

**THE FIRST REPORT OF THE COMMITTEE ON LEGAL AFFAIRS,
GOVERNANCE, HUMAN RIGHTS AND GENDER MATTERS FOR THE FOURTH
SESSION OF THE TENTH NATIONAL ASSEMBLY APPOINTED ON 25
SEPTEMBER, 2009**

Consisting of;

Mr J J Mwiimbu, MP (Chairperson); Mr B E Chimbaka, MP, MP; Mr B Sikazwe, MP; Mr L
H Chota, MP; Rev V M Sampa-Bredt, MP; Mr K Kakusa, MP and Mrs S T Masebo, MP.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir, following the guidance that your Committee should table the Report of the previous
Committee for the Third Session of the Tenth National Assembly, your Committee studied
the Report in detail and on 30 October 2009, adopted it.

Your Committee Mr Speaker, Sir, now have the honour to present the Report.

J J Mwiimbu, MP
CHAIRPERSON

November, 2009
LUSAKA

REPORT OF THE COMMITTEE ON LEGAL AFFAIRS, GOVERNANCE, HUMAN RIGHTS AND GENDER MATTERS FOR THE THIRD SESSION OF THE TENTH NATIONAL ASSEMBLY APPOINTED ON 17 JANUARY, 2009

Consisting of;

Mr S Sikota, MP (Chairperson); Mr B E Chimbaka, MP; Mr B Sikazwe, MP; Mr L H Chota, MP; Rev V M Sampa-Bredt, MP; Mr K Kakusa, MP and Major R M Chizhyuka, MP.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir,

Your Committee have the honour to present their Report for 2009.

Functions of the Committee

2.0 In addition to any other duties placed upon them by Mr Speaker or any Standing Order or any other order of the Assembly, the duties of your Committee are to:

- (a) study and report on the mandate, management and operations of the Ministry of Justice and the Gender in Development Division and carry out any other duties assigned or referred to them by the House pertaining to the activities of the said ministries;
- (b) carry out detailed investigations or scrutiny of certain activities being undertaken by the ministries and make appropriate recommendations to the House through reports;
- (c) consider, in detail, the annual reports of the agencies and/or departments under the Ministry of Justice; and
- (d) consider any Bills that may be referred to them by the House.

Meetings of the Committee

3.0 Your Committee held twelve meetings during the year under review.

Committee's Programme of Work

4.0 During the year under review, your Committee's programme of work was as follows:

- (a) Women in decision-making positions in Zambia;
- (b) Evaluation of the operations of the Zambia Law Development Commission;
- (c) The governance of Non-Governmental Organisations and Civil Society Organisations;
- (d) Consideration of the Action-Taken Reports of the two Committee's Reports for 2008; and
- (e) Local tours to selected areas.

Procedure Adopted

5.0 In order to obtain the necessary information, your Committee invited various stakeholders to submit memoranda on specified topical issues. Subsequently, the stakeholders were requested to appear before your Committee to orally brief them.

The following stakeholders were specifically invited:

- (i) *WOMEN IN DECISION MAKING POSITIONS IN ZAMBIA:*
 - (a) Permanent Secretary, Gender in Development Division;
 - (b) Permanent Secretary, Ministry of Labour and Social Security;
 - (c) Country Representative, International Labour Organisation (ILO);
 - (d) Country Representative, United Nations Populations Fund (UNFPA);
 - (e) Executive Director, Non-Governmental Organisations Coordinating Council (NGOCC);
 - (f) General Secretary, Council of Churches in Zambia (CCZ);
 - (g) Executive Director, Women in Law and Development in Africa (WILDAF);
 - (h) National Coordinator, Women and Law in Southern Africa (WLSA);
 - (i) Executive Director, Zambia Association for Research and Development (ZARD);
 - (j) Executive Director, Zambia Agency for Persons with Disabilities (ZAPD);
 - (k) Executive Director, Zambia National Women's Lobby (ZNWL);
 - (l) General Secretary, Zambia Congress of Trade Unions (ZCTU);
 - (m) President, Zambia Federation of Employers, (ZFE); and
 - (n) General Secretary, Zambia Episcopal Conference.

- (ii) *EVALUATION OF THE OPERATIONS OF THE ZAMBIA LAW DEVELOPMENT COMMISSION:*
 - (a) Permanent Secretary, Ministry of Justice;
 - (b) Director, Zambia Law Development Commission (ZLDC);
 - (c) Director, Zambia Institute of Advanced Legal Education (ZIALE);
 - (d) Dean, University of Zambia School of Law; and
 - (e) Law Association of Zambia (LAZ).

- (iii) *THE GOVERNANCE OF NON-GOVERNMENTAL ORGANISATIONS AND CIVIL SOCIETY ORGANISATIONS*
 - (a) Permanent Secretary, Ministry of Justice;
 - (b) Registrar of Societies, Ministry of Home Affairs;
 - (c) Director, Zambia Law Development Commission;
 - (d) Executive Director, Non-Governmental Organisations Coordinating Council (NGOCC);
 - (e) General Secretary, Council of Churches in Zambia (CCZ);
 - (f) Executive Director, Women in Law and Development in Africa (WILDAF);
 - (g) National Coordinator, Women and Law in Southern Africa (WLSA);
 - (h) Executive Director, Zambia Association for Research and Development (ZARD);
 - (i) Executive Director, Southern African Centre for Constructive Resolution of Disputes (SACCORD);
 - (j) Executive Director, Foundation for Democratic Process (FODEP);
 - (k) Executive Director, Civil Society for Poverty Reduction (CSPR)

Your Committee's Report, therefore, is in three parts. Part One deals with topical issues, Part Two deals with the local tour report and Part Three contains outstanding issues from your Committee's previous Reports.

PART I

CONSIDERATION OF TOPICAL ISSUES

TOPIC I: WOMEN IN DECISION-MAKING POSITIONS IN ZAMBIA

6.0 Zambia is a signatory to a number of international instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the SADC Declaration on Gender and Development. These instruments, among others, emphasise the importance of ensuring gender equality in the public and private sphere. Gender equality in decision making, therefore, forms a core element of these instruments. The Millennium Development Goals (MDGs) also clearly state the importance of promoting gender equality as a giant step towards achieving socio-economic development. The National Gender Policy (2000) identifies a disparity in decision-making positions between women and men, indicating that women's participation in decision making is below the expected 50% target for SADC and African Union member states.

Despite the fact that women make up over 50% of Zambia's population and are the majority of voters during general elections, women are still under-represented at all levels of decision making in Government, Parliament, political parties, public and private institutions.

Summary of Submissions by Government

6.1 The Permanent Secretary, Gender in Development Division (GIDD) informed your Committee that, in order to enhance the participation of women in decision making positions, the Government has:

- (a) translated the National Gender Policy into the seven local languages to ensure easy understanding by all citizenry. Furthermore, the Government had transcribed the National Gender Policy into Braille; and has also put in place a strategic plan of action for the implementation of the National Gender Policy;
- (b) mainstreamed gender in the Fifth National Development Plan (FNDP) to ensure that all institutions implement gender perspectives in their institutions and included a separate chapter on gender in the FNDP for effective coordination;
- (c) established an integrated institutional mechanism which includes the following:
 - (i) the Gender in Development Division (GIDD) which coordinates the overall implementation of the National Gender Policy;
 - (ii) the Parliamentary Committee on Legal Affairs, Governance, Human Rights, and Gender Matters which ensures that gender issues are given priority in terms of implementation;
 - (iii) the Gender Consultative Forum (GCF) which advises GIDD on emerging gender and developmental issues;
 - (iv) appointment of Gender Focal Points (GFs) in line Ministries at the level of Director of Planning and Provincial Planners in Provinces to facilitate the process of gender mainstreaming; and
 - (v) establishment of Gender Sub-committees at provincial and district level.

Your Committee were further informed that the Government has noted that the private sector has been responsive to the National Gender Policy provisions through implementation of the

non-discriminatory policies in the process of human resource development and administration.

As to what extent the 1997 SADC Declaration of thirty percent women representation in all decision-making positions had been achieved, your Committee were informed that although Zambia has not managed to reach the thirty per cent target of SADC Declaration of women in decision making positions, there had been some increase in the number of female representation at all levels of decision making.

On how the Gender in Development Division (GIDD) had been coordinating with other stakeholders in enhancing the participation of women at decision-making level, your Committee were informed that GIDD, being the national machinery on gender and development, and being located at the apex of Government authority at Cabinet Office, has the mandate to coordinate various stakeholders on gender and development. This was done through quarterly, biannual and annual meetings such as Gender Sector Advisory Group (GSAG), Gender Consultative Forum (GCF) and Gender Focal Point (GFP) meetings.

The Permanent Secretary informed your Committee that GIDD also collaborates closely with the Civil Society Organisations (CSOs), including Non-Governmental Organisations (NGOs), traditional leaders, Members of Parliament and the private sector in coordinating various capacity building programmes.

It was heard that some activities where GIDD closely collaborates with other stakeholders included preparations of national, regional and international events such as the International Women's Day (IWD), 16 Days of Activism against Gender Violence, Southern Africa Development Community (SADC), Economic Commission of Africa (ECA) and the Commission on the Status of Women (CSW) meetings.

Your Committee further learnt that all these measures and strategic national, regional and international meetings were aimed at devising measures to enhance women participation in decision making positions through awareness creation on the rights, skills training and economic empowerment.

On what obstacles impede the implementation of the SADC Declaration of thirty percent women representation in decision-making positions, your Committee learnt that while there were no legal impediments that restrain women from participating in public office, the following were some of the challenges that contribute to the low participation of women in decision making positions:

- (a) the non-existence of a quota system in terms of representation in Government, political parties and Civil Society Organisations. The Committee were informed that the few countries that had achieved the thirty percent SADC Declaration had a quota system;
- (b) the perpetuation of the patrilineal system of administration in the social institutions prevent women from aspiring to positions of decision making;
- (c) the poor socio-economic status that most women found themselves in prevented them from attaining the required qualifications, which were a key pre-requisite for progression to decision making positions; and
- (d) limited numbers of women willing to engage in public life due to the socialisation process which discouraged women from taking a leading role in the public sphere.

Summary of Submissions by other Stakeholders

Your Committee were informed that, despite the efforts made by the Government, Non-Governmental Organisations, regional and international bodies to promote women's participation in development processes, gender inequalities continue to exist at all levels in all sectors of national development. In the arena of decision-making positions, gender inequalities could be noticed by the low representation of women in political and administrative governance.

Your Committee learnt that the Government of Zambia had made impressive progress in the realm of gender equality based more on *political* commitments rather than *legal* commitments. In 1996, the Government created the Gender in Development Division (GIDD), a Cabinet-level office charged with overseeing gender mainstreaming in the national development process. It further established the Gender Consultative Forum (GCF) in 2003 to provide guidance to GIDD on the implementation of gender and development activities throughout the country.

Witnesses informed your Committee that the National Gender Policy, which was promulgated by GIDD in 2000, was more specific. This policy included political commitments by the Government that bore directly on the question of women's representation in electoral politics.

Your Committee were further informed that some of the policy measures endorsed by the National Gender Policy to remediate women's low levels of participation in the private/corporate and public sectors include:

- (a) development of criteria for recruitment, appointment and promotion of more women to advisory and decision-making positions;
- (b) promotion and facilitation of continuous gender orientation programmes using appropriate channels to change people's attitudes regarding the role of women in decision making;
- (c) restructuring of recruitment and career development programmes to ensure that all women, especially young women and persons with disabilities, have equal access to managerial, entrepreneurial, technical and leadership training;
- (d) encouraging development of career advancement programmes for women of all ages that include career planning, tracking, mentoring, coaching, training and retraining;
- (e) creating a mechanism to facilitate the active participation of women at all levels of the political process, including the implementation of affirmative action; and
- (f) ensuring equitable representation of women and men in decision making at all levels.

Your Committee were informed that while policy commitments made by the Government were not legally binding, they did provide an important normative framework that illustrated the Government's intent and by extension the people's desired vision of gender equality in the political sphere.

It was learnt that the Zambian Constitution, which was in the process of being revised, was silent on the issue of women's equal participation in politics. Moreover, no provision of the Zambian Constitution ensured substantive equality between women and men, although *Article 11* did include a blanket non-discrimination clause that guaranteed everyone the enjoyment of fundamental rights and freedoms regardless of "*race, place of origin, political opinions, colour, creed, sex or marital status*". *Article 23* of the Constitution further guaranteed that, except for certain limitations, "*a law shall not make any provision that is discriminatory either of itself or in its effect.*"

Similarly, the *Electoral Act* was silent on women's voter education and women's representation in political parties. Specifically, the *Electoral Act* did not require political parties seeking registration to adhere to principles of gender equality.

Your Committee were informed that the SADC Gender and Development Declaration (the Declaration), a political commitment supported by all SADC members including Zambia, offered Member States specific guidance on the equal participation of women in politics. Specifically, the Declaration directed SADC leaders to ensure the "*equal representation of women and men in the decision making of Member States and SADC structures at all levels, and the achievement of at least thirty percent target of women in political and decision making structures by the year 2005.*"

It was learnt that the SADC Gender and Development Protocol (the Protocol) was the legally binding version of the SADC Gender and Development Declaration. Zambia had not yet ratified the Protocol. Nonetheless, the Government evidenced its support for the principles of the Protocol by signing the Declaration. The Protocol specifically required governments to "*put in place affirmative action measures with particular reference to women in order to eliminate all barriers which prevent them from participating meaningfully in all spheres.*"

Your Committee were further informed that despite signing this Declaration, Zambia had not achieved the 30% women's representation in most decision making bodies.

An analysis of the Gender situation in the Executive and the Civil Service indicated that both Zambia's President and the Vice President were male. Out of a total of twenty-three full Cabinet Ministers, only three were women, representing 13% of all Cabinet Ministers. The situation was similar at Deputy Ministers level, where only five (19%) were female out of a total of twenty-six. Out of a total of thirty-five Permanent Secretaries in Zambia, only seven (16%) were female, while there was no female Deputy Permanent Secretary. At District Commissioner level, only eleven (15%) were female out of seventy two.

Your Committee further learnt that the Gender situation in the Legislature was similar to that of the Executive. Out of the 150 elected Members of Parliament, only twenty-two were women. Out of the eight Members of Parliament nominated by the President, only one was female while the rest were male. Out of a total number of 158 Members of Parliament, only 15.3% were female.

It was submitted that a notable achievement was in the top positions of the Judiciary which were evenly shared with the Chief Justice and Deputy Chief Justice being male and female respectively. The High Court Judges were perfectly balanced with both male and female judges having nineteen positions apiece. Female Magistrates represented 27.27% of all thirty-three Magistrates in Zambia.

The Human Rights Commission had seven Commissioners and of these, two were women. The Anti-Corruption had five Commissioners and two were women. The Public Service Commission had six Commissioners and one was female.

In addition, your Committee were informed that with the region moving from a target of 30% to 50% under the SADC Gender Protocol, Zambia needed to work harder to improve its gender profile.

On how the Gender in Development Division had been coordinating with other institutions in enhancing the participation of women in decision making positions, the Committee were informed that GIDD had been working cordially with NGOs at national level especially in terms of information exchange and in other activities such as workshops and national women's events. Through the Sector Advisory Groups, plans and activities being undertaken

by several organisations had been shared. However, the division needed to spread out or find mechanisms of reaching the remote rural areas.

Your Committee also learnt that the slow pace at which the National Gender Policy had been implemented had been due to lack of strategies for implementing the Policy. The National Gender Policy (2000), which was aimed at streamlining gender into line ministries, did not have a plan of action until 2003, three years later when the National Strategic Plan of Action was adopted and was to run from 2003 to 2008. It should be noted that since 2008 there had been no subsequent plan to streamline gender for the period 2009 onwards.

Your Committee were informed that the slow pace at which the SADC Declaration was coming to fruition had more to do with internal structures than external ones. A number of studies conducted in Zambia had commonly pointed to some factors that hindered women's participation in decision-making positions in both administrative and political positions. These studies had shown that the whole decision-making arena and style was male dominated and alien to women. In politics, women often had a shorter history of participation in electoral politics than men and were less experienced in campaigning, public debate and relations with mass media. In certain instances, women themselves were ambivalent about entering the political fray. The key factors commonly cited are as listed below:

- (a) family responsibilities in the home;
- (b) lack of support;
- (c) lack of information/education;
- (d) apathy, lower expectations and less focus by women;
- (e) lack of finances for campaigns; and
- (f) little interest by the private sector to embrace gender equality in their institutions.

Committee's Observations and Recommendations

From the foregoing, your Committee make the following observations:

- (a) there is no political will on the part of Government and political parties to embrace the 30% participation of women in policy documents such as party manifestoes and constitutions;
- (b) there are low levels of appreciation of gender issues by most stakeholders;
- (c) Government has not made adequate consultations with cardinal stakeholders on gender issues, but instead plays a role of information disseminator;
- (d) there are no specific gender indicators that would help track progress made or encountered due to non-availability of statistical data;
- (e) there is inadequate funding for gender related programmes both in Government and the private sector budgets;
- (f) high illiteracy rates among women;
- (g) discriminatory cultural practices and cultural beliefs portraying men as leaders negatively affect women's participation in decision-making positions;
- (h) there are no monitoring mechanisms to check adherence to the SADC Protocol and other international instruments; and
- (i) there is inadequate information on gender related regional and international instruments that Zambia has signed.

The causes of the under-representation of women in decision-making are multi-faceted. Therefore, a comprehensive strategy is required to solve the problem.

Your Committee, therefore, recommend that:

- (a) all international covenants Zambia has signed aimed at reducing gender discrimination must be domesticated and incorporated into national laws;
- (b) political parties taking part in elections must be encouraged to adopt female candidates on equal representation as their male counterparts wherever possible;
- (c) a clear framework for monitoring and evaluating gender programmes on a specified timescale and with specified indicators must be adopted to accurately assess the gains made in achieving gender equality. This is necessary for ensuring that as a country, timelines indicated in all commitments are adhered to;
- (d) Gender responsive budgeting measures must be implemented to help build women's awareness about accountability and enable more responsive governance;
- (e) the Government must emphasise the need for the inclusion of women in economic empowerment programmes;
- (f) since GIDD is mandated to ensuring that gender is mainstreamed in institutions, the gap between the Ministry of Gender and Women in Development and GIDD should be levelled to ensure that GIDD does not exist as a division and that its mandate should go beyond that of a Ministry in order for the Ministry to streamline gender in all national programmes; and
- (g) the Government must ensure that it puts in place affirmative action measures to eliminate all barriers which prevent women from participating in decision-making positions.

TOPIC II: EVALUATION OF THE OPERATIONS OF THE ZAMBIA LAW DEVELOPMENT COMMISSION

7.0 The Zambia Law Development Commission (ZLDC) was established by an Act of Parliament, the *Zambia Law Development Commission Act* Cap 32 of the Laws of Zambia, on 27 June 1996. It became effective through Statutory Instrument No. 108. The Act established the Commission as a body corporate with perpetual succession and a common seal, capable of suing and being sued. It was empowered to do all things as by law a corporate body was allowed to do, subject to the Act. The said Act repealed the *Law Development Commission and Institute of Legislative Drafting Act* No. 5 of 1974.

Your Committee undertook a study to review the effectiveness of the operations of the Commission. In so doing, your Committee invited various stakeholders to provide the necessary information.

Summary of Submissions from Stakeholders

Your Committee learnt that the composition of the Commission as stipulated under section 5 of the Act comprises the following part-time members:

- (a) a Judge nominated by the Judiciary;
- (b) a representative of any School of Law in a public University;
- (c) a representative of the Institute of Economic and Social Research at the University of Zambia;
- (d) the Chief Parliamentary Draftsperson;
- (e) a representative of the Law Association of Zambia;
- (f) the Director of the Institute of Advanced Legal Education; and
- (g) not more than four persons appointed by the Minister.

Your Committee heard that the Commission under section 4 of the Act was empowered to research and make recommendations on the following:

- (a) the socio-political values of the Zambian people that should be incorporated into legislation;
- (b) the anomalies that should be eliminated in the statute books;
- (c) new and more effective methods of administration of the law and the dispensation of justice that should be adopted and legislated;
- (d) new areas of the law that should be developed which are responsive to the changing needs of Zambian society; and
- (e) the removal of archaic pieces of legislation from the statute books.

Your Committee were informed that the Commission was further mandated by the Act, under sub-section (2) of section 4 to, revise and reform the law, codify unwritten laws, review and consider proposals for law reform referred to the Commission by the Minister of Justice or members of the public, hold seminars and conferences on legal issues, translate any piece of legislation into local languages, encourage international co-operation in the performance of its functions under the Act; and do all such things incidental or conducive to the attainment of the functions of the Commission.

It was learnt that the challenges faced by the Commission in fulfilling its mandate include the following:

- (a) inadequate financial allocations from the Treasury against the budgeted figures. This had hampered the Commission's work in that it had to shelve some of its research projects pending availability of funds. Consequently, this low funding had negatively affected the Commission's performance;
- (b) the conditions of service at the Commission were not competitive enough to enable the institution attract and retain skilled and qualified professional staff at senior level. As a result, the Commission faced the challenge of filling up its establishment with qualified and experienced personnel at senior level;
- (c) lack of permanent office accommodation. At the moment, the Commission offices were situated at Plot No. 26F Cheetah Road in Kabulonga residential area, in a dwelling house. The house did not have sufficient rooms to accommodate all members of staff. Further, the Commission's stay at that place was not permanent;
- (d) section 9(5) of the Zambia Law Development Commission Act had put the quorum at any meeting of the Commission at two-thirds of the Commissioners. The two-thirds quorum requirement had proved to be a challenge as it had resulted in failure to meet the quorum in some instances; and
- (e) inadequate transport, considering the nature of the work the Commission was involved in, it required a good fleet of strong and reliable motor vehicles for its use.

Committee's Observations and Recommendations

Your Committee observe that:

- (a) low funding negatively affects the Commission's performance;
- (b) conditions of service at the Commission are not competitive enough to enable the institution attract and retain skilled and qualified professional staff at senior level;
- (c) the Commission lacks permanent office accommodation;

- (d) the two-thirds quorum requirement for meeting of the Commission has proved to be a challenge as it has resulted in failure to meet the quorum in some instances; and
- (e) the Commission lacks adequate transport rendering it ineffective in its operations.

Your Committee therefore, recommend the following:

- (a) there should be timely and sustained funding of ZLDC activities as budgeted for;
- (b) there is need to make the conditions of service more competitive in order to attract and retain qualified personnel;
- (c) there is need for the Commission to be allocated adequate and proper office accommodation on a permanent basis; and
- (d) considering the nature of the work the Commission is involved in, it requires a good fleet of strong and reliable motor vehicles for its use.

Your Committee welcome the timely 2009 amendment of section 9(5) of the Act to change the quorum at Commission meetings from two-thirds of the Commissioners to fifty percent plus one.

Your Committee further welcome the 2009 amendment of the ZLDC Act to increase the number of Commissioners at the Commission as this would improve the effectiveness of the Commission.

TOPIC III: THE GOVERNANCE OF NON-GOVERNMENTAL ORGANISATIONS (NGOs) AND CIVIL SOCIETY ORGANISATIONS (CSOs)

8.0 Zambia has seen a proliferation of Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs), some of which have no clear guidelines on their roles and structures.

Your Committee undertook a study aimed at ascertaining whether NGOs and CSOs were sticking to their stated objectives and whether there were adequate regulatory instruments to check the operations of these organisations

Summary of Submissions from Stakeholders

The Acting Registrar of Societies submitted that the regulatory instruments were adequate and these include the *Societies Act* Cap 119 of the Laws of Zambia, *the Adoption Act* Cap 54, the *Juveniles Act* Cap 53 and the *Penal Code* Cap 87, among others.

Your Committee were informed that at the time of registration, Non-Governmental and Civil Society Organisations had governance structures in place. However, in the course of running the affairs of societies, these structures tended to crumble due to some challenges, leaving a few people to administer the organisations.

Your Committee heard that internal democracy, transparency and accountability could be monitored in these organisations by checking whether they were conducting Annual General Meetings and making submissions of Annual Returns accompanied by Financial Statements. The Acting Registrar further stated that the operations of many organisations were

influenced by donors since donor funded projects were based on submitted projects proposals.

Your Committee further learnt that the office of Registrar of Societies was not adequately equipped.

The Acting Registrar stated that the challenges faced by the Office of Registrar of Societies include the following:

- many Non-Governmental Organisations and Civil Society Organisations that had been randomly inspected operated in accordance with their objectives. However, there were some organisations whose objectives were on Human Rights and Governance which were perceived not to be adhering to their objectives;
- inadequate skilled human resource;
- inadequate transport had negatively impacted on the operations of the office; and
- inadequate funding made the operations of the office difficult as officers were not able to undertake frequent monitoring and evaluation inspections.

The need to improve the operations of the office of Registrar of Societies could be seen from the increase in the number of Societies registered as shown below:

• In 1980, the number of societies registered	– 5, 020
• In 1990, the number of societies registered	– 16, 724
• In 2000, the number of societies registered	– <u>19, 560</u>
• Current number of registered societies	- <u>41, 304</u>

Your Committee wanted to know how much the budget for the Registrar’s office was. In response, the Acting Registrar stated that the requirement for the office was about 1.5 billion Kwacha but only 500 million Kwacha was released, which was very inadequate.

Your Committee were further informed that there was need for the computerisation of the Registrar’s office due to the bulk of work the office handled.

Other stakeholders informed your Committee that vibrant and secure civic organisations played a vital role in society. In most of the communities today, the work and impact of civic organisations could be seen. Though the original concentration of NGO's was largely in social and welfare activities, they had over a period of time diversified to meet the challenges of time. They now covered environment, energy and conservation measures, health, water and sanitation, population matters, relief services, informal sector, education, human rights and governance.

Your Committee learnt that NGOs and CSOs were mostly registered as societies under the *Societies Act* and as Trusts for those that fell under the *Trust Restrictions Act* Cap 63. At registration, the applicant NGOs had to provide the registering office with appropriate documents. The principal documents filed included constitutions that stipulated the objectives of the organisation and the governance structures. Details of the office bearers, extent of powers of office bearers, location of principal headquarters or office and the legal representative were filed. These laws also required the filing of annual returns and reports which kept the office of the Registrar abreast with what the organisations were engaged in during the year. The danger of NGOs and CSOs deviating from their stated objectives was very real.

Your Committee learnt that this danger was mitigated by the strictures of the contracts with

the various donors that supported these NGOs and CSOs. Donors would not provide funding to NGOs for the pursuit of work that did not further the objectives for which the organisation was set up for. The donors demand certified copies of the documents registered at the Societies Registry. It was true that NGOs and CSOs may be enticed to deviate from their objectives by the promise of funding. However, the *Societies Act* allowed the organisations to change their objectives. The NGOs were obliged to file documents indicating the change.

The other stakeholders were of the view that both the *Societies Act* and the *Trust Restrictions Act* did not have adequate regulatory instruments to check the operations of these organisations. Inspection was impossible due to the large number of organisations and the inadequate staff at the Societies Registry.

They stated that these laws needed to be expanded or replaced and a new piece of legislation passed. Realising this, in 2007 the Government introduced an NGO Bill in Parliament. Unfortunately, the Bill was perceived to have been ill-conceived and drafted in bad faith. As a result, it had to be withdrawn due to a public outcry. NGOs and CSOs felt that the Bill was limited in scope and suggested that a good NGO legislation must:

- have an objective that promotes development and allows NGOs to enjoy some measure of autonomy.
- be sufficiently liberal and inclusive definition of NGO.
- provide for an independent board or commission with participation by representatives of Civil Society, Government and the public to register and regulate NGOs.
- have relatively quick, easy and inexpensive mechanism for registration.
- clearly defined basic minimum for registration requirements.

On the issue of internal democracy, it was stated that this was based on the constitution of the organisation. The members had a right to call for elections in line with the constitution. NGOs had a governing board of trustees or members that had a responsibility to ensure compliance and adherence to the Act. And these were rotated on a regular basis at annual general meetings or general assemblies. The members of these boards may serve for a period as stipulated in the organisations' constitution the period of two years renewable seemed to be preferable. The Registrar of Societies obtained minutes of these proceedings on an annual basis. The NGOs also hired staff to form the secretariat. The donors that supported these NGOs had requirements to be complied with in respect of transparency and accountability. Annual audits were also required to be undertaken by the donors.

Committee's Observation and Recommendations

Your Committee observe that:

- a) the number of NGOs and CSOs has increased and, therefore, require regulation;
- b) the office of the Registrar of Societies is inadequately equipped and understaffed, thereby rendering its work difficult;
- c) the office of the Registrar of Societies only has two vehicles and, therefore, is unable to carry out its mandate effectively;
- d) the Department has no structures on the ground to do monitoring and evaluation of the Societies Registry;
- e) the *Societies Act* is inadequate due to the changes that have occurred in the structures of NGOs;
- f) the office of the Registrar of Societies generates much revenue through annual returns which go into Government Revenue coffers; and

g) funding to the Department is inadequate.

Your Committee, therefore, recommend that:

- a) there is need for the provision of adequate regulation for the NGOs and CSOs;
- b) the office of the Registrar of Societies should be adequately funded;
- c) more staff need to be recruited to avoid using the officers from the Department of National Registration in the provincial offices;
- d) there is need to regulate the registration of NGOs and CSOs;
- e) there is need to provide the office of Registrar of Societies with an independent office; and
- f) the revenue collected through the office of the Registrar of Societies should be channelled back into the Department to improve its operations.

Your Committee welcome the re-introduction of the NGO Bill as it will help to regulate the operations of NGOs and CSOs.

PART II

LOCAL TOUR REPORT (SOUTHERN, WESTERN AND LUSAKA PROVINCES) 17 – 24 AUGUST 2009

MAZABUKA

Your Committee paid a courtesy call on the District Commissioner (DC) in Mazabuka. They were welcomed by the DC who informed the members that Mazabuka was generally a peaceful town except for a number of road traffic accidents that had rocked the town recently due to careless driving.

He informed the members that since they were on a mission to visit Mazabuka Prison, he was quick to alert them of the fact that the prison had no running water as the prison alone owed the water utility company about nineteen million Kwacha in unsettled bills.

The District had arranged some tanks and a water bowser to ferry water to the institution in order to avoid an outbreak of diseases at the prison. However, the officers from the Prison's Headquarters expressed ignorance of the problem.

Your Committee were informed that Mazabuka District had been experiencing incidents of Gender Based Violence but the vice had been on the decline due to sensitisation of the community by the police through the Victim Support Unit.

On the abuse of children, which seemed to be on the rise in the district, your Committee heard that drug abuse and urbanisation could be one of the factors causing the increase with several compounds mushrooming in Mazabuka, such as Ndeke Compound, which had a population of about 20, 000 people.

Your Committee were further informed that the Drug Enforcement Commission (DEC) had established a branch in Mazabuka to assist in curbing the abuse of drugs. After the brief, your Committee then proceeded to the Juvenile Reformatory School situated in Mazabuka.

NAKAMBALA REFORMATORY SCHOOL

At the Reformatory School, your Committee were welcomed by the Principal and a Psychologist from the Ministry of Community Development and Social Services.

Your Committee learnt that the school was established by an Act of Parliament in 1963 with an authorised staff establishment of nineteen but currently only has thirteen who include one Principal, one psychologist, four social welfare officers in charge of administration, non-formal education, research and information and admissions and discharges, two assistants and one clerical officer. There are three instructors in carpentry and bricklaying and a cook. Almost all the members of staff are paid from the grants given by the Government.

The Principal informed your Committee that the institution was handling juveniles who had committed offences and those who needed care. The juveniles being looked after range from nine to eighteen years of age with most coming from the towns near the line of rail.

Your Committee were informed that the reformatory school faced financial and resource challenges. The following were the main challenges reported to be faced by the school:

- i) low grants being received from the Government;
- ii) lack of transport; the Institution had only one vehicle that was operational;
- iii) problem of stigmatisation by society due to lack of knowledge about the institution once the youths were discharged back into the community;
- iv) the Institution was also experiencing land problems with the Council, which had suggested that they relocate to a remote area;
- v) drug abuse was on the increase, especially among the adult boys; and
- vi) lack of recreational facilities for the youths.

Your Committee learnt that the institution needed some recreational facilities in order to keep the youths away from reoffending.

During the tour of the institution, your Committee observed that most of the infrastructure was dilapidated and in need of repair. The institution further lacked the necessary tools and equipment for the carpentry workshop.

Committee's Observation and Recommendation

Your Committee observe that:

- a) the reformatory infrastructure is in a dilapidated state;
- b) funding to the reformatory is inadequate;
- c) the reformatory lacks basic facilities for recreation for the youths; and
- d) the Institution lacks the necessary tools and equipment in the carpentry workshop.

Your Committee, therefore, recommend that:

- a) the Government should rehabilitate the infrastructure at the reformatory;
- b) funding to the Institution must be increased and given on time;
- c) tools and equipment for the workshop must be procured immediately;
- d) recreational facilities must be provided for the Institution to keep the youths in check.

MAZABUKA STATE PRISON

Your Committee toured Mazabuka Prison where they learnt that water supply was disconnected by the Southern Water and Sewerage Company due to outstanding bills amounting to about nineteen million Kwacha. However, your Committee were informed that the Regional Commander had undertaken to settle the bills in order to have the water supply restored to prevent waterborne diseases.

It was heard that the prison was using a very dilapidated kitchen where firewood was being used for cooking. This made it impossible for the prison to prepare enough meals for the inmates.

They were further informed that the prison had no transport and that mattresses and blankets were last received in 2004.

Your Committee were informed that the prison had no salt for the inmates. They expressed dismay at the state of affairs and promised to follow it up with the Regional Commander.

Committee's Observations and Recommendations

Your Committee observe that:

- a) the prison has no running water and hence the chances of having an outbreak of waterborne diseases are quite high;
- b) the kitchen uses firewood for cooking and, hence, unable to prepare three meals per day for the inmates;
- c) the inmates need blankets and mattresses;
- d) most inmates need uniforms, especially the trousers; and
- e) the prison has no transport for the transportation of the inmates.

Your Committee, therefore, recommend that:

- a) the Government should endeavour to pay the water utility company the money owed to it in order for them to restore the water supply;
- b) the prison kitchen should have electric pots fitted;
- c) more blankets and mattresses should be procured and distributed to the inmates;
- d) uniforms for inmates must be procured and given to the category of inmates who are expected to be in uniform; and
- e) transport be provided for the prison use.

LIVINGSTONE PRISON

Your Committee visited Livingstone Prison and were welcomed by the Regional Commander, Southern Province, and the Officer-in-Charge for the prison.

They were given a brief on the state of prisons in the Southern Region before being taken on a conducted tour of the Livingstone Prison facilities. Your Committee were informed that there were 594 inmates against a staff strength of seventy officers.

Your Committee were shown the rehabilitation works that were currently being undertaken at the prison and then they met the female prisoners. They observed that the space was inadequate but this was due to rehabilitation works.

The Regional Commander informed your Committee that the garden account had about 3.7 million Kwacha and the carpentry workshop had a balance of 3.9 million Kwacha. They further learnt that, despite having all this money, the prison had inadequate machinery and what was available was old and no longer working. The tailoring shop was not operational to teach practical skills to the inmates. They were informed that whatever money was raised at the production unit was deposited in the Prison Industry Revolving Fund (PIRF) account which was administered by the Commissioner.

Your Committee were informed that the prison had no mealie meal and salt in stock. Your Committee were further informed that prisoners' uniforms were inadequate as the only things available were shirts.

The Regional Commander stated that prison staff lacked accommodation. It was revealed that three officers shared one house. They further learnt that the rehabilitation works did not include the prison camp.

Your Committee learnt that the prison needed an ambulance and that prisoners walked to the hospital.

The Regional Commander informed your Committee that the prison was not designed for female prisoners as there were no facilities for them.

Committee's Observations and Recommendations

Your Committee observe that:

- a) the prison has inadequate machinery and equipment for the workshop;
- b) the tailoring shop is not operational and so no skills are being imparted to the inmates;
- c) prison staff have inadequate accommodation and are sharing the few houses that are available;
- d) the prison has no ambulance to take prisoners to the hospital;
- e) the inmates, who are expected to wear uniforms, do not have adequate uniforms; and
- f) the prison was not designed to accommodate female inmates and, hence, has no facilities for them.

Your Committee recommend that:

- a) machinery and equipment be procured for the prison as this will help in the rehabilitation of the inmates;
- b) machinery be procured and the tailoring shop be opened for the inmates to benefit;
- c) there is need to build staff houses for the Institution in order to motivate the staff;
- d) an ambulance be sourced for the Institution; and
- e) facilities for the female inmates must be included in the ongoing rehabilitation works at the prison.

LIVINGSTONE WOMEN'S ORGANISATION

Your Committee visited Kwenuha Women's Association which is involved in the rehabilitation of former sex workers and their children. They were informed that Women's Association took care of women aged between thirteen and forty-nine years old. It was stated that most of the women were on the streets due to poverty and HIV related issues.

Your Committee were informed that there was need to have a linkage with the Department of Social Welfare but they were not ready due to limited funds. Your Committee were further informed that there were about fifty-four HIV positive women who were in the Home Based Care group.

Your Committee were further informed that the Young Women's Christian Association (YWCA) was involved in advocacy but due to limited funds they were not very active. Your Committee were informed that the YWCA also had a drop-in centre where victims of Gender Based Violence could seek advice.

SESHEKE STATE PRISON

Your Committee visited Sesheke Prison and were welcomed by the Regional Commander – West and the Officer-in-Charge. They were informed that Sesheke Prison had a total of 125, inmates, of whom eighty-one were male convicts, forty remandees, three male juvenile remandees and one male committed convict. The prison did not have any females. However, the prison did not have a female and juvenile cell which had led to them using the reception offices as an alternative and had since started building a female cell which was at roof level.

The staff strength at the prison was reported to be twenty-two with two officers on sick leave and three on study leave. Your Committee were informed that the station had a shortage of staff and that four officers were still waiting to be transferred.

Your Committee learnt that although the general security of the prison was calm, the wire fence and the poles were in a deplorable condition and needed urgent attention.

In production, your Committee were informed that the prison had planted 3,000 star tomatoes, 2,000 tengeru, 2,500 star cabbages and 2,500 riana cabbages. They were also informed that the station had twenty-six goats. Money raised from production was deposited into the Prison Industry Revolving Fund (PIRF) account and, when they needed money, they made a request for funds from the Commissioner's office.

Your Committee were informed that the prison was experiencing water problems as they depended entirely on the water from the water and sewerage company and the water supply became erratic from August to December, limiting the way they grew their vegetables. They stated that there was need to have some boreholes dug at the prison to alleviate the water shortage.

Committee's Observations and Recommendations

Your Committee observe that:

- a) there is a shortage of staff at the prison;
- b) the prison has no office for the prison staff who are currently using an old building which belonged to the hospital; and
- c) the prison lacks constant water supply.

Your Committee recommend that:

- a) prison staff be deployed to the prison to alleviate the shortage of staff;
- b) an office block be built at the prison; and
- c) some boreholes be sunk at the prison to improve the water supply.

SENANGA STATE PRISON

Your Committee visited Senanga Prison and were received by the Officer-in-Charge and other prison staff.

They were informed that the prison had a total of 140 inmates against staff strength of thirteen. Of the staff, one was on study leave and the other was on national duties. This meant that the ratio of prison staff to inmates was 1:10 instead of the established 1:4.

On the prisoners' welfare, your Committee were informed that more uniforms, blankets and mattresses were needed.

Some of the challenges faced include congestion and sanitation at the prison. Your Committee were informed that the whole sewer system was completely blocked and the pipes were broken down and needed to be replaced.

Another issue of concern was overcrowding due to the fact that there were more remandees than the convicted prisoners. This was because the police station had no holding cells for remandees.

Your Committee further learnt that the prison had no vehicle since its inception. There was an urgent need for the purchase of a vehicle for the prison as operations were affected.

Your Committee were further informed that staff at the prison had no accommodation and relied on rented accommodation.

Committee's Observations and Recommendations

Your Committee observe that:

- a) there is a shortage of staff at the prison;
- b) the prison is congested as there are more remandees than convicts due to lack of a holding cell at the police station;
- c) there is a serious sanitation problem at the prison as the whole sewer system is completely blocked and the pipes are broken down;
- d) there is no transport at the prison; and
- e) there are no staff houses for the prison officials.

Your Committee recommend that:

- a) more prison officers be sent to the prison;
- b) the Government should construct holding cells at the police station to decongest the prison cells by removing remandees;
- c) the sewer system needs to be worked on to avert an outbreak of disease;
- d) transport should be provided for the prison; and
- e) staff accommodation should be constructed.

MONGU CENTRAL PRISON

Your Committee were welcomed by the Regional Commander - West and the Officer-in-Charge of the station.

Your Committee were informed that the prison had a total of 588 inmates against a staff strength of thirty-three officers although the authorised staff strength was sixty. This gave an indication that there was a staff shortage that needed to be addressed.

The Regional Commander informed your Committee that the prison had only one truck which was used for ferrying prisoners and also to carry out prison errands.

Your Committee further learnt that the prison had a workshop without any tools available.

The Regional Commander stated that the prison experienced erratic electricity and water supply and that the sewer system was damaged which had resulted in there being no flow of water at the prison. Your Committee heard that the prison experienced congestion due to delayed judgements.

Your Committee observed that there were a number of inmates that were in prison for various offences that did not warrant them to be incarcerated in prisons. Such cases included civil cases referred to the prison by local court justices. In two of the cases, your Committee had to intervene by involving the Provincial Local Courts Officer to have two women released on bond pending their cases hearing as their cases did not warrant them being in prison.

Your Committee further advised the same officer to try and organise a seminar in order to sensitise the local court magistrates on the need to scrutinise cases that were being referred to prison in order to help decongest the facilities.

Your Committee further learnt that the prison was experiencing problems with the Municipal Council, which was demarcating land within the prison garden and offering it to other developers.

Committee's Observations and Recommendations

Your Committee observe that:

- a) there is a shortage of staff at the prison;
- b) the prison workshop has no equipment and tools;
- c) the prison has erratic water supply and electricity; and
- d) the land meant for the prison garden is being offered to other developers.

Your Committee recommend that:

- a) more prison officers be deployed to the prison to alleviate the shortage of staff;
- b) adequate tools be procured for the workshop;
- c) water and electricity supply should be improved at the station; and
- d) the Government should liaise with the Municipal Council to find alternative land instead of depriving the prison of the land for gardening activities.

MWEMBESHI OPEN AIR PRISON

Your Committee visited Mwembeshi Open Air Prison and were informed that the prison farm had 359 convicted prisoners. They learnt that the farm was acquired in 1975 for the purpose of increasing agricultural activities.

They were further informed that the staff strength at the prison was fifty-one, comprising forty-one males and ten females. This left the ratio of officers to prisoner at 1:12 as opposed to the statutory requirement of 1:4.

On the issue of health, your Committee were informed that generally most prisoners and members of staff were healthy except for two female officers, one of whom had been on sick leave for thirty days and another who was admitted for malaria at Lusaka Trust Hospital.

They were further informed that prisoners and staff were treated at a local clinic but critical cases were usually referred to Makeni Clinic or University Teaching Hospital for further attention. However, the prisoners and members of staff needed the services of an ambulance considering the distances involved.

On the issue of foodstuffs, your Committee were informed that prisoners had adequate stocks. However, there was need to rehabilitate the kitchen and equip it with modern electric pots. There was also lack of plates and cups for use by the prisoners.

Your Committee were also informed that prisoners needed new uniforms, especially trousers, and that this issue had been presented to the Commissioner of Prisons.

On the reformatory programmes that were being offered, your Committee learnt that prisoners were taught how to be self-reliant in food production. Your Committee further learnt that the Chaplain conducted counselling sessions to prisoners and other spiritual programmes with churches. The prison also allowed prisoners to play football and some of them were in the Mwembeshi Football team which was in the amateur super league.

Your Committee was taken round to see the drip garden which had tomatoes, cabbages and other plants in various stages of growth. They also saw the orchard which had 1.5 hectares of bananas. Your Committee also visited wheat irrigated under a centre pivot system which covered an area of about forty hectares.

At the Maximum Prison site, your Committee found a contractor on site and work was in progress. There was one block comprising 1x4 dormitories and a dining hall already completed.

On the need to employ a book-keeper to manage the huge amounts realised from the farming ventures engaged in, your Committee were informed that the Commissioner would have to be consulted as currently there was only a cash officer.

Committee's Observations and Recommendations

Your Committee observe that:

- a) the prison is understaffed;
- b) the kitchen at the prison uses firewood;
- c) the prison has no plates and cups;
- d) prisoners have no uniforms; and
- e) the prison has no book-keeper to manage the huge amounts of money generated from the various farming ventures.

Your Committee, therefore, recommend that:

- a) more prison officers be deployed to the prison;
- b) there is need for a modern kitchen to be constructed and fitted with electric pots;
- c) there is need to procure more cups and plates for the inmates;
- d) more uniforms need to be procured for the inmates; and
- e) there is need to employ a book-keeper to manage the accounts at the prison.

LUSAKA CENTRAL PRISONS (CHIMBOKAILA)

Your Committee toured both the male and female sections of the Lusaka Central Prisons. It was learnt that the prison was congested and also needed rehabilitation. Most inmates were in need of uniforms, blankets and mattresses.

Most of the inmates complained of delayed appeals, which made them stay longer in prison cells.

Committee's Observations and Recommendations

Your Committee observe that:

- a) the prison is congested;
- b) prisoners have inadequate mattresses and blankets;
- c) the prison facilities need rehabilitation;
- d) there are inadequate cups and plates at the prison;
- e) there are a number of children detained with their mothers at the prison; and
- f) prisoners do not have sufficient uniforms.

Your Committee recommend that:

- a) the Government should speed up the process of transferring prisoners from the prison to other prisons that are less congested;
- b) the Government should procure adequate uniforms, mattresses and blankets for the prisoners;
- c) rehabilitation of the prison should be a matter of priority;
- d) plates and cups should be procured for the prisoners use; and
- e) suitable detention facilities that are child-friendly should be organised to avoid keeping young children in unsafe conditions.

SUBMISSION BY THE DEPUTY COMMISSIONER OF PRISONS

Following the tour of prisons, the Committee resolved to invite the Deputy Commissioner of Prisons to make a submission on the various matters arising from their tours.

At a meeting held at Parliament Buildings, the Deputy Commissioner of Prisons submitted that the Zambia Prisons Service was mandated under the Constitution of the Republic of Zambia to provide custodial and correctional services to inmates in the country.

While providing quality correctional services, the Service had a duty to help increase industrial and agricultural production in the country.

The Deputy Commissioner stated that he hoped that the Government would continue to support the Service for it to meet its mandate and contribute to the creation of an environment conducive for high investment, high productivity, increased employment opportunities, enhanced income distribution and, consequently, poverty reduction.

Legal Framework

The Deputy Commissioner submitted that the Prisons Service was established under Sections 8 of Cap 97 of the Laws of Zambia. This section draws its legality from Part VII of the Republican Constitution, particularly Articles 106 and 107.

The administration of the Prisons Service under Section 10 of Cap 97 is vested in the Commissioner of Prisons who is a Public Officer appointed by the President and is answerable to the Minister of Home Affairs for the day to day running of the Service.

Core Functions

The Deputy Commissioner stated that the Prisons Service's core functions are identified as follows:

- i) Custodial – dealing with the safe custody of inmates held in Prisons;
- ii) Correctional –dealing with the rehabilitation and reformation of inmates;
- iii) Administration and Human Resource - dealing with the management, supervision and control of Prison Officers as well as prisoners lodged therein; and
- iv) Production- supportive function that deals with agricultural and industrial production.

Number of Prisons and their Classification

The Deputy Commissioner further submitted that there are fifty-three conventional prisons, thirty-three Open Air Prisons and one Reformatory School. These are classified as follows:-

- Maximum Security Prison;
- Medium Security Prison;
- Remand Prison;
- Female Prison;
- District Prison;
- Open Air Prison; and
- Reformatory School.

Prison Population

Your Committee learnt that the Prison population had increased from about 3,000 prisoners at the attainment of independence in 1964 to 15,664 as of 23rd August 2009. Of the total 15,664 inmates, 65% were convicted male prisoners, 26% were unconvicted male (or remandees) prisoners, 2% were condemned prisoners while male and female prohibited immigrants account for only 1%. Male juvenile remandees and convicts account for 1% each while those sentenced at the President's Pleasure (the PP) were as insignificant as 0.3%.

Classification of Prisoners	Number of Classified Prisoners	Percentage %
Male Convicted	10,511	67.1
Female Convicted	247	1.6
Male Remands	4,064	25.9
Female Remands	152	1.0
Male Prohibited Immigrants	150	1.0
Female Prohibited Immigrants	16	0.1
Male Condemned	239	1.5
Female Condemned	2	0.0
Male Juvenile Convicted	190	1.2
Male Juvenile Remands	175	1.1
Female Juvenile Remands	6	0.0

Male (the PP)	44	0.3
Female (the PP)	1	0.0
Male Lifers	110	0.7
Female Lifers	4	0.0
TOTALS	15,664	100.0

Distribution of inmates as of 23rd August 2009

On the distribution of prisoners according to the provinces, the Deputy Commissioner stated that figures indicated that Central Province had more prisoners than any other province with 23% of the total 15,664. Copperbelt Province was next with 22%, followed by Lusaka with 13%. Luapula had the lowest number of inmates accounting for only 4% of the total Prison population.

He further stated that the security situation country-wide in prisons was generally normal and the food situation country-wide was also satisfactory.

Organisational Structure

On the organisational structure of the Service, the Deputy Commissioner submitted that the administration of the Service was divided into the following:

- i) **Prisons Headquarters Command** – forms the National Command and was headed by the Commissioner of Prisons who was supported by:
 - three Deputy Commissioners;
 - two Senior Assistant Commissioners;
 - six Assistant Commissioners and a number of uniformed and non-uniformed officers of various ranks and positions.
- ii) **Regional Command:** the Service's Regional Command was divided into nine Regions headed by respective Regional Commanding Officers.

The nine regions are Central, Copperbelt, Lusaka, Southern, North-Western, Northern, Luapula, Western and Eastern.

- iii) **Staff Training College-** was administered by a commanding officer who was an Assistant Commissioner by rank.
- iv) **Reformatory School** - was also administered by a commanding officer of the rank of Chief Superintendent.
- v) **Prisons Stations** –these were administered by officers-in-charge of varying ranks depending on the size and population of the prisoners. These officers-in-charge were appointed by the Commissioner of Prisons as per provisions of Section 5 of Cap 97 of the Laws of Zambia.

Staff Strength

The District Commissioner submitted that the Service had a staff establishment of 2,023 personnel; this included 423 non-uniformed staff. The current number of staff when compared to the prison population of 15,664 inmates gave a wide gap that needed urgent attention. The standard staff to inmate ratio was 1:4 and considering the ever increasing Prison population due to the raising crime wave, the Service was far from the set United Nations Standard Rules for the treatment of Offenders and the *Prisons Act Cap 97* of the Laws of Zambia.

The Service had since 1984 been requesting the expansion of its staff structure through the restructuring programme. The approved prison structure that was proposed a decade ago required further amendments as it did not cater for the current Penal Institutional requirements. The approved structure did not fully address the global shift in penal management from retributive justice to the rehabilitation criminal justice model.

International Relations

Your Committee were informed that the Service had started sending its staff for United Nations operations. Currently, there were two senior officers out on peace missions in Darfur, Southern Sudan, and Liberia, respectively. Five other senior officers had just returned from Darfur, Southern Sudan while, another contingent of eight officers was undergoing preparatory training awaiting deployment to UN operations.

The Service, last year, 2008, hosted, Ministers and Heads of Correctional Services from within Africa for the launch of the African Correctional/Prisons Services Association (ACSA). Zambia, therefore, had the Chairmanship of the Association.

The Service had integrated itself well with the international community with respect to International Human Rights Organisations and Correctional Services such as International Corrections and Prisons Association (ICPA), Law Reform International and Criminal Justice Association (LRICJA) and International Prisons Chaplaincy Association (IPCA).

Prisons Building

Your Committee were further informed that the current prison infrastructure had a holding capacity of 5,000 inmates although it was currently holding more than 15,600 inmates. Inevitably, this had left almost all the prisons country-wide congested, especially those along the line of rail.

In addressing overcrowding, the Government, in conjunction with the Royal Danish Embassy, rehabilitated Kamfinsa State Prison where more bed spaces were created. This facilitated the transfer of inmates to Kamfinsa from highly congested prisons like Lusaka, Kabwe Maximum and Medium Prisons.

The operationalisation of the *Prisons Amendment Act No. 16 of 2004* that stipulates the establishment of the Parole Board shall, with the Prerogative of Mercy by the Republican President, ensures public safety and, consequently, assists in decongesting prisons. He submitted that in the first phase, twenty-three inmates from Lusaka Region were released on 25th July 2009 on parole.

The Act also stipulates that the Parole Board shall also implement non-custodial sentences that include community sentencing. The Service has received support in the implementation of the parole programme from various sectors that include Access to Justice Programme in the form of technical and material support. The Access to Justice Programme had continued to train and render technical support in addition to procuring two Isuzu double cab vans and twenty motor bikes for purposes of easy monitoring of parolees as well as hearing of applications from would be parolees.

The District Commissioner further stated that most of the prisons buildings were built in the colonial days and were now old structures that needed replacement. There were only a few prisons that were built in the post independence era and these were Mazabuka, Mpima, Kansenji, Mufulira, Lundazi and Mansa.

The physical state of most prisons built in the colonial days was deplorable, not secure and not fit for human habitation. Prisons such as Kabompo, Luwingu, Kalabo and Mwinilunga deserved urgent attention for rehabilitation.

Problems encountered and efforts being made to address the problems

The Deputy Commissioner submitted that the Service was faced with numerous problems that include those set out below.

- **Over crowding** –the population of 15,664 was too high for structures that were originally built for 3,000 prisoners. The official holding capacity of all the Prisons in the country was 5,000 prisoners.

Efforts made to counter this problem - the Zambia Prisons Service had been decongesting highly congested prisons such as the Lusaka and Kabwe group of prisons by transferring inmates mainly from Lusaka Central Prison and Mukobeko Maximum Prison in Kabwe to Kamfinsa State Prison in Kitwe. The few bed spaces created in Mukobeko through these transfers were filled up by long sentence inmates transferred from Lusaka Central.

The transfer of inmates between stations and the Presidential pardons had a positive effect on reducing overcrowding in prisons. In Lusaka, the prison population had dropped from an all time high of 3,000 inmates to 1,900.

The Government, in this year's budget (2009), allocated K7 billion towards the completion of Mwembeshi Maximum Prison, which had stalled in 1974. Currently, four dormitories, a security wire fence and a kitchen have been completed. A borehole had also been sunk while electricity had been paid for and ZESCO was in the process of connecting power. An average of 500 inmates would be accommodated at the new Mwembeshi Maximum Prison; this would further reduce congestion, especially at Lusaka Central Prison.

In addition to the construction of Mwembeshi Maximum, the Government allocated K2 billion for the renovation and upgrading of the Livingstone Prison to a grade "B" Maximum Prison to help decongest Mukobeko Maximum Security Prison.

Kabwe Female Prison had a new prison cell built with a capacity of fifty prisoners in 2007/2008. This further increased prison space and reduced overcrowding in prisons that accommodated female inmates.

The Service also acquired Nyangu Camp in Kaoma (former SWAPO military camp) and converted it into a prison. However, lack of finances to renovate the buildings had caused a delay in fully utilising the facility.

- **Shortage of staff** –there was inadequate staff coupled with the problem of low morale which was evident among staff in the Zambia Prisons Service as their conditions of service remain unattractive.

Efforts made to counter this problem- the Government, last year, 2008, started discussing the Conditions of Service for employees of Zambia Prisons Service in accordance with the circular number TS/2/1992 of 23rd May 1992, which equated the service to the Defence Forces and other security wings.

Following the approval by Cabinet Office of the new Prisons Establishment Structure, (according to the Ministry of Home Affairs Restructuring Report 2005), the Department may recruit up to 3,000 officers in a period of five years starting with 1,000 officers next year,

2010. In 2009, the Service would recruit 100 Warders and Wardresses to fill the existing vacancies.

- **Staff accommodation** – in most prisons staff houses were not adequate and the few available were in a deplorable condition. Officers did not only share accommodation but also slept in structures that were not meant for officers' accommodation.

Efforts made to counter this problem: The Government allocated K3 billion and K4 billion in the 2008 and 2009 budgets, respectively, for the construction and rehabilitation of staff houses. The project was officially launched by the Honourable Minister of Home Affairs in August, 2008 and, so far, out of the twenty houses planned for in Mukobeko Prison Reserve, six have been roofed, two built up to gable level and twelve at foundation level. The project would eventually shift to Lusaka as well as other provinces.

The Government purchased two houses from the Presidential Housing Initiative for senior officers in Lusaka in 2008 and had also promised to allocate the Service with two other houses in Solwezi that would be procured in 2009.

The Service had planned for procurement of at least ten houses for senior officers in Kabwe where most of the senior officers were based to cut on the cost of housing rentals.

- **Lack of workshop tools-** all the workshops did not have tools, hence the decline in industrial activities.

Efforts made to counter this problem: The workshops throughout the country were being rehabilitated and equipped. So far, Kabwe Maximum Security Prison Workshop had been equipped with twenty-two industrial sewing machines. Kabwe Female Prison also received eight industrial sewing machines to help train the inmates. Carpentry, ceramics and metal fabrication equipment were planned for purchase in 2010.

- **Lack of security devices** - the prisons had no modern security devices, which made monitoring inside the cell after lock up and around the prison premises very difficult.

Efforts made to counter this problem: The Government had budgeted for the purchase of modern security gadgets and the process of procurement was under way.

Achievements in the Agricultural Sector

The following were some of the achievements in the Agricultural sector:

- i. establishment of ranches with 484 cattle at Medium Prison in Central Region, 114 at Chingola and 104 at Petauke Prisons, all valued at **K3.5 billion;**
- ii. establishment of a piggery house at Medium Prison with 129 pigs valued at **K52 million;**
- iii. establishment of ranches at various Prisons stocked with a total 364 local breed valued at **K546 million;**
- iv. establishment of chicken runs at Medium Prison and Mwembeshi Prison; the total value of layers currently in stock was **K89 million**, while the value of broilers was **K74 million;**
- v. installation of a drip Irrigation system for vegetable production at four prison centres, namely: Lusaka Central, Mwembeshi Prison Farm, Chipata Prison and Kansengi Prison in Ndola;
- vi. revival of the overhead irrigation system at Kalonga Prison farm in Kabwe.
- vii. opening up of Nyango Open Air Prison in Kaoma;

- viii. establishment of orchards at Ipafu Open Air Prison, Mwembeshi Prison Farm and Chondwe Prison;
- ix. commencement of fish farming at Katombora Reformatory School with the stocking of eight fish ponds with fish fingerlings. Sun International Hotels assisted in setting up this venture;
- x. construction of a 3, 500 cubic meter water reservoir with the help of the Ministry of Agriculture and Cooperatives at Mwembeshi Prison Farm;
- xi. feeding of inmates from maize grown in Prison Farms, thereby reducing the budget burden for the Central Government;
- xii. for the 2008/9 season, the Service was expecting to harvest at least 52,000 x 50kg of maize from its main production centres country-wide; the total maize output was valued at K3.4 billion. The maize would be used for inmates' consumption while the excess would be sold;
- xiii. while using local seed and without using fertiliser, the Service produced 2,000 x 50kg of beans in Northern and Luapula Regions only; the market value of the total output was K500 million;
- xiv. wheat production at Mwembeshi Prison was estimated to yield **K362 million** from the forty hectares cultivated; and
- xv. the Zambia/Egypt Farm Joint Venture in Mwembeshi produced a total of 9,600 x 50kg of maize valued at K624 million during the 2008/9 season.

Outstanding Bills

Your Committee were informed that the Service owed huge amounts for goods and services rendered to it as tabulated below:

Zamtel	1,200,000,000
Zesco	2,800,000,000
Insurance of Motor Vehicles	700,000,000
Water utility companies	2,400,000,000
Fertilisers	900,000,000
Motor cycles	223,000,000
Purchase of Motor Vehicles	2,720,000,000
Total	10,943,000,000

These bills had accumulated as a result of inadequate budget provisions in the previous years. The Deputy Commissioner appealed to your Committee to consider releasing supplementary funding to the Service to enable it settle the outstanding bills.

Committee's Observations and Recommendations

Your Committee observe that the submission by the Deputy Commissioner of Prisons, by and large, confirm the observations of the officers-in-charge on the major challenges prisons in the country are facing.

Your Committee, therefore, urge the Government to expeditiously resolve the outstanding issues that have been highlighted under the respective prisons visited.

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CONSIDERATION OF THE ACTION-TAKEN REPORTS ON THE TWO REPORTS OF THE COMMITTEE FOR 2008

Topic 1: Women, Land Acquisition and Customary Law: A Legal and Gender Concern

Your previous Committee had implored the Government to:

- (i) amend *Article 23 of the Constitution Cap 1* of the Laws of Zambia;
 - (ii) amend the *Intestate Succession Act Cap 59* of the Laws of Zambia so that land held under customary land tenure could be inherited by a surviving spouse and children;
 - (iii) adopt and domesticate all protocols that relate to women and children's rights; and
 - (iv) create a Women's Empowerment Fund with guidelines on its administration to enable women access financial resources.
- a) With regard to the recommendation that *Article 23* of the Constitution should be amended, your Committee were informed that the National Constitution Conference was sitting to consider the Mung'omba Draft Constitution and this issue would be dealt with during these deliberations.

Committee's Observations and Recommendations

Your Committee had resolved that they would await a progress report after the conclusion of the National Constitutional Conference deliberations.

- b) As regards the recommendation that the *Intestate Succession Act* Cap 59 of the Laws of Zambia be amended so that land held under Customary Land Tenure could be inherited by a surviving spouse and children, your Committee were informed that the Zambia Law Development Commission was carrying out consultations with chiefs and other relevant stakeholders on the proposal to amend the *Intestate Succession Act* so that widows and children could inherit customary land. The consultations were on going and, depending on the outcome, the Act may be amended to take into consideration the recommendation of your Committee.

Committee's Observations and Recommendations

Your Committee would like to urge the Government to expedite the consultations and insist that there is need to amend the *Intestate Succession Act*.

- c) Responding to your Committee's recommendation regarding the domestication of protocols that relate to women and children rights, your previous Committee were further informed that the Government had also adopted a number of protocols relating to women and children's rights. Some of them are the African Union Protocol on the rights of women in Africa, the Charter on Gender Equality, Youth and People with Disability and the United Nations Convention on the Elimination of all forms of Discrimination against Women. The Government would only domesticate some of them after consultations with relevant stakeholders.

Committee's Observations and Recommendations

Your Committee would like to be updated on the measures used to gauge the progress made in domesticating the provisions of the Convention on the Elimination of all forms of Discrimination against Women.

- d) With regard to your Committee's recommendation to create a Women's Empowerment Fund, your Committee were informed that the Government had launched the Citizens Economic Empowerment Fund. The policy of the Government was to place all funds under one umbrella fund, namely the Citizens Economic Empowerment Fund, which does not discriminate against any gender. A commission was administering the Fund, assisted with very clear and specific guidelines. Women and vulnerable groups were being encouraged to access financial resources from this Fund.

Committee's Observations and Recommendations

Your Committee urge the Government to take affirmative action in assisting women and vulnerable groups to access the empowerment funds.

Topic 2: The Criminal Justice System and Congestion in Zambia's Prisons

Your previous Committee were concerned with congestion in prisons and other detention facilities in Zambia and undertook a study to assess the measures, if any, that the Government had put in place to decongest the prisons.

Your Committee recommended that the Government should:

- (i) consider building more prison facilities to accommodate the increased prisoner intake;
- (ii) renovate existing prison facilities;
- (iii) improve communication, cooperation and coordination among criminal justice institutions and other stakeholders;
- (iv) increase competence and motivation of personnel in criminal justice institutions;
- (v) improve funding to the prisons, police, the Judiciary and the DPP's Office; and
- (vi) establish a co-coordinating mechanism among the offices of the police and the DPP's Office in order to strengthen investigations and prosecutions.

Your previous Committee were informed that the Government fully agreed with the recommendation that more prison facilities should be built to accommodate the increasing number of prisoners. In this regard your Committee were informed that, in this year's Budget, fifteen billion Kwacha had been allocated towards completion of the Mwembeshi Maximum Prison. The Government hoped that once the Mwembeshi Maximum Prison was completed, it would help to ease the accommodation for the increased number of prisoners.

As regards, the recommendation that existing prison facilities be renovated, the Committee were informed that four billion Kwacha had been allocated in that year's Budget for the purpose of renovating and upgrading the Livingstone Prison to Grade B Maximum Prison. This measure would also go a long way towards decongesting prisons in the country.

Furthermore, Kabwe Female Prison had a new prison cell built. The capacity of the cell was fifty prisoners. This was commissioned on 8th August, 2008 by the Honourable Minister of Home Affairs. This would also contribute towards decongesting overcrowding in prisons.

Your previous Committee were further informed that as a way of improving the conditions of living for both officers and inmates, the Government was working in conjunction with the Royal Danish Embassy to rehabilitate Kamfinsa State Prison and Katombora Reformatory School, including staff houses. It was worth mentioning that the rehabilitation at Katombora included the electrification of the whole reformatory community.

Furthermore, the Zambia Prisons Service had been decongesting highly congested prisons such as the Lusaka and Kabwe Prisons by transferring inmates mainly from Lusaka Central Prison and Mukobeko Maximum Prison in Kabwe to Kamfinsa State Prison in Kitwe. The few bed spaces created in Mukobeko through these transfers were then filled up by long sentence inmates transferred from Lusaka Central.

The transfer of inmates between stations and the Presidential Pardons have had a positive effect on reducing overcrowding in prisons. In Lusaka, for example, the prison population had dropped from an all time high of three thousand inmates to one thousand five hundred. In general terms, the total prison population had dropped from 15,400 to 13,500 inmates country-wide.

The recommendation by your Committee that there should be close coordination and cooperation among criminal justice agencies had in fact been initiated in Lusaka with the establishment of a Technical Committee at the monitoring and operational level which reports to a Steering Committee at the policy level under the “**Access to Justice Programme.**”

The Technical Committee planned and helped in the implementation of activities. Members of this Committee were drawn from the five key criminal justice institutions of the Zambia Police Service, the Prison Service, the Judiciary, the Legal Aid Board, and the Directorate of Public Prosecutions. The Steering Committee had since scored some positive achievements. For example, it approved a prison audit to be done, which would generate a lot of information with regard to prison conditions and overcrowding. It also initiated the construction of Justice Houses in five Provinces, namely, Western, Luapula, Eastern, Northern and North-Western.

Committee’s Observations and Recommendations

Your Committee would like to be updated on the operations of the ‘Access to Justice Programme’, progress on the prison audit and the construction of the Justice Houses.

By way of increasing competence and motivation of personnel in criminal justice institutions, twenty Victim Support Unit (VSU) officers recently underwent training at Chainama College in Psychological Counselling. The aim of the course was to build capacity and enhance VSU officers in handling emotion related problems in their duties. Another set of police officers undertook a training course in Gender at Evelyn Hone College.

Furthermore, a consultant was identified to conduct a training needs assessment of justice agencies. This would help to identify gaps that need attention in the Criminal Justice System.

Committee’s Observations and Recommendations

Your Committee would like an update on the findings of the training needs assessment for the justice agencies.

Your Committee were further informed that there were plans to conduct follow up training for assistant registrars and senior clerks of courts to enhance their capacity in delivering services. This process was already underway. Additionally, thirty police prosecutors were expected to be trained at the National Institute for Public Administration. The training of these prosecutors should go a long way in enhancing and increasing competence in their duties.

In addition, sixty police investigators were expected to be trained in Criminal Investigation Techniques at Lilayi Police Training College. This would increase the competence of these officers in handling complicated criminal cases that were unfolding with modernity. Furthermore, the Parole Board Members of Zambia were expected to travel to Canada for training in the use of the Parole System. The said course would assist the Board members to appreciate the implementation of parole in Canada.

Committee's Observations and Recommendations

Your Committee take note of the response and would like a progress report on the training of the assistant registrars, senior clerks of courts, police investigators, police prosecutors and the Parole Board.

Improved funding to the prisons police, the Judiciary and the DPP's office is a matter that shall be pursued by the relevant ministries and institutions during the budget process.

Finally, plans were underway to establish a coordinating mechanism among police officers and the DPP's office in order to strengthen investigations and prosecutions. The two institutions were currently working closely together.

Committee's Observations and Recommendations

Your Committee, while noting the response, would like to be updated on the progress made in the establishment of the coordinating mechanism among police officers and the DPP's office.

Your Committee observe that the aspect of reform of the prisoners is not considered when prisoners are sentenced. Another aspect that has not been considered is the issue of alternative sentencing, especially involving community service. Your Committee were of the view that supervision of the convicts need not be done by the prison authorities but also the institutions where the convicts are attached for service. They, therefore, wish to be updated on the issues raised.

3. TOUR REPORT

3.1. Mukobeko Maximum Security Prison - Kabwe

Your previous Committee recommended that:

- (i) funding to the prison should be improved;
- (ii) equipment should be replaced;
- (iii) more prison cells should be built and existing ones rehabilitated;
- (iv) accommodation for prison officers should be improved;
- (v) the diet for the convicts should be improved and quantities increased;
- (vi) more prison officers should be deployed to the prison;
- (vii) procurement of foodstuffs for the prisons should be decentralised;
- (viii) modern security gadgets should be fitted at the prison;

- (ix) suspects should be taken to court on time to avoid infringement of their rights to a speedy and fair trial;
- (x) more beds, mattresses and blankets should be purchased; and
- (xi) Ministry of Home Affairs officials should visit the prison to have up to date information on the situation at the prison.

With regard to the concern of inadequate prison cells and that the Government should build new cells and rehabilitate existing ones, your Committee were informed that the Government was currently undertaking rehabilitation of existing prison cells as an on-going programme as a measure to address the poor prison accommodation.

The Government shared your Committee's concern regarding accommodation for prison officers. Your Committee were further informed that the Government allocated three billion Kwacha in the year's budget for the Prison Housing Project for staff. This project had since taken off in Mukobeko and would eventually spread to all provinces.

In addition to the construction of Mwembeshi Maximum Prison, the Government had allocated four billion Kwacha for renovation and upgrading of Livingstone Prison to grade "B" maximum prison to help decongest Mukobeko Maximum Security Prison.

Kabwe Female Prison had a new prison cell built with a capacity of fifty prisoners in 2007/2008 and was commissioned on 8th August, 2008 by the Honourable Minister of Home Affairs; this further increased prison space and reduced overcrowding in prisons that accommodated female inmates.

The Prison Service had further put up a programme to operationalise the *Prisons Amendment Act No. 16 of 2004* that stipulates the establishment of the Parole Board that would help decongest the prisons through the early release of prisoners from prisons throughout the country. Two hundred and fifty million kwacha has been set aside for the establishment and initial operations of the Parole Board.

Committee's Observations and Recommendations

Your Committee would like to be updated on the progress made in the operationalisation of the Parole Board.

Your previous Committee's concern over poor diet for prisoners was noted. Your Committee were informed that the Prison Service had embarked on a programme of growing its own vegetables, maize and other foodstuff with a view to improving the diet of prison inmates. In 2008, 70,000 x 50 Kg bags of maize were produced for inmates for consumption. Furthermore, prisoners at the Maximum Prisons received food supplements from Medium and Kalonga Prison Farms which included chickens, eggs and beef from the ranch. The Government hoped that this measure would contribute to the improvement of the diet of prison inmates.

The Government had also noted your Committee's concern regarding staffing levels in prisons. In this regard, your Committee were informed that the new Prison Establishment Structure had just been approved. Under this structure, the Government intended to recruit 5,000 officers in the next five years, starting with the recruitment of 1,000 officers in 2009. These officers would then be deployed to all the prisons throughout the country. This measure would, therefore, gradually reduce the prisoner/officer ratio which now stood at 1:7 instead of 1:4 as provided by the law.

Committee's Observations and Recommendations

Your Committee would like to have an update on the progress made in the recruitment exercise for prison officers.

With regard to the recommendation that the procurement of foodstuffs for prisons should be decentralised, the Committee was informed that the Government was already working on modalities to decentralise the process of procurement of food stuffs for prisons.

Committee's Observations and Recommendations

Your Committee urge the Government to expedite the decentralisation process of procurement of foodstuffs for prisons and further emphasise the need for the review of the Prisons Act to increase the inmates' rations from the current 450 grams.

Your Committee's recommendation that obsolete security gadgets should be replaced was noted. In this regard, your Committee were informed that the Government had budgeted for the replacement of the obsolete security gadgets.

Your Committee's concern of lack of transport to take suspects to court had also been noted. The Government informed your Committee that thirty conveyor trucks were purchased for prisons in order to transport prisoners to and from courts. The Maximum prisons had specifically been allocated one conveyor truck for court purposes.

With regard to the issue of inadequate beddings and mattresses in prisons, the Committee were informed that the Government had purchased 15,000 mattresses and 30,000 blankets for the 14,000 inmates countrywide. This, therefore, meant that each prisoner could now have a mattress and two blankets. This was done in order to improve inmates' living conditions.

As regards the recommendation that Ministry of Home Affairs officials should visit the prisons so as to acquire up to date information on the situation in prisons, your Committee were informed that officials from the Ministry regularly visited prisons in order to update their information regarding the situation in various prisons.

Committee's Observations and Recommendations

Your Committee wish to be updated on the issue of the purchase of modern security gadgets.

3.2. Mporokoso State Prison – Mporokoso

Your previous Committee made the following recommendations:

- (i) the Government needs to refurbish the infrastructure at the prison;
- (ii) there is need to purchase beds, beddings and mattresses for the inmates;
- (iii) there is need to purchase uniforms for the inmates;
- (iv) there is need to improve the diet for the prisoners;
- (v) transport should be provided to the prison;
- (vi) uniformed staff should be provided with uniforms or a uniform allowance;
- (vii) there is need to decentralise the warrant holders;
- (viii) conditions of service for prison staff need to be improved; and
- (ix) prisoners need to be taken to court on time.

Your previous Committee were informed that the Government, in the 2008 budget, allocated one billion Kwacha for the construction of a new Luwingu Prison and the rehabilitation of Isoka Prison at an estimated cost of one hundred and fifty million Kwacha. It was planned that rehabilitation works would extend to other prisons in the Province. Once this was done, Mporokoso State Prison would be made operational.

Committee's Observations and Recommendations

Your Committee would like to know why prisoners continue to be sent to Luwingu Prison when the prison had been condemned. They would also like to be given an update on the progress made in the construction of the new Luwingu Prison.

Your previous Committee's recommendation that there was need to purchase beds, beddings and mattresses for the inmates was noted. The Government had purchased 15,000 mattresses and 30,000 blankets for the 14,000 inmates countrywide. Once these beddings were distributed country-wide, Mporokoso State Prison would also benefit.

Committee's Observations and Recommendations

Your Committee would like to be availed the distribution lists and actual dates of distribution for the mattresses and blankets that were purchased.

Your previous Committee were further informed that the Government had procured materials to tailor more than 16,000 pairs of prisoners' uniforms. The tailoring works would be done at the Maximum Security Prison where industrial machinery had been installed. This, therefore, meant that each of the 9, 141 prisoners would have two pairs of uniforms. Your Committee were informed that remandees did not put on prison uniforms.

Committee's Observations and Recommendations

Your Committee would like a progress report on the tailoring and distribution of the uniforms to convicts.

Your Committee were informed that the Government shared their concern regarding the diet for inmates. In this regard, your Committee heard that the Prison Service was currently promoting a programme of growing food for the inmates. The crops being grown were vegetables and maize to supplement the inmates' diet.

With regard to measures taken to improve transport, as had already been stated, the Government had purchased thirty conveyor trucks for prisons in order to transport prisoners to and from courts. The Maximum prisons had specifically been allocated one conveyor truck for court purposes.

As regards the uniforms for staff, your Committee heard that the Government purchased uniforms for all serving officers in 2007 with the aim of allocating three pairs of uniforms to each officer. This also included footwear and uniform accessories. Furthermore, your Committee heard that in September, 2008, another consignment of uniforms was delivered by a supplier from South Africa.

The Government had also noted your Committee's recommendation that there was need to decentralise the warrant holders. In this regard, your Committee were informed that

Government was working on modalities to decentralise the warrant holders in order to ensure that purchases were made locally.

Committee's Observations and Recommendations

Your Committee urge the Government to expedite the decentralisation process of warrant holders.

Your previous Committee's recommendation regarding the improvement of the Prisons staff conditions of service was noted. Your Committee were informed that prison officers were Government workers who benefited whenever there was a general improvement of the conditions of service for Government workers. In 2007, for instance, Government workers benefited from a general increase in salaries and conditions of service. In 2008, they also got a 15% salary increment across the board. Hence, the Government did not discriminate against the prison staff.

The Government shared your Committee's concern regarding the need to take prisoners to court on time. In this regard, the Government purchased thirty conveyor trucks and six ambulances, which were distributed to some prisons. In 2008, the Government would purchase another fleet of vehicles in its continued effort to address this problem comprehensively. The Government had planned to provide more vehicles for all stations in the country so that each station should have a vehicle, including Mporokoso State Prison.

Committee's Observations and Recommendations

Your Committee would like an update on how many vehicles had been purchased from 2008 to date and the distribution list for the same vehicles.

3.3. Mumbwa State Prison

Your Committee recommended that:

- (i) the Government should refurbish the prison dormitories and provide them with adequate toilets and bathrooms;
- (ii) there is need for the Government to purchase uniforms for the inmates;
- (iii) beds, mattresses and blankets should be purchased for the inmates;
- (iv) kitchen facilities should be improved;
- (v) Central Administration should allow the prison to utilise the food grown at Mwembeshi to feed the inmates; and
- (vi) land within the precincts of the prison should not be alienated to private developers but be reserved for expansion purposes.

Your Committee's concern regarding the state of dormitories at Mumbwa State Prison was noted and the Government had embarked on a programme of building new prisons and renovating old ones in order to address the problem of accommodation and sanitation for the inmates. The Prison renovations works were being done in phases. Mumbwa State Prison was also planned to be rehabilitated, including its sanitation.

As had already been stated, the Government would continue to provide the required beddings for Prisons inmates while renovation of kitchen facilities and dormitories was underway as earlier mentioned. Similarly, the provision of sanitation was also a priority that the Government was undertaking.

The Government agreed with your Committee's recommendation that food grown at the Mwembeshi Prison should be used to feed the inmates there and this was being done.

Committee's Observations and Recommendations

Your Committee take note of the response and would like an update on the rehabilitation progress on the prison.

3.4. Katombora Reformatory

Your Committee recommended as follows:

- (i) the Reformatory should be refurbished before the infrastructure completely broke down;
- (ii) the kitchen should be well equipped with electric pots and other kitchen staff to assist the young prisoners to prepare their meals;
- (iii) beds, mattresses and blankets should be purchased for the institution as a matter of urgency;
- (iv) equipment for training of inmates should be procured as the available ones were now obsolete;
- (v) facilities for female juveniles should be built;
- (vi) teaching staff should be increased;
- (vii) staff manning the prisoners should be increased;
- (viii) officers should be paid their uniform allowances; and
- (ix) conditions of service for prison staff should be improved.

The Government, in conjunction with the Royal Danish Embassy, had provided special funding of one billion Kwacha for the rehabilitation of Katombora Reformatory School and Staff houses, including the electrification of the Reformatory compound, in order to improve the conditions of living for both officers and inmates. In this regard, therefore, your Committee's concerns were being addressed.

Your Committee's concern that there were not enough pots in the kitchen and that new electric pots should be fitted had been addressed by the Government which had bought and fitted adequate pots at the Reformatory School kitchen.

As regards your Committee's concern in respect of beds, mattresses and blankets, the Government had already purchased fifteen thousands mattresses, thirty thousand blankets for the fourteen thousand inmates country-wide, including inmates at Katombora Reformatory School.

With regard to your Committee's concern regarding the lack of equipment for training the youths at the Reformatory, your Committee was informed that equipment for training juveniles at the institution was in fact available; however, it was not adequate to cater for all the training needs of the inmates. Carpentry machinery was purchased using special funds for the School. Furthermore, the Government had managed to prepare syllabi for teaching the juveniles in carpentry and joinery, sheet metal and plumbing. The Ministry of Education has also approved Katombora Reformatory School to be an examination centre.

As regards the concern of inadequate teaching staff, your Committee were informed that the Prisons Department, in conjunction with the Community Development and Social Welfare Department, was working on a programme to increase the number of teaching staff at the school. These would include instructors in carpentry and joinery, agriculture, plumbing, mechanics and general education.

Katombora Reformatory School was built for male juveniles and did not include facilities for female juveniles and, as such, the School had never hosted female juveniles. However, the Government, through the 'Access to Justice' programme, planned to construct a female Reformatory School in Lusaka in 2009.

Committee's Observations and Recommendations

Your Committee would like to be updated on the progress made in increasing the number of teaching staff at the institution and the construction of a female Reformatory in Lusaka.

Your previous Committee's concern that the officers manning the institution were inadequate had been addressed following the approval of the new Prisons Establishment Structure; the Prisons Department planned to recruit up to 5,000 officers in the coming years. It was hoped that when these officers are recruited, the staffing levels at the school would improve.

Your Committee's recommendation that officers who did not put on uniforms should be paid uniform allowances was receiving Government's consideration. Your Committee would be informed of the Government decision's in due course.

Committee's Observations and Recommendations

Your Committee will await a progress report on the issue.

As regards the recommendation that the conditions of service for prison officers should be improved, your Committee were informed that negotiations for new conditions of service for the Zambia Prisons Service would start in accordance with circular No. TS/2/1992 of May 1992.

Committee's Observations and Recommendations

Your Committee wish to take note of the response and await a progress report.

3.5. Lusaka Prisons

Your previous Committee expressed their disappointment over the apparent lack of consideration of the Committee's work by both the Permanent Secretary in the Ministry of Home Affairs and the Commanding Officer for Lusaka Province who were not available at the prison when the tour programme had been circulated prior to the tour being undertaken.

The Government regretted the lapse that resulted in your Committee's failure to be taken on a conducted tour of the prison. The Government assured your Committee of its cooperation in future programmes.

Committee's Observations and Recommendations

Your Committee take note of the response and would make arrangements to tour the Lusaka Prisons at a later date.

4.0. CONSIDERATION OF OUTSTANDING ISSUES IN THE ACTION-TAKEN REPORT FOR 2006

Your Committee considered outstanding issues in the Action-Taken Report on the Committee's Report for 2006.

4.1 DEPARTMENT OF LEGAL AID

Your previous Committee requested a progress report on the status of funding to the Department.

Your Committee were informed that the Legal Aid Board was now fully operational and most vacant positions had been filled by the recruitment of professional staff. The Board was receiving a monthly grant from the Government for personal emoluments and operational costs.

Committee's Observations and Recommendations

Your Committee would like to know whether the grant given to the Legal Aid Board was adequate and how regular this funding was given. Your Committee also wish to know whether the Board now had adequate staffing levels.

4.2 POLICE AND PRISONS SERVICE

Your previous Committee had urged the Ministry of Home Affairs to improve the conditions of service for the Police and Prisons Service and equate them with those of other security wings. They had also urged the Government to expeditiously release funding to the Police and Prisons Service and also requested a progress report on the Final Restructuring Report submitted to Cabinet Office and Cabinet response.

The Government informed your previous Committee that conditions of service for public service workers, including those of the Police and Prison Services, benefitted from the annual negotiations between the Labour Unions and the Government. Through these negotiations, the conditions of service for public workers were reviewed and salary/allowance increments that were commensurate with the available resources would then be awarded. Naturally, as the economy improved, so would conditions of service for public workers be expected to improve. In 2008, for instance, the Treasury could only accommodate a 15% salary increment across the board for all public workers.

As regards the concern for improvement in monthly funding to prisons, your Committee were informed that funding to Prisons Services was released timely.

As for the progress report on the restructuring of the Ministry of Home Affairs, your previous Committee were informed that the report on the restructuring was approved by Cabinet in June, 2007. The main features of the restructuring were as follows:

- (i) increasing staffing levels for the Zambia Prisons Services from 1,836, to 5,474 and for the Police Service from 17,745 to 27,140 in order to enable these institutions to operate effectively; however, the implementation of the proposed staffing levels would have to be phased over a period of 5 years;
- (ii) reorganisation of the Prisons Service to include specialised areas such health care service, crime intelligence and Provost;

- (iii) modernisation of the Prisons Service system of operations through the use of information technology, surveillance cameras and communication equipment; and
- (iv) shortening the chain of command for the Prisons Service and harmonising the grading with those existing in the Ministry and the rest of the Civil Service.

Committee's Observations and Recommendations

Your Committee wish to be updated on the progress made in implementing the restructuring programme.

CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE SECOND REPORT OF THE COMMITTEE FOR 2008

Topic 1: Corporate Governance and Corporate Social Responsibility in Zambia

Your previous Committee observed that the efforts to promote corporate governance in Zambia were fragmented. They recommended that there was need for the corporate world to come together, as in the Kenyan and Ghanaian cases, and establish a national institution that would coordinate and monitor corporate governance issues. Such a body should be mandated to develop a code of corporate Governance practices, which should be applicable to all corporate entities. This was better than the current situation where, banks and financial institutions had their own code and public listed companies also had their own code. They further recommended that the Government, in conjunction with the Zambia Business Forum, should take a leading role towards the realisation of these goals.

In response, the Government stated that in an effort to realise private sector led growth, Zambia's private sector business associations had, through the Zambia Business Forum (ZBF), been developing a deeper and more coordinated approach to public/private sector consultative mechanisms in Zambia. In design and practice, the Zambia Business Forum was a complementary organ to sectoral and special interest business associations in fostering public/private sector consultation and collaboration. In that line, ZBF had been making efforts to sensitise business houses to practice corporate governance to its members based on the level of development, though it should be noted that corporate social responsibility in Zambia depended on the level of the company's capacity to assist or donate to the community.

In a comparative context, the concept of CSR was a fairly recent phenomenon in Zambia and Kenya. There was evidence of a strong commitment on the part of businesses to give back to the community, nevertheless, more substantial activities, such as ensuring safe labour environments, producing products responsibly and other safety standards, were not well developed.

Companies in both countries were involved in activities they would call CSR but, in reality, were different in nature. Companies in Kenya donated heavily to organisations that fostered better health care, education and food security. Zambian companies on the other hand tended to donate to health and education, as well as to orphanages. This attitude was illustrated in one Zambian company's mission statement, which read in part *"to recognise that we owe our success to the people of Zambia and it is our responsibility to give back to the community in appreciation of their continued support."*

Above all, Kenya and Zambia were at different levels in terms of development. The Kenyan economy was more liberalised than the Zambian economy. The Small and Medium Enterprises (SMEs) in Kenya were more advanced and self reliant as compared to those in Zambia. It was not easy to have a general code of corporate governance practices in Zambia because of the level of development for each enterprise. Large companies and SMEs were at different levels.

Committee's Observations and Recommendations

Your Committee did not agree with the Government position that CSR was a fairly recent phenomenon in Zambia. They, therefore, urged the Government to be more proactive in its pursuit of making companies undertake corporate social responsibility.

Your previous Committee noted that it was practically impossible to legislate on corporate governance. However, there was need for the Government and the private sector to embark on sensitisation programmes on both corporate governance and corporate social responsibility so that the corporate world would be morally obliged to give back to the community in which it operated.

In response, the Government stated that it had recently embraced the strategy of Private Public Partnership to undertake various development programmes. Complementary to this, the Government was currently reviewing the Company's Act and the Insolvency and Creditors Rights (Liquidation Law) with a view of bringing it in line with present challenges and business best practices, including good corporate social responsibility. Hence, the issue of corporate social responsibility would be taken on board during the reviews of the relevant legislation.

Committee's Observations and Recommendations

While noting the response, your Committee urge the Government to expedite the review of the relevant legislation.

Your previous Committee had observed that corporate social responsibility seemed to be synonymous with donations to charity. Corporate social responsibility went beyond giving alms. Issues of labour and environmental protection should also be taken on board. The corporate world should not concentrate on supporting sport only but rather embark on sustainable projects and programmes that would improve the livelihood of a wide spectrum of society as in the case of Cadbury Schweppes, in Ghana.

In response, the Government fully agreed with your Committee that corporate social responsibility needed to go beyond giving alms or donations to charity but also embrace sustainable projects and programmes that added to wealth creation. It was for this reason that the Government was prioritising close working links with the private sector.

Committee's Observations and Recommendations

Your Committee wish to urge the Government to do more than just observing what was going on in the organisations but be proactive in ensuring that companies engaged in corporate social responsibility.

Your previous Committee had observed that in its current form, the *Companies Act Cap 388 of the Laws of Zambia* did not adequately provide for good corporate governance practices. There was need, therefore, for its revision so that it took into account, not only the qualifications of a company secretary, but also specify the fiduciary duties of directors vis-

à-vis the company in which they were directors.

In response, the Government stated that the Ministry of Commerce, Trade and Industry had been working with the World Bank in amending the *Insolvency and Creditor Rights* (liquidation law) of the Companies Act. A Committee was constituted under the Ministry to spearhead the amendment process. The World Bank later engaged a local consultant to carry out background work. A draft report was prepared by the consultant for consideration by the Steering Committee. Comments were submitted to the study team and the team and the Ministry now awaited the final report, which would be an input into the review of the liquidation law.

The issue of corporate social responsibility would be considered during the amendment process to ensure that the new Act adequately provided for good corporate governance. It was necessary to take into account, not only the qualifications of a company secretary but also the fiduciary duties of directors vis-à-vis the company in which they are directors. Such a step will help ensure that directors are held accountable for decisions made that would result in the insolvency of companies which they head.

Committee's Observations and Recommendations

Your Committee will await the review of the Companies Act and urge the Government to expedite this review.

Your previous Committee had recommended that a harmonisation of all statutes that hinged on corporate governance be done.

In response, the Government stated that they took note of the advice and would pursue the matter as advised.

Committee's Observations and Recommendations

Your Committee urge the Government to avail a progress report on the issue.

Your previous Committee had observed that in Zambia, where CSR was beginning to take root, incentives for corporate entities involved in corporate social responsibility could attract more business entities getting involved in meaningful CSR activities and thereby improve the social welfare of a wide spectrum of the Zambian society. In this regard, the Committee recommended that in order to attract more companies to get involved in corporate social responsibility, the Government should consider providing incentives by way of allowable deductions for tax purposes.

In response, the Government stated that they, through the Ministry of Commerce, Trade and Industry, were putting in place a policy strategically identifying priority sectors where the Government intervention was required. Among those priority sectors was the gemstone sector because of its potential to contribute to the economy. The priority sectors had been identified through various studies such as the Joint Integrated Technical Assistance programme.

The *Zambia Development Agency Act No. 11 of 2006* provided the legal instrument for the ZDA. The Zambia Development Agency was created in 2006 and came into operation on 1st January, 2007. Under the ZDA Act, there was a legislation governing MFEZs which was mainstreamed in the ZDA Act. The Regulations governing the Multi- Facility Economic Zones had been enacted. The Zambia Development Agency facilitated the operations of Multi Facility Economic Zones. Investors under the Multi- Facility Economic Zones enjoyed attractive fiscal

incentives coupled with care services, including assistance in obtaining relevant licences, permits and facilities. Investors in the Multi Facility Economic Zones were thus assured of lower operational costs, faster set up and smoother operations. All licensed MFEZ enterprises enjoyed the following incentives pursuant to Part VIII of the Zambia Development Agency Act,

- (a) company tax would be charged on 50 percent of the profits earned for a period of 5 years starting with the first year of profitability;
- (b) dividends shall be exempted from tax for 5 years from the year of first declaration.

Committee's Observations and Recommendations

Your Committee will await a progress report on the studies conducted and how they have impacted on the corporate social response.

Topic II: Rights of Orphans and Vulnerable Children in Zambia with Special Emphasis on Children in Orphanages

Your previous Committee, concerned with numerous press reports of child abuse especially in orphanages, undertook a detailed study on the rights of children in orphanages or child care homes.

The study sought to uncover the following:

- (i) the effectiveness of relevant statutes dealing with rights of orphans and vulnerable children in Zambia;
- (ii) whether or not these statutes were in harmony; and
- (iii) whether or not there was need for completely new legislation for orphans and orphanages operations in the country.

Your previous Committee recommended that, to ensure that there was uniformity in the understanding and definition of who an orphan and a vulnerable child was, this could be done by way of amending the *Juveniles Act, Cap 53 of the Laws of Zambia* or by bringing to Parliament a new Bill to take care of children with special and peculiar needs.

In response, the Government stated that with regard to uniformity in the understanding and definition of who an orphan and vulnerable child were, the Government had noted the need to harmonise the laws in terms of the definition of a child. In this regard, the Ministry of Community Development and Social Service, in conjunction with the Zambia Law Development Commission, was undertaking a review of all child-related legislation to ensure effective protection of children's rights.

Furthermore, the review was aimed at also addressing emerging trends in child protection which included incorporating into domestic law all international instruments that Zambia was party to. In particular, the Government noted the recommendation that the word "orphan" and the phrase "vulnerable child" should be defined in a uniform way in the laws of Zambia and that the legislation should take care of children with special and peculiar needs. Hence, the Government appreciated the observations of the Committee and would take them into consideration during the review of child related legislation which was currently being undertaken by the Ministry of Community Development and Social services in conjunction with the Ministry of Youth, Sport and Child Development and the Zambia Law Development Commission.

Committee's Observations and Recommendations

Your Committee urge the Government to expedite the review of child related legislation. Your previous Committee recommended that the minimum standards for operations of orphanages be enshrined in a relevant statute for them to have legal effect. In response, the Government stated that it had taken note of the recommendation of ensuring that the minimum standards of operations of orphanages are enshrined in relevant statutes for them to have a legal effect.

Committee's Observations and Recommendations

Your Committee urge the Government to expedite the enshrining of the minimum standards of operations of orphanages in relevant statutes.

Your previous Committee had asked the Government to ensure that adequate personnel are deployed as inspectors of orphanages. Alternatively, your Committee suggested that the amended law or a new law should provide for the establishment of an autonomous national body charged with the responsibility of supervising orphanage operations which would employ inspectors for that purpose. This would minimise dubious adoption cases.

In response, the Government stated that the Ministry of Community Development and Social Services had recently employed more officers who would be gazetted as Juvenile Inspectors. In addition, consultations were being made with the Ministry of Sport, Youth and Child Development on the establishment of the Zambia Council for the Child which would look into issues affecting the operations of orphanages.

Committee's Observations and Recommendations

Your Committee will await the progress report on the establishment of the Zambia Council for the Child.

Your previous Committee had urged the Government to hold a national symposium on the issue of orphans and orphanages in Zambia to find a lasting solution. In response, the Ministry stated that it had noted the need to have a symposium on orphans and orphanages. The Ministry would consider having a symposium in 2009 in order to address problems faced by orphans and orphanages.

Committee's Observations and Recommendations

Your Committee urge the Government to expedite the holding of the national symposium and wish to be availed the report as a matter of urgency.

LOCAL TOURS - LUSAKA, CENTRAL, COPPERBELT AND NORTH-WESTERN PROVINCE, (28 July — 5 August 2008)

Your previous Committee also undertook local tours to Central, Copperbelt, North-Western and Lusaka Provinces. The main objective of the tours was twofold. Firstly, to physically see for themselves the involvement of the Corporate World in issues of corporate social responsibility especially in areas where mining activities were prominent. Secondly, your Committee wished to determine the extent to which the rights of children, especially those in orphanages or child care homes were being observed and respected.

CENTRAL PROVINCE

In Kabwe, they visited two orphanages and the Maternal Child Health Ward at Kabwe General Hospital.

Ark of the Covenant Orphanage (ARTECO)

Your previous Committee learnt that the orphanage was a brain child of Art of the Covenant Ministries Incorporated and was co-sponsored by the Railway Systems of Zambia. The orphanage had been in operation since 1995 and had a total of 70 resident children while one hundred and nine were non-residents.

The Orphanage catered for orphaned and vulnerable children ranging from the ages of 7 to 18 years. The main sponsors were Christian organisations based in Sweden and Finland. It was stated that there were very little, if any, subventions from Government. This situation put a lot of pressure on the institution in terms of education, health and nutritional needs of the children.

Your previous Committee inspected the facilities and found that some of them, especially the classrooms, were in deplorable condition. The classrooms were not spacious and ventilation was poor. The dormitories and other facilities, however, were satisfactory. The Orphanage provided education up to basic school level (i.e. grade 9) and, thereafter, children were sponsored into high schools and tertiary institutions depending on their academic abilities.

There was no health centre at the orphanage. Children who fell ill were taken to Government medical facilities within Kabwe town, a distance of about 10 km away. On nutritional aspects, your Committee were informed that the orphanage followed a particular menu which was substantially balanced.

Children of the Promise Orphanage

Your previous Committee learnt that this orphanage was established by Kabwe Chapel, a church organisation. The Orphanage was supported by the Railway Systems of Zambia (RSZ) in terms of foodstuffs, maintenance of the buildings, cleaning materials and other things.

The Orphanage had a capacity of 16 children and at the time of the visit, there were only 13 children. Your Committee learnt, further, that the Orphanage acted as a transit home of abused children who came through the Department of Social Welfare.

A physical inspection of the facilities revealed that the bedrooms for both boys and girls were spacious and well ventilated. The Orphanage had a computer room for the children. Your Committee also learnt that RSZ employees took time off to teach the children computer skills.

On the education aspect of the children, it was stated that the children attended school at various Government schools within Kabwe as the orphanage did not provide any. Your previous Committee learnt that some children were sponsored up to university level or up to the level of being self-reliant.

Your previous Committee were informed that the Orphanage did not receive Government financial support although quite often vulnerable children were taken to the orphanage through the Department of Social Welfare. The Orphanage was situated not too far away from Kabwe General Hospital and, therefore, it was easy to seek medical attention for ill children.

On nutritional aspects, your previous Committee found a menu displayed on the board which

appeared balanced. The kitchen was fitted with stoves and fridges and was as tidy as other rooms.

Kabwe General Hospital (KGH)

At KGH, the Acting Executive Director led your Committee on a conducted tour of the Maternal and Child Health (MCH) ward renovated by Lusemfwá Hydro Power Station. Your previous Committee were informed that the support from the power company was as a result of the request by the Maureen Mwanawasa Community Initiative (MMCI) on behalf of the Hospital.

Your previous Committee was also informed that the Railway Systems of Zambia supported the Hospital in 2004 by way of procuring and installing water tanks. It was stated that there was very little appreciation for corporate social responsibility by most corporations in Kabwe. Your Committee were further informed that the Hospital needed a lot of support as it was intending to establish an Intensive Care Unit which was critical to the operations of the Hospital.

COPPERBELT PROVINCE

St Theresa Children Village-Ndola

Your previous Committee learnt that St Theresa Children Village was established in 2003. It had a total of one hundred and seventeen children. Most of the children were vulnerable and orphaned largely due to HIV/AIDs related illness either of themselves or their parents. The Village also catered for children with cerebral palsy, who required special attention on a daily basis. There were children as young as a few days old and as old as twenty-one (21) years in the village.

It was revealed that the Village last received financial support of about K3 million from the Government in 2007. It was stated that most support was received from German Catholic Sisters. On the issue of education, your previous Committee learnt that the Village did not have adequately trained teachers to handle differently abled children at the institution.

Bwana Mkubwa Mine

At Bwana Mkubwa Mine, your previous Committee were briefed that First Quantum Company, in general, and Bwana Mkubwa Mine, in particular, was substantially involved in corporate social responsibility within the Copperbelt.

It was stated to your Committee that in 2007, the Company spent US\$789,000 towards corporate social responsibility projects. Some of the projects were outlined as follows:

- a) once every year, the Company supplied equipment and personnel for roll back malaria purposes;
- b) annual dredging of the Kafubu Stream to ensure free flow of water as a preventive measure for various diseases;
- c) drilling and equipping boreholes in various communities such as schools and health centres;
- d) road repairs and fixing of street lights in conjunction with the Ndola City Council;
- e) construction and equipping of classroom blocks;
- f) supporting orphanages in meeting water and electricity bills; and

g) supporting eye cataract operations in conjunction with the Lions Club. In addition, your previous Committee learnt that the Company took matters of corporate governance seriously. The provision of free VCT services and condoms, training of peer educators, employment of a full-time Aids Officers, extensive training programmes for middle and senior management staff were some of the issues the Company was involved in.

Furthermore, your previous Committee were informed that the Company had a comprehensive environmental protection programme which met international standards and was approved by the Environmental Council of Zambia.

The Company was also involved in youth sports development in games such as basketball and tennis.

Friends of the Street Children Home-Kitwe

Your previous Committee were informed that the Home was opened in 2002 to provide rehabilitation services to street children. The Home had two houses each accommodating 15 children aged between 1 and 16 years. However, at the time of the visit, the Home had a total number of 23 children who were all boys.

In terms of education, your Committee were informed that the Home had one classroom block where children attended school. It was stated to the Committee that after rehabilitation, the children were ultimately reintegrated into the community where that was possible.

Your previous Committee were further informed that the main supporters of the Home were the Street Child Africa, a Non-Governmental Organisation based in the United Kingdom. At the time of the visit, the Home had received some financial support from the Government and the land on which the Home was situated was donated by the Government.

With regard to the health of the children, the Home did not seem to have any programme in place to ensure effective attention to children's health. In terms of physical security of the children, your Committee noted with concern that the Home was not fenced off and therefore, children were at risk to all sorts of mischief by outsiders.

Mopani Copper Mines Limited

At Mopani Copper Mines (MCM), your Committee learnt that the Company operated two hospitals, two primary schools and a secondary school in areas of its operation as part of its corporate social responsibility. These facilities were open to everyone regardless of whether or not they were employees of the Company. The Company also supported selected sports disciplines.

Your previous Committee were informed that the Company spent about K20.0 million Kwacha per month as a contribution to Mufulira Wanderers Football Club.

On health matters, it was learnt that the Company was involved in malaria control programmes in conjunction with the Ministry of Health as part of its corporate social responsibility.

Further, your Committee were informed that MCM supported community projects such as gardening and tailoring in addition to financing St. John's Orphanage and Children in Distress (CINDI) within Kitwe.

Besides, as part of the Company's good corporate governance, the Company had acquired a farm in Mufulira where its employees were taught farming skills which they would utilise once resettled on the same farm as retirees. The Company also was involved in HIV/AIDs Programmes for its employees and their dependants. In this regard, the Company had trained peer educators at both places of work and in various communities. It was stated that the Company's expenditure on health and malaria control was in excess of US\$9.8m in 2008.

NORTH-WESTERN PROVINCE

Your Committee toured the places set out here below.

Kyawama Market — Solwezi

This was a new market constructed by Kansanshi Copper Mines in conjunction with Kansanshi Foundation Trust at a cost of K7.3 billion as part of its corporate social responsibility.

Kikombe Basic School — Solwezi

At Kikombe Basic School, Kansanshi Mine constructed a 1 x 4 classroom block at a cost of K483 million. The block had a special classroom for children with special needs. The classroom had in-built cooking facilities. It was stated that the Company had also provided the school with 20 desks. Further, your Committee were informed that the Company had constructed classroom blocks and provided desks besides drilling at least 19 boreholes and 20 water wells in various communities. This provided clean and safe drinking water to the masses in the North-Western Province.

Kilelabalanda Orphanage and Widows Care — Solwezi

This orphanage was supported by Kansanshi Mine which had constructed two dormitories, one for the boys and the other for the girls. The Company also drilled and equipped a borehole and paid ZESCO to have the orphanage electrified. They further provided the orphanage with 25 beds and other pieces of furniture. There was also a fish pond and a banana plantation supported by the Company.

Lord's Mountain Orphanage — Zambezi

The Lord's Mountain Orphanage was established in 2001 by the United Methodist Church. Its main aim was to provide spiritual, physical and mental assistance to distressed children, particularly orphans and the neglected.

The Orphanage cared for 35 children with ages ranging between 3 and 21 years. The Orphanage did not have any school at the time of the visit. They, instead, sent children to various Government educational institutions.

Your previous Committee were informed that although the dormitories for both girls and boys had been completed, none of the children was in residence due to lack of electricity at the Institution. It was stated to your Committee that, although the Orphanage made a payment to Zambia Electricity Supply Company (ZESCO) amounting to K28 million in November 2007, ZESCO had at the time of the visit failed to provide power to the Orphanage. As a result, children were kept by their guardians in various villages.

Further, it was learnt that the Orphanage had never received any financial or material support from the Government except relief food under the Disaster Management and Mitigation Unit. The major donors were the United Methodist Church in the United States of America.

LUSAKA PROVINCE

Kabwata Orphanage

Your previous Committee visited Kabwata Orphanage and Transit Home in Kabwata Township. The Orphanage was administered and managed by an individual as a result of the passion they had for orphans and vulnerable children. The Orphanage supported children in formal and informal education according to the children's academic abilities. At the time of the visit, the Orphanage had 4 fully sponsored students at the University of Zambia and a substantial number of children were in high and secondary schools.

Due to its proximity to the University Teaching Hospital and Kabwata Clinic, the Orphanage did not face many hardships in attending to sick children. Of special interest, was a child who had had his head and back burnt allegedly by an uncle in Kalomo District. It was stated that at the time the boy was brought to the orphanage, he was on the brink of death. When the Government, through the Ministry of Health, was contacted to evacuate the boy to South African for specialist treatment, the Government allegedly turned down the request. The Orphanage had to look for resources for the boy's medical attention in South Africa. It was reported to your Committee that the boy needed plastic surgery in the United States of America. However, an American visa was denied and the orphanage did not know what to do next.

With regard to nutrition, your Committee were satisfied that the children were fairly well fed under the circumstances.

The Founder informed your Committee that the Government, through the Ministry of Community Development of Social Welfare, provided financial assistance of about K1 million at least twice a year while the Ministry of Youth and Sports provided about K2.1 million twice a year.

Committee Observations and Recommendations

Your previous Committee had observed that the responsibility to uphold, protect and preserve the rights of children, regardless of their status, lay with the Government.

From the local tours, it was evident that the Government was not doing enough to alleviate the suffering of children, especially orphans and vulnerable children. In most cases, the Government provided very little, if any, financial support to orphanages.

Your previous Committee had recommended that Government policy on orphanages should be clearly spelt out so that adequate support could be given.

In response, the Government stated that the Ministry of Community Development and Social Services, under the Department of Social Welfare, provided funding to children's homes/orphanages under the Children's Homes Vote. These grants were given to institutions based on the understanding that the NGOs were complementing Government's efforts in providing care and support to the orphans and vulnerable children. This was because every government was responsible for the welfare of its citizens, but the Government on its own was unable to cope with the demand to provide for all.

Arteco Children's Home, Children of Promise and Friends of the Street Children had been beneficiaries of the grants under this vote since 2006. However, the challenge was that the funding was not sufficient to be provided on a regular basis as there were many of children's homes/orphanages in the country at present. In addition, an institution was only eligible for funding only if it met the following requirements:

- was registered and had a valid registration certificate from the Registrar of Societies.
- was recognised by the Department of Social Welfare and was issued with a letter of recognition.
- was adhering to the Minimum Standards of Care for Child Care Facilities.

As regards classroom facilities, the Ministry of Education (MOE) provided the guidelines for community schools as this fell within their mandate.

The Department had noted that the institutions did not have health facilities within the premises or effective programme on health for the children. However, it was not mandatory for an orphanage to have a clinic within the premises of the orphanage, although some homes/orphanages had such facilities.

According to Section 22(1) of the *Juveniles Act Cap 53*, when a child was committed to a fit person by the Commissioner for Juvenile Welfare, the fit person had the same rights and responsibilities in the maintenance of the juvenile as if he/she were the parent to the juvenile. This extended to the rights of the child to health, education and food.

Further, Section 46 Subsection (2) of the *Juveniles Act* spelt out offences against Juveniles and one of them was failure to provide medical aid. A person who failed to provide medical aid to a child was liable to imprisonment not exceeding two years. Therefore, when a child fell sick and needed medical attention, the authorities of the home/orphanage had to take all steps to ensure the child was accorded medical attention.

The department had noted that the above named home was not fenced and this had put the safety of the children at risk. The minimum standards of care stipulated that the safety for children in child care facilities must be provided. Therefore, this extended to a facility providing security services and features such as a guard or a fence. The ministry shall inform all the homes/orphanages to put in place all necessary facilities for the children.

The Ministry had noted the observations and recommendations made by your Committee. They stated that as Government, there was need to do more to alleviate the suffering faced by many children especially orphans and vulnerable children. There was need for more effective co-coordinated multi-sectoral approaches to address problems faced by the children. Furthermore, the Government's policy on orphanages shall be spelt out and provided in the introduction of the Zambia Council for the Child, the NGO Bill and the Policy.

Committee's Observations and Recommendations

Your Committee wish to urge the Government to expedite the introduction of the Zambia Council for the Child and welcome the enactment of the NGO Bill and the Policy.

Conclusion

9.0 In conclusion, your Committee wish to express their gratitude to you, Mr Speaker, and the Clerk of the National Assembly for the support rendered to them during the year.

They are indebted to all witnesses who appeared before them for their cooperation in providing the necessary memoranda and briefs.

Your Committee are hopeful that the observations and recommendations contained in this report will help in the improvement of the status of the women in Zambia, the improvement of the operations of the Zambia Law Development Commission and the Office of the Registrar of Societies.

October, 2009
LUSAKA

S Sikota, MP
CHAIRPERSON