



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS

FOR THE

FIRST SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

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REPORT OF THE COMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS FOR THE FIRST SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

1.0 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of: Brig Gen Morgan Sitwala (Rtd), (Chairperson); Ms Sibongile Mwamba, MP (Vice Chairperson); Mr Cliff Mpundu, MP; Mr Lusale John Simbao, MP; Mr Mweemba Malambo, MP; Mr Siphon Hlazo, MP; Mr Sunday Chanda, MP; Mr Philemon Twasa, MP; Mr Christopher Chibuye, MP; and Mr Walusa Mulaliki, MP.

The Honourable Madam Speaker
National Assembly
Parliament Buildings
LUSAKA

Madam

The Committee has the honour to present its Report for the First Session of the Thirteenth National Assembly.

2.0 FUNCTIONS OF THE COMMITTEE

The functions of the Committee are set out in Standing Orders No. 197 (k) and 198 of the National Assembly of Zambia Standing Orders, 2021.

3.0 MEETINGS OF THE COMMITTEE

The Committee held fourteen meetings during the year under review to *inter alia* consider the topical issues.

4.0 PROGRAMME OF WORK

At its first meeting, the Committee considered and adopted the programme of work set out below.

- a) Consideration of the Action-Taken Report on the Committee's Report for the Fifth Session of the Twelfth National Assembly.
- b) Consideration of topical issues
 - Topic One: The Management and Operations of Missions Abroad vis-à-vis Bilateral and Multilateral Missions
 - Topic Two: The Administration of Parole and Correctional Supervision vis-à-vis the Decongestion of Correctional Facilities in Zambia
- c) Consideration and adoption of the Committee's Report

5.0 PROCEDURE ADOPTED BY THE COMMITTEE

The Committee requested for written memoranda from various stakeholders on the topical issues under consideration and subsequently invited them to appear before it. The purpose of the appearance was for the stakeholders to make oral submissions and clarifications on issues arising

from their submissions. The Committee also undertook a local and a bench-marking tour to Ghana.

6.0 ARRANGEMENT OF THE REPORT

The Report is in two parts: Part I, is on the Consideration of Topical Issues, while Part II is on the Consideration of Outstanding Issues from the Action-Taken Report on the Committee's Report for the Fifth Session of the Twelfth National Assembly.

PART ONE

7.0 CONSIDERATION OF TOPICAL ISSUES

7.1 THE MANAGEMENT AND OPERATIONS OF MISSIONS ABROAD

7.1.1 Background to the Study

Zambia had thirty-six fully fledged Missions and four consulates, spread across the globe. Broadly, the functions of a diplomatic mission were as provided for in *Article 3 of the 1961 Vienna Convention on Diplomatic Relations*. The specific functions of the Zambian Missions Abroad were in line with the foreign policy, which was premised on the values and principles safeguarding the country's social; economic; political; security; and cultural interests and to enhance Zambia's interaction with other states, at both bilateral and multilateral levels. In this regard, Zambia operated two types of Missions Abroad; namely, bilateral and multilateral missions. The Committee would, therefore, require an orientation on the operations of the two types of Missions.

Objectives

The objectives of the orientations were to:

- a) apprise the Members of Parliament on the general management and operations of Zambia's Missions Abroad; and
- b) help Members of Parliament to appreciate the difference between a bilateral and multilateral Mission Abroad.

Witness

Ministry of Foreign Affairs and International Cooperation

7.1.2 SUMMARY OF SUBMISSION BY THE MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL CORPORATION

The submission made by the Ministry of Foreign Affairs and International Cooperation on the topical issue is summarised below.

The Committee was informed that the Ministry of Foreign Affairs and International Cooperation under which Zambia's Missions Abroad operated, drew its mandate from the Government Gazette Notice No.1123 of 2021, which provided for the statutory functions and portfolios outlined below:

- i. Co-ordination of Missions Abroad;
- ii. Diplomatic Corps Liaison;
- iii. Foreign Policy;
- iv. Foreign Service Training;
- v. International and Regional Cooperation;
- vi. International Relations;
- vii. Repatriation of Destitute Zambians; and
- viii. Processing Treaties, Agreements and Conventions.

The Committee learnt that the vision of the Ministry of Foreign Affairs and International Cooperation, was “to provide good international relations in order to protect Zambia’s interests,” and that to achieve this vision, the following were the guiding core values: Excellence; Diplomacy; Integrity; Commitment; Patriotism; Transparency; Accountability; and Integrity.

7.1.2.1 Missions Abroad

The Committee was informed that the Republic of Zambia had a total forty Missions spread across the globe. These were categorised as High Commissions, which were hosted in Commonwealth countries and Embassies, which were hosted in non-Commonwealth Countries. Consulates, on the other hand, were subordinate representation to the sending country’s main diplomatic representation, created for a specific purpose such as trade and consular affairs.

The Committee learnt that High Commissions and Embassies could either be bilateral or multilateral. Bilateral Missions involved diplomatic relations between two countries to strengthen cooperation, while Multilateral Missions involved relations and cooperation among member states of an international organisation or multilateral institution. The Committee was informed that a bilateral Mission may also handle multilateral issues with the host country.

Set out below were examples of bilateral and multilateral Missions.

Bilateral Missions

- a) Lilongwe
- b) New Delhi
- c) Paris
- d) Brasilia

Multilateral Missions

- a) New York: United Nations (UN)
- b) Geneva: United Nations (UN); World Trade Organisation (WTO)
- c) Addis Ababa: African Union (AU); United Nations Economic Commission for Africa (UNECA)
- d) Brussels: European Union (EU) and Organisation of African, Caribbean and Pacific States (OACP)

Quasi Multilateral Missions

- a) Gaborone: Southern African Development Community (SADC)
- b) Paris: The United Nations Educational, Scientific and Cultural Organisation (UNESCO) and United Nations World Trade Organisation (UNWTO)

- c) Rome: Food and Agriculture Organisation (FAO) and World Food Programme and the International Fund for Agricultural Development (WFP&IFAD)
- d) Berlin: The United Nations Framework Convention on Climate Change (UNFCCC);
- e) London (Commonwealth)
- f) Nairobi: The United Nations Environment Programme (UNEP) and United Nations Habitat (UNHabitat)

Consulates

- a) Dubai (Trade and Consular)
- b) Guangzhou (Trade and Consular)
- c) Lubumbashi and (Trade and Consular)
- d) Luena (Consular)

7.1.2.2 Operations of the Missions

The Committee was informed that apart from being accredited to the host country or international organisation located in a particular country, some Missions were extra accredited to other countries with which Zambia enjoyed diplomatic relations but on a non-resident basis.

Examples of such Missions included;

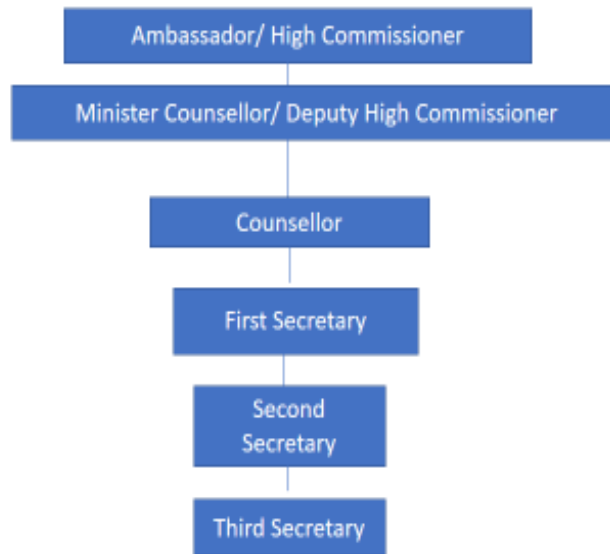
1. New Delhi, India: extra credited to Singapore; Sri Lanka; Bangladesh; Nepal; Myanmar; and the Maldives.
2. Cairo, Arab Republic of Egypt: extra accredited to Algeria; Palestine; Libya; Lebanon; and Iran.

The Committee was informed that the Missions were headed by a High Commissioner, Ambassador, Permanent Representative or Consul General. The Heads of Mission were deputised by Minister Counsellors, Deputy High Commissioners, Counsellors and Vice Consuls, depending on the structure of the Mission. Further, First, Second and Third Secretaries, also formed part of the structures at the Missions. The Missions also accommodated attaché's, who were public officers but not drawn from the Ministry of Foreign Affairs and International Cooperation. These Officers were deployed to Zambian Missions Abroad for specialised duties. These could be Tourism Attachés who were deployed for Zambia's tourism branding and development; Education Attachés to make recommendations on national policies based on observations of new global developments in the scholarly and various academic fields, as well as Immigration and Defence Attachés.

Further, the Missions also had in their structure, positions of Locally Engaged Staff (LES), who included drivers; accounts assistants; translators; security guards; janitors; and receptionists. These could be of any nationality, including Zambian residents but eligible to work in the host country and the Zambian Mission to be specific.

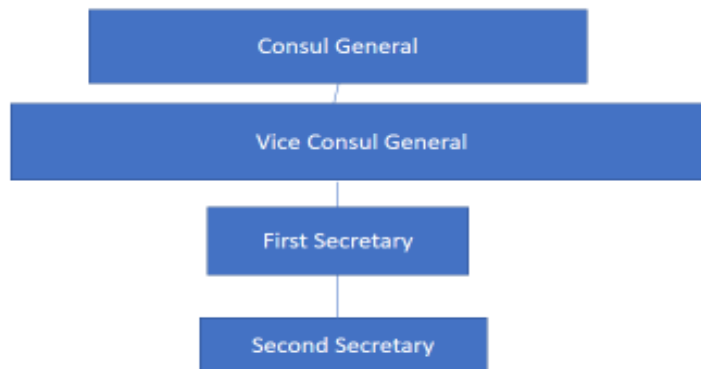
A generic organ gram of a fully-fledged Mission and Consulate was as shown below;

Mission Structure



25

Consulate Structure



29

Further, the table below shows an alignment of the foreign service positions to equivalent staff positions at the Ministry, Headquarters.

| S/N. | Mission Positions | Line Ministries' Position |
|------|--|---------------------------|
| 1. | Ambassador/High Commissioner | Director |
| 2 | Deputy High Commissioner/Minister Counsellor | Assistant Director |
| 3 | Counsellor | Assistant Director |
| 4. | First Secretary | Senior Planner |
| 5 | Second Secretary | Planner |
| 6 | Third Secretary | Accounts Assistant |

7.1.2.3 Role of Missions Abroad

In accordance with the Vienna Convention of 1961, some of the roles of the Missions abroad were to:

- i. promote friendly relations between Zambia and the host country, interpret and implement accurately, Zambia's foreign policy to avoid distortion of Zambia's position in its Foreign interests;
- ii. represent Zambia in the host country and facilitate engagements with Zambia's national interests;
- iii. facilitate technical cooperation, trade and investment promotion activities;
- iv. follow up economic and political trends and developments in countries of accreditation for informed decision making by the Zambian leadership;
- v. negotiate with the Government of the host country and carry out plenipotentiary duties to portray a good image of the country;
- vi. coordinate effective participation of Zambia in international meetings in order to realise and advance national interests;
- vii. attend to consular and protocol matters;
- viii. represent the Zambian Government at various meetings in the host country and countries of extra accreditation; and
- ix. market and brand Zambia.

7.1.2.4 Role of Line Ministries in the Operations of Missions Abroad

For the Missions to represent the country well, line ministries also had a responsibility, as follows:

- i. keep Missions abreast on policy matters within their mandates;
- ii. sharing of information with relevant Missions through the ministry headquarters on various topical issues;

- iii. alerting Missions on opportunities or strengths, as well as weaknesses for their intervention regarding national interest;
- iv. providing Missions with the schedule of international meetings and their agenda for the effective planning by the Missions; and
- v. providing effective feedback on various conveyances and topical issues regarding engagements at international fora.

7.1.2.5 The Role of Missions Abroad at Various International Fora

The Missions Abroad attended various meetings with Government officials from home and sometimes on their behalf to represent the Country. The types of meetings were as listed below.

Multi-Sectoral Meetings

These were meetings held by stakeholders in various thematic areas and required technical expertise on specific subject matters.

Statutory Meetings

These were meetings that were mandatory as stipulated in treaties, agreements or resolutions of regional, continental or international bodies and were held periodically on annual basis or as determined by member states or organisations. Examples of statutory meetings included the Southern African Development Community (SADC) Summit; African Union (AU) Summit; Common Market for Eastern and Southern Africa (COMESA); United Nations General Assembly (UNGA); and Inter-Parliamentary Union (IPU).

In respect of the above, the Missions, therefore, had the responsibility to;

- i. advise line ministries and Government agencies on scheduled meetings and the relevance of participation;
- ii. represent Zambia, in the absence of representation from relevant Government institutions at such fora; and
- iii. facilitate Zambia's participation at international fora.

7.1.2.6 Management of the Missions Abroad

Zambia's Missions Abroad were managed in line with the Vienna Convention on Diplomatic Relations of 1961 and Vienna Convention on Consular Relations of 1963, to which Zambia was a State Party. These Conventions were fundamental to the conduct of foreign relations and ensured that diplomats conducted their duties without the threat of influence by the host country Government.

Further, the management of the Missions Abroad was also in accordance with the pieces of legislation set out hereunder.

- i. The Republican Constitution.
- ii. Public Service Code of Conduct and Ethics.
- iii. Public Service Conditions of Service (which are applied alongside the Foreign Service Conditions of Service and Guidelines).
- iv. Public Finance Management Act.

- v. Public Procurement Act.

7.1.2.7 Difference between Bilateral and Multilateral Missions

The table below provided a narrative on the differences between the stated Missions:

| BILATERAL | MULTILATERAL |
|---|---|
| Bilateral mission promotes and maintain relations and cooperation between two countries. | Multilateral Missions promote relations and cooperation among member states of an international organisation or multilateral institution. |
| To establish Bilateral Missions, sovereign States first sign agreements to establish Diplomatic relations | To be a member of an international organisation or multilateral institution, sovereign states sign Treaties or Conventions to join and subsequently contribute annual member subscriptions to maintain their membership to the organisation/ institution. |
| Bilateral Missions facilitate cooperation on issues of interest to the two concerned countries. | Multilateral Missions facilitate cooperation on issues of common interest among member states of the international organisation or multilateral institutions. |
| Bilateral Missions facilitate the signing of Bilateral Agreements and Memoranda of Understanding (MoU) between two sovereign states on issues of mutual interest. | Multilateral Missions facilitate the signing and commitment of the country to global development initiatives, international treaties, conventions and other international agreements and instruments of benefit to member states. |

7.1.2.8 Challenges Faced by Missions Abroad

The Committee was informed of the challenges listed hereunder.

- i. Erratic and inadequate Funding.
- ii. Fluctuating currency exchange rates.
- iii. Dilapidated office buildings and staff housing.
- iv. Absence of a professional cadre of staff.
- v. Inadequate Staffing.
- vi. Difficulty in harmonizing host country regulations with Zambian Laws.
- vii. Procurement of goods and services.
- viii. Implementation of local labour laws for Locally Engaged Staff (LES).

7.1.2.9. Foreign Tour to Ghana

In order to fully appreciate the operations of Missions Abroad, the Committee undertook a foreign tour to Ghana. During the tour, the Committee visited the Ministry of Foreign Affairs and Regional Integration. The Committee also visited the Zambian High Commission. The key findings of the Committee during its foreign tour are summarised below.

i Tour of The Ministry of Foreign Affairs

During the tour of the Ministry of Foreign Affairs, the Committee met the Minister of Foreign Affairs, who informed them that Ghana and Zambia shared a historical bond, which had been created over time. The Minister also indicated that the long-time relationship, which the two countries had experienced, could be more meaningful if it was escalated in the area of economic trade, especially that Ghana and Zambia were members for the African Continental Free Trade Area. The Minister emphasised the need for African countries to embrace and engage in international trade among themselves.

ii) Visit to the Zambian High Commission

During the visit to the Zambian High Commission, the Committee learnt that the Mission was also accredited to six other countries, namely; Togo; Ivory Coast; Guinea; Gambia; Liberia; and Sierra Leone. The Committee learnt that in order to fulfil its mandate, the Mission had five units that operated under it, as follows:

(a) Administration

The Administration Unit was charged with the provision of administrative and logistical support services in order to facilitate the efficient and effective operations of the Mission. The Administration Unit was also in charge of properties and transport.

i. Properties

The Committee was informed that the Mission did not own any properties and as such, all buildings were rented starting from the Chancery, the residences and diplomatic staff accommodation. In this regard, in order to mitigate the costs, the Mission, through the Ministry of Foreign Affairs and International Cooperation, had embarked on a Mortgage Financing Programme, which commenced in 2016. Unfortunately, this had not materialised and the Government had continued to spend colossal amounts of money in rentals.

ii) Mission Transport

The Committee was informed that the Mission had inadequate transport as even the representational vehicle was a non-runner. The minibus had outlived its economic lifespan and kept on breaking down, leading to high cost of repairs.

(b) Political

The Committee was informed that the Political Unit was tasked with monitoring, evaluating and advising on political developments in the country of accreditation, as well as extra accreditation in order to facilitate informed decision making on Zambia's foreign policy.

(c) Economic

The Committee learnt that since all countries in Africa were politically independent, the focus had since shifted from political to economic diplomacy. In this regard, the Economic Unit was charged with the responsibility of carrying out research, analysis, monitoring and evaluation of economic trends in the country of accreditation and extra accreditation in order to provide information for use in policy formulation and decision making by the home Government.

d. Consular Unit

The Committee learnt that the Consular Unit provided consular services such as:

- (i) facilitation of issuance of visas to foreigners wishing to travel to Zambia;
- (ii) facilitation of issuance of Zambian passports to Zambians in the diaspora;
- (iii) certification of documents issued by the Zambian Government; and
- (iv) attending to matters pertaining to the welfare of Zambians in the diaspora.

(e) Security

The Committee was informed that the Security Unit dealt with security matters in the country of accreditation and extra accreditation.

7.1.2.10 Challenges Faced by Zambian High Commission in Ghana

The challenges listed hereunder, were encountered by the Mission.

- i. The Mission did not own any property. This resulted in the Mission spending huge sums of money amounting to USD 45,000 per month in Chancery, Residence and staff accommodation.
- ii. The Mission had inadequate transport.
- iii. Funding was erratic, making it difficult for the Mission to operationalise its work plans.

Committee's Observations and Recommendations

In order to enhance the operations in the Missions, the Committee makes the observations and recommendations listed hereunder.

- i. The Committee observes that due to partial full implementation of the Mortgage Financing Strategy embarked upon by the Government, Missions such as the Accra-Ghana Mission, where the Chancery and staff houses are all rented, are spending colossal sums of money in rentals.

In this vein, the Committee recommends that the Mortgage Financing Strategy should be revisited in order to enable Missions Abroad own their own properties.

- ii. The Committee observes that funding to Missions Abroad is inadequate and erratic which has resulted in operations such as consular matters being funded by staff from their own resources.

In light of this, the Committee recommends that funding to Missions Abroad should be increased and released in good time to avoid lapses in the operations of the Missions, which compel staff to use personal resources.

- iv. The Committee observes that the operations of Missions Abroad have been hampered by inadequate staffing, as well as the absence of a professional cadre of staff.

In this regard, the Committee recommends that staffing levels in Missions Abroad should be improved and that the Foreign Service Bill, which is intended to address the issue of

professionalism rather on political patronage in the appointment of staff, should be brought to Parliament without further delay.

- iv. The Committee observes that the operations of most Missions Abroad are hampered by inadequate transport. Most Missions have a very old fleet of vehicles which results into very high cost of repair and maintenance.

The Committee, therefore, recommends that Missions Abroad should be provided with adequate and reliable transport. Where necessary, old vehicles should be replaced with a new fleet.

7.2 TOPIC TWO: THE ADMINISTRATION OF PAROLE AND CORRECTIONAL SUPERVISION VIS-À-VIS THE DECONGESTION OF CORRECTIONAL FACILITIES IN ZAMBIA

7.2.1 Background

One of the fundamental objectives of the criminal justice system in any country was to punish; rehabilitate; deter; and reintegrate offenders back into communities. The main motive of punishment, therefore, was to transform criminals into responsible and law-abiding citizens. Parole was acknowledged as an internationally accepted mechanism that allowed for the conditional release of offenders from correctional centres back into the community and formed one of the most important components of the criminal justice system and also decongested correctional facilities.

The release of the offenders on parole, therefore, did not negate the objectives of punishment but entrenched them through setting conditions by which all parolees must abide. In other words, all offenders released on parole, were supervised at all times by parole officials within their communities to ensure that they complied with their conditions. It was for this function, that the Parole Boards were established in different countries.

The Report on the Symposium on Legal and Administrative Reforms to address Congestion in Correctional Facilities, of September 2017, stated that between 2012 and 2016, the Zambia Correctional Service experienced an increase in the prison population with an overpopulation of almost 250 percent. This translated into an average population of 21,000 against a holding capacity of about 8,500 inmates. The National Parole Board was established in 2004, following the enactment of *the Prisons Amendment Act No.16 of 2004* and was operationalised in 2009, with a view to foster community corrections; family and community reintegration; resettlement; reduce reoffending and recidivism; and decongest correctional facilities.

There had been concerns about the administration of parole in Zambia. The Auditor General's Report of July 2014, on the Rehabilitation and Re-integration of Prisoners, for instance, revealed that there were delayed parole hearings, which resulted in some deserving applicants serving their full term before their applications could be considered. The Report added that the parole officers were not trained in the administration of parole due to the high rate of staff turnover and lack of funding. There was also a public perception that some beneficiaries of this facility were undeserving. The Committee therefore resolved to undertake an inquiry into this subject.

Objectives

The objectives of the inquiry were to:

- a) assess the adequacy of the legal framework governing the administration of parole and correctional supervision in Zambia;
- b) ascertain the efficacy of parole and correctional supervision in Zambia;
- c) appreciate the role of civil society and non-state actors in the re-integration of parolees;
- d) appreciate the challenges, if any, encountered in the effective administration of parole and correctional supervision in Zambia; and
- e) make recommendations.

Witnesses

The Committee interacted with the stakeholders listed hereunder on the topical issue.

- i. Ministry of Justice;
- ii. Ministry of Home Affairs and Internal Security;
- iii. The Parole Board;
- iv. Ministry of Community Development and Social Services;
- v. Zambia Correctional Service;
- vi. Zambia Police Service: Victims Support Unit;
- vii. Office of the Auditor General;
- viii. Policy Monitoring and Research Centre (PMRC);
- ix. University of Zambia, School of Law;
- x. Human Rights Commission;
- xi. Anti-Corruption Commission;
- xii. Prisons Care and Counselling Association (PRISCCA);
- xiii. Zambia Civic Education Association of Zambia;
- xiv. Non-Governmental Gender Organizations' Coordinating Council (NGOCC);
- xv. Chapter One-Foundation;
- xvi. Law Association of Zambia;
- xvii. The Magistrates and Judges Association of Zambia;
- xviii. Women and Law in Southern Africa (WILSA);
- xix. Young Christian Women Association;
- xx. Transparency International –Zambia; and
- xxi. Jesuit Centre for Theological Reflection (JCTR).

7.2.2. SUMMARY OF SUBMISSIONS BY STAKEHOLDERS

The submissions made by the stakeholders on the topical issue are summarised below.

7.2.2.1. The Legal Framework Governing the Administration of Parole and Correctional Supervision

The Committee was informed that principally, the pieces of legislation described below, governed the administration of parole and correctional services in Zambia.

a) The Constitution (Chapter 1 of the Laws of Zambia)

The Constitution was the supreme law of Zambia. Thus, all laws must conform to its standards. Part III of the Constitution guaranteed respect for human dignity and protection from inhuman

treatment to all, including inmates. The Constitution also provided for the protection of persons deprived of their personal liberty and circumstances under which personal liberty may be suspended. The Constitution further guaranteed fundamental rights and freedoms to persons in Zambia. The Committee learnt that the Constitution of Zambia, under Article 193, established the Zambia Correctional Service, which managed, regulated and secured the security of inmates and correctional centres.

Further, Article 225 of the Constitution established the Zambia Correction Service Commission, which was responsible for constituting offices in the Zambia Correctional Service; appointing; confirming; promoting; hearing appeals from officers of the Zambia Correctional Service; and performing such other functions as maybe prescribed.

b) *Zambia Correctional Service Act No. 35 of 2021* and its Subsidiary Legislation

The Committee was informed that the *Zambia Correctional Service Act* was enacted to, *inter alia*, continue the existence of the Zambia Prisons Service; rename it as the Zambia Correctional Service; redefine its functions; provide for the establishment, management and control of prisons and correctional centres; provide for the correction and reformation of inmates; establish the Directorate of Extension Services and provide for its functions; provide for compulsory aftercare orders; and establish the National Parole Board and provide for its functions.

Section 80(1) of the Act continued the establishment of the National Parole Board, whose main objective was to coordinate activities related to parole. Section 81 of the Act spelled out the functions of the Board as follows:

- i. receive and consider applications for the release of an inmate;
- ii. consider applications for an inmate serving a sentence of more than twelve months and who has served a minimum sentence as prescribed;
- iii. order the release of a qualifying inmate on the terms and conditions that shall be prescribed;
- iv. receive reports on the conduct of each parolee while on parole;
- v. revoke parole in respect of a parolee who contravenes terms and conditions of release; and
- vi. coordinate activities related to the release of inmates on parole.

c) *The Parole Rules, Statutory Instrument No. 101 of 2008 of the Laws of Zambia*

In order to supplement the provisions of *the Zambia Correctional Service Act No. 35, of 2021*, the Parole Rules, Statutory Instrument No. 101 of 2008, was promulgated. The Statutory Instrument provided for the rules that governed the parole system in Zambia.

The Committee learnt that in the repealed Act, the functions of the Parole Board were not extensively covered in the Principal Act, but were provided for under the parole rules of 2008. However, the new Act had taken a new format by providing for most of the key functions of the Parole Board and only left certain procedural aspects to be prescribed in subsidiary legislation, such as the minimum sentence one must serve before qualifying to apply for parole.

The Committee learnt, further, that the current legal regime for the release of inmates on parole started with Section 83 of *the Zambia Correctional Services Act No. 35 of 2021*, which provided as follows:

“83. (1) An inmate may, through the Officer-In-Charge, apply to the Parole Board for release on parole in a prescribed manner and form.”

Subsection 2 of section 83, of the Act, further provided for limitations on the eligibility of inmates for parole. It provided that an inmate shall not be permitted to apply unless that inmate had served a minimum sentence as prescribed. Though no rules had been made yet pursuant to the Act, Section 81(b) of the Act, which provided for the functions of the Parole Board, gave a picture as to what the minimum sentence was, for one to be eligible for parole. The section provided that the functions of the Parole Board were to consider applications for an inmate serving a sentence of more than twelve months and who had served a minimum sentence as prescribed.

The Committee learnt that the word “prescribed” in Zambian laws, as provided for in the *Interpretation General Provisions Act, Chapter 2 of the Laws of Zambia*, meant prescribed by or under the written law in which the word occurred. In the repealed Act, the provisions which prescribed the way parole was accessed or applied for by inmates, was Statutory Instrument No. 101 of 2008, made under the repealed Prisons Act. As per the law in Zambia, pursuant to section 15 of the *Interpretation and General Provisions Act*, Statutory Instruments made under a repealed Act of Parliament, remained in force so far as the same were not inconsistent with the new law and would remain in force until repealed by a Statutory Instrument made under the repealing law. This, meant that Statutory Instrument No 101 of 2008 (parole rules), was still in force until repealed by new rules.

In terms of how exactly an inmate may apply to be released on parole, the current legal framework and requirement under the parole rules, provided that an eligible prisoner must apply to the Board in writing and make any such representations in support of the application. The rules under rule 5 sub-rule (1), (2) (3) and (4) of the parole rules of 2008 under Statutory Instrument 101 of 2008, required the application to be in a form which included the full names of the applicant, the nature of the offence for which the applicant was sentenced to imprisonment and any other information the Board may require. According to rule 2 of the parole rules of 2008, the Officer-In-Charge was an Officer-in-Charge of the prison where the applicant was service in the sentence from.

The Committee was informed that it was evident from the foregoing that an inmate was eligible for parole if they were serving a sentence of more than twelve months, which was a year and above.

Pursuant to section 85 (1) (a) and (b) of the *Zambia Correctional Service Act No. 35 of 2021*, the Commission shall appoint, as public officers, a Director and correctional officers qualified in social work for purposes of supervision of parolees and community service. This entailed that the Zambia Correctional Service Commission, was empowered to appoint officers whose role was to

supervise parolees and oversee community service when they were reintegrated in their various communities.

The current laws provided for release of prisoners who had served not less than two years and were remaining with six months before discharge, on parole. Stakeholders were of the view that this provision was in itself prohibitive as many prisoners, particularly women, serving sentences of less than two years were not eligible, even if they were of good conduct and industrious.

7.2.2.2 The Efficacy of Parole and Correctional Supervision in Zambia

The Committee was informed that the question of efficacy of the parole and correctional supervision could be addressed from a legislative, as well as practice point of view. Stakeholders were of the view that the National Parole Board of Zambia, was not independent because it operated as a department of the Zambia Correctional Service. The composition of the Board was also biased towards the Executive. Section 80 (2) of the *Zambia Correctional Service Act No. 35 of 2021*, provided for the composition of the National Parole Board as follows:

“(2) The Parole Board consists of the following part-time members appointed by the Minister:

- (a) a retired public officer, as Chairperson;
- (b) a representative of the Attorney-General;
- (c) a representative of a faith-based organisation;
- (d) a representative of the ministries responsible for
 - (i) social welfare;
 - (ii) health;
 - (iii) national guidance and religious affairs; and
 - (iv) home affairs; and
- (d) a representative from a Non-Governmental Organisation, whose activities are related to the welfare of inmates.”

The stakeholders noted that the Board had six members who were affiliated to Government roles, with only one member from the civil society and one more from a faith-based organisation. The Committee was informed that there was a very slim chance that representatives of Government ministries would disagree among themselves in order to make an independent objective decision. The stakeholders contended that the composition of the Parole Board, was a challenge in the administration of parole and did not inspire confidence. Bearing in mind the fact that five Parole Board members formed a quorum and that their decisions were based on majority votes, independence of the Board was put in question. Autonomy was a key aspect in the administration of justice and parole was a key component of the criminal justice system. As it stood, the State which was the custodian of the inmates through the Zambia Correctional Service had more influence on how decisions regarding parole were made. This reduced public confidence in the system, which in turn, translated into continued discrimination of those released on parole and the non-acceptance of their reintegration into the community, as their release was seen as a product of a biased criminal justice system.

The Committee was informed that Parole in Zambia, like any early release of inmates, was still perceived as a privilege of the select few. It was generally seen as a privilege for those who had connections within the walls of prison and those who had bigger and stronger networks of influential people in the criminal justice system. This negative view of parole, stemmed from the manner in which it was administered at correctional facility level. Whereas the legal framework discussed above, provided that inmates apply to the Parole Board through the Officer-in-Charge of the facility where they were serving their sentences from, in practice, the Zambia Correctional Service just made a list of inmates who they felt had demonstrated good conduct. They also tried to get in touch with the victims of the crimes committed in order to pursue restorative justice. While this initiative sounded like a good one, it could potentially mean that the procedure laid out in the Act, was not be followed and only those recommended by the Officer-In-Charge would have their applications considered by the Parole Board. The rest would have to pray for favour from correctional officers in order to be listed for Parole recommendation, especially that the Directorate for parole supervision was also the Secretariat for the Parole Board. This system raised the concern of corruption, which inmates and members of the public suspected to be a potential effect of such a practice. This defeated the ability of inmates to make their own case and apply to an independent Board for determination.

Stakeholders submitted that from the composition of the Parole Board and the actual implementation of the programme, it was difficult to establish its efficiency. In this regard, the parole programme required restructuring in order for it to achieve the objectives that it was set up for.

The Committee was informed that in an effort to decongest the correctional facilities, the Zambia Correctional Service introduced parole programmes to release eligible well-behaved inmates earlier than the stipulated date of release. This in turn would free up space and resources in the correctional facilities and help to manage prisoners efficiently. Despite some inmates having been released on parole with the view of decongesting the prisons, the parole programme had not worked efficiently. For instance, the Auditor General's Report of 2014 indicated that only 500 out of a total of 1,588 convicts who had applied for parole were successful. This represented less than 50 percent approval rate. The low approval rate was attributed to some prisoners not qualifying, as they were considered too risky to be released. Such prisoners did not show signs of remorse or had not taken advantage of the interventions and programmes such as education, skills training or behavioural modification.

There was also a delay in parole hearings, resulting in eligible prisoners being denied the opportunity for conditional release. In some instances, some convicts were not granted parole due to logistical problems such as the absence of parole officers at provincial level and delayed funding. The challenges above were as a result of a centralised Parole Board that had to travel to all the provinces. This resulted in some prisoners losing their eligibility before the Board could come to their provinces to attend to their cases.

Monitoring of parolees once they were released to ascertain whether or not they were successfully reintegrating into the communities was a challenge because the Zambia Correctional Service did not have the human and financial capacity to carry out this activity.

7.2.2.3 Comparative Analysis of the Zambian Parole System with South Africa

The Committee was informed that before looking at how the Zambian parole system could be enhanced, it was imperative to learn some lessons from the South African jurisdiction on certain issues pertaining to parole.

The Committee learnt that in South Africa, section 73(4) of *the Correctional Services Act 111 of 1998* had made provision for prisoners to be placed under correctional supervision on parole before the expiration of their term of imprisonment. Just like Zambia, there were conditions such as good behaviour and serving part of their sentences before one became eligible for parole. What was important to note was that the South African correctional system had a case management committee at each prison, whose role was to frequently interview prisoners serving a sentence of more than twelve months and monitor their behaviour and produce a report which was sent to the Correctional Supervision and Parole Board. The prisoners in South Africa were informed of the contents of the report sent to the Correctional Supervision and Parole Board and they were afforded an opportunity to make written representations to the Board.

In Zambia, however, inmates were not informed of what documents or information was submitted about them to the Parole Board and even if they were called to make representation by the Parole Board during proceedings, they were in most cases not prepared.

Further, in the South African system, though the decision of the Correctional Supervision and Parole Board was final, it could be referred by the Minister to the Correctional Supervision and Parole Review Board. This Review Board had the power to either confirm the decision of the Parole Board or to substitute it with any other decision which the Board deemed fit. The Correctional Supervision and Parole Review Board was expected to give reasons for its decision. It was also important to note that a court in South Africa could intervene in instances where an inmate had met all the requirements to be placed on parole but had not been so placed. Parole in the South African jurisdiction was also available to persons serving a life sentence.

The South African system allowed for accountability by providing oversight over the operations of the Parole Board and also allowed inmates to literally appeal against the decision of the Parole Board or have human rights organisations conduct advocacy or challenge decisions which were inconsistent with the objections of parole and correctional supervision. The Committee was told that this layer of appeals and accountability was lacking in the Zambian parole system, leading to the erosion of its efficiency and public confidence.

7.2.2.4 The Role of Civil Society and Non-state Actors in the Re-integration of Parolees

The Committee learnt that the composition of the National Parole Board included stakeholders in the Ministry of Justice; Ministry of Community Development and Social Services; the Ministry of Home Affairs; Ministry of Health; the church and civil society. The membership was enough to indicate that civil society and non-state actors were key players in facilitating the smooth re-entry and reintegration of prisoners into society as useful citizens.

Section 85(2) of the *Zambia Correctional Services Act No. 35 of 2021*, provided for the functions of the Director responsible for supervision of parolees. These responsibilities included but were not limited to spearheading programmes aimed at helping inmates serving sentences in the

community and ex-inmates 'reintegration into the community, creating effective partnerships with stakeholders and other community-based organisations in the reintegration of inmates on discharge from a correctional facility and re-entry into the community. It was important to sensitise communities against discrimination of ex-inmates. A closer look at these functions showed some clear roles for civil society and other non-state actors to participate in the reintegration of parolees in society.

In partnership with the Zambia Correctional Services, civil society organisations could create partnerships on how to reintegrate inmates back in the community through various civil society programming that would help them to be better citizens. Civil Society Organisations also had a role in sensitising community members to accept inmates back in society and not to discriminate against them. This could be done by offering victim counselling sessions and psychological support as the inmates were being prepared to step outside prison to face the community once again.

The Committee learnt that once a prisoner was released early, society felt that the criminal justice system had failed. This contempt of parolees by society encouraged reoffending and thus defeated the whole purpose of parole. Civil Society and Non-state actors, therefore, played critical role in the administration of parole by ensuring that the parolees were aware of society's view of them and that it was important to pursue the promotion of change in order for them to reintegrate into the communities and adapt into new programmes to meet their own needs. Parole programmes had not been well received by the various stakeholders who felt that the prisoners should not be released before their stipulated date of release, because the Zambia Correctional Service had not carried out vigorous sensitisation of the public on the operations of the National Parole Board.

The community at large, which included Faith Based Organisations and Non-Governmental Organisations should play an important role in the rehabilitation process of a prisoner and support the Government in the delivery of correctional services to prisoners. The community was instrumental in providing support. This required coordinated efforts between the Zambia Correctional Service and the civil societies to engage communities and sensitise them on the role of the Parole Board. This would help the ex-convicts to avoid stigmatisation from the community as this had a negative impact on prisoners' re-entry into society.

7.2.2.5 Challenges Encountered in the Administration of Parole and Correctional Supervision in Zambia

The Committee was informed that the challenges listed below were encountered in the administration of parole and correctional supervision.

- i. Speeding up the implementation of the decentralisation of the Parole Board to provinces and districts as provided for in section 82 of the *Zambia Correctional Service Act No. 35 of 2021*. This would enhance the processing allowing for more applications and restorative justice in the criminal justice system as more qualified officers would be deployed to consider parole applications, as well as supervise and monitor parolees.
- ii. Revise the composition of the Parole Board to include more non-state institutions and ensure that it was a stakeholder centric board.

- iii. Borrowing from the South African system, the granting or refusal of parole to an eligible applicant should be open to appeal before an oversight or review body to enhance accountability and faith in the criminal justice system. In this regard, the Parole Review Board should be created to oversee the operations of the Parole Board.
- iv. Parole hearings should be carried out on time to ensure that eligible applicants were not disadvantaged. This would require increased funding to the National Parole Board so that thorough parole hearings could be carried out.
- v. Migration of parole to the judicial system where a judge would incorporate parole when passing judgement as opposed to only administering parole when a prisoner was eligible after serving a sentence of two years.
 - i. There was need for officers to be trained in the administration of parole so that they could generate qualitative data and perform social welfare assessments on each parolee. A parolee who was not adequately assessed for suitability was a risk to the public.
 - ii. Parolees should be monitored and supervised at all times to ensure that they were adequately reintegrating into society.
 - iii. Community sensitisation programmes on parole should be enhanced to ensure that society was educated on the importance of parole in the criminal justice system.
 - iv. The qualification for parole should be increased from the current six months before the end of the sentence, to a much more motivating period. This will ensure that the objective of decongesting prisons and saving resources was achieved.
 - v. Funding to the Parole Board should be improved by creating a direct budget line in the National Budget.

7.2.3 Local Tour of Lusaka, Central, Copperbelt and North Western Provinces

In order to consolidate its findings from the long meetings on the topic under consideration, the Committee undertook a local tour to Lusaka, Central, Copperbelt and North Western provinces. During the local tour, the Committee visited a number of correctional facilities, as set out below.

- i. In Lusaka Province: Mwembeshi Correctional Facility;
- ii. In Central Province: Mukobeko Maximum Correctional Facility and Kabwe Medium Correctional Facility;
- iii. Copperbelt Province: Kamfinsa and Mufulira Correctional Facilities;
- iv. North Western Province: Solwezi and Mwinilunga Correctional Facilities.

The Committee also held a stakeholders' meeting in Mwinilunga District. The key findings of the Committee during its local tour are summarised below.

7.2.4. Mwembeshi Correctional Facility

The Committee was informed that Mwembeshi Correctional Facility held 914 inmates against its capacity of 500 inmates. The Committee learnt that out of the 208 inmates, who had applied to be released on Parole during the period 2017 to 2018, only forty-eight were successful. The Committee also learnt that inmates at Mwembeshi Correctional Facility were sensitised on the requirements and processes for parole administration.

7.2.5 Mukobeko and Kabwe Medium Correctional Facilities

During the tour of Mukobeko Maximum Correctional Facility, the Committee learnt that the Facility was not among those considered for parole administration. This was because the Facility was meant for inmates serving long sentences such as death penalty and life imprisonment to which parole was not applicable. The Committee was further informed that the Mukobeko Maximum Correctional Facility had 1,218 inmates against the capacity of 400 inmates. The Committee was informed that with regards to decongestion, Mukobeko Maximum Correctional Facility benefited from the Presidential Pardon and from petitions by inmates, which in most cases were favourably considered.

With regard to Kabwe Medium Correctional Facility, the Committee learnt that there were 928 inmates. The Committee also learnt that in 2020, 110 inmates applied to be considered for parole, but only sixty-four were released. In 2021, only fourteen inmates were considered for release on parole.

7.2.6 Solwezi Correctional Facility

The Committee learnt that the facility held 531 inmates and that in 2019, the facility had three inmates released on parole. In 2020, only one inmate was released.

7.2.7 Mwinilunga Correctional Facility

The Committee was informed that the facility held 197 inmates and in 2019, seven inmates were released. In 2021 three inmates applied for parole and only one was considered for parole.

7.2.8 Mufulira Correctional Facility

The Committee learnt that the facility held 322 inmates against its initial capacity of 120. The Committee also learnt that since the operationalisation of the parole programme, only 187 inmates had been released and that out of this number none had their parole licenses revoked. The Committee was, however, informed that in 2021, only one inmate out of thirteen applicants, and was released. This situation was discouraging to the many parole prospecting inmates.

7.2.9 Measures Implemented to Enhance the Administration of Parole and Correctional Supervision at the Facilities Toured.

The Committee was informed that the facilities toured had implemented a number of measures to enhance the administration of parole and correctional supervision as set out hereunder.

- (i) Sensitisation of inmates on the importance of parole and the conditions attached to its administration.
- (ii) Creation of a platform for inmates to ask questions about the relevance of parole and the processes involved in its administration.
- (iii) Involvement of civil society organisations during parole sittings, and engaging them to appreciate the importance of reintegrating parolees into society.
- (iv) Spiritual guidance by the chaplain of the facility, and other church leaders.
- (v) Facilitation of continuous engagements between the victim and the offender for possible reconciliation.
- (vi) Eligible and willing inmates were given a chance to be interviewed and recommended to the National Parole Board

- (i) Conducting programmes which resulted in reduced recidivism and enhanced the safety of inmates. These programmes included the following:
 - (a) academic education from literacy to General Certificate of Education (GCE) level;
 - (b) technical education in metal fabrication, carpentry and bricklaying;
 - (c) cognitive behavioural therapy, which addressed rehabilitative needs and enhanced anger management; and
 - (d) employment preparation.

7.3 FOREIGN TOUR: GHANA

In order to consolidate its findings from the long meetings and local tour on the administration of parole and correctional supervision vis-à-vis the decongestion of correctional facilities, the Committee undertook a foreign tour to Ghana, where the Committee visited the Senior Correctional Centre and James Camp Prison.

The Committee also visited the Parliament of Ghana and interacted with the Committee on Foreign Affairs and Defence and the Committee on Interior Affairs.

7.3.1 The Administration of Parole and Correctional Supervision vis-à-vis the Decongestion of Correctional Facilities in Ghana

The Committee was informed that the situation in Ghana's prisons was not different from that of the rest of the world. Data from the Prisons Service showed that Ghana's prisons currently had 13,743 inmates, including those on remand. This was in sharp contrast to Ghana's prison capacity of 9,945 inmates. Thus, there was an overload of about 3,798 persons more in the prisons than its available capacity could accommodate. This had led to high levels of congestion and overcrowding in most prisons.

The Committee learnt that the problem was further aggravated by the overreliance of the courts on custodial sentencing to punish offenders, especially when dealing with minor criminal offences whereas noncustodial sentencing options such as community sentencing, among others, could be employed.

7.3.2 Policies and Programmes to Mitigate the Effects of Overcrowding in Prison

The Committee was informed that the Government of Ghana had introduced various policies and programmes to decongest the prisons, as listed hereunder.

(i) Expansion and Provision of More Facilities

The Government was mobilising resources to expand prison facilities by collaborating with civil society organisations.

(ii) Collaboration of Government and Religious Bodies

The Government, in collaboration with some civil society organisations had committed resources to build more facilities to accommodate the growing numbers of prisoners in the country. Construction of these new facilities and the rehabilitation of existing structures would ensure that the prisoner's dignity and human rights were restored and that the best conditions to facilitate the transformation processes were provided.

(iii) Formal, Informal and Vocational Training

The Government also provided resources to train prisoners in vocational and technical skills such as tailoring; craftworks; carpentry; and masonry. There was also provision of formal education up to the tertiary level. This served as part of the rehabilitation and integration of an inmate into society at the end of their sentences.

(iv) Donation of a Facility by a Religious Body

The Church of Pentecost had constructed and handed over to the Ghana Prisons Service, a 300-bed capacity prison in Ejura Nkwanta, in the Ashanti Region.

(v) Amnesty or Grant of Presidential Pardon

The Government, in consultation with the Prison Service, had the power to grant Presidential pardon to inmates. The Committee learnt that Article 72(1) of the 1992 Constitution gave the President the authority to grant pardons; reprieves; respites or remissions of punishment or to suspend; and remit or commute the sentence of any person convicted of any offence. In this regard, the Committee was informed that on 26th March 2020, the President granted amnesty to 808 prisoners, particularly first offenders, who had served half of their sentences and those who were seriously ill and aged. This had contributed to the decongestion of prisons.

(vi) Justice for All programme

The Committee was informed that the Government had introduced the Justice for all Programme to mitigate the effects of overcrowding. Under this programme, prisoners were offered pro bono services by private lawyers and legal aid under the Ghana Legal Aid Scheme.

Special courts within prisons had been set up where cases were heard. This had resulted into some persons who were on remand being finally convicted while other inmates were set freed. Some inmates were referred to psychiatric hospitals for further examination, whilst some were granted bail. Through this initiative, justice had been served and the number of remand population in prisons had been reduced. To further enhance access to justice in the prisons, the Ghana Prisons Service had introduced paralegal units in the various prisons. These units liaised with key players in the criminal justice System such the police, the Attorney-General's Office, Civil Society Organizations and Non-Governmental Organizations with special interest in the prisons to expedite action on prolonged pre-trial cases, as well as appeals by prisoners. To achieve this, a case management tracking system was created to effectively manage the records of inmates. The Committee was also informed that all juvenile cases regardless of the gravity were bailable and only had a maximum of three years.

(vii) Imprisonment or Incarceration Overused

The Committee learnt that despite the programmes and policies being put in place to decongest the prisons, there was still an issue with overcrowding, which was as a result of the criminal justice system's preference of custodial sentences, as opposed to non-custodial system of punishment. One of the reasons was that custodial sentencing usually served as a deterrent to prospective offenders. Consequently, persons who were proved guilty of committing minor offences which were misdemeanour in nature, ended up receiving custodial sentencing, whereas section 297 of the *Criminal and Other Offences (Procedure) Act, No 30 of 1960* mandated judges to use their discretionary powers to proffer fines or warnings to offenders. The judicial

precedence made it difficult for the lower court to impose new judgments to similar cases which had been already ruled on by higher courts. This was because previous decisions or rulings of the superior courts were binding on the lower courts. As a result, offenders of minor crimes were mostly remanded in prison even where alternative sentencing could have been applied.

7.3.3: Legal Regime of Alternative Sentencing (International and Domestic Laws on Non-Custodial Sentencing)

International Laws

The Committee was informed that the following international agreements informed Ghana's judicial system to use more of alternative or non-custodial sentencing;

- (i) the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo rules), adopted by General Assembly Resolution 45/110 of December 1990; and
- (ii) the African Regional Ouagadougou Declaration on Accelerating Prison and Penal Reform in Africa.

By these principles, Ghana was expected to make sufficient provision for the use of alternative sentencing measures.

Domestic Laws on Alternative Sentencing

The Committee was informed that the international dimension had given local impetus to the legal reform, in which provisions under existing laws on alternative or non-custodial sentencing were brought into effect. These included *the Criminal and Other Offences (Procedure) Act, No 30 of 1960*, which outlined the types of punishment that may be imposed on offenders: such as death; imprisonment; detention; fine; payment of compensation; and liability to police supervision. Further, the law granted courts with discretionary power to impose a fine or any other punishment on a person convicted of any felony or misdemeanours (except the offence of the sentence which was fixed by law).

7.3.4 Weakness in the Legal Regime

The Committee learnt that the existing law did not consider community sentencing for minor offences such as stealing and fraud among others. Also, the fines and payment of compensation did not favour the poor and the disadvantaged in the society. Thus, if an offender was not able to pay, they were imprisoned.

Introduction of New Bills

The Committee was informed that the Attorney General and the Minister of Justice sought to introduce two Bills to Parliament, namely:

- (i) the Plea-Bargaining Bill, where an accused person would make some concessions, either by wholly or partly admitting his or her guilt or assisting in the investigation and prosecution of others, in exchange for the dropping of charges against the accused or receiving reduced sentences; and
- (ii) the Alternative Sentencing Bill, which would allow a court to sentence a convict to do community service and other options other than imprisonment. Thus, when such bills

were passed into law, they would reduce the backlog of criminal cases in courts, as well as help decongest the country's overcrowded prisons.

7.4.5 The Administration of the Parole System

The Committee was informed that Ghana had a parole system but it had not been implemented holistically. Thus, under section 399 of the *Criminal Procedure Code of Ghana*, every person ordered by the Court under the provisions of any enactment to be subject to police supervision (which person was hereinafter in this section, referred to as a person on parole), who was at large in Ghana, shall within one month of his last reporting under his convict's licence notify the place of his residence at the police station nearest to his place of residence, and shall, whenever he changes his residence within the same district, notify the change at the police station nearest to his residence; and whenever he or she changed his residence from one district to another, he or she shall notify the police station nearest to the new residence of the change. While this was the case, the Committee was informed that parole was not yet fully operational in the country, The Government, was instead, implementing other alternatives such as the Remission System and Justice for All, to try and decongest the prisons in the country.

The Committee was informed that while parole was not yet being implemented, the Ghana Prisons Service, was implementing the Remission Programme, which had proved relevant and effective in decongesting prisons in the country. The Committee learnt that every prisoner who was sentenced to a definite term of imprisonment was entitled to a 1/3 remission based on good conduct and steady industry. This meant that every prisoner actually spent only 2/3 of their sentence in prison and spent the 1/3 outside prison. Tied to the remission system, was the aspect of releasing a prisoner on license. This required a prisoner in question to voluntarily report to the police station for update about the inmate's residence until the 1/3 sentence was completed. However, if a prisoner infringed on the prison rules and regulations, they lost a portion of the remission that such an inmate would have earned.

7.4.6 Advantages of Implementing Remission in Prison Service

The Committee was informed that the remission system had proved effective and relevant for the reasons set out below.

- (i) Prisoners proved to be responsible for their own destiny.
- (ii) The system had proved to be cost effective to both the prisons service and the families where these prisoners were coming from.
- (iii) Remission, if effectively implemented, could facilitate the decongestion of prisons and would reduce the rate of reoffending.

7.4.7 Challenges of Implementing the Remission Programme

The Committee was informed that remission had two main challenges, namely; that it was solely dependent on the prisoner reporting to the police after release and there was no one mandated to supervise the prisoner.

7.4.8 Tour of Ghana Prisons Service

During the tour of the Ghana Prisons Service, the Committee learnt that the 1992 Constitution of the Republic of Ghana (Chapter 16) Article 205 (1) established the Prisons Service of Ghana.

The Committee also learnt that the vision of Ghana's Prisons Services was to build a world class Service which would attain sustainable public safety through excellence in corrections management. Its mission statement was to be committed to undertaking the safe custody, humane treatment; reformation; rehabilitation; and re-integration of inmates in order to make them responsible, productive and law-abiding citizens. The main functions of the Ghana Prisons Service included safe custody of prisoners, prisoners' welfare, reformation and rehabilitation. The functions had the following programmes:

Prisoners' Welfare

- i. Feeding;
- ii. Beddings;
- iii. Health Care;
- iv. Recreation;
- v. Visitations by relatives;
- vi. Promotion of Prisoners' Rights (Legal & Paralegal);
- vii. Religious Activities; and
- viii. Provision of Support Services (Counselling).

Reformatory and Rehabilitation Programmes

- i. Education: Formal, Non-formal and ICT;
- ii. Trade training: Auto Mechanics, Tailoring, Masonry, Carpentry, Weaving, Electrical and Painting;
- iii. Agricultural activities: Cash Crops, Vegetable Farming, Animal Husbandry and Poultry; and
- iv. Religious observance: Christianity, Islam and others.

The Committee was informed that Ghana Prisons Service had 13,743 inmates who were under custody of the Prisons Service countrywide and that the Ghana Prisons system had forty-six establishments which comprised the following:

- (i) Maximum Security Prison;
- (ii) Medium Security Prison;
- (iii) Central Prisons;
- (iv) Prison Officers' Training Schools;
- (v) Senior Correctional Centre;
- (vi) Female Prisons;
- (vii) Local Prisons;
- (viii) Contagious Disease Prison; and
- (ix) Agricultural Settlement Camp Prisons.

The Committee was informed that there were categories of prisoners who were exempted from earning a remission, and these included the following:

- (i) debtors;

- (ii) prisoners charged with contempt of court;
- (iii) prisoners sentenced to a term of one month and below;
- (iv) prisoners serving life; and
- (v) prisoners on death roll.

8.0 Committee's Observations and Recommendations

- i. The Committee observes that whereas the *Zambia Correctional Service Act No. 35 of 2021* provides for the decentralisation of the Parole Board to provinces and districts, the Parole Board is still only present in Lusaka, making the process of considering applications slow. This has resulted into a failure of the restorative justice in the criminal justice system.

In this regard, the Committee recommends that the process of decentralising the functions of the Parole Board to provinces and districts should be implemented with utmost urgency.

- ii. The Committee observes that the composition of the Board as provided for in Article 80 (2) of the *Zambia Correctional Services Act No. 37 of 2021* is state centric making transparency and public confidence difficult to attain. The Act provides that the Parole Board shall consist of the following part-time members appointed by the Minister:
 - (a) a retired public officer, as Chairperson;
 - (b) a representative of the Attorney- General;
 - (c) a representative of a faith-based organisation;
 - (d) a representative of the ministries responsible for
 - (i) social welfare;
 - (ii) health;
 - (iii) national guidance and religious affairs; and home affairs; and
 - (e) a representative from a non-governmental organisation, whose activities relate to the welfare of inmates

In this vein, the Committee recommends that the composition of the Board should be revised to include more non-state institutions. This will ensure transparency and engender public confidence in the Board.

- iii. The Committee observes that the current law governing the administration of Parole does not provide for an appeal system.

In this regard, the Committee recommends that in order to enhance accountability and confidence in the criminal justice system, the granting or refusal of parole to an eligible applicant should be open to appeal before an oversight or review body. In this vein, the Parole Review Board should be created, to oversee the operations of the Parole Board.

- iv. The Committee observes that the current qualification for parole of a sentence not less than two years and six months before its expiry, is a disincentive and discriminatory, as it excludes most female inmates, who usually get sentences below two years and makes

release just six months before the expiry of the sentence, regardless of how long one has served, a mockery.

In this regard, the Committee recommends that in order to make parole more meaningful and inclusive, the universal six months condition for parole which applies to all inmates irrespective of the period of their sentences should be reviewed. Preferably, the six months condition should be increased to at least two years as the remaining period. Alternatively, a percentage, such as 75 per cent of the sentence served should be used.

- (vi) The Committee observes that funding to the Parole Board has been erratic and insufficient, resulting into reduced hearings, inadequate transport and reduced correctional supervision of parolees. The delay in parole hearings has in turn led to applications not being considered at the earliest possible time. In some cases, by the time the offender's application is being considered, they will have lost eligibility due to the expiry of their sentence.

In this vein, the Committee recommends that for parole hearings to be carried out on time and to ensure eligible applicants are not disadvantaged, funding to the National Parole Board should be increased and made through a direct budget line in the National Budget.

- vi. The Committee observes that currently, there is no distinction between the Zambia Correctional Service and the Parole Board. This has made autonomy and transparency difficult to attain.

In this regard, the Committee recommends that there should be a separation between the National Parole Board and the Zambia Correctional Service in order to promote autonomy in its parole administration decisions.

- vii. The Committee observes that there is inadequate training for correctional officers in the administration of parole and correctional supervision, making it difficult for them to generate qualitative data and perform social welfare assessments on each individual parolee. This makes parolees who are not adequately assessed for suitability to be a risk to public safety. Hence the resentment by the community.

The Committee, therefore, recommends that Correctional Officers should be sufficiently trained to reduce the interaction gap in parole and restorative justice programmes. This will ensure that parolees are not a danger to society as they will have been sufficiently prepared.

- viii. The Committee observes that there has not been sufficient community sensitisation on the difference between parole and Presidential pardon by the Zambia Correctional Service, which has led to confusion and the perception that the President interferes in the administration of parole.

The Committee, therefore, recommends that in order to dispel the perception of interference by the President in the administration of parole, there should be enhanced community sensitisation

on the administration of parole and the Prerogative of Mercy by the President and also the importance and need for parole in the criminal justice system.

- ix. The Committee observes that the current law does not provide for the National Parole Board to give feedback to the correctional centres on the reasons why some of inmates recommended for parole are not successful and yet there is no limit on the number of applicants that can be considered for parole in a particular year. This makes it difficult for the Officers to improve in their selection process and causes them and the applicants to see the whole process as an exercise in futility.
- x. In this vein, the Committee recommends that just as the law must provide for an appeal process, it must also provide the Board to provide feedback to the Correctional Facilities on why certain applications cannot be considered for parole. This will improve efficiency and dispel the suspicion that only applicants who are well connected can be considered for parole.
- xi. The Committee observes that there is no provision for start-up capital or tools to enable parolees, let alone inmates who serve their full sentence, to engage in wealth creation ventures as they re-integrate into society. This has given rise to re-offending and jumping of parole conditions.

The Committee, therefore, recommends that the Government should consider providing start-up capital and/or tools to enable the parolees put to use the skills they gained while in correctional centres to start a new life.

- xi Ghana's Justice for All programme had set up special courts within prisons where cases were heard. This had resulted into some persons who were on remand being finally convicted while other inmates got freed. Some were even referred to psychiatric hospitals for further examination, and some inmates were granted bail. Under this programme, prisoners were offered pro bono services by private lawyers and legal aid under the Ghana Legal Aid Scheme.

In this vein, the Committee recommends that in order to further decongest the correctional facilities, the Judiciary, working in collaboration with the Zambia Correctional Service should set up special courts to attend to remandees and other cases. The legal Aid Board should also extend its services to the correctional facilities

- xii. Ghana was implementing a Remission System where an inmate served only 2/3 of a sentence and was remitted to serve 1/3 of the sentence outside prison.

The Committee recommends that the Zambian Government should learn from Ghana and consider providing for the implementation of parole in a similar manner where an inmate would serve 2/3 of the sentence in prison and be eligible for parole to serve 1/3 of the sentence outside prison.

- xiii. In Ghana, all juvenile cases regardless of the gravity attract only a maximum sentence of three years. This dimension has worked towards decongesting juvenile prisons in the country.

The Committee recommends that the Zambian Government should also consider a maximum of 3 years for all juvenile cases.

- xvi. The Committee observes that Ghana's James Camp Prison was highly industrialised and able to produce mineral water and make shoes. The prison had a tailoring factory, a piggery and many other economic activities that enhanced the financial status of the prison.

The Committee, therefore, recommends that Zambia's Correctional Service should work towards the establishment of economic activities in the correctional centres to ensure financial sustainability.

PART TWO

9.0 CONSIDERATION OF OUTSTANDING ISSUES FROM THE ACTION TAKEN REPORT FOR THE FIFTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY

The Committee, in considering the Action-Taken Report on its Report for the Fifth Session of the Twelfth National Assembly, closed issues which, in its opinion, had been adequately addressed and maintained those that required further action and/or clarity, as outlined below.

9.1 Consideration of Topical Issue: The Ratification of International Treaties in Zambia: Challenges and Opportunities

Arising from the submissions on the topic, the Committee made observations and recommendations as set out below.

- i. The previous Committee had observed that line ministries did not have a budget line dedicated to the ratification of international agreements and were subsequently either underfunded or not funded at all in this regard. This had resulted in Zambia being unable to send the requisite number of staff to the negotiation fora, thereby hampering the country's capacity to negotiate.

In this vein, the Committee recommends that the Government should provide adequate funding in order to increase the number of staff on delegation and so as to widen the scope of consultation prior to entering into international agreements, particularly with regard to financial implications.

Executive's Response

Through the Action-Taken Report, the Committee was informed that the Government had duly noted the observations of the Committee regarding consultations prior to signing of International Agreements and welcomed the proposal for intensified capacity building in line ministries in this area. The Ministry of Foreign Affairs and International Cooperation reported that in addition to

the expertise on the delegation, the Attorney-General provided written legal guidance on the agreements prior to signing, in accordance with Article 177(5) (d) of the Constitution. Therefore, the Ministry of Foreign Affairs and international cooperation ensured that international agreements were cleared by the Attorney - General before they were signed.

Further, the Committee was informed that the Treasury had taken note of this matter and would work with the Ministry of Foreign Affairs and International Cooperation to see how line ministries could incorporate a budget line for the ratification of international agreements.

Committee's Observations and Recommendations

In noting the response, the Committee requests for a progress report on the matter, particularly with regard to line ministries having a budget line for ratification of international agreements.

- ii. The previous Committee had observed that, coupled with inadequate funding, was the limited expertise of the officers sent on delegations to negotiate international agreements as Zambia generally suffered from limited capacity to negotiate at international level for agreements in various fields. This had resulted in signing international instruments that did not have a direct benefit to the country, thereby making the consultations to achieve buy-in from local stakeholders lengthy and costly.

In this regard, the Committee had recommended that there should be sufficient funding and intensified capacity building generally in line ministries, and particularly in the area of negotiating international agreements.

Executive's Response

Through the Action-Taken Report, the Committee was informed that the Treasury would endeavour to provide adequate funds as soon as revenues permitted. The Committee was further informed that the advent of virtual technology had reduced the need for huge delegations to travel. The holding of virtual meetings would facilitate incorporation of more expertise to negotiating teams. Further, the Committee the Ministry of Foreign Affairs and International Cooperation would also endeavour to encourage line ministries to participate in the online courses provided by the Cooperating partners in skills negotiations and international organisations.

Committee's Observations and Recommendations

The Committee notes the response and requests for a progressive report on the actual provision of funds by the Treasury for this activity.

- iii. The previous Committee had observed that just as there was no desk to specifically deal with international agreements at the ministry level, there was no superordinate body at the national level to coordinate the ratification of international agreements. As a result, each ministry moved at its own pace, resulting in delayed ratification

While appreciating that the creation of an overarching institution to spearhead the process of ratifying international agreements had cost implications which could not be accommodated by the Treasury at the moment, the Committee recommended that in the long run, such a body

should be created. This would also cure the lack of dedicated funding to the activity in ministries as this body would be funded directly from the national budget.

Executive's Response

Through the Action-Taken Report, the Committee was informed that the Treasury would endeavour to fund the activities when revenues permitted.

Committee's Observations and Recommendations

The Committee requested for a progress report on the actual funding of these activities from the National Budget.

- iv. The previous Committee had observed that there was apparent ignorance of the law governing the ratification of international treaties in line ministries. This had resulted in the perception that the responsibility to initiate the process of ratifying international agreements lay with the Ministry of Foreign Affairs and International Cooperation the Ministry of Justice.

The Committee, had therefore, recommended that deliberate efforts must be made by Cabinet Office to acquaint relevant officials in the line ministries with the provisions of the *Ratification of International Agreements Act, No. 34 of 2016*.

Executive's Response

Through the Action-Taken Report, the Executive informed the Committee that it had taken note of the recommendations and that Cabinet Office would engage with other appropriate organs on how to acquaint relevant officials in the line ministries with the provisions of the Act.

Committee's Observations and Recommendations

The Committee requests for a progress report on the actual engagement with relevant stakeholders on the matter.

- v. The previous Committee observed that the registry of international instruments at the Ministry of Foreign Affairs and International Cooperation had remained in hard copy format, making retrieval and tracking of international agreements a tedious undertaking. Consequently, individual line ministries also had problems in determining the status of international agreements under their purview. The situation was even worse with the general public.

In this regard, the Committee recommended that the process of digitising the International Instruments Library should be accelerated to enable ministries and members of the general public have easy access to data.

Executive's Response

In the Action-Taken Report, the Committee was informed that the Executive had acknowledged the observations of the Committee and agreed with the need to accelerate the digitizing of the Registry of International Agreements at the Ministry of Foreign Affairs and International

Corporation. The process had commenced and the Ministry would engage the Treasury and cooperating partners to solicit for support.

Committee's Observations and Recommendations

The Committee requests for a progress report on the matter.

- vi. The previous Committee had observed that as a result of not being up-to-date in its payment of annual subscriptions and/or contributions, Zambia had been suspended from organisations such as the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO), thereby losing the right to vote or speak during important CTBTO events.

In this regard, the Committee had urged the Executive to settle outstanding subscriptions and any other arrears in order to enable the country maintain its voice in critical international fora such as the Comprehensive Nuclear-Test-Ban Treaty Organisation, particularly as the country seeks to embrace nuclear power generation.

Executive's Response

Through the Action -Taken Report, the Committee was informed that the Executive had noted the Committee's recommendations and that the Government was working towards ensuring that its voice in critical international organisations was maintained. At the moment, however, the Government was faced with constrained fiscal space.

Committee's Observations and Recommendations

The Committee resolves to await a progress report on the matter.

- vii. The previous Committee had observed that as a result of not ratifying certain international agreements and/or not being up-to-date with subscriptions to the treaty organisations, Zambian nationals were denied the opportunity to compete for jobs in the organisations related to those treaties.

In this regard, the Committee had urged the Executive to ensure that all international agreements that were beneficial to the nation were ratified without undue delay and outstanding subscriptions settled at the earliest opportunity.

Executive's Response

In the Action-Taken Report, the Committee was informed that the Executive had taken note of the concern on the urgency to ratify all international agreements that were beneficial to the nation and that the Ministry of Foreign Affairs and International Cooperation remained committed to drafting the relevant Instruments of Ratification/Accession and depositing them with the designated Depositories, in accordance with section 8(1) of the *Ratification of International Agreements Act, 2016*, upon receipt of instruction from the responsible line ministries. However, as the general responsibility over the process of ratification of international agreements lay with the ministry responsible for the subject-matter, line ministries were required to initiate the ratification process of various agreements, as provided for in section 3(1) of the Act. In addition, the Government was committed to clearing all outstanding subscriptions when funds were available.

Committee's Observations and Recommendations

The Committee resolves to await a progress report on the matter.

9.2 Consideration of Outstanding Issues from the Action Taken Report for the Fourth Session of the Twelfth National Assembly

The Committee, in considering the Action-Taken Report on its Report for the Fourth Session of the Twelfth National Assembly, made the following observations and recommendations on the issues still outstanding.

9.2.1 The Regulation of Private Security Companies Vis-a -Vis Homeland Security in Zambia

i. The Legal and / or Policy Framework Guiding the Operations of Private Security Companies

The Committee, in the previous Session, was concerned that there was no policy or legal framework guiding the operations of private security service providers in Zambia. This was not only unfortunate but also unacceptable as it had the capacity to undermine the provision of security services in the country.

In this regard, the Committee had strongly recommended that the Government should urgently put in place a policy and a legal framework to guide the operations of private security companies.

Executive's Response

The Executive informed the Committee that the Zambia Police Service had constituted a Committee to review and amend the Police Act in order to include the regulations that would give power to the Inspector General of Police to regulate both Public and Private Security Companies. The review and amendment were still in the process and would further be submitted to the Ministry of Justice for further action.

Committee's observations and recommendations

The Committee resolves to await a progress report on the matter and requests for a timeframe within which this will be done.

ii. Capacity of Private Security Companies to Respond to and Manage Emerging Security Threats

The Committee had, in the previous Session, observed that in their current state, private security companies had no capacity to respond to and manage emerging security threats due to the manner in which they were established and managed. This could be attributed to the training given to security officers which was generally uncoordinated and unregulated.

The Committee, had, therefore, strongly urged the Government to consider creating a regulatory authority which would, among other things, ensure high standards of training and regulation of the operations of security companies in order for them to contribute to the enhancement of homeland security.

Executive's Response

Through the Action-Taken Report, the Committee was informed that the formulation of the legal framework which was the amendment of the Police Act to include guidelines to regulate private security companies had started and the formulation of such regulations shall be done after the enactment of the amended Zambia Police Act.

Committee's Observations and Recommendations

The Committee resolves to request a progress report on the matter and the time frame within which the Zambia Police Act will be amended.

iii. Best Practices in the Region and Beyond

In the previous Session, the Committee had observed that in order to regulate the operations of private security companies, most jurisdictions in the SADC region and beyond had put in place some form of legislation, some of which had even gone further to restrict ownership of security companies to indigenous citizens.

In this regard, the Committee had reiterated its recommendation that due to the sensitive nature of the security matters that security companies handled in the course of execution of duty, Zambia should put in place necessary legislation and even consider restricting the ownership of private security companies to indigenous Zambians.

Executive's Response

The Committee, through the Action-Taken Report was informed that the Zambia Police was in the process of finalising the possible amendment of the Zambia Police Act to include the regulations to govern the operations of the private security companies. It was at the stage of approving the regulations that stakeholders would be consulted on whether a restriction of ownership of private security companies should be reserved for indigenous Zambians or not.

Committee's Observations and Recommendations

The Committee requests for a progress report on the amendment of the Zambia Police Act and the time frame within which the Bill will be brought to Parliament

9.2.2 An Update on the Shift from Political to Economic Diplomacy in Zambia's Missions Abroad

Having considered the submissions from stakeholders regarding the shift from political to economic diplomacy, the Committee made the observations and recommendations set out below.

i. Trade Mediation Programmes Support

While noting the strides made in trade mediation programme support and the Foreign Direct Investment (FDI) emanating there from, the Committee had, in the previous session, observed that very few manufacturing companies, particularly those involved in value addition, had set up base in Zambia. This had resulted in Zambia remaining largely a trading economy. The Committee was further concerned that the trade imbalance between Zambia and South Africa had remained very huge and in favour of South Africa.

In this regard, the Committee had urged the Government to ensure that more effort and resources were committed to attracting Foreign Direct Investment (FDI) that would be skewed towards value addition, thereby creating employment. The Committee had further recommended that the Mission in Pretoria, South Africa, should work much harder to reduce Zambia's trade deficit with that country.

Executive's Response

The Committee was informed that the Government had taken note of the recommendation. However, the Government was implementing the National Investment Promotion Strategy. The strategy covered various sectors including the Agriculture, Manufacturing and Processing industries which the Committee had recommended.

The National Investment Promotion Strategy (NIPS) was aimed at accelerating the growth of investments in all sectors of the Zambian economy and also addressed the existing inadequacies in monitoring investment flows and fragmented investment promotion activities. The Strategy put forward an overarching programme for the country to become a prosperous, competitive and dynamic world-class investment destination by 2026. The Strategy further focused on Zambia becoming an industrialized nation with a diversified, innovative and globally competitive industrial base, which contributed to sustainable growth and employment creation. The NIPS aspiration was derived from the Government's long-term vision of becoming a Prosperous Middle-Income Nation by 2030 that fed into the Ministry's goal of contributing to the creation of wealth, jobs and poverty reduction.

Further, the Government through the Ministry of Commerce, Trade and Industry and the Zambia Development Agency provided updates on investment, through the Annual Reports and Foreign Private Investment and Investor Perceptions Survey Reports and the manufacturing, agriculture and processing industries are covered. These reports could also be accessed on the Ministry's and Zambia Development Agency websites respectively. The Ministry also submitted its Annual reports to the National Assembly. The same updates were also reported on under the 7th NDP Cluster Groups under the Economic Diversification and Job Creation Pillar.

Committee's Observations and Recommendations

The Committee notes the response and awaits a progress report on the implementation of the National Investment Promotion Strategy (NIPS) and requests an updates on the matter.

ii. The Scaling up of Career Diplomats

The Committee had, in the previous Session, observed that inadequate funding had hampered the training and recruitment of career diplomats. The Committee was concerned that in the absence of a legal framework to ensure the development of career diplomats, appointments into the Foreign Service had still continued to be made along partisan lines. In the view of the Committee, this had in some instances resulted in ill qualified staff being sent to Missions Abroad.

In this regard, the Committee had recommended that funding to the programme of the scaling up of career diplomats should be improved. Further, the Foreign Service Bill, which could help curb

the problem of partisan appointments into the Foreign Service, should be finalised and presented to Parliament without further delay.

Executive's Response

The Executive, through the Action-taken Report took note of the observation and reported that internal consultations of the Bill were still ongoing following its tabling to the Legislative Sub Committee of Cabinet which raised some concerns which were being addressed. In this respect, the Ministry of Foreign Affairs and International Cooperation would be in a position to provide a definite timeframe once the consultations are completed.

Committee's Observations and Recommendations

The Committee resolves to await a progress report on the matter.

iii. Private Sector Regional and International Trade Negotiations Integration

The Committee had, in the previous Session, observed, with serious concern, that although the private sector was an important partner of the State with regard to economic development and job creation, it had remained on the periphery in regional and international trade and investment negotiations.

The Committee, had therefore, strongly recommended that the Government should provide incentives for the private sector to be involved in regional and international trade negotiations and investments in order to expand the economy and create jobs.

Executive's Response

The Committee was informed, through the Action-taken Report that the Executive had taken note of the Committee's recommendations and would endeavour to provide the necessary updates accordingly, as it implemented the Diaspora Policy.

Committee's Observations and Recommendations

The Committee awaits a progress report on the matter.

9.2.3 The Operations of the Department of Immigration vis-à-vis the Issuance and Management of Visas and Employment Permits

i. Inadequate Staffing Levels

The Committee had noted, with concern, the response that the Ministry of Home Affairs and Internal Security written to the Management Development Division (MDD) at Cabinet Office, requesting for authority to revise the establishment and that once approval was given, the Ministry would embark on the exercise to review the establishment in order to make it more robust and responsive to the current trends and needs.

In this regard, the Committee had bemoaned the apparent lackadaisical approach taken by the Executive towards this matter and therefore, urged the Executive to treat the matter with the seriousness it deserved. The Committee had awaited a progress report.

Executive's Response

The Committee was informed, through the Action-Taken Report that the proposed Immigration staff establishment was referred to the Remuneration Division under Management Development Division and that the Ministry of Home Affairs and Internal Security was awaiting feedback from the Remuneration Division.

Committee's Observations and Recommendations

The Committee requests for a progress report on the matter.

ii. Inadequate and Erratic Funding

The Committee had noted with concern the response that the Ministry had been engaging the Treasury to lobby for increased funding to the Immigration Department on the grounds that the Immigration Department was critical to the security of the country and required adequate resources to effectively undertake its operations and the Department raised substantial revenue for the Government from non-tax revenue and if adequately funded, it would raise even more revenue. The Committee noted that the Ministry had continued engaging the Treasury for increased funding to the Department and therefore, urged the Executive to treat the matter with the seriousness it deserved and requested a further update on the matter.

Executive's Response

The Committee was informed, through the Action-Taken Report, that the Department of Immigration, under the Ministry of Home Affairs and Internal Security received Appropriation in Aid (AIA) whose main aim was to increase funding towards operations that would increase the mobilisation of non- tax revenue. However, AIA was reduced. In 2020 the Department received 17 million as AIA while 10 million was for the year 2021. Further, there was need to increase the budget ceiling especially for operations under regions.

Committee's Observations and Recommendations

The Committee resolves to await a progress report on the levels of Appropriation-in- Aid (AIA) to the Department of Immigration.

iii. Management Information Systems

In noting the strides made in the roll-out of the Zambia Immigration Management System (ZIMS), the Committee had urged the Executive to ensure that the programme was extended to the remaining seventy-seven stations and awaited a progress report on the matter.

Executive's Response

The Committee was informed, through the Action-Taken Report that the Zambia Immigration Management System (ZIMS) had been rolled to 34 stations, further 19 sites were computerised under the Ministry of Home Affairs Safe City Project, and the 19 sites were pending commissioning of the networks that would bring the total number of stations running on ZIMS to 53. Furthermore, 28 stations had been earmarked for ZIMS roll-out which would consequently bring the total number of stations with ZIMS to 81.

Committee's Observations and Recommendations

The Committee awaits a progress report on the matter.

iv. Absence of the Zambianisation Committee

The Committee had noted the response that the Government, through the Department of Immigration, fully supported the Zambianisation policy and worked together with the Ministry of Labour and Social Security in monitoring expatriates and their understudies and that for expatriates with understudies, the Department of Immigration issued employers with two year permits to which a notice was attached that the permit was not renewable to enable understudies to take over the positions held by expatriates when their permits expired.

Following this response, the Committee had observed that the absence of the Zambianisation Committee had not been addressed and that the reality on the ground was quite different from what the response was portraying. In this regard, the Committee had resolved to await an update on the revamping of the Zambianisation Committee and on what the Government was doing to enforce the two-year understudy period.

Executive Response

The Government, through the Ministry of Labour and Social Security, has constituted the Skills Advisory Committee whose functions and composition have clearly been provided for under the Employment Code Act No. 3 of 2019. The inaugural meeting of the Skills Advisory Committee was held on 3rd March, 2021. The Roadmap and Terms of Reference for Committee Members were drafted and are expected to be approved in the next meeting. The Zambianisation programme is a deliberate policy intervention by the Government to ensure that the jobs which are supposed to be performed by locals are preserved for Zambians. This measure is considered at the point of analysing the applications and issuance of Employment Permits. The Skills Advisory Committee is, among other things, meant to strengthen the implementation of the Zambianisation programme.

Committee's Observations and Recommendations

While noting the strides made in constituting the Advisory Committee, the Committee awaits a progress report on the implementation of the Roadmap, the Terms of Reference and the composition of Committee.

v. Compliance with the Zambian Labour Law and Resistance to Inspections

The Committee had noted the response that the Government would not take kindly to any foreign investors who were abrogating the labour laws during their business operations and that the Zambia Development Agency (ZDA) had, among other things, provided guidelines on the number of expatriates the foreign investors should employ in Zambia as enshrined in the *Zambia Development Agency Act, No. 11 of 2006*. Further, the *Immigration and Deportation Act* and the *Zambia Development Agency Act* provided that employers seeking to employ expatriate staff were required to follow the laid down procedures. Furthermore, the Act provided that investors who invested a minimum of US\$ 250,000 and employed a minimum of 200 employees shall be entitled to Investor's Permit for up to five expatriate employees.

In this regard, the Committee had observed that the problem had not been the absence of the law but rather enforcement. The Committee, therefore, urged the Executive to ensure enforcement of the labour laws by recruiting more labour inspectors and providing the requisite funding for

operations. The Committee awaited statistics on how many companies had been found contravening this piece of legislation and the action taken against them.

Executive's Response

The Government, through the Ministry of Labour and Social Security, has intensified labour inspections to ensure that employers across the country adhere to labour laws. In 2020 alone, a total of 1,148 inspections were conducted compared to 922 labour inspections conducted in 2019 countrywide. The key findings from these inspections were that most of the employers were complying with the labour laws with an exception of a few where issues of casualisation, failure to pay a minimum wage and failure to provide sufficient personal protective equipment to the workers were recorded. Due to the outbreak of Covid-19 pandemic, there were also isolated cases of quarantine of employees in the work premises against their consent, illegal job dismissals and illegal sending of employees on forced leave. Therefore, the Ministry of Labour and Social Security instructed the employers found wanting to do the correct thing and follow the provisions of the law to the latter. Employers who abrogate the labour laws risk facing the wrath of the law.

Committee's Observations and Recommendations

The Committee, in noting the response, resolved to await further update on the outcome of the inspection programme instituted by the Ministry aimed at determining if there were any companies abrogating the law, and what action would be taken against such employers.

Committee's Observations and Recommendations

The Committee awaits a progress report on the matter.

vi. Porousness of Borders vis-à-vis Inadequate Transport and Poor Roads

The previous Committee had awaited an update on the deployment of vehicles to border points on the Copperbelt and North Western Provinces and taking note of the earlier response and resolved to await a progress report on the distribution of motor vehicles to police posts managing border posts in North- Western Province.

Executive's Response

The Government through the Department of Immigration has for the first time managed to equip all the 98 stations with motor vehicles including all the 6 borders and 5 internal offices in North-Western Province. In addition, Chavuma Police Station was allocated with a vehicle which caters for the border area with Angola. However, other active border points in North Western Province would be allocated with vehicle motors when funds were available for procurement of more motor vehicles.

Committee's Observations and Recommendations

The Committee awaits a progress report on the allocation of motor vehicles to border points in North Western Province

vii. Encroachment of the No-man's Land (Kasumbalesa)

Committee's Observations and Recommendations

In noting the response that the Government would engage the Ministry of Lands and Natural Resources, the Ministry of Foreign Affairs and International Cooperation and Copperbelt Provincial Administration on this matter in order to come up with the best way to resolve it amicably, the previous Committee had urged the Executive to treat this matter with the seriousness it deserved and therefore expedite execution of the Committee's recommendation to demolish the structures erected on the no man's land. The Committee awaited an update on the matter.

Executive's Response

The Executive informed the Committee that the demolition of structures on the Kasumbalesa no-man's land could not be effected in 2019 as assured. This was because the Democratic Republic of Congo was not ready at the time. The demolition could only be done once a joint (both Zambia and the Democratic Republic of Congo) confirmation of the boundary was done.

In view of the above, the Democratic Republic of Congo had deferred the bilateral trade meeting which was scheduled to take place from 21st to 23rd April, 2021. This meeting would now take place from 6th to 8th May, 2021. The Committee was informed that during this very important meeting, Governments insistence would be to carry out the actual field work at Kasumbalesa and Sakanyia border posts. Further, tentatively 10 days had been planned for the field work as there was need to build a pillar at Sakanyia and confirm the encroachments at Kasumbalesa border posts.

Committee's Observations and Recommendations

The Committee awaits a progress report on the scheduled meeting.

viii. Lack of Police Presence at Border Posts

In noting the response, that the Ministry of Home Affairs and Internal Security would consider deploying Zambia Police officers to some of the borders lacking police presence in order to enhance security both for the immigration personnel and the revenue collected, the previous Committee had urged the Executive to provide a timeframe within which the deployment of officers would be concluded and awaited an update on the matter.

Executive's Response

The Government, through the Action-Taken Report informed the Committee that all borders had police presence except for Kamapanda and Kambimba Border Controls. The Zambia Police Service, through the Ministry of Home Affairs and Internal Security, conducted recruitment in 2021 to cater for shortages of officers, including border areas with inadequate police presence. The recruited officers would be deployed to all the 10 provinces including border areas where there was inadequate or no police presence.

Committee's Observations and Recommendations

The Committee awaits a progress report on the deployment of recruited officers in areas such as Kamapanda and Kambimba Border Controls where there was inadequate or no police presence.

ix Morale among Department of Immigration Staff

The previous Committee had been informed that the Ministry of Home Affairs and Internal Security would present a request to Cabinet for authority to harmonise the salaries and conditions of service for the Immigration Department with those of the security agencies in order to boost the morale of immigration staff. The Committee had requested the Executive to provide a timeframe within which this matter would be resolved and awaited an update on it.

Committee's Observations and Recommendations

The Committee awaits a progress report on the matter.

9.2.4 The Operations and Management of Institutions under the Ministries of Defence and Foreign Affairs: The Zambia Army; the Zambia Air Force; Zambia National Service and Selected Missions Abroad.

x. Inadequate Infrastructure and Equipment in newly established Provincial Capitals

The previous Committee had requested for an update on the construction of regional offices and 7ZR in Choma, Southern Province and 8ZR in Muchinga Province.

Executive's Response

The construction of regional offices in Choma, Southern Province which was being undertaken by the Zambia Army was completed and the offices are operational. However, the construction of regional offices of 8ZR barracks in Muchinga Province, Chinsali still remained the same as the financing agreement between the Ministry of Finance and the Industrial Commercial Bank of China has not yet been signed.

Committee's Observations and Recommendations

The Committee notes the response and awaits a progress report on the construction of regional offices of 8ZR barracks in Muchinga Province.

xii. Encroachment on Military Land

The Committee had, in the previous session, urged the Executive to expedite the fencing of Kenneth David Kaunda and the acquisition of certificates of title for the remaining military cantonments and awaited a progress report on the matter.

Executive's Response

The Committee was informed that the Zambia Army had come up with a schedule to fence all the Military Cantonments in a phased approach inclusive of KDK (Mikango) Barracks. The remaining seven (7) Military Cantonments which had been issued with titles included the following: -

1. Kohima Barracks;
2. Mwalai Barracks;
3. CMW Workshops;
4. Muchinga Office;
5. Taungup Barracks;
6. School of Military Engineering;

7. ZCCK, Kabwe
8. Bon Accord, Livingstone; and
9. ZECCO Camp.

Committee's Observations and Recommendations

The Committee awaits further progress report on the fencing exercise of military cantonments.

xiii. Shortage of Accommodation

The previous Committee had noted the response that the Government, through the Ministry of Housing and Infrastructure Development, had requested for submission of baseline infrastructure data to be incorporated in the National Infrastructure Development Plan. Currently, the Ministry was compiling data on the status of infrastructure in all the cantonments to be submitted to the Ministry of Housing and Infrastructure Development, although this had proven to be a challenge due to limited resources as the process involved physical inspections. The Committee awaited a further update on the matter.

Executive's Response

The Committee, through the Action-Taken Report, was informed that the baseline infrastructure data was compiled and submitted to the Ministry of Housing and Infrastructure Development for consolidation of the data and development of a workable National Infrastructure Development Plan.

Committee's Observations and Recommendations

The Committee notes the response and awaits a progress report on the implementation of the National Infrastructure Development Plan.

9.2.5 Statelessness and the Protection of Stateless Persons in Zambia

Having considered submissions from stakeholders, the Committee in the previous Session had observed and recommended as outlined below.

i. Documentation of Statelessness

The previous Committee had noted the response that the Government, through the Ministry of Home Affairs and Internal Security, had conducted a desk review of the *National Registration Act* and the *Births and Deaths Registration Act*. The process to present the two Bills to Parliament would commence in 2021. The Committee had awaited an update on the two pieces of legislation.

Executive's Response

The Committee was informed that the process of presenting the two Bills to Parliament was yet to commence.

Committee's Observations and Recommendations

The Committee urges the Executive to provide a timeframe for the presentation of the two Bills to Parliament and awaits a progress report.

9.2.6 Zambian Mission in Windhoek- Namibia

i. Mission Properties

The Committee had, in the previous Session, noted the response that the Ministry had made considerable progress on the matter as the procurement process had been completed. A draft contract submitted to the Ministry of Justice was approved on 8th January, 2020 and the signing of the contract to start the rehabilitation works with the contractor was scheduled for February, 2020. The Committee had requested for an update on the matter.

Executive’s Response

Through the Action-Taken Report, the Committee was informed that the contractor was on site and works were ongoing, though due to the Covid -19 pandemic, works had slowed down.

Committee’s Observations and Recommendations

The Committee awaits a progress report on the rehabilitation works.

9.2.7 Zambian Mission in Pretoria - South Africa

i. Birth Certificates

The previous Committee had been informed that the Mission in Pretoria, through diplomatic engagement, had scheduled a meeting for the Director General of Immigration and his counterpart from the Republic of South Africa to deliberate on the matter. The meeting was held in Pretoria in August, 2019 and a Report from the Mission stated that the Republic of South Africa clarified that issuance of birth certificates to children of foreign nationals born in South Africa would distort their population register and as such, it was the reason why their Government only issued Record of Birth documentation.

The Ministry of Home Affairs and Internal Security and the Ministry of Foreign Affairs and International Cooperation also met and recommended for the review of the *Births and Deaths Registration Act* to provide for the registration of births of children born of Zambian nationals abroad. This was expected to address the needs of Zambians whose children were not registered in South Africa.

Further, the Government reported that consultations on the amendment of the Birth and Death Registration Act have been held through the Zambia Law Development Commission aimed at harmonising with other pieces of legislation and addressing identified gaps, including providing for registration of children born of Zambia nationals abroad. The Ministry is in the process of submitting instructions to the Ministry of Justice for the amendment of the Birth and Death Registration Act.

Committee’s Observations and Recommendations

The Committee awaits a progress report on the matter.

9.2.8 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)

9.2.8.1 The Zambia Police Service

i. Provision of Appropriate Modern Equipment

In the previous Session, the Committee had noted the response in a letter dated 9th February, 2021, in which it was informed that the outstanding consignment comprising marine, ICT and Communication equipment had not been shipped owing to unpaid interest on the loan. In this regard, the outstanding consignment would only be dispatched when the interest was fully paid.

The Committee had expressed concern at the shift from the outbreak of the COVID-19 Pandemic as the cause of the delay of the shipment, to the unpaid interest on the loan, which was not initially mentioned. In this regard, the Committee had requested for an explanation as why the interest on the loan issue was not mentioned in the earlier submission and further requested for an update on the payment of the interest on the loan and the subsequent delivery of outstanding equipment. The Committee had therefore sought a progress report on the matter.

Executive's Response

The Committee was informed that the Department of Immigration had received the communication equipment; however, experts from China were being awaited to install it. Further, the Department was also awaiting boats and ICT equipment that had not yet been received.

Committee's Observations and Recommendations

The Committee awaits a progress report on the matter.

9.2.8.2 The Zambia Correctional Service

i. Staff Accommodation and Provision of Blankets and Mosquito Nets for Lads

Executive Response

In the previous Session, the Committee had noted the earlier response and requested for a progress report on the matter.

Executive's Response

Through the Action-Taken Report, the Committee was informed that the construction of staff housing units at Katombora Reformatory School would be done under Avic International phase II Housing unit project. The Avic International phase I Housing unit project was being finalised with final construction of housing units at Mkushi Correctional Facility. Once phase I of the projects was completed, negotiations of Avic International phase II Housing unit project would commence.

Committee's Observations and Recommendations

The Committee awaits a progress report on the matter and the time frame within which the matter will be resolved.

ii. Provision of Start-up Capital for Graduate Juveniles

In the previous Session, the Committee had noted the response and requested for a progress report on the matter.

Executive's Response

In the Action-Taken Report, the Committee was informed that the start-up capital to juveniles was not provided for in the 2021 budget due to inadequate budget allocation. However, the provision of start-up capital for graduate juveniles would be considered in the 2022 budget.

Committee's Observations and Recommendations

The Committee requests for a progress report on the matter.

iii. Upgrading and Expanding of Staff Establishment

In the previous Session, the Committee had noted the earlier response and requested for an update on the matter.

Executive's Response

The Committee was informed that with regard to the expansion of the Zambia Correctional Service staff establishment which stood at 5,500 as approved by Cabinet, the Ministry of Home Affairs and Internal Security was still engaging Cabinet Office to revisit the approved staff structure by expanding it to 7,500. However, in 2019, the Zambia Correctional Service recruited 113 officers (69 officer cadets and 44 recruits) and currently, the Service was in the process of recruiting 288 new officers after being granted Treasury Authority. The staff strength for the Service now stands at 4,109 officers.

Committee's Observations and Recommendations

The Committee awaits a progress report on the outcome of the engagement with Cabinet Office with regard to revisiting the approved staff structure of 5,500 to 7,500.

iv. Construction of New Juvenile Reformatory Schools

The previous Committee had noted the earlier response and requested for a progress report on the matter.

Executive's Response

The Committee was informed that the construction of new juvenile reformatory schools had not been embarked on due to current Government policy that all ministries, Provinces and Spending Agencies (MPSAs) should not embark on the construction of new projects until those which were at 80% were complete. However, the construction of new juvenile reformatory schools would be considered in the 2022 budget.

Committee's Observations and Recommendations

The Committee requests for a progress report on the construction of new juvenile reformatory schools.

9.2.8.3 The Drug Enforcement Commission

i. Treasury Authority for the Implementation of Full Establishment

The Committee had in the previous Session noted the response and requested for a progress report on the matter.

Executive's Response

In the Action-Taken Report, the Committee was informed that the current staff establishment as at 31st March, 2021 was 559. This was against the approved structure of 1,821 employees. With the remaining 1,262 positions, Treasury Authority was granted in phases. To this effect, Treasury Authority No. 2 of 2021 effective 1st July, 2021 was granted to fill fifty-six (56) positions of which the DEC made consideration to fill fifty-two (52) positions within the given budget. Therefore, the Commission remains with 1,210 positions to be filled.

Committee's Observations and Recommendations

The Committee resolves to await a progress report on the 1,210 positions yet to be filled.

ii. Formulation of Drug and Alcohol Policy

In noting the earlier response, the Committee had, in the previous Session urged the Executive to own the development of the Drug and Substance Control Policy rather than depend on donor funding and awaited an update on the matter.

Executive's Response

Through the Action-Taken Report, the Committee was informed that the Executive had owned the process by funding it and that the Ministry of Home Affairs and Internal Security had submitted the draft Drug and Substance Control Policy to the Cabinet Documentation Unit awaiting allocation to the Policy Analysis Coordination (PAC) Division.

Committee's Observations and Recommendations

The Committee awaits a progress report on the matter.

9.3 Local Tours of Lusaka, Kabwe, Kapiri-Mposhi, Ndola, Kitwe and Solwezi

i. Construction of a Mini Hospital within the Mukobeko Maximum Facility

In the previous Session, the Committee had noted the response that the Project could not be budgeted for in the 2020 budget in line with the 2020 Call Budget Circular which guided all ministries and other spending agencies to only budget for on-going projects at and above 80% completion stage. The construction of a Mini Hospital within Mukobeko Maximum Facility would only be considered in future work plans, once Treasury guarantees funding. The Committee had awaited a progress report on the matter.

Committee's Observations and Recommendations

The Committee awaits a progress report on the matter.

ii. Regulation of the Movement of Arms

In the previous Session, the Committee had noted the response that a draft National Control list had been developed and would be an attachment to the draft legislation. The draft legislation would be submitted for Cabinet approval in 2020 and once approved it would be submitted to Parliament for consideration by early 2021 and sought a progress report on the matter.

Executive's Response

The Committee was informed that a draft Bill namely "the National Conventional Arms Control Bill, 2021" which seeks to domesticate the Arms Trade Treaty had been drafted and would be submitted to the Ministry of Justice. Once it passed the Ministry of Justice drafting standards, it would be submitted to Cabinet to seek approval, in principle, to domesticate the Arms Trade Treaty.

Committee's Observations and Recommendations

The Committee seeks a progress report on the matter.

10.0 Conclusion

The Committee observes that one of the major challenges to the administration of parole and correctional supervision is the centralised nature of the Parole Board. Whereas the *Zambia Correctional Service Act No. 35 of 2021* provides for the decentralisation of the Parole Board to Provinces and Districts, the Parole Board is still only present in Lusaka, making the processing of considering applications painfully slow, thereby making restorative justice in the criminal justice system a failure. In this regard, the Committee recommends that the process of decentralising the functions of the Parole Board to provinces and districts should be implemented with utmost urgency. Coupled to the centralised nature of the Parole Board is the inadequate and untimely funding. The Committee is of the view that creating an independent budget line for the Institution will enhance funding and thereby its operations .

The Committee, further notes that the current law governing the administration of parole does not provide for an appeal system neither does it provide for a super ordinate body to oversee the operations of the Board. The Committee, therefore, recommends that in order to enhance accountability and confidence in the criminal justice system, the granting or refusal of parole to an eligible applicant should be open to appeal before an oversight or review body. In this vein, the Prole Review Board should be created, to oversee the operations of the Parole Board.

The Committee wishes to express its indebtedness to you, Madam Speaker, for the guidance rendered to it during the Session. The Committee further wishes to express its gratitude to the Permanent Secretaries, Chief Executive Officers of various institutions for their co-operation and input into your Committee's deliberations. The Committee also wishes to place on record, its thanks to the Government and the Parliament of the Republic of Ghana for accepting to host the Committee at very short notice.

Lastly, but not the least, the Committee wishes to extend its appreciation to the Clerk of the National Assembly and her staff for the services rendered to it throughout the Session.



Brig Gen. Morgan Sitwala (Rtd), MP
CHAIRPERSON

May, 2022
LUSAKA

APPENDIX I - OFFICIALS OF THE NATIONAL ASSEMBLY

Mr F Nabulyato, Principal Clerk of Committees (SC)

Mrs Chitalu K Mumba, Deputy Principal Clerk of Committees (SC)

Mr C Chishimba, Senior Committee Clerk (FC)

Mr E Chilongu, Committee Clerk

Mrs G Chikwenya, Typist

Mr M Kantumoya, Committee Assistant

Mr D Lupiya, Committee Assistant