

**Submission by Human Rights Watch
to the Committee on the Rights of the Child
on Zambia
*85th pre-sessional, 2019***

This submission focuses on the impact of lead pollution on children’s rights, and the protection of students, teachers, and schools during armed conflict. It relates to article 24, 28 and, 31 of the Convention on the Rights of the Child.

Impact of Lead Pollution on Children’s Rights (article 24 and 31)

Lead exposure around the former lead and zinc mine in Kabwe, which operated from 1904 to 1994, is having disastrous effects on children’s health. More than one-third of the population of Kabwe, Zambia— over 76,000 people—live in lead-contaminated townships. Studies estimate that half of the children in these areas have elevated blood lead levels that warrant medical treatment.

At present, children living in nearby townships continue to be exposed to high levels of toxic lead in soil and dust in their homes, backyards, schools, play areas, and other public spaces. The Zambian government’s efforts to address the environmental and health consequences of the widespread lead contamination have not thus far been sufficient, and parents struggle to protect their children.

Children are especially at risk because they are more likely to ingest lead dust when playing in the soil, their brains and bodies are still developing, and they absorb four to five times as much lead as adults. The consequences for children who are exposed to high levels of lead and are not treated include reading and learning barriers or disabilities; behavioral problems; impaired growth; anemia; brain, liver, kidney, nerve, and stomach damage; coma and convulsions; and death. After prolonged exposure, the effects are irreversible. Lead also increases the risk of miscarriage and can be transmitted through both the placenta and breastmilk.

Human Rights Watch conducted three field research missions to Zambia between June 2018 and April 2019 and found that government efforts to address lead pollution have been far from adequate. Human Rights Watch also found that government-run health facilities in Kabwe currently have no chelation medicine for treating lead poisoning or lead test kits in stock, and no health database has been established to track cases of children who died or were hospitalized because of high lead levels.

In December 2016, the government began a five-year World Bank-funded project to clean up lead-contaminated neighborhoods and conduct new rounds of testing and treatment. Government officials and World Bank representatives told Human Rights Watch that the government intended to start the remediation and health components later in 2019. The project is intended to carry out remediation to reduce lead exposure in at least three townships and includes plans for testing and treating at least 10,000 children, pregnant women, mothers, and other individuals.

In recent months, several activities have started, such as health worker training, the procurement of chelation medicine, and greater information-sharing about the project with the community and the public. The government also recently announced it would also include 10 schools in the project.

Human Rights Watch welcomes this project, but is concerned about the serious delays in implementation: Three years after the launch, the project is just starting to get off the ground. Community leaders and groups in Kabwe have expressed frustration about the process and told Human Rights Watch that they had been left in the dark.

Furthermore, Human Rights Watch is concerned that that the project will not address the full scope of lead poisoning and contamination. In particular, the project does not address the source of the contamination, the mining waste. More than six million tons of mining waste are out in the open, and dust blows over nearby residential areas. If the source of the contamination is not addressed, the project risks not being sustainable.

Small-scale mining, that is mining with little or no machinery, is also a major issue and is now the main activity at the former Kabwe mine. Small-scale mining for lead is extremely hazardous, as residents risk getting exposed further to lead when adult family members work at the mine and return home with lead on their body, clothes, tools, or shoes. While the government has issued some licenses for mining, there are also unlicensed, illegal mining operations.

The government has also granted a large-scale mining license for much of the former mine area to the Berkeley Mineral Resources company. This company, together with its South African business partner Jubilee Metals, is planning to recover zinc, lead, copper, as well as the highly valuable metal vanadium. Jubilee Metals has bought a refinery right next to the former Kabwe mine for zinc processing, and has said it anticipates producing during 2020. Waste processing carries the risk of creating further problems by generating additional dust and polluting the water.¹

Human Rights Watch recommends to the Committee that it call upon the government of Zambia to:

- Develop a program for sustainable, comprehensive lead remediation, testing, and treatment in Kabwe. The program should be developed in conjunction with relevant ministries, affected communities, civil society groups, youth groups, and other relevant stakeholders. In particular:

Remediation

- Develop a remediation plan that will allow for long-term containment or removal of lead waste.
- Ensure that private operations for reprocessing minerals are part of this plan and carefully scrutinized and monitored by the government for human rights and environmental impacts, including through environmental and social impact assessments.
- Ensure that small-scale mining operations are licensed and regularly monitored for compliance with national laws and regulations.
- Invite all households in contaminated townships to participate in the voluntary remediation program to clean both yards and home interiors.
- Remediate all contaminated schools, play areas, health centers, and other public areas.
- Pave roads in contaminated townships to reduce dust.
- Conduct regular monitoring of soil and air lead levels in Kabwe, and publish the results.

Health and Education

¹ Human Rights Watch, We Have to Be Worried: The Impact of Lead Contamination on Children's Rights in Kabwe, Zambia, (New York: Human Rights Watch, 2019) <https://www.hrw.org/report/2019/08/23/we-have-be-worried/impact-lead-contamination-childrens-rights-kabwe-zambia>

- Ensure that all children in Kabwe are given access to free testing and, as appropriate, free treatment for lead poisoning. Make sure that the initial round of testing and treatment reaches all children under the age of 5 as well as pregnant and breastfeeding women; and that children previously tested and found to have elevated lead levels are given access to follow-up testing and treatment.
- Track lead poisoning in the Health Management Information System (HMIS) or develop a separate database for Kabwe to track cases of lead poisoning, including lead-related hospitalization and mortality.
- Ensure children with disabilities and learning barriers in affected areas are tested for lead.
- Provide accommodations and individual learning support for children with learning barriers.

Protection of Education During Armed Conflict (article 28)

Zambia was among the first countries to endorse the Safe Schools Declaration, joining in May 2015.²

As of October 2019, Zambia is contributing 1007 troops to United Nations peacekeeping forces. Peacekeeping troops are required to comply with the UN Department of Peacekeeping Operations “UN Infantry Battalion Manual” (2012), which includes the provision that “schools shall not be used by the military in their operations.” Moreover, the 2017 Child Protection Policy of the UN Department of Peacekeeping Operations, Department of Field Support, and Department of Political Affairs notes: “United Nations peace operations personnel shall at no time and for no amount of time use schools for military purposes.”

Human Rights Watch encourages the Committee to pose the following questions to the government:

- Are protections for schools from military use included in any policies, rules, or trainings for Zambia’s armed forces?

² The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict; the importance of the continuation of education during armed conflict; and the implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*. See Global Coalition to Protect Education from Attack, Safe Schools Declaration, http://www.protectingeducation.org/sites/default/files/documents/safe_schools_declaration-final.pdf.

Human Rights Watch recommends to the Committee that it call upon the government of Zambia to:

- Congratulate the government of Zambia on endorsing the Safe Schools Declaration, thereby committing to use the *Guidelines for Protecting Schools and Universities from Military Use in Armed Conflict*.