street children phenomenon. The phenomenon remains a serious issue of concern to the Franciscan Family of Zambia, who provide support, care and treatment to several children, including street children.

19. In 2003, the Committee on the Rights of the Child (CRC) expressed "grave concern at the high and increasing number of street children" and formulated serious recommendations² in this regard. (CRC/C/15/Add.206, 2 July 2003, § 68).

² The Committee recommends that the State party:

(a) Undertake a study to assess the scope and the causes of and consider establishing a comprehensive strategy to address the high and increasing number of street children, with the aim of preventing and reducing this phenomenon;

(b) Ensure that street children are provided with preventive and rehabilitative services for physical, sexual and substance abuse, protection from police brutality and services for reconciliation with their families, and that authors of violence against street children are prosecuted and punished; and

(c) Take all effective measures to ensure that street children are provided with adequate food, clothing, housing, health care and educational opportunities, including vocational and life-skills training, to support their full development.

20. Due to the worrying long-term consequences of the street children phenomenon on families as well as on the development of the country, our organizations urge the Review to specifically dedicate proper attention to the following:

- **Prevention measures to ensure that, at the family and school level, children will not be attracted by the false promises offered by the street;**
- **Participation of street and non-street children in the prevention strategies as an added value in ensuring that their voice and messages are heard;**
- **Participation of families, community-based associations, traditional and Church leaders;**
- **Empowerment of families to increase their support to children for an effective access to social services, including health care, information about government relevant assistance to families;**
- **Educational programmes to facilitate personal and collective empowerment;**
- **Networking and institutional cooperation to strengthen the response to the problem.**

B. Natural Resources Exploitation and Impact on Human Rights Enjoyment

21. The northern part of Zambia, aptly called the "Copperbelt", is one of the world's largest sources of copper ore. Between 2005 and 2006, the value of Zambia's copper exports more than doubled, reaching US\$ 2,78 billion. (Alastair Fraser and John Lungu, *For Whom the Windfalls ?, Winners and Losers in the Privatisation of Zambia's Copper Mines*). The Zambia Consolidated Copper Mines (ZCCM) were created in 1982, privatized under the pressure by the World Bank and IMF, and from 1997 to 2000, it was split into seven different units and sold off. Throughout this time, Zambians, particularly those living in the Copperbelt, were hopeful that their living conditions would be improved by the investment in the development of the region. Their dream did not come true, and furthermore, the rapid privatization process (1997-2000) has caused further detriment to the population.

22. Privatisation drastically deepened the pre-existing poverty of the Copperbelt inhabitants. Despite the fact that miners, who had no real attachment to the rural farming lifestyle, were fully committed to their work; the new investors refused to pay pensions. Without pension in their older age, it is impossible for the miners to send their children to school and to take care of their families. In addition, there is no increase in employment. The unemployment rate in Copperbelt still sits at 22% whilst it 6% at the national level.

23. Moreover, the social dynamic set up by ZMMC has completely collapsed under the new regime. Health care, education, housing and other social services, including HIV and AIDS, as well as malaria awareness raising and prevention programmes were dismantled. The impact of the liberal regime imposed by the privatisation is tremendous: by 2004, ¼ of all deaths in the Copperbelt were

linked to malaria. HIV and AIDS prevalence in the Copperbelt is much higher than the national rate and parents face serious difficulties in affording their children and education.

24. The transfer of the ZMMC to private investors was concluded under the so-called "Development Agreements" that, for a long time, were hidden to civil society organisations. Environmental concerns are barely integrated in the deal. It is difficult if not impossible to revise the agreements, so the companies can continue the exploitation without making any contributions to local development.

25. The Review should address the issue of natural resources in relation with human rights on the following aspects:

- **Triennial revision of the so called "Development Agreements";**
- **Reporting obligation of the companies exploiting the natural resources to end the culture of secrecy. This should lead to publishing all information related to the revenue and taxes to the population;**
- **Integration (in the exploitation agreements) of a significant human rights dimension, especially HIV and AIDS, malaria and tuberculosis programmes, social services such as facilities to education, to health care and to housing;**
- **Integration of environmental concerns in the exploitation process and providing sanctions in case of failure;**
- **Improvement of the living condition of miners, especially concerning their pensions and any other relevant problems that may occur;**
- **Strategic measures to address extreme poverty in Copperbelt region in particular.**