

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: 3rd Cycle, 28th Session

ZAMBIA

I. BACKGROUND INFORMATION

Zambia succeeded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*) in 1969. Zambia ratified the *1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa* (the *1969 OAU Convention*) in 1973. Zambia succeeded to the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*) in 1974. However, Zambia is not party to the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*).

The *1970 Refugee Control Act*¹ is the main domestic legislation regulating asylum in Zambia. The *1970 Refugee Control Act* is currently under review, and a revised Bill has been drafted for submission to Parliament in 2017.

As of January 2017, Zambia hosted 57,523 persons of concern² originating from countries including the Democratic Republic of the Congo (DRC), Burundi, Somalia, Uganda, Angola and Rwanda. The Government of Zambia has offered legal and socio-economic local integration to all former Angolan refugees who arrived in the country until 2003. In October 2015, the Government also agreed to offer local integration to approximately 4,000 former Rwandan refugees who ceased to be refugees due to the application of the cessation clause in 2013. In order to acquire a resident permit and legally integrate in Zambia, former refugees must have a national passport. This is a challenge for former Rwandan refugees who refuse to request passports because of an alleged fear of continued persecution.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendation no. 103.54: “Adopt the necessary measures to guarantee easy and effective access to free birth registration (Mexico).”³

UNHCR would like to highlight the positive cooperation between the Government of Zambia and UNHCR in developing and implementing free birth registration procedures and the issuing of birth certificates to and the conducting of mobile registration for refugee children in refugee

¹ Zambia: Refugee (Control) Act, 1970, 4 September 1970, available at: <http://www.refworld.org/docid/3ae6b4d6c.html>.

² Refugees, asylum seekers and former Angolan and Rwandan refugees.

³ All recommendations made to Zambia during its 2nd cycle UPR can be found in: “Report of the Working Group on the Universal Periodic Review: Zambia”, A/HRC/22/13, 31 December 2012, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/ZMSession14.aspx>.

settlements. UNHCR would also like to commend the Government's efforts in initiating public awareness programs on the importance of birth registration and the registration process of children in refugee settlements, by holding events in the Meheba and Mayukwayukwa refugee settlements during the "civil registration week".

Linked to 2nd cycle UPR recommendations no. 102.62: "Pursue its efforts in the area of health and education (Senegal)", **and no. 102.65:** "Strengthen efforts to broaden access to education, in general, and to secondary and higher education in particular (Algeria)."

UNHCR would like to commend the Zambian Government for providing all refugees in Zambia access to the national healthcare system. Moreover, although the Government of Zambia made reservations to Article 22 of the *1951 Convention* in relation to access to education, UNHCR commends the Government of Zambia for their practice of allowing all refugee children in Zambia to access primary and secondary education equally to nationals.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Legal and procedural safeguards for asylum-seekers and refugees

Linked to 2nd cycle UPR recommendation no. 103.30: "Evaluate the possibility to incorporate the principle of *non-refoulement* into the refugee law (Argentina)", **and no. 102.20:** "Undertake every effort to promote awareness of the rights of the child (France)"

The current legal framework ensuring the protection of refugees and asylum-seekers in Zambia consists of the *1970 Refugee Control Act* and other regulations⁴ which regulate the institution of asylum in the country. The *1970 Refugee Control Act* is a very brief document, mainly dealing with the administrative aspects of managing refugee affairs. It neither contains any elements of the *1951 Convention* refugee definition nor alludes to the creation of the National Eligibility Committee (NEC). Due to a lack of provisions regarding eligibility procedures, the criteria for refugee status determination are based on the *1951 Convention* and the *1969 OAU Convention* and there is only an established ad hoc procedure which is applied by the NEC.⁵

The Government has revised the *1970 Refugee Control Act* and intends to replace it with a comprehensive refugee legislation. The 2016 draft Refugee Bill, which is waiting to be tabled before parliament and enacted into law, establishes a refugee status determination (RSD) procedure. Although the draft Bill is a significant improvement, it retains the following restrictions of concern in its current draft form: the encampment policy and restrictions on freedom of movement; limitations on refugees' right to work; restrictions on refugees' freedom of association and expression; and the requirement to submit an asylum application within seven days of entry into the country. Furthermore, it does not provide legal and procedural

⁴ The *Refugees (Control) (Declaration of Refugees) Order*, Statutory Instrument 240 Of 1971, the *Refugee (Control) (Declaration of Reception Areas) Order*, Statutory Instrument No. 132 of 1971 and the *Refugee (Control) (Declaration of Reception Areas) Order*, Statutory Instrument No 133 of 1971.

⁵ The Office of the Commissioner for Refugees conducts first instance RSD based on the *1951 Convention* and/or the *1969 COA Convention*. Only *1951 Convention* cases are referred to the NEC. During this ad hoc procedure, which is based on administrative practices and not provided for by law, the NEC will assess the eligibility of these cases. The NEC is chaired by the Commissioner for Refugees or his deputy. It also includes representatives from the Immigration Department, Police Service, Office of the President, Ministry of Labour and the Passport and Citizenship Office. UNHCR sits as an observer and has an influential role by extending its expertise and advice.

safeguards for all asylum-seekers during RSD procedures and does not specify the content of refugee protection applicable to all refugees, including child-specific provisions.

Zambia is a signatory to the *1989 UN Convention on the Rights of the Child (CRC)*. Article 22 of the Convention requires States to provide protection to children who are seeking refugee status and are considered refugees. However, there are no legislative or administrative provisions which provide specific protection for refugee children in Zambia. There is also no specific procedure for RSD in the case of unaccompanied or separated children (UASC).

Unaccompanied and separated children are identified by the Office of the Commissioner for Refugees upon registration and referred to UNHCR for Best Interests processes. While tracing of parents and relatives is initiated, unaccompanied children are often placed in temporary open shelters, due to lack of community's capacity or willingness to foster unaccompanied children. Older children often resort living with peers in child headed household.

Recommendations:

UNHCR recommends that the Government of Zambia:

- a) Repeal the *1970 Refugee Control Act* and enact the 2016 draft Refugee Bill in conformity with international standards, in particular the *1951 Convention*;
- b) Provide legal and procedural safeguards for asylum-seekers during RSD procedures, such as a right to appeal and access to professional interpreters;
- c) Appoint a qualified and independent legal representative for UASC as soon as he or she has been identified, free of charge, who is knowledgeable in the field of child rights and applies a child-sensitive interpretation of the refugee definition; and
- d) Provide regular monitoring of children's shelters as well of children in group living arrangements to ensure child safety and to timely address emerging needs.

Issue 2: Refugees' access to education

Linked to 2nd cycle UPR recommendation no. 102.65: “Strengthen efforts to broaden access to education, in general, and to secondary and higher education in particular (Algeria)”, **and no. 102.67:** “Ensure that funding in the education sector is consistent and reaches children with special needs, as well as schools in rural areas (Mexico)”

Ensuring access to children's education, including refugee children, is a requirement under Article 22 and 28 of the *CRC*. However, as noted above, the Government of Zambia made reservations to Article 22 of the *1951 Convention* in relation to refugees' access to education. Yet in practice, the Government allows refugee children to access national primary and secondary school education. Despite this, UNHCR notes the various barriers to refugee children's access to education, including the ever-rising cost of children's education and the need for children (particularly secondary and tertiary education) to acquire an expensive study permit. Though primary school education is free in government schools, *de facto* there are indirect education costs (PTA contributions, uniforms, books, etc.) that may hinder access to education. In addition, due to limited capacity, limitations remain in place in government schools in urban areas where priority is given to Zambian children at the time of enrolment. The majority of urban refugee children are forced to enrol in community schools which require payment of user fees and often do not meet national standard in term of quality of education.

Recommendations:

UNHCR recommends that the Government of Zambia:

- a) Withdraw its reservation to Article 22(1) of the *1951 Convention*;
- b) Waive the requirement for study permits for all refugee children and school fees for refugee children who cannot afford to pay, thereby reducing barriers to refugee children accessing education; and
- c) Ensure continued access to refugee children to government educational facilities by prohibiting discrimination between Zambian and refugee children for school enrolment.

Issue 3: Birth registration

Linked to 2nd cycle UPR recommendation no. 103.54: “Adopt the necessary measures to guarantee easy and effective access to free birth registration (Mexico)”

Despite the positive efforts regarding birth registration that have been highlighted above, the administrative practices for birth registration remain lengthy and complex. The system is highly centralised and all applications for birth certificates throughout the country are forwarded to the National Registration Office in Lusaka. The process is slow and results in a backlog of applications. In addition, applicants often have to travel long distances to the district registration offices to apply and collect birth certificates. Furthermore, refugees residing without legal status in urban areas do not have access to birth registration because they need a valid refugee identity document to apply for a birth certificate. Also, a birth record from a health centre is a prerequisite for issuance of a birth certificate.

Recommendations:

UNHCR recommends that the Government of Zambia:

- a) Waive the requirement that refugees must provide a valid refugee identity document to apply for a birth certificate; and
- b) Decentralise the registration process so that district registration offices can also issue birth certificates.

Issue 4: Detention of asylum-seekers and refugees

Linked to 2nd cycle UPR recommendation no. 102.37: “Bring conditions in detention centres in line with international standards (Hungary)”

Although the *Immigration and Deportation Act* (2010) provides for alternatives to detention through issuance of asylum-seeker permits or report orders, in practice, these provisions are rarely implemented. The lack of individualized assessments by the immigration authorities and the systematic consideration of a risk of absconding, result in the continued detention of children and their families as well as of unaccompanied and separated children. Equally, in the absence of a formal referral mechanism, institutions mandated to ensure the best interests of the child conduct ad hoc assessments resulting in delayed or even no assistance at all, violating Article 3 of the *CRC*. UNHCR would like to emphasize that the best interests of the child principle should be a primary consideration in all measures affecting children.

UNHCR also wishes to note that asylum-seekers and refugees are being detained together with the general criminal population in facilities that are established for the criminal justice system. UNHCR is generally informed about the detention of refugees and asylum-seekers by Immigration authorities, NGO’s, other refugees or during routine prison visits. However, asylum-seekers who are being detained in facilities that are not regularly monitored by UNHCR are not easily identified and have difficulties in accessing the asylum procedure.

Moreover, while national legislation provides for the right to legal representation, in practice this right is rarely exercised as there are few lawyers employed by the Government who are available to provide free legal representation to detained refugees and asylum-seekers.

Recommendations:

UNHCR recommends to the Government of Zambia:

- a) Amend the *Immigration and Deportation Act (2010)* in order to include the prohibition of detaining of refugee, asylum seeking and stateless children;
- b) Set up a system ensuring that authorities examine alternatives to detention on a case by case basis, to ensure that detention of asylum-seekers and refugees is a measure of last resort;
- c) Formalize the best interests determination of children to ensure that children (together with their families, separated or unaccompanied) are referred to alternatives to detention and receive the appropriate care needed;
- d) Separate asylum-seekers, refugees, and stateless persons, in particular children, detained for immigration-related purposes, from persons suspected or convicted of a crime; and
- e) Ensure access to asylum procedures and to legal advice for all persons detained for immigration-related offences.

Additional protection challenges

Issue 5: Freedom of movement

Zambia's encampment policy⁶, based on its reservation to Article 26 of the *1951 Convention*, is one of the main protection challenges faced by refugees in Zambia. In line with the reservation, Zambia "reserves the right to designate a place or places of residence for refugees" and the current practice is that the designated places of residence are the two refugee settlements in the country. While refugees are officially required to reside in the two settlements (Meheba and Mayukwayukwa), thousands of recognised refugees live in urban areas without the required urban residence permit, which is only granted on limited grounds (e.g. employment or study permits, medical treatment, security reasons, resettlement and family unity). Without official permission to reside in urban areas, refugees lack documentation, which also prevents their access to basic services such as shelter, food, education and medical care. These refugees, in particular women and children, are at a heightened risk of exploitation and abuse due to lack of adequate protection. Undocumented urban refugees also live in constant fear of arrest and detention by authorities.

Recommendations:

UNHCR recommends that the Government of Zambia:

- a) Withdraw its reservation to Article 26 of the *1951 Convention*; and
- b) Amend its encampment policy to ensure freedom of movement for refugees and provide them with the necessary documentation to ensure their access to basic services.

Issue 6: Right to work

⁶ All refugees in Zambia are required to reside in designated refugee camps and settlements. Permission from the Commissioner for Refugees is needed to live in urban areas. Many refugees who are not able to meet the criteria however, remain illegally in urban areas. Restrictions on freedom of movement are the primary source of concern among the refugee population, as it is limiting their access to basic needs income and education.

Zambia has made reservations to Article 17(2) of the *1951 Convention* which accords refugees paid employment. While refugees may undertake paid or self-employment, the Government has greatly restricted this right. Refugees seeking paid employment must apply to the immigration authorities, with a supporting letter from the Office of the Commissioner for refugees. The process is complex and expensive. Immigration authorities will only consider applications relating to areas of employment where there is a shortage of national labour. Few refugees can meet the requirement, except doctors, nurses, and teachers. Refugees who wish to pursue self-employment must demonstrate capacity to invest 25,000 US dollars in Zambia and meet the cost of an investors permit. For many urban refugees, restrictions on employment can have severe consequences. With no access to assistance, many must resort to illegal employment in the informal sector and face risks of detention, deportation and exploitative working conditions.

Recommendations:

UNHCR recommends that the government of Zambia:

- a) Withdraw its reservations to Article 17(2) of the *1951 Convention*; and
- b) Provide for a more flexible approach for refugees who wish to undertake paid or self-employment by either issuing them with a more affordable work permit which will allow refugees to work and engage in income generating activities, or allowing self-employed refugees to apply and obtain an urban residency, to pursue their business in full legality in urban centres.

Issue 7: Prevention of statelessness and protection of stateless persons

Zambia is not party to the *1961 Convention*, despite the Government's pledge to accede to it during the Ministerial Intergovernmental event on refugees and stateless persons to commemorate the 60th anniversary of the *1951 Convention* and 50th anniversary of the *1961 Convention* in December 2011.⁷ The *1961 Convention* establishes a range of standards to prevent statelessness at birth and later in life, in particular that States grant their nationality to children who have ties with these States through birth on the territory or descent and would otherwise be stateless.

A study on statelessness was commissioned by the Government of Zambia and, with the support of UNHCR, was completed in December 2016. The initial findings of the study demonstrate that it is unclear who is accountable for the identification and protection of stateless persons in Zambia; this situation must be addressed without delay. It is expected that the results of the study will help the Government to develop a strategy to tackle statelessness.

Recommendation:

UNHCR recommends that the Government of Zambia:

- a) Accede to the *1961 Convention*.

**Human Rights Liaison Unit
Division of International Protection
UNHCR
March 2017**

⁷ UN High Commissioner for Refugees (UNHCR), Ministerial Intergovernmental Event on Refugees and Stateless Persons - Pledges 2011, October 2012, available at: <http://www.refworld.org/docid/50aca6112.html>.

ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

ZAMBIA

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Zambia. Please note that no relevant reports by UN Special Procedures mandate holders have been conducted since the 2nd UPR cycle.

I. Universal Periodic Review (Second Cycle – 2012)

Recommendation ⁸	Recommending State/s	Position ⁹
Non-refoulement		
103.30. Evaluate the possibility to incorporate the principle of non-refoulement into the refugees law;	Argentina	Supported
Birth registration		
103.54. Adopt the necessary measures to guarantee easy and effective access to free birth registration;	Mexico	Noted ¹⁰

⁸ All recommendations made to Zambia during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Zambia" (31 December 2012), A/HRC/22/13 available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/ZMSession14.aspx>.

⁹ Zambia's views and replies can be found in: *Addendum* (26 February 2013), A/HRC/22/13/Add.1, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/ZMSession14.aspx>.

¹⁰ *Addendum*: "26. Zambia notes the concerns raised on birth registration. Zambia remains committed to promoting birth registration in the country and that, already, some measures have been put in place to promote this. These are: (a) Increased awareness campaigns on birth registration countrywide, with support from cooperating partners such as UNICEF and Plan International; (b) Involvement of traditional leaders in birth registration of children in their communities through the reintroduction of village registers in chiefdoms; and (c) Capacity development of the Department of the Registrar of Births and Deaths through training and provision of computers and transport.

27. The Department of National Registration, Passport and Citizenship under the Ministry of Home Affairs which is charged with birth registration, is currently in the process of re-engineering its business processes in order to improve service delivery. To this effect an Integrated National Registration System is being developed under the Support to the Electoral Cycle in Zambia.

28. Birth registration is one of the key sub-systems to be developed and feed into the integrated one. This sub-system will be designed to link with the Ministry of Health for birth record. As the integrated system is developed, rural registration will be enhanced since officers will be collecting this information on a regular basis to update the main system. More officers have been recruited to improve staffing levels in the district and an officer in each district has been assigned to deal with rural registration.

29. Further, the Zambia Law Development Commission, in its review process, has considered the Births and Deaths Registration Act. Particular attention was given to provisions that relate to financial obstacles for late registration of births.

SGBV		
102.27. Strengthen its efforts to combat violence against women, including by enacting and implementing necessary legislation and measures to ensure proper investigation and prosecution of sexual violence, thereby promoting access to remedy for victims;	Japan	Supported
102.28. Continue to enhance, with the cooperation of the relevant United Nations agencies, its efforts to eliminate gender-based violence;	Singapore	Supported
102.29. Ensure effective implementation of the Anti-Gender-Based Violence Act with particular focus on victims' access to justice;	Slovakia	Supported
102.33. Address the continued high prevalence of violence against women and girls, including by strengthening training for the judiciary and law enforcement personnel to enhance their capacity to respond effectively to cases of violence against women and girls;	Canada	Supported
Harmful practices		
102.32. Implement CEDAW's call to put in place a strategy to eliminate violence, harmful practices and stereotypes against women in line with the Convention;	Slovenia	Supported
Trafficking in persons		
102.42. Seek the support of the relevant partners to pursue its efforts in its fight against trafficking in persons;	Burkina Faso	Supported
102.69. Adopt comprehensive measures to combat trafficking in human beings; organize a visit of the Special Rapporteur on trafficking in persons as well as of the Special Rapporteur on the sale of children, child prostitution and child pornography to the country;	Belarus	Supported
SOGI		
102.43. Ensure thorough and impartial investigation into all allegations of attacks and threats against individuals targeted because of their sexual orientation or gender identity;	Norway	Supported
Gender equality		
102.6. Increase its efforts to further strengthen the national mechanism for the advancement of women and to provide such mechanism with adequate resources;	Malaysia	Supported
Access to education		
102.62. Pursue its efforts in the area of health and education;	Senegal	
102.64. Continue efforts to ensure that human rights education is effectively included into the primary and secondary education curriculum;	Paraguay	Supported

30. Furthermore, among the proposals being considered in the constitution review process is one on birth registration. In this regard, the draft Constitution provides in Article 55(5) (a) for every child's right to a name and a nationality from birth and to have the birth registered.”

102.65. Strengthen efforts to broaden access to education, in general, and to secondary and higher education in particular;	Algeria	Supported
102.67. Ensure that funding in the education sector is consistent and reaches children with special needs, as well as schools in rural areas;	Mexico	Supported
Detention		
102.37. Bring conditions in detention centres in line with international standards;	Hungary	
Children		
102.20. Undertake every effort to promote awareness of the rights of the child;	France	

II. Treaty Bodies

Committee on the Rights of the Child

Concluding Observations, (14 March 2016), [CRC/C/ZMB/CO/2-4](#)

Non-discrimination

25. The Committee notes with appreciation that some progressive provisions on non-discrimination in relation to children have been included in the new Constitution. However, the Committee is concerned that the principle of non-discrimination, particularly in relation to access to health, education services, discriminatory social and cultural practices, customary marriage disputes and inheritance, is not adequately implemented with respect to children belonging to the most vulnerable groups, such as girls, children with disabilities, children belonging to religious minorities, children living with HIV/AIDS, migrant and refugee children, orphans and children born out of wedlock.

26. The Committee recommends that the State party ensure equal access to education, basic health care and other welfare services for all children. It also recommends that the State party intensify its efforts to eliminate discrimination against the most vulnerable groups of children, such as girls, children with disabilities, children belonging to religious minorities, children living with HIV/AIDS, migrant and refugee children, orphans and children born out of wedlock. It also recommends that the State party continue prioritizing the support for vulnerable children and youth in the next National Development Plan.

Birth registration

31. The Committee notes the measures that the State party put in place to promote free birth registration in the country. However, it remains concerned that the sub-system of birth registration has still not been developed and does not feed into the Integrated National Registration System. The Committee is also concerned that official registration is still not systematic, concerned about the low number of birth registration and the low rate of possession of a birth certificate, particularly in the rural areas, and concerned that groups of children, such as children born at home and refugee children, may be excluded.

32. The Committee recommends that the State party:

- (a) **Strengthen its efforts to develop and implement free birth registration procedures and issuance of birth certificates with a special focus on children in rural areas and marginalized groups of children, such as refugee children;**
- (b) **Strengthen and expand mobile birth registration to reach universal coverage, particularly for registration of children in rural areas, refugee children and those who have never been registered;**
- (c) **Take measures to decentralize the birth registration system and provide adequate human, technical and financial resources so that birth certificates can be processed and issued at the district and provincial levels;**
- (d) **Increase public awareness about the importance of birth registration and the process by which children are registered.**

Sexual exploitation and abuse

37. The Committee notes with appreciation the enactment of the recent amendments to the Penal Code and Anti-Gender-Based Violence Act. However, the Committee expresses its grave concern at the following:

- (a) The widespread incidents of sexual violence, including rape and defilement, in family, public institutions and detention centres;
- (b) The lack of data on sexual abuse cases, and the reluctance of family and the general public to acknowledge the existence of sexual abuse;
- (c) The fact that such violence appears to be socially tolerated in the family and society and is accompanied by a culture of impunity and unawareness that contributes to high levels of underreporting;
- (d) The low rate of convictions for reported incidents of rape and defilement;
- (e) The lack of any information on the State's provision of psychosocial support to child victims of rape and their families, including in the case of Clifford Dimba;
- (f) The fact that marital rape is not explicitly recognized as a criminal offence in either the Penal Code or the new Anti-Gender-Based Violence Act.

38. The Committee recommends that the State party:

- (a) **Prioritize and ensure adequate resources for the full implementation of the Anti-Gender-Based Violence Act and address comprehensive measures to address such violence;**
- (b) **Collect data on sexual abuse cases and report on the data in the next periodic report;**
- (c) **Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation;**
- (d) **Conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse, including incest, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;**
- (e) **Ensure the development of programmes and policies for the prevention, protection, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children;**
- (f) **Take all the necessary measures to investigate and prosecute reported cases and to punish perpetrators without any exception for amnesty;**

- (g) **Ensure that child rape victims and their families, including the child rape victim of the singer Clifford Dimba, are provided with psychosocial support and protected from stigmatization;**
- (h) **Ensure adequate resources for the implementation of the Anti-Gender-Based Violence Act, expeditiously criminalize marital rape and strengthen training for the judiciary and law enforcement personnel and health-service providers.**

Harmful practices

39. The Committee is concerned about the widespread practice of child marriage in the State party.

40. The Committee recommends that the State party disseminate the Marriage Act widely at the local level, particularly among traditional leaders, and undertake comprehensive awareness-raising campaigns on the provisions on the minimum age of marriage and on the negative consequences of child marriage on girls, targeting in particular parents, teachers and community leaders.

Asylum-seeking and refugee children

55. The Committee notes that the Parliament was supposed to consider the Refugee Bill in 2013. The Committee is concerned that the current Refugee (Control) Act of 1970 does not provide specific protection for refugee children nor refugee status determination in the case of unaccompanied and separated children. The Committee is also concerned about the difficult social situation of the refugees and their families in areas such as health and education.

56. The Committee recommends that the State party expedite the adoption of the Refugee Bill and strengthen the legal protection of refugee children. The Committee also urges the State party to provide refugee children with access to social services, such as health and education.

Sale, trafficking and abduction

61. The Committee notes with appreciation the enactment of the Anti-Human Trafficking Act No. 11 of 2008 and other efforts of the State party aimed at addressing trafficking of children. However, the Committee is concerned that there is an increasing number of child victims of commercial exploitation, including prostitution, especially girls and children in disadvantaged situation. The Committee regrets the absence of statistical data on the number of child victims of trafficking for purposes of economic exploitation and prostitution. The Committee also regrets that the State party report did not provide more information on the child-specific work of the Committee on Human Trafficking and the national plan of action against human trafficking.

62. The Committee recommends that the State party:

- (a) **Fully and effectively implement the legislation on trafficking;**
- (b) **Ensure effective investigations of cases of sale, trafficking and abduction of children and the prosecution and sanctioning of the perpetrators;**
- (c) **Collect information on the child-specific mandate and work of the Committee on Human Trafficking and of the national plan of action against human trafficking and provide information in the next State party periodic report;**
- (d) **Take all necessary measures to ensure referral, assistance and protection of victims of trafficking, sale and abduction, and provide a multisectoral approach to the provision of social services, including the provision of**

temporary safe housing and gender-sensitive and psychological recovery to the victims;

- (e) Consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to offer maximum legal protection to children in the context of sale, trafficking and abduction;**
- (f) Collect data on trafficking of children and identify and address the root causes.**