

**REPORT OF THE COMMITTEE ON YOUTH, SPORT AND CHILD DEVELOPMENT FOR THE FIFTH SESSION OF THE ELEVENTH NATIONAL ASSEMBLY APPOINTED ON TUESDAY, 24<sup>TH</sup> SEPTEMBER, 2015**

Consisting of:

Mr E J Muchima, MP (Chairperson) ; Mr O C Mulomba, MP; Mr S Chungu, MP; Mr N Chilangwa, MP; Mr D Livune, MP; Mr W Banda, MP; Mr J Shakafuswa, MP; and Mrs S T Masebo, MP.

The Honourable Mr Speaker  
National Assembly  
Parliament Buildings  
**LUSAKA**

Sir

Your Committee has the honour to present its Report for the Fifth Session of the Eleventh National Assembly.

**Functions of the Committee**

**2.0** The functions of your Committee are:

- i. to study and report on the mandate, management and operations of the Ministry of Youth, Sport and Child Development;
- ii. to carry out detailed scrutiny of certain activities being undertaken by the Ministry of Youth, Sport and Child Development, departments and agencies under its portfolio and make appropriate recommendations to the House for ultimate consideration by the Government;
- iii. to make, if considered necessary, recommendations to the Government on the need to review certain policies and existing legislation;
- iv. to examine in detail annual reports of the Ministry of Youth, Sport and Child Development and to determine whether the affairs of these bodies are being managed according to relevant Acts of Parliament, established regulations, rules and general orders; and
- v. to consider any Bills that may be referred to it by the House.

## **Programme of Work**

**3.0** Your Committee considered and adopted the following programme of work for the Fifth Session of the Eleventh National Assembly:

- (a) consideration of the Action-Taken Report on the Committee's Report for the Fourth Session of the Eleventh National Assembly; and
- (b) consideration of the topical issue on the effectiveness of the Juvenile Justice System in Zambia;

## **Meetings of the Committee**

**4.0** Your Committee held a total of fifteen meetings to consider submissions on the topical issue, the Action-Taken Report and to adopt its Report.

## **Procedure adopted by the Committee**

**5.0** Your Committee requested detailed memoranda on the topic under consideration from stakeholders and invited them to appear before it to give verbal submissions and clarifications on issues arising from their submissions.

# **PART I** **CONSIDERATION OF TOPICAL ISSUE** ***EFFECTIVENESS OF THE JUVENILE JUSTICE SYSTEM IN ZAMBIA***

## **Background**

**6.0** The state of the juvenile justice system in a country has a significant influence on the future behaviour of children and young offenders who interacted with it. According to international standards as set out in the United Nations Convention on the Rights of the Child (CRC), a juvenile justice system shall aim at encouraging specialisation in juvenile justice practices and developing a distinct system of criminal justice that treats juveniles in a manner appropriate to their age and level of maturity.

Most of the countries in the world have distinct legislation governing procedures for juveniles who come into conflict with the law. Zambia has the *Juveniles Act*, Chapter 53 of the Laws of Zambia. The Act acknowledges the need for special treatment of children and incorporates the basic fundamental aspects of juvenile justice, such as the separation of juveniles from adults, the creation of juvenile courts, the need for rehabilitation and the prohibition of harsh and cruel treatment. However, these provisions often fall short of full compatibility with international instruments such as the CRC and are hardly applied in practice. Many of the concepts of 'modern' justice

legislation – clear separation between child offenders and children in need of protection, diversion and restorative justice, preference for community-based rehabilitation and community involvement – are not applied.

It was against this background that your Committee resolved to undertake a study on the effectiveness of the juvenile justice system in Zambia.

## **Objectives**

**7.0** The overall objective of the study was for your Committee to assess the current situation relating to juvenile justice in Zambia and analyse its impact on young persons when they come into conflict with the law.

The specific objectives of the study were to:

- (a) understand the legal and policy framework governing the Zambian juvenile justice system;
- (b) identify the relevant international standards on the juvenile justice system;
- (c) assess the adequacy of juvenile justice facilities in the country to produce the desired outcomes;
- (d) assess the capacity of key state actors in the juvenile justice system;
- (e) identify the challenges that have beset the juvenile justice system in the country;
- (f) appreciate the type of programmes available for the reformation of young people in the juvenile justice system; and
- (g) make recommendations on the way forward in the improvement of the juvenile justice system in Zambia.

## **8.0 Stakeholders**

The stakeholders listed hereunder were invited to submit on the topic.

- (a) Ministry of Home Affairs.
- (b) Ministry of Youth, Sport and Child Development.
- (c) Ministry of Community Development and Social Welfare.
- (d) Ministry of Justice.
- (e) Human Rights Commission of Zambia.
- (f) National Prosecution Authority.

- (g) Child Justice Forum.
- (h) Zambia Police Service.
- (i) Young Women's Christian Association (YWCA).
- (j) United Nations Children's Fund (UNICEF).
- (k) Prisons Care and Counselling Association (PRISCCA).
- (l) Advocacy for Juvenile Justice.
- (m) Social Workers Association of Zambia.

### **The legal and policy framework governing the Zambian juvenile justice system**

**8.1** Stakeholders submitted that the Zambian Juvenile Justice System was based both on the domestic and international legal framework.

It was stated that the domestic legislation that dealt with the Juvenile Justice System in Zambia is as set out below.

- (i) The Constitution of the Republic of Zambia: Article 18 provides for the provisions to secure protection of the law and it expressly states that a person is innocent until proven guilty. In addition, it has provisions for free, fair and speedy criminal trials before Courts of Law.
- (ii) *The Juveniles Act*, Chapter 53 of the Laws of Zambia: An Act that makes provision for the custody and protection of juveniles in need of care and to provide for the correction of Juvenile Delinquents; and provides for matters incidental to or connected with the foregoing.
- (iii) *The Penal Code Act*, Chapter 87 of the Laws of Zambia: An Act that provides for offences and their punishment for offenders whether adult or juvenile and it provides for the age at which a child becomes criminally liable. Section 14 states that a child below the age of eight is incapable of committing an offence. In addition, a child below the age of twelve is also incapable of committing an offence unless it is proved that the child knew that the act or omission was unlawful. Further, a male child under the age of twelve is incapable of having carnal knowledge.
- (iv) *The Subordinate Court Act*, Chapter 23 of the Laws of Zambia empowers the Subordinate Court to sit as a Juvenile Court.
- (v) *The Criminal Procedure Code*, Chapter 88 of the laws of Zambia provides for the procedure to be followed in criminal cases.

- (vi) *The Probation of Offenders Act*, Chapter 93 of the Laws of Zambia provides for the probation of offenders and any other matter incidental thereto.
- (vii) *The Legal Aid Act*, Chapter 34 of the Laws of Zambia provides for free legal services to persons who cannot afford to retain a lawyer in criminal and civil matters.
- (viii) Judicial precedents through the principle of *Stare Decisis* compels lower courts to be bound by decisions of higher courts.
- (ix) African customary law as administered by the local courts.

### **International treaties and conventions that govern the Zambian juvenile justice system**

Your Committee was informed of the following international treaties and conventions:

- (i) the Universal Declaration of Human Rights of 1948 is a Declaration adopted by the United Nations General Assembly. The Declaration was the first global expression of rights to which all human beings are inherently entitled. While not a treaty itself, the Declaration was explicitly adopted for the purpose of defining the meaning of the words "fundamental freedoms" and "human rights" appearing in the United Nations Charter, which is binding on all Member States;
- (ii) the United Nations Convention on the Rights of a Child which came into force in 1990, sets out the civil, political, economic, social, health and cultural rights of children. The Convention defines a child as any human being under the age of eighteen, unless the age of majority was attained earlier under a State's own domestic legislation. In this regard, two Optional Protocols were adopted on 25<sup>th</sup> May, 2000. The First Optional Protocol restricts the involvement of children in military conflicts, and the Second Optional Protocol prohibits the sale of children, child prostitution and child pornography. Both Protocols have been ratified by more than 150 states;
- (iii) the United Nations Standard Rules for the Administration of Juvenile Justice (Beijing Rules); and
- (iv) the African Charter on the Rights and Welfare of the Child which came into force in 1999, after being adopted by the Organization of African Unity (O.A.U).

## **Adequacy of juvenile justice facilities in the country to produce the desired outcomes**

With regard to the adequacy of facilities available for the juvenile justice, your Committee was informed that the primary focus of any juvenile justice system was the rehabilitation of the juvenile offender. According to Rule 5.1 of the Beijing Rules, 'The juvenile justice system shall emphasise the well being of the juvenile and shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence.'

Article (17) (3) of the African Charter on the Rights and Welfare of the Child provides that 'the essential aim of treatment of every child during the trial and also if found guilty of infringing the penal law shall be his or her reformation, re-integration into his or her family and social rehabilitation.'

In Zambia, however, the monitoring reports submitted by the Human Rights Commission and the National Child Justice Forum of the Judiciary had expressed concern at the insufficient number of facilities and programmes for physical, psychological recovery and social reintegration of juveniles. Once a juvenile entered the criminal justice they experienced a lack of rehabilitation measures and educational facilities, as well as the placement of 'potential delinquents', in detention centres instead of places of safety (*Juveniles Act, Cap 53*) or care institutions for their rehabilitation.

The factors that rendered the juvenile justice facilities in Zambia inadequate are set out below.

(i) **Arrest stage**

There were no facilities where a child could be interviewed (interrogated) by the arresting officer. Once arrested, the juveniles in most cases were placed at the inquiry desk or passage to the offices (corridors) as most police stations/police posts had no holding cells for the children.

(ii) **Detention stage**

There was lack of separate holding cells for children. This deprived children of their right to be separated from adult accused/criminal adults and to their privacy. Once detained, the children were mixed with adult accused persons. There was no separation of children and at times they were put in women holding cells so that the children would be under the custody of their 'mothers', all due to lack of separate holding cells for children. They slept on cold floors and lacked beddings.

(iii) **Trial stage**

There were no waiting rooms or holding cells at court premises. There was even more trauma and victimisation at this level as the child was repeatedly interviewed by the prosecutor, social worker, accused adults or curious onlookers outside the courtroom. Sometimes, children were kept in the courtroom whilst court proceedings were going on for adults. In addition, it was revealed that there were a limited number of courtrooms in most districts which resulted in subjecting the innocent child to the view of the public that resulted into the violation of the principle of presumption of innocence until proven guilty and the child's right to privacy.

(iv) The lack of specialised family courts and child friendly courts meant that children's matters were held in the usual intimidating common courts where adults' criminal proceedings were conducted. Due to the nature of the child, this environment instituted fear and eroded the child's confidence to give credible defence. Malawi has separate courts for children away from the common public places, with trained magistrates and prosecutors assigned on rotation basis.

(v) Face to face adjudication of children's court proceedings was rather traumatising to the children and a hindrance to child's reformation. Modern courts use technology such as use of teleconferencing facilities. In Malawi, a social worker appeared in court on behalf of the child and presented a social welfare report. This was also the case in South Africa. These practices lessened negative experiences that a child was exposed to.

(vi) Correctional facilities for boys were only two and both located in Southern Province. The only facility for girls, Insakwe Probation Hostels, was found in Ndola.

| Facility Name   | Year of establishment | Capacity |
|---|-----------------------|----------|
| Katombora Reformatory School (Kazungula )                                     | 1957                  | 120      |
| Nakambala Approved School (Nakambala)   | 1963                  | 75       |
| Insakwe Probation Hostel for girls (Ndola) now gazetted reformatory for girls | 2006                  | 48       |

*Table 1: Existing juvenile facilities in Zambia*

## **Key state actors in the juvenile justice system**

Your Committee was informed that there were about six major state actors involved in the dispensation of juvenile justice in Zambia. These include the Zambia Police Service; Magistrates Court Judges; Legal Aid Board; Department of Social Welfare; Prisons Service; and Human Rights Commission. The functions of these actors were prescribed in their relevant legal instruments. The extent to which they performed their functions could be examined from the perspective of their resource base; technical competence; and outcomes for the children who came into conflict with the law. The functioning of the key state actors are outlined below.

- (i) **The Zambia Police Service:** As an arresting agency, the police officers were usually the first to come in contact with the children in conflict with the law. However, several legal and human right scholars and practitioners had noted that the Police Service does not perform to expectation in terms of adherence to the provisions of the relevant juvenile legal instruments. Firstly, arrested children were usually detained together with adult offenders as was the case during trial, because there were no separate child-friendly police holding cells. Also, the police holding cells were often overcrowded, dilapidated, and filthy due to inadequate sanitary facilities. This was partly attributed to the lack of financial resources to provide adequate facilities. In addition, the Police Service had not demonstrated a high level of professionalism in dealing with the offenders, as they often used excessive force in arresting and obtaining confessions and illegal detentions which were violations of their human rights and liberties. In the circumstances, the Zambia Police Service had not necessarily ensured good outcomes for the children who came into conflict with the law.
- (ii) **Magistrate Court, Judges:** The manner in which juvenile court sessions were conducted reflected the capacity level of juvenile court judges in the dispensation of juvenile justice. Generally, there was a shortage of magistrates and court facilities in the country, resulting in the prolonged delays in disposing juvenile cases and very few children appeared with legal representation. Therefore, even though a separate juvenile justice system had been established in Zambia in accordance with the law, the necessary capacity had not been created to conduct juvenile trials in accordance with the provisions of relevant legal instruments. The shortage of magistrates; juvenile court facilities; and the lack of child legal representation reflect inadequate resource base of the juvenile justice system. Similarly, the failure to hold juvenile court sessions in camera in accordance with the law was a challenge on the part of the magistrates or judges handling juvenile cases.



- (iii) **The Legal Aid Board:** The major function of the Legal Aid Board was to provide legal representation to children and adults with inadequate resources to access private legal representation. Very few children appeared in court with legal representation. Some of the contributing factors to this included the inability for offenders to pay the required consultation fee of K170.00 to the Legal Aid Board; insufficient public knowledge of the existence and role of the Legal Aid Board; inadequate staffing level of the Legal Aid Board; and lack of confidence, on the part of the general public, on the technical competence of the lawyers from Legal Aid Board. The inadequate staffing level indicated that the Legal Aid Board did not have the necessary capacity to meet the public demand for legal representation of children in conflict with the law.
- (iv) **The Department of Social Welfare:** Unlike other state actors, the Department of Social Welfare played a critical role at all stages of the juvenile justice system in Zambia as reflected in its core functions. The key functionaries in the Department of Social Welfare include the Commissioner for Juvenile Welfare; and the Social Welfare Officers directly involved in the provision of varied child welfare technical services at the stages of arrest, trial, and probation reformatory; as well as inspections of juvenile justice facilities. However, the technical capacity of the Department of Social Welfare was considered to be inadequate.
- (v) **The Prisons Service Commission:** The Commission was actively involved at the post-sentencing stage of the juvenile justice system with specific reference to the provision of reformatory services. However, judging from the dilapidated conditions of the juvenile reformatory facilities, the Prisons Service Commission was not adequately capacitated to manage the same.
- (vi) **The Human Rights Commission:** Based on the nature of its statutory functions, the Human Rights Commission was involved at all stages of the juvenile justice system. However, the Commission was not directly involved in the delivery of juvenile services, as was the case with other key state actors. Its role was somewhat limited to monitoring abuses of the rights and freedoms of children in conflict with the law. However, the low levels of professionalism and technical skills; amongst the key state actors, inadequacies of juvenile justice facilities; and systematic abuses of children's rights and freedoms by some key state actors in the juvenile justice system, compound the inability of the Human Rights Commission to provide effective oversight of the juvenile justice system.

## **Challenges that have beset the justice system in the country**

Stakeholders submitted that the juvenile justice system was facing a number of challenges as set out below.

### **(i) Delay in the confirmation of sentences**

One of the problems that had beset the juvenile justice system was the delay in the confirmation of sentences relating to juvenile offenders. The *Juveniles Act* provides that “an Approved School order and a Reformatory order issued against an offender by a juvenile court had to be confirmed by the High Court”. This meant that the record of proceedings had to be transmitted to the High Court from the subordinate court once the matter had been concluded. The purpose of this was to ensure that the sentence that the lower court meted out was in the best interest of the juvenile offender. In practice, this system had proved problematic in that more often than not there were delays in the transmission of the records. This tended to increase the time that the juvenile waited in detention while pending sentencing. This situation was not ideal as juveniles were kept for long periods of time in prison pending confirmation of their sentences.

### **(ii) Lengthy pre-trial detention**

Lengthy pre-trial detention was a source of major concern in the Zambian criminal justice system. This problem not only affected juvenile offenders, but the general remand population in most places of detention. The causes of the delays were many, but were mostly caused by the limited ability of the prosecution to bring witnesses to court on time thus delaying cases; delays in concluding investigations, delays in the committal of cases to the High Court as well as delay in the cause listing of cases. This problem particularly affected juvenile offenders in instances where they were charged with non bailable offences such as murder or aggravated robbery, resulting in waiting for long periods for their matters to be heard. The long detentions were detrimental to juveniles as they lost out on opportunities to continue with their education and exposed them to harmful prison life that was detrimental to their normal development.

### **(iii) Access to legal representation**

Access to legal representation is a problem that affects the majority of persons who come into conflict with the law, this is more so with juvenile offenders. The juveniles were in a precarious position in that unlike adults who could find resources to retain a lawyer, juveniles did not have the capacity to do so and were at the mercy of the state or their parents/guardians. The lack of access to legal representation was exacerbated by the fact that the Legal Aid Board did not have the capacity to provide free legal services to all: the staff restrictions at the institution meant that they could only focus

on cases in the High Court. As a result of this, the majority of the juveniles in the subordinate court were unrepresented. Retaining a private lawyer was costly and the exorbitant legal fees charged prevented juveniles from getting representation. In addition, legal practitioners were usually found in the main urban areas; consequently persons who live in the rural areas were unable to access such legal services.

**(iv) Inadequate holding facilities at the police**

Inadequate holding facilities on police services was a major problem in the criminal justice system. This problem was endemic and not only affected adult detainees, but the situation was worsened for juveniles who were supposed to be kept separate from the adult detainees. Unfortunately, most police stations did not have separate holding cells for juveniles. This meant that juveniles were sometimes held with adults which was against the grain of section 58 of the *Juvenile's Act* that clearly prohibited the comingling of adults and juveniles at a police station. The idea behind the separation was to preserve the innocence and the moral fibre of the young person, and not to have the juvenile corrupted by hardened adult offenders.

**(v) Inadequate prison facilities**

The prison infrastructure was mostly pre-colonial and had not been upgraded to cater for the growth in the population since independence. The non-expansion of the prison infrastructure had led to massive overcrowding in the prisons. The conditions were inhumane and posed a health risk to the inmates. Due to the lack of space, remanded inmates and convicts were usually kept in the same cells when they ought not to be. This overcrowding impacted negatively on juveniles as there were usually no formal structures that were set aside for them. In some instances, juveniles were held in the same cells as the adult prisoners. In other cases, an improvised separation was made which was not adequate as the juveniles could still interact with the adult prisoners. This went against the best principles of juvenile welfare in detention centres.

**(vi) Fragmented legal framework relating to juveniles**

There is uncertainty on the definition of a child in the Zambian legal system as different pieces of legislation has varying definitions of who a child is, and this causes problems and sets about uncertainty. For example a child is defined as 16 years or below in the *Penal Code* where as in the *Juveniles Act* it is 18 years. Therefore, there was need to have one definition that would cut across the board and not definitions that varied depending on what legislation one was relying on.

**(vii) Delays in the preparation of social welfare reports**

A Juvenile Court could not sentence a juvenile without a social welfare report. Unfortunately, there were usually delays in the preparation of these reports, and this had the unfortunate effect of delaying the disposal of cases in court.

**(viii) Transportation of juveniles**

A chronic transportation problem affected the ferrying of juveniles who had been ordered to attend an Approved or Reformatory School. The Prison Service Commission was constrained transport-wise and in many cases did not have vehicles to ferry the juveniles. This situation was worsened by the fact that there was only one Reformatory School in Livingstone and one Approved School in Mazabuka (Nakambala) which entailed that juveniles from all over the country had to be ferried long distances to go and serve their orders. Due to this, juveniles ended up overstaying in the prisons as they had to wait to be conveyed and ended up fraternising with the adult prison population.

**(ix) Lack of sensitisation among law enforcement agencies on juveniles rights**

Law enforcement officers generally treated juvenile offenders in the same manner they treated adult offenders which led to the juvenile's rights being violated. For example, in the Police Service, only the officers in the Victim Support Unit may have trained and have knowledge on how to treat juveniles whereas the general Criminal Investigations Division may not have such knowledge and this lead to injustice. For instance a police officer may proceed to charge a juvenile in the absence of a parent or guardian.

**(x) Lack of decentralisation of key stake actors to the grassroots**

The delay in the confirmation and sentencing of cases for juveniles because of listing and committal to the high court could also be attributed to the fact that the key justice institutions were not fully decentralised. These key actors included the Judiciary through the High Court, the Legal Aid Board and the Office of the Director of Public Prosecutions. These institutions were not located in all the provincial capitals. The effect of this was that in places where these key state actors were not found, offenders had to wait for a circuit court session to travel to that province in order to deal with the cases, and this was not done on a monthly basis. This resulted in a back log being created which inevitably led to the delay of the determination of the cases. Some juveniles lied about their age in order to escape harsh punishment in case of a conviction. The best way of determining the juvenile's age was by medical examination and this could only be done through a court order. The results of the

medical examination were not conclusive as it did not give a definite age, but stated that the subject was between certain ages.

**(xi) Weak national legislation**

This challenge was recognised ten years ago and the Government has been working on reviewing all the twenty-nine child-related laws and codifying them into a Children's Code. The Children's Code Bill has not been presented to Parliament to date. To make the Zambia national legislation on juvenile justice to be more effective, the framework should address the procedural safeguards in relation to arrest, detention, criminal investigation, trial proceedings and integration. Zambia's legal and policy framework on juvenile justice should be reformed to conform to international standards and ensuring that the children's rights are relevant at all stages of the criminal procedure. It is a concern where due process has not always been so guaranteed based on the specific needs of the accused child.

**Programmes available for the reformation of young people in the juvenile justice system**

Stakeholders informed your Committee that juvenile justice should be conceived as an integral part of the national development process of the country contributing to the protection of the young and the maintenance of a peaceful order in society.

The objectives of juvenile justice were the prevention of offending and the rehabilitation of children into society. In this way, juvenile justice was an integral part of the national development process and the maintenance of a peaceful order in society. The juvenile justice system differed from the adult criminal justice system because it took into account the fact that children lacked the maturity of adults (physically, cognitively, emotionally, and morally). Therefore, the emphasis of juvenile justice was both on the protection of children and on the social reintegration of child offenders.

Stakeholders highlighted the concerns on reformation programmes as set out hereunder.

**(i) Police Level**

The law in Zambia did not recognise diversion of child offenders from the conventional criminal justice system at police level, but for petty crimes, diversion was being practised in selected police stations. Diversion was channelling children into a programme where they could receive counselling and rehabilitation and avoid going through the full course of the law. There were not many organisations that offered diversion, and neither was it widespread.

## **(ii) Court Level**

The courts in Zambia also practiced diversion as a matter of discretion and not at law. The limitations of the courts were also that there were not many organisations offering diversion services. The courts usually sent children to a reformatory school in Kazungula, an Approved School in Mazabuka and a Probation Institution in Ndola in the case of girls.

### **Issuing of probation orders**

Juvenile courts may order a juvenile offender to serve a probation order (*Juveniles Act, Cap 53. s.73(1)(b).*) When deciding on the probation order, the court considers extenuating factors (e.g. home surrounding, character, etc) and the period of time given must be not less than one year and not more than three years. In this case, the probation officer would generally be a social welfare officer who supervises the juvenile on probation.

## **(iii) Prisons**

The Zambian Prisons Service Commission was tasked with the running of Nakambala Approved School in Mazabuka, Katombora Reformatory in Kazungula; and Insakwe Probation Hostels in Ndola for the reformation of children. These institutions offered education and life skills for children sent there with the hope that they would reform and be economically productive once released from there.

## **(iv) Rehabilitation Enhancement Programme (Counselling)**

Individual and family counselling is an integral part of any rehabilitation program. Individual counselling is used as a way to address the concerns and needs of a child offender. Teens have different hormonal and physiological issues than adults. Also, they might have lingering issues from childhood they might need to sort out. Family counselling adds another helpful dimension. Family members, as well as the juvenile, are shown ways they could motivate the youth in a positive way. Also, conflict resolution is explored. This was offered by the Drug Enforcement Commission and Non Government Organisations.

Stakeholders informed your Committee that the study on the effectiveness of the juvenile justice system was timely given the many challenges that children faced whenever they came into conflict with the law. Stakeholders also revealed that this portfolio had been neglected for a very long time. It leant that bilateral and multilateral development partners had recognised the importance of the rule of law and a functioning justice system in reducing poverty as well as promoting peace,

security and human rights. In addition, stakeholders also stressed that children entering into the criminal justice system did not do so by choice, but as a result of narrowed opportunities available for their development. These opportunities were further limited once the child had been given a custodial sentence. Children at risk of coming into conflict with the law were frequently victims of abuse and neglect, indifferent and inadequate parenting as well as economic hardships.

Your Committee noted that the high level of juvenile delinquency was clear evidence of the failure to provide a protective environment for children. Stigmatisation of these children once arrested and appeared in court, sent to correctional facilities such as Katombora Reformatory School, Nakambala Approved School or even to prison, serves to exclude them rather than to help their rehabilitation and community integration. Criminalising child offenders only increased the chances of them becoming adult offenders in the future.

## **9.0 Committee's Observations and Recommendations**

After a detailed analysis of the written memoranda and careful consideration of oral submissions from the stakeholders, your Committee observes and recommends as set out hereunder.

- (i) Your Committee observes that the inadequate funding towards programmes for juveniles has resulted in the number of challenges the portfolio is facing and recommends that the Government should prioritise and increase funding to the juvenile justice system. This should include full commitment towards the timely releases of the budgeted for funds.
- (ii) Your Committee is saddened that the capacity to deliver juvenile justice system by most key state and non state actors such as the Zambia Police Service, Prisons Service, Social Welfare, and National Prosecution Authority, among others, is inadequate.

Your Committee, therefore, strongly recommends that the Government should initiate a robust training programme on the juvenile justice system for all major actors in order to have the much needed capacity for persons involved in the dispensation of juvenile justice. In addition, the training must be on-going owing to the high turn-over in most institutions.

- (iii) Your Committee observes that the inadequacy of promotion of alternative disposal modes of juvenile cases has significantly contributed to the long trials in most juvenile cases and recommends, as a matter of urgency that the Government should review the *Juveniles Act* in order to include pre-trial

diversion as an alternative to trial. Diversion must not be the discretion of the court, but must be an option at every stage of the trial.

- (iv) Your Committee observes that the absence of coordinated crime prevention programmes for juveniles has contributed to the rising number of child offenders. To this effect, your Committee strongly urges the Government to take the lead in initiating and co-ordinating the implementation of crime prevention programmes in collaboration with other non-state actors such as, Non-Governmental Organisations and international organisations/co-operating partners.
- (v) Your Committee observes that the number and physical state of the reformatory schools is not only inadequate, but also in very deplorable states. In addition, the facilities are being managed by two separate Ministries which has seemingly not helped matters. In light of this, your Committee recommends that the Government should roll-out the construction of child correctional centres in each province in order to reduce the costs of transporting child offenders and for easy access to the facilities. In addition, the Government should ensure that all the child correctional centres are under one Ministry, i.e. the Ministry of Community Development and Social Services which is currently managing two of the three existing centres.
- (vi) Your Committee observes that the multiplicity of legislation for juveniles and the absence of the domestication of ratified International Conventions such as the Convention of the Rights of the Child (CRC) has significantly contributed to the mismanagement of the juvenile justice portfolio in the country. Your Committee, therefore, recommends, as a matter of extreme urgency, that the Government should expedite the process of enacting the Children's Code Bill without any further delay. Your Committee is cognisant of the fact that the Bill, once enacted, will seek to not only harmonise the many pieces of legislation governing the juvenile justice system, but also domesticate the International Convention on the Rights of the Child (CRC), among other objectives.
- (vii) Your Committee observes that there is poor coordination among stakeholders, poor record keeping, and lack of data on the type and nature of delinquent cases committed by youths and lack of socio-economic characteristics of children in conflict with the law, among other issues which has negated progress on the many issues affecting the youths. To this effect, your Committee recommends that the Government should undertake a national study on the juvenile justice system with the view to having baseline data for subsequent planning and monitoring of the juvenile justice system.



- (viii) Your Committee observes that the operations of key associations involved in the justice system without full legal mandate such as Social Welfare Association of Zambia has resulted in poor workmanship by many social welfare officers and recommends that the Government should transform the Social Workers Association of Zambia into a legal body to enable the Association to effectively regulate the standard of training and practice of the profession in country.
- (ix) Your Committee observes that the lack of Public Private Partnership (PPP) in this sector *vis-à-vis* establishment of the necessary facilities such as child correctional centres and other after care facilities has contributed to the limited facilities in the country. Your Committee, therefore, urges the Government to engage stakeholders from the private sector in generating modalities of collaboration and corporate social responsibilities in the juvenile sector. The Government can give incentives to such corporations in order to facilitate a win-win situation.
- (x) Your Committee observes that the various institutions offering training to potential state actors have not mainstreamed juvenile issues in their respective curricula and strongly recommends that the Government should generate curricula for all training institutions involved in the dispensation of juvenile justice. This will result in not only equipping the respective officers with the much needed skills, but also address the high turnover currently being experienced in the institutions.
- (xi) Your Committee observes that the high turnover of officers in most of the institutions involved in the juvenile justice system has contributed to the lack of adherence to the law. This is largely because very few officers have the skills and experience for the juvenile justice system. Your Committee, therefore, recommends that the Government should introduce periodic capacity building training workshops for officers involved in juvenile justice in order to increase the number of officers with the skills and knowledge in the subject.
- (xii) Your Committee observes that the capacity of most key state actors in the juvenile justice system is not adequate and urges the Government through the Office of the Auditor General to conduct performance audits to all the key state actors with the view to improving their effectiveness in the juvenile justice system.
- (xiii) Your Committee observes that the Child Justice Forum, which is a consortium of various stakeholders involved in juvenile justice, is doing a commendable job in addressing the various challenges affecting juvenile offenders. It is, however, regrettable that despite its role, the body has no legal recognition. Your Committee, therefore, strongly urges the Government, as a matter of

urgency, to transform the Child Justice Forum into a Department at the Judiciary in order for it to effectively and efficiently discharge its mandate.

- (xiv) Your Committee observes that the delay by the High Court to issue confirmation orders has resulted in the prolonged detention of juveniles unnecessarily and urges the Government, as a matter of extreme urgency, to amend the *Juvenile Act* in order to transfer the power of issuing confirmation orders from the High Court to magistrates in charge of provinces i.e. Chief Resident Magistrates and Principal Resident Magistrates. This will expedite the confirmation of orders and subsequently reduce the prolonged detention of juveniles.
- (xv) Your Committee observes that the current minimum age of criminal responsibility of eight years is not only too low, but also at variance with the Republican Constitution and international best practices. Your Committee, therefore, recommends that the Government should harmonise the age of criminal responsibility in other pieces of legislation in order for it to be consistent with the Republican Constitution and other international standards and best practices.
- (xvi) Your Committee observes that the staffing level at the Legal Aid Board has hampered legal representation for most vulnerable juveniles resulting in them losing cases. It is regrettable to note that in 2013, 62% of child offenders had no legal representation owing to the low staffing levels at the Legal Aid Board. Your Committee strongly recommends that the Government must recruit lawyers at the Legal Aid Board in order for them to represent the juveniles. In addition, the Government must put up modalities for Para-Legal's and Para-Social workers to assist in the implementation of legal socialisation projects as well as legal education and broader community awareness.
- (xvii) Your Committee observes that the lack of application of non-custodial sentences for minor and petty crimes has contributed to the congestion in prisons and correctional centres and recommends that the Government should review the law in order to use non-custodial sentences on juveniles for petty and minor crimes.
- (xviii) Your Committee observes that the establishment of Child Friendly Courts has created conducive environment for child offenders during trial and has encouraged the participation of the children and their families. Your Committee, however, regrets that such courts are only available in Lusaka, Copperbelt and Southern Provinces. Your Committee, therefore, recommends, as a matter of extreme urgency, for the Government to roll-out the

establishment of Child Friendly Courts in all the seven remaining provinces in order to avail the child offenders with child friendly courts.

- (xix) Your Committee observes that the limited presence of the National Prosecution Authority and the Legal Aid Board in all the provinces has contributed to the high case backlog of the courts were experiencing.

Your Committee recommends that the Government should decentralise both the National Prosecution Authority and the Legal Aid Board to all the provincial centres in order to expedite the dispensing of justice.

- (xx) Your Committee observes that the detention of juvenile offenders in the same cells as adults at police stations is not only inhuman, but also a violation of the *Juveniles Act*.

Your Committee strongly recommends that the police command must create separate detention facilities for juveniles as required by law as opposed to mixing the juvenile offenders with adults. In addition, the Government must gazette other private facilities as detention centres as opposed to detaining the juveniles in adult cells.

## PART II

### 10.0 CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE FOR THE FOURTH SESSION OF THE ELEVENTH NATIONAL ASSEMBLY

#### **Financing mechanisms for youth development projects**

##### *Co-ordination of youth funds*

Your previous Committee had urged the Government to ensure that there was co-ordination of the various youth funds that were financed through the National Budget.

##### *Executive's Response*

In its response, the Executive explained that the mandate to coordinate youth development lies in the Ministry of Youth, Sport and Child Development. As such, efforts were being made to strengthen the Ministry's capacity in terms of coordination. In this regard, a monitoring and evaluation framework had been developed which had instruments and tools to be used in tracking all youth development efforts across sectors. The Ministry was in the process of developing a Youth Mainstreaming Strategy that would ensure that all sectors were implementing youth development programmes within their mandates.

In addition, there was a multi sectoral Action Plan on youth empowerment and employment which was approved by Cabinet and which also provided mechanisms for coordination of empowerment efforts including the various youth empowerment funds financed by the National Treasury.

### ***Committee's Observations and Recommendations***

Your Committee awaits a progress report on the proposed implementation of the multi sectoral Action Plan which was approved by Cabinet.

### ***Monitoring mechanisms for Youth Development Fund***

Your previous Committee had recommended that the Ministry of Youth, Sport and Child Development should step up and develop concrete mechanisms for monitoring of recipients of the YDF to ensure that funds were correctly utilised and to enforce collections so that the Fund could continue to benefit more youths.

### ***Executive's Response***

The Executive informed your Committee that in order to improve and effectively monitor the Youth Development Fund, the Ministry of Youth, Sport and Child Development had developed a Monitoring and Evaluation Framework that outlined various instruments and tools to use when monitoring YDF in collaboration with stakeholders. The Ministry had presence only at provincial level which impacted negatively on the monitoring of the YDF at district level where the youth were. In order to address this problem, the Government through the Ministry had a revised organisation structure which provides for positions at district level. The structure was approved by Cabinet Office in 2013, although its implementation still awaited Treasury Authority. Further, the Ministry engaged stakeholders at district level to assist in the monitoring of the fund at that level. In this regard, an Orientation Workshop involving all Districts Authorities among them the district commissioners, town clerks, council secretaries, directors of planning and district planning officers was held in Ndola from 5<sup>th</sup> to 10<sup>th</sup> May, 2015. The objective of the workshop was to equip stakeholders with the necessary information on Youth Development Fund as they were important stakeholders in the sensitization, disbursement and monitoring of the fund.

### ***Committee's Observations and Recommendations***

Your Committee awaits a progress report on the recruitment of Officers at District level. In addition, your Committee urges the Government to harmonise the Ministry's establishments with the Decentralisation Policy. This will result in using existing

offices in the monitoring and evaluation of the Youth Development Fund.

### ***Operations of the National Youth Development Council***

Your previous Committee had urged the Government to urgently review the operations of the NYDC in order to determine its relevance.

### ***Executive's Response***

It was explained in the Action-Taken Report that the process of reviewing NYDC operations had commenced. The Ministry had been working with the Zambia Law Development Commission to review the *National Youth Development Council Act* so that the operations of National Youth Development Council could be strengthened. In addition, the Ministry was working with Cabinet Office to come up with an appropriate structure for the Council.

### ***Committee's Observations and Recommendations***

Your Committee awaits a progress report on the revision of the *National Youth Development Council Act*. Your Committee is desirous to have this law repealed in the current life of Parliament.

### ***Transforming of NYDC into a department at the Ministry of Youth, Sport and Child Development***

Your previous Committee had recommended that the terms of reference of the review could include finding out whether the functions of the Council should continue existing as an independent body or it could be transformed into a Department within the Ministry of Youth, Sport and Child Development.

### ***Executive's Response***

Your Committee was informed that the Ministry of Youth, Sport and Child Development had taken note of the recommendation and the Ministry was in the process of developing an organisation structure for the Council in consultation with Cabinet Office.

### ***Committee's Observations and Recommendations***

Your Committee awaits a progress report on the process of transforming NYDC as a department in the Ministry.

### *Management challenges at NYDC*

Your previous Committee had recommended that in the intervening period, the Government should as a matter of urgency address the management problems at the NYDC.

### *Executive's Response*

In its response, the Executive stated that the Government had since dissolved the National Youth Development Council Board and was in the process of determining the best way forward.

### *Committee's Observations and Recommendations*

Your Committee notes the response and awaits a progress report on the current status of the Board and other management decisions regarding the functioning of the Council.

### **Update on Zambia's performance in the 2014 Commonwealth Games**

#### *Re-assessing sport in the country's development agenda*

Your previous Committee had urged the Government to re-assess the position of sport in the Country's development agenda and give the sector the seriousness it deserves. Your Committee was of the view that sport was a source of employment for young people. It was also important for the good health of citizens and was a unifying factor for all members of society.

### *Executive's Response*

It was explained that the Government attaches great importance to sports development in the country. In this regard, the Government had embarked on infrastructure development such as construction of Olympic Youth Development Centre, Levy Mwanawasa Stadium, and National Heroes Stadium, Chinsali Multi-purpose Complex and Mufumbwe Multi-purpose Sports Complex. The Government was also introducing a community sports programme to attract mass participation of all the citizenry in sport of their choice.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the anticipated implementation of the community sports programme for mass participation of the citizenry in sport.

### *Coaches and sports administrators*

Your previous Committee had recommended that the Government should ensure that every sporting discipline team that was due to compete in an international event had a qualified coach and sports administrator.

#### *Executive's Response*

It was reported in the Action-Taken Report that the Government through the Ministry of Youth, Sport and Child Development was implementing the Sports Education and Accreditation Systems (SEAS) aimed at building the capacity of coaches and sport administrators. Further, the Ministry, through the National Sports Council, was in the process of establishing a National Council for Coaches to enhance and regulate the coaches' qualifications.

#### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the establishment of the National Council for Coaches.

### *Talent identification programmes*

Your previous Committee had urged the Government to ensure that talent identification programmes were stepped up in order to ensure that future sports men and women were nurtured from an early age.

#### *Executive's Response*

It was reported in the Action-Taken Report that the Government had instructed all Sports Associations to come up with Strategic Plans before December, 2015, which would enable the associations to tap talent and nurture it from an early stage. The plans were expected to highlight short, medium and long term talent identification programmes. The Ministry of Youth, Sport and Child Development was also closely working with the Ministry of Education, Science, Vocational Training and Early Education to harness talent in schools which had been identified to follow the sporting career pathway under the new curriculum.

#### *Committee's Observations and Recommendations*

Your Committee awaits progress report on the submission of strategic plans on talent identification.

### *State-of- the art infrastructure*

Your previous Committee had urged the Government to construct modern state-of-the art infrastructure similar to the Olympic Youth Development Centre in all districts of the Country.

### *Executive's Response*

It was reported in the Action-Taken Report that the Ministry of Youth, Sport and Child Development was developing a long term infrastructure plan. According to the plan, the Government envisages to replicate at least one facility similar to the Olympic Youth Development Centre at provincial level. Currently the Government through the Ministry of Youth, Sport and Child Development was in the process of constructing a Multi-purpose Sports Complex similar to Olympic Youth Development Centre in Chinsali. However, rolling out of the programme around the country would depend on availability of funds.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the replication of at least one facility similar to the Olympic Youth Development Centre at provincial level. Furthermore, the Government is urged to ensure that the construction of these facilities is funded.

## **LOCAL TOUR**

### **Chiyota Youth Resource Centre**

Your previous Committee had strongly recommended that the Ministry of Youth, Sport and Child Development should ensure that the management at the Resource Centre should improve its performance and begin to take care of the Centre's resources, failure to which a new management team should be appointed to manage the Centre.

### *Executive's Response*

It was reported in the Action-Taken Report that the Ministry had directed the Provincial Youth Development Coordinator for Lusaka Province to supervise the current management team at Chiyota Youth Resource Centre. Further, a new organisation structure for the Ministry which includes the Youth Resource Centres had been approved and was awaiting Treasury Authority for its implementation. Once the structure was implemented, all Youth Centres would be managed by qualified personnel. The organisation structure also provides for Accountants and Purchasing and Supplies Personnel in Youth Resource Centres.



### ***Committee's Observations and Recommendations***

Your Committee awaits a progress report on the implementation of the new organisation structure.

#### ***Staff establishment***

Your previous Committee had urged the Government, as a matter of urgency, to finalise the approval of the new staff establishment for all youth resource centres in the country.

#### ***Executive's Response***

It was reported in the Action-Taken Report that Cabinet Office had since approved the new organisation structure for the Ministry of Youth and Sport in 2013 and Treasury Authority was being awaited for its implementation.

### ***Committee's Observations and Recommendations***

Your Committee awaits a progress report on the implementation of the new organisation structure. In addition, Your Committee urges the Government to expedite and prioritise funding for the implementation of the new organisation given that it was approved in 2013.

#### ***Upgrading of the resource centre***

Your previous Committee had urged the Government to urgently release funding for the completion of the Centre upgrade.

#### ***Executive's Response***

It was reported in the Action-Taken Report that Certificates of Completion had been submitted to the Treasury for payment.

### ***Committee's Observations and Recommendations***

Your Committee awaits a progress report on the payment of these funds.

#### ***Termites at the resource centre***

Your previous Committee had recommended that the problem of termites be dealt with as soon as possible so as to preserve the new structure.

### *Executive's Response*

It was reported in the Action-Taken Report that the Contractor had not yet handed over the Centre to the Government and that the issue of termites was being addressed by the Contractor as part of identified defects in the new structure.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on addressing the issue of termites at the new building.

### *Animal Encroachment on the Centre*

Your previous Committee had recommended that an urgent solution was found to protect the building from the goats that had turned the new buildings into a playground.

### *Executive's Response*

It was reported in the Action-Taken Report that the activity of fencing of Chiyota Youth Resource Centre would be budgeted for in the 2016 Budget.

### *Committee's Observations and Recommendations*

Your Committee notes the response and awaits a progress report on the fencing of the youth centre.

### *Audit for the utilisation of funds for repair of light truck*

Your previous Committee had recommended that an audit be carried out to find out how the funds for the repair of the Centre's light truck were utilised.

### *Executive's Response*

It was reported in the Action-Taken Report that the Ministry had sent Internal Auditors to audit Chiyota Youth Resource Centre.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the audits and the subsequent actions by the Government in addressing the issue.

### *Expansion of Kalingalinga Youth Resource Centre*

Your previous Committee had urged the Government to ensure that as a matter of extreme urgency, land is allocated to the Centre to enable it expand and provide skills training to more youths.

#### *Executive's Response*

It was reported in the Action-Taken Report that the Ministry would explore the possibility of sourcing land and other ways of expanding Kalingalinga Youth Resource Centre.

#### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the sourcing of land for the expansion of the resource centre.

### *Transport at Kalingalinga Resource Centre*

Your previous Committee had recommended that the Government should assist the Centre with suitable transport.

#### *Executive's Response*

It was reported in the Action-Taken Report that the Ministry had planned to procure transport for all Youth Resource Centres including Kalingalinga Youth Resource Centre to ease their operations.

#### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the procurement of transport for the Centre.

### **King George VI National College**

Your previous Committee had recommended that as a matter of urgency, the Government should address the challenges that were being faced by King George VI National College so that the institution could begin to operate as a national youth resource centre to serve the needs of youths from all corners of the country.

### *Executive's Response*

It was reported in the Action-Taken Report that some of the challenges faced by the College would be addressed once the Ministry of Youth and Sport implements the new organisation structure and the Infrastructure Development Plan.

### *Committee's Observations and Recommendations*

Your Committee notes the response and awaits a progress report on the implementation of the new organisation structure.

## **TOUR OF YOUTH DEVELOPMENT PROJECTS**

### *Entrepreneurial skills in youth resource centres*

Your previous Committee had recommended that the Government should ensure that the entrepreneurial skills of the youth were nurtured and harnessed by stepping up skills and vocational training and rolling out youth resource centres to all districts.

### *Executive's Response*

It was reported in the Action-Taken Report that Government had developed a Five Year rolling Infrastructure plan for upgrading and construction of Youth Resource Centres. The plan of the Government was to have at least one Youth Vocational and Skills Training Centre in each district of the country.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the implementation of the construction of youth skills training centres in each district of the country.

### *Disbursements of loan amounts*

Your previous Committee had recommended that the Ministry of Youth, Sport and Child Development should, as much as possible; make sure that it gives recipients the loan amount applied for as failure to do so affects planning.

### *Executive's Response*

It was reported in the Action-Taken Report that the Government was in the process of reviewing YDF Guidelines including the ceilings.

### *Committee's Observations and Recommendations*

Your Committee notes the response and awaits a progress report on the implementation of the new guidelines and ceilings.

### **Tour of Levy Mwanawasa Stadium**

Your previous Committee had recommended that the Government should, as a matter of extreme urgency, sort out the management challenges at the Stadium.

### *Executive's Response*

It was reported in the Action-Taken Report that the Government, through the Ministry of Youth, Sport and Child Development, had been pursuing the issue of implementing the new organisation structure for the Ministry of Youth, Sport and Child Development which provides for a management structure for Levy Mwanawasa Stadium. The structure was approved by Cabinet Office in 2013 and its implementation awaited Treasury Authority from the Ministry of Finance.

### *Committee's Observations and Recommendations*

Your Committee notes the response and awaits a progress report on the implementation of the new organisation structure.

### *Running of the stadium by the Government*

Your previous Committee had recommended that the Government had failed to run the facility and, therefore, recommended that the private sector was brought on board to manage the Stadium as a long term solution.

### *Executive's Response*

It was reported in the Action-Taken Report that the Government was currently pursuing the option of employing officers with relevant competencies to manage the Stadium before the other alternative could be considered.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the employment of officers in the management of the Stadium.

### *Private sector involvement at the Stadium*

Your previous Committee had recommended that while the Government was working out the modalities of bringing on board the private sector, there should be fair treatment of all members of the ad hoc task force in the way that allowances were paid out.

### *Executive's Response*

It was reported in the Action-Taken Report that all allowances were governed by existing relevant Government Circulars.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the harmonisation of allowances for the different cadre of officers at the Stadium.

### *Maintenance and rehabilitation works at the Stadium*

Your previous Committee had urged the Government to make sufficient budgetary provision to cater for all the maintenance and rehabilitation works including the water leakages, cracking walls and shattered glass.

### *Executive's Response*

It was reported in the Action-Taken Report that the Government had entered into a Technical Cooperation Agreement with the People's Republic of China to address the concerns.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the implementation of the agreement entered into with the Peoples Republic of China.

### *Upgrading of the control room at the Stadium*

Your previous Committee had urged the Government to upgrade the control room to include infrared cameras.

### *Executive's Response*

It was reported in the Action-Taken Report that the Technical Cooperation Agreement with the People's Republic of China would address the concern.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the implementation of the agreement entered with the Peoples Republic of China.

### *FAZ debt to the stadium*

Your previous Committee had recommended, as a matter of utmost urgency, the Government should intervene to ensure that the debt owed to the Stadium by FAZ was settled without any delay.

### *Executive's Response*

It was reported in the Action-Taken Report that the Government through the Ministry of Youth, Sport and Child Development had written to FAZ requesting them to settle the debt. However, FAZ had not yet settled the debt but the Ministry would continue making follow ups on the issue.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the commitment by FAZ to settle the debt.

## **PART III**

### **CONSIDERATION OF ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE FOR THE THIRD SESSION OF THE ELEVENTH NATIONAL ASSEMBLY**

### **Teenage Pregnancy in Zambia**

#### *Children's Code Bill*

Your previous Committee had requested for an update on the progress made as regards the Children's Code Bill.

#### *Executive's Response*

It was reported in the Action-Taken Report that a layman's Children's Code Draft Bill had been finalized and submitted to the Ministry of Justice for consideration.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the enactment of the Bill.

### *Review of the Marriage Act*

Your previous Committee had requested for an update on the progress made as regards the review of the *Marriage Act*.

### *Executive's Response*

It was reported in the Action-Taken Report that a draft Marriage Bill had been prepared and availed to stakeholders for comments.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the enactment of the Bill. It further urges the Government to expedite the process.

### *Comprehensive sexuality education programme and curriculum*

Your previous Committee had requested for a progress report on the development of the curriculum.

### *Executive's Response*

It was reported in the Action-Taken Report that the process of developing a Sexuality Education Programme and Curriculum for the out - of school youths had reached an advanced stage. The Ministry of Youth, Sport and Child Development, with support from the United Nations Population Fund (UNFPA), hired a consultant to come up with a draft document. Consultations with key stakeholders including the youth had been held and the draft Curriculum would be submitted to the Ministry by 13<sup>th</sup> August, 2015.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the implementation of the curriculum.

## **PART IV**

### **CONSIDERATION OF OUTSTANDING ISSUES FROM THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE FOR THE SECOND SESSION OF THE ELEVENTH NATIONAL ASSEMBLY**

### *National Authority Stadia Bill*

Your previous Committee had requested a progress report on the matter.



### *Executive's Response*

It was reported in the Action-Taken Report that Ministry had taken note of the recommendation. The National Authority Stadia Bill had not yet been considered by the various government structures in readiness for publication and presentation to Parliament for enactment.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the enactment of the Bill.

### *Completion of Works at Maramba Stadium*

Your previous Committee had requested a progress report on the matter.

### *Executive's Response*

It was reported in the Action-Taken Report that the Government through the Ministry of Youth, Sport and Child Development allocated K6 million in the 2015 budget to expedite the works. The Ministry was still waiting for the release of the funds.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the release of funds by the Government to facilitate the completion of the stadium.

### *Tour of Encroached FAZ Land*

Your previous Committee had requested a progress report on the matter.

### *Executive's Response*

It was reported in the Action-Taken Report that the Government through the Ministry of Youth, Sport and Child Development was still pursuing the issue. The Ministry was awaiting a response from Ministry of Local Government which had been requested to produce a report on the impact assessment in the event that the option of demolishing houses built on the encroached land was considered.

### *Committee's Observations and Recommendations*

Your Committee awaits a progress report on the response from the Ministry on the possible demolition of structures on the encroached FAZ land.

### ***Revision of the National Youth Development Council Act***

Your previous Committee had requested an update on the matter.

#### ***Executive's Response***

It was reported in the Action-Taken Report that the Government through Ministry of Youth, Sport and Child Development had made progress on the review of the *National Youth Development Council Act* as earlier submitted. However, the Ministry had withheld circulation of the Cabinet Memorandum to line ministers for their comments to give the Government time to review the relevance of the Statutory Institutions including the National Youth Development Council in line with the policy direction by the Honorable Minister of Finance on the subject during the 2015 Budget presentation.

Your Committee on Youth and Sport had also recommended that the Ministry reviews the relevance of the National Youth Development Council. In this regard, consultations would be held with relevant stakeholders to determine the way forward.

#### ***Committee's Observations and Recommendations***

Your Committee awaits a progress report on the way forward regarding the review of the relevance of Statutory Institutions which includes the *National Youth Development Council Act*.

### ***Revision of the National Sports Council of Zambia Act***

Your previous Committee had requested an update on the matter.

#### ***Executive's Response***

It was reported in the Action-Taken Report that the Government through the Ministry of Youth, Sport and Child Development had continued to spearhead the process of revising the *National Sports Council Act*. The Ministry wrote to the Ministry of Justice to request for a lawyer to assist in the process of reviewing the National Sports Council Act. On 8<sup>th</sup> July, 2015, the Ministry received a name of a Lawyer who had been attached to provide legal advice during further review of the National Sports Council Act. In the next stage, the National Technical Working Group would meet to consider proposed amendments and inclusions from stakeholders.

***Committee's Observations and Recommendations***

Your Committee awaits a progress report on the subsequent revision of the *National Sports Council of Zambia Act*.

## **CONCLUSION**

**14.0** Your Committee wishes to thank you, Mr Speaker, for your guidance during the last session. It also thanks the Clerk for the advice and services rendered to it during the Session. Your Committee expresses its gratitude to all the stakeholders who appeared before it and tendered both written and oral submissions.

Mr E J Muchima, MP  
**CHAIRPERSON**

March, 2016  
**LUSAKA**

## **APPENDIX I**

### **LIST OF OFFICIALS**

#### **National Assembly**

Mr S C Kawimbe, Principal Clerk of Committees

Ms M K Sampa, Deputy Principal Clerk of Committees

Mr F Nabulyato, Committee Clerk (SC)

Mr S C Samuwika, Assistant Committee Clerk

Ms L Chirwa, Personal Secretary II

Mr R Mumba, Committee Assistant

Mr C Bulaya, Committee Assistant