

PARENTAL CARE, STREET CHILDREN
AND THE LAW IN ZAMBIA.

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I recommend that the Obligatory ESSAY prepared under my Supervision by Patrick Kasonde entitled:

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be accepted for examination. I have checked it carefully and I am satisfied that it fulfils the requirements relating to format as laid down in the regulations governing obligatory essays.

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TABLE OF CONTENTS

PAGE

ABSTRACT iii
ACKNOWLEDGEMENTS iv
DEDICATION v
METHODOLOGY vi
INTRODUCTION vii

CHAPTER ONE

(i) Background of street children in Zambia .. 1
(ii) The general context and definition of
the subject 4
(iii) The VN convention on the rights of a child 9
(iv) Gap between law and society..... 10
(v) The role of law in the problems of street
children 14
Notes and references 17

CHAPTER TWO

PART A: SIMILARITIES BETWEEN THE ENGLISH AND
THE ZAMBIAN LAW REGARDING CHILD CARE

1. The legal provisions 18
(i) The ~~C~~children Act, 1958 20
(ii) The ~~C~~children and ~~y~~young persons Act,
1933 21
(iii) The employment of Young Persons and
~~C~~children Act, Cap 505 of the Laws of
Zambia 28

PART B: FACTORS AFFECTING THE IMPLEMENTATION
OF LEGAL PROVISIONS AS ENSHRINED IN
THE JUVENILES ACT, THE CONSTITUTION
AND THE PENAL CODE

(i) Some legal provisions are outdated 29
(ii) Inappropriate penalties 30
(iii) Lack of knowledge of the English Law and
the difficulties in obtaining information
~~note~~ abuse 31

TABLE OF CONTENTS CONT'D

PAGE

(iv)	Ineffectual local authorities	32
	Notes and references	33

CHAPTER THREE

(i)	The Economic Factor	34
(ii)	The outbreak of HIV/AIDS.....	41
(iii)	Lack of recreation facilities	45
(iv)	Modernisation and urbanisation	49
	Notes and references	52

CHAPTER FOUR

(i)	Conclusions	53
(ii)	Recommendations	56
	Select Bibliography	58

A B S T R A C T

The number of Children in the Streets in Zambia has been increasing with time. One notices ^{an} walking along the streets of town that there are ~~far too~~ ^{more} many children than ever before. This is clearly a problem which needs to be regulated by law before it ^{gets} ~~goes~~ beyond control.

It is important to state in this regard, that the law as it stands today is not adequate to effectively address the problem.

This paper puts across suggestions with regard to law reform so as to ease the problem of street children. The paper does, however, acknowledge the fact that though we may have the best law in place today it can only be used to limited extent in the sense that the implementation may not be as effective as intended, especially where such implementation requires the imprisonment of the Parent or Guardian of the children who at the same time has a duty to provide necessaries for the same children. Where the penalty concerns fining, the same complexities may arise in the sense that after a parent who fails to supply necessaries for children is fined, it is the children themselves who will continue suffering. This way the law may prove very ineffective. The situation can however be different where there is a developed Social Welfare system and a generally stable economy where even after imprisoning the parent or guardian, or fining him the children would not be disadvantaged. We however need laws which will be adequate and directly responsive to the problem of street children in Zambia.

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My thanks also go to Staff at ' Street ~~K~~inds International', especially MS V. Scott, and also to the Staff at UNICEF' especially Mr J. Phiri and the Librarian MS Ginwalla for supplying the necessary information to me. Thanks also to Mrs Rita B. Siampongo for typing this work, and to Mr. George Mukuka for the material support given to me.

DEDICATION

To my dearest Parents for all ^{the} Love, and care they have shown to me throughout my educational life, and for all the blessings poured upon me. Without them I wouldn't be what I am. Dedicated also to all my Brothers and Sisters for what they are to me.

METHODOLOGY

The material used in this obligatory essay were obtained mainly through interviews conducted especially at UNICEF, The Street Kids International, the YWCA and the Ministry of Community Development and Social Welfare. Interviewed also were the women street vendors in town, women generally and a few children themselves.

Other sources of information were the law books, statutes, Articles by legal writ~~te~~rs and some research works conducted by UNICEF and UNZA respectively.

INTRODUCTION.

In the Zambian traditional arrangement before the coming of Colonialism, Child Care and Custody was a responsibility of the whole community. All adults provided necessaries for all children even if such children were Orphans. Kenneth Kaunda points out in his book, "Humanism in Zambia". that this traditional society was a human centred society where the primary objective was care and love for each other. In this traditional society, parents were not the sole guardians of their children and care of such children did not vest in them alone, but in society as a whole.

When colonialism came, we see that with it came a different approach to guardianship and care of children. Parents became sole guardians of their children, so that all the care and custody ~~was~~ vested in them. This then marked the beginning of individualism in the sense that children became solely dependent on their parents for the protection, care and custody that they deserved, unlike in traditional society where the community as a whole took the responsibility of Child Care, Protection and Custody. It can be said, therefore, that with the coming of colonialism parents have become directly responsible for the provision of whatever their children needs. Thus, if parents are incapable of providing necessaries, children will resort to any form of business under taking which can help them survive. Such children would suffer and ~~perhaps~~ may ^{go} get into the streets to beg, steal or sell anything that they can find. It calls for investigation, however, in a situation where such parents are alive and they have the capability to provide for their children, but do not adequately do so. What is the law doing to stop this?

The study of the topic, 'Parental Care, Street Children and the Law in Zambia' will proceed as follows:-

Chapter One will look at the Background of Street Children in Zambia and will give definitions of children and street children respectively. It will also look at the UN Convention on the Rights of the Child, the lived reality of Street children and the role of law in the problem.

Chapter Two will look at the law regarding child care and protection as it exists in Zambia today, and it will also highlight similar legal provisions in the English Legal System. Further, the Chapter will discuss the various factors which affect the implementation of the law as enshrined in statute books and the Zambian Constitution of 1991.

Chapter Three will bring out the findings of the study. In this chapter, the essay will discuss the various factors that have led to the increase of children in the streets and the difficulties faced by families generally, in their endeavour to provide necessities for their children.

Chapter Four will give some conclusions and done in this study. Various recommendations will also be made.

Strategies for change based on the text

1. Humanism in Zambia and a guide to its implementation. P 121

CHAPTER ONE

BACKGROUND OF STREET CHILDREN IN ZAMBIA.

The concept of street children is quite new in the Zambian development policy. Until recently when the problem seem to have drawn government attention, youngsters were designated as "drop-outs" or "push-outs" from an over-crowded deficient educational system³. Thus, most strategies to assist the child (who left school pre-maturely) focused in education and skill training.

Measures such as establishing young farmers' clubs, production units in schools, the diversification of school curricula to include practical skill, community work projects for school children during vacation, National Service for School leavers and Rural Reconstruction (RR) for out of school youths were deemed undesirable and not wanted⁴. Some of these programmes may have, however, been quite irrelevant and benefited only a few youths. Nonetheless Concentration should have been on such skills as would make a young person depend on himself or herself, and not necessarily resorting to illegal business or streetism upon being pushed out of school. Unlike in the past, and following the year of the child and the UN convention on the rights of the child, children have been noticed by the government of the day as a serious problem which requires government effort to intervene in the protection of street children.

concerning the problem of street children in Zambia. The government has taken the initiative to improve the situation of street children.

Latest reports had it that government, through the Ministry of Community Development and Social Welfare was to examine the plight of street children in Zambia⁵. In this report, government was to work hand in hand with UNICEF to determine how best they could tackle the problem of street children which of late has been on the increase. The Community Development Minister did indicate that the current increase in the number of street children was an indication that families in Zambia did not give proper care to the Children, and therefore, that there is need to enforce basic family values of care for each other to reverse the situation. Government's recognition of this problem was also recorded in a report in which the community development Minister called on the Church to support Orphans, and further that government was, from 1994 going to introduce a two year pre-service course in community development where they were to train Social Welfare personnel⁶.

Further government concern appeared in a report where government urged NGOs to set up lasting projects for children, while it was further reported that government having taken the initiative to improve welfare facilities, had allocated K2M thereto⁷.

All these are indicators to show that the problem of street children has been on the increase in Zambia and government has officially taken to tackle the problem.

3. Ibid P.10

4. Ibid P.14

5. Zambia Daily Mail, 17/05/94, P.6

It is hoped in this respect that government will take the street children problem with the seriousness that it deserves and therefore that possible solutions to lessen the number of children in the streets or simply stop the practice will be arrived at. However, although the problem has been recognised, it does not attract so much government and public attention. This leads to the failure in the approach by government to remedy the situation.

(iii) GENERAL CONTEXT AND DEFINITION OF STREET CHILDREN.

It is important to define a child before we can define a street child.

Article 1 of the UN Convention on the rights of a child defines a child as every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier⁶.

In terms of Section 2 of the Juveniles Act, a child is a person who has attained the age of 16 years⁹. In this regard, a street child is any person found in the street, not seeming to have a specific destination, begging or inducing the giving of alms whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise, and this person must^b be below the age of majority¹⁰.

In this context therefore, street children, are just any children found in the streets, who have not attained the age of majority. Street Children are clearly in need of care, but the question is, who owes them a duty of care?

6. Ibid P.6

7. Zambia Daily Mail, 05.05.94 PP 7 & 8

8. 1989 UN Convention on the rights of the Child.

9. S.2 of the Juveniles Act.

Before tackling this question, it is important to define a child in need of care. In terms of Section 9 of the Juveniles Act, " a child in need of care is a juvenile who, having no parent or guardian or having a parent or guardian who is unfit to exercise care and guardianship or not exercising proper care and guardianship, is falling into bad associations or is exposed to moral or physical danger, or is beyond control." A child in need of care therefore is one who lacks parental care, who is not normally provided for by any parent or guardian and who is generally accorded no care and protection that he or she deserves.

A child in need of care is further defined under Section 9 as (i) a Juvenile in respect of whom any scheduled offence has been committed, or is a member of the same house-hold as a person who has been convicted of such an offence as against juveniles or is a girl under 12 years but living with a person who has committed incest as defined under Section 159, of the penal code or is frequenting the company of thieves or prostitutes or residing in a house used by prostitutes for the purpose of prostituting, then such a child is in need of care". As stipulated in Section 9(i)(b), it means that if a child is at an early stage of its growth exposed to bad behaviour, like theft, prostitution or has in fact physically participated or lived with people who commit such offences, then such a child need protection; for if such necessary protection is not given, the child will eventually behave in the same way that the people he lives with behave. The problem posed by this is that once children are exposed to bad associations and behaviour,

10. Ibid S.50

11. Ibid S.9 (1) (b)

they tend to quite easily adopt the same behaviour. Once they grow up with the same behaviour, it becomes difficult, if not impossible to control them. Thus therefore poses a challenge to the parents to start monitoring the behaviour and associations of their children while they are still young. If they let them engage in bad associations and behaviours, they can't control them when they are grown up, and such children may even ran away from parents to go and join their friends; eventually they become street children.

It is also important to define a parent and a guardian. In terms of Section 2 of the juveniles Act, a guardian includes any person who in the opinion of the court having cognisance of a case in relation to the juvenile or in which he is concerned has for the time being the charge of, or control over the juvenile 13. A guardian is further defined as a person appointed according to law to be the child's guardian by deed, will, or by an order of Court¹⁴.

A parent is on the other hand defined as the mother or the father of a child¹⁵. It is important that before a parent or guardian can be able to be entrusted with the care of children, it must be ascertained that such parent or guardian is a fit person. In this regard, a fit person is defined as the commission for juvenile welfare, an approved society or a person appointed for this purpose by the Court¹⁶.

It must be emphasized that if a child is neglected by a fit person who initially declare his intention to provide the care and love that the child requires, then such fit person should be deemed to have unjustifiably and deliberately

12. Ibid S.9 (i) (b)

13. Ibid S. 2

neglected the child and should face some puritive measures. It must be observed however, that the Act makes no mention of a situation where upon the death of the parents to the children, guardians not legally appointed take over the guardianship. This infact is the most common way by which guardianship is assumed, and it obviously need to be addressed if we can think of guardianship in the legal sense as envisaged by the juvenile's Act. The ultimate intention is, however, that whichever way one assumes guardianship, it is expected of such guardians that they will provide the same care and protection that parents would. It is infact a legal requirement that a person to whose care and protection a juvenile is committed by any such order shall, while the order is in force have the same rights, and powers and be subject to the some liabilities in respect of his maintenance as if he were the parent of the juvenile, and the juvenile so committed should continue in his care not withstanding any claim by any person 17. In case of default, it is provided that any person found guilty of an offence relating to the protection of juveniles for which no penalty is provided shall be liable to a fine not exceeding six months or to both, and the court may order the removal of the child to a place of safety¹⁸.

Offences which already have penalties provided for under S.159 of the penal code are, defilment and incest. The important point however is as provided for under Section 22 of the juveniles Act, that the guardian bears the same responsibilities, duties and liabilities over a child committed to his care. I must be noted that the penal code provides for desertion and neglecting children.

14. Ibid S.2

15. Advanced learners Dictionary P.619

16. Opcit Section 4

17. Ibid S.22

In terms of Section 168; any person who being the parent, guardian or other person having the lawful care or charge of a child under the age of Sixteen years, and being able to maintain such child, willfully and without lawful or reasonable cause deserts such child and leaves it without means of support, is guilty of a misdemeanour¹⁹. Section 169 states that any person who, being the parent or guardian or other person having the lawful care or charge of any child of tender years and unable to provide for itself, refuses or neglects to provide (being able to do so) sufficient food, clothes, beddings and other necessaries for such child, so as thereby to injure the health of such child, is guilty of a misdemeanour²⁰. It is interesting to note that the penal code further provides for failure to supply necessaries, and makes it a punishable offence. According to Section 233, any person who being charged with the duty of providing for another the necessaries of life, without lawful excuse fails to do so, whereby the life of that other person is or is likely to be endangered, or his health is or likely to be permanently injured is guilty of a felony and is liable to imprisonment for three years²¹. These provisions mean therefore that neglecting children is an offence.

The problem which comes out of all these provisions is that they all talk about having the lawful care of the child and without reasonable cause or excuse fails to provide for the children. What would amount to reasonable excuse may vary depending on the circumstances of each particular case.

This means, therefore, that where there is reasonable cause for failure to provide necessaries, the provisions in these Sections will not be called into play. They can only

come into effect upon ascertaining that the parent or guardian has the means but is deliberately failing to provide for the children.

(iv) THE 1989 UN CONVENTION ON THE RIGHTS OF THE CHILD.

This convention stipulates the various rights of a child as a human person. It was adopted and opened for signature, ratification and accession by the UN general Assembly Resolution 44/25 of 20th November, 1989. All member states are expected to abide by this Convention. It must be said here that this is binding on all members of the UN, so that by virtue alone of the fact that they are members, and they don't need to specifically adopt it into their municipal law.

The following are some of the rights of the child contemplated by this convention. Under Article 3 (2), state parties should under take to ensure the protection and care of a child necessary for his or her wellbeing,... Article 5... state parties shall respect the responsibilities, rights and duties of the parents or, where applicable the members of the extended family or community as provided for by the local custom, legal guardians or other persons legally responsible for the child to provide in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized by the present convention.

By Article 27(4), states shall take all appropriate measures to secure the maintenance of the child from the parents or other persons having responsibility for the child;

and within their means States shall.. assist parents... to provide material assistance to children with regard to nutrition, clothing and housing. Every child has a right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

By Article 18(1)... both parents have common responsibilities for the upbringing of a child....and the best interests of the child will be their basic concern.

By Article 9(3),... a child who is separated from one or both parents shall maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

It is important to stress that the convention has much more provisions than these ones, and that it is all intended to promote the rights of a child, fully recognising that he or she deserves a better life with are the necessaries available. It is interesting the importance of children being brought up by their own parents, and that parents actually a duty to bring them up. This convention has not been implemented especially in Third World Countries like Zambia.

(V) GAP BETWEEN LAW AND SOCIETY.

During colonial rule, most if not all colonies adopted the laws of their masters. Such laws were usually transplanted without any specific or significant changes to suit the African societies. It must be realised, that the imposition of English law on Africa was made without considering what sort of society the new law would mould in Africa²². It is in this respect that we see, that some laws meant for England also applied to Zambia.

They were adopted without really minding whether or not such laws would work in Africa. In this regard, we see that chapter 4 and 5 of the laws of Zambia makes provision to the effect that the common law, Doctrines of equity and all statutes passed in England before 1911 shall apply to Zambia. One wonders if such statutes as were passed before 17th August, 1911, and in the English parliament can really address Zambia's problems today.

It must be mentioned here, that transplanting a law meant for a different society and different culture does not infact address our problems in Zambia. It can clearly be seen that most laws in Zambia have not been changed since independence to make them more directly responsive to the Zambian Society. In this light, statutes like the penal code were enacted in 1931, Cap 5 in 1923, Cap 4 in 1963, the Juveniles Act in 1956 etc.

These contain provisions which required modification after independence. The penal code, for instance under Section 166 makes it a crime to re-marry under custom or otherwise, when the first marriage under the Act still subsists, and it carries imprisonment for 5 years. Infact polygamy is recognized marriage, which is far from being a crime in the Zambian context.

This is not to say that polygamy is good, but that it is far from being Criminal in nature. It is such laws which people do not understand which widen the gap between what is happening in society and what the law prescribes.

It can be seen further, that under Section 23 (c) of the Juveniles Act, there is still a provision empowering the

commissioner for juvenile welfare to board out children to Rhodesia and the Republic of South Africa. Clearly this law was passed during colonial rule, and it should have expired at independence. One wonders why this law has not yet been changed. Looking at the received law, which infact has not as yet undergone any serious modifications, it seems clear that law makers have failed to change the law to suit the Zambian Society. To explian this, Seidman, points out that htere are two notions which have perpetuated this failure:-

(a) The first one is that there is a common understanding of ^{the} law ought ^{to} be changed. The argument advanced here is that good law in one place is infact good law in any other place. This view, advises law makers to copy laws of developed countries so as to be developed²³.

(b) The other notion advises that in any event laws do not make any difference in how people are going to behave, but that their values and ideologies control people's behaviour²⁴.

As regards the first notion, it can be observed that former colonies have maintained the laws that were imposed on them, which infact were meant to operate in different conditions regarding the politics, economics, culture and infra-structure of the country. Financial problems specifically have limited the choice which law makers have to choose the kind of law that Society requires and this is, because of the fact that most economic policies are dictated by the West.

Regarding the Second notion, African leaders generally, have tended to think that good men (not good laws) make good government.

23. Ibid P. 274

24. Ibid P. 276

They simply don't work, or nothing is done to change the the existing laws²⁵. We see in the final analysis that as Society advances the law remains static and therefore that it does not adequately and effectively address the needs of Society.

English laws which contain basic notions of a nuclear as opposed to an extended family also fail to take advantage and promote the 'extended' responsibility for Children. Instead such responsibility is being eroded away by the law so that instead of financially better off members of the family taking responsibility for nieces, nephews or cousins, these are simply ending up in the streets. Thus, the gap between law and society exists at ^{two} levels; firstly that laws do not keep up with social change and therefore cannot regulate it, and secondly that even where modern laws are enacted, they may not be utilised for a number of reasons, such as lack of affinity, ignorance, poverty et@.

Updating the laws to make them suit society will bridge up the gap that exists between law and society. In this respect, one sees that Section 150 of the Juveniles Act provides that any person who commits an offence under this Section shall be liable to a fine not exceeding K50 or to imprisonment for 3 months. It must be mentioned in view of the K50 fine, that this is long overdue. People nowadays deal with thousands of Kwacha, so that such a fine is contrary to what society expects, and clearly shows that the law is static while society moves on. It must however be mentioned that discriminatory provisions in the law have by far been removed.

25. Ibid P. 282

One can say in the light of these circumstances that neo-colonialism will continue so long as new Institutions and laws specifically designed to solve African problems are ~~not~~ created to replace old colonial institutions and laws. That is the only way law and society are going to move together and narrow the gap that exists between the two. It is important that Society ~~exists~~ and the law should move together so as to adequately and effectively address the needs and demands of society as it presently stands. As long as laws are not reviewed, the gap between law and society will always exist.

(vi) THE ROLE OF LAW IN THE STREET CHILDREN PROBLEM.

When we consider the role of law, we are essentially looking ^{at} whether the law that we have in place today can, and does infact adequately cater for the problems of street children, and whether it is intended that such laws will adequately address the issue of street kids.

To ascertain whether or not the law is in place which we can look to, in the problem of street children, we have to determine whether or not the law places a duty on parents and guardians to provide for the children and whether or not there is a penalty for failure to discharge the duty imposed. It is true that the law in place today recognises the fact that parents owe their children a duty of care. In this regard, the penal code stipulates in Sections 168, and 169 that parents and guardians who, being able to, deliberately fail to provide necessaries shall be guilty of a misdemeanour and a felony respectively²⁶. It is clear from these Sections that infact parents have on them imposed a duty of care, to
26. SS. 168 an 169 of the penal code, Cap.146 of the laws of Zambia.

the effect that should there be deliberate failure by them to provide for children, the law would definitely be enforced against any such defaulters.

In terms of Section 233 of the penal code;

Any person who, being charged with the duty of providing for another the necessaries of life, without lawful excuse fails to do so, where by the life of that other person is or is likely to be endangered, or his health is or is likely to be permanently injured, is -guilty of a felony and is liable to imprisonment for three years²⁶.

This is clearly an indication that law is in place to ensure that children are protected and cared for by those who are then a duty of care.

In a situation where it is proved that there is reasonable ground for failure to provide necessaries for the law as envisaged in the penal code, Sections 168, 169 and 233 does not seem to say whether a penalty can still be imposed where there is reasonable failure to provide necessaries. The Act seem to suggest, infact that criminal liability as envisaged cannot stand where there is reasonable ground for failure.

In terms of the law as provided for in the Juveniles, Act, it is recognized that certain children will obviously be in need of care. As envisaged by S.9 of the same; A child is in need of care if he or she has no parent or guardian, or he or she has parents or guardians who are unfit to exercise care and guardianship that the child requires²⁷. This provision ties in with the issue of reasonable failure under S.168, 169 and 233 of the penal code. It can be argued that the law

26. S. 233 of the penal code.

27. S.9 of the juveniles Act.

does infact acknowledge that some children may have unfit parents who cannot discharge their duties, and the need to provide care and custody to these children. Where there is reasonable ground for failure therefore, it follows that no penalty can stand- on such parents or guardian, and therefore that the children under the custody of such parents or guardians should be declared to be in need of care.

Having appreciated the fact that certain children will obviously be in need of care, the law has provided that such children should be committed to the care of fit persons. In terms of Section 4 of theJuveniles Act, a fit person is defined as the commissioner for juvenile welfare, an approved society or any person appointed for this purpose by the court²⁸.

It must be emphasised that as far as the law is concerned, parental care is addressed; the problem of having unfit parents or guardians is addressed and also addressed is the fact that there is likely to come up reasonable failure to provide necessaries for the children. It is in line with this provision that the law provides that upon identifying a child who is in need of care, such a child should be committed to the care of fit person. In this way, the law clearly addresses the issue of child care.

As regards street children, however, there seems to be no specific piece of legislation which specifically addresses the issue of street children. It is, however, comforting to note that upon identifying a child as being in need of care, the law provides that that such a child should be committed to the care of fit persons.

28. Ibid S. 4

Fit persons as envisaged by the juveniles Act include welfare societies, individuals or any approved society. It must be mentioned that the law as regards parental care, and protection of children is in place. It is immaterial, therefore, whether or not the law as stipulated is being implemented. The issue of implementation will be discussed later, but at this stage it is certain that we have the necessary law in place. The other important question is whether the law that we have is adequate to address our problems.

NOTES AND REFERENCES.

1. Humanism in Zambia Part 1, Zambia Information Services, Lusaka, Also speeches made to the UNIP National Council, 7th - 10th November, 1970 P. 50.
2. Back ground of Street Children in Zambia, Institute of African Studies, 1992, UNZA.
3. The Zambia Daily Newspaers of 07/05/94 P.6, 05/05/94 at P.7 and 30/04/94 at P.3
4. The Juveniles Act Cap. 217 of the Laws of Zambia Sections 2,4,9,22 and 41.
5. Advanced Learners' Dictionary, on the definition of Parents, P.619
6. Materials obtained through Interviews at the Street Kinds International (Red Cross Building) and not UNICEF (UNDP BUILDING). Further interviews were conducted at the Ministry of Community Development and Social Welfare as to government response to the problem of street children and how many have are clearly ran in conjunction with the Government.
7. The UN Convention on the rights of a Child, 1989.

CHAPTER TWO

OBLIGATORY ESSAY

SCHOOL OF LAW

SIMILARITIES BETWEEN THE ENGLISH AND THE ZAMBIAN

LAW REGARDING CHILD CARE

(1) THE LEGAL PROVISIONS:

As Chapter one establishes, the law that we have in place here in Zambia can only adequately protect the English Child. This Chapter will bring out the similarities between the English and the Zambian Law as the two legal system relate to Child Care and Custody. Legal safeguards available for children in these Legal systems will be of primary concern.

It is important to note in the first place that by virtue of the British Acts Extention Act and the English Law (Extent of application) Act Caps. 4 and 5 of the Laws of Zambia, it is provided that subject to the provisions of the Zambian Independence orders:-

- (a) The common law;
- (b) Doctrines of equity and;
- (c) The statutes which were in force in England on the 17th August, 1911 shall apply to Zambia.

This means that by virtue of these two pieces of legislation, all statutes enacted before 17th August, 1911 automatically applies to Zambia. It means therefore that all the laws extended to Zambia by virtue of Caps 4 and 5 of the laws of Zambia are actually the same as those that applies in the English law. As regards the statutes enacted after August 1911, there may be differences from the Zambian Law in so far as each legal system operated independently, and the Zambian legal system was under no obligation to follow the English statutes. The two legal systems however operated in a similar manner.

We can say therefore that any safeguards for children that applied to England before 1911 also applied to Zambia, and in that respect the two systems had the same provisions.

This chapter is also intended to examine whether after 1911 the English legal system enacted laws which approached the problem at hand from a better perspective than the Zambia system and to assess whether or not the Zambia law need to adopt some of the English laws not extended to Zambia by virtue of chapters 4 and 5 of the laws of Zambia.

The following are some of the English statutes which provide for child care and custody in England.²

- (i) Custody of Children Act, 1948
- (ii) Young Persons Act, 1933
- (iii) Children Acts 1948, 1958, and 1975
- (iv) Children and young persons Act, 1933
- (v) Guardianship and Maintenance of Infants Act, 1951, 1925.
- (vi) The Family Allowances of Children Act, 1956.

It is of Cardinal importance to note that any legislation passed before 1911 applies to Zambia while those passed after 1911 are automatically not applicable to Zambia, unless the Zambian law provides otherwise.

The following are some of the Zambian statutes which deal with children's affairs and provide for their care, custody and protection.

- (i) The juveniles Act, 1950. Cap 217 of the laws of Zambia;
- (ii) The Penal Code, Cap. 146 of the laws of Zambia
- (iii) The Maintenance orders Act 1960, Cap 216 of the laws of Zambia.
- (iv) The Constitution of Zambia, Cap. 1 of 1991 of the laws of Zambia;
- (v) The Education Act;
- (vi) Employment of Children and Young Persons Act, Cap 505 of the laws of Zambia.

Through these may not be the only statutes which provide for child care and custody, they appear to make more legal provisions with regard to children and the people who owe them a legal duty of care.

*1. Chapters 4 and 5 of the laws of Zambia.

*2. English statutes, from Clarke Hall and Marrison on Children 7th Edition.

Having outlined the relevant English and Zambian statutes respectively, it is important to now compare and analyse these legal provision.

(i) THE CHILDREN ACT 1958:

Section 36 of this statute imposes a duty on parents to secure the education of their children who are of compulsory age so that they receive efficient full-time education suitable to their ability and aptitude (either by regular attendance at school or otherwise)

According to Section 37 (1) (a), a Parent who fails to discharge the duty imposed on him Section 36 shall have served on his person a notice by the local authority to discharge his duties within 14 days.

2. For English statutes, see footnote at Page 1. Further failure to comply will entail that the local authority register the child in a named school and will require that the parent secures regular attendance of such registered child, and absence from school without genuine reason is an offence deemed committed by the parents. If a parent still can't perform his duties, the local authority shall institute proceedings against such a parent.

In the Zambian legal order, it is of course recognized as a duty of parents to secure the education of a child under the Education Act, 1944, but the duty so imposed on parents does not empower the local authority to take legal proceedings against the parents who fail to secure a place in school for his children. Further the Council (local authority) bears no responsibility for providing education to children whose parents cannot do so. Perhaps the reason for this is that there are not enough schools to cater for all the children such law is however lacking in the Zambian legal system.

(ii) THE CHILDREN AND YOUNG PERSONS ACT, 1933

In terms of this Act, a person who has the custody, charge or Care of any child or young person who wilfully assaults, illtreats, neglects, abandons or exposes such child or young person in a manner likely to cause him unnecessary suffering or injury to health that person shall be liable on conviction to a fine not exceeding £100 or to imprisonment for not more than 2 years; on summary conviction to a fine not exceeding £100 or to imprisonment for not more than 6 months. Further, the Act provides that a parent or guardian or any other person legally liable to maintain a child or young person in a manner likely to cause injury to his health if he fails to provide adequate food, clothing, medical aid or lodging for him or if having been unable otherwise to provide such food, shelter etc. he has failed to take steps to procure it to be provided under the enactments applicable in that society 4.

In the Zambian legal system, the provision of the Children and young person Act, 1933 are covered under sections 168 and 169 of the penal code with infact makes it criminal for any parent or guardian to deliberately (without reasonable cause) neglect a child. Further the same provision is covered under section 233 of the penal code which infact goes further and provide for imprisonment for three 3 years.⁵

In terms of Section 20 of the children and young persons Act, "No person under the age of 16 years shall be engaged or be employed in street trading, provided that by laws made under this section may permit the young person to be employed by their parents in street trading."⁶

Further Section 20 (2) of the Children and young persons Act, provides that a local authority may make by-laws regulating or prohibiting street trading by persons under the age of 18 years, and by-laws so made

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- * 3. Section 37 to 40 of the Children Act, 1958.
 - * 4. Children and Young Persons Act, 1933, SS1, 2, 3, & 16
 - * 5. Sections 168, 169 and 233 of the penal code.
 - *6. OP. Cit S.20 7 Ibid S. 20 (2)

may distinguish between persons of different ages, sexes and localities and may contain provisions:-

- (a) Forbidding any such person to engage or be employed in street trading unless he holds a licence granted by the local authority and giving conditions on which such licences may be granted, suspended or revoked.
- (b) Determining the days and hours during which, and the places at which such persons may engage or be employed in street trading.
- (c) Determine the days and hours during which and the places at which such persons can conduct business.
- (d) Requiring such persons so engaged or employed to wear badges.
- (e) Regulating in any other respect the conduct of such persons while so engaged or employed.⁷

In the Zambian legal order, it can be argued that this provision is addressed under section 50 of the Juveniles Act. It envisages as follows:-

"Any person who causes or procures any child or having the custody, charge or care of such a child allows him to be in any street, premises or place for the purpose of begging or receiving alms or of inducing the giving of alms (whether or not there is any pretence of singing, playing performing, offering anything for sale or otherwise) shall be liable to a fine not exceeding K50 or to imprisonment for a period not exceeding 3 months or to both such fine and imprisonment."

Further section 50 (2) provides that if a person having the custody, charge or care of a child is charged with an offence under this section and it is proved that such child was in any street, premise....etc as

provided for under section 50 (1) the parent or guardian shall be presumed to have allowed the child to be in the street, premises or place for that purpose unless the contrary is proved.

Section 50 (3) states: " If any person while singing playing, performing or offering anything for sale in a street or public place carries with him a child, the child shall be deemed to be in that street or public place for the purpose of inducing the giving of alms 9."

We can confidently argue that section 20 of the children and Young Persons Act, is covered under section 50 of the Juveniles Act, Cap 217 of the laws of Zambia.

The Children and Young Persons Act however goes further and provide for curcimstances under which children can be employed or engaged in street trading, while the Juveniles Act does not.

Under Section 41 of the Juveniles Act, we see that there is a provision for penalties for defaulting parents and gardiens. In this regard, liability to a fine not exceeding K100 or imprisonment for 6 months is imposed on the defaulting parent or gardien. We can say therefore that the law is in place. Though as evidenced under a K100 fine provided for under section 41 require that Laws, be updated. otherwise laws do exist regarding child care and custody. The question is whether or not these laws can adqutely address the problems of society today.

The English law envisages that in the Children Act 1948 that there shall be imposed a duty on a local authority to provide homes for the accommodation of children in their care. Section 11 and 12 also imposes a general duty of care on the local

8. Section 50 (1) of the Juvenile Act.
9. Ibid sections 50 (2) and 50 (3)
10. Section 41 of the Juveniles Act.

authority while section 20 requires that the local authority contributes to the cost of accommodation of persons who were under its care but ceased to be upon attainment of 21 years of age."

In the Zambian law, Section 22(3) provides that the Commissioner for Juveniles Welfare shall not be personally liable for the maintenance of a juvenile committed to his care, while section 23 empowers the Commissioner for juvenile welfare to board out juveniles to suitable places.¹²

From the working of the statute, there is no legal duty in this section imposed on the Commissioner for Juveniles Welfare in Zambia, but the English statute does clearly provide for such a duty. Further the Zambian law as envisaged in the Juveniles Act does not impose a duty on the commissioner for Juveniles welfare to continue paying for the upkeep of juveniles who no longer keep up with the welfare homes upon the attainment of the age of 21 years.

It can be said further that the English law envisages under section 1 of the juveniles Act, 1948 that it shall be the duty of the local authority to provide for orphans and deserted children where it appears to the local authority that such child:-

- (a) Has no parent or guardian
 - (b) Has been abandoned by his parents, guardians or is lost.
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11. Section 11, 12, 15 and 20 of the Juveniles Act, 1948.

12. Section 22 (3) and 23 of the Juveniles Act.

(c) That his parents or guardians suffers from a mental infirmity or whenever necessary in the interest of the Welfare of the Child, it shall be the duty of the local authority to receive the child into his care. 13.

As in the Zambian law, a legal provision similar to this one comes out in the juveniles Act, to the effect that Juveniles shall be committed to the care of fit persons, and a fit person is defined as "the Commissioner for Juveniles Welfare, an approved Society or any other person appointed for this purpose by the Court."¹⁴

It can be argued in this situation that in the Juveniles Act, Cap 217 of the laws of Zambia, it is not as clearly expressed as it is in the children Act, 1948. The Zambian statute does not impose a duty on the local authority to provide necessaries for orphans and deserted children. The law is silent on this point, and it only talks about the care of a fit person in section 4.

It is important to note that under the English law exists a statute called the "Family Allowances Acts of Children Act, 1956. This provides that the local authority shall identify families that are not able to provide the required care, custody, protection and necessaries that their children need. Upon such identification, the Government shall give Children allowances to such families so as to enable them to cater for the welfare of their children.

In line with this, we see that Lindley & J said in the case of RE MCGRATH 15 when he commented on what amounts to child welfare: "The welfare of a child is not to be measured by money only or by physical comfort. The word welfare must be taken in the widest sense."

This means that apart from just offering material things to children, parents also should offer spiritual or moral support,

13. OP. Cit Section 1

14. OP. Cit SS4 and 9

15. (19 (1893) 1 CL. 143

they should provide shelter and everything else that their children requires. It is interesting to note that children and marriage allowances did exist in Zambia but were abolished in 1970. The family allowances also existed but was as well abolished in the same year.¹⁶

What has however remained is the tax allowances or Credit to which only wage earners are entitled to benefit. Tax Credit has repladed the primary allowance which as well was only meant to be a relief to wage earners. The poor unemployed Zambians are not entitled to this, and therefore that they don't benefit from it. Tax credit infact depends so much on someone's income.¹⁷

It is important to note that though the abolished allowances were not codified and presented in statutory form, they function is much the same way as the English statute, 'Family allowances of Children Act, 1956.' These allowances were essentially meant to support families in need of care, so that they too, could afford necessaries. The abolition of such allowances which cartered for all people presents to us very serious problems in the sense that children from poor families who cannot get the necessaries are likely to go out of home and by all means look for what they require. This eventuary leads to streetism.

Family allowances for children evidently lack in the Zambian law. The laws is infact silent on this matter. It can however be pointed out that a legal system which endeavours to effectively address the problem of street children, would by providing for such allowances put itself on the correct path. This however has its own consequences.

It is important to appreciate the fact that we are a developing nation, and as our economy stands to-day family allowances for children cannot be made available.

In view of the ever increasing economic problems, we see that further safeguards to protect the children and young persons are enshrined under part III of the Zambian constitution, Section 24 of the 1991 constitution.¹⁸

It states: No young Person shall be employed and shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development provided:-

- (i) that an Act of Parliament may provide for the employment of a young person for a wage under certain conditions;
- (2) that a young person shall be protected against physical or mental ill-treatment, all forms of neglect, cruelty or exploitation;
- (3) No Young Person shall be the subject of traffic in any form;
- (4) In this Article 'young Person' means any person under the age of 15 years.

It is important to note that the provisions of section 24 (1) of the Zambian Constitution resemble the provisions of section 20 of the children and young persons Act, 1933 of England in so far as both endeavours to make provision as to which children or young persons may engage in any business.

Section 24 (1) provides for an Act of Parliament to allow the employment of a

young person for a wage under certain conditions, while section 20 of the English Act aforequoted provides that no person under the age of 16 years shall be employed in street trading provided that the by-laws made by the local authority under this section may permit the young person to be employed by their parents in street trading.

(iii) THE EMPLOYMENT OF YOUNG PERSONS AND CHILDREN ACT, CAP 505 OF THE LAWS OF ZAMBIA.

This piece of legislation provides, under section 4 that:

- (1) No child shall be employed in any public or private Industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed.
- (2) The provisions of this section shall not apply to work done by children in technical schools....

Section 5 of this Act goes further and provides that every person who contravenes the provisions of this part shall be guilty of an offence, and liable on conviction to a fine of K40 or 3 months imprisonment or both...¹⁹

It is important to note, that this Act contemplates a situation where a child is employed in very hard labour. This is confirmed by Section 3 which defines Industrial

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16. The tax treatment of the family in Zambia, by Dr. N. Simbyakula. The Article looks at tax relief in Zambia and how best to tax a family. All allowances have been abolished which catered for the poor.
 17. Tax credit is a form of relief given to wage earners who fell within the tax net. Tax credit graduations are: K600,000 at 15%, K300,000 at 25%, and anything in excess of K900,000 at 35%
 18. Section 24 of the 1991 Zambian constitution;
 19. Section 3,4 and 5 of Cap. 505 of the laws of Zambia.

undertaking as including Mine, quarries and other works for the extraction of minerals from the earth. Small businesses are really not within the scope of this statute. It only endeavours to protect children from being employed in real industries. Section 4 also gives change to children to engage in undertakings in which only members of the family are employed. It can clearly be said that this statute only addresses protection of children so that they don't work in Industry. It however does not address the issue of child of child care and protection as regards engaging in petty business transactions and specifically street business.

27 B FACTORS AFFECTING THE IMPLEMENTATION OF LEGAL PROVISIONS AS ENshrINED IN THE JUVENILES ACT, THE CONSTITUTION AND THE PENAL CODE:

There are several factors which leads to lack of implementation of the law as enshrined in the Juveniles Act, the constitution and the penal code. Such factors vary widely due to the complexity of the subject itself, (street kinds).

In view of this complexity therefore, it is not possible in this paper to bring out all the factors; Only some salient features of such factors will be highlighted and analysed in the next chapter.

(i) SOME LEGAL PROVISIONS ARE OUT-DATED:

The problems of implementation posed by this is that the lae sometimes talk about impossibilities. In this regard, we see that Section 23 of the Juveniles Act empowers the Commissioner for Juveniles welfare... th place a Juvenile in any home or institution in Southern Rhodesia or the Republic of South Africa whichever he considers suitable²⁰

It is evident that this provision was definitely enacted at a time when Southern Rhodesia, Northern Rhodesia and South Africa where directly under British Rule so that they used the same institutions. To date this has not been updated to suit the situation in the Zambia of today. It is impossible in this case to implement such a provision, for the Commissioner cannot extend his jurisdiction to other sovereign states

20. Section 23 of the Juveniles Act.

with different and independent legal systems.

In terms of section 41 of the Juveniles Act, " Any person who has custody of a child who fails to protect such child shall be liable to a fine not exceeding one Hundred kwacha or to imprisonment ofor 6 months or to both.

It is interesting to note that infact giving such a fine as is stipulated under this section may actually lead to a misappropriation of justice in a legal system. Infact the fine imposed does not amount to an equal punishment to that of imprisonment for 6 months. This therefore is clearly outdated and need to undergo some updating. The fine of k100 will lead to injustices in the sense, firstly, that it would be disregarded, and thereby leaving it to the discretion of the Judge to determine what would be reasonable in particular circumstances.

(ii) INAPPROPRIATE PENALTIES:

It is important to point out that the problem that may arise in circumstances as are stipulated above is that whereupon being found guilty of having contravened section 50 of the Juveniles Act, it would become innevilable that the law should take its course. The fine of K50 wouldn't make sense today and this is why laws have to be updated.

Where the law requires that a parent or guardian should be imprisoned or fined, problems come in-firstly, by imprisoning the parent or guardian, the children will be deprived of the custody and even the little care that they get from that parent or guardian. By fining him on the other hand, we see that the little available resources that may work for the benefit of the children are taken away so that children will not in the end have enough of what they require. We see in the final analysis that the law would not be seen to produce desired results in so far as it reduces custody or care of children.²¹

* 21. As per Data collected during interviews at UNICEF.

This view indicates how complex it is to find solutions to the street children problem. It may however be different if the situation is such that the children allowances and the family allowances were still in force. This is because of the fact that parents then would be deemed to be deliberately contravening the legal provisions. The issue of deliberate and without reasonable cause or excuse for contravening the law is clearly brought out under sections 168, 169 and 233 of the penal code, which recognises that only where such child neglect is unreasonable will the law be enforceable. Thus, a situation where the family and children allowances are in place but parents go ahead and engage children in street selling would be a reasonable cause for enforcing the law to punish such parents. It is only in such a situation that even section 41 of the Juveniles Act would be implemented against persons who solely raise their income through business.

(iii) LACK OF KNOWLEDGE OF THE ENGLISH LAW AND THE DIFFICULTIES IN OBTAINING INFORMATION OF ABUSE

Traditionally children are considered an asset, and therefore this being the rationale for big families.²² Most Zambians seem to share in this belief, and they feel that their children should help them in their duties, especially if such duties concern the smooth running of the home.²³

It is in this regard that we see parents engaging their children to sell in the streets as part of manual work. This is looked at as being a rightful thing and moreover that the parent is carrying out his duties of educating his children. Thus, no such cases are reported either by the police or the members of the public, and therefore no proceedings can be taken against a parent or guardian who contravenes section 50 of the Juveniles Act. As a matter of practice, and indeed by the very nature of the operations of the Judiciary, it cannot go round searching for abuses of the law. In this regard members of the public do not feel aggrieved by merely seeing kids engaged in street trading or such children engaged to do something so that he can in turn be paid. Everyone thinks it does not

* 22. Law in Zambia PP146 - 150

* 23. Interviews conducted at UNICEF and Street Kids International.

really matter, and thereby allowing the abuse ~~to~~ continue.

It must also be appointed out that customarily, parents and guardians feel all is well when children help them earn some income. Further, most such people are usually un educated and therefore do not know the English law. Their lives are potentially customary law oriented, and ~~so~~ for them there is no other law which can declare illegal, that which customary law prescribes.

(iv) INEFFECTUAL LOCAL AUTHORITIES:

It can be noted that sections 19 to 24 of the Juveniles Act talks about fit persons, committal to fit persons, power of Commissioner for juveniles welfare to board out juveniles and the duration of the order of committal.²⁴

This however is not as effective as possibly expected, and there are various hindrances to that effect. Being a developing nation, it is very difficult to cater for the welfare of all the children. This calls for parents to take the burden and discharge the duty of care which they owe their children. For if they dont, it is most ~~un~~likely that the local authorities can take appropriate measures to redress the situation. Infact it is not part of the Councils' priorities to ensure that the welfare of children is properly addressed. The law does not impose a duty on them to satisfy, the needs of children e.g. education or care of neglected children.

* 24. Sections 19-24 of the Juveniles Act.

NOTES AND REFERENCES:

1. Chapters 4 and 5 of the laws of Zambia, on the applicability of the English statutes passed before 11th August, 1911
2. The English statutes quoted are all as outlined by c Clarke Hall and Morison on children 7th edition, 1967, London.
3. SS. 37, 38, 39, 40 of the children Act, 1958
4. Children and young persons Act 1933; SS 1,2,3, and 16.
5. Section 168, 169 and 233, on child care and custody, and the penalties for breach by whoever has the custody of children.
6. OP. Cit S. 20
7. Section 50 of the Juveniles Act, and also Section 41
8. (1893) ICH. 143 The case of Re Mc Grath on what amounts to child welfare.
9. The tax treatment of the family, article on what or who constitutes a family for tax purposes.
10. The 1991 Zambian Constitution, Section 24.
11. Data collected by way of interviews at UNICEF and the street kids International.
12. Reasearch done by GRZ and UNICEF on child rearing practices in Zambia, 1986.

CHAPTER THREE

The problem of street children do result from different factors. The following are some of the factors leading to streetism.

THE ECONOMIC PROBLEMS

1. During my research at UNICEF, the street kids international, the YWCA and the Ministry Community Development and Social Welfare, the economic problem was cited as the major contributing factor to the problem of street children in Zambia.

It must be realised, that in a situation where there are high rates of unemployment, high rates of inflation and thereby making the economy very unstable, jobs are being lost everyday and several companies are winding up, it is expected in such circumstances that more and more people will be pushed out of employment and thereby making them so adventurous as to exploit any source of income that they deem fit.

It must also be said, that the movement from a socialist system where most of the business institutions were controlled by the government to a system which require that there be private ownership, has not been good enough for the average Zambian. The movement from the philosophy of Humanism to privatisation has left most of the people living in towns with little or nothing to feed on.

We can see in this regard, that when more and more people are being laid off or their companies are winding up, children will start lacking support.

1. People interviewed unanimously agreed that the economic factor is by far the major reason why so many children are in the streets.

: 2 :

They no longer can enjoy all the facilities that they are used to, or sometimes they can't even have proper meals, they move from fee paying schools or at worst they move out of school altogether. It can be seen further that in such circumstances, children may not be able to have proper meals, everything has been reduced, and all they have are very simple meals, once or twice a day. This force children to move out of home and go into the streets to look for money to buy food or sometimes to look for money to buy pencils and books which their parents no longer can buy for them.

It is at this point that we see that children are all over begging, selling or doing some work so that they be given some money, or they simply start stealing. When they realise some money, one sees that they spend it all on food and the remaining perhaps they spend it on entertainment (watching a movie). It becomes extremely difficult for parents in such circumstances to keep an eye on their children. This is because of the main reason that should they insist that children should stay at home, are they going to give them enough food or entertainment? When they realise that they can't, parents even feel relieved when children despite having not eaten anything from home have just kept away therefrom. They look at it as being unfair to insist that a child should go to school without eating, and not even being sure whether he is going to find food when he comes back. This makes parents handicapped as far as control of children is concerned. There is nothing deliberate about such failure to control or supply necessities to the children.

It is at the point when parents can no longer supply to their children as they used to that we see most of them setting up simple business so as to realise some money therefrom. Such business is usually street vending.

: 3 :

In ventures like street vending, it must be mentioned that there is a view, that the more people selling the more money will be realised and that in fact children are likely to attract the attention, and at the same time win the sympathy of the customer.

It is in this view that we eventually see that all members of the household are engaged in street vending, and this includes children. When this is done, we see that more and more children are usually with their parents in the business of street vending.

Though this is contrary to the law as established in chapter two, it must be mentioned that when children are engaged in business, the greatest achievement is that they are always with their parents and therefore making it possible for such parents to exercise control over them unlike when they go out alone into the streets. Of course this is not to say the practice is legal or has advantages, it is on the contrary based on bad effects. (eg children will not get educated, they are exposed to danger etc.)

Such business as street vending, it must be realised, is by far the main source of income to many families in Lusaka. It is a major source of income to many homes, so that sometimes when they realise enough money from selling, they are able to even send their children to school.

When we look at these and we look at the law as provided for in the families Act, the constitution or the penal code, we see that this engaging of children is a clear violation of the law as regards protection of children. Clearly children are taken to streets by their parents.

2. Views of women street vendors found in the corridors of Cairo Road.

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: 4 :

Parents on the other hand agree that they infact engage their children in street selling so that they realise more money. The major question is, "How do we implement the law?"

It is important to mention that most people engaged in street selling are infact reluctant to go into markets. It is however unfortunate that there are not enough markets available, but even if we had markets, they feel that they attract more customers in the streets than in markets, and also that once given places in the marekt, they would be required to pay some amount to the council which they don't pay when they sell in the streets.

In terms of the law regarding the issue of engaging children in street business and failure to provide necessaries, it is important to note that Section 50 of the Juveniles Act, 168, 169 and 2334 of the penal code do prohibit enganging children in street selling.

It must be mentioned that there infact is need to update the laws, as can be seen from the sanctions prescribed under Section 50 of the Juveniles Act. There is no consistency in terms of the fine of K50 and imprisonment for 3 months.

The point however is that there is a sanction for taking or causing children to be in the streets to sell or otherwise.

3. Sentiments of street vendors, that the comail cannot afford to levy tax on them while in the streets. They can easily evade tax.
4. All these sections are quoted in Chapter Two.
5. S. 233 of the Penal Code.

: 5 :

Section 233 of the penal code provides for imprisonment for 3 years for the offence of taking children in the streets. It can be noted that both these sections provide for imprisonment or fining of defaulters.

This brings about a complex situation in that whereas the law require that children should not be engaged in street business, such business is by far the major source of income for many people. This means that if children don't help their parents sell in streets or elsewhere, they infact are the ones to go without food; meaning that they will still get into the streets to look for food.

On the other hand, if as the law prescribes, a parent found guilty of engaging a child in street business is fined or imprisoned, it means in case of a fine, that such a parent will pay the same money which is to be used for food at home, and therefore that there will be very little or no food at at home. We see in this regard, that the law will be taking away the means of survival from the children in the name of trying to protect them. In the final analysis, we see that the children will get into the streets and therefore that instead of protecting the children, the law will, by fining the parent be sending the children into the streets.

Where on the other hand a parent or guardian is imprisoned as prescribed by law; it must be realised in the first place that the most hit economically are those in densely populated areas who do not even have decent accommo-
dation, sanitation or water.

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These are usually monthly tenants. When a parent is imprisoned therefore, it means that the children will not have food and no accommodation. It means in this case that children will definitely be pushed into the streets to look for food and find where to sleep. Children obviously can't pay rent and can't run a home without parents or guardians. It means in the final analysis that the law by being implemented will create more problems than it would solve.

Looking at this situation and its obvious complexities, the law can't be implemented for the benefit of the poor child, for whichever way you look at it, the child will always be the victim. The situation could however be different in a case where there is developed system of welfare societies which can cater for children once their parents are imprisoned. This requires a very stable economy so that then government feels obliged to perform such duties. In the present Zambian situation however, we don't have enough welfare societies and even if we had quite a number of them, implementing the law as above discussed, would mean that we will still have too many children to be catered for. This undoubtedly is a serious and complex situation to which not even government can find a remedy; it is so much economically dependent that only a stable economy would provide a remedy.

Looking at sections 168 and 169 of the penal code, it can be noted, that the law contemplates a situation where failure to provide the necessities for children is wilful, unreasonable or resulting from negligence.

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It means therefore, therefore, that such law can only be called into play upon proof of unreasonable failure to provide for children. where failure is not wilful or not negligent, however, as where parents are exerting, extra effort to provide for the home but are just failing due to economic constraints, the law as envisaged in Sections 168 and 169 of the penal code can not be called into effect. Perhaps a typical example of a situation where Sections 168 and 169 of the penal code can be called into play is where the parent spends all his money on other things than children. Here clearly shows there is negligence and wilful failure to provide necessaries for children. It means in this regard that the law should be implemented to the effect that arrangements have to be made with the employers and social welfare workers, so that such a parent should not receive his income until enough has been deducted for the benefit of children. The remaining he can then spend it on other things like beer or other entertainments. It is important however that he should not be imprisoned, for that would seal the means of survival for children.

It must be stated, that this state of affairs actually makes the law very inactive. This is because of the major reason that in the light of economic problems faced by parents the law does not come into effect or it will greatly disadvantage the children should it be implemented. We can say in this light, therefore, that the economic factor contributes greatly to the problem of street children. This is because of the fact that parents or guardians who don't earn enough to sustain their families can not even send their children to school. They fail to supply necessaries while they can't even be fined or imprisoned.

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6. As per data collected from the Ministry of Community Development and Social Welfare.
 7. S. 168 and 169 as quoted in Chapter 2.

 Further than economic problems at personal level, we see that effects are still felt even at state level. In this regard, we see, that the government through the ministry of community development and social welfare only run few homes which are too inadequate to cater for all street children, and that there are not urgent plans to put up more homes. 0 Notable among homes run by the ministry are the following:- Kasisi, Orphanage in Lusaka (in conjunction with charitable efforts NGO), St. Martins Hostel in Kitwe, Falconer Homes in Kabompo, Hillwood Farm in Mwinilunga, Insakwe probation Hostel in Kitwe and Namayanga Orphanage.

It is clear that these homes are not enough for the children in need of care. It is very important that if the problem of street children can ever be reduced, remedied or eradicated, government has to build more welfare societies and homes, and should create employment. Otherwise, the problem will continue to be too complex to reduce or eradicate.

(11) THE OUTBREAK OF HIV AIDS

11. It is evident that in Zambia and indeed the world over, AIDS is among the worst killers. The problem that comes with AIDS is that once one of the spouses acquires it, it will obviously be transmitted to the other spouse, unless they don't have sex or they use preventive measures like condoms. The chances are however high that eventually both spouses will have it. This means that the husband and wife will both die from the disease leaving children alone without proper care.

 8. Information obtained from the ministry of Community Development and Social Welfare. It was very difficult to extract information from them, workers were so indifferent and they said it was illegal to give out information to students. There may be some other homes, but these were unmentioned to me.

It is important to say, that in Zambia more people are still under traditional influence and don't seem to respond very much to the problem of AIDS.

We see in this regard, that when someone dies, relatives still insist on inheritance and succession. This to them require full canal knowledge of the parties concerned. It can be seen in the final analysis that infact the disease will keep spreading through traditional conservative principles, and people continue dying.

It is worth emphasizing that the outbreak of AIDS has cyphoned so many children and has therefore contributed so much to the problem of street children. It can be seen that traditional customs require that upon the death of a relative, he should be inherited and his property, his wife and children should also be taken away.

The practice in Zambia has however been that relatives of the deceased parent will go for the property and forget about the children. These children may be too young or too unexperienced to start living on their own. We see in the final analysis that they get into the streets to look for money, for food and other things. On another level of traditional customary influence we see that where only the husband dies, property is grabbed from the widow, leaving her and her children in the cold to start up a new life. The practice has been that relatives (usually) grab everything, and in extreme cases sell the matrimonial home, and completely forget about the widow and the children.

When property is grabbed, it must be realised first and foremost that the whole life style of the widow and her children suddenly and drastically changes. They no longer have the facilities they enjoyed and they have little or no money and in extreme cases they don't even have a source of income. In such cases, mothers will usually let go off the children to look for food and money wherever they can find it. We see eventually that they end up as street kids. In the alternative, we see that children together with the mother will engage in street vending so as to raise money. This situation exposes children to so many dangers, notably, begging, stealing or selling their labour. Also in such circumstances children would stop going to school and concentrate only on what they should eat.

When we look up to the law, we see that customary law is recognised law but such law should only apply in so far as such law is not repugnant to natural justice or morality or incompatible with provisions of any written law. The law provides that customary law is recognized law provided such customary law is not repugnant to natural justice equity or good conscience and is not incompatible, either in terms or by necessary implication with any written law in force in Zambia.

Clearly from this, a tradition or custom such as property grabbing is repugnant to natural justice, equity and good conscience, and in so far as it leads to deprivation of property, it is in conflict with the written law.

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10. Law in Zambia P. 143
 11. Section 16 of the Subordinate Courts Act
 12. Article 16 of the 1991 Zambian Constitution

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As regards Section four of the Intestate succession Act, it is provided that "under this Act if at the time of his death, a person has not made a will disposing of his estate, then that person has died intestate. We see in this regard that section five of the same stipulates how the estate of an intestate shall be distributed. It provides:-

S.5 (1) Subject to Sections 8, 9, 10 and 11, the estate of an Intestate shall be distributed as follows:-

- (a) Twenty percent of the estate shall devolve upon the surviving spouse; except that where more than one widow survives the intestate, twenty per cent of the estate shall be distributed among them proportional to the duration of their respective marriage to the deceased.
- (b) Fifty per cent of the estate shall devolve upon the children in such proportions as one commensurate with a child's age or educational needs or both.
- (c) Twenty per cent of the estate shall devolve upon the parents of the deceased.
- (d) Ten per cent of the estate shall devolve upon the dependants in equal shares.

As regards the minor, the law provides that the mother, father or guardian shall hold his share of the estate in trust until he ceases to be a minor.

It must also be mentioned that near relatives can only be the sole beneficiaries to the deceased's estate if upon his death, he is neither survived by the spouse, the children, parents or dependants.

13. Sections 4 and 5 of the Intestate Succession Act No. 5 of 1989.

14. Ibid S. 5(2) 15 Ibid S. 6 (e)

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This means that relatives infact have no room to share in the deceased's estate where there are spouses and children.

In a situation where the deceased left a will, but it is realised that some of the provisions of the will are unreasonable, that is, they do not give part of the estate of the deceased either to his children or his spouse; or the percentages are not as the law requires, section twenty of the Wills and Administration of Testate Estate Act empowers the court to change certain provisions in a will, not withstanding the provisions of that will, and it may order that reasonable provisions which the court deems fit shall be made out of the testator's estate for the maintenance of that spouse, dependant or those children or child.

It must be appreciated that that often times property grabbing has been talked about by both the church and the government, but surprisingly however, there seems not to be a step taken to try and control the situation. It is yet surprising to realise that the law is actually very clear as regards the distribution of the deceased's estate and the percentages are clearly stipulated. The problem is infact what was even mentioned in Chapters one and two that we have adequate law in place, but the problem is just one of implementation. This complicates the issue in the sense that the courts can not start looking for cases of abuse, yet people themselves are not able to report such cases. People should take the initiative and realise that it is through controlling such evils as property grabbing that the incidents of street children will eventually lessen.

15. S. 20 (1) of the Wills and Administration of Testate Estate Act, No. 6 of 1989.

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It must be pointed out, that this requires civic education to teach members of the public that upon the death of their spouses, (usually husbands) they should not sit back and look at their household property being shared by relatives of the deceased. Such cases must be brought to the attention of the courts so that they too should get their share of the estate.

III. LACK OF RECREATION FACILITIES IN RESIDENTIAL AREAS

This is an important factor which contribute so much to the problem of street children. According to my research findings and to the findings of UNICEF, most of the children found in the streets today in Zambia include school going ones.

Children it must be appreciated, are very active and they will always want to keep themselves busy. One finds that those who go to school in the afternoon have nothing to do at home in the morning. These will leave home quite early in the morning, with or without breakfast to go and look for entertainment and anything to keep themselves busy. They eventually find themselves in the streets and not in residential areas. In the streets they discover that there are a lot of things to keep them busy and they find better entertainment than there is in residential areas. By the time they realise they have to go to school it is too late and they stay away. We see eventually that alot of children may stop going to school and instead keep going into the streets to play around with friends. This is because of the fact that it is not easy for them to be kept at home, and if they get into the streets parents can hardly control them. In this regard, most of the parents interviewed complained that their children spend time out of home playing instead of going to school, and when they come back, they cheat their parents that they had gone to school.

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To children who go to school in the morning, we see that by mid-day they are through with lessons and they join their friends in the streets. They too, eventually will do away with education and continue with street life.

It must be said, that the importance of having children to play within residential areas is that they become easy to control so that whenever parents feel they have something for the child, they know where to find him or her. Where there are no play parks, swimming pools or mere playing grounds, children cannot easily be located, and it becomes difficult therefore to control them.

This then seriously calls for the need to repair play parks in residential areas. They undoubtedly kept children busy within their residential areas so that there was no need for them to go and look for entertainment anywhere else.

Apart from repairing play parks, it is also important that cinema halls should also be reintroduced in residential areas. These will keep children within residential areas unlike a situation where they go to town to watch a movie. While in town, they mix with different people and acquire different ways of conduct from those people they meet. This is exposing children to danger, which can only be controlled by providing entertainment and recreation facilities in residential areas.

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16. Materials were obtained through interviews at UNICEF and from parents talked to in Chilenje South and Libala Townships.

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Another important factor as regards recreation is the issue of swimming pools in schools. One finds that most of the schools in towns had these facilities. Over time, it turns out that these are not maintained and they eventually dry up. Notable among schools which had swimming pools which have since dried up due to lack of maintenance are Lusaka Boys and Lusaka Girls Primary Schools. Several other schools which enjoyed this facility can no longer enjoy it. One finds in this regard that children travel long distances in search of swimming pools.

Looking at it from another angle, we see that in a situation where recreation facilities cannot even be found at school, most children don't feel motivated to go to school. After all they know that there is nothing interesting about going to school, and therefore that they better seek recreation elsewhere.

According to my research findings, most schools nowadays have actually almost lost touch with such activities as physical education; also because of economic problems they can't maintain football and netball pitches and they don't even have enough balls for children. Primary schools infact nowadays have almost stopped buying balls. We find therefore that children can't find entertainment or any recreation at home and at school, they then decide to leave both school and home to go and seek entertainment and recreation elsewhere. Eventually we see that these children will often times end up in streets.

The task obviously lies in the ability of government to put up recreation facilities if ever we are to talk about reducing the number of street children.

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17. There is one swimming pool near International School of Lusaka where even children from places like Chilenje or Libala and Kabwata go to swim.

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It must be noted that when we have too many children in the streets, it becomes impossible for both Government and Non-Governmental Organisations to take care of these kids. We should also realise that maintaining these children in welfare societies and NGOs is very expensive. It means therefore that when we have too many children in the streets, the little available resources would not be able to produce the desired results. That is why we should try to prevent behaviours which lead children into streetism.

It is also important that while efforts are being made in this direction, government in conjunction with NGOs should also strive to build more and more homes for children in need of care. Another way government can help improve the situation is by re-introducing the family allowances for children in need of care. The problem would however be one of how to identify children in real need of care, and also that such ventures require alot of government expenditure. The other problem is that such allowances wouldn't benefit orphans. Guardians of orphans are often times not honest. They will spend all the money on their children so that orphans will continue to suffer. Such allowances could however work well if there are enough social welfare homes for children so that money for children is handled by a community development worker so as to ensure that all children should benefit. In our situation, we don't have enough homes for children and therefore having difficulties.

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18. An interview with V Scott - Street Kids International Staff responsible for the Drop-In-Centre - (In Garden Compound)

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The reintroduction of such allowances would however drastically reduce the number of children in the streets.

IV. MODERNIZATION AND URBANISATION

With the inception of the third republic, and the coming into power of the MMD government, they have sought to run the country on a cash basis and government inevitably had to eliminate deficit financing. This means that no project can be embarked on unless money is readily available (in advance).

Government also expressed an intention to include in the 1994 programmes, such projects as will support vulnerable groups. These measures were to provide very short time relief which vulnerable groups hardly or never experienced at all. We see contrary to this that a capitalist system was introduced, thereby restructuring the whole system of the Zambian economy. Fees were introduced in hospitals and generally the cost of living tremendously became too high.

In these circumstances, it can be seen that extended family ties are cut-off people became more and more individualistic so that no one would want to offer any more assistance to the other. This meant that more and more children as society modernizes are pushed into the streets due to primary lack of food.

In a capitalist system of government, we see that socialist oriented institutions slowly begin to fade away so that anything now has to be purchased. No more free mealie meal.

19. The family allowances of children were abolished in 1970, writes Dr N Simbyakula in his Article "Tax treatment of the family" issued 1972.

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The change from a socialist to a capitalist system of running the economy may have been alright to reduce inflation, but it certainly has contributed so much to the problem of street children in the sense that more and more families can no longer afford a decent life. The cost of living is evidently too high for the common man to manage, and therefore children resorting to streetism. Thus, crafts and other skills should be introduced in primary schools and should even be made available to early school drop-outs and those who can't find employment.

On the level of urbanisation, we see that there are just too many people who leave rural areas to come and live in towns. This inevitably means that there will not be enough accommodation for all people, school places for children will become scarce, food will not be enough for all, hospitals will be too few and therefore needing to build more.

There will also be very high rates of unemployment. This brings about a situation where social classes clearly emerge. The poor experience extreme suffering, and therefore their children engaging in streetism while the rich will live in comfort.

Critically and objectively looking at urbanisation in the light of street children, it can be said that as long as industries in cities or towns keep growing and developing, more people will leave rural areas to go to towns, and therefore that there will be shortage of food, school places, accommodation and unemployment will be high.

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This essentially means that in such circumstances where some people have no food or shelter, we inevitably and quite reasonably expect to find street children. This view is saying in essence, that streetism is to some extent a result of modernisation, industrialisation and urbanisation. Over population is something that one experiences only at walking along the streets of Lusaka Town Centre.

In conclusion, it can be argued, that the problem of street children is a very complex one, and it requires that government, parents or guardians of children and Non Governmental Organisations should work together if at all the problem can be addressed effectively. Government with the help of NGOs should endeavour to put up new welfare societies so as to help children who are in need of care. The problem we find however is that the whole issue is heavily though not entirely centred on the economic problems. This is a complex situation in the sense that we are a developing nation which can not afford to build enough welfare homes for children, or to give family allowances of children to certain identified families. This would be a better strategy except that the Zambian economic stand can not allow putting up all these structures. Also we see that maintenance of recreation facilities require money which government may not be ready to part with.

It can be suggested therefore that charitable donations, fundraising parties should be called into play so as to raise money to put up new facilities and maintain old ones. It must however be appreciated that the problem is so complex that there is no hard and fast rule to solving it.

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Another thing to remember is the fact that as towns get over populated, incidents of street children also tend to proportionally increase. We require a developed, stable economy to effectively address the situation.

NOTES AND REFERENCES

1. Most of the people interviewed as to why there are so many children in the street nowadays said that the problem is economic. People no longer afford decent meals.
2. Women engaged in street vending feel that they are infact better of in streets than in markets, because apart from not paying to the council, they have a lot of customers.
3. Section 50 of the Juveniles Act.
4. S. 233 of the Penal Code.
5. The Ministry of Community Development did not seem to have a specific programme for children generally and street kids in particular.
6. S. 168 and 169 of the Penal Code.
7. Law in Zambia P. 143 on the point that the received statutory law is by far for the educated Zambians.
8. S. 16 of the subordinate Courts Act and Article 16 of the 1991 Zambian Constitution.
9. Gumbo Land & Agricultural Bank (1968) ZR 50.
10. SS. 5, 20 and 20 of the Wils Act.
11. Complaints on matters of property grabbing were pointed out at YWCA. Severally women who had been mistreated or whose property had been grabbed came forward and gave evidence.

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NOTES AND REFERENCES CONT'D

12. An interview at the Street Kids International showed that it is very expensive to keep street children and send them to school.
13. It is very important that swimming pools, play parks, swimming pools etc. are repaired if at all we'll find a solution to this problem.
14. Budget Speech, and tax treatment of the family, an article by Dr D N Simbyakula.
15. Intestate Succession Act, No. 5 of 1989.
16. Wills and Administration of Testate Estate Act No. 6 of 1989.

CHAPTER FOUR(i) CONCLUSIONS AND RECOMMENDATIONS.

The problem of Streetism is a complex issue. It can be seen that it is increasing with every other day that passes, and there is no hard and fast rule to solving it. It must be appreciated that due to the complexity of this problem, only very good strategies if put in place can reduce or put an end to the problem of street children.

Various factors lead to children engaging in streetism. Such things as lack of proper accommodation, lack of recreation facilities, lack of school places and general lack of entertainment. Children also upon losing their parents sometimes feel deserted by their relatives and feel also that they no longer receive the attention that they received from their parents. They therefore opt to live and play in the streets just to run away from problems at home. The major factor that perhaps plays the greatest role in terms of contributing to this problem is the economic constraints. One observes that apart from entertainment and recreation, most children are in the streets of Lusaka today to look for money. This is as a result of the fact that their parents cannot afford to give them what they require and therefore that they get into the streets either to steal, engage in some labour or guard someone's car so that at the end of the day they will be paid for that. Children are also in the streets to run away from the boredom at home so that they find things exciting in the streets. Thus, children also go into streets to look for entertainment and other forms of recreation. This can be

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put to an end if the government, with the help of Non Governmental Organizations, including members of the public unite their efforts to put back recreation facilities in townships. This will drastically reduce the number of children in the streets, in that those who go there to seek entertainment will stop.

In the light of all these economic and social problems, parents cannot entirely be blamed for the various incidents of street children in Zambia. On the contrary, most parents are very much willing to provide for their children, but they simply can't manage to do so. They are overburdened by the bad economic standing of the Country, so that to the on-looker, it appears like they are not doing enough to bring up their own children. The fact that a lot of people from the low income earning group are engaged either in street vending or some other petty business is a clear indication of the willingness by parents to realise some money for the home, and especially for the children. This is however not to suggest that there are no cases of child neglect in Zambia. Such cases are there but this in itself is not the major Contributing factor to the incidents of street children.

Another factor which has increased the number of children in the streets is the outbreak of the AIDS epidemic. Clearly this has orphaned a lot of children³ and brought about a complete change in their life style. They usually find that they no longer receive the same attention and care that they got from parents and so they decide to keep themselves occupied in the streets. This requires a lot of social consciousness with regard to people's behaviour. It must be realised that upon

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Further legal protection is covered under Section 24 of the 1991 constitution, Sections 3,4, and 5 of the employment of Young persons and children Act, and Section 23 of the juveniles Act.

The problem however is that most of these laws are not updated, and not easily accessible. This then calls for updating of the laws and making them responsive to Society. It can be said in this light, that in their present form, most of these laws cannot adequately protect the Zambian Child.

It can be said, therefore, that the increasing number of street children of late can not entirely be blamed on the parents. The various factors mentioned play a greater part than parental negligence. More especially the economic factor plays a significant role to such extents that most children whose parents cannot afford necessities appear deserted. This situation, it must be noted, will most likely continue until jobs are created and the economy assumes stability. It however seems impossible that there can be created jobs for all parents so that unemployment will become a thing of the past. The economy also is not likely to stabilise in the very near future. In this light therefore, the problem of street children has come here to stay. It can only be reduced by very good strategies but it cannot be eradicated

(ii) RECOMMENDATIONS AND STRATEGIES FOR CHANGE.

After an inquiry into the problem of street children, and whether or not the whole issue can be blamed on poor parental care, one finds that infact despite a few cases of parental negligence, the economic base of the country seem to determine the way of life of the people.

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The following recommendations and strategies are deemed fit and useful if ever we can reduce incidents of street children, or at best if we can irradiate it.

- (a) Government should review the laws to make them responsible to society. This means that laws should be updated and made accessible to the people of Zambia.
- (b) Government should create jobs, and suitable vocational training skills for both school leavers and non school going children. Craft work at primary school level should be reintroduced so that children will discover their talents and abilities with a view to exploit them.
- (c) Government should, endeavour to improve the general standard of living of the people. To do this, government should provide legislation for the poverty datum line or the minimum wage for every Zambian.
- (d) Government should come up with a law obliging councils to provide recreation facilities in all major residential area. It should also be provided for by law that a council which fails to provide recreation facilities for children should be sued by any member(s) of society
- (e) Maintenance of buildings and the entire infrastructure should be done on regular basis. It should be realised, that once the infrastructure has been destroyed, it becomes too expensive, if not impossible to put back.

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- (f) Family planning activities should be strengthened to reduce the number of children born per person. There is need to emphasize that smaller families are easier to handle than bigger families.
- (g) The law should impose a duty on government to train welfare officers so as to effectively and adequately tackle the problem of street children.

S E L E C T B I B L I O G R A P H Y

- CLARKE H. and MORRISON, ENGLISH STATUTES on CHILDREN, 7th edition, 1977, London.
- HOGGETT B M, Parents and Children, 2nd edition, Sweet & Maxwell, 1981, London.
- KAUNDA K.D. Humanism in Zambia and a Guide to its Implementation: Part I, Zambia information Service, Lusaka.
- NDULO M, LAW IN Zambia, (edt) African publishing house Ltd, 1984, Kenya.
- PETER T. and LUNGWANGA G. Background of street children in Zambia, Institute of African Studies, 1992, UNZA.
- SIMBYAKULA N. "Tax Treatment of the family in Zambia", 1992, Lusaka.