

**An exploration on the interplay between
customary law and practices and children's
protection rights**

A focus on South Africa and Zambia

Presentation by

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to the

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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



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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



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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



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Thank You

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