



REPORT

OF THE

COMMITTEE ON YOUTH, SPORT AND CHILD MATTERS

FOR THE

FOURTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY

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REPORT OF THE COMMITTEE ON YOUTH, SPORT AND CHILD MATTERS FOR THE FOURTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY

1. Membership of the Committee

The Committee consisted of Mr C Miyutu, MP, (Chairperson); Ms E Kabanshi, MP (Vice Chairperson); Mr M Mutelo, MP; Mr E Sing'ombe, MP; Mr P Kalobo, MP; Mr L N Tembo, MP; Mr Y Siwanzi, MP; Mr W Banda, MP; Mr R Bulaya, MP; and Mr C K, Mwiinga, MP.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir

The Committee has the honour to present its Report for the Fourth Session of the Twelfth National Assembly.

2. Functions of the Committee

The functions of the Committee on Youth, Sport, and Child Matters as provided under the Standing Order 157(2), are to:

- a) study, report and make appropriate recommendations to the Government through the House on the mandate, management and operations of the Government ministries, departments and agencies under its portfolio;
- b) carry out detailed scrutiny of certain activities being undertaken by the Government ministries, departments and agencies under its portfolio and make appropriate recommendations to the House for ultimate consideration by the Government;
- c) make, if considered necessary, recommendations to the Government on the need to review certain policies and existing legislation;
- d) examine annual reports of the Government ministries and departments under its portfolio, in the context of the autonomy and efficiency of Government ministries and departments and determine whether the affairs of the said bodies are being managed according to relevant Acts of Parliament, established regulations, rules and general orders;
- e) consider any Bills that may be referred to it by the House;

- f) consider international agreements and treaties in accordance with Article 63 of the Constitution;
- g) consider special audit reports referred to it by the Speaker or an Order of the House;
- h) where appropriate, hold public hearings on a matter under its consideration; and
- i) consider any matter referred to it by the Speaker or an Order of the House.

3. Committee's Programme of Work

The Committee's Programme of Work for the Fourth Session of the Twelfth National Assembly was as follows:

- (a) consideration of the topical issue: "*Implementation of the Youth Development Fund in Zambia*". and
- (b) consideration of the Action-Taken Report for the Third Session of the Twelfth National Assembly.

4.0 Procedure adopted by the Committee

The Committee held a total of **fourteen** meetings to interact with the various stakeholders in the quest to execute its programme of work. The Committee requested for detailed written memoranda on the topic under consideration from various stakeholders who also appeared before it and made oral submissions.

5.0 Arrangement of the Report

The Committee's Report is organised in two Parts. Part I contains the findings on the topical issue on which the Committee undertook a study. This part also presents the observations and recommendations of the Committee on the topical issue. Part II contains outstanding issues arising from the Action-Taken Report on the Committee's Report for the Third Session of the Twelfth National Assembly and the Action Taken Report on the Report of the Committee on Youth, Sport and Child Matters on the Report of the Auditor General on the Performance Audit on the Juvenile Justice System in Zambia for the period 2014 to 2017 for the Fourth Session of the Twelfth National Assembly observations and recommendations thereon.

PART I

CONSIDERATION OF THE TOPICAL ISSUE

6.0 IMPLEMENTATION OF THE YOUTH DEVELOPMENT FUND IN ZAMBIA

6.1 Background

The Seventh National Development Plan (7NDP) indicated that the population of the youth in Zambia between the ages of 15 and 35 years is estimated at 4.8 million. To take advantage of the large youthful population for socio economic advancement, the Government of Zambia established the Youth Development Fund (YDF) which started as a programme between 2000 and 2004, aimed at helping young people who could not find formal employment to engage in entrepreneurial activities. The overall objective of the YDF was to provide financing to viable projects by the young entrepreneurs as well as to enable the youth to benefit from associated training and mentorship services. The YDF was, therefore, aimed at supporting the growth of sustainable youth-led small and medium enterprises (SMEs) in the private sector for wealth and employment creation.

In the Report of the Auditor General on the Accounts of the Republic for the Financial Year Ended 31st December, 2015, mention was made of the failure to recover loans in amounts totalling K35,765,772 paid out to 1,185 youth associations. It was, further, observed that the objectives of the Fund were not being achieved as the loans were not being recovered, therefore disadvantaging the other would-be beneficiaries. It was also noted that the Ministry of Youth, Sport and Child Development had no capacity to monitor the YDF and that there was no binding agreement in place elaborating how the loans were to be recovered in the event of default by the beneficiaries.

Five years after the audit was carried out, there did not seem to be any interventions implemented to redress the situation. In this regard, the Committee undertook a review of the impact of the Youth Development Fund in Zambia. The specific objectives of the review were to appreciate the:

- (a) adequacy of the legal and policy frameworks governing the YDF;
- (b) modalities employed in the disbursement of the YDF;
- (c) trends in the YDF disbursement in the past five years;
- (d) successes scored and challenges, if any, experienced in administering the YDF; and

(e) suggest the way forward.

In order to acquaint itself with the topic under consideration, the Committee interacted with the stakeholders below.

- (a) Ministry of Youth, Sport and Child Development
- (b) Ministry of Commerce, Trade and Industry
- (c) Ministry of Livestock
- (d) Zambia National Service
- (e) Disabled Multi-Purpose Association of Zambia
- (f) Public and Private Drivers Association of Zambia
- (g) Zambia Agency for People Living with Disabilities
- (h) Citizen Economic Empowerment Commission
- (i) Zambia Institute for Policy Analysis and Research
- (j) Young African Leaders Initiative
- (k) Civil Society for Poverty Reduction
- (l) Auditor General's Office
- (m) Non-Governmental Organisation Coordinating Council
- (n) Jesuit Centre for Theological Reflection
- (o) National Youth Development Council
- (p) Caritas Zambia
- (q) Zambia National Students Union
- (r) Restless Development Zambia
- (s) Youth Alive Zambia
- (t) Zambia Centre for Social Development
- (u) Youth Leadership Development Programme (Under Ebert Stiftung)

SUBMISSIONS BY STAKEHOLDERS

7.0 ADEQUACY OF THE POLICY AND LEGAL FRAMEWORK GOVERNING THE YOUTH DEVELOPMENT FUND

(a) Policy Framework

Stakeholders submitted that the Government had put in place a number of policies in order to address the high levels of youth unemployment in Zambia. One such policy was the National Youth Policy which was adopted in 1994 to guide stakeholders on how to handle youth related matters. This was necessitated by diverse social and economic challenges, such as the high prevalence of HIV/AIDS, increased unemployment and poverty levels, that had affected the youth over the years. In an effort to address the contemporary needs of the youth, the National Youth Policy was revised in 2006. The Policy also linked national, regional and international goals such as the Millennium Development Goals (MDGs) and the Youth Charter. However, the

implementation of the 2006 Policy faced a number of challenges, namely: operational, monitoring and evaluation, stakeholder coordination and management of information.

The Policy was further revised in 2015. To this effect, the 2015 National Youth Policy was aligned to international goals as well as national development goals such as the Vision 2030 and the revised Sixth and Seventh National Development Plans. The Policy was intended not only to guide stakeholders on how to address the social and economic needs of the young people in Zambia, but also to ensure their full participation in national development. The objectives of the Policy included securing employment and encouraging entrepreneurship development; educating and enhancing skills development; improving health among the youth; encouraging the youth to engage in creative activities as a source of livelihood and addressing a number of crosscutting issues among the youth. Recognising that the youth faced various challenges, the Policy aimed to target youth groups to ensure inclusiveness, equality and equity of all the youth countrywide. The Policy was accompanied by the National Plan of Action which involved all stakeholders in the implementation of the activities set out to achieve its objectives.

To actualise the Policy objectives, the Government, through the Ministry of Youth, Sport and Child Development implemented the Youth Action Plan which explicitly identified the YDF as a tool for alleviating the plight of the youth. The YDF guidelines defined the institutional arrangements, composition of committees and the roles and responsibilities of various stakeholders. These guidelines were the framework on which the YDF was structured. In this regard, stakeholders were of the view that the YDF Policy Framework was adequate.

(b) Legal Framework

With regard to the legal framework, stakeholders observed that despite the Policy being in place, there was no legal instrument that established the Fund. This was because the Fund was an initiative by the Government through the Ministry of Youth, Sport and Child Development to address the high levels of youth unemployment in Zambia. The Fund had a grant and a loan facility which were provided through the national budget. It was disbursed through loans and grants with a view to fostering youth employment and entrepreneurship because some of the youth were unable to access loans from commercial banks. Despite the good intention by the Government to encourage entrepreneurship amongst the youth, the absence of legislation to govern the management of the Fund made recoveries of loans difficult as there was no provision for punishing defaulters.

8.0 MODALITIES EMPLOYED IN THE DISBURSEMENT OF THE YDF

Stakeholders stated that the YDF had evolved over time since its inception in 2000, when the Fund was disbursed through the Constituency Youth Fund. In 2007, the Fund was disbursed through the Citizens Economic Empowerment Commission (CEEC). However, the CEEC requirements proved difficult because they demanded that the youth provide collateral, which they did not have. As a result, in 2012, the Ministry provided fresh guidelines on how the Fund would be disbursed. Accordingly, the guidelines indicated that the youth were to provide either collateral or a guarantor, as surety, to be able to access the Fund. Stakeholders explained that the understanding of guarantor in this case was different from traditional guarantors in the financial sector. The guarantor in the financial sector could be held liable and was expected to repay the loan in the event that the borrower defaulted. However, the guarantor under the YDF was just a referee of the applicant or potential beneficiary. As such, he or she could not be held responsible in case the beneficiary defaulted.

Stakeholders noted that the YDF was being disbursed in two forms, as a loan or as a grant. The loan was like a normal credit facility where a borrower was expected to payback with interest while a grant was a monetary gift to support youth projects and no repayment was expected. The loan portion accounted for 75 percent of the Fund while 25 percent was for grants. When a loan or grant was approved, money was disbursed through issuance of a cheque which the beneficiary cashed at the commercial bank of their choice.

The Committee heard that this mode of disbursing the Fund always raised concerns among stakeholders. It was also noted that financial institutions credited the borrower's bank account directly. Further, the YDF loan was given to beneficiaries through public gatherings which were sometimes officiated by politicians from the ruling party. According to stakeholders, this action created a perception that the Fund was being used as a channel for the ruling party to reward its supporters. In this regard, stakeholders were of the view that the modalities employed to disburse the YDF were not inadequate and deviated from normal practices applied by lending institutions, hence their proposal to have the modalities reviewed. Stakeholders further noted with concern that there was no clearly laid out criterion that determined which projects were to be funded or not.

8.1 Operational Structure of the YDF

In order to disburse the Fund to its intended beneficiaries, the Ministry created a two tier structure at national and provincial levels.

At national level, the structure comprised the National Youth Development Fund Technical Committee whose members were drawn from various strategic institutions. It was chaired by the Permanent Secretary in the Ministry of

Youth, Sport and Child Development while the Department of Youth was the Secretariat.

There was also the Provincial Youth Development Fund Technical Committee which was found in each province. Its members were drawn from institutions relevant to the operations of the Youth Development Fund at the provincial level. The Provincial Committee was chaired by the Provincial Permanent Secretary and the Department of Youth at the province was the secretariat. The Secretary to the Cabinet appointed members of the National Youth Development Fund Committee and Provincial Youth Development Fund Committee. These committees participated in reviewing the application process.

8.2 Application Process

The Committee was informed that the process of applying for the Youth Development Fund was guided by the Youth Development Operational Guidelines. The guidelines provided that a person or group of persons eligible to apply for the YDF needed to meet the requirements outlined below.

- (a) Should be a youth group, a youth-owned enterprise or a youth owned cooperative.
- (b) Must be a Zambian youth with a green national registration card.
- (c) Must be 18 to 35 years old.
- (d) Should have a legally registered business, company, co-operative or youth club.
- (e) Must have a proposal for funding that should provide a clear path of employing other unemployed youth.

The guidelines also specified that the application form was to be accompanied by documents such as:

- (a) a copy of a valid certificate of business name/company registration, registration for cooperatives or youth associations;
- (b) curriculum vitae of key members of the management team;
- (c) a copy of a valid license of operation, where applicable;
- (d) certified copies of the national registration card of all project members;

- (e) proof of physical location of business; and
- (f) proof of banking details.

Stakeholders submitted that for a youth group to access the YDF, they had to meet the above-mentioned requirements. They were also required to submit a business or project proposal by completing an application form for the business project proposal template. All project proposals were subjected to a three-stage review as outlined below.

8.3 Desk Appraisal Process

Stakeholders explained that the desk appraisal of project proposals was done by the Provincial Youth Development Fund Committee against financial viability, product marketability, legal compliance, and implementation feasibility as well as other critical project facets. During the appraisal process, a standardised score sheet was used to ensure fairness. Once a project proposal was successful at the desk appraisal stage, it was subjected to the field appraisal process.

8.4 Field Appraisal Process

The Committee was informed that at this stage, the Provincial Youth Development Fund Committee interacted with successful applicants whose proposals were viable. The Committee checked for availability and suitability of the proposed site of operation. It also checked on the possibility of young people being used by those who were above thirty-five years to access the Fund, among other things. When the project proposal attained the required score at field appraisal, it was recommended to the National Youth Development Fund Committee for possible funding.

8.5 Validation Process

Stakeholders informed the Committee that the National Youth Development Fund Committee validated all project proposals to ensure that they met all requirements and were viable. When the National Committee completed re-assessment and validation, the project proposal was recommended to the Permanent Secretary of the Ministry of Youth, Sport and Child Development for funding.

8.6 Funding

Stakeholders submitted that the Ministry of Youth, Sport and Child Development through the Department of Youth Development was responsible for issuing loans and grants to successful applicants. The Minister or officials of the Ministry of Youth, Sport and Child Development presented the cheques to

successful applicants. They also stated that in some cases, the National Technical Committee was not able to grant the full amounts but offered amounts lower than what applicants requested for. This was done in order to increase the number of beneficiaries, given the limited resources available.

9.0 TRENDS IN THE DISBURSEMENT OF THE YOUTH DEVELOPMENT FUND IN THE PAST FIVE YEARS

The Committee was informed that disbursement data on the YDF from 2017 to 2019 was not available because no funds had been disbursed since 2017. However, since 2012 when the guidelines were developed, the YDF increased between 2012 and 2015 from K6.7 million to K20.5 million during the period 2015-2016, as indicated in Table 1.

Table 1

Loan fund budget allocations-adjusted for inflation

Year	Budget(K)
2012	6,700,000.00
2013	12,000,000.00
2014	13,000,000.00
2015/16	20,477,897.00

Source: Ministry of Finance Yellow Books

Stakeholders further stated that from 2011-2014, a cumulative total of 1,278 youth distributed countrywide received loans and grants from the YDF as shown in Table 2. The largest portion of 23 percent of the funds went to Lusaka Province which had the largest youth population. The Copperbelt Province was second at 16 percent. Muchinga Province had the least number of beneficiaries at 5 percent. Stakeholders were of the view that, in future, it would be important to focus on the levels of poverty and deprivation of youths in different provinces as a basis for allocating the fund.

Table 2**YDF Actual disbursements by Province (2011-2014)**

NO.	Province	Total Beneficiaries	Total disbursement (K)	% share of the funds
1	Lusaka	301	9,737,422.00	23%
2	Copperbelt	147	5,242,237.96	12%
3	Central	115	5,095,970.27	12%
4	Eastern	98	4,176,664.60	10%
5	Southern	105	3,604,035.00	8%
6	North-Western	105	3,382,891.00	8%
7	Western	133	3,364,322.00	8%
8	Luapula	106	3,347,044.00	8%
9	Northern	99	2,937,000.00	7%
10	Muchinga	69	2,142,174.00	5%
	Grand Total	1278	43,029,760.83	100%

Source: Ministry of Youth, Sport and Child Development

10.0 COLLABORATIVE MECHANISMS IN IMPLEMENTING THE YOUTH DEVELOPMENT FUND

The Committee was informed that the Ministry of Youth, Sport and Child Development had put in place mechanisms to implement the Fund. The mechanisms worked through the creation of technical committees at national and provincial levels. Both committees comprised teams of key and strategic institutions that provided diverse support in the implementation, monitoring and evaluation of the Fund. These collaborative mechanisms enabled the Fund to benefit from a pool of expertise drawn from various institutions as listed below.

10.1 Composition of the National Technical Committee

The National Technical Committee comprised:

- (a) Future Search;
- (b) Anti-Corruption Commission;
- (c) Office of the President (Special Division);
- (d) Walnut Youth Empowerment;
- (e) Junior Achievement Zambia;
- (f) Micro Bankers Trust of Zambia;
- (g) National Youth Development Council;

- (h) Zambia Cooperative Federation;
- (i) Zambia Development Agency;
- (j) Commonwealth Youth Programme Regional Centre for Africa;
- (k) Ministry of Agriculture and Livestock;
- (l) Ministry of Finance;
- (m) Ministry of Justice; and
- (n) Ministry of Commerce, Trade and Industry.

10.2 Composition of Provincial Youth Technical Committee

The Provincial Youth Technical Committee consisted of:

- (a) four members of the Monitoring and Evaluation Sub- Committee of the Provincial Development Coordinating Committee;
- (b) two youth representatives, one male, one female;
- (c) the Provincial Youth Development Coordinator (Secretariat);
- (d) one officer from the Anti-Corruption Commission;
- (e) one officer from the Drug Enforcement Commission;
- (f) one officer from the Office of the President (Special Division);
- (g) one officer from the Zambia Development Agency; and
- (h) one officer from the Citizen's Economic Empowerment Commission (CEEC).

Stakeholders noted that some of the expertise which was needed during loan appraisals for the YDF loans by the Provincial Committee was lacking. For instance, the people that sat on the National Technical Committees were officers from the Ministry, Drug Enforcement Commission, Anti Corruption Commission, among others. However, a person from DEC or ACC was involved to ensure transparency, but had no capacity to actually assess the viability of the business.

The process was also hampered by the lack of resources to effectively facilitate the activities of the Provincial Committee. For example, there was insufficient funding for the Committee to undertake its work as well as limited tools to use in the implementation of the programmes. This was exacerbated by the inadequate skills among officers at the Ministry who were assigned the responsibility of overseeing the day-to-day management of the Fund. Some officers lacked the requisite skills to manage such an undertaking, especially that the loan fund management including portfolio performance assessment

required a specialised field of business finance. Inadequate human resource, especially at provincial level, was another factor that negatively affected the implementation of the YDF.

11.0 SUCCESSES SCORED IN THE IMPLEMENTATION OF THE FUND

The Committee was informed that the YDF scored a number of successes based on its initial objectives. These successes are listed below.

11.1 Job Creation

The Committee was informed that the core objective of the YDF was to create jobs for the youth. However, stakeholders submitted that it was difficult for them to judge whether the objective was fully achieved because the research conducted by the Zambia Institute for Policy Analysis Research (ZIPAR) indicated that the Ministry did not specify how many jobs it hoped to create from each Kwacha invested in the Fund. The report indicated that during the period 2012 to 2015, youth enterprises created a total of 742 new and full time jobs following an investment of over K40 million. These jobs translated into two jobs per youth enterprise on average over a period of four years. Nevertheless, despite the effort during the same period, youth unemployment grew from 10 per cent in 2014 to 17 percent by 2017.

11.2 Business Exposure

Stakeholders acknowledged that despite the YDF not reducing youth unemployment levels, it gave the youth an opportunity to participate in growing the economy. It was anticipated that the youth could use the knowledge acquired from running these enterprises to perform better in future and contribute to the growth of the economy.

11.3 Credit Exposure

The Committee was informed that the youth who borrowed money, especially those who paid back, had a rare opportunity to have credit experience. This was an important skill and the exposure was necessary for them if they were to grow their businesses in future.

11.4 Livelihood Impacts

The Committee was informed that the YDF had a positive impact on youth who used the loans wisely. Some of the youth used the Fund to expand their businesses and employed more people. For instance, some youth in Isoka and Kasama districts grew from sole traders to stable SMEs which turned their lives around and improved not only their standards of living but also the future of their businesses.

Stakeholders were of the view that despite the few success stories, the created jobs were not sufficient to make a dent on the high levels of unemployment in the country compared to the amount of resources invested in the programme over the period of four years. Additionally, it was noted that the welfare of the beneficiaries did not improve compared to non-beneficiaries.

12.0 CHALLENGES BEING FACED IN THE IMPLEMENTATION OF THE FUND

The Committee heard that the implementation of the YDF had faced a number of challenges as outlined below.

12.1 Lack of a Legal Framework

The absence of a specific piece of legislation to govern the Fund perpetuated defaulting by beneficiaries as they considered loans as free gifts from the Government. The absence of a legal framework to guide the implementation also contributed to the difficulties encountered in trying to come up with loan recovery modalities in the event that a beneficiary defaulted. Therefore, defaulting under the YDF did not attract any penalties.

12.2 Management of the Fund

The Committee was informed that the core mandate of the Ministry of Youth, Sport and Child Development was to formulate policy and facilitate implementation of Government programmes. Therefore, the decision to have a Government ministry directly provide loans was contrary to the Ministry's mandate. The Ministry had no capacity to manage the Fund professionally because it did not have the right people to professionally assess projects, interpret business and financial projections as well as recover debts. This was true for the national and provincial offices. In this regard, the Ministry could not provide good managerial skills to effectively manage the disbursement of the Fund because it was not the Ministry's core function.

12.3 Limited Information Dissemination

The Committee was informed that information about the YDF was very limited and was mostly available only to the youth along the line of rail as well as those who were, to a certain extent, close to the political leadership. For example, the Committee learnt that most of the youth interviewed by ZIPAR during the review of the YDF, especially those from far flung areas throughout the country, expressed ignorance about the existence of the Fund despite being in need of capital for their businesses. The main problem was that the information was disseminated mainly through political gatherings, which created a bias against those who did not attend such gatherings. As a result, funds were mostly given

to youth with homogenous characteristics, which contributed to the reduced success of the Fund.

12.4 Application Processes-Related Access Barriers

The Committee heard that although the YDF application form was free, some requirements discriminated against many of the youth. A typical requirement was the need for all applicants to have a registered business as a pre-qualification. However, some of the youth with good projects failed to meet this requirement because they lived in remote areas far from city centres where they could obtain business registration certificates. As a result, some of them spent a lot of money trying to have their businesses registered or failed to apply for the Fund because of lack of business registration certificates. The application forms were also to be completed in English. However, because of low literacy levels, some youths could not complete an application even though they had good projects. Some youth resorted to paying other people to write project proposals for them which compromised the whole process.

12.5 Project Appraisal Inadequacies

Stakeholders stated that the YDF applications went through desk and field appraisals. The desk appraisal focused on the business proposal and the financial projections while the field appraisal was concerned with the project site. However, stakeholders argued that the appraisers were not professionals because they were drawn from Government departments where they performed roles not related to appraisal of business projects. Secondly, some youth hired other people to write business proposals for them. This meant that some projects were too good and overstated the capacity of the business owner.

12.6 Loan Recovery Limitations

The Committee was informed that traditional financial lending institutions such as banks had inbuilt mechanisms to monitor and track borrowers which increased the chances of loan recovery. Unfortunately, the YDF did not develop such mechanisms nor did they keep a beneficiary database. Further, the YDF did not have a systematic method of monitoring projects which negatively affected the rate of loan recovery. As a result, in most cases, the youth who obtained loans could not be traced and this made it difficult to recover the loans.

12.7 Delays in the Disbursement of the YDF Loans/Grants

Stakeholders were concerned over the length of time the Ministry took to disburse the funds to successful applicants. They explained that most of the time, it took as long as six months or even more before funds could be disbursed to successful applicants. The delay was, however, attributed to the

Ministry of Finance which took long to release the funds. This delay affected the beneficiaries' ability to implement their business plans because some of them were time bound.

12.8 Effectiveness of the Fund

The Committee heard that the research conducted by ZIPAR had revealed that 18 per cent of the funded enterprises did not even start their businesses despite obtaining money. Additionally, 39 percent of enterprises that started doing business closed down along the way. Stakeholders observed that most youth enterprises closed down because of lack of training in entrepreneurship to help them sustain their businesses. Furthermore, the research indicated that only 16 percent of the borrowed money was repaid at the time of the survey. This meant that 84 per cent of the money was disbursed but no recovery was made. This situation was worsened by the fact that the YDF did not prescribe a punishment for defaulters as was the case with ordinary lending institutions.

12.9 Sustainability of the Fund

The Committee heard that the YDF was intended to be a revolving fund. However, because the money that was repaid was minimal, the Fund could not be revolved as planned, implying that the YDF continued to rely on the Treasury for subsequent funding. Secondly, the interest rates charged on YDF loans were always below the rate of inflation. This meant that even if everyone repaid their loans to the YDF, the value of money would still have been eroded. In addition, the Fund did not have other investment activities to enable it grow the money provided to it by Treasury. The Fund also lacked resource mobilisation mechanisms. This entailed that in the absence of funding from the Treasury, the YDF could not survive.

12.10 Monitoring and Evaluation

Stakeholders submitted that the YDF lacked a systematic monitoring and evaluation mechanism for youth projects as well as the management of the programme since its inception. The first monitoring and evaluation exercise of the programme was done in 2017, almost seventeen years after commencement of the programme. This made it difficult to track and measure the impact of the Fund on the lives of the youth so that improvements could be made.

12.11 Absence of Private Sector Participation

The Committee was informed that the absence of private sector participation in the design, implementation and monitoring of the YDF contributed to its poor performance. This gap should have been sealed by the Ministry of Youth, Sport and Child Development through the involvement of the private sector or by out-

sourcing some of the services. Such involvement would have enabled the Ministry to enter into some form of Public Private Partnerships (PPP) arrangement.

12.12 Absence of MYSCD at district level

The Committee was informed that in the absence of the Ministry of Youth, Sport and Child Development at district level, the office of the District Commissioner (DC) was used to distribute the YDF application forms. However, no resources were provided for the DCs to perform this function. The DCs were also used as guarantors for the borrowers. It was believed that DCs were in touch with the community and were better placed to identify the youth or groups of youth with the potential to run viable projects.

Stakeholders were, however, concerned that DCs were political appointees and inclined towards the ruling party, hence there was a risk of disadvantaging the youth who may not be aligned to the ruling party if DCs were heavily involved in the selection process. They also stated that the YDF was strongly perceived as a campaign tool for the ruling party because of the involvement of politicians in the presentation of cheques to beneficiaries. Politicians' involvement in the disbursement of funds negatively influenced public perception of the Fund and its potential as a youth economic empowerment vehicle. This was because the Fund was highly linked to the political structures, which made the youth to think that the Fund was a political reward, a perception that had, to a certain extent, affected repayments.

COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

13.1 Fund Management

While appreciating the efforts that the Ministry of Youth, Sport and Child Development is making in ensuring reduction in unemployment and poverty levels amongst the youth, the Committee notes that the Ministry lacks the necessary skills to effectively manage the disbursement of the Fund because this is not its core function. In this regard, the Ministry lacks professionals to effectively assess projects, interpret business and financial projections as well as recover debt.

In this vein, the Committee strongly recommends that an independent Fund Manager be immediately engaged. Further, the Committee recommends that the Fund manager should be an established financial institution with experience in credit services provision. The institution should work independently but in consultation with the Government in setting up credit requirements that are not only commercially attractive but also friendly to the youth. The Fund Manager should be given guidelines to also endeavour to keep interest rates above inflation rates to ensure that the YDF is sustainable.

13.2 Lack of a Specific Legal Framework to Govern the Operations of the YDF

The Committee notes that despite the Policy being in place, there is no legal instrument that governs the operations of the YDF. As a result, most of the youth who benefit from the Fund are not compelled to pay back the loans because there is no provision for penalties on defaulting.

In this regard, the Committee recommends that, as a matter of urgency, the Government should put in place a legal framework that will govern the Fund and provide for penalties against defaulters, which will compel the beneficiaries to promptly pay back their loans.

13.3 Delayed Disbursement of the YDF to Beneficiaries

The Committee observes with concern that after applications for grants or loans have been reviewed and approved, the disbursement of the funds is often delayed which makes it difficult for the beneficiaries to effectively implement their planned business activities. The Committee finds this highly unacceptable, particularly in light of the dynamic economic environment in which prices of goods and services, including exchange rate keep escalating from day to day.

In this regard, the Committee strongly recommends that the Government should take steps to ensure timely release of funds to the YDF in order to enable beneficiaries to undertake their planned businesses before the money loses value.

13.4 Lack of Information on the YDF

The Committee observes with concern that information about the YDF is mostly available to the youth in urban and peri-urban areas as well as those close to the political leadership. Most of the youth in far-flung areas are ignorant about the existence of the Fund even if they need capital to start their business. This is because information about the YDF is disseminated mostly to those who are politically inclined or during political gatherings, which disadvantages those who do not attend such gatherings.

In view of the foregoing, the Committee recommends that the Government should come up with a robust sensitisation programme to enable all the youth countrywide to have access to information on the YDF. The Government should also adopt the use of information communication technologies (ICTs) to provide up-to-date information on marketing, training and financing tools. Further, the Government should continuously sensitise young people with a view to changing their mindset that Government empowerment initiatives are free gifts which do not need to be paid back.

13.5 Lack of Capacity to Manage Businesses by the Youth

The Committee notes with concern that most of the youth who benefit from the Fund do not have the relevant business acumen resulting in most of their businesses closing down and ultimately failure to pay back the loans. In this regard, the Committee recommends that the Government should take concrete measures to build the capacity of the youth in basic business development before disbursing the funds to them as provided in the YDF guidelines.

13.6 Lack of Database for Beneficiaries and Monitoring and Evaluation Mechanisms

The Committee notes with great concern, that there is no database on the beneficiaries of the YDF, which makes it difficult to monitor their businesses and to compel beneficiaries to pay back their loans. The Committee is also concerned that a programme of this magnitude is being implemented without a systematic monitoring and evaluation mechanism being put in place. The Committee is further saddened that the first monitoring and evaluation exercise of the programme was done seventeen years after its commencement. This makes it difficult to track and measure the impact that the Fund is making so as to address the challenges it is facing.

In this vein, the Committee recommends that the Government should urgently consider creating a database and institute a robust monitoring and evaluation mechanism for all YDF beneficiaries. The database should be updated regularly and verified during the monitoring and evaluation process. This will provide an opportunity for the Government to remind beneficiaries whose payments are due, and to undertake on-the-spot checks on the number of jobs created by the beneficiaries. It will also enable the Government to review the performance of the enterprises which receive support from the YDF. The Government monitoring and evaluation mechanism will help to ensure implementation of the YDF is kept on course for the programme to achieve its intended objectives.

13.7 Lack of Clear Guidelines on the Nature of Projects to be Funded

The Committee notes that there is no clearly laid down criterion to determine which projects qualify for funding under the YDF. In view of the foregoing, the Committee recommends that the Government should clearly outline the criteria to be taken into account in determining whether a project is eligible for support under the YDF or not.

13.8 Limited Understanding of Application Process

The Committee notes that application forms are to be completed in English despite the low literacy levels, especially that most of the youth in the rural areas cannot read and write in English. This makes it difficult for them to

complete the application form. In this regard, the Committee recommends that application forms should also be made available in all the seven major languages so that applicants who are not conversant in the English language are not unduly disadvantaged.

13.9 Political Interference

The Committee observes that sometimes politicians from the ruling party officiate at the events where YDF cheques are presented to beneficiaries, creating a perception that the Fund is being used as a channel for the ruling party to reward its sympathisers. In this vein, the Committee recommends that members of the public should be sensitised on the role the politicians play in the effective implementation of the Fund. Further, the Government should ensure that part activities are clearly separated from important Government functions. Henceforth, distribution of cheques should be done only by Government officials, not political party officials.

PART II

CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE ON YOUTH, SPORT AND CHILD MATTERS FOR THE THIRD SESSION OF THE TWELFTH NATIONAL ASSEMBLY

14.0 CHILD MARRIAGE IN ZAMBIA

Committee's Observations and Recommendations

Following interactions with stakeholders and a public hearing, the Committee had observed with concern that child marriage in Zambia had taken a toll on individuals, families and societies, perpetuating an intergenerational cycle of poverty, low education, early child bearing and poor health. The Committee was of the view that a collective national political commitment by all players was needed in order to address these challenges. The Committee, therefore, observed and made recommendations as set out below.

14.1 Definition of a Child

The Committee had observed that the Government had taken too long to harmonise the provisions of the law relating to the definition of a child and had failed to enforce existing progressive legislation. It was also observed that the recognition and application of customary law impeded the application of progressive provisions in the Constitution on child marriage.

The Committee had strongly recommended that the Government must expedite the process of finalising the Children's Code Bill which would help resolve all or most of the lacunas observed in the legal framework relating to child matters.

Further, the Committee had urged the Government to ensure that progressive pieces of legislation pertaining to children were enforced and fully operationalised so as to strengthen the legislative framework.

Executive's Response

In the Action Taken Report, the Executive stated that the Government, through the Ministry of Youth, Sport and Child Development was committed to ensuring that the Children's Code Bill was enacted into law in the shortest possible time. In this regard, the Ministry had continued to engage the Ministry of Justice to prioritise the finalisation of the Children's Code Bill.

The Children's Code Bill was at Internal Legislative Committee Stage under the Ministry of Justice. It was the expectation of the Ministry of Youth, Sport and Child Development that once the Children's Code Bill was enacted into law, it would address most of the gaps and lacunas in the current legal framework for children which, included the definition of the child, minimum age for marriage, minimum age for criminal responsibility, issues relating to arrest, detention and trial of children in conflict with the law.

Additionally, the Ministry was working closely with the Child Protection Unit under the Zambia Police Service to ensure that various pieces of legislation relating to children were enforced and operationalised. Further, the Ministry was working with line ministries such as: Labour and Social Security, Gender and Chiefs and Traditional Affairs to ensure that laws pertaining to the protection of children against the worst forms of child labour and early child marriages were enforced.

Committee's Observations and Recommendations

In noting the submission from the Executive, the Committee resolves to await a progress report on the harmonisation of the laws relating to child matters and, in particular, on the finalisation of the Children's Code Bill.

14.2 Sexual Exploitation of Street Girls

The Committee had noted with great concern that sexual exploitation of young street girls had remained a common practice, thus putting these girls at risk of early pregnancies and marriages as well as contracting sexually transmitted diseases, including HIV.

The Committee had urged the Government to develop and implement, as a matter of urgency, a robust programme to eradicate streetism in the country.

Executive's Response

In the Action Taken Report, the Executive submitted that the Government had developed a multi-sectoral plan which was aimed at addressing the problem of streetism in a sustainable manner. Some of the intervention measures in the plan included:

- i) strengthening of co-ordination mechanism among stakeholders;
- ii) capacity building of families where street children were coming from;
- iii) financial support to children's homes; and
- iv) rehabilitation of children addicted to alcohol, drugs and other substances.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await a progress report on the implementation of the multi-sectoral plan.

14.3 Inadequacy and Inaccessibility of Schools in Rural Areas

The Committee had noted with great concern the inadequacy and inaccessibility of schools in rural areas by most children. In this regard, children had to walk long distances to attend school and there was a severe shortage of teachers which discouraged children from attending classes. Further, most available schools had no boarding facilities, which put the girl-child at risk of being sexually exploited on their way to schools. Moreover, the lack of sanitary facilities kept many girls away from school. This situation had contributed to the high incidences of child marriage, among other challenges. The Committee agreed with stakeholders that there had been insufficient budgetary allocations over the years from the national budget towards gender equality, women empowerment and child protection measures. This had been exacerbated by inadequate and weak monitoring mechanisms in place in the ministries responsible.

The Committee had recommended that the Government should ensure that development of school infrastructure in all parts of the country should be in line with the Seventh National Development Plan theme, "Leaving No One Behind." Further, building of new schools must be prioritised in infrastructure development. E-learning should also be promoted throughout the country.

Executive's Response

In the Action Taken Report, the Executive submitted that the Government was already implementing a robust school infrastructure programme covering the

entire country. So far, the Ministry was constructing 115 secondary schools, of which eight were completed and operational. The remaining forty-seven were at different levels of completion. The Committee would also like to know the Government's position on the remaining 60 secondary schools. Apart from the 115 secondary schools, the Government had embarked on the construction of another eighty-two secondary schools in seven provinces namely: Southern, Northern, Eastern, Luapula, Central, Muchinga and Lusaka. These were being constructed using the community mode of construction and were expected to be completed in the first quarter of 2020. The 115 secondary schools were equipped with four science laboratories, two computer laboratories and the relevant numbers of sanitation facilities.

Committee's Observations and Recommendations

The Committee notes the response from the Executive and resolves to wait for a progress report on the completion of the forty-seven secondary schools and also the construction of the eighty-two planned secondary schools in the named provinces.

14.4 Necessary School Resources

The Committee had urged the Government to ensure that schools were equipped with necessary resources, including adequate staffing and sanitary facilities in order to encourage learning across the country, which in turn would reduce illiteracy levels and discourage child marriage in the communities.

The Committee had recommended that e-learning should be implemented in all schools throughout the country to encourage access to education material by all learners.

Executive's Response

In the Action Taken Report, the Executive submitted that computer studies had been introduced to all schools, even those schools without power. However, only those schools with adequate facilities were required to present candidates for examinations. Further, the Ministry of General Education with the support of cooperating partners was working to ensure that all schools had computers.

Committee's Observations and Recommendations

The Committee expresses dissatisfaction at the Executive's response because some schools do not have adequate facilities and cannot present candidates for examinations. The Committee resolves to wait for a progress report on when the Government will provide power and computers in all schools countrywide.

14.5 Insufficient Budgetary Allocations

The Committee had agreed with stakeholders that there had been insufficient budgetary allocations over the years from the national budget towards gender equality, women empowerment and child protection measures. This had been exacerbated by inadequate and weak monitoring mechanisms in place in the ministries responsible.

The Committee had urged the Government to consider increasing allocations to gender equality, women empowerment and child protection programmes in order to help deal with the problem of child marriage. Further, the Government was urged to ensure that strong monitoring mechanisms were put in place to curb mismanagement of funds allocated to these programmes.

Executive's Response

In the Action Taken Report, the Executive submitted that the Ministries of Youth, Sport and Child Development and Gender were committed to ensuring that budgetary allocation for gender equality, women empowerment and child protection programmes were increased. In this regard, the Government through the Ministry of Youth, Sport and Child Development and the Ministry of Gender would engage the Ministry of Finance to ensure that budgetary allocations for the three programmes were increased in the 2020 budget. Further, the Government through the Ministries of Youth, Sport and Child Development and Gender would ensure strict adherence to the *Public Financial Management Act, No. 1 of 2018*; *Public Procurement Act, No. 12 of 2008* and the internal audit controls to ensure that funds allocated to these programmes were not mismanaged.

Committee's Observations and Recommendations

The Committee resolves to wait for a progress report because the Ministry indicated that it would lobby the Ministry of Finance to increase the budgetary allocation for these programmes in the 2020 Budget. However, the 2020 Yellow Book indicated that the budgetary allocations for these programmes reduced.

14.6 Standard Structure of Trusts

The Committee had observed that there was no standard structure of Trusts in the chiefdoms to help mobilise resources to assist vulnerable children and curb the problem of child marriage.

The Committee had urged the Government to consider establishing Chiefdom Trusts to mobilise resources to assist vulnerable families in chiefdoms specifically to pay school fees.

Executive's Response

In the Action Taken Report, the Executive submitted that the Government through the Ministry of Chiefs and Traditional Affairs would explore the possibility of establishing Chiefdom Trusts within the existing legal framework and policies in order to guide the management of Chiefdom Trusts as well as the mobilisation of resources to assist vulnerable families in chiefdoms specifically to pay their children's school fees.

Committee's Observations and Recommendations

The Committee resolves to wait for a progress report on the possibility of establishing Chiefdom Trusts.

15.0 SPORTS DEVELOPMENT AND ADMINISTRATION IN ZAMBIA

After a detailed analysis of the written memoranda and careful consideration of oral submissions from the stakeholders and the subsequent findings from the local tour, the Committee made the observations and recommendations set out below.

15.1 Undefined Intermediary Development Support Systems for Athletes

The Committee had noted with concern the lack of clearly defined intermediary development support systems for athletes who may wish to pursue careers in sport. The Committee had also agreed with stakeholders that most athletes in both minor and major sports had no managers within the country to manage their development.

The Committee had, therefore, recommended that the Ministry of Youth, Sport and Child Development should create a standard integrated approach to athletes' development to be followed by all sports administrations in the country.

Executive's Response

In the Action Taken Report, the Executive submitted that the Ministry had taken note of the recommendations. Therefore, in order to create a standardised approach to athletes' development, the Ministry had developed the Sport Coaches Framework aimed at guiding the coaching profession so that it could become a more sustainable and respected profession. Further, the coaching framework provided guidance to Zambian coaches on the basic and complex principles and philosophies of coaching as demanded by modern coaching trends. It also set out critical success factors of good coaching and enabled the coach to provide ample training and leadership to athletes. In addition, the

Ministry was introducing a physical education curriculum at tertiary level starting with the University of Zambia.

Committee's Observations and Recommendations

In noting the submission from the Executive, the Committee resolves to await a progress report on the introduction of the physical education curriculum at tertiary level.

15.2 Entrepreneur Career Path for Sports Managers

The Committee had encouraged the Ministry responsible for sport to use its existing organised systems to develop a well-defined commercial entrepreneur career path to attract managers who may wish to market and expose athletes to higher levels.

Executive's Response

In the Action Taken Report, the Executive submitted that the Ministry would work closely with the National Sports Council of Zambia (NSCZ) to develop a well-defined commercial entrepreneur career path. The Committee may also wish to note that the Ministry, Zambia National Broadcasting Corporation and Topstar were in the process of establishing a sports channel on the national broadcaster as a way of commercialising sport by exposing and marketing athletes to higher levels.

Committee's Observations and Recommendations

In noting the submission, the Committee resolves to await a progress report on the process of establishing a sports channel as a way of commercialising sport marketing and exposing athletes to higher levels.

15.3 Inadequate Budgetary Allocation to Sports

The Committee had observed with concern the inadequate budgetary allocation to sports development and administration year after year, which had greatly affected the development and performance of athletes in international competitions. The Committee was of the view that minor sports had suffered the most due to inadequate funding by the Government.

The Committee had, therefore, strongly recommended that the Government should prioritise funding to sports and development in order to improve athletes', and teams' performance in both minor and major sports in the country.

Executive's Response

In the Action Taken Report, the Executive submitted that the Ministry would continue to lobby the Treasury for increased funding to sports development in order to improve athletes and teams' performance in both minor and major sports in the country. The Government would also continue encouraging private sector investments in sports development in the country. The Committee may wish to note that private investors had already started investing in sports by constructing private sport facilities such as: Bonanza Golf Course, Barcelona Football Academy and Automotive Futsal Pitches in Lusaka. The Ministry was revising the Sports Policy. The Policy was focusing on supporting all sports disciplines for both minor and major in the country.

Committee's observations and Recommendations

In noting the submission, the Committee resolves to wait for a progress report on the revision the Sports Policy.

15.4 Lack of Sports Infrastructure in the Country

The Committee had noted with concern the general lack of sports infrastructure in the country coupled with the concentration of the available facilities in the cities. The Committee was of the view that the situation had been exacerbated by the lack of a maintenance plan for existing infrastructure. The Committee was further concerned that the sports infrastructure available in the country was unfriendly to persons living with disabilities (PLWD), a situation which was hindering their participation in sport. Furthermore, the Committee observed that the Government had neglected support to sports infrastructure situated in areas with bad terrain like the Western Province.

The Committee had, therefore, urged the Government to come up with a robust sports infrastructure development plan so as to have new sports infrastructure facilities across the country.

Executive's Response

In the Action Taken Report, the Executive submitted that the Ministry had developed an Infrastructure Development Plan for the maintenance, rehabilitation and construction of sports infrastructure facilities. In addition, the Ministry would collaborate with the private sector venture through Public Private Partnerships (PPP) to construct sports facilities across the country.

Committee's Observations and Recommendations

The Committee notes the response from the Executive and resolves to wait for a progress report on the implementation of the Infrastructure Development Plan for maintenance and construction of sporting facilities countrywide.

15.5 Maintenance Plan for Sports Infrastructure

The Committee had recommended that the Government should come up with a maintenance plan for sports infrastructure, expeditiously, in order to maintain the existing sports facilities in the country.

Executive's Response

In the Action Taken Report, the Executive stated that the Infrastructure Development Plan was in place and only awaiting availability of funding in order to be actualised. The Ministry would continue to lobby the Ministry of Finance and the private sector to provide funding for maintenance of sport infrastructure across the country.

Committee's Observations and Recommendations

The Committee notes the response from the Executive and resolves to wait for a progress report on the implementation of the Infrastructure Development Plan for maintenance and construction of sporting facilities countrywide.

15.6 Special Facilities in all Sports Infrastructure for People Living with Disabilities (PLWD)

The Committee had recommended that the Government should put in place special facilities which were tailor-made for use by PLWD in all sports infrastructure in order to be all inclusive and to enhance the participation in sport of persons living with disabilities.

Executive's Response

In the Action Taken Report, the Executive stated that the Ministry would lobby various institutions to design and develop infrastructure that was user friendly and accessible to children, women and persons living with disabilities. In addition, the Ministry would continue working in collaboration with the Ministry of Community Development and Social Services to ensure that all infrastructure development took into account the needs of the PLWD.

Committee's Observations and Recommendations

The Committee notes the response and resolves to wait for a progress report on the design and construction of sports infrastructure that will be user friendly to women, children and people living with disabilities countrywide.

15.7 Unstable Energy Tariff Structure

The Committee had observed with concern that the unstable energy tariff structure had taken a serious toll on the profitability of some corporate entities. This had been exacerbated by the introduction of some obligatory payments (levies) by the Government in the water sector. The Committee was of the view that these new arrangements were discouraging some firms from providing the much needed corporate social responsibility which included support to sports development by these firms.

The Committee had, therefore, strongly recommended that the Government should consider providing some form of rebates to incentivise companies which supported sport in the country as a way of encouraging them.

Executive's Response

In the Action Taken Report, the Executive submitted that the Ministry would re-engage the Ministry of Finance on the issue of providing incentives and tax rebates to companies that supported sport in the country as a way of encouraging them to provide sponsorship.

Committee's Observations and Recommendations

In noting the response, the Committee urges the Ministry to expeditiously initiate engagement with the Ministry of Finance regarding provision of incentives to companies that support sport in the country. The Committee will await a progress report on this matter.

15.8 Functioning Sports Advisory Committees

The Committee had observed that some provinces visited during the local tour did not have functioning Sports Advisory Committees at both the provincial and district levels. The Committee had wondered how sport was being run in these provinces, given that the Ministry of Youth, Sport and Child Development had no offices at district level.

The Committee had strongly urged the Government to consider decentralising the Ministry of Youth, Sport and Child Development to district level, as a matter of urgency, in order to strengthen the monitoring of sports and children's affairs in the districts.

Executive's Response

In the Action Taken Report, the Executive stated that a structure with representation at district level was developed and approved by Cabinet Office in 2013. However, Treasury Authority had not been granted for the implementation of the revised organisational structure to date. Therefore, in the absence of an organisational structure, the Ministry was using the District Sports Advisory Committees (DSACs) across the country to monitor sports in the districts.

Committee's Observations and Recommendations

In noting the response, the Committee expresses disappointment over the inordinate delay of seven years in implementing the revised organisational structure as approved by Cabinet. The Committee implores the Government to prioritise and expedite the implementation of the structure so as to promote sports development in the country. The Committee resolves to wait for a progress report on the operationalisation of the revised and approved organisational structure.

15.9 Sports Advisory Structures

The Committee had strongly recommended that sports advisory structures be established to work closely with all provincial sports coordinators in promoting sport at provincial level.

Executive's Response

In the Action Taken Report, the Executive submitted that the Ministry would ensure that district sports advisory structures were established in districts where they were non-existent.

Committee's Observations and Recommendation

In noting the response, the Committee is disappointed that no action appears to have been taken by the Ministry on this matter. In this vein, the Committee calls for urgent action and resolves to wait for a progress report on the establishment of advisory structures in districts where they are non-existent.

CONSIDERTION OF ACTION TAKEN REPORT ON THE REPORT OF THE COMMITTEE ON YOUTH, SPORT AND CHILD MATTERS FOR THE SECOND SESSION OF THE TWELFTH NATIONAL ASSEMBLY

16.0 YOUTH UNEMPLOYMENT IN ZAMBIA

Arising from the Action-Taken Report, the Committee made the observations and recommendations set out below.

The previous Committee had recommended that the Government should seriously consider transferring the management of the Youth Development Fund to a special purpose vehicle or otherwise to the Citizens Economic Empowerment Commission. The Committee was of the view that the Commission had the requisite expertise and infrastructure to competently manage the Fund and only provide reports to the Ministry.

Executive's Response

In the Action-Taken Report, the Executive stated that the Report on the evaluation of the Youth Development Fund had been finalised and disseminated to all relevant stakeholders, including Parliament.

In addition, the Committee may wish to note that the Government was reviewing the implementation of all empowerment funds in line with the observations of the Committee.

Committee's Observations and Recommendations

In noting the response, the Committee urges the Executive to expedite the process of reviewing the implementation process of all empowerment funds and resolves to await a progress report on the matter.

16.1 Decentralisation of the Ministry of Youth, Sport and Child Development

The Committee had previously resolved that the Government should consider decentralising the Ministry of Youth, Sport and Child Development to district level without delay in order to improve its monitoring and coordination of youth, sport and children programmes.

Executive's Response

In the Action Taken Report, the Executive stated that the Ministry had continued to follow up this matter with the Ministry of Finance to implement the revised organisational structure. In addition, the Ministry continued to make follow ups with the Decentralisation Secretariat on the approval of the Sector Devolution Plan and its implementation.

Committee's Observations and Recommendations

In noting the response, the Committee plods the Executive to expedite the approved revised organisational structure and resolves to await a progress report on the matter.

16.2 Decentralisation of the Youth Development Fund

The Committee in the previous Session had urged the Government to consider decentralising the Youth Development Fund to district level so as to enhance monitoring and evaluation of projects funded under the Fund.

Executive's Response

In the Action Taken Report, the Executive submitted that the Government was reviewing the implementation of all empowerment funds to take into account various recommendations which included among others, decentralisation of the administration of such funds.

Committee's Observations and Recommendations

The Committee calls for expeditious conclusion of the review of the implementation process of all empowerment funds and awaits a progress report on the decentralisation of the Youth Development Fund.

16.3 Incentivising the Private Sector

The Committee in the previous Session had urged the Government to also consider providing incentives to the private sector to invest in delivery of education and skills training to improve private sector participation in skills development for out of school youth. Further, there was need for the Government to ensure effective implementation of programmes such as the Public-Private Partnership Skills Development Fund.

Executive's Response

In the Action Taken Report, the Executive stated that the Ministry was still engaging relevant stakeholders to partner with to implement the Public-Private Skills Development Fund. In addition, the Ministry was collaborating with the Ministry of Higher Education through the Technical Education, Vocational and Entrepreneurship Training Authority (TEVETA) Fund to sponsor the out of school youth in various youth resource centres in skills development.

Committee's Observations and Recommendations

In noting the response, the Committee implores the Executive to expedite the engagement with relevant stakeholders and resolves to await a progress report on the implementation of the Public-Private Skills Development Fund.

16.4 Internship and Mentorship Programmes

The Committee had reiterated its recommendation that the Government should consider providing incentives to companies that provided internship and mentorship programmes to the youth. Further, the Committee also urged the Government to ensure that out of all the contractual work which was available in the country, between 20 per cent to 40 per cent was reserved for youth groups (cooperatives or companies) in order to empower them to grow their businesses.

Executive's Response

In the Action Taken Report, the Executive submitted that the discussions were going on in the Ministry of Higher Education to consider using the Skills Development Fund to give incentives to companies and institutions providing internship and mentorship programmes to the youth.

Committee's Observations and Recommendations

In noting the response from the Executive, the Committee notes that discussions to incentivise companies providing internship and mentorship programmes are still going on. The Committee resolves to wait for a progress report on the matter.

16.5 Job Fairs

The Committee had urged the Executive to make it mandatory for all schools of higher learning to conduct job fairs on their campuses towards the end of each academic year. The Committee was of the view that this would facilitate exchange of ideas between institutions and players in industry on the requisite skills. This would facilitate adjustments in the curricula of the institutions of higher learning.

Executive's Response

In the Action Taken Report, the Executive submitted that the Ministry was aware that job fairs afforded prospective employers an opportunity to gain access to a large number of candidates in a one-stop environment. In view of this, awareness raising would be undertaken to ensure that job fairs were introduced, and the Ministry would work out modalities on their operationalisation.

Committee's Observations and Recommendations

In noting the response from the Executive, the Committee awaits a progress report on the introduction of job fairs.

16.6 Apprenticeship Act, Chapter 275 of the Laws of Zambia

In the previous Session, the Committee had recommended that the Government should expeditiously review the *Apprenticeship Act, Chapter 275 of the Laws of Zambia* in order to give guidance on internships and placements in the country.

Executive's Response

In the Action Taken Report, the Executive stated that the Government, through the Ministry of Labour and Social Security was currently undertaking the review of the Apprenticeship Act, in order to ascertain the need and scope of reform.

Committee's Observations and Recommendations

In noting the response from the Executive, the Committee resolves to wait for a progress report on the review of the Apprenticeship Act.

16.7 Casualisation in the Country

The Committee in the previous Session had urged the Government to strictly and firmly enforce the regulation to ban casualisation in the country and possibly put in place stiff penalties to punish those who contravened these regulations in order to avert this problem. There was also need for the Government to pursue Active Labour Market Policies (ALMP) by directly helping unemployed individuals transition to self-employment where necessary to further counter this problem.

Executive's Response

In the Action-Taken Report, the Executive stated that the delay in the recruitment of more Labour Inspectors had been due to financial constraints. However, the Government would consider granting Treasury Authority to recruit more Inspectors once funds permitted. Furthermore, the Government reiterated that Active Labour Market Policies would be implemented in the quest to increase the number of job opportunities created in the economy, especially for the youth. The formalisation of the Apprenticeship/Internship programmes would be done once the supporting legal framework was put in place.

Committee's Observations and Recommendations

In noting the response from the Executive, the Committee resolves to wait for a progress report on the implementation of Active Labour Market Policies.

16.8 Labour Market Information System

In the previous Session, the Committee wanted to know whether the Government, under Ministry of Labour and Social Security, had commenced the process of developing the Labour Market Information System (LMIS). The System was expected to be operationalised in the first quarter of 2019. Among the main functions that the LMIS was to carry out was not only the provision of information on jobs available in the different regions of the country but also link would be job seekers with the prospective employers through the Public Employment Exchange Services that would be set up as part of the robust LMIS. The System would also supplement information on the key indicators of the labour market such as the size of the labour force and magnitude of unemployment which was currently only available through the Labour Force Surveys.

Executive's Response

In the Action Taken Report, the Executive submitted that the Government, with support of the European Union and GIZ, had finalised the development of the first phase of the Labour Market Information System (LMIS). The System was currently being hosted by Smart Zambia. The training of users and procurement of ICT related equipment was being considered by the Government to support the implementation of the LMIS.

Committee's Observations and Recommendations

In noting the response from the Executive, the Committee resolves to await a progress report on the training of users and procurement of ICT equipment.

16.9 Construction of Youth Resource Centres

The Committee in the previous Session had recommended that the Government should consider releasing adequate funds to complete the construction of youth resource centres which were still under construction as a matter of urgency. Further, the Government should consider building schools of higher learning in all the districts. Further, the Committee had recommended that there was need to standardise the structure and equipment to be stocked at each resource centre countrywide.

Executive's Response

In the Action-Taken Report, the Executive stated that the Government's directive was to complete all the projects that were 80 percent and above as a matter of priority. These projects included Chiyota, Chililabombwe and Kafue Youth Resource Centres. The Ministry was waiting for funding from the Treasury to complete the construction of all youth resource centres.

Committee's Observations and Recommendations

In noting the submission, the Committee again, expresses its disappointment at the response because it does not respond to its recommendation and resolves to wait for a progress report on the matter.

16.10 Youth Employment Coordinating Committee

The Committee in the previous Session had urged the Government to consider creating a Youth Employment Coordinating Committee in each district, the members of which would be drawn from various Government and private institutions.

Executive's Response

In the Action-Taken Report, the Executive stated that the review of the *National Youth Development Council Act, Chapter 144 of the Laws of Zambia* had reached an advanced stage. The establishment of the youth employment coordinating committees would be taken into consideration during the review process of the Act.

Committee's Observations and Recommendations

In noting the submission, the Committee resolves to wait for a progress report on the review of the National Youth Development Council Act.

17.0 YOUTH PARTICIPATION IN DECISION MAKING

The Committee had previously resolved to await a progress report on the formalisation of structures which would promote youth participation starting with the grassroots in districts and provinces through to national levels.

Executive's Response

In the Action Taken Report, the Executive submitted that the Ministry of Youth, Sport and Child Development, through the National Youth Development Council would be organising a National Youth Symposium in November, 2019 which would bring together youths from across the country to discuss the establishment of National Youth Parliament. Further, the Ministry through the National Youth Development Council (NYDC) had since developed a Concept Note on the establishment of the National Youth Parliament as enshrined in the Council's Strategic Plan.

Committee's Observations and Recommendations

In noting the submission from the Executive, the Committee resolves to wait for a progress report regarding the establishment of the Youth Parliament.

17.1 Youth Representation in Parliament

The Committee had previously resolved to await a progress report on enacting a law that would ensure that there was a minimum of youth representation in Parliament.

Executive's Response

In the Action Taken Report, the Executive submitted that the Ministry, through the National Youth Development Council, was still in consultation with relevant institutions to consider providing legislation for the minimum level of youth representation in Parliament by all parties represented in the House.

Committee's Observations and Recommendations

In noting the submission, the Committee resolves to wait for a progress report on the consultations regarding possible legislation to provide for a minimum level of youth representation in Parliament by all parties represented in the House.

17.2 Child Development Curricula

The Committee had previously noted the submission but expressed concern that the curricula relating to child development had not been addressed and hence reiterated its earlier position by urging the Government to expedite the process of reviewing the curriculum even in primary schools. The Committee had resolved to await a progress report on the matter.

Executive's Response

In the Action-Taken Report, the Executive reported that the current primary school curriculum was reviewed at the same time as the curriculum for other levels of the education system (Early Childhood and Secondary School). A curriculum was supposed to be implemented between 5-10 years before another review could be undertaken. This was to allow for full implementation and assessments to evaluate the performance of the curriculum. The phased approach would give an opportunity for materials that supported curriculum implementation to be developed. A mid-review might be undertaken to ascertain immediate performance and value of the curriculum to determine if the curriculum was responding to the needs of society and the individual learner, and to address concerns that may arise. The implementation of the

current curriculum started in 2014. The Ministry reported that efforts to source for resources to facilitate the review of the curriculum were underway.

Committee's Observations and Recommendations

In noting the submission, the Committee resolves to wait for a progress report on the review of the curriculum for primary schools.

17.3 National Youth Development Council Board

The Committee in the previous Session had urged the Ministry of Youth, Sport and Child Development to expedite the process of appointing a new board at National Youth Development Council in order to strengthen its governance system. This was because the Ministry had stated that it had submitted a Cabinet Memorandum to appoint the NYDC Board for Cabinet approval. However, it was advised to first review the Act in order to bring it in tandem with current trends in youth development, after which the Board would be appointed when the Act had been revised. The Act was currently being reviewed and it was anticipated that the Bill would be ready by December, 2018

Executive's Response

In the Action-Taken Report, the Executive stated that the review process for the National Youth Development Council Act could not be finalised in 2018 due to inadequate funds. The Ministry had engaged the Zambia Law Development Commission to facilitate the review process. The review process had been finalised and a Draft Bill developed. The Ministry awaits the final Draft Bill from the Zambia Law Development Commission to facilitate process for its enactment.

Committee's Observations and Recommendations

In noting the submission, the Committee resolves to wait for a progress report because the Ministry is still waiting for the final draft Bill from the Zambia Law Development Commission to facilitate the process of its enactment in order to facilitate the appointment of the board.

17.4 Acquisition of Land

The Committee had previously noted the response regarding the acquisition of land for youth who wished to engage in agriculture and agro-related activities in all districts and awaited a progress report.

Executive's Response

In the Action-Taken Report, the Executive submitted that the Ministry had engaged the Ministry of Lands and Natural Resources and the traditional leadership through the Ministry of Chiefs and Traditional Affairs to provide land to the Ministry to facilitate the resettlement of the youth who wished to engage in agriculture and agro-related activities. The Ministry had also written to the Provincial Administration to engage local authorities to provide land for resettlement of the youth. Regarding the protection of land from being sold off, the Ministry had engaged the Ministry of Lands and Natural Resources to ensure that the land provided by the traditional leadership was surveyed and put on title.

Committee's Observations and Recommendations

In noting the submission, the Committee resolves to await a progress report because on the acquisition of land for the youth.

REPORT ON THE FOREIGN TOUR TO THE REPUBLIC OF KENYA

18.1 Adoption of the Youth for Political Positions

The Committee in the previous Session had noted the response but urged the Government to consider amending the Constitution so that one of the Presidential nominations was allocated to a youth. Further, the Committee expressed concern at the failure by the Executive to provide a solution relating to youth representation in Parliament, with particular emphasis to the Presidential nominations of the eight Members of Parliament in accordance with Article 69 of the Constitution of Zambia. The Committee urged the Government to enact legislation which would compel all political parties to involve the youth in adoptions for political positions and offices and also in their governance structures. The Committee had resolved to await a progress report on the matter.

Executive's Response

In the Action Taken Report, the Executive stated that the amendments to the Constitution were presented to Parliament during the June, 2019 Meeting and the amendments went through First Reading. The Bill contains a provision for Mixed Member Representation. Any other proposed amendments relating to the recognition of youths to elective positions may be tabled during the consideration of the Amendment Bill. The Government, through the Ministry of Justice was aware that the Political Parties Bill was considered by the National Dialogue Forum pursuant to the National Dialogue (Constitution, Electoral Process, Public Order and Political Parties Act No. 1 of 2019. The mandate of the Forum was to consider the Bill before introduction into Parliament. Upon

consideration, the Forum resolved to withdraw the Bill to allow for further consultations before the Bill could be presented to Parliament.

Committee's Observations and Recommendations

In noting the submission, the Committee resolves to wait for a progress report on the enactment of a legislative framework that will compel political parties to involve youths in adoptions for political positions and offices and also in their governance structures.

19.0 THE EFFECTIVENESS OF THE JUVENILE JUSTICE SYSTEM IN ZAMBIA

The Committee had previously urged the Government to expedite the enactment of the Child Code Bill and the review of the *Juveniles Act*.

Executive's Response

In the Action-Taken report, the Government, through the Ministry of Community Development and Social Services initiated the review of all child related Acts that included the *Juveniles Act Chapter 53 of the Laws of Zambia*. The process was aimed at harmonising these laws to conform to national, international laws, as well as, current societal trends. The review of the Acts had since been finalised and a draft Children's Code Bill had been put in place, awaiting final drafting and approval by Cabinet through the Ministry of Justice. The process had seemingly stalled and this had been due to the fact that, international laws or conventions were acceded to, just before the finalisation of the Bill, and there was need to incorporate such legislation in the Bill before final enactment. Notably among the conventions was the Hague Convention on Protection of Children in Respect of Inter-Country Adoption. Zambia acceded to the Convention in 2016. It was, however, envisaged that the Bill would be presented before Parliament, once issues of programme mandates between the Ministries of Youth, Sport and Child Development and the Ministry of Community Development and Social Services were cleared.

Committee's Observations and Recommendations

In noting the response from the Executive, the Committee resolves to await a progress report on the enactment of the Child Code Bill.

19.1 Transformation of the Social Workers' Association of Zambia

The Committee in the previous Session had resolved to await a progress report and also urged the Government to enhance its efforts aimed at ensuring that the transformation process of the Social Workers' Association of Zambia into a legal body was expedited.

Executive's Response

In the Action-Taken Report, the Executive stated that the Ministry of Justice was still in the process of drafting the Social Workers' Association of Zambia Bill. It was anticipated that the Bill would be presented in the next legislative meeting of Parliament following Cabinet approval of the Bill.

Committee's Observations and Recommendations

In noting the submission from the Executive, the Committee resolves to await a progress report on the enactment of the Social Worker's Association of Zambia Bill.

19.2 Financing Mechanisms for Youth Development Projects

The Committee previously had noted the response and strongly urged the Government to ensure that the review of the *National Youth Development Council Act* and renewal of the operations of the National Youth Development Council (NYDC) were expedited. It awaited a progress report on the matter.

Executive's Response

In the Action-Taken Report, the Executive stated that the validation meeting for the Draft Bill was held and the Ministry awaited finalisation of the Draft Bill by the Zambia Law Development Commission prior to submission to Cabinet and eventually Parliament for enactment.

Committee's Observations and Recommendations

In noting the submission from the Executive, the Committee resolves to await a progress report on the enactment of the *National Youth Development Council Act, Chapter 144 of the Laws of Zambia*.

19.3 Tour of Chiyota Youth Resource Centre

The Committee in the previous Session had strongly urged the Government to ensure that an audit was carried out at Chiyota Youth Resource Centre without any further delay and that the matter relating to its operations be resolved by the end of 2018. However, the Executive indicated that issues relating to operations had not been resolved because the Centre was still under construction. The Committee awaited a progress report on the matter.

Executive's Response

In the Action-Taken Report, the Executive stated that all the classroom blocks had been completed and were operational. However, the remaining works included the completion of hostels, workshops and water reticulation system. The Ministry still awaited funding from the Treasury to pay the contractor (Waltech) to complete all the remaining works.

Committee's Observations and Recommendations

In noting the response from the Executive, the Committee notes the progress that has been made regarding the construction works at Chiyota Youth Resource Centre. However, operational challenges have not been resolved. The Committee resolves to await a progress report on the operational challenges at the Centre.

19.4 Tour of Levy Mwanawasa Stadium

The Committee in the previous Session had strongly urged the Government to ensure that relevant officers were expeditiously employed to manage the Levy Mwanawasa Stadium efficiently and effectively. The Committee had resolved to await a progress report on the matter.

Executive's Response

In the Action-Taken Report, the Executive stated that the Ministry had since received communication from the Public Service Management Division (PSMD) to attach staff from within the Ministry and other line Ministries due to continued financial constraints.

Committee's Observations and Recommendations

In noting the submission from the Executive, the Committee resolves to await a progress report on the deployment of permanent staff to manage the Levy Mwanawasa Stadium.

19.5 The Football Association of Zambia (FAZ) Debt to Levy Mwanawasa Stadium

The Committee in the previous Session had expressed concern at the failure by the Football Association of Zambia to settle the debt owed to the Levy Mwanawasa Stadium. The Committee had strongly urged the Government to immediately take strong measures to ensure that the Football Association of Zambia (FAZ) expeditiously settled the outstanding debt.

Executive's Response

In the Action-Taken Report, the Executive stated that the Ministry had been in constant communication with FAZ over the settlement of the outstanding debt. FAZ had since committed to offset the debt in installments. The Committee may wish to know that in an effort to avoid further debt, the management at the Stadium required that FAZ pays upfront for the use of the stadium.

Committee's Observations and Recommendations

In noting the submission from the Executive, the Committee resolves to await a progress report on the liquidation of the FAZ debt to the Levy Mwanawasa Stadium.

19.6 Teenage Pregnancy in Zambia

The Committee previously had urged the Government to ensure that the Marriage Bill was presented in Parliament before the end of the Second Session of the Twelfth National Assembly. The Committee had resolved to await a progress report on the matter.

Executive's Response

In the Action-Taken Report, the Executive stated that the Ministry of Justice was still in the process of drafting the Marriage Bill and it was anticipated that the Bill would be presented in the next legislative meeting of Parliament following Cabinet approval of the Bill.

Committee's Observations and Recommendations

In noting the submission from the Executive, the Committee resolves to await a progress report on the enactment of the Marriage Bill.

19.7 Revision of the National Sports Council of Zambia Act

In the previous Session, the Committee had expressed concern at the delay by the Government to review the *National Sports Council of Zambia Act, Chapter 144 of the Laws of Zambia*. The Committee strongly urged the Government to ensure that the amendment Bill was presented to Parliament before the end of the Second Session of the Twelfth National Assembly. The Committee resolved to await a progress report on the matter.

Executive's Response

In the Action-Taken Report, the Executive submitted that the Ministry of Justice was aware that the Zambia Law Development Commission (ZLDC) was in the

process of finalising consultative meetings over the National Sports Council of Zambia Act and once consultations were finalised, the ZLDC would make recommendations on areas that required amendments of the law.

Committee's Observations and Recommendations

In noting the submission, the Committee is disappointed over the continued and inordinate delay in reviewing *the National Sports Councils of Zambia Act, Chapter 144 of the Laws of Zambia*. The Committee, therefore, calls upon the Executive to expedite the consultative process being spearheaded by the ZLDC so that the necessary proposals for amendments can be presented to Parliament for enactment without further delay. The Committee will await a progress report on the matter.

CONSIDERATION OF ACTION TAKEN REPORT ON THE REPORT OF THE COMMITTEE ON YOUTH, SPORT AND CHILD MATTERS ON THE REPORT OF THE AUDITOR GENERAL ON THE PERFORMANCE AUDIT ON THE JUVENILE JUSTICE SYSTEM IN ZAMBIA FOR THE PERIOD 2014 TO 2017 FOR THE FOURTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY

20.0 THE JUVENILE JUSTICE SYSTEM IN ZAMBIA

The Committee considered the Action-Taken Report and made observations and recommendations as set out hereunder and the Executive responded as set out below.

20.1 Inadequate Courtroom Space

The Committee was concerned that there was inadequate court infrastructure to accommodate magistrates at the Subordinate Courts Complex. As a result, magistrates had to rotate the use of courtrooms, which contributed to the delay in disposing of juvenile cases since magistrates were forced to adjourn cases prematurely to allow other magistrate to use the courtrooms.

In this regard, the Committee recommended that the Government should increase funding to the Judiciary to enable it construct more court infrastructure with requisite juvenile facilities at subordinate court level and especially to construct courtrooms in districts where court infrastructure did not exist. It was the Committee's view that once the number of courtroom increased, magistrates would attend to matters involving juveniles expeditiously because these cases would no longer compete for courtroom space with ordinary criminal matters.

Executive's Response

The Government, through the Ministry of Justice, adopted the recommendation by the Committee for increased funding to the Judiciary for construction of courtrooms countrywide. In the absence of funding, delays in disposal of cases would continue to be experienced by Subordinate Courts.

Committee's Observations and Recommendations

The Committee resolves to leave the matter open until there is evidence to show an increase in the budgetary allocation to the Judiciary for the construction of more courtrooms.

20.2 Failure to bring Juveniles to Court

The Committee noted that failure to avail juveniles before the courts was partly caused by the police and correctional officers who failed to transport the juvenile offenders to court on the dates as required. In view of the foregoing, the Committee strongly urged the Office of the Secretary to the Treasury to consider that, apart from improving funding and purchasing vehicles for the police and prison authorities to transport juveniles to court, adequate resources should be provided to facilitate the construction of places of safety for juveniles. This would enable juveniles in conflict with the law to be detained at appropriate designated places as they waited for their appearances in the courts, unlike being detained at various police stations and correctional facilities. This would also improve the transportation of juveniles to courts as those responsible would not have to drive to several police stations to collect those due to appear in court. Further, provision of dedicated vehicles for juveniles would address the challenge of mixing juveniles with adult inmates during transportation.

Executive's Response

The Government through the Ministry of Home Affairs had challenges of inadequate transport, largely on account of insufficient and often erratic funding. These were the major setbacks in the execution of most programmes under the Zambia Police Service and the Zambia Correctional Service. This had consequently hampered the ability to transport juvenile suspects to the courts of law. The Ministry of Home Affairs had continued to engage the Ministry of Finance for improved and more predictable funding towards the Zambia Police and Zambia Correctional Services in order to improve operational efficiency in the handling of criminal cases involving juveniles.

Committee's Observations and Recommendations

The Committee reiterates its earlier position by impressing upon the Office of the Secretary to the Treasury to ensure that adequate funds are allocated for

purchase of appropriate transport meant for transportation of juveniles suspected of being in conflict with the law to court. The Committee awaits a progress report on the matter.

20.3 Delayed Social Welfare Reports

The Committee previously noted that once the court proves beyond reasonable doubt that the juvenile was in conflict with the law, it cannot make an order until it receives a report. As such, it was compelled to adjourn the matter because Section 64(7) of *Juveniles Act, Chapter 53 of the Laws of Zambia* required the court to consider the juvenile's antecedents before it could make an Order against such a juvenile. This information was presented in the form of a social welfare report by a probation officer. However, this report was usually delayed by several factors such as the absence of parents, guardians and at times limited numbers of social welfare officers or probation officers and this resulted into delays in disposing of juvenile cases at courts. The Committee, therefore, recommended that, as a matter of urgency, the Government should consider employing more probation or social welfare officers to avoid unnecessary adjournments of juvenile cases on account of delayed social welfare reports.

Executive's Response

The Government through the Ministry of Community Development and Social Services had taken note of the recommendation of the Committee and had indeed identified this gap under the Institutional Capability Assessment of the Ministerial Strategic Plan. As a remedial measure, the Ministry had planned to review and operationalise the organisational structure to cater for the expanded functions of probation officers.

Committee's Observations and Recommendations

The Committee resolves to await an update on the operationalisation of the new organisational structure to cater for the expanded functions of probation officers. The Committee further wishes to be updated specifically on the extent to which the new structure will contribute to a reduction in delays in submission of social welfare reports and consequently disposal of juvenile cases by the courts.

20.4 Lost Documentation on Case Files

The Committee observed with concern that in some instances, delays in disposing of juvenile cases had been exacerbated by loss of documentation on case files. In this regard, the Committee recommended that the Government must ensure that it invested in electronic filing systems by improving funding to the Judiciary. The Committee urged the Government to benchmark with other

counties like Rwanda and the United Kingdom who were advanced in the use of electronic filing so as to reduce on costs associated with physical documentation and promote environmental conservation.

Executive's Response

In the Action-Taken Report, the Government through the Ministry of Justice, adopted the recommendation by the Committee. The electronic case management system currently obtaining at the High court and Lusaka Subordinate Court had proved effective by mitigating the vice of lost documentation on case files. The system provided for the scanning and update of records whenever new process was filed. As such, this case management system should be rolled out to all Subordinate Courts by purchasing equipment or scanning of documents and electronic storage of documents.

Committee's Observations and Recommendations

The Committee resolves to await an update on the full implementation of the electronic case management system in all courts in the country.

20.5 Court Facilities not Child-friendly

The Committee observed that most courts lack the necessary facilities to create a child-friendly environment for juvenile offenders.

The Committee, therefore, recommended that measures be put in place to create child-friendly environments in the courts through construction of modern court infrastructure. The Government, through the Judiciary, should develop a standardised architectural design for Subordinate Courts that provide for child-friendly courtrooms. The Government should also fund the Judiciary adequately to enable it construct purpose built holding cells to avoid juveniles being exposed to adult inmates.

Executive's Response

The Government, through the Ministry of Justice adopted the recommendation by the Committee. However, the construction of child-friendly courtrooms required funding.

Committee's Observations and Recommendations

The Committee reiterates its earlier position by impressing upon the Office of the Secretary to the Treasury to ensure that adequate funds are allocated for construction of child-friendly court rooms. The Committee awaits a progress report on the matter.

20.6 Inadequate Reformatory Schools

The Committee noted with concern that the country had only one Reformatory School for rehabilitation of juvenile offenders while the other two were just Approved Schools. In this vein, the Committee recommended that the Government should construct at least one Reformatory School in every province in order to keep the juvenile offenders within their provinces and also ease the transport challenges that parents or guardians faced as they had to travel from other provinces to visit their children at the Reformatory and Approved Schools.

Executive's Response

The Government through the Ministry of Home Affairs recognised the problem of inadequate Reformatory Schools in the country. The courts of law committed juvenile offenders to Katombora Reformatory Service and Approved Schools. The Commissioner General of the Zambia Correctional Service under the Ministry of Home Affairs, was responsible for the control and administration of Reformatory Schools in the country, as provided for in Section 96 of the *Juveniles Act, Chapter 53*, subject to the provisions of the *Prisons Act, Chapter 97 of the Laws of Zambia*.

The Reformatory Schools were an important aspect in the juvenile justice system as they provided safe custody and protection of juvenile offenders, while providing them with reformatory and life skills. Approved Schools were established under the Department of Social Welfare under the Ministry of Community Development and Social Services for the reception, maintenance and training of juvenile delinquents. The existence of the only one Reformatory School in the entire country was certainly inadequate to cater for the increasing number of juvenile delinquents being ordered to the Reformatory School by the courts of law. Therefore, as part of its medium to long term strategy, the Ministry of Home Affairs planned to construct Reformatory Schools in all the provinces so as to decongest Katombora, the only Reformatory School in the country. The Ministry of Home Affairs envisioned a phased approach towards the construction of the Reformatory Schools owing to the paucity of financial resources. The Government remains committed to improving operational efficiency at the Zambia Police Service and the Zambia Correctional Service, regarding the handling of cases involving juveniles who come into conflict with the law. The actions being taken and the plans the Government had put in place through the Ministry of Home Affairs such as procurement of motor vehicles and communication equipment, among others, would contribute to improving the juvenile system in Zambia.

Committee's Observations and Recommendations

The Committee reiterates its earlier position by impressing upon the Office of the Secretary to the Treasury to ensure that adequate funds are allocated for

construction of more reformatory and approved schools in the country and will await a progress report on the matter.

20.7 Staffing Levels at Subordinate Courts

The Committee was concerned with the low staffing levels at subordinate courts a problem which was contributing to delays in dealing with juvenile cases. The Committee appreciated the innovation employed at Lusaka Subordinate Court whereby key staffs, especially typists and court reporters were specifically assigned to deal with juvenile cases. However, it was worrisome that some rural Subordinate Courts had only a typist and this subjected cases involving juveniles to the general criterion of dealing with cases, that is to say the First-In-First-Out (FIFO) rule is employed. The Committee strongly urged the Government, particularly the Office of the Secretary to the Treasury to consider, as a matter of urgency, issuing Treasury authority to improve staffing levels in subordinate courts in order to improve the status quo.

Executive's Response

The Government through the Ministry of Justice adopted the committee's recommendation. The inadequate staffing levels in the Subordinate Courts had a grave impact on the administration of juvenile justice and ought to be addressed. There was also an urgent need to recruit typists countrywide to prepare records to be transmitted to the High Court for processing of confirmation orders for juveniles. Additionally, they proposed the recruitment of real-time court reporters as opposed to typists in Subordinate courts to ensure that the record was typed during proceedings and ready for transmission to the High court on disposal of the case at trial. This too would entail increased funding to procure the necessary equipment and training of Court Reporters.

Committee's Observations and Recommendations

The Committee reiterates its earlier position by impressing upon the Office of the Secretary to the Treasury to ensure that Treasury authority is granted for recruitment and training of the relevant staff including typists, real-time court reporters and others and also that adequate funding is allocated for procurement of equipment for use in the courts. The Committee awaits a progress report on the matter.

21.0 CONCLUSION

The Committee notes that the YDF is an important initiative in the Government's efforts to address youth unemployment and also achieve the country's aspirations for economic growth as espoused in the Seventh National Development Plan (7NDP) and Vision 2030. However, implementation of the YDF has been marred by various challenges, including lack of a legal framework

to govern its administration; a high default rate partly arising from lack of a regulatory framework empowering the Fund Manager to enforce loan recovery mechanisms; and lack of expertise and experience within the Ministry of Youth, Sport and Child Development, which is assigned the responsibility of managing the Fund, among others. These factors, among others, lead to serious operational problems, which results in the dismal performance of the Fund. Consequently, the Fund has been unable to achieve its objectives of providing a sustainable source of business financing for youth in the country on a revolving basis, and has, therefore, failed to contribute to job creation or improvement in the livelihood of youth throughout the country.

The Committee is of the view that, in order for the Fund to be effective, management of the Fund must be outsourced to an entity that is specialised in providing business finance and managing credit services. The role of the Ministry of Youth, Sport and Child Development should be restricted to policy development and related activities to support the operations of the Fund such as providing financial literacy and business development services to youths, among other things. In addition, a robust monitoring and evaluation framework should be developed and implemented for the Fund to ensure timely troubleshooting and intervention by the relevant authorities where necessary.

The Committee wishes to pay tribute to all the stakeholders who appeared before it and tendered both oral and written submissions. It also wishes to express its gratitude for the guidance and services rendered during its deliberations by the Office of the Speaker and Clerk of the National Assembly.

Mr C Miyutu, MP
CHAIRPERSON

June, 2020
Lusaka

APPENDIX I - List of National Assembly Officials

Ms C Musonda, Principal Clerk of Committees
Mr F Nabulyato, Deputy Principal Clerk of Committees (SC)
Mr S Chiwota, Senior Committee Clerk (SC)
Ms C R Mulenga, Committee Clerk
Mr A Chilambwe, Committee Clerk
Mrs D H Manjoni, Personal Secretary II
Mr M Chikome, Committee Assistant
Mr D Lupiya, Committee Assistant
Mr M Kantumoya, Parliamentary Messenger