

The child's right to identity in Zambia

Factsheet for the Committee on the Rights of the Child

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1 Creation of identity

- According to the Zambia Demographic and Health Survey (2018), only 14.2% of children under the age of five have registered births, with 6.6% having birth certificates.¹
- The Birth and Death Registration Act (1973) regulates the registration of all births and deaths in Zambia without distinction of origin or descent. There are 615 registration offices: 75 in urban centres and 540 in the districts in rural areas. Even if all persons born after 14 March 1973 have to be registered at birth, this provision has not been strictly enforced.²
- As part of ongoing reforms, the Department of National Registration, Passport and Citizenship (DNRPC) introduced a service that transports birth certificates produced in the capital back to the districts and distributes them to persons who ask to register a vital event. The certification part of the registration process is also being transferred to the provincial level.³ Parents can initiate birth registration at the health facility where the child was born (if the facility provides such services) or at the DNRPC office in their district. Parents, relatives, caregivers, foster parents or institutions and government department responsible for child welfare can register a birth; there is a penalty for late registration, but it is not enforced.⁴ However, it appears that many children are still born at home and that parts of the country are not yet connected to health facilities that can record births.
- Furthermore, according to a local contact, it appears that issues of identity arise, for example, when collecting passports, as an affidavit is sufficient because it has been recognised that even in urban areas, some persons still do not have birth certificates. In this regard, it is also worth mentioning that it appears that it is not necessary to possess a birth certificate to get a national identity card at the age of 16; here again, a declaration by the guardian appears to be sufficient and is actual practice. In addition, on the national identity documentation, the most pronounced feature is the child's father's village and surname and the date of birth is often an approximation of reality.
- Thus, even though birth registration is necessary for identification, inheritance, social assistance, in practice, national IDs are issued based on affidavits in the absence of a birth certificate and can be used to obtain social assistance and inheritance.⁵

- Zambia Health and Home Affairs Ministries signed an Memorandum of Understanding in 2019 aimed at improving birth registration in the country, ensuring a cost-effective and twinning of health and birth registration services. "In less than two years, the EU-UNICEF programme saw birth registration coverage almost double in the focus districts, from 68,000 in 2017 to 134,500 in 2019. Birth registration has been successfully decentralized to provincial offices and in the remotest health clinics, the number birth of the registration desks is growing".⁶

- The government has started piloting the new birth to death integrated national registration and information system (INRIS). As the unique identity number will now be issued during birth registration, the demand for birth registration is expected to rise. To achieve this, there is a need for national roll out. "Given that 84% of births in Zambia occur in health facilities, Government also needs to expedite the linking INRIS to the Ministry of Health's SmartCare information system to ensure that birth notifications in health facilities are transmitted electronically to the civil registration office for efficient registration and certification purposes, in line with the MoU signed in 2019".⁷

Potential considerations:

- *How is the State planning to ensure universal birth registration by 2025 through achieving a national roll out and ensuring that all birth notifications in health facilities are transmitted electronically?*
- *The great number of invisible children in Zambia is also due to the lack of information. How will the State inform the public of the importance of birth registration, in particular for at-home births?*

2 Modification of identity

- In 2018, 16.4% children were living with neither parent (11.2% had both parents alive, 3.8% one parent deceased and 1.4% both parents deceased).⁸
- Lack of family support is a concern in Zambia. The number of children in childcare facilities has increased from 4,500 children in 101 childcare facilities in 2005 to 6,413 children in 178 childcare facilities in 2017 and 6,982 in 2021.⁹ "Global research shows 80-90% of children in orphanages have a living parent. Children are placed in orphanages often due to poverty and the inability of families to access basic services such as education or specialized care for children with disabilities".¹⁰

¹ World Vision, « [More than 4,300 children receive birth certificates in Northern Province](#) », 28 July 2021.

² Centre for Excellence for CRVS Systems (2020). [Snapshot of civil registration and vital statistics systems of Zambia](#).

³ *Ibid.*

⁴ UNICEF, [CRVS, Zambia](#).

⁵ *Ibid.*

⁶ Tsitsi Singizi, « [The birth certificate that skipped a whole generation](#) », UNICEF, 15 April 2020.

⁷ UNICEF (2021). [The 2021 Situation Analysis of the status and well-being of children on Zambia](#), UNICEF, 2021.

⁸ Better Care Network, [Country Care Snapshot: Zambia, Children's Living Arrangements](#), 2018.

⁹ UNICEF, Changing The Way We Care and Government of Zambia (2021). [Care Reform in Zambia. A virtual study tour](#).

¹⁰ Government of Zambia et al. [Lessons from the Children in Families Plus \(CIF+\) Pilot - Volume 1: A Collective, Holistic Approach to Reintegrate Children in Residential Facilities to Family Care](#).



- Since its National Child Policy in 2006, Zambia has made efforts to improve the support to families. In 2015, The National Child Policy was amended and implemented, regarding services to prevent family separation, strengthen gatekeeping, and promote kinship care, foster care and adoption over residential care. In 2017, alternative care and reintegration guidelines were adopted. In 2019, Ministry of Community Development and Social Services (MCDSS) Lusaka District Pilot aimed at transitioning 200 children from residential care facilities to family-based care through the Children in Families Plus initiative initiated. In 2019, the National Framework for the Care of Children in Need of Care and the child law review highlighted the importance of family-based care. The minimum standards for care facilities specify in particular that “any intervention to support a child should not only address his or her immediate needs but also take into account that child’s specific context and be based on the continuum of child care. Supportive and supplemental services should be provided to facilitate a child’s early reintegration into his or her community”.¹¹

- In 2020, UNICEF support MCDSS and the Social Workers’ Association of Zambia to develop a competency and licensing framework for both, para- and professional social workers for improved service provision including to children and families.¹²

- In 2020, a Children’s Code Bill was finalised. It regulates foster care and aims to reduce placement of children in institutional care.¹³ The concern of maintaining the child’s close to his family and community protects the children’s contacts with his family relations and therefore sense of identity. However, there is no indicative date of when it will be submitted to parliament for enactment.

- There are private initiatives to reintegrate children to their families, as mentioned above: “Funded by the GHR Foundation, the CIF+ pilot is a collaborative, locally led, intensive effort with the main aim to reintegrate 200 children from [child care facilities] in Lusaka district, into families over a period of three years (2019-2021)”.¹⁴

- Child marriage modifies children’s identity, as child brides often loose contact with their own family at a young age and are at risk of losing their own identity. To address the issue of child marriages, the Government is working with stakeholders to implement the National Strategy on Ending Child Marriage. In this regard, child marriages for girls declined only marginally from 31.4% in 2014 to 29% in 2018.¹⁵

- In 2018, 2,787 children were removed from child labour,¹⁶ but child labour remains a concern.

Considerations:

- *How is the State planning to improve family support and reintegration programs to promote the maintenance of family relations – a component of the child’s identity?*

- *How will the State prevent child labour, trafficking and marriage, in order to avoid the possible undue change of identity linked to these abuses?*

- *What is the current status of the Children’s Code Bill and is there any estimation of when it might be enacted?*

3

Falsification of identity

- Children victims of trafficking are vulnerable to falsification of identity. Zambia is a country of origin, transit and destination for migrants mainly from the Democratic Republic of the Congo, Eastern Africa and the Horn of Africa. Children on the move include children who are stranded, at risk, are stateless, are victims of trafficking or child labour, are unaccompanied or separated as well as displaced children fleeing violence or conflict and rejected child asylum seekers.

- Last year’s reports have indicated that child migrants between ages 12–14 years move independently, without a parent or guardian, and in the company of other older migrants who are not related to them, with most of these migrants, including the child migrants, not being in possession of any legal identity documents”.¹⁷

- Zambia’s Government, through the Zambia Law Development Commission, reviewed the Immigration and Deportation Act as well as the Anti-Human Trafficking legislation. A Bill was developed and handed over to the Ministry of Justice for consideration in 2017. The Bill’s recommendations included child identity preservation for ‘children on the move’ and unaccompanied minors.

- No information is currently available on potential irregular practices in adoption.

Considerations:

- *How is the State planning to prevent trafficking and falsification of Identity?*

- *What is the status of the Bill that was developed on child trafficking in 2017?*

4

Preservation of identity and access to origins

- The domestication of the 1993 Inter-country Adoption Convention provisions in the national legal framework has been considered in the Children’s Code Bill. Today, Inter-country adoption procedures are regulated by the *Adoption Act* and by the adoption guidelines in the Alternative Care Framework (2017), which do not mention the access by adoptees to information about their origins.

- Between 2017 and 2021, 318 adoptions took place in Zambia, mostly domestic.¹⁸

Consideration:

- *What procedures will the State put in place to guarantee the adoptees’ right to identity, especially the information which should be kept and the access to this information?*

¹¹ Ministry of Community Development, Mother and Child Health, Republic of Zambia, Department of Social Welfare, [Minimum Standards of Care for Child Care Facilities: Regulations and Procedures](#), 1 Jul 2014.

¹² *Supra* 9.

¹³ UNICEF (2021), [Country Office Annual Report 2020](#).

¹⁴ *Supra* 10.

¹⁵ *Supra* 7.

¹⁶ *Ibid*.

¹⁷ *Ibid*.

¹⁸ *Supra* 9.



5

Restoration of identity

- Studies conducted in 1991 and 2013 estimate that the number of street-connected children in Zambia more than doubled, from approximately 35,000 to 75,000. Recently, the government expressed its will to incorporate them in national service training camps,¹⁹ which raises potential concerns as to the aim of this practice. Many street children are placed in children's homes. Reintegration of children into their birth families or kinship care should be handled by the social welfare, but there is a lack of resources.²⁰

Consideration:

- *What is the State doing to improve family reintegration rather than placing street children in facilities, such as training camps, and restore street children's identities?*

¹⁹ [Government to remove street kids and incorporate them in Zambia National Service training camps](#), *Lusaka Times*, 14 December 2021.

²⁰ *Supra* 7.

