

# GLOBAL **NEXTGEN** INDEX

Protecting the liberty of our next generation, today.

## End Child Detention Scorecard

# ZAMBIA

Published August 2018 using information compiled between November 2017 – January 2018, based on the most up-to-date reports and analysis available.



## FINAL SCORE

# 52

Zambia does not detain unaccompanied migrant children who are seeking asylum. However, other children, including those migrating with their families, are detained on the basis of migration status.

The Government of Zambia is commended for piloting and expanding programs that support unaccompanied children, as well as for the collaborative work done between agencies to uphold the wellbeing of children. The government is strongly encouraged to strengthen these child-centred practices by reflecting them in law.

	Zambia	Possible
Treaties	16	20
National laws	2	10
Processing	13	26
Placement	5	12
Rights	12	20
Oversight	6	12
<b>Sub Total</b>	<b>54</b>	<b>100</b>
<b>Points off</b>	<b>-7</b>	<b>-15</b>
<b>Bonus points</b>	<b>+5</b>	<b>+15</b>

### Treaties 16/20

Zambia has ratified four of the six Conventions and Protocols that assist in the protection of children in the context of migration.

**Recommendation:** The Government of Zambia is commended for this achievement so far. Further, the government is strongly encouraged to ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

### National laws 2/10

The Refugee Act No. 1 of 2017 provides a provision for the vulnerability of women and children to be recognised, but it does not explicitly prevent children from immigration detention and so 2 points were allocated in recognition. Zambia currently has no laws in place that promote child sensitive migration systems. Zambia has, however, ratified the UN Convention on the Rights of the Child Committee. According to authoritative guidance provided by the convention, “Children should never be detained for reasons related to their or their parents’ migration status and States should expeditiously and completely cease or eradicate the immigration detention of children. Any kind of child immigration detention should be forbidden by law and such prohibition should be fully implemented in practice.”

**Recommendation:** The Government of Zambia is strongly encouraged to immediately bring its domestic laws into compliance with the authoritative guidance of the UN CRC Committee, general comment on the human rights of children in situations of international migration, September 2017.

## Processing 13/26

Zambia has some processes for unaccompanied migrant children to live in the community. These processes are commendable given their collaborative nature with Non- Government Organizations and UN agencies to improve cross border case management. Zambia has introduced guidelines on Best Interest Determinations, and some documentation and informal guardianship models exist. However, significant improvement is still needed.

**Recommendation:** The Government of Zambia is commended for its significant work to provide child-centred processing for unaccompanied minors. Further, the government is strongly encouraged to extend these programs to include children migrating with family or guardians. Additionally, the government is strongly encouraged to make substantial and immediate effort to ensure acceptable standards of screening, best interest determinations, case management and guardianship procedures. For example, community-based programs for children with families, and processes for unaccompanied children, are in need of improvement in order to align with international standards and obligations.

## Placement 5/12

Zambia has proven to be sensitive to the needs of unaccompanied migrant children through its commitment to individual assessments and improving care standards. However, more needs to be done for children with families, or those travelling with guardians. Further, in 2017, six homes for unaccompanied children were recommended for closure following monitoring reports.

**Recommendation:** The Government of Zambia is commended for its efforts to support unaccompanied children. Further, the government is strongly encouraged to also improve placement options for children migrating with their families or guardians.

## Rights 12/20

Access to rights is variable in Zambia. However, considerably more rights are afforded to unaccompanied children who are provided with housing, but they are provided with limited welfare. Documented refugees with proper paperwork are entitled to own businesses, as well as send children to school. These education and work rights are critical for migrant families and should be extended to populations beyond the limit of refugees only. Additionally, the lack of firewall protections puts asylum seekers at risk of arbitrary arrest.

**Recommendation:** The Government of Zambia is commended for its efforts to uphold the rights of unaccompanied migrant children. Further, the government is strongly encouraged to immediately ensure that the rights of all children are upheld. To that end, the government is strongly encouraged to ensure indiscriminate access to education, health care, housing and social assistance for all children. Additionally, the government is strongly encouraged to introduce firewall legislation to ensure social welfare services are not impeded by migration control activities.

## Oversight 6/12

The oversight of immigration detention in Zambia needs to be improved. Immigration detention statistics are not available.

**Recommendation:** The Government of Zambia is strongly encouraged to improve its score by ratifying OPCAT, improving judicial control of detention decisions, and by publishing disaggregated detention population statistics on a monthly basis.

### Points off -7/ -15

Zambia has lost a considerable amount of points in this section. This is due to the lack of immigration detention statistics, and corresponding transparency and oversight.

**Recommendation:** The Government of Zambia is strongly encouraged to publish disaggregated statistics on a monthly basis that provide data on the populations detained for migration purposes, including children.

### Bonus points +5/+15

Zambia implements some international standards, but the Government's reservation to Article 26 of the 1951 Refugee Convention continues to pose a challenge.

**Recommendation:** The Government of Zambia is commended for piloting and expanding programs that support unaccompanied migrant children, as well as for the collaborative work done between agencies to uphold the wellbeing of children. Further, the government is strongly encouraged to abolish the detention of all children, in law and in practice, and uphold the rights of children in compliance with international standards and legal obligations. Additionally, the government is strongly encouraged to immediately expand existing programs for unaccompanied children to include children migrating with their families or guardians.



This scorecard has been assessed by the Zambia NextGen Index Committee:

- Action Africa Help
- Save the Children
- Paralegal Alliance Network
- International Organisation for Migration
- Bar Association

For further information regarding how this score was measured visit <http://next-gen-index.org/>

If you have any questions, please contact the Global Campaign:  
[media@endchilddetention.org](mailto:media@endchilddetention.org)

# Additional Resources

---

## Treaties & Laws

- Zambia: [The Refugees Act, 2017](#)
  - Section 42 – Self-Employment Permits
- Zambia: [The Juveniles Act, 1956](#)
- Zambia: [The Immigration and Deportation Act, 2010](#)
  - Section 31(1)(2) – Asylum Seeker Permits
  - Section 29 – Investors Permits

## Directives & Services

- IOM Zambia
  - [Guidelines: Protection Assistance for Vulnerable Migrants in Zambia, 2017](#)