



REPUBLIC OF ZAMBIA

REPORT

OF THE

**COMMITTEE ON YOUTH, SPORT AND CHILD MATTERS ON THE ACCESSION
OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF
THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

FOR THE

FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

Published by the National Assembly of Zambia

FOREWORD

Hon Madam Speaker, pursuant to Standing Order 207(f), of the National Assembly of Zambia Standing Orders, 2024, the Committee on Youth, Sport and Child Matters is vested with the power to consider International Agreements, Conventions and Treaties in accordance with Article 63(2)(e) of the Constitution. Thus, the Committee was mandated to consider the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

In order to acquaint itself with the ramifications of acceding to the Optional Protocol on the Involvement of Children in Armed Conflict, the Committee held eight meetings and sought both written and oral submissions from stakeholders. The stakeholders, who appeared before the Committee, are listed at Appendix II.

The Committee is grateful to all the stakeholders who tendered both written and oral submissions. The Committee further wishes to thank you, Madam Speaker, for affording it an opportunity to carry out its work. It also appreciates the services rendered by the Office of the Clerk of the National Assembly throughout the Committee's deliberations.


Heartson Mabeta, MP
CHAIRPERSON

November, 2025
LUSAKA

LIST OF ACRONYMS

OPAC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
CRC	Convention on the Rights of the Child

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1.0 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of: Mr Heartson Mabeta, MP (Chairperson); Ms Jean Chisenga, MP (Vice Chairperson); Mr Alex Katakwe, MP; Mr Justine Kapema, MP; Mr Allen Banda, MP; Mr Ackleo Banda, MP; Mr George Chisanga, MP; Mr Robert Kalimi, MP; Ms Emeldah Munashabantu, MP; and Mr Sipho Hlazo, MP.

2.0 BACKGROUND

Zambia signed the Convention on the Rights of the Child (CRC) in September 1990 and ratified it on 6 December 1991. The CRC, adopted in 1989, is an international agreement that outlines the civil, political, economic, social, and cultural rights of every person under the age of eighteen. It emphasises children's right to special protection and care and acknowledges them as unique individuals with rights of their own. The CRC's fundamental tenets are respect for children's opinions, non-discrimination, the child's best interests, and the right to life, survival, and development. The Children's Code Act, No. 12 of 2022 was enacted to domesticate the CRC.

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC) was adopted by the United Nations General Assembly as a supplement to the Convention on the Rights of the Child through Resolution 54/263 on 25 May, 2000. It entered into force on 12 February, 2002. OPAC elevated the minimum age for direct participation in hostilities and forced recruitment to eighteen, demonstrating a deeper commitment to protecting minors from the impacts of war. While voluntary recruitment under the age of eighteen is permissible under limited conditions, the Protocol forbids non-state armed groups from recruiting or utilising children in any circumstances. It also emphasises the importance of states taking all reasonable steps to prevent such recruitment and to facilitate the rehabilitation and reintegration of children harmed by armed conflict.

The CRC and OPAC complement each other to create a strong framework for protecting children's rights, particularly in conflict situations, underlining the international community's commitment to ensure every child's dignity, safety, and development.

3.0 OBJECTIVES OF THE OPTIONAL PROTOCOL

The overall objective of the Protocol is to safeguard children from recruitment and participation in armed conflict by establishing eighteen years as the minimum age for voluntary involvement in hostilities, prohibiting the use of children by state and non-state armed groups, and promoting their demobilisation, rehabilitation, and reintegration into society.

4.0 SALIENT PROVISIONS OF THE PROTOCOL

- i. **Article 1 – Participation in Hostilities**
Article 1 mandates State Parties to take all feasible measures to ensure that members of their armed forces under the age of eighteen years did not take a direct part in hostilities.
- ii. **Article 2 – Compulsory Recruitment**
Article 2 prohibits the compulsory recruitment of persons who had not attained the age of eighteen years into State Parties armed forces.
- iii. **Article 3 – Voluntary Recruitment**
Article 3 requires State Parties to raise the minimum age for voluntary recruitment beyond the standard set in Article 38(3) of the UNCRC, in recognition of the special protection owed to persons under the age of eighteen. Upon ratification or accession, each State Party is further required to deposit a binding declaration specifying the minimum age for voluntary recruitment, outlining the safeguards in place to ensure that such recruitment is neither forced nor coerced.

Additionally, where recruitment of persons below the age of eighteen is permitted, State Parties must ensure that recruitment is genuinely voluntary, conducted with the informed consent of parents or legal guardians, recruits are fully informed of the duties involved, and that reliable proof of age is obtained. Further, the Article provides that States may, at any time, strengthen their initial declaration by notifying the Secretary-General.
- iv. **Article 4 – Non-State Armed Groups**
Article 4 prohibits non-State armed groups from recruiting or using persons under the age of eighteen in hostilities.
- v. **Article 5 – Higher Standards**
Article 5 stipulates that nothing in the Protocol precludes States Parties from adopting provisions, under domestic or international law, that are more conducive to the realisation of children’s rights.
- vi. **Article 6 – Implementation**
Article 6 obliges State Parties to take all necessary legal, administrative, and other measures to implement the provisions of the Protocol. State Parties are also mandated to release from service, children recruited or used in armed conflict, and to rehabilitate and reintegrate them.

vii. Article 7 – International Cooperation

Article 7 provides for States Parties to cooperate in implementing the Protocol by preventing violations and supporting the rehabilitation and reintegration of affected children, through technical, financial or other assistance, in consultation with concerned States and relevant international organisations. The Article further stipulates that States that are able to provide support are encouraged to do so through existing multilateral or bilateral programmes, or through a voluntary UN fund.

viii. Article 8 - Reporting Obligations

Article 8 mandates State Parties to submit a report to the Committee on the Rights of the Child on its implementation of the Protocol within two years of becoming a Party. Thereafter, States will be required to include updates in their regular reports under Article 44 of the UNCRC.

5.0 SUMMARY OF SUBMISSIONS FROM STAKEHOLDERS

Stakeholders submitted that the Protocol aimed at strengthening protection for children against recruitment and being used in armed conflict. The Protocol was further said to establish higher standards for the protection of children under the age of eighteen from military involvement and prohibited compulsory recruitment and required safeguards for voluntary recruitment. Therefore, it entailed member states to implement preventive measures and provide rehabilitation for affected children.

The Committee was further informed that Zambia's legislation already reflected the principles of the OPAC, including protection of children from recruitment and participation in hostilities as stated below.

5.1 Affirming Zambia's Commitment to Safeguarding Children's Rights

Stakeholders submitted that despite Zambia having not acceded to the OPAC, the country's legal framework was already aligned closely with the core provisions of the Protocol, particularly with regard to the minimum age for military recruitment and the protection of children from participation in hostilities.

The ratification of the Protocol would not only serve to formally codify Zambia's existing commitments under international law, but also reinforce Government's dedication to upholding children's rights, aligning national policy with global human rights standards, thereby strengthening Zambia's legal and moral stance on the protection of children.

5.2 The National Legal Framework

Stakeholders informed the Committee that Zambia had made strides in child protection legislation and the Constitution recognised eighteen years as the threshold of childhood, and the Children's Code Act No 12 of 2022 expressly provided that a child shall not take part in hostilities or be recruited in armed conflict, and imposed duties on the State to provide protection, rehabilitation and reintegration where children were affected. At the same time, some stakeholders submitted that some older security statutes such as the Defence Act retained provisions or procedures that may permit recruitment of persons below the age of eighteen with parental or official consent or that rely on assessment of apparent age, creating potential gaps between domestic practice and the higher thresholds the Protocol required.

Below are some of the pieces of legislation that aligned with the provisions of the OPAC:

a. Constitution of Zambia, Chapter 1 of the Laws of Zambia

It was submitted that the Zambian Constitution provided a strong legal framework for the protection of children's rights. It recognised eighteen years as the threshold of childhood, in line with international standards.

b. Defence Act and Recruitment Regulations

The *Defence Act, Chapter 106 of the Laws of Zambia under Section 14(2)*, prohibited the recruitment of persons under the age of eighteen unless consent to the enlistment had been given in writing by parents or guardian or, where the parents or guardian were dead or unknown, by the District Secretary of the district in which such a person resided. Stakeholders submitted that the provision fell short of the Protocol standards, specifically Article 3(3), which required States to set eighteen as the absolute minimum age for both compulsory and voluntary recruitment into armed forces and to ensure that no person under that age participated in hostilities. The Act's reliance on parental or official consent created a legal loophole that could permit the enlistment of minors, contrary to the Protocol.

c. Zambia National Service Act Compliance

Stakeholders submitted that despite *the Zambia Nation Service Act*, Chapter 121 of the Laws of Zambia being aligned substantially with the OPAC, it could further be strengthened by introducing explicit provisions that prohibited the use of persons under eighteen in any military training, mobilisation, or combat-support roles, and by requiring strict documentary verification of age at the time of recruitment. Such amendments would close

potential gaps in the implementation and reinforcement of Zambia's commitment to child protection and prevention of child involvement in armed conflict.

d. Children's Code Act and Child Rights

Section 23(1) of the *Children's Code Act* reinforced the constitutional protection by prohibiting the engagement of children in any form of exploitative or hazardous activity likely to harm their development or education. This extended to recruitment or use of children in armed conflict, as Section 24(1)(b) explicitly forbade the use, procurement, or offering of a child for armed conflict or any military activity. These provisions domestically enshrined the constitutional and international mandate that children must not be subjected to warfare, aligning national law with global child protection norms.

5.3 Comparative Study of Child Protection in Other Countries

The Committee learnt that a comparative study on South Africa, Kenya, and Nigeria who had ratified the Protocol, showed strengthened child protection laws and operational frameworks that ensured effective compliance with OPAC and enhanced protection of children from armed conflict.

6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

From the outset, the Committee supports the accession of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. This is in tandem with all the stakeholders who appeared before it. This is on account that the Protocol is progressive and aims at establishing higher standards of protection from armed conflicts, demands accountability, champions and promotes social reintegration and recovery of child victims.

The Committee makes the observations and recommendations set out hereunder.

- i. Despite Zambia's legislation reflecting the principles of the OPAC, including protection of children from recruitment and participation in hostilities, the Committee observes that gaps remain in the Defence Act, which still allows recruitment of persons under the age of eighteen through parental or official consent and the use of "apparent age" verification.

In view of the above, the Committee recommends that in ratifying the OPAC, there should be a comprehensive harmonisation of all relevant statutes including the *Defence Act* to align them with the Protocol. Further, the Committee recommends that ratification should include the development of clear implementation and

monitoring mechanisms, public awareness campaigns, and capacity-building initiatives within the security sector.

- ii. The Committee observes that although the Zambia National Service currently restricts enlistment of people between the ages of eighteen and thirty-five, its auxiliary role during emergency mobilisation could create ambiguity about the training or deployment of persons under the age of eighteen. The Committee therefore, recommends that the *Zambia National Service Act* should be amended to explicitly prohibit the recruitment, training, mobilisation or deployment of persons under the age of eighteen that require age-verification procedures even during emergency mobilisations.
- iii. The Committee observes that despite the absence of armed conflict within Zambia, by acceding to this Optional Protocol, Zambia would become legally obliged to provide rehabilitation, psychosocial support, and reintegration services to children affected by armed conflict. This requires a greater funding, technical capacity and programme design. The Committee therefore, recommends for a ring-fenced allocation in the national budget for evidence-based disarmament, demobilisation and reintegration (DDR) style services tailored to children: psychosocial care, education, vocational pathways, family tracing and community reintegration programs.
- iv. The Committee observes that despite the OPAC providing for the protection of children, it did not provide sanctions for offenders. In view of the above, the Committee recommends that stiffer punishment must be provided for the non-state actors who would be found wanting.

7.0 CONCLUSION

The Protocol responds to the growing concern over the recruitment and use of children in armed conflicts across the world and is aimed at ensuring that all children under the age of eighteen are protected from military recruitment and involvement in hostilities. In view of Zambia's legislative progress on child protection, its international obligations under the CRC, and its regional role in child protection, the Committee recommends that Zambia proceed with the accession of the Optional Protocol on the Involvement of Children in Armed Conflict. The accession will not only reinforce Zambia's domestic legal safeguards but will also reflect its unwavering commitment to upholding the rights of all children, including refugee children from neighboring war-torn countries and promoting peace, both nationally and regionally.

Further, accession will obligate Zambia to put measures in place to cater for the impact of armed conflict and other hostilities on the mental health and wellbeing of the affected children such as provision of trauma-based care which may not always be available in the

refugee camps. In addition, the ratification of the Protocol will strengthen national measures to prevent child recruitment, rehabilitation of affected children, and ensure accountability for violations.

PP

Heartson Mabeta, MP
CHAIRPERSON

November, 2025
LUSAKA

APPENDIX I - List of National Assembly Officials

Mr Charles Haambote, Director – Social Committees
Ms Darius Kunda, Senior Committee Clerk (SC1)
Ms Media Hachombwa Mweele, Committee Clerk
Ms Grace Mbewe, Administrative Assistant
Mr Daniel Lupiya, Senior Committee Assistant
Mr Muyembi Kantumoya, Committee Assistant
Ms Taona Chabinga, Committee Assistant

APPENDIX II - List of Witnesses

- i. Ministry of Community Development and Social Services
- ii. Ministry of Justice
- iii. Ministry of Education
- iv. Ministry of Defence
- v. Ministry of Youth Sport and Arts
- vi. Zambia Law Development Commission
- vii. Zambia Police Service
- viii. Human Rights Commission
- ix. Advocacy for Child Justice
- x. Zambia National Education Coalition
- xi. Lifeline Childline Zambia