An exploration on the interplay between customary law and practices and children’s protection rights
A focus on South Africa and Zambia

Presentation by
Divya R Naidoo

to the
Expert Consultation on Harmful Traditional Practices
Addis Ababa, Ethiopia
13 June 2012
Introduction

• International and continental rights instruments - obligations on State Parties to create a protective environment for children
• Protective environment influenced by socio-economic and cultural context
• 2010: review of the National Child Protection Systems in South Africa, Swaziland and Zambia
• Findings: customary, cultural and religious practices impact on national child protection systems
• 2011: follow-up study in South Africa and Zambia
Aim of study

• To explore to what extent African customary law and practice promotes and/or inhibits the protection of children;
• How positive impacts can be harnessed for the protection of more children;
• How the negative impacts can be mitigated;
• How and who should be at the helm of developments of African customary law
Protection domains

• Customary upbringing and parenting practices, and protection mechanisms
• Gender sensitive practices and attitudes
• Children’s health
• Criminal offences by and against children
• Status of children
• Participation of children
Methodology, sampling and limitations

• **Methodology:**
  – exploratory study
  – Combination of procedures: literature review, focus group discussions, and conducting semi-structured interviews.

• **Sampling:**
  – South Africa: 4 communities from 3 provinces: Eastern Cape, KwaZulu-Natal, and Limpopo.
  – Zambia, two rural communities from Lusaka.

• **Limitations:**
  – Limited number of communities in South Africa and Zambia
  – Budget and time-lines
  – Steps to address limitations
Recommendations

- Traditional institutions
- Legislative and executive advocacy
- Advocacy to promote:
  - customary upbringing and parenting practices
  - Advocacy to promote gender-sensitive attitudes and practices
  - Advocacy to address children’s health
  - Advocacy related to criminal offences against and by children
- Advocacy to promote the status and participation of children
Thank You

Divya R Naidoo
Save the Children Southern Africa

DivyaN@saf.savethechildren.se