



**REPUBLIC OF ZAMBIA**

**REPORT**

**OF THE**

**COMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS**

**FOR THE**

**FIRST SESSION OF THE TWELFTH NATIONAL ASSEMBLY  
APPOINTED ON THURSDAY, 6<sup>TH</sup> OCTOBER, 2016**

**Printed by the National Assembly of Zambia**

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## **REPORT OF THE COMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS FOR THE FIRST SESSION OF THE TWELFTH NATIONAL ASSEMBLY APPOINTED ON 6<sup>TH</sup> OCTOBER, 2016**

Consisting of:

Dr M Malama, MP, (Chairperson); Mr E J Muchima, MP; Brig Gen M Sitwala, MP; Mr K Mbangweta, MP; Mr L Nyirenda, MP; Mr A B Malama, MP; Mr F N'gambi, MP; and Ms M Miti, MP.

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

Sir,

Your Committee has the honour to present its Report for the First Session of the Twelfth National Assembly, appointed on 6<sup>th</sup> October, 2016.

### **Functions of the Committee**

2.0 In addition to any other duties conferred upon it by the Honourable Mr Speaker, or any other Order of the House, your Committee oversees operations of the Ministries of Defence, Home Affairs and Foreign Affairs. In overseeing the activities of these Ministries, your Committee carries out the functions as follows:

- (i) study, report and make recommendations to the Government through the House on the mandate, management and operations of the Ministries of Defence, Foreign Affairs and Home Affairs, departments and/or agencies under its portfolio;
- (ii) carry out detailed scrutiny of certain activities being undertaken by the Ministries of Defence, Foreign Affairs, Home Affairs, departments and/or agencies under its portfolio and make appropriate recommendations to the House for ultimate consideration by the Government;
- (iii) make, if considered necessary, recommendations to the Government on the need to review certain policies and/or certain existing legislation;
- (iv) examine annual report of Government ministries and departments under their portfolios in the context of autonomy and efficiency of

Government ministries and department and determine whether the affairs of the said bodies are being managed according to relevant Acts of Parliament, established regulations, rules and general orders;

- (v) consider any Bills that may be referred to it by the House;
- (vi) consider international agreements and treaties in accordance with Article 63 of the Constitution;
- (vii) consider special audit reports referred to it by the Speaker or an Order of the House;
- (viii) where appropriate, hold public hearings on a matter under its consideration; and
- (ix) consider any matter referred to it by the Speaker or an order of the House.

### **Meetings of the Committee**

**3.0** Your Committee held twelve (12) meetings during the year under review.

### **Programme of Work**

**4.0** At its second meeting, held on 17<sup>th</sup> October, 2016, your Committee considered and adopted the programme of work as set out below.

- a) Consideration of the Action-Taken Report on the Committee's Report for the Fifth Session of the Eleventh National Assembly.
- b) Consideration of the topical issue: The Management and Operations of Law Enforcement Agencies in Zambia: - (The Police Service; the Drug Enforcement Commission (DEC) the Citizenship Board of Zambia, The Department of Immigration and the Zambia Correctional Services).
- c) Local Tour.
- d) Consideration of the draft Report for the First Session of the Twelfth National Assembly.

### **Arrangement of the Report**

**5.0** Your Committee's Report is organised in two parts: Part I deals with the deliberations of your Committee arising from the oral and written submissions from various stakeholders. It also includes the findings from the local tour and

public hearings; and Part II outlines your Committee's consideration of the Action-Taken Reports on the Reports of your previous Committee.

### **Procedure adopted by the Committee**

**6.0** Your Committee requested for written memoranda from stakeholders on the topical issues under consideration and invited them to appear before it in order to make verbal submissions and clarifications on issues arising from there. Your Committee also undertook a local tour during the year under review.

## ***PART I***

### **THE MANAGEMENT AND OPERATIONS OF LAW ENFORCEMENT AGENCIES IN ZAMBIA: (THE POLICE SERVICE; THE DRUG ENFORCEMENT COMMISSION (DEC); THE CITIZENSHIP BOARD OF ZAMBIA; DEPARTMENT OF IMMIGRATION AND THE ZAMBIA CORRECTIONAL SERVICES).**

#### **Background/Rationale**

**7.0** The law enforcement agencies, whose management and operations your Committee inquired into, are under the purview of the Ministry of Home Affairs. The Ministry of Home Affairs is charged with the responsibility of maintaining the internal security of the nation through statutory bodies such as the Police Service; the Drug Enforcement Commission (DEC), the Citizenship Board of Zambia, the Department of Immigration; and the Zambia Correctional Services.

In order to achieve its mandate, the Ministry had developed a Strategic Plan for 2013 – 2016, in which it espoused its value statement as providing and promoting internal security through professionalism, integrity accountability, patriotism, transparency, confidentiality, excellence and team work.

In its performance review for the period 2003 to 2012, the Ministry of Home Affairs cited the following as some of the challenges faced:

- (i) inadequate staffing levels due to delayed issuance of Treasury Authority to employ new staff;
- (ii) inadequate infrastructure and operational requisites, resulting in poor services delivery and failure to meet set objectives; and
- (iii) inadequate funding to effect the decentralisation of service delivery.

Against the backdrop of the ambitious 2013 - 2016 Strategic Plan and the challenges cited in the implementation of previous Strategic Plans, is the public perception that the law enforcement agencies were the most corrupt in the public services.

In this regard, your Committee thought it would benefit from an inquiry into the management and operations of these institutions in order to acquaint itself with the challenges the institutions may be facing in their service delivery and the opportunities for improvement.

### **Objectives**

**8.0** The specific objectives of the inquiry were to:

- (i) appreciate the mandate and functions of the law enforcement agencies;
- (ii) appreciate the relations and collaboration among the law enforcement agencies;
- (iii) ascertain the operational challenges faced by the law enforcement agencies; and
- (iv) advise the Executive on the way forward.

### **Consolidated Summary of Submissions**

**9.0** In order to achieve the objectives stated above, your Committee interacted with witnesses as listed here under who made both oral and written submissions.

- (i) The Drug Enforcement Commission.
- (ii) The Zambia Police Service.
- (iii) The Citizenship Board of Zambia.
- (iv) The Immigration Department.
- (v) The Zambia Correctional Services.
- (vi) Prison Care and Counseling Association (PRISCCA).
- (vii) Bankers Association of Zambia.
- (viii) United Nations Office on Drugs and Crime (UNODC).
- (ix) Zambia Revenue Authority.
- (x) Anti-Corruption Commission.
- (xi) Transparency International – Zambia (ITZ).
- (xii) Human Rights Commission.
- (xiii) The Financial Intelligence Centre.
- (xiv) Police Public Complaints Authority.
- (xv) Zambia Civic Education Association of Zambia.
- (xvi) International Organisation on Immigration (IOM).



- (xvii) Members of the Public.
- (xviii) Ministry of Home Affairs.

A summary of the submissions from the stakeholders listed above is presented hereunder.

### **THE ZAMBIA POLICE SERVICE**

**10.0** Your Committee visited the District Police Stations listed hereunder.

- (i) Police Headquarters.
- (ii) Livingstone.
- (iii) Sesheke.
- (iv) Senanga.
- (v) Mongu.
- (vi) Kaoma.
- (vii) Mumbwa.

### ***Mandate and functions***

Your Committee was informed that the Zambia Police Service was created under *Article 193 (1) (a)* of the Constitution of Zambia and that its mandate and functions as provided by *Article 193 (2)* of the Constitution are to:

- (i) protect life and property;
- (ii) preserve peace and maintain law and order;
- (iii) ensure the security of the people;
- (iv) detect and prevent crime;
- (v) uphold the Bill of Rights;
- (vi) foster and promote good relationships with the Defence Force, other National Security Services and members of society; and
- (vii) perform other functions as prescribed.

### ***Collaboration with other law enforcement agencies***

With regard to collaboration, your Committee learnt that the Police Service collaborates with other law enforcement agencies as outlined below.

### ***The Drug Enforcement Commission (DEC)***

Your Committee was informed that the Zambia Police Service and DEC liaise and cooperate in the following ways:

- (i) exchange of crime intelligence information;

- (ii) arrest and detention of suspects;
- (iii) prosecution of money laundering and other related offences;
- (iv) referral of cases between the two departments; and
- (v) mutual cooperation between the Zambia Police Service and Drug Enforcement Commission (DEC) in the provision of training to DEC officers at the Police College.

### ***The Department of Immigration***

Your Committee was informed that the Zambia Police Service and Department of Immigration collaborate in the following ways:

- (i) exchange of crime intelligence and related information;
- (ii) arrest and detention of prohibited immigrants;
- (iii) prosecution of prohibited immigrants;
- (iv) border patrols; and
- (v) training of Immigration Officers.

### ***The Zambia Correctional Services***

The Zambia Police Service and the Zambia Correctional Service collaborate in the following ways:

- (i) exchange of crime intelligence on suspects earmarked for release or those released via the Parole Board;
- (ii) investigations and arrests of escapees;
- (iii) escort of suspects between detention facilities and courts of law;
- (iv) detention of suspects facing criminal cases under prosecution; and
- (v) liaise on other security related matters.

### ***The Citizenship Board of Zambia***

Your Committee was informed that the Zambia Police and the National Registration, Passports and Citizenship Department, collaborate by way of enhancing information flow in order to provide security. This is done through:

- (i) screening of applicants in need of National Registration Cards and passports
- (ii) investigation of crime related matters involving National Registration Cards and passport issuance; and
- (iii) arrest and prosecution of suspects.

### ***Road Traffic and Safety Agency (RTSA)***

Your Committee learnt that the Zambia Police Service and RTSA collaborate to ensure that all road users are protected and adhere to traffic regulations

through the joint enforcement of traffic laws and provisions in the following ways:

- (i) general motor vehicle clearance by Interpol office;
- (ii) joint road safety operations (check points and highway patrol);
- (iii) conducting road safety education; and
- (iv) information sharing on investigations involving motor vehicles.

### ***The Defence Forces***

The Zambia Police Service and the Defence forces co-operate and collaborate to ensure the alleviation of internal and cross- border crime related matters. This was achieved through the areas outlined below.

- (i) Joint security operations along the border areas.
- (ii) Re-enforcement of internal police operations such as mass social disorders and elections policing.
- (iii) Anti- Terrorism related operations.
- (iv) Exchange of intelligence information.

### ***Impediments to effective service delivery***

Pertaining to the impediments to the effective service delivery by the Police Service, your Committee learnt that the Police Service faced numerous challenges, the key of which are highlighted below.

#### ***Inadequate funding***

Your Committee was informed that according to the 2013-2016 Strategic Plan, the goal of the Institution was to achieve a 50% reduction in the incidence of crime and 60% in other offences by 2016. This, however, had not been achievable due to insufficient and erratic funding. Your Committee was informed that the 2017 budget had seen most budget lines reduced.

#### ***Inadequate infrastructure development***

Your Committee learnt that the corollary to inadequate and erratic funding was the non-existent or slow infrastructure development in the Police Service. Most of the police stations, except police posts, were built before or soon after independence and were obviously in a state of disrepair. In an effort to improve upon the existing or build new structures, the Police service embarked on infrastructure development. Unfortunately, most of these projects had stalled due to inadequate funding. Your Committee learnt that currently, the Zambia Police Service owed contractors about sixty-two Million Kwacha (K62, 000,000.00) in unpaid certificates for the works done. The inadequate funding had resulted in some police stations such as Mumbwa District Headquarters embarking on self-help projects to construct Police offices and requisite infrastructure such as holding cells. Whereas this is a commendable effort, it

was a recipe for compromise and corruption as the police may find it very difficult to be hard on individuals who might have contributed monetary or material resources to the project, should they find themselves in conflict with the law.



***District Police Headquarters under construction on PPP in Mumbwa***

### ***Inadequate manpower***

Your Committee was informed that the current strength of the Zambia Police stood at 18,432, of which 17,466 were police officers while 966 were civilian staff. Your Committee learnt that according to the Zambia Police Strategic Plan (2013-2016) and the Zambia Police Restructuring Report of 2006 approved by Cabinet, the Zambia Police had projected to recruit 3,000 officers annually in order to meet the threshold of 27,000 officers by 2016. Your Committee was told that the current strength was not adequate to efficiently and effectively police the country due to population growth and social transformation which had led to a rise in crime trends. Further, the number falls below the internationally accepted standard ratio of 1:250 (one police officer to 250 citizens).

Your Committee further, learnt that the Police Service did not have specialised manpower such as forensic pathologists. This was compounded by the fact that autopsy was not taught in medical school. The police, therefore, had to recruit and train these officers at a great cost which the funding levels could not support. Currently, there were only three pathologists among whom only one was Zambian and yet the requirement was that each command should have one pathologist. However, eight pathologists were being trained and more would be trained so that each command would have at least a pathologist. Your Committee was informed, further, that plans were under way to establish

a National Forensic Science Authority and it was hoped that it would be in place soon.

***Inadequate equipment***

Your Committee learnt that the institution did not have adequate modern investigation, communication and riot equipment to effectively respond to crime reports and related tasks. Your Committee was informed that some stations had inadequate armour, particularly small arms. Further, your Committee learnt that there were very limited human and financial resources at the Forensic Laboratory. Despite the creation of a modern forensic laboratory, there were still delays in concluding forensic investigations because the cost of reagents used to examine evidence and the protocols used for storing samples were very high, hence the Service had not been able to make the necessary assessments. This had a bearing on the levels of public confidence in the Service.

***Inadequate and dilapidated accommodation***

Your Committee was informed that in the recent past, the Government embarked on the construction of accommodation for police officers. However, there was a critical shortage of office space and housing units and a big number of officers were still staying outside police camps which posed a challenge to mobilise them during operations. Your Committee was further informed that due to the poor police image and relations with the community, many police officers who rented quarters in suburbs could not wear their uniforms from home. They would rather carry the uniforms in plastic bags and only wear them when they got to their stations. Your Committee saw, during the local tour, that even the existing housing units in police camps were in a serious state of disrepair and not fit for human occupation.



***A dilapidated house in Mongu Police camp***

### ***Dilapidated training institutions***

Your Committee was informed that the Service has three training institutions namely; Zambia Police Training College (Lilayi), Paramilitary (Sondela) and the School of Public Order Maintenance (Kamfinsa). These institutions were currently in a state of disrepair and had challenges of; inadequate hostel accommodation and classrooms to support the training of officers, poor sanitation, lack of modern equipment and teaching aids and run-down infrastructure. This made the environment for training non-conducive. These institutions did not have modern kitchens and used drums as cooking pots.

### ***Inadequate transport***

Your Committee was informed that the Zambia Police Service has a critical shortage of transport to effectively conduct operations. Your Committee was informed that ideally, each station required not less than six vehicles. What was prevailing on the ground, however, was that most stations had one vehicle or none at all. Even though great effort had been made in procuring motor vehicles, they were still inadequate to cater for all the stations countrywide.

Your Committee learnt that with regard to water transport, the Zambia Police had very few boats, which were also unserviceable. One instance of such was the marine boat which could only operate only with a minimum of 1, 000 litres of petrol. With the funding levels being experienced, this had become untenable and, therefore, a white elephant. Other areas did not even have a single marine boat.

Your Committee noted that the absence of proper police boats on most of the water bodies had resulted in minimised or completely absent police presence, resulting in lawlessness. This was particularly so when the fishing ban was in effect and there was no means to enforce it. Other vices such as smuggling and over fishing had been on the upswing due to the absence of water patrols.

### ***Inadequate uniforms***

Your Committee was informed that ideally, police officers were entitled to a new pair of uniforms every six months, as per the conditions of service. However, this condition of service had become very difficult to sustain and officers, particularly in rural areas, were not well dressed, thereby denting the image of the Service. Your Committee sadly learnt that the situation was even worse for undercover officers such as those under the Criminal Investigations Department and Prosecutions, who needed suits in order for them to operate effectively and efficiently.

### ***Legal limitations***

Your Committee was informed that an examination of many provisions of the laws and regulations within the Police Force revealed an opportunity for revision to promote effective and satisfactory policing. Many of these provisions had not been revised to bring them in tandem with current trends in policing, *vis-à-vis* human rights and freedoms. For example, some provisions in the *Penal Code*, the *Criminal Procedure Code*, the *Public Order Act* and the *Road Traffic Act* had become irrelevant and inconsistent with democracy.

### ***Slow response to public calls of distress***

Your Committee learnt that one of the complaints from the public, which was, to a very large extent, responsible for the low esteem, was the slow response to calls of distress from the public. More often than not, members of the public seeking help from the Police had been requested to provide transport and other resources, either to conduct investigations or arrest the suspects. Apart from lack of transport and fuel, which may be a genuine handicap owing to the release of funds from the Treasury, there was generally a lackadaisical attitude towards duty among police officers. This had been compounded by the frequent instances of police officers being caught on camera in very awkward situations, such as being drunk while on duty while in possession of a firearm.

### ***Conduct of traffic police at roadblocks***

Your Committee learnt that there was a perception among the public that minibuses and Mitsubishi Canter light trucks, were 'open cheques' for traffic police officers. This was because, no matter how road worthy these types of vehicles would be, the police would still endeavor to find faults with them in order to solicit a bribe out of the drivers. Even faults such as non functional brake lights which could malfunction at any moment depending on the nature of the road, were charged. Unfortunately, charges from the motoring offences

were never receipted. Although some sections of the society were of the view that 'it takes two to tangle'; that a bribe always had the one who solicits for it and the one who gives it, and that the public were also to blame, much of the blame was on the officers, who even when they did not directly solicit it, always had a way of having the offender think of it.

### ***Administration of the Public Order Act***

Your Committee was informed that the other matter that had contributed to the erosion of public confidence in the Police Service was the perceived biasness in the administration of the *Public Order Act*, particularly during elections. As far as some sections of the public were concerned, the police had a bias towards members of the ruling party, which they alleged that in many cases they needed not apply for a permit to hold meetings or even markets. They alluded to the fact that opposition political party functions had either been denied or cancelled for no justifiable cause. They wondered how the police would cite the shortage of manpower for the cancellation of a certain meeting but marshal a much larger contingent of police in riot gear to disperse the same meeting if it went ahead.

### ***Delays in investigations and transmitting dockets to the National Prosecutions Authority***

Your Committee was informed that there were a lot of delays in the disposal of cases which were sometimes caused by inadequate investigative resources at the place of investigations. This tended to delay the transmission of samples to provincial headquarters and Lusaka in some cases and in turn to the National Prosecutions Authority. There was a heavy reliance on analysis at the Food and Drug Laboratory at UTH regardless of where the offence took place, which added to further delays in the judicial system and disposal of cases and congestion in correctional facilities.

### ***Police brutality***

Your Committee was informed that another contributing factor to the low levels of confidence among the members of the public for the Police Service was police brutality. Your Committee heard that the Zambia Police engaged in cruel and degrading treatment, including torture, to extract confessions. It was reported that the Human Rights Watch, the Prisons Care and Counselling Association and the AIDS and Rights Alliance for Southern Africa, had interviewed prisoners at some correctional facilities, who described what happened to them in police custody, before they were transferred to correctional centres.

The Report indicated that dozens of detainees said they had been beaten with metal bars, hammers, broom handles, police batons, sticks, or even electrified



rods. Many said they had been bound first and hung upside down. Female detainees reported that police officers tried to coerce sex in exchange for their release. Your Committee was informed that these reports of physical abuse of men, women, and children held in police custody indicated a widespread and systematic pattern of brutality, in some cases rising to the level of torture and eventual death.

### ***High levels of corruption***

Your Committee was informed that the Zambia Police Service was viewed as the most corrupt and most unhelpful national security institution even though it was the most public instance institution. The public complained about the disappearance of programmes, such as 'The Police and You,' which was designed to bring the police closer to the public. The stakeholders contended that cases abound where criminals, who were sometimes apprehended by the public, were released from police custody without a plausible explanation.

Your Committee also heard that the other area where corruption was very obvious and rampant was the Traffic Section which was renowned for mounting unnecessary roadblocks at which money charged for very negligible offences was not even receipted. The other area cited was the Prosecution Section, where it was alleged some suspects had been let off the hook for no apparent reason after supposedly paying a bribe.

### ***Creation of two deputies***

Some members of the public submitted to your Committee that the creation of two deputies, namely Deputy Inspector General Administration and Operations, had introduced divided loyalty and infighting, instead of enhancing service delivery. They contended that instead of helping the Inspector General perform, the deputies were busy trying to win the support of the subordinates to themselves away from the Inspector General and between themselves. This was a recipe for inefficiency, they argued.

### ***Levels of public confidence***

Your Committee was informed that according to the United States Department of State OSAC 2016 Crime and Safety Report, the Zambia Police Service was almost solely a reactive force and demonstrated rather poor proactive law enforcement techniques and initiatives. The Report further revealed that the Zambia Police Service lacked equipment, resources, training and personnel to respond to the call for assistance or other emergencies. This Report stated that the Police response times could be very long, which was blamed on inadequate transport. Your Committee learnt that as such, many crimes went unreported and/or un-investigated at all. The Report also cites a poor record of solving serious crimes, few of which were ever brought to trial and that inadequate legislation resulted in the lack of prosecutions, giving rise to large numbers of acquittals. The Report also cites corruption at all levels, resulting in an ineffective legal and justice system.

Your Committee also heard that public confidence in the Zambia Police Service was generally low, as they took long to conclude investigations. This had led to some banks preferring to report fraudulent cases to the Drug Enforcement Commission who were perceived to be more efficient than the Police. Fear of officers from these law enforcement agencies by some members of the public also contributed to their low levels of confidence. The *Laissez-faire* attitude by some law enforcement officers was also blamed for this trend. On a positive note, however, the presence of the Police was taken as some kind of assurance or guarantee of security.

### **Special report: Crime vis-à-vis Karavinas in Kaoma District**

Your Committee learnt that the most prevalent crime in the area was murder, which was associated with witchcraft and hired assassins known as 'Karavinas.' Your Committee learnt further, that the term Karavinas was a local description of AK 47 wielding criminals, mostly from across the borders, who were hired to eliminate unwanted family members. What made this crime difficult to fight was the fact that in most cases the assassins were hired by relatives who wanted to get rid of suspected wizards in the clan. It was believed that apart from being armed with rifles, Karavinas had more superior witchcraft to that of the ones they were hired to eliminate. This meant that family members were not willing to assist the police get rid of Karavinas. A case in point was the riot in Lukulu that ensued after the police arrested a killer, who was found with an AK 47 rifle and ammunition, but who later jumped from a moving vehicle and died. The local people were protesting that their 'saviour' had been killed by the police. This resulted in damage to police infrastructure.

### **Committee's Observations and Recommendations for the Enhancement of Service Delivery**

Your Committee recommends that in order to improve service delivery of the Police Service, the measures presented hereunder should be put in place.

- (i) In order for the Police Service to operate efficiently and effectively, the Government should undertake infrastructure development such as the construction of police camps, office blocks and holding cells, complete on-going infrastructure projects and to commence new ones in places lacking police presence. Funding to the Institution should also be improved.
- (ii) In order to meet the standard police-population ratio of one officer to 250 citizens, the Government should embark on a continuous net recruitment exercise of 3, 000 police officers every year to reach the projected 27, 000.

- (iii) The Government should provide the Police with modern equipment for communication and investigations, including forensic investigations and anti – riot operations.
- (iv) The Government should construct modern police training institutions in order to make the environment for training of recruits and in – service officers conducive. The curriculum must also be revised to include new methods of policing, consonant with the respect for human rights.
- (v) In order to improve operations at the Police Service, the Government should procure sufficient motor vehicles and marine boats.
- (vi) In order to reduce corruption, improve discipline and regain public confidence, the disciplinary procedure for the Police Service should be revised to empower the Police Command, at the recommendation of the Police Commissioners, to discharge erring officers, up to a certain rank such as inspector, as the trend is in other security wings. Further, if discharge is not the ultimate recommendation, officers found wanting should not be transferred to other stations, but rather demoted and left to work under the officers they once supervised.
- (vii) In order to recreate partnership between the Police and the Community, the Police should reintroduce programmes such as “Police and You” which was meant to educate the public on the operations of the Service and thereby build rapport.
- (viii) In order to reduce corruption in the traffic section, there should be no permanent traffic officers. Instead, officers should be rotated, for instance on daily or a weekly basis considering that there are no specially trained traffic police officers and every officer was expected to know traffic laws.
- (ix) In order to enhance loyalty and unity of purpose in the Police Service, the Government should revert to one Deputy Inspector General.
- (x) In order to curb crime perpetrated by Karavinas in Kaoma, the Government should establish a permanent security committee consisting of the army and Police.

## **THE ZAMBIA CORRECTIONAL SERVICE**

**11.0** Your Committee visited the Correctional Facilities listed below.

- (i) Chimbokaila.
- (ii) Livingstone.

- (iii) Katombora.
- (iv) Sesheke.
- (viii) Senanga.
- (ix) Mongu.
- (x) Kaoma.
- (xi) Mumbwa.
- (xii) Mwembeshi.

### ***Mandate and functions***

Your Committee was informed that the Zambia Correctional Service was established under *Article 193 (I) (c) Constitution of Zambia (Amendment) No. 2 of 2016* of the Laws of Zambia, with the mandate to manage, regulate and ensure the security of correctional centres and perform other functions as may be prescribed.

Your Committee also learnt that the Zambia Correctional Service was administered under the *Correctional Act CAP 97 of the Laws of Zambia* which *defines* limits and serves as a guiding principle to enhance the humane concept of the management and control of correctional facilities and inmates lodged therein. Besides provision of humane custodial services to inmates, the Zambia Correctional Service was also mandated to rehabilitate and reintegrate the inmates in order to contribute to internal security.

Your Committee learnt that Articles 225 and 226 further establish the Zambia Correctional Service Commission and the Zambia Police Service Commission respectively which both prescribe the composition of the two Commissions and confer authority to appoint, confirm, promote and hear appeals from officers of both service institutions.

The Zambia Correctional Service was supposed to carry out the above functions by:

- (i) providing safe and humane custody of inmates until they are lawfully discharged in order to safeguard the interest of the public;
- (ii) improving the existing prisons and reformatory infrastructure and increase their number in order to raise the habitation standards of the inmates;
- (iii) effectively and efficiently manage human resources in order to attain their full utilisation for efficient service delivery to inmates;
- (iv) effectively manage and efficiently utilise logistical and material support service in order to efficiently provide custodial and correctional services to inmates;

- (v) expediting the review of legislation relating to the treatment of inmates and juveniles and monitor its implementation in order to conform to the United Nations (UN) standard minimum rules for the treatment of offenders;
- (vi) providing for the integration of ex-inmates into society in order to reduce recidivism;
- (vii) providing and disseminating information on the operations of the Zambia Correctional Service in order to increase awareness;
- (viii) cooperating with the other security agencies (local and international) in the dispensation of criminal justice in order to improve justice delivery to inmates;
- (ix) developing and implementing an institutional capacity building plan for the effective implementation of the Correctional Service Reform Programme in order to effectively and efficiently deliver services to inmates; and
- (x) researching into and carrying out educational campaign programmes in correctional centres camps in order to determine the prevalence of the HIV/AIDS pandemic and to sensitise the inmates and staff on its dangers.

### ***Collaboration with other Law Enforcement Agencies***

Your Committee was informed that the Zambia Correctional Service mainly collaborated with the Zambia Police Service, the Immigration Department, the Anti-Corruption Commission, the Zambia Wild Life Authority and the Drug Enforcement Commission in as far as dealing with detentions and incarcerations of people deemed to have broken the law. These law enforcement agencies collaborated with the Zambia Correctional Service by making necessary documentation for those arrested before they were taken to correctional facilities as may be required by law, while the Zambia Correctional Service collaborated with them by informing them on those due for removals to courts, renewal of warrants of detention and repatriation of foreign convicts from other nations who had served a term of sentence in prisons.

Your Committee further learnt that there were also collaborative programmes such as conducting escape routines whenever there was an escape of one of the detainees brought in by any one of the law enforcement agencies. The agencies worked together until such an escapee was re-arrested and prosecuted for escaping. The Zambia Correctional Service also notified respective agencies of the pending releases of offenders in order for them to

note. Furthermore, the Zambia Correctional Service collaborated in redesigning of the correctional programs that were tailored to the lessons learnt on best practices and human rights approaches to reformation and rehabilitation.

***Impediments to effective service delivery***

The following were presented to your Committee as impediments to effective service delivery by the Zambia Correctional Service:

- (i) legal provisions not responsive to the needs of the changing times;
- (ii) inadequate budgetary allocation;
- (iii) poor transport system for security operations;
- (iv) inadequate and inappropriate office space;
- (v) low staffing levels due to an unresponsive establishment structure;
- (vi) congestion and overcrowding at all correctional facilities;
- (vii) dilapidated and inadequate cell accommodation for inmates. There was consistency in so far as the separation of male and female prisoners was concerned, but there was no physical separation of untried and convicted inmates. Further, young offenders were not treated differently from adults particularly in prisons that had no provision for young offenders, contrary to *Section 60 of the Prisons Act Chapter 97 of The Laws of Zambia*;
- (viii) inadequate uniforms for officers and inmates;
- (ix) lack or inadequate provisions of inmates' beddings and cooking utensils; and
- (x) inadequate skilled staff to carry out rehabilitative programs as per the requirements of modern approach to corrections.



*A kitchen at Sesheke Correctional Facility*

### ***Levels of public confidence***

Your Committee was informed that there was serious doubt among the members of the public about the capacity of this Institution to transform from prisons to Correctional Service following the change in nomenclature. Your Committee was informed that the level of confidence in the Zambia Correctional Service was still quite low as many ex-prisoners seemed to be more hardened criminals when they left than when they went into the facilities. The public were of the view that the conditions in correctional facilities were still as punitive as they were in the colonial times, only that there was not so much congestion then.

### **Special cases**

#### **Katombora Reformatory School**

Your Committee learnt that Katombora was the only male reformatory school in the country and that it was established in the early 1950s. Your Committee was informed that the School was intended to rehabilitate and reform young offenders. Your Committee learnt further that the school which was originally meant for 120 juveniles now accommodated 140, whose age ranged from 14 to 18. Your Committee learnt that the most common offences juveniles were charged for were murder and aggravated robbery.

### ***Juvenile welfare***

Your Committee was informed that the juveniles were in a good state of health and that in case of illness, they were attended to at the clinic within. With regard to education, your Committee learnt that thirteen lads were in formal school while 126 were attending literacy classes within the Institution. Spiritually, the lads attended daily morning devotions conducted by the School Chaplain. The School also provided group and individual counselling as the need arose.

### ***Vocational Skills Training***

The school offered training in the following craft skills:

- (i) Carpentry and Joinery;
- (ii) Bricklaying;
- (iii) Tailoring and Designing;
- (iv) Domestic Electrical;
- (v) Metal Fabrication;
- (vi) Computer Studies;
- (vii) Plumbing and Sheet metal; and
- (viii) General Agriculture.

### ***Challenges***

#### ***Inadequate funding***

Your Committee learnt that funding was erratic and insufficient, as only K3,000.00 was given as and when it came. Your Committee was informed that whereas previously there was what was known as Offender Management and Welfare Fund, this was no longer provided. It was not even clear whether it was the Ministry of Education or Communal Development and Social Welfare which was responsible for funding.

#### ***Lack of a security wall***

Your Committee was informed that it was difficult to monitor the movement of the juveniles because there was no perimeter wall. It was, therefore, not uncommon for the lads to step out of the Institution. The School, which was not even an ordinary, but reformatory school needed to be fenced off like other schools in the present age.

#### ***Lack of a secondary school in close proximity***

Your Committee was informed that there was only one primary school within and the nearest secondary school was seventeen kilometres away. Those who qualified to grade 8 were sent to boarding schools where they often dropped out due to stigmatisation.

#### ***Transport***



Your Committee was informed that the School vehicles were old and unreliable and this had affected the operations of the Institution. Ordinarily, the School should offer after care home visitation to check on those who had been released. This, however, was not possible due to lack of transport. Education tours were also out of the question.

### ***Inadequate accommodation for staff and lads***

Your Committee learnt that having been constructed in the 1950s, most of the infrastructure was dilapidated and unsightly. Staff houses and dormitories left much to be desired. Since the Institution was oversubscribed, dormitories were overcrowded. To make matters worse, there were not enough beds, mattresses, and beddings and mosquito nets.

### ***Chapel and counselling room***

Your Committee was informed that the Institution had no chapel and counselling room and had to make do with a common room, which was also a TV room. There was need, therefore, to construct a chapel in the School.

### ***Lack of starter-up capital or tools for released juveniles***

Your Committee learnt that there was no provision for start-up capital or tools for Juveniles graduating from the Reformatory School. This resulted into some of them becoming repeat offenders. There was need, in this regard, to give the lads something to start life with in terms of capital and /or tools.

### ***Kitchen facilities and chef***

Your Committee discovered that the School did not have a qualified chef and the one cooking for the lads was a volunteer from the community, who was unfortunately not even paid. The kitchen had three electric pots, but only two were serviceable.

### ***Lack of metal fabrication workshop***

Your Committee discovered that although the Institution was offering metal fabrication, it did not have a specialised and equipped workshop.

### ***The state of the road***

The road leading to the Reformatory School was in a deplorable state and needed urgent attention.

### ***Committee's observations and recommendations***

In order to improve service delivery at Katombora Reformatory School Government should:

- (i) improve and streamline funding responsibilities between the Ministry of Education and Community Development and Social Welfare;
- (ii) erect a security wall around the School to enhance security;
- (iii) build a secondary school in close proximity;
- (iv) provide transport and grade the road to the School to bituminous standard;
- (v) provide accommodation for staff and lads and provide blankets and mosquito nets; and
- (vi) build a Chapel and Counselling Room;
- (vii) provide starter-up capital or tools for released Juveniles in order to curb repeat offending;
- (viii) build a kitchen and employ a qualified chef; and
- (ix) construct and equip the metal fabrication workshop.

### **Mwembeshi Maximum Correctional Facility**

Your Committee was informed that the construction of Mwembeshi Maximum Correctional Facility commenced in 1978, but was only officially opened on 11<sup>th</sup> March, 2013. The facility, with a capacity of 600 inmates, was meant for male convicts serving long sentences. Your Committee was informed that the earliest possible release dates ranged between 2020 and 2043. There was no congestion.

Your Committee was further informed that the facility offered life skills training in brickwork, carpentry, and tailoring, metal fabrication, power electrical and general agriculture. However, the facility was not yet registered with TEVETA and candidates had to use other centres such as Lusaka Central for examinations. With regard to health, your Committee was informed that there were 101 inmates on ART, which they received from the clinic within the facility. Your Committee was informed further that there was a “test and treat” arrangement so as to monitor new infections. Those who required special diet were assisted by cooperating partners.

Your Committee also learnt that the Facility had engaged in crop husbandry under the management and guidance of Egyptian experts engaged on a bilateral agreement between Zambia and Egypt. The two experts were training Zambians who would eventually take over the project. Pertaining to funding, your Committee learnt that this was done directly from the Treasury. The

institution received K100, 000.00 per month for both operations and management, which was, however, inadequate.

Your Committee noted that there was no fence before the wall as per requirement. Upon inquiry, your Committee was informed that the contractor had not completed the project due to inadequate funding.

### ***Issues raised by inmates***

#### ***The reality of transforming from prison to correctional custody***

The inmates told your Committee that they were yet to see the reality of the change of nomenclature from prison service to correctional service. They hoped that this would be the underlying factor to everything that was done to them. In the light of this change, they proposed that instead of counting day and night as one day, there should be a provision to separate the two to constitute days. They contended that this would reduce the number of years under custody and allow them to come out with some energy to engage in productive work and contribute to national development.

#### ***Administration of parole***

Your Committee was informed that according to the inmates, most of the beneficiaries of this facility were those on short rather than long term sentences. They, therefore, appealed that consideration be made to extend parole to long term inmates.

#### ***Delayed appeal process***

The inmates told your Committee that the appeal process took so long that sometimes the appeal hearing came after someone had even completed their sentence, which, they said, was grossly unfair and inhuman. They, therefore, appealed for the provision of more justices if it was a matter of shortage of them.

#### ***Life after release***

Inmates submitted before your Committee that life after prison was a nightmare because there was no empowerment. To make matters worse, the Government, which should be the first to sympathise with ex-prisoners, was not keen on employing them. "If the father is not willing to take care of a repentant child, who else will," they reasoned.

### **Committee's observations and recommendations for the enhancement of service delivery**

Your Committee recommends that in order to improve service delivery by the Zambia Correctional Service, the measures outlined here under, should be undertaken.

- (i) The Government should upgrade and expand the staff establishment of the Zambia Correctional Service to bring it to 7, 500 and to include all specialties needed in rehabilitation of citizens that find themselves in correctional centres. The staff establishment should be expanded in order to improve operations at all levels including the newly established units such as; the National Parole Board, the Medical Directorate, Kalonga Milling, Mounted Unit and the Brass Band which have drawn their staff from the existing lean staff establishment.
- (ii) The Government should, through enhanced funding, help the Zambia Correctional Service to embrace and adopt modern techniques and security systems which may include establishment of bio-data electronic system data base and installation of CCTVs in all the correctional centres.
- (iii) The Government should embark on building new and modern correctional facilities, which will be in accordance with the paradigm shift from punitive to correctional and respecting human rights. The existing ones should also be renovated and expanded and equipped with modern security features.
- (iv) The State should continue exploring alternatives to custodial sentences and detention for individuals coming in conflict with the law, such as community service and fines for minor offences to reduce congestion in correctional centres.
- (v) The Government should construct new juveniles' reformatory schools as per the proposal, in Lusaka, Kitwe and Kabwe including a girls section in the new ones.
- (vi) The Government should explore ways of engendering collaboration with the private sector in service delivery through Public Private Partnerships (PPPs) particularly in the construction of new modern correctional centres.
- (vii) In order to implement the paradigm shift, from punitive to modern correctional service, the Government should revise the training curriculum and send already trained officers for refresher courses.
- (viii) The Government should establish a clearly defined referral system between the correctional centres health care system and outside health

care system, particularly in the wake of HIV/AIDS and its attendant complications. Currently, some individuals entering correctional centres do not have documentation indicating their health status.

- (ix) The Government should scale up efforts to reduce the prevalence of HIV and TB in correctional centres through improved nutrition and decongestion.
- (x) In order to make the skills acquired in correctional centres worth the while and avoid repeat offenders, the Government should provide a starter pack in the form of capital and tools to enable individuals leaving correctional facilities start a new life.
- (xi) In order to demonstrate the seriousness of the paradigm shift from the punitive to the correctional one, the Government should revisit the policy regarding the employment of ex-convicts in the civil service and be the first to employ them.

## **THE DRUG ENFORCEMENT COMMISSION**

### ***Mandate and functions***

**12.0** Your Committee was informed that the mandate of the Drug Enforcement Commission (DEC) was to prevent and control illegal cultivation, production, trafficking and abuse of narcotic drugs, psychotropic substances and to curb money laundering activities in Zambia. This mandate was drawn from *the Narcotic Drugs and Psychotropic Substances Act – Cap 96 of the Laws of Zambia* and the *Prohibition and Prevention of Money Laundering Act of 2001* (as amended by Act 44 of 2010).

*Section 5 of Cap 96 of the Laws of Zambia*, identifies the main functions of the Commission as follows:-

- (i) to collect, collate and disseminate information on narcotic drugs and psychotropic substances;
- (ii) to receive and investigate any complaint of the alleged or suspected breach of the Act and subject to the directives of the Director of Public Prosecutions, prosecute for offences under the Act;
- (iii) to address and advise Government Ministries and Departments, public bodies, companies, institutions, statutory bodies and corporations on ways and means of preventing prohibited activities relating to narcotic drugs and psychotropic substances and suggest measures, procedures or methods of work compatible with the proper performance of their duties;

- (iv) to disseminate information intended to educate the public on evils and dangerous effects of abusing drugs or psychotropic substances and the effects of dealing in property acquired from drug trafficking; and
- (v) to enlist and foster public support against the abuse of drugs or psychotropic substances and in this connection, liaise with similar authorities outside Zambia.

Your Committee learnt that the Drug Enforcement Commission had additional functions through the Anti-Money Laundering Investigations Unit (AMLIU) and that under *Act 14 of 2001 Section 6*, as amended by *Act 44 of 2010*, the Commission was mandated to perform the following functions:-

- (i) to investigate financial and other business transactions suspected to be part of money laundering offences;
- (ii) to conduct investigations and prosecutions of money laundering offences;
- (iii) to liaise with other law enforcement agencies in the conduct of investigations and prosecution of money laundering offences; and
- (iv) to cooperate with other law enforcement agencies and institutions in other jurisdictions responsible for investigations and prosecution of money laundering offences.

### ***Collaboration with other Law Enforcement Agencies***

Your Committee learnt that the collaboration between DEC and other Law enforcement agencies in the country was mainly in the areas of training, investigations, security and information sharing but this differed from one law enforcement agency to another. The following were the institutions and manner of collaboration.

### ***The Zambia Police Service***

The DEC collaborates with the Zambia Police Service through training, investigations and information sharing. Under the capacity building programme, DEC officers undergo Basic Police Training at Zambia Police College in Lilayi. The DEC and the Zambia Police Service also collaborated in some investigations of mutual interest and undertook joint operations. These

were usually big operations needing enforcement such as Task Force Operation on Corruption, Chibolya Drug Raid Operations and Interpol operations. The Commission also collaborated with the Zambia Police Service in information sharing through Interpol, finger print verification and intelligence sharing.

### ***The Department of Immigration***

The Drug Enforcement Commission collaborated with the Department of Immigration in the area of vetting to ascertain if permit applicants were in good standing with the law, in particular *the Narcotic Drugs and Psychotropic Substances Act (Cap 96 of the Laws of Zambia) and Act No. 14 of the Prohibition and Prevention of Money Laundering Act of 2001* (as amended by Act No. 44 of 2010). The two Departments also collaborated through information sharing, border control and entry point operations. The DEC was also a member of the Employment Permit Approval Committee at Immigration Department.

### ***The Anti-Corruption Commission***

The Drug Enforcement Commission and the Anti- Corruption Commission (ACC) collaborate mainly in the fight against corruption through the Commission's Integrity Committees and also sharing of information on money laundering and corruption cases. The two institutions also carried out joint operations and investigations on various financial and economic crimes. The DEC had worked together with the ACC on the Task Force Operation on Corruption and Abuse of Authority of Office.

### ***The Financial Intelligence Centre***

The Drug Enforcement Commission (DEC) and the Financial Intelligence Centre (FIC) collaborated in information sharing on money laundering and other financial crimes. Before the creation of the Financial Intelligence Centre (FIC), the DEC, through the Anti-Money Laundering Investigations Unit (AMLIU), was responsible for receiving and analysing disclosure of information concerning suspected money laundering. Based on one of the recommendations from the Mutual Evaluation Report (MER), Zambia established an Administrative type of Financial Intelligence Centre (FIC) to meet the Egmont Group standards. Now, the Financial Intelligence Centre (FIC) received, analysed and disseminated disclosure of information concerning suspected Money Laundering (ML) to the Drug Enforcement Commission which undertakes investigations.

### ***Impediments to Effective Service Delivery***

Your Committee was informed that the Commission faced a number of impediments to fulfil its mandate, which included, but were not limited to these outlined below.

***Inadequate capacity building and training academy***

Your Committee was informed that the Commission suffered from lack of capacity building particularly because it did not have its own training academy, infrastructure, lack of rehabilitation centres and dog kennels and inadequate financial and human resources. This had resulted in inability to catch up with new trends in white collar crimes.

***Inadequate and dilapidated infrastructure***

Your Committee was informed that lack of office space had been the biggest challenge in the Commission. In all the provincial centres, the Commission had been operating in dilapidated buildings that were vacated by the Ministry of Works and Supply. In most cases, these buildings were old and not conducive to be used as office accommodation. This had resulted in break-ins in some parts of the country where drugs and various exhibits had been stolen. Your Committee learnt further, that unlike other law enforcement agencies, the Commission did not have housing units for its officers across the country which was quite demoralising.

The following pictures give an overview of the infrastructure problem at DEC, national wide.



*Owing to lack of a boardroom staff at the Headquarters the Commission is forced to hold a meeting in the car park*





*A congested office in Chililabombwe*



*Chipata District Office*



*Cracked Livingstone DEC Office*

***Lack of a national drug rehabilitation centre and dog kennels***

Your Committee was informed that although the DEC had continued to provide counselling and other drug demand reduction services to those seriously affected by the scourge of drug abuse, Zambia did not have a dedicated facility to provide treatment and rehabilitation of drug dependant persons. This had negatively hampered the efforts of the Commission in providing drug demand reduction programmes to the public.

***Lack of body scanners, sniffer dogs and dog kennels***

Your Committee learnt that most of the illicit and hard drugs were trafficked into the country through entry points such as international airports and border posts. However Zambia had only two Canine facilities to help curb the trafficking of illicit and hard drugs. To make matters worse, the Commission did not even have body scanners.

***Inadequate human and financial resources***

Your Committee was informed that the challenge of insufficient human and financial resources had affected the performance of the DEC over the years. Currently, the Commission had staff strength of 533 against the 1,821 staff establishment of 2013. Out of the 533 staff, only a total of 391 were operatives making it very difficult for the Commission to undertake its mandate across the country. Further, the Commission had been receiving a limited budgetary allocation for the past ten (10) years, making it very difficult to address various challenges.

### ***Lack of holding cells for suspects***

Your Committee was informed that the other challenge was the lack of holding cells for its suspects. This had resulted in detaining suspects in various police stations/posts who were sometimes forgotten or their cases were delayed. In such cases, the Police had found it difficult to deal with such suspects as they normally waited for the detaining authorities to go back and deal with their suspects.

### **Levels of Public Confidence**

Your Committee was informed that the Drug Enforcement Commission had continued to stand out both locally and internationally as one of the best models of institutions of good governance. The high standing of DEC in the country had led to some members of the public to continue reporting to the Commission cases that did not necessarily fall under its ambit.

Your Committee was further informed that the Commission had also received letters of commendation from members of the public, who included former Commissioners on the professional manner the DEC executed its mandate and functions. The Judiciary and Transparency International Zambia (TIZ) had attested to the fact that DEC had exhibited higher levels of professionalism and efficiency compared to other law enforcement agencies in Zambia.

Your Committee learnt further that according to the 2009, 2012 and 2014 Zambia Bribe Payers Index, conducted by Transparency International Zambia (TIZ), the Drug Enforcement Commission had never been cited among the Public Institutions' staff that demanded for bribes. Further, the Public Accounts Committee (PAC) had praised the Drug Enforcement Commission for not appearing before it since 2011. International and regional organisations such as the United Nations Office on Drugs and Crime (UNODC), Drug Enforcement Administration (DEA) of United States of America (USA), and the Federal Service of the Russian Federation for Narcotics Traffic Control also held the Drug Enforcement Commission in very high esteem regarding combating illicit drugs and money laundering. In this regard, the DEC-Zambia and the DEA-USA, had signed a Memorandum of Co-operation in combating transnational crimes such as drug trafficking and money laundering. The Commission had further entered into mutual co-operation with the Federal Service of the Russian Federation for Narcotics Traffic Control in combating illicit drugs, substances and precursors.

Your Committee was informed, too, that the Commission had in the past received delegations from Tanzania, Malawi, Ghana, Mozambique and Namibia whose purpose was to learn how they could establish effective and efficient drug law enforcement agencies similar to the DEC in their respective jurisdictions.

## **Committee's Observations and Recommendations for the Enhancement of Service Delivery**

Your Committee recommends that in order to improve the operations of the Drug Enforcement Commission, the measures listed hereunder need to be put in place.

- (i) The Government, through Ministry of Finance, should expedite the issuance of the Treasury Authority (TA) to implement in full, the 1,821 DEC staff establishment.
- (ii) The position of Commissioner should be upgraded to Commissioner General in order to bring it in harmony with other security wings.
- (iv) The Government should revise the *Narcotic Drugs and Psychotropic Substances Act, Chapter 96* of the Laws of Zambia and the *Prohibition and Prevention of Money Laundering Act No.14 of 2001 (as amended by Act No. 44 of 2010)* in order to deal with new dimensions of white collar crime and effectively collaborate with other law enforcement agencies.
- (v) The Government should expedite the formulation of the drug and alcohol policy in order to strike a balance between supply reduction efforts and demand reduction measures and bring about effective coordination and cooperation among various stakeholders.
- (vi) The Government should assist the Commission to establish its own training centre to reduce costs and enhance specialised training.
- (vii) The Government should establish a National Drug Rehabilitation Centre.
- (viii) The Government should increase the budgetary allocation to the Commission in order to address various challenges such as:
  - (a) lack of office accommodation and office equipment;
  - (b) lack of staff accommodation;
  - (c) lack of sniffer dogs and kennels;
  - (d) clearance of arrears;
  - (e) addressing operational challenges such as transport maintenance, capacity building programmes;
  - (f) lack of modern and specialized (surveillance equipment); and
  - (g) construction of strong rooms for confiscated drugs and other exhibits.

## **THE DEPARTMENT OF IMMIGRATION**

### ***Mandate and functions***

**13.0** Your Committee was informed that the Department of Immigration was responsible for regulating the movement of persons entering and leaving the country and controlling the stay of immigrants and visitors, in order to ensure internal security and socio-economic well-being of the people of Zambia.

Your Committee learnt that the functions of the Department of Immigration were to:

- (i) control all borders as provided under the *Immigration and Deportation Act*;
- (ii) administer and regulate all ports of entry;
- (iii) regulate the migration of any person to Zambia, but at the same time promoting economic growth, encouraging the training of citizens and residents by employers;
- (iv) ensure that businesses in Zambia employ skilled foreigners who are needed, especially in sectors that are reliant on international exchanges of people and personnel, as provided for in the *Immigration and Deportation Act*;
- (v) enable exceptionally skilled or qualified people to work in Zambia;
- (vi) facilitate the movement of students and academic staff within the Southern African Development Community (SADC) and the Common Market for Eastern and Southern Africa (COMESA), for learning, teaching and research; and
- (vii) prosecute any offence under the *Immigration and Deportation Act*.

### ***Collaboration with other law enforcement agencies***

Your Committee learnt that the Department of Immigration enjoys good relations with the local partners and other stakeholders as set out below.

#### ***National level***

Your Committee was informed that at national level, the Department enjoyed cordial working relations with:

- (i) the Zambia Correctional Service (ZCS);
- (ii) Office of the Commissioner for Refugees;
- (iii) Drug Enforcement Commission (DEC);

- (iv) Provincial Permanent Secretaries;
- (v) Office of the President (Special Division);
- (vi) the Anti-Corruption Commission (ACC);
- (vii) the Zambia Revenue Authority (ZRA);
- (viii) local and international Commercial Banks;
- (ix) Zambia Development Agency (ZDA); Public Sector Development, Industrialisation and Job Creation (PSDIJC); and
- (x) various Government Departments, private and non-governmental organisations.

### ***Regional Level***

At the regional level, the Department enjoyed good relations with the Common Market for Eastern and Southern Africa (COMESA) and the Southern African Development Community (SADC).

### ***International Level***

At international level, the Department enjoyed cordial relations with the International Organisation for Migration (IOM), United Nations High Commission for Refugees (UNHCR), United States Agency for International Development (USAID) and Foreign Missions accredited to Zambia.

Your Committee learnt that bilateral relations between Zambia and other countries also helped the Department in terms of receiving support to enhance its operations. The Joint Permanent Commissions (JPCs) on Defence and Security and cooperation between Zambia and other countries had been positive in enhancing cooperation with other countries, thereby easing the work of the Department. Your Committee learnt, further, that bilateral meetings also fostered co-operation and the smooth discharge of duties especially along the common borders.

### ***Impediments to Effective Service Delivery***

The following were presented to your Committee as impediments to effective service delivery by the Department of Immigration.

### ***Inadequate staff and office accommodation***

The Department faced a serious problem of inadequate and poor infrastructure. At a number of stations, officers were accommodated in dilapidated houses and worked in dilapidated offices. At Chipungu Border, for instance, officers live in grass thatched houses although they have a newly constructed office block.

### ***Shortage of staff***

Understaffing was a serious impediment to service delivery country-wide, resulting in some of the internal offices and border posts being operated by lone officers. The establishment had remained static since inception in 1965.

### ***Inadequate and erratic funding***

Funding levels to the Department were inadequate for operational and administrative requirements. As a result, removals, deportation, border patrols, chase-ups, business inspections, as well as purchase of uniforms, fuel, stationery and other material requirement had been affected.

### ***Inadequate Information Communication Technology equipment***

The Department of Immigration had not made full use of Information Communication Technology (ICTs) in rolling out the Zambia Immigration Management System (ZIMS), which had made it difficult to connect all the immigration control points.

### ***Inadequate capacity in technical areas***

Your Committee was informed that the Department had inadequate capacity in the following areas; prosecution, fraud detection and prevention, radio communication, foreign languages, investigations and intelligence gathering.

### ***Porous borders***

Your Committee learnt that due to the vastness of the country, the Department of Immigration did not have enough capacity in manpower to manage all the entry and exit points. This had made it easier for smuggling, human trafficking and other criminal activities to go undetected. At Katimamulilo for instance, your Committee discovered that Zambia had not fulfilled its obligation to fence its side of the border as was agreed during a Joint Permanent Commission meeting held in 2014, in Swakopmound, Namibia. Zambia was meant to do this through the Zambia Revenue Authority (ZRA). However, to date, this had not been done as the picture below demonstrates



***The picture shows the end of the fence on the Namibian side (left) while it remains open on the Zambian side (Right)***

### ***Limited skills in identification of vulnerable migrants***

There was inadequacy of training for immigration officers in the identification and differentiating of vulnerable migrants (asylum seekers, refugees, victims of trafficking, unaccompanied and separated children, stateless persons and stranded migrants) resulting in all being treated as prohibited immigrants.

### ***Lack of administrative holding facilities and temporal shelters for vulnerable migrants and suspects***

The Department of Immigration did not have holding cells for its suspects and vulnerable migrants. This had resulted in such migrants, including children, being detained in police cells and correctional centres alongside criminals. In addition, the Department did not have places where confidential interviews and assessments of migrants needing their service can be conducted.

### ***Levels of public confidence***

Your Committee was informed that the Department had never undertaken research to know how it was perceived by the public. A consultant was, however, engaged in 2015, to undertake a perception survey of immigration services. The survey was yet to be completed. Your Committee learnt that the Zambia Bribes Payers Index (ZBPI) 2014, nevertheless had rated the Department amongst the least corrupt, compared to the 2012 ZBPI, which had listed the Department amongst the most corrupt institutions. The improved perception was attributed to the establishment and work of the integrity committees in the Department.

Your Committee was informed that as an indicator to the positive image, the Department had won awards as listed below.

- (i) Best ICT Award at the 89<sup>th</sup> Session of the Zambia Agricultural and Commercial Show in 2015.
- (ii) First prize under the category Promoting Service Delivery in Stimulating Economic Development and Growth in Zambia through Innovative Service Delivery, at the African Public Service Day in 2016.
- (iii) Zambia Service Excellence Awards as the Most Improved Organization in the Public Service.

### **Committee's Observations and Recommendations for Enhanced Service Delivery**

Your Committee recommends that in order to enhance service delivery at the Department of Immigration, the measures listed hereunder should be undertaken.



- (i) The Government should provide adequate office and staff accommodation at all stations throughout the country.
- (ii) The Government should revise and increase the staff establishment which has remained the same since inception in 1965 and improve the conditions of service.
- (iii) Officers at the Department of Immigration should be professionally trained in the identification of vulnerable migrants (asylum seekers, refugees, victims of trafficking, unaccompanied and separated children, stateless persons and stranded migrants) in order to enable them perform as per the International Organisation for Migration. (IOM) standards.
- (iv) The Government should increase treasury releases to the Department and so timorously.
- (v) The Government should expand and improve upon the operations of the Information Communication Technologies Unit at all posts and offices.
- (vi) The Government should provide adequate transport and requisite funding for regular maintenance and service. Where required, water transport should also be provided.
- (vii) In order to enhance operations at the Department of Immigration, the Government should re-introduce the Appropriation-in-Aid facility, which allowed institutions collecting revenue to spend a percentage of what they collected instead of first going to Control 99.
- (viii) The Department of Immigration should have its own holding cells for suspects and vulnerable migrants to avoid bundling them with criminals in police and prison cells.
- (ix) The Department of Immigration should provide interview spaces where confidential interviews and assessments can be conducted with vulnerable migrants and other seeking its services.

## **NATIONAL REGISTRATION, PASSPORT AND CITIZENSHIP DEPARTMENT**

### ***Mandate and functions***

**14.0** Your Committee learnt that the Department was charged with the responsibility of keeping records of individual's births, marriages, deaths and adoptions. It also processed and issued passports and other related travel documents and granting applications for citizenship. The Department

comprises two sections namely the National Registration and the Passports and Citizenship sections. However, although the two sections fell under one department, they were separate in terms of physical location, making co-ordination difficult.

Your Committee learnt that in fulfilling its mandate, the Department carried out the following functions:

- (i) consider and determine applications for registration as a citizen;
- (ii) consider and determine applications for the declaration and renunciation of citizenship;
- (iii) consider and determine matters relating to deprivation of citizenship acquired by registration;
- (iv) receive, maintain and update information on citizenship; and
- (v) do all such other things as necessary or incidental to performance of its functions under the *Citizenship Act of 2016*.

#### ***Collaboration with other law enforcement agencies***

Pertaining to collaboration with other law enforcement agencies, your Committee was informed that the Department collaborated with other institutions on behalf of the Citizenship Board on matters relating to the security clearances of applicants for citizenship.

#### ***Impediments to effective service delivery***

Your Committee was informed that some of the major impediments faced by the Department were:

- (i) delays by other law enforcement agencies in providing security clearances for applicants of citizenship;
- (ii) failure to decentralise the issuance of passports to all provincial, district centres and missions abroad in order to increase accessibility to services;
- (iii) inability to maintain an effective and efficient records management system for easy retrieval of information and provision of services;
- (iv) inability to provide and disseminate information on the operations of the Department in order to create public awareness and increase community participation; and

- (v) inability to digitise national identify and travel documents in order to enhance their security.

### **Levels of public confidence**

Your Committee was informed that the Department enjoyed a relative share of public confidence. This was evidenced by applicants getting responses to their queries. Some sections of the society, however, were of the view that National Registration, Passport and Citizenship Department was riddled with corruption, particularly with regard to the issuance of national identity documents.

### **Committee's Observations and Recommendations for Enhanced Service Delivery**

In order to enhance service delivery, your Committee recommends as outlined hereunder.

- (i) In order for the Department to effectively and efficiently provide increased accessibility to services for national identity documents, the Government should decentralize the issuance of passports to all provincial, district centres and missions abroad.
- (ii) The Government must digitalise the record management system in order to maintain an effective and efficient and easy retrieval of information and provision of services.
- (iii) The Government should disseminate more information on the operations of the Department in order to crate public awareness and increase community participation.
- (iv) The Government should establish a central data base for all law enforcement agencies to promote co-operation, collaboration and information flow among them.
- (v) The Government should initiate the review of legislation and policies related to National Registration, Passports and Citizenship in order to conform to the prevailing conditions in international migration; and
- (vi) The Government should digitilise national identify and travel documents in order to enhance their security features and easy of cross checking at border points.

## ***PART II***

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

#### **The shift from political to economic diplomacy; transparency in the recruitment process; and awareness of the code of conduct and financial regulations**

**15.0** Your previous Committee had recommended that the paradigm shift from political to economic diplomacy should be supported both by appointing suitably qualified personnel and attachés for specialised functions such as trade and tourism development and providing adequate and timely funding to Zambian Missions Abroad. Further, in order to reduce the tendency to appoint officers on party patronage and thereby compromise the quality of service provided by missions abroad your previous Committee had recommended that the Ministry of Foreign Affairs should move quickly in tabling before the National Assembly, a Career Foreign Service Bill, intended to create a pool of career diplomats from which appointments to the foreign service will be made.

Additionally, your previous Committee had also urged the Government to ensure that the training offered at Zambia Institute of Diplomacy and International Studies (ZIDIS) was enhanced by making it examinable and underwritten by recognized universities. It should also include knowledge of codes of conduct and financial regulations and management.

In response, your Committee was informed that following the Presidential directive that a Foreign Career Service be put in place, the Government through Ministry of Foreign Affairs had drafted a lay man's Bill on a Zambia Foreign Career Diplomatic Service. The Bill seeks to address issues surrounding the appointment of qualified personnel to the Zambian Missions Abroad as well as strengthening the curriculum of the training programme for diplomacy offered at ZIDIS. The Bill had been submitted to the Ministry of Justice for tabling before the National Assembly in the next session. Your Committee was informed further that a Cabinet Memorandum on the introduction of a Foreign Service Bill to the National Assembly was drafted, tabled before Cabinet and supported in principle.

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

Your Committee resolves to await the presentation of the Bill to Parliament to cover the issues raised above.

### **Appraisal system for monitoring performance of officers accredited to Zambian missions abroad**

**16.0** Your previous Committee had urged the Government to ensure that the Ministry of Foreign Affairs developed an elaborate performance appraisal system for monitoring the performance of officers accredited to Missions Abroad in order to ensure that they contributed to the strategic objectives and vision of the Ministry.

Through the Action-Taken Report, your Committee was informed that the Government through the Ministry of Foreign Affairs would fully implement the performance appraisal system in Zambian Missions Abroad, beginning with training supervisors and their superiors on developing targets and work plans which would feed into the Ministry's focus areas and eventually ensure the achievement of national goals.

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

Your Committee urges the Executive, through the Ministry of Foreign Affairs, to expeditiously implement the appraisal system and provide an update on the matter

### **Dependency on rented office space and staff accommodation**

**17.0** Your previous Committee had recommended that the Government should expedite the process of obtaining mortgages, out-right purchase and/or construction of chanceries and residencies for Zambian Missions Abroad in order to raise money for themselves from renting out office space, instead of depending on the Treasury for all their operations.

Through the Action-Taken Report, your Committee was informed that the Government through the Ministry of Foreign Affairs had begun the process of purchasing and construction of properties for Zambian Missions Abroad through mortgage financing. The Government had come up with the Mortgage Financing Guidelines Document for the use by Ministry of Foreign Affairs. With reference to the programme, the Ministry had phased the implementation of purchasing and construction of the properties for Zambian Mission Abroad.

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

Your Committee having sought further clarity on this matter when the Permanent Secretary appeared before it who explained that following the

approval of the Mortgage Financing Strategy by Cabinet, the Ministry started its implementation in 2016, in a phased approach, with phase I targeting six missions, namely: Accra, Lisbon, Riyadh, Pretoria, Canberra and Nairobi, resolves to seek regular updates on this matter considering it is work in progress.

### **Mechanism for identifying, grading and strengthening Zambian Missions to foster economic rather than political diplomacy only**

**18.0** Your previous Committee had recommended that the Ministry of Foreign Affairs should grade Zambian Missions Abroad in accordance with the complexity of the environment in which they operate and the work output expected of them in order to enable the Ministry to finance them accordingly, with a view to strengthening Zambian Missions that could foster economic diplomacy rather than political ones only.

In response your Committee was informed that the Zambian Missions Abroad was ranked according to the complexity of the environment in which they operated and the work output expected of them. However, with the finalization of the Revised Foreign Service Regulations and Conditions of Service and the expected appreciation of the Foreign Service Bill during the next session of the National Assembly, there would be need to review the ranking of the Missions, taking into consideration the fact that new Zambian Missions Abroad had been opened from the last time the ranking exercise was undertaken.

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

Your Committee resolves to await the presentation of the Bill to Parliament, for enactment and subsequent implementation.

### **Consideration of Outstanding Issues from the Action Taken Report on the Committee's Report for the Fourth Session of The Eleventh National Assembly**

#### **Operations of the Department of National Registration, Passports and Citizenship**

**19.0** Your previous Committee had requested an update on the outcome of consultations between the Ministry of Home Affairs and Ministry of Finance with regard to funding.

In response, your Committee was informed that the consultations were underway and the outcome would soon be communicated to the Committee. Further, the recommendations were already approved by Cabinet and just awaiting implementation as soon as modalities are put in place and funds are available.

### **Committee's observations and recommendations**

Your Committee urges the Executive to consider this matter with the seriousness it deserved and provide a time frame to its completion and an update on it.

### **Registration of births**

**20.0** Your previous Committee had urged the Executive to treat this matter with the seriousness it deserves and provide the requisite funding for its implementation, with a bias towards rural areas.

In response, your Committee was informed that the Department of National Registration, Passport and Citizenship was allocated funds to Conduct Mobile Issuance of National Registration Cards between 2015 and 2016, and all rural areas were captured. When the Statutory instrument to decentralize issuance of birth and death certificates is published and comes into effect, district offices will be provided with funding to conduct mini mobile birth registration exercises.

### **Committee's observations and recommendations**

Your Committee urges the Executive to expedite the issuance of the Statutory Instrument giving effect to the decentralisation of the registration of births and deaths and provide it with an update.

### **Review laws governing the Department of National Registration, Passports and Citizenship**

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

In response, your Committee was informed that the work on revising the births and deaths registration regulations had been concluded. The Statutory Instrument was ready for Publication, while the revision of the National Registration Act CAP 126 of the Laws of Zambia was underway. The Ministry of Home Affairs had engaged a consultant through its Department of Information Planning and Research to revise the birth and deaths registration regulations which had since been concluded.

### **Committee's observations and recommendations**

Your Committee urges the executive to make available to your Committee a copy of the SI, which is said to be ready for publication.

### **Security along the borders with neighbouring countries**

**22.0** While commending the Government for steps taken so far, your previous Committee had urged the Executive to provide the requisite resources for efficient operations to be carried out.

In response, your Committee was informed that the provision of security in border areas of this country by the Zambia Police cannot be overemphasized. This is why the police have posts along the borders with neighbouring countries in order to enhance security. Furthermore, the Zambia Police recently acquired seven security boats which had already been deployed on lakes in border areas in order to enhance security.

In view of the aforesaid, the provision of requisite resources to assist efficient operations of these security boats was being done. The already existing tools included the diving kits for the marine wing of the police and oxygen compressors. Other requirements in the process of being procured included binoculars and the portable Geographical Position System devices. Furthermore, the staffing level matters relating to marine officers and divers in particular were being looked into. For example, new positions for marine wing had been provided in the proposed establishment that had been submitted to Cabinet for approval. For instance, Mpulungu had been provided with 11 positions in the proposed establishment. The fuel and lubricants required to keep the boats in full operations would have the quantities increased to sustainable levels and the provision of motor vehicles to transport boats to the location of servicing and repairs shall be made available.

**Committee's observations and recommendations**

Your Committee urges the Government to ensure that these officers are recruited and trained and provide an update on the matter.

**Vetting of nationals and institutions providing funding to various projects**

**23.0** Your previous Committee had urged the Executive to formulate a law to this effect.

In response, your Committee was informed that the importance of formulating a law to scrutinize foreign nationals and institutions before funding any projects in Zambia has been noted accordingly. In this regard, the Treasury would continue to accelerate support to institutions such as the Immigration Department to ensure that there was proper screening of foreign nationals entering Zambia.

**Committee's observations and recommendations**

Your Committee urges the Executive to strengthen collaboration among law enforcement and security wings such as Department of Immigration; the Financial Intelligence Centre, the Anti-money Laundering Investigation Unit and the Police.



## **Review of the Operations of the Office of the Commissioner for Refugees**

**24.0** Your previous Committee had considered the response inadequate considering that the local integration programme was not a panacea to the issue of inadequate funding and reliance on donors. It, therefore, awaited an update on the funding to the Office of the Commissioner of Refugees.

In response, your Committee was informed that the scope of the work of the Office of the Commissioner for Refugees entails wide geographical implications in that besides asylum seekers and refugees being dealt with on a day to day basis in Lusaka and the two refugee settlements in Western (Mayukwayukwa) and North Western (Maheba) Provinces, support was needed to deal with asylum seekers who report to authorities in various border areas.

These individual cases needed to be screened, and were granted status due to flight under circumstances from civil strife. Those who might be fleeing persecution needed to be transported to Lusaka to appear before the National Eligibility Committee (NEC) for status determination.

These operations were resource-heavy as they included providing food for asylum seekers in transit, transport and payment of allowances to officers involved in the process. Increased funding would also assist in boosting the capacity to respond to emergency crises such as the recent attacks on refugees residing in Lusaka's densely populated areas and influxes of asylum seekers from countries experiencing civil strife and political instability. To fully carry out all these said operations, there had been heavy reliance on donor funding for which conditions might not always fall in line with Government objectives.

### **Committee's observations and recommendations**

Your Committee urges the Government to own these programmes to ensure successful implementation

## **Local Tours of Lusaka, Kabwe, Kapiri-Mposhi, Ndola, Kitwe and Solwezi for the Fourth Session of the Eleventh National Assembly**

### **Harmonisation and rationalisation of conditions of service for defence and security wings**

**25.0** Your previous Committee had requested for an update on the recruitment exercise.

Your Committee was informed that 400 officers were recruited instead of 600 planned and of the 400 recruited only 270 had been placed on the payroll due to budgetary constraints.

### **Committee's observations and recommendations**

Your Committee urges the Executive to provide an update on when the remaining 200 would be recruited and when the 130 recruits would be put on the payroll.

### **Construction of a min hospital within the Mukobeko Maximum Facility**

**26.0** Your Committee had resolved to await a progress report on budgetary allocation for the construction of a mini hospital.

Your Committee was informed that there were no provisions in the expenditure appropriation for 2016 and, therefore, no mini hospital was being constructed from Government provided resources. However, it was worth mentioning that two mini-hospitals had reached advanced stages of construction through resource support from PEPPFA in Livingstone and Chipata.

### **Committee's observations and recommendations**

Your Committee considers the construction of a mini-hospital at Mukobeko Maximum Correctional facility as a serious security matter which must be treated as such and urges the Government to prioritise it.

### **Provision of a generator set at Mukobeko Maximum Facility**

**27.0** Your previous Committee had urged the Executive to treat the matter with the seriousness it deserves in order not to put the lives of officers and inmates at risk. Further, your Committee had requested an update on the procurement of electric pots.

In response, your Committee was informed that the generator had not been procured because there was no budgetary allocation for this activity in the current expenditure appropriations.

### **Committee's observations and recommendations**

Your Committee urges the Government to budget for this matter and look for resources to finance it. It awaits an update.

### **Electronic back up of records at Judiciary**

**28.0** While commending the Government for the work done so far in the matter, your previous Committee had urged the Executive to roll this out to all the courts where the facility could be installed.

In the Action-Taken Report, your Committee was informed that for more than three years, the Judiciary has had inadequate funding for infrastructure development and this had contributed to the slow progress in installing the facility in other courts. The electronic record and case management system was introduced through the Zambia Justice Information System (ZAJIS) and that there was still a lot to be done as only ten courts and thirteen registries along the line of rail had benefited from this reform so far. The project was

donor funded and the Government was committed to the implementation of the project in other parts of the country and to ensure that this process was concluded universally.

**Committee's observations and recommendations**

Your Committee urges the Executive to own and fund this programme to ensure its success and provide an update on it.

**Revision of the law governing adoption of children**

**29.0** Your previous Committee had urged the Executive to provide an update on the revision of the *Adoption Registration Act*.

In response, your Committee was informed that the Government through the Ministry of Justice was in the process of drafting the Children's Code Bill under which a review of all legislation pertaining to children was being undertaken, including aspects relating to the registration of adoptions.

**Committee's observations and recommendations**

Your Committee urges the Executive to expedite the drafting and presentation to Parliament of the Children's Code Bill.

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

**Issuance of Passports to former Angolan Refugees**

**30.0** Your previous Committee had requested for an update on the matter.

In response, your Committee was informed that to date, the Immigration Department had issued 1,122 residence permits to eligible former Angolan refugees. The passports issued so far were 1,689 and not the 2,197 recorded.

**Committee's observations and recommendations**

Your Committee considers this as work in progress and requests regular updates on the matter.

**Survey and demarcation of plots in Meheba and Mayukwayukwa**

**31.0** Your previous Committee had requested an update on the un-surveyed plots.

In response, your Committee was informed that through the Ministry of Lands, Natural Resources and Environmental Protection has not yet completed the surveying of the outstanding plots in Meheba and Mayukwayukwa as the Government and the United Nations High Commission for Refugees (UNHCR) were still sourcing for funds. However, the Ministry was currently processing survey diagrams for the plots that were surveyed in both Meheba and

Mayukwayukwa. The Government would ensure that the un-surveyed plots were surveyed as soon as funds were available.

### **Committee's observations and recommendations**

Your Committee considers this as work in progress and requests regular updates on the matter.

### **Regulation of movement of arms**

**32.0** Your previous Committee had urged the Government to expedite the process and awaited an update on the matter.

In response, your Committee was informed that Cabinet at its 8<sup>th</sup> meeting held on 26<sup>th</sup> April, 2016 accepted the recommendation by the Minister of Defence that approval be given to the ratification of the Arms Trade Treaty. The Ministry of Foreign Affairs had been written to, informing them of Cabinet's decision. In the same vein, the Ministry of Foreign Affairs had been requested to prepare and deposit the instruments of ratification with the United Nations. Cabinet Office had been informed of the course of action to be undertaken once the United Nations had confirmed Zambia as a State Party to the Treaty ninety, (90) days after depositing the instruments of ratification. Among the course of action to be undertaken were to:

- (i) appoint a National Focal Point for the Arms Trade Treaty (ATT);
- (ii) create a national Control System to regulate the importation and exportation of all conventional arms;
- (iii) develop a national control list for all regulated items under the ATT;
- (iv) develop legislation on arms trade related activities and;
- (v) establish a Coordinating Committee comprising officers from all stakeholders dealing with ATT activities.

### **Committee's Observations and recommendations**

Your Committee considers this as work in progress and requests regular updates on the matter.

### **Improvement of conditions of service for staff at the Zambian Embassy in Angola**

**33.0** Your previous Committee had resolved to await an update on the matter.

In response, your Committee was informed that the Government, through the Ministry of Foreign Affairs, had taken a holistic approach in revising the

Conditions of Service. It was not focusing on specific Missions only. In doing so, the Ministry would appropriately consider and analyse the ranking of Zambian Missions Abroad and also take into account the cost of living in a particular country of accreditation according to the statistics of the World Bank (WB) and International Monetary Fund (IMF).

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

Your Committee urges the Government to expedite this exercise and provide an update on it.

### **Consideration of outstanding Issues from the Action-Taken Report on the Report of the Committee for the Second Session of the Eleventh National Assembly**

#### **An update on the operations of Zambia's missions abroad**

**34.0** Your previous Committee had requested for an update and a timeframe within which the remaining works would be completed.

In response, your previous Committee was informed as follows:

#### **Lubumbashi**

The remaining five percent (5%) of the works in Lubumbashi still remained incomplete. The Ministry has since written to the contractor to complete the works before the second quarter. In an instance where the contractor failed to complete the works within the stipulated time, the Ministry would advertise a bid for completion of the remaining works.

#### **Brussels**

Phase 1 of the rehabilitation works had been completed while, ninety six (96%) of the works had been completed for Phase II. Finalisation of the remaining works for Phase II was scheduled for completion in June, 2016.

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

Your Committee awaits an update on the matter.

#### **Purchase of a new residence for the Zambian Mission in New York**

**35.0** Your previous Committee had requested for an update on the matter.

In response, your Committee was informed that the Mortgage Financing Committee constituted by the Secretary to the Cabinet was looking into the matter of purchasing a new residence for the Mission in New York. However, the Mission had come up with a phased approach in which it would pursue purchases and construction for Mission properties. The Ministry informed your Committee that the purchase of a property in New York was ranked in the Phase 1 and procedure to acquire the property would be commenced once funds were available.

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

Your Committee requests an update on the matter.

### **Permanent Commissions on Zambia's boundaries with the DRC and Tanzania**

**36.0** Considering that 2015 had elapsed, your Committee had requested for further update on the matter.

Your Committee was informed that the Government of Zambia and the Government of the Democratic Republic of Congo met during the Joint Technical Committee Meeting on the Reaffirmation of the International Boundaries along Lake Tanganyika which was held in Dar-es-Salaam, Tanzania from the 13<sup>th</sup> to 15<sup>th</sup> July, 2015, and was attended by Tanzania, Burundi, DR Congo and Zambia at which the two countries agreed, during the bilateral meeting, to the meeting for the special Committee of experts for Zambia/Congo International Boundaries in September, 2015. Since the two countries did not have enough resources to fund the project, it was agreed that external support should be sought. However, the September meeting could not take place as both Zambia and DR Congo were not ready. The two countries agreed to push the preparatory meeting to 2016.

During the same meeting, the Government of Zambia and the Government of Tanzania met and acknowledged, during the bilateral meeting, that the boundary between Zambia and Tanzania on Lake Tanganyika, Congo and Zambia and the shoreline have been defined. The two countries agreed that the Zambia-Tanzania Joint Technical Committee should meet at Nakonde/Tunduma in August, 2015, to harmonize the work plan and discuss a way forward in the continued reaffirmation exercise. The two countries further agreed to review the 50 meters buffer zone agreed in 2013, to minimise compensation costs for the two countries arising from the demolition of the infrastructure falling within the buffer zone especially at Tunduma and Nakonde.

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

Your Committee requests regular updates on this matter.

### **Construction of accommodation and offices at Zombe and Lumi Border Posts**

**37.0** Your previous Committee had requested for further update on the matter.

In response, your Committee was informed that the construction of Zombe and Lumi border posts was in the approved infrastructure development plan, to be implemented from 2015 to 2020.

- i. The construction of Zombe office block and three (3) staff houses was proposed for implementation in 2016. However, the Government had not released funds for the project. The Department has two immigration officers manning Zombe Border Post.
- ii. The relocation and construction of Lumi office block and 3 staff houses has been proposed for implementation in the year 2017. Lumi border post was closed due to lack of both man power and infrastructure.

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

Your Committee urges the Government to treat this matter with the seriousness it deserves and allocate resources to it and provide an update.

### **Provision of staff and office accommodation to security personnel at Nsumbu Border Post.**

**38.0** Your previous Committee had urged the Executive to provide an update on the matter.

In response, your Committee was informed that office accommodation was being constructed. The contractor was erecting the super structure. Nevertheless, construction of the two (2) staff houses had not started yet.

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

Your Committee urges the Government to treat the construction of staff houses with the seriousness it deserves and allocate resources to it and report progress on the matter.

### **Cessation Clause on Rwandese Refugees**

**39.0** Your previous Committee had requested for an update on the matter.

In response, your Committee was informed that the Government through the Minister of Home Affairs, sitting with the Appeals Committee, had granted exemption on appeal to 23 (translating into 108 beneficiaries) Rwandan refugees out of 728 who appealed, rejecting the rest. Those Rwandan refugees whose cases were rejected were receiving letters in which they were advised of the decision as well as the option of local integration, subject to meeting legal requirements such as acquisition of the Rwandan national passports. The Ministry of Home Affairs was still considering options of how to proceed with individuals whose cases had been rejected and had not expressly chosen either local integration or voluntary repatriation.

In addition to the fourteen passports that were issued to kick-start the process, forty-nine individuals had registered to obtain their national passports.

Furthermore eighty-six had shown interest in Local Integration and the Residence Permits that had been issued were nineteen. It was reported that the slow pace at which the Residence permits were being issued was because the former Rwandan refugees were unwilling to obtain their national passports. The Office of the Commissioner for Refugees had continued to carry out sensitisation in order to encourage more former Rwandan refugees to obtain their national passports in order to legalise their stay in Zambia.

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

Your Committee urges the Government to treat the matter with the seriousness it deserves for security reasons and provide an update on it.

### **Mutual Agreement to combat drug trafficking**

**40.0** Your previous Committee requested further update on the matter.

In response, your Committee was informed that the Memorandum of Understanding (MoU) was cleared by the Attorney General's Chambers and the same had since been forwarded to the Indian counterparts for their input through the Ministry of Foreign Affairs.

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

Your Committee urges the Government to provide an update on the outcome of the MoU forwarded to India.

### **Kamfinsa School of Public Order and Maintenance – Firing Range**

**41.0** Your previous Committee requested for an update on the matter.

In response, your Committee was informed as follows:

- (i) the Firing Range for Kamfinsa School of Public Order and maintenance was surveyed and numbered as Lot number 40696. In view of this, the Kitwe City Council had since issued the letter of offer in which the amount quoted is K149, 600.00. Therefore, the Zambia Police Service was sourcing for funds to pay before the Title Deeds could be obtained from the Ministry responsible for Lands; and
- (i) as regards the Kamfinsa Police Land, there was no correspondence issued by the Kitwe City Council to allocate the stand number and offer letter, respectively. Therefore, the response was being awaited from the Kitwe City Council.

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

Your Committee urges the Government to pursue the matter with the Council and provide an update on it.



#### **42.0 Conclusion**

Your Committee wishes to express its indebtedness to you, Mr Speaker, for the guidance rendered to it during the Session. Your Committee further wishes to express its gratitude to the Permanent Secretaries and Chief Executive Officers of various institutions for their co-operation and input into your Committee's deliberations.

Lastly, your Committee wishes to extend its appreciation to the Clerk of the National Assembly and her staff for the services rendered to it during the Session.

Dr M Malama MP  
**CHAIRPERSON**

June, 2017  
**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, Senior Committee Clerk (SC)

Mr C Chishimba, Committee Clerk

Ms P S Bwalya, Typist

Mr C Bulaya, Committee Assistant

Mr M Chikome, Parliamentary Messenger

Mr M Lupiya, Parliamentary Messenger