



**REPUBLIC OF ZAMBIA**

**REPORT**

**OF THE**

**COMMITTEE ON YOUTH, SPORT AND CHILD MATTERS**

**FOR THE**

**FIFTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY**

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## TABLE OF CONTENTS

1.0	Membership of the Committee .....	1
2.0	Functions of the Committee .....	1
3.0	Committee’s Programme of Work.....	1
4.0	Procedure adopted by the Committee .....	1
5.0	Arrangement of the Report .....	1

### PART I - CONSIDERATION OF THE TOPICAL ISSUE

6.0	THE SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS OF CHILDREN AND YOUNG PEOPLE IN ZAMBIA .....	2
6.1	Background .....	2
7.0	EXISTING LAWS AND POLICIES SUPPORTING THE IMPLEMENTATION OF SEXUAL REPRODUCTIVE HEALTH AND.....	3
	RIGHTS OF CHILDREN AND YOUNG PEOPLE IN ZAMBIA.....	3
(a)	Legal Framework.....	3
7.1	The Constitution of Zambia, Chapter 1 of the Laws of Zambia as amended by the Constitution (Amendment) Act No 2 of 2016 .....	3
7.2	The Marriage Act, Chapter 50 of the Laws of Zambia .....	4
7.3	Anti-Gender Based Violence Act of 2011 .....	5
7.4	Gender Equity and Equality Act No 22 of 2015 .....	5
7.5	The Education Act No. 23 of 2011. ....	5
7.6	Penal Code Act, Chapter 87 of the Laws of Zambia.....	6
7.8	Termination of Pregnancies Act, Chapter 304 of the Laws of Zambia .....	6
7.9	Zambia Police Act, Chapter 107 of the Laws of Zambia .....	7
(b)	Policy Framework .....	7
7.10	Ministry of General Education Comprehensive Sexuality Education Framework (2013) .....	7
7.11	The Re-entry policy 2007.....	8
7.12	The 2015 National Youth Policy.....	8
7.13	The National Education Implementation framework (2011-2015) .....	9
7.14	National Child Policy .....	9
7.15	National Health Policy (2012) .....	9
7.16	The Integrated Family Planning Scale-up Plan 2013- 2020.....	9
7.17	Comprehensive Sexuality Education Framework for Out of School Young People in Zambia (2015 – 2020) .....	10
7.18	National Standards and Guidelines for Adolescent Friendly Health Services .....	10

7.19 Adolescent Health Strategy (2017 – 2021)-----	10
7.20 Standards and Guidelines for Comprehensive Abortion Care in Zambia (2017)-----	10
7.21 Zambia Integrated Scale up Plan for 2013-20 -----	11
7.22 National Strategy to end Child Marriages (2016 to 2021) -----	11
7.23 National Advocacy and Communication Strategy on Ending Child Marriage in Zambia 2018-2021 -----	11
7.24 Zambia National Health Strategic Plan 2017 – 2021-----	11
7.25 Reproductive, Maternal, Newborn, Child and Adolescent Health and Nutrition Communication and Advocacy Strategy 2018-2021· -----	12
8.0 INSIGHT ON HOW THE GOVERNMENT OF ZAMBIA WAS IMPLEMENTING THE SRH&R OF ITS CHILDREN AND YOUNG PEOPLE.....	12
8.1 Global Programme on Ending Child marriages-----	12
8.2 The Introduction of Comprehensive Sexuality Education-----	13
8.3 The Adolescent Health Programme-----	13
8.4 Establishment of the Fast Track courts -----	13
8.5 Access to Contraceptive Services-----	14
9.0 THE FINANCING MECHANISMS AND BUDGETARY ALLOCATIONS BY GOVERNMENT TOWARDS SRH&R IN ZAMBIA .....	14
10.0 GAPS AND CHALLENGES IN THE IMPLEMENTATION OF SRH&R IN ZAMBIA	18
10.1 Limited Budgetary Allocation -----	18
10.2 Lack of Universal Acceptance -----	18
10.3 Incoherent Approach -----	19
10.4 Limited Information Dissemination -----	19
10.5 Limited Capacity Building-----	20
10.6 Monitoring and Evaluation-----	20
10.7 Limited Decentralised Structures or Decentralised Administrative Operations at District Level -----	20
10.8 Persistent Barriers to Access Adolescent Friendly Health Services -----	20
10.9 Child Marriages -----	21
10.10 Definition of Child -----	21
10.11 Discrimination on Children and Young People with Disabilities-----	21
10.12 Termination of Pregnancies Act, Chapter 304 of the Laws of Zambia -	22
11.0 USEFUL STATISTICS ON KEY SHR-R FINDINGS FROM THE 2018 ZAMBIA DEMOGRAPHIC AND HEALTH SURVEY (ZDHS).....	22
11.1 Teenage Marriage, first sexual intercourse and childbearing -----	22
11.2 Percentage of women age 18-49 married before age 16 by age at first birth-----	23

11.3 Percentage of teenagers who have begun childbearing by exact age at first sex -----	24
11.5 Youths and Family Planning -----	25
11.6 Percentage of teenagers age 15-19 pregnant with unmet need for FP -	26
11.7 HIV prevalence among Youths -----	26
12.0 Limited Budgetary Allocation .....	27
12.1 Monitoring and Evaluation-----	28
12.2 Incoherent Approach -----	28
12.3 Limited Information Dissemination -----	28
12.4 Limited Capacity Building-----	29
12.5 Limited Decentralised Structures or Decentralised Administrative Operations at District Level -----	29
12.6 Age of consent -----	29
12.7 Termination of Pregnancies Act, Chapter 304 of the Laws of Zambia---	29
12.8 Discrimination on Children and Young People with Disabilities -----	30
12.9 Child Marriages -----	30
12.10 Definition of Child -----	30
12.11 Comprehensive Sexuality Education-----	31

## **PART II**

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

13.0 IMPLEMENTATION OF THE YOUTH DEVELOPMENT FUND IN ZAMBIA .....	32
Committee’s Observations and Recommendations .....	32
13.1 Fund Management -----	32
13.2 Lack of a Specific Legal Framework to Govern the Operations of the YDF -----	33
13.3 Delayed Disbursement of the YDF to Beneficiaries -----	33
13.4 Lack of Information on the YDF -----	34
13.5 Lack of Capacity to Manage Businesses by the Youth-----	35
13.6 Lack of Database for Beneficiaries and Monitoring and Evaluation Mechanisms-----	35
13.7 Political Interference -----	36

### **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.....	37
14.1 Definition of a Child-----	37
14.2 Inadequacy and Inaccessibility of Schools in Rural Areas -----	38
14.3 Necessary School Resources -----	39
14.4 Insufficient Budgetary Allocation-----	40
14.5 Standard Structure of Trusts-----	41
15.0 SPORTS DEVELOPMENT AND ADMINISTRATION IN ZAMBIA .....	41
15.1 Entrepreneur Career Path for Sports Managers -----	41
15.2 Unstable Energy Tariff Structure-----	42
15.3 Functioning Sports Advisory Committees-----	43
15.4 Sports Advisory Structures-----	44

**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 .....	44
16.1 Decentralisation of the Ministry of Youth, Sport and Child Development	44
□ SPORTS DEVELOPMENTPROGRAMME: -----	45
□ CHILD DEVELOPMENT AND WELFARE PROGRAMME;-----	45
16.2 Decentralisation of the Youth Development Fund -----	46
16.3 Job Fairs-----	46
16.4 Apprenticeship Act, Chapter 275 of the Laws of Zambia-----	47
16.5 Labour Market Information System -----	48
17.0 YOUTH PARTICIPATION IN DECISION MAKING.....	48
17.1 Child Development Curricula -----	49
17.2 National Youth Development Council Board -----	50
17.3 Acquisition of Land-----	51
18.0 REPORT ON THE FOREIGN TOUR TO THE REPUBLIC OF KENYA .....	51
18.1 Adoption of the Youth for Political Positions -----	51
19.0 THE EFFECTIVENESS OF THE JUVENILE JUSTICE SYSTEM IN ZAMBIA .....	52
19.1 Transformation of the Social Workers’ Association of Zambia -----	52
19.2 Financing Mechanisms for Youth Development Projects -----	53
19.3 Tour of Levy Mwanawasa Stadium -----	53
19.4 The Football Association of Zambia (FAZ) Debt to Levy Mwanawasa Stadium-----	56
19.5 Teenage Pregnancy in Zambia -----	57
19.6 Revision of the National Sports Council of Zambia Act-----	57

**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 .....	58
20.1 Inadequate Courtroom Space .....	58
20.2 Failure to bring Juveniles to Court .....	59
20.3 Lost Documentation on Case Files .....	60
20.4 Court Facilities not Child-friendly .....	60
20.5 Inadequate Reformatory Schools .....	61
20.6 Staffing Levels at Subordinate Courts .....	62
21.0 CONCLUSION .....	63
APPENDIX I – List of National Assembly Officials .....	64

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

## **1.0 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 Fifth Session of the Twelfth National Assembly.

## **2.0 Functions of the Committee**

The functions of the Committee are set out in Standing Order No. 157 (2) of the National Assembly Standing Orders, 2016.

## **3.0 Committee's Programme of Work**

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

- (a) consideration of the Action-Taken Report on the Report of the Committee for the Fourth Session of the Twelfth National Assembly; and
- (b) consideration of the topical issue: "*The Sexual and Reproductive Health and Rights of Children and Young People in Zambia.*".

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

The Committee held a total of nineteen 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 which the Committee undertook to study. This part also contains 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 Fourth 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 Fifth Session of the Twelfth National Assembly and observations and recommendations thereon.

## **PART I - CONSIDERATION OF THE TOPICAL ISSUE**

### **6.0 THE SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS OF CHILDREN AND YOUNG PEOPLE IN ZAMBIA**

#### **6.1 Background**

In 1994, the International Conference on Population and Development (ICPD) affirmed that Sexual Reproductive Health and Rights (SRH & R) were human rights. Pursuant to this, several international instruments contributed to global consensus on how reproductive health rights were intrinsically linked to other fundamental human rights. The Government of the Republic of Zambia (GRZ) had fully committed to fulfilling the SRH & R of all people by ratifying eleven international instruments. In addition, Zambia had committed to achieving Sustainable Development Goals (SDGs). Some of the SDGs directly related to SRH & R and included the under listed.

- i. ensuring healthy lives and promoting well-being for all at all ages (Goal 3);
- ii. ensuring quality education for all (Goal 4);
- iii. achieving gender equality and empowering all women and girls (Goal 5);
- iv. reduced inequalities (Goal 10); and
- v. enhancing partnerships to achieve SDGs (Goal 17).

The Zambian Government was, therefore, obligated to ensure that it respected, protected, and fulfilled every child's rights by actualising the full implementation of SRH & R in the country.

The Committee, therefore, set out to appreciate the extent of Zambia's commitment to fulfilling Government obligations on the SRH and R of Children and Young People in Zambia. The specific objectives of the review were as under listed.

- i. Appreciate the adequacy of the country's existing laws and policies supporting the implementation of SRH & R of children and young people in Zambia ;
- ii. gain an insight on how the Government of Zambia was implementing the SRH & R of its children and young people;
- iii. appreciate the financing mechanisms and budgetary allocations by Government towards SRH & R of children and young people in Zambia;

- iv. appreciate any gaps and challenges in the implementation of SRH & R of children and young people in the country; and
- v. make recommendations on the way forward.

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

- i. Ministry of Youth, Sport and Child Development;
- ii. Ministry of Gender;
- iii. Ministry of Finance;
- iv. Ministry of Health;
- v. Ministry of General Education;
- vi. Zambia Statistics Agency
- vii. The Human Rights Commission;
- viii. House of Chiefs;
- ix. United Nations Family (UNFPA, UNICEF);
- x. National AIDS Council;
- xi. OXFAM;
- xii. Campaign for Female Children Education (CAMFED);
- xiii. Zambia Law Development Commission (ZLDC);
- xiv. Save the Children;
- xv. Zambia Agency for Persons with Disabilities;
- xvi. Youth Leadership Development Programme;
- xvii. National Action for Quality Education in Zambia (NAQEZ);
- xviii. Evangelical Fellowship of Zambia (EFZ);
- xix. Islamic Supreme Council of Zambia (ISCZ).

## **SUMMARY OF SUBMISSIONS BY STAKEHOLDERS**

Various submissions were made by the stakeholders who appeared before the Committee. A summary of the submissions is presented below.

### **7.0 EXISTING LAWS AND POLICIES SUPPORTING THE IMPLEMENTATION OF SEXUAL REPRODUCTIVE HEALTH AND RIGHTS OF CHILDREN AND YOUNG PEOPLE IN ZAMBIA**

#### **(a) Legal Framework**

Stakeholders submitted that there were a number of legal instruments in Zambia that supported the implementation of sexual reproductive health and rights of children and young people, as set out below.

#### **7.1 The Constitution, Chapter 1 of the Laws of Zambia as amended by the Constitution (Amendment) Act, No 2 of 2016**

The Constitution was the supreme law of Zambia and all other laws required to be consistent with its provisions. To this effect, the Constitution provided under Article 1(1) that:

*"This Constitution is the supreme law of the Republic of Zambia and any other written law, customary law and customary practice that is inconsistent with its provisions is void to the extent of the inconsistency."*

The Constitution in Article 266 defined a "child" as a person who had attained, or was below, the age of eighteen years while a "young person" meant a person who had attained the age of fifteen years, but was below the age of nineteen years. Further, the Constitution, in Article 11 provided that all persons (including children and young persons) were entitled to the rights contained in the Bill of Rights without discrimination. The principle of non-discrimination was also contained in Article 23 and reflected as a national value under Article 8. Therefore, discrimination, including discrimination on account of age, was prohibited under the Constitution.

It must also be appreciated that the Constitution under Article 12 protected the right to life for every person. Further, it protected the right to life for the unborn child by providing that:

*"No person shall deprive an unborn child of life by termination of pregnancy except in accordance with the conditions laid down by an Act of Parliament for that purpose."*

The significance of this provision, in relation to the realisation of SRH&R cannot be underestimated. However, the enjoyment of most human rights under the Constitution was not absolute but subject to limitations contained therein, and as reasonably required in the interests of public morality and public health, among others.

## **7.2 The Marriage Act, Chapter 50 of the Laws of Zambia**

The prevalence of child marriage in Zambia destabilised the health, education, social and economic well-being and the general security of its citizens; and of girls and their families. *The Marriage Act, Chapter 50 of the Laws of Zambia* prescribed the age for one to consent to marriage. Section 10(1) (ii) of the *Marriage Act* stated that each of the parties to the intended marriage (not being a widower or widow) is to be not less than 21 years old, or that if he or she is under that age, the consent thereafter made requisite has been obtained (which consent must be in writing and annexed to the required affidavit).

In light of the above, the significance of the Marriage Act was that was against child marriages in Zambia.

The Marriage Act also provided for the solemnisation of marriages, the validation of marriages already solemnised, and provided for matters incidental to or connected with the foregoing.

### **7.3 Anti-Gender Based Violence Act, No. 1 of 2011**

*The Anti-Gender Based Violence Act No. 1 of 2011* defined Gender-Based Violence (GBV) as any physical, mental, social or economic abuse against a person because of that person's gender, which included violence that resulted in, or was likely to result in, physical, sexual or psychological harm or suffering to the person, including threats of such acts, coercion or arbitrary deprivation of liberty, whether it occurred in public or private life. The Act also provided for a Fund and for shelter to support victims of Anti-Gender Based Violence. Further, the Act defined GBV as actual or threatened physical, mental, social or economic abuse that occurred in a domestic relationship. Furthermore, the Act defined child marriage as a form of GBV. In view of the above, the significance of the Anti-Gender Based Violence Act No. 1 of 2011 is that in incriminated sexual or psychological harm or suffering to any person.

### **7.4 Gender Equity and Equality Act, No. 22 of 2015**

*The Gender Equity and Equality Act No 22 of 2015*, at national level was the most relevant piece of legislation that expressly promoted sexual reproductive health and rights. Its object, *inter alia*, was to domesticate the Convention on the Elimination of all Forms of Discrimination against Women, and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

The Act defined a "girl" as "a female person who was below the age of eighteen years" while a "woman" meant a female person who was at least eighteen years of age." Further, the Act defined a "boy" as "a male person who was below the age of eighteen years" while a "man" was defined as a male person who was at least eighteen years of age."

In addressing sexual reproductive health rights, the Act in section 21(1) expressly provides that "A woman has a right to adequate sexual and reproductive health, which includes the right to—

- (a) access sexual and reproductive health services;
- (b) access family planning services;
- (c) be protected from sexually transmitted infection;
- (d) self-protection from sexually transmitted infections;
- (e) choose the number of children and when to bear those children;
- (f) control fertility;
- (g) reproductive rights education; and
- (h) choose an appropriate method of contraception.

### **7.5 The Education Act, No. 23 of 2011.**

*The Education Act, No. 23 of 2011* was enacted to, among others, regulate the provision of accessible, equitable and qualitative education. Further, it was enacted in order to domesticate the Convention on the Rights of the

Child in relation to education. In relation to sexual reproductive health and rights, the Education Act under section 18 prohibited the marrying or marrying off of a child who was a learner. In addition, the Act, in section 19, prohibited discrimination of learners by educational institutions, including those who dropped out of school or were returning to school after having a child, in any manner. It also empowered the Minister responsible for education to ensure the development of a national policy on education in consultation with any advisory body or organisation as the Minister considered appropriate in section 5(1) of the Act. The Act promoted education for all and brought about comprehensive sexuality education as a strategy to achieve this requirement.

The Act provided for personal health and nutritional well-being of learners at educational institutions, including reproductive health. Part IV of the Act provided for the right to education. Section 18(2) (a) of the Act prohibited early marriages, while section 30 called for provision of guidance and counseling to learners. Section 108(1) (i) of the Act empowered the Minister of Education to amend the curriculum to introduce comprehensive sexuality education.

## **7.6 Penal Code Act, Chapter 87 of the Laws of Zambia**

*The Penal Code Act, Chapter 87 of the Laws of Zambia* was another important piece of legislation on matters that related to SRH&R. The Penal Code provided for offences against morality in Part XV and thereunder criminalised offences such as defilement, rape, attempted rape, abduction of children, indecent assault, sexual harassment, defilement of a child, defilement of an imbecile or person with mental illness, procuring child or other person for prostitution, procuring defilement of by threats or fraud or administering drugs, householder permitting defilement of child, selling or trafficking in children and abortion, among others. These provisions and many others were relevant to regulating sexual conduct and sexuality. They were aimed at also protecting children and young persons from sexual abuse and or exploitation.

## **7.8 Termination of Pregnancies Act, Chapter 304 of the Laws of Zambia**

*The Termination of Pregnancies Act, Chapter 304 of the Laws of Zambia* provided for the termination of pregnancy by registered medical practitioners. Therefore, termination of pregnancy was not an offence if conducted on recommendation by three medical practitioners, one of whom was specialised in the branch of medicine in which the patient was specifically required to be examined.

However, for any recommendation to terminate the pregnancy to be made, it should be eminent that (a) the continuance of the pregnancy would involve - (i) risk to the life of the pregnant woman; or (ii) risk of injury to the physical or mental health of the pregnant woman; or (iii) risk of injury to the physical

or mental health of any existing children of the pregnant woman; greater than if the pregnancy was terminated; or (b) that there was a substantial risk that if the child was born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

## **7.9 Zambia Police Act, Chapter 107 of the Laws of Zambia**

Section 53 of the *Zambia Police Act, Chapter 107 of the Laws of Zambia* established the Victim Support Unit (VSU). Section 53(2) stated that the functions of the VSU shall be to provide professional counselling to victims of crime and to offenders, and to protect citizens from various forms of abuse.

In light of the above, stakeholders were of the view that there was sufficient legal framework in Zambia that supported the implementation of sexual reproductive health and rights of children and young people.

### **(b) Policy Framework**

Stakeholders submitted that the Government had put in place a number of policies in order to support the implementation of sexual reproductive health and rights of children and young people, key among which were those set out below.

## **7.10 Ministry of General Education Comprehensive Sexuality Education Framework (2013)**

In 2013, the Government of Zambia through the Ministry of General Education developed the Comprehensive Sexuality Education (CSE) Framework for young people to enrich the provision of reproductive health and sexuality education. The Policy was, *inter alia*, aimed at enhancing reduction in new HIV infections, early unwanted pregnancies, gender-based violence and child marriage. The Policy also aimed at delivering a scientifically accurate education that developed the skills, knowledge, attitude and competencies needed to navigate a healthy transition to adulthood. This was necessitated by the alarming increase in numbers of school dropouts due to teenage pregnancy, high level of infection rate of sexually transmitted infections, including high HIV prevalence among the age group of 15-19 years old.

The majority of stakeholders stated that the content of the Framework was subjected to a wide range of stakeholder consultations, including the United Nations (UN) agencies, civil society organisations, head teachers, traditional leaders, curriculum development experts, parents and even learners. The main aim of the consultations was to ensure the age appropriateness of the content and adaptation to the cultural, traditional, religious beliefs and the legal framework of the country.

Comprehensive Sexual Education (CSE) was a cross cutting theme in the Zambian Curriculum Framework that was integrated into already existing

subjects such as Integrated Science (at Primary and Junior Secondary) Biology (at Senior Secondary), Social Studies (at Primary and Junior Secondary), Civic Education (at Senior Secondary), Home Economics and Religious Education. The idea behind the integration was to avoid introducing an additional subject to the many existing subjects in schools. It was, therefore, not a standalone subject. The framework had six main content areas or themes which included the ones listed hereunder.

- Relationships;
- Values, Attitudes and Skills;
- Culture, Society and Human Rights;
- Human Development;
- Sexual Behaviour; and
- Sexual and Reproductive Health.

Each of these thematic areas were discussed in terms of outcomes, knowledge, skills and values to be transferred to learners.

The CSE Framework identified the need to reduce teenage pregnancies, and subsequently reducing the high number of illegal abortions. The Framework was anticipated to enable young people to reduce the number of sexual partners and engage in safer sexual practices. Furthermore, it aimed at equipping children and young people with knowledge, skills, attitudes and values that would empower them to realise their health, well-being and dignity; it enabled them to consider how their decisions affected their well-being and that of others; and ensured the protection of their rights throughout their lives. To attain this, the Framework required teachers, who were the key implementers of CSE, to be knowledgeable of the subject. Furthermore, it was imperative that teachers possessed the necessary skills that ensured that CSE was integrated into their subjects.

### **7.11 The Re-entry Policy, 2007**

According to the Zambia Demographic Health Survey in 2018, 29 per cent of women in the age group of 15-19 reached childbearing stage. Prior to the re-entry policy implemented in 1997, girls were forced to leave school permanently after they became pregnant. Therefore, the introduction of the re-entry policy allowed for young women to take maternity leave and return to school after child birth. The Policy did not only enable young women to pursue their education but also reduced early child marriages and unwanted pregnancies as it allowed for the schools to provide re-entered young women with information on the use of contraceptives and where to access them.

### **7.12 The 2015 National Youth Policy**

The 2015 National Youth Policy sought to identify measures that could help youths prevent contraction of HIV and related stigma and discrimination. The Youth Policy was developed to provide a framework for the Government to fully engage the young people and stakeholders in a meaningful partnership

and develop appropriate interventions and services for youth empowerment. According to the Policy, one of the areas of focus for the Government was to provide counseling facilities for young people at risk of being abused. Chapter four of the National Youth Policy proposed strategies for Comprehensive Sexuality Education (CSE), and youth friendly services. It prescribed provision of CSE and Sexual Reproductive Health services that met the specific needs of the young people. The document encouraged youth participation in the development, implementation, monitoring and evaluation of CSE programmes.

### **7.13 The National Education Implementation framework (2011-2015)**

The National Education Implementation Framework (2011-2015) sought to improve the levels of sexuality knowledge and information among young people in Zambia. This was supported by the National HIV/AIDS Strategic Framework (2017-2021) which covered how the Ministry of General Education had revised the school curriculum to ensure that life based Comprehensive Sexuality Education was an integral component of learning in classes.

### **7.14 National Child Policy**

This was the principal policy that was concerned with children's welfare. It addressed a wide range of issues from poverty to health and education of a child. Although Zambia had signed and ratified key international and regional protocols and instruments, including the UN Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), the situation for children in Zambia remained unfavourably affected by child labour, neglect, prostitution, defilement, child trafficking, early pregnancies and marriages, and vulnerability to HIV/AIDS infection.

### **7.15 National Health Policy (2012)**

This Policy sought to ensure equity of access to quality, cost-effective and affordable services in order to reduce maternal, new-born and child morbidity and mortality. Further, attempts to halt and reduce the spread of HIV and AIDS by increasing access to quality HIV and AIDS and STIs interventions for prevention, treatment and care. The Policy attempted specifically to strengthen the integrated reproductive health (IRH) services, including male involvement, and strengthen prevention, case detection and management of HIV/AIDS, STIs and other opportunistic infections.

### **7.16 The Integrated Family Planning Scale-up Plan 2013- 2020**

This plan sought to contribute to the reduction of maternal mortality and morbidity through scaling up the provision of quality integrated family planning services in Zambia. Specifically, strengthening demand for family



planning services by repositioning family planning as a key driver in development and providing targeted, easily accessible accurate information to the adolescents and youths. Page 17 of the Integrated Family Planning Scale-Up Plan also stated that youth friendly service points would be established in each district in existing government buildings such as sports complexes and administrative blocks. The rooms would be refurbished with family planning materials and necessary supplies. Peer educators trained to dispense pills and condoms would be in charge of the service points.

### **7.17 Comprehensive Sexuality Education Framework for Out of School Young People in Zambia (2015 – 2020)**

The Policy was developed by the Ministry of Youth, Sport and Child Development as a result of the success of the roll out of the in-school Comprehensive Sexuality Curriculum. It was observed that young people also needed to have the knowledge, attitudes, values, beliefs, behavioural intentions, motivation, agency and skills required to adopt the behaviours that would result in the desired outcomes. This step was taken because it was evident that young people in Zambia were highly vulnerable to risks associated with early sexual debut, such as unplanned pregnancy, early marriage, sexually transmitted infections (STIs) and HIV.

### **7.18 National Standards and Guidelines for Adolescent Friendly Health Services**

This Policy focused on a combination of high-quality services that were relevant, accessible, attractive, affordable, appropriate and acceptable to the adolescents and young people. The services were provided in line with the minimum health care package and aimed to increase acceptability and utilisation of health services by young people. The Policy covered the optimal sexual and reproductive health for the adolescent, optimal nutrition and healthy lifestyle among adolescents, prevention of drug and alcohol abuse, violence (all forms) and promotion of mental wellbeing.

### **7.19 Adolescent Health Strategy (2017 – 2021)**

The Strategy focused on strengthening the delivery of adolescent responsive health services, to increase adolescents' access and utilisation of quality health care leading to improved adolescent sexual and reproductive health, the reduction of HIV/ AIDS infections, and the promotion and adoption of healthy living among adolescents.

### **7.20 Standards and Guidelines for Comprehensive Abortion Care in Zambia (2017)**

This Policy sought to ensure that women prevented unwanted pregnancies and those with unwanted/unintended/risky pregnancies got appropriate services to prevent the occurrence of unsafe abortions and associated morbidity and mortality. The document was directed to health care providers,

managers and policy makers involved in the provision of abortion related services. It contained guidance on what, how, by whom and in which facilities services could be provided.

### **7.21 Zambia Integrated Scale up Plan for 2013-20**

Following the 2012 global Family Planning Summit, the Zambian Government initiated an eight-year plan to, *inter alia*, reduce the unsatisfied demand for contraception to 14 per cent in 2020. The objective of the Integrated Family Planning Scale-up Plan 2013-2020 was, among other things, to target young people with effective, accessible sexual and reproductive health information and services in and out of school. The Policy committed to reduce teenage pregnancy from 28 per cent in 2007 to 18 per cent by 2020. Therefore, this plan was supportive of sexual reproductive health education.

### **7.22 National Strategy to end Child Marriages (2016 to 2021)**

The strategy was launched in 2016 by the Ministry of Gender. The main aim of the Plan was to facilitate the reduction of child marriages by 40 per cent by the year 2021. The strategy also aimed at facilitating positive change in prevailing attitudes, behaviour, beliefs and practices that contributed to the practice of child marriage. Other objectives were to facilitate the development and review of policies and legislation in order to ensure a consistent interpretation and application of child related interventions. Furthermore, it aimed at bridging the gap between customary and statutory law.

### **7.23 National Advocacy and Communication Strategy on Ending Child Marriage in Zambia 2018-2021**

The Advocacy and Communication Strategy 2018-2021 was developed to enhance the implementation of the National Strategy to End Child Marriage (2016 to 2021). While the overall aim was to improve knowledge and facilitate positive change in prevailing, attitudes, beliefs and practices of parents, children, communities and other stakeholders toward reducing the incidence of child marriage, it also addressed the strengthening of capacity of local stakeholders to act as change agents and fully engaged the media in advocacy and communication efforts.

### **7.24 Zambia National Health Strategic Plan 2017 – 2021**

In order to transform the country into a nation of healthy and productive people, the Ministry of Health had placed a particular focus on strengthening health systems and services using the primary health care (PHC) approach. The five-year National Health Strategic Plan gave a detailed guide on all health interventions in the health sector. The plan further recognised the need for adequate Sexual Reproductive Health outreach services for adolescents. In order to meet the intended goal to improve the health status of adolescents by 2021, the Ministry of Health had a strategy to, *inter alia*,

prioritise the delivery of comprehensive and integrated adolescent-responsive health services at all levels of service delivery.

## **7.25 Reproductive, Maternal, Newborn, Child and Adolescent Health and Nutrition Communication and Advocacy Strategy 2018-2021**

In line with the Zambia National Health Strategy Plan 2017-2021, the Communication Strategy sought to increase awareness and the level of knowledge in the community on Reproductive, Maternal, Newborn, Child and Adolescent Health and Nutrition (RMNCAH-H) range of care. The strategy further sought to increase the knowledge of national policy makers on the social-economic significance of RMNCAH-H and allocating adequate resources to meet the needs of Zambians.

With regard to increasing the use of family planning, the strategy aimed at more effectively targeting and serving adolescents and youth with quality accessible sexual and reproductive health information and services, in and out of school. The strategy further aimed at increasing the number of health facilities with functional youth friendly services that addressed the family planning needs of the adolescents and youth.

In view of the above, majority of the stakeholders submitted that a review of the above policies indicated that the policies that supported the Implementation of SRH&R of children and young people in Zambia were sufficient and that implementation of the policies was what was not adequate.

## **8.0 INSIGHT ON HOW THE GOVERNMENT OF ZAMBIA WAS IMPLEMENTING THE SRH&R OF CHILDREN AND YOUNG PEOPLE**

Stakeholders submitted that the Government was implementing the Sexual Reproductive Health and Rights of children and young people in Zambia through the many policies and programmes as highlighted above. Some of the programmes and activities being undertaken were as set out below.

### **8.1 Global Programme on Ending Child marriages**

The prevalence of child marriages in Zambia remained very high and it was ranked as the third highest in the Southern African Development Community (SADC) Region and within the twenty highest in the world. The Zambia Demographic and Health Survey (ZDHS) 2018 indicated that 29 per cent of women aged 20-24 reported being married before they were 18 years old. Interestingly, the ZDHS (2018) indicated that child marriage was more prevalent among females than males with 15 per cent of 15-19-year-old females reporting being married by age 18 as compared with only 1 per cent of males of the same age group. The Government, in collaboration with different stakeholders, developed the National Strategy on Ending Child Marriage in March 2016, which was aimed at reducing child marriages by 40

per cent by 2021. The Government also launched a country wide campaign to end child marriage.

## **8.2 The Introduction of Comprehensive Sexuality Education**

The Committee was informed that studies had shown that reproductive health problems such as HIV, unwanted pregnancy, and unsafe abortion among children and young people were closely linked to insufficient knowledge about sexuality and reproduction, and lack of access to contraceptives. To address such unequal access to sexual reproductive health knowledge among children and young people, the Government of Zambia completed the development of a CSE curriculum and rolled it out to all schools in 2014, targeting children aged 10–24 in grades five (5) to twelve (12). In 2015, a curriculum for out of school adolescents was developed and it was rolled out in 2016. CSE had been included in the curriculum for the teacher training colleges. The implementation of CSE had taken an integrated approach with CSE having been integrated into Home Economics, Sciences, Social Studies, Civic Education, Religious Education, and languages.

## **8.3 The Adolescent Health Programme**

Zambia was implementing the SRHR programme through the Adolescent Health Program by building the capacity of health workers and peer educators in adolescent health, so that they could provide responsive and friendly services. Health education on various health problems, especially HIV, STIs and teenage pregnancy was equipping young people with information and skills to avoid risky behaviour. Posters, leaflets, radio and television (TV) programmes, as well social media were utilised to disseminate information.

## **8.4 Establishment of the Fast Track courts**

The Government, through the Ministry of Gender, spearheaded the establishment of fast track courts to specifically expedite Gender Based Violence (GBV) cases. The fast track courts were aimed at increasing access to justice for victims and alleged perpetrators alike by promptly dealing with cases. Further, the courts also helped to reduce the time alleged perpetrators were detained before their cases were heard.

The fast-track courts were equipped to be user and child friendly with improved technology to make processing of documents quicker. The courts were also fitted with equipment which allowed protection for victims from intimidation and from facing their alleged perpetrators. The courts were also designed to ensure an accused person received a fair trial.

## **8.5 Access to Contraceptive Services**

To ensure the right to contraceptive information and services, the Government launched a Reproductive Health Policy in 2005 that guaranteed free contraceptives in public health facilities. In 2006, the Zambia Family Planning National Guidelines and protocols were published to offer guidance for health-care workers on how to provide quality Family Planning (FP) services, and in 2014 the Government published the Zambia Integrated Family Planning Scale Up Plan for 2013–20. Working with civil society partners and the media, the Government had been disseminating information on contraceptives and family planning. All of these efforts had led to improvements in contraceptive use and family planning services in Zambia.

The majority of the stakeholders informed the Committee that despite having a number of good policies as highlighted above, the implementation of the policies was not adequate. By way of example, Zambian children and young people still faced many barriers when they sought contraceptive services, including vague policies around the age of consent for family planning.

## **9.0 THE FINANCING MECHANISMS AND BUDGETARY ALLOCATIONS BY GOVERNMENT TOWARDS SRH&R IN ZAMBIA**

Stakeholders submitted that a review and analysis of Zambia’s national budgets from 2018 to 2020 revealed a generic move towards improvement of health and education without zeroing in or addressing specific interventions towards improvement and attainment of SRH&R in Zambia.

The table below provides a summary of the budgetary allocation towards health and education from 2018 to 2020 in the context of SRH&R.

**Table 1- 2018 National Budget**

<b>Thematic Area</b>	<b>Key Sector</b>	<b>Priority</b>	<b>Allocation</b>	<b>Specific address and allocation on SRH&amp; R</b>
Enhancing human Development	Health	Completion of on-going construction of health infrastructure in order to strengthen health systems	K 6,781,558,820 <ul style="list-style-type: none"> <li>▪ Drugs and medical supplies</li> <li>▪ Health infrastructure</li> <li>▪ Medical equipment</li> </ul>	None
Enhancing human Development	Education	Continued construction of universities, and continued completion of schools under construction and rehabilitation of classrooms in the primary education sub-sector.	K 11,61643,204 <ul style="list-style-type: none"> <li>▪ School infrastructure</li> <li>▪ Student loans and scholarships</li> <li>▪ University and college infrastructure</li> <li>▪ Skills development fund</li> </ul>	None

**Table 2 -2019 National Budget**

<b>Thematic Area</b>	<b>Key Sector</b>	<b>Priority</b>	<b>Allocation</b>	<b>Specific address and allocation on SRH&amp; R</b>
Enhancing human Development	Health	Continuation of construction of health facilities and recruitment of frontline staff to improve access to health services.	K 8,069,128,277 <ul style="list-style-type: none"> <li>▪ Drugs and medical supplies</li> <li>▪ Hospital operations</li> <li>▪ Health infrastructure</li> </ul>	Albeit having nothing specifically addressing SRH&R the State committed to commencing the implementation of the National Health Insurance Act No. 2 of 2018 to ensure universal access to quality health care services.
Enhancing human Development	Education	Upgrading, constructing and rehabilitating facilities at all levels of education in order to increase access to education and skills.	K13,274,546,421 <ul style="list-style-type: none"> <li>▪ School infrastructure</li> <li>▪ Student loans and scholarships</li> <li>▪ University and college infrastructure</li> <li>▪ Skills development fund</li> </ul>	None

**Table 3 -2020 National Budget**

<b>Thematic Area</b>	<b>Key Sector</b>	<b>Priority</b>	<b>Allocation</b>	<b>Specific address and allocation on SRH&amp; R</b>
Enhancing human Development	Health	To strengthen health care systems and intervention to achieve universal health coverage	K9,653,313,513 <ul style="list-style-type: none"> <li>▪ Infrastructure projects</li> <li>▪ Drugs and medical supplies</li> <li>▪ Operations for hospitals</li> </ul>	Albeit having nothing specifically addressing SRH&R the state operationalised the National Health Insurance scheme in order to have sustainable financing to the health sector.
Enhancing human Development	Education and skills development	Continuation of improvement to the provision of equitable services in learning institutions and continued infrastructure development.	K13,772,752,981 <ul style="list-style-type: none"> <li>▪ Infrastructure projects</li> <li>▪ Skills development fund</li> </ul>	None

It was submitted by stakeholders that a review of previous budgets under the health and education sectors clearly showed that there had been little or inadequate efforts in financing specifically the enhancement of SRH&R in Zambia. They added that more effort needed to be made towards enhancing the financing towards this sector.

Further, stakeholders informed the Committee that the national budgetary allocation to sexual and reproductive health services for children and young people established was provided for under two programmes; (i) Reproductive Health Activities, and (ii) Paediatric Anti-Retroviral Therapy (ATR) Activities.

A year-to-year Yellow Book comparative analysis from 2017 to 2019 found that while the allocation for reproductive health in general had increased significantly between the financial years 2017 and 2019, the proportion and the actual funds allocated to adolescent SRH was depicting a downward trend; K292,574 (17.4 per cent) in 2017 to K241,694 (0.15 per cent) in



2019. The same trend was evident even for paediatric ART activities. Budgetary allocation for adolescent-specific ART services accounted for 17.2 per cent in 2017 and was reduced to 11.2 per cent in 2019.

Going by the budgetary allocation trends, it could be deduced that while the Government had expressed intention to improve adolescent sexual reproductive health in policies, regulations and guidelines, the intention had not been matched by financial investment. If funding and expenditure on adolescent SRH remained meagre, those aspirations for improvement would not be achieved.

Stakeholders submitted that progress in financing and attaining SRHR goals had accelerated by a multi sectoral approach and partnership involving civil society, private sector and multilateral partners who had contributed to the implementation of strategies and approaches.

The stakeholders submitted that Zambia currently remained reliant on donors for financing reproductive and maternal health, which was exacerbated by its inadequate disbursement of funds against annual budget allocation for such programmes. For example, the Integrated Family Planning Scale-Up Plan of the Zambian Government was 90 per cent funded by donors. Another example was that of HIV financing. Further, stakeholders submitted that in Zambia, the Government's investment and progress in SRHR was not proportional for young people. Additionally, despite an increase in funding for SRH and family planning, actual disbursement of funds had fallen short of the budget allocation.

## **10.0 GAPS AND CHALLENGES IN THE IMPLEMENTATION OF SRH&R IN ZAMBIA**

The Committee was informed that the implementation of SRHR for children and young people faced many gaps and challenges as outlined below.

### **10.1 Limited Budgetary Allocation**

The Committee was informed that a review of previous budgets under the health and education sectors clearly showed that there had been little or inadequate efforts in financing specifically the enhancement of SRH&R in Zambia.

### **10.2 Lack of Universal Acceptance**

The majority of the stakeholders submitted to the Committee in support of comprehensive sexuality education and added that studies had shown that reproductive health problems such as HIV, unwanted pregnancy, and unsafe abortion among children and young people were closely linked to insufficient knowledge about sexuality and reproduction, and lack of access to contraceptives. To address such unequal access to sexual reproductive health knowledge among children and young people, the Government of Zambia

completed the development of a CSE curriculum and rolled it out to all schools in 2014. It targeted children aged 10–24 in grades five to twelve. In 2015, a curriculum for out of school adolescents was developed and was rolled out in 2016. CSE had been included in the curriculum for the teacher training colleges. The implementation of CSE had taken an integrated approach with CSE having been integrated into Home Economics, Sciences, Social Studies, Civic Education, Religious Education, and languages.

On the other hand, other stakeholders informed the Committee that Comprehensive Sexuality Education rested on assumptions about sexual activity that clashed with traditional mores and parental authority, and disregarded the health problems related to early sexual activity. In order to respect the rights of parents and, above all, to fully protect the rights and the physical, emotional, and spiritual well-being of children, the Committee was informed that implementation of comprehensive sexuality education programmes should be stopped, and their contents thoroughly reviewed.

The Committee was further informed that the comprehensive sexuality education model targeted the general teen population, rather than focusing on an individual intervention for those who were actually engaged in the risky behaviour. This created the false impression that everyone was doing it, which had the negative effect of normalising teen sex as an expected behaviour. The explicit demonstrations and themes set behavioural standards that could easily provoke sexually inexperienced teens to transition to sexual activity.

In view of the above, some stakeholders submitted that comprehensive sexuality education should be reviewed so that it reflected a home grown solution that was acceptable to all citizens.

### **10.3 Incoherent Approach**

The framers of the policies and regulations dealing with SRH&R for children and young people needed to cross refer with other existing policies and regulations. Content-wise, some of policies did not speak to each other, perpetuating a situation of duplicity and limited coherence. Ministries seemed to work in silos even where policies and regulations suggested the need for synergy building and collaboration.

### **10.4 Limited Information Dissemination**

Stakeholders submitted that there was generally limited knowledge about the existence, implications and associated processes for major policies and regulations associated with sexual reproductive health and rights with a bearing on children and young people. This was a common phenomenon even among practicing public workers in various line ministries who had never even seen the applicable policies and regulations. As a result, there was low uptake and application of standards espoused by the policies and regulations like the *Termination of Pregnancy Act, Chapter 304 of the Laws*

*of Zambia*. In addition, the Committee was informed that the fact that most of the documents were not translated into local languages, made the dissemination of the contents even more difficult in the context of rural areas.

### **10.5 Limited Capacity Building**

The Committee was informed that generally, the Government of Zambia had not provided matching capacity building to operationalise major policies and regulations, especially at the lower level. This was also perpetuated by limited investment in the implementation process. Stakeholders submitted that most of the technocrats in various ministries were not trained and/or oriented to the content of major policies or their subsequent revisions. This had created a sequel of unexpected inertia and systemic failures to deliver services.

### **10.6 Monitoring and Evaluation**

Stakeholders submitted that the Government had not invested resources in the area of monitoring and evaluation to generate data to understand the impact on children and young people of sexual and reproductive health challenges. Currently, there was lack of smart indicators to support data collection in various line ministries responding to policy and regulation standards. Related to that, there seemed to be no integrated information management system to track performance across line ministries with a responsibility on children and young people such as the Ministry of Youth, Sport and Child Development, Ministry of Education and Ministry of Health.

### **10.7 Limited Decentralised Structures or Decentralised Administrative Operations at District Level**

Stakeholders submitted that decentralisation remained one of the options to accelerate collaborative efforts, synchronisation, synergy building and coordination. However, the same had not been fully actualised. Lack of decentralised structures or decentralised administrative operations at district level was working against good intentions of the Government. For instance, the Ministry of Youth, Sport and Child Development had no structure at the district level to coordinate the efforts of the Ministry.

### **10.8 Persistent Barriers to Access Adolescent Friendly Health Services**

Stakeholders submitted that in 2014, the Government published the Zambia Integrated Family Planning Scale Up Plan for 2013–20. Working with civil society partners and the media, the Government had been disseminating information on contraceptives and family planning. These efforts led to improvements in contraceptive use and family planning services in Zambia.

However, Zambian adolescents faced many barriers when they sought contraceptive services, including vague policies around the age of consent for family planning.

## **10.9 Child Marriages**

The Committee heard that a strategy was launched in 2016 by the Ministry of Gender. The main aim of the Plan was to facilitate the reduction of child marriages by 40 per cent by the year 2021. The strategy also aimed at facilitating positive change in prevailing attitudes, behaviour, beliefs and practices that contributed to the practice of child marriage. Despite the above effort by the Government, child marriage was still on the increase in Zambia.

## **10.10 Definition of Child**

The Committee was informed that under Article 266 of the *Constitution of Zambia as amended by Act No.2 of 2016*, child meant a person who had attained, or was below, the age of eighteen years. *The Penal Code, Chapter 87 of the Laws of Zambia*, the *Anti-Gender Based Violence Act of 2011*, and the *Juveniles Act, Chapter 53 of the laws of Zambia* defined a child as a person below the age of 16. For purposes of adopting a child, the *Adoption Act, Chapter 54 of the Laws of Zambia*, in section 2(1) defined a child as a person who had not attained the age of 21 years, but did not include a person who was or had been married.

The Committee was informed that while it had been recognised as a major grey area, the issue of the definition of a child remained unclear and was not receiving the required attention. The Government had not taken keen interest to study the implication of the varied definitions of a child. As it stood today, the application and interpretation of a child varied from organisation to organisation.

## **10.11 Discrimination Against Children and Young People with Disabilities**

The Committee was informed that sexual and reproductive health services included family planning, maternal health care, preventing and managing gender-based violence, and preventing and treating sexually transmitted infections including HIV/AIDS. Despite large numbers of persons living with disabilities, the needs of young people and children with disabilities in terms of sexual reproductive services were often overlooked or neglected. It was on record that many children and young people living with disabilities had been denied information about sexual and reproductive health (SRH) programmes in schools as the information was presented in formats not compatible to their disabilities.

## **10.12 Termination of Pregnancies Act, Chapter 304 of the Laws of Zambia**

The Committee was informed that the Act provided for the termination of pregnancy by registered medical practitioners. Therefore, the termination of pregnancy was not an offence if conducted on recommendation by three medical practitioners, one of whom was specialised in the branch of medicine in which the patient was specifically required to be examined.

For any recommendation to terminate the pregnancy to be made, it should be eminent that (a) the continuance of the pregnancy would involve- (i) risk to the life of the pregnant woman; or (ii) risk of injury to the physical or mental health of the pregnant woman; or (iii) risk of injury to the physical or mental health of any existing children of the pregnant woman; greater than if the pregnancy were terminated; or (b) that there is a substantial risk that if the child was born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

The Committee was informed that the *Termination of Pregnancies Act, Chapter 304 of the Laws of Zambia* was difficult to implement in the rural parts of Zambia, mostly on account of lack of registered medical practitioners. Stakeholders stated that this worked as a hindrance to the promotion of sexual reproductive health and rights for children and young people, mostly in rural areas of Zambia.

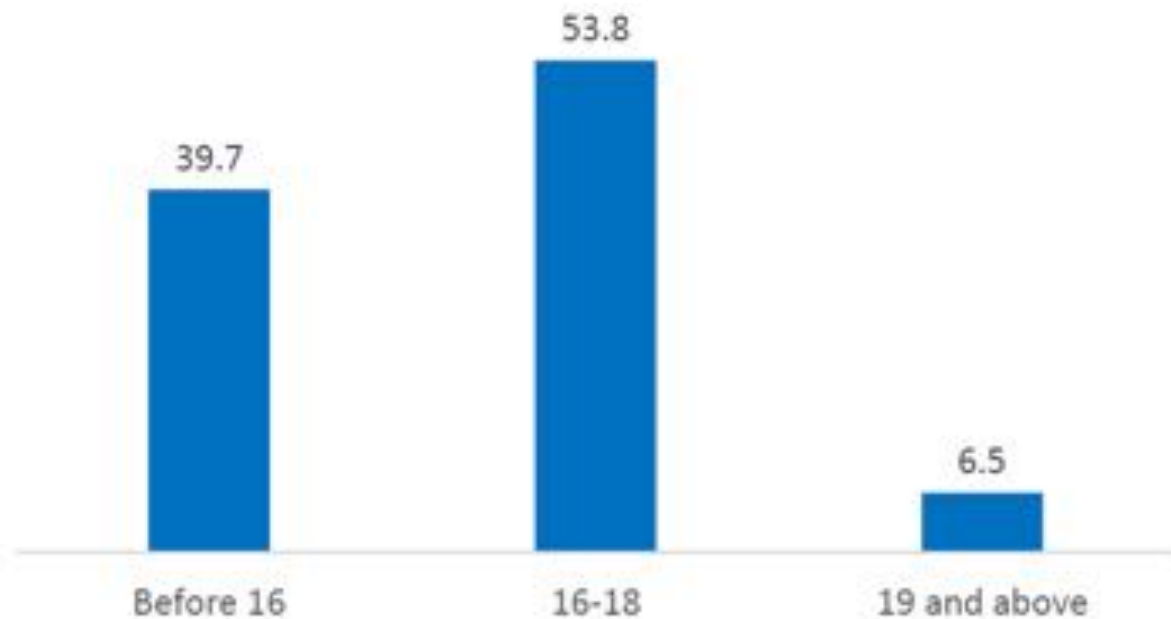
## **11.0 USEFUL STATISTICS ON KEY SHR-R FINDINGS FROM THE 2018 ZAMBIA DEMOGRAPHIC AND HEALTH SURVEY (ZDHS)**

### **11.1 Teenage Marriage, first sexual intercourse and childbearing**

The Committee was informed that age at first marriage was generally used as a proxy for the onset of women's exposure to the risk of pregnancy. The age at which young women initiated sexual intercourse was important because it marked the beginning of their exposure to pregnancy. According to the ZDHS 2018 report, 17 per cent of women aged 25-49 had their first sexual intercourse before the age of 15 and 69 per cent before the age of 18. The Committee was informed that the above data suggested that Zambian young women, in general, initiated sexual intercourse two years before their first marriage.

Figure 11.2 below shows that among the women aged 18-49 who got married before age 16, 39.7 per cent had the first child before reaching the age of 16. 54 per cent had a first birth between the ages of 16-18. This indicated a high level of teenage marriages.

**Figure 11.2 Percentage of women age 18-49 married before age 16 by age at first birth**



In consideration of Figure 11.3, the Committee was informed that in terms of teenage first sexual intercourse and childbearing, 66.7 per cent of teenagers aged 15-19 who initiated sex by the exact age of 15 had begun childbearing. 77.3 per cent of teenagers aged 17-19 who had first sex by the age of 16 had begun childbearing. Additionally, 71.3 per cent of teenagers who had a first sexual encounter before the age of 18, were either pregnant or had already started childbirth. The Committee was further informed that teenagers who initiated sexual intercourse at an early age stood a higher risk of beginning childbirth. On the other hand, adolescent mothers (aged 10-19) faced higher risks of eclampsia, puerperal endometritis, and systemic infections than women aged 20 to 24 years, and babies of adolescent mothers faced a higher risk of low birth weight, preterm delivery and severe neonatal conditions.

**Figure 11.3 Percentage of teenagers who have begun childbearing by exact age at first sex**

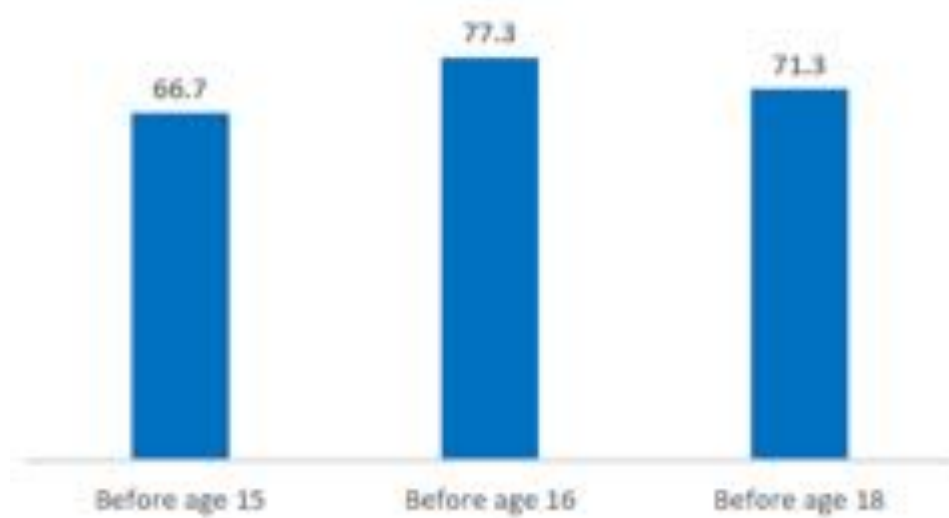


Table 11.4 shows some cultural, demographic and Socio economic factors that affected the prevalence of teenage pregnancy. Thirty-seven per cent of teenagers aged 15-19 in rural areas had begun childbearing compared with 19.3 per cent in urban areas. It was also noted that teenage child bearing reduced with increasing household wealth. 46.2 per cent of teenagers who begun childbearing were from households with the least household wealth compared with only 7.6 per cent from households with the highest household wealth. With reference to education, teenagers with no education had a higher likelihood of having begun child bearing at 41.9 per cent compared with teenagers with primary education at 36.3 per cent or 22.8 per cent among those with secondary education.

**Table 11.4****Teenage Pregnancy by selected socio-demographic factors, ZDHS 2018**

<b>Background characteristic</b>	<b>Percentage who have begun childbearing</b>
<b>Region</b>	
Urban	19.3
Rural	37.0
<b>Province</b>	
Lusaka	14.9
Central	30.6
Copperbelt	21.0
Eastern	39.5
Luapula	29.0
Muchinga	29.3
Northern	25.9
North-Western	35.7
Southern	42.5
Western	41.2
<b>Education</b>	
Secondary	22.8
Primary	36.3
No education	41.9
<b>Wealth quintile</b>	
Lowest	46.2
Second	38.0
Third	35.0
Fourth	27.0
Highest	7.6

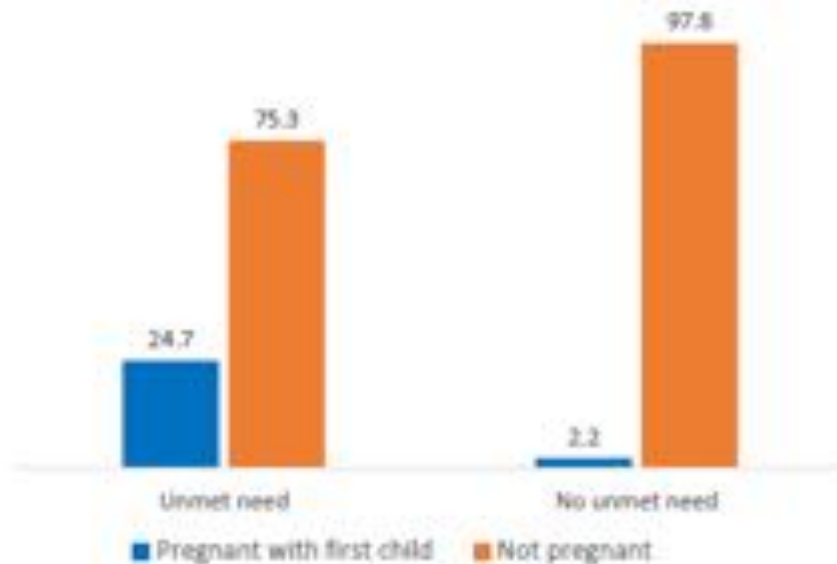
**11.5 Youths and Family Planning**

The Committee was informed that although the demand satisfied by modern family planning had increased from 20 per cent in 1992 to 69 per cent in 2018, only about half (48 per cent) of women in the reproductive age (15-49) were currently using a modern method, and the situation was worrisome among teenagers.



The Committee learnt that among teenagers aged 15-19 with unmet need for family planning, who wanted to delay childbearing but were not using any method of contraception, 25 per cent were pregnant with their first child. Seventy five percent had an unmet need for family planning and were not pregnant. This is illustrated in Figure 11.6.

*Figure 11.6 Percentage of teenagers age 15-19 pregnant with unmet need for FP*



The Committee was further informed that in connection with teenage pregnancy and use of contraceptive methods, 40.9 per cent of teenagers aged 15-19 years who already had a live birth were using a modern contraceptive method (male condom, injectable, pill, or implants). In the same vein, among all women aged 15-19 who were sexually active and unmarried, 30.1 per cent were on some modern method of contraception. This showed that unplanned pregnancies remained a risk to teenagers despite advances in contraceptive technology, knowledge and availability. The Committee was further informed that the sexual debut was at a younger age than currently presented in the surveys.

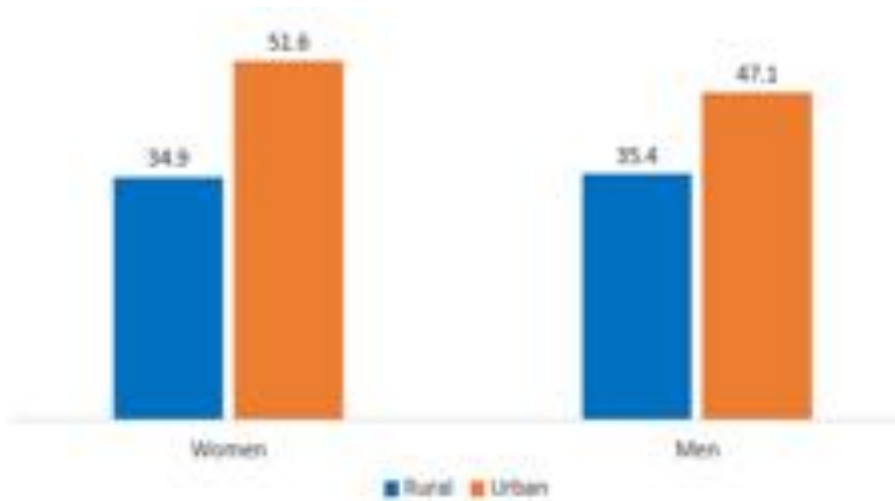
### **11.7 HIV prevalence among Youths**

The Committee was informed that HIV prevalence among youths was a key area in as far as SRH-R was concerned. HIV prevalence was 3.8 per cent among young women and men aged 15-24 years. HIV prevalence was 3 times higher among young women than young men (5.6 per cent to 1.8 per cent). Further, HIV prevalence was higher among young women in urban areas (7.5 per cent) than in rural areas (4.0 per cent). A similar trend existed among young men, with a prevalence of 2.7 per cent in urban areas and 1.0 per cent in rural areas.

The Committee was informed that empowering young people, particularly young women, with correct information was of utmost importance to prevent

HIV. Statistics showed that only 43 per cent of young women and 41 per cent of young men had comprehensive HIV knowledge. The above figures fell far short of the global target of 90 per cent of young people being empowered with skills, knowledge and capability to protect themselves from HIV. Further, as shown in Figure 11.8 young women (14-24 years) in urban areas had comprehensive knowledge of HIV (51.6 per cent) compared with young women in the rural areas (34.9 per cent). A similar comparison for the young men (15-24 years) showed the same result in urban and rural areas at 47.1 per cent and 35.4 per cent respectively.

**Figure 11.8: Percent of Young People (15-24) with Comprehensive Knowledge of HIV by Rural-Urban**



## **COMMITTEES’ OBSERVATIONS AND RECOMMENDATIONS**

Having interacted with the various stakeholders and taking into account the submissions received, the Committee makes the observations and recommendations outlined below.

### **12.0 Limited Budgetary Allocation**

The Committee observes that a critical review of previous budgets under the health and education sectors clearly shows that there has been an insignificant effort in financing specifically the enhancement of SRH&R for children and young people in Zambia. Further, the Committee further observes that currently, Zambia remains reliant on donors for financing reproductive and maternal health, which is caused by its inadequate disbursement of funds against annual budget allocation for such programmes. For example, the Integrated Family Planning Scale-Up Plan of the Zambian Government is 90 per cent funded by donors.

In this vein, the Committee recommends for an increased budget for SRH services for the children and young people in Zambia.

## **12.1 Monitoring and Evaluation**

The Committee notes that there is inadequate investment by the Government in terms of resources in the area of monitoring and evaluation so as to come up with data which will in turn lead to an understanding of the impact on children and young people of sexual and reproductive health challenges. Currently, there is insufficient data collection in various line ministries responding to policy and regulation standards. Related to that, there seems to be no coordinated information management system to track performance across line ministries with a responsibility on children and young people such as the Ministry of Youth, Sport and Child Development, Ministry of General Education and Ministry of Health.

In light of the above, the Committee recommends that the Government should provide sufficient funds in the area of monitoring and evaluation so that relevant data to understand the impact on children and young people of sexual and reproductive health challenges can be collected.

## **12.2 Incoherent Approach**

The Committee notes that the policies and regulations dealing with SRH&R for children and young people do not need to be looked at in isolation from other existing policies and regulations. Content-wise, some of the policies do not speak to each other, causing a situation of duplicity and limited coherence. Ministries seem to work in isolation even where policies and regulations suggest the need for synergy building and collaboration.

In this vein, the Committee recommends that the Government should put up a coordinated multi-sectoral approach to enhance collaboration among the line ministries in promoting sexual reproductive health services to children and young people in Zambia.

## **12.3 Limited Information Dissemination**

The Committee observes that there is generally limited knowledge about the products and services offered associated with sexual reproductive health and rights with a bearing on children and young people. It is of concern that even some practicing public workers in various line ministries are not very conversant applicable policies and regulations. As a result, there is low uptake and application of standards espoused by these policies and regulations like the *Termination of Pregnancy Act, Chapter 304 of the Laws of Zambia*.

In light of the above, the Committee recommends that a deliberate approach needs to be put in place by the Government to sensitise not only children and young people in Zambia but even public workers in various ministries and the general public of the existence and benefits of the SRH services to young people.

## **12.4 Limited Capacity Building**

The Committee observes that generally, the Government of Zambia has not fully invested in providing the much needed matching capacity building to operationalise major policies and regulations, especially at the lower level. This is also sustained by limited investment in the implementation process. Most of the technocrats in various ministries are not trained or aligned to the content of major policies or their subsequent revisions. This has created an environment that has led to poor service delivery.

In light of the above, the Committee recommends for the Government to increase funding in the area of capacity building, especially for staff at the lower level to enable them appreciate major policies and regulations.

## **12.5 Limited Decentralised Structures or Decentralised Administrative Operations at District Level**

The Committee observes that decentralisation is one of the options to speed up collaborative efforts, synchronisation, synergy building and coordination. However, the same is not being fully actualised. Scanty decentralised structures or decentralised administrative operations at district level is not achieving the good intentions of the Government.

In this vein, the Committee recommends that decentralisation be accelerated so that there is a presence of the ministries at local level to coordinate Government efforts.

## **12.6 Age of consent**

The Committee notes that currently in Zambia there is no law or policy in place to prescribe the age at which children and young people can freely access sexual reproductive health services from service providers who in some cases require parental consent.

In light of the above, the Committee recommends that the Government should carry out a thorough research on this matter and come up with an appropriate age of consent in terms of access to sexual reproductive health services for children and young people in Zambia.

## **12.7 Termination of Pregnancies Act, Chapter 304 of the Laws of Zambia**

The Committee notes that the *Termination of Pregnancies Act, Chapter 304 of the Laws of Zambia* provides for the termination of pregnancies by registered medical practitioners. The Committee further notes that for a pregnancy to be terminated, it must be done by three medical practitioners one of whom is specialised in the branch of medicine in which the patient is specifically required to be examined.

In light of the above, the Committee agrees with stakeholders that in most of the rural clinics in Zambia, there is no presence of registered medical practitioners, making it impossible to perform legal abortions for children and young people who may be in need of such services as prescribed by the Act.

The Committee therefore, recommends for a gradual deployment of medical practitioners to all rural clinics in Zambia so that legal abortions can also be accessed.

### **12.8 Discrimination Against Children and Young People with Disabilities**

The Committee notes that despite large numbers of persons living with disabilities, the needs of young people and children with disabilities in terms of sexual reproductive services have often not received the deserved attention. The Committee agrees with stakeholders that it is very clear that many children and young people living with disabilities have been denied information about sexual and reproductive health (SRH) programmes in schools as the information is usually presented in designs not consistent to their disabilities.

In light of the above, the Committee recommends that a deliberate policy be put in place to ensure that information about sexual reproductive programmes in schools is presented in designs compatible to children and young people with disabilities.

### **12.9 Child Marriage**

The Committee observes that in 2016, a strategy was launched by the Ministry of Gender whose main aim was to facilitate the reduction of child marriage by 40 per cent by the year 2021. The strategy also aimed at facilitating positive change in prevailing attitudes, behaviour, beliefs and practices that contribute to the practice of child marriage. The Committee notes that despite the above Government effort, child marriages are still on the increase in Zambia, especially on account of Zambia's dual legal system.

In this vein, the Committee recommends that the Child Code Bill and the Marriage Bill are expeditiously finalised to resolve all the lacunas observed in the legal framework relating to child matters, including the minimum age for marriage.

### **12.10 Definition of Child**

The Committee notes that under Article 266 of the *Constitution of Zambia as amended by Act No.2 of 2016*, child means a person who has attained, or is below, the age of eighteen years. *The Penal Code Chapter 87 of the Laws of Zambia*, the *Anti-Gender Based Violence Act of 2011*, and the *Juvenile Act Chapter 53 of the laws of Zambia* define a child as a person below the age of 16. For purposes of adopting a child, the *Adoption Act, Chapter 54 of the*

*Laws of Zambia* in Section 2(1) defines a child as a person who has not attained the age of 21 years, but does not include a person who was or had been married.

The Committee notes that while it has been recognised that the definition of “child” needs urgent attention, the issue of the definition of a child remains unclear under the existing circumstances. In light of the above, the Committee recommends for the harmonisation of the definition of a child in various statutes to the provisions in the Republican Constitution as it remains the supreme law of the land.

### **12.11 Comprehensive Sexuality Education**

The Committee notes that some stakeholders welcomed the teaching of comprehensive sexuality education as they believe that evidence show that reproductive health issues such as HIV, unwanted pregnancy, and unsafe abortion among children and young people are closely linked to insufficient knowledge about sexuality and reproduction and lack of access to contraceptives. The Committee further notes that to address such an insufficient access to sexual reproductive health knowledge among children and young people, the Government of Zambia came up with a CSE curriculum and rolled it out to all schools in 2014, which targeted children aged 10–24 in grades five to twelve.

On the other hand, the Committee notes that other stakeholders were against the teaching of comprehensive sexuality education in schools in its current form as it is in contradiction with the Zambian traditional values. These stakeholders were of the view that CSE ought to be reviewed so that it could reflect the Zambian traditional values, acceptable to all citizens.

In light of the above, the Committee recommends for an urgent review of the comprehensive sexuality education course content that is used when teaching pupils. The review must take into account traditional values of Zambia. The Committee will await a progress report on the matter.

## **PART II**

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

#### **13.0 IMPLEMENTATION OF THE YOUTH DEVELOPMENT FUND IN ZAMBIA**

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

###### **13.1 Fund Management**

The Committee in the previous Session had observed that the Ministry of Youth, Sport and Child Development lacked the necessary skills to effectively manage the Fund because this was not its core function. In this regard, the Ministry had lacked professionals to effectively assess projects, interpret business and financial projections as well as recover debt.

In this vein, the Committee had strongly recommended that an independent Fund Manager be immediately engaged. Further, the Committee had recommended that the Fund Manager should be an established financial institution with experience in credit service provision. The institution should work independently but in consultation with the Government in setting up credit requirements that would not only be 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 was sustainable.

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

In the Action-Taken Report, the Executive stated that the Government, through the Ministry of Youth, Sport and Child Development, took note of the guidance provided and in line with this guidance, the Government, in consultation with key stakeholders through a Cabinet Memorandum, was in the process of moving all empowerment programmes including YDF to the Citizens Economic Empowerment Commission (CEEC). It was expected that CEEC would serve as Fund Managers in line with its mandate as regards empowerment of all citizens, including the youth.

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

The Committee notes the response from the Executive and resolves to await a progress report on the transfer of all empowerment programmes including YDF to the Citizens Economic Empowerment Commission (CEEC).

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

The Committee in the previous Session had noted that despite the Policy being in place, there was no legal instrument that governed the operations of the YDF. As a result, most of the youths who benefited from the Fund were not compelled to pay back the loans because there was no provision for penalties on defaulting.

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

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

In the Action-Taken Report, the Executive stated that the Government took note of the Committee's recommendation. The Youth Development Fund would be handed over to the CEEC and its implementation would be done in line the legal framework of the CEEC Act, which would allow the Commission to recover all the disbursed funds, failure to which penalties would kick in. Further, the Government, through the Ministry of Youth, Sport and Child Development, would also engage services of the Credit Reference Bureau in order to improve its loan recovery efforts.

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

The Committee notes the Executive response and awaits a progress report on the handover of the Youth Development Fund to CEEC.

### **13.3 Delayed Disbursement of the YDF to Beneficiaries**

The Committee in the last Session had observed with concern that after applications for grants or loans had been reviewed and approved, the disbursement of the funds was often delayed, which made it difficult for the beneficiaries to effectively implement their planned business activities. The Committee found this highly unacceptable, particularly in light of the dynamic economic environment in which prices of goods and services, including the exchange rate, kept escalating from day to day.

In this regard, the Committee had strongly recommended 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 lost value.

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

In the Action-Taken Report, the Executive stated that the Government was fully aware of the need for timely release of the Youth Development Fund



(YDF) to allow beneficiaries to effectively implement their planned business activities. Due to the fiscal challenges being experienced at the moment coupled with the negative effect of the Covid 19 pandemic on the economy, the Treasury had not been able to release funds to various programmes, including the YDF, in a timely manner.

Additionally, in an effort to cushion the youth from the negative effect of the Covid-19 pandemic, the Treasury released K470 million for the Youth Empowerment Programme (YEP) in August 2020.

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

The Committee notes the Executive's response and resolves to await an update on measures being taken to ensure the timely release of the YDF.

#### **13.4 Lack of Information on the YDF**

The Committee in the last Session had observed with concern that information about the YDF was 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 were ignorant about the existence of the Fund even if they needed capital to start their business. This was because information about the YDF was disseminated mostly to those who were politically inclined or during political gatherings, which disadvantaged those who did not attend such gatherings.

In view of the foregoing, the Committee had recommended 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 were free gifts which did not need to be paid back.

### **Executive's Response**

In the Action Taken-Report, the Executive stated that the Government noted the recommendation made by the Committee. In this regard, the Government through the Ministry of Youth, Sport and Child Development, was in the process of developing a robust communication strategy on Youth, Sport and Child Matters which would enhance the dissemination and provision of information on various youth programmes.

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

The Committee notes the Executive's response and resolves to await a progress report on the development and execution of a robust communication strategy on youth, sport and child matters.

### **13.5 Lack of Capacity to Manage Businesses by the Youth**

The Committee in the previous Session had noted with concern that most of the youth who benefited from the Fund did 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 had recommended 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.

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

In the Action-Taken Report, the Executive stated that in line with the guidelines of the YDF, all beneficiaries of the Fund were supposed to undergo training in Basic Business Management. As the Fund was being moved to CEEC, it was important that all beneficiaries continued to undergo such and more training to improve the operations of their businesses. Further, the Government, through the Ministry of Youth, Sport and Child Development, was targeting graduates from Youth Resource Centres and those with demonstrated business acumen for support under empowerment programmes.

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

The Committee wishes to express its dissatisfaction with the response from the Executive as it only indicates that all beneficiaries of the fund are supposed to undergo training and not confirming that they would in fact undergo training in basic business management. In light of the above, the Committee reiterates its earlier recommendation and awaits a progress report on the matter.

### **13.6 Lack of Database for Beneficiaries and Monitoring and Evaluation Mechanisms**

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

In this vein, the Committee had recommended 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 would provide an opportunity for the Government to remind beneficiaries whose payments were due, and to undertake on-the-spot checks on the number of jobs created by the beneficiaries. It would also enable the Government to review the performance of the enterprises which received support from the YDF. The Government monitoring and evaluation mechanism would help to ensure implementation of the YDF was kept on course for the programme to achieve its intended objectives.

### **Executive's Response**

In the Action-Taken Report, the Executive submitted that the Government through collaboration between the Ministry of Youth, Sport and Child Development, the Smart Zambia Institute and the NYDC was in the process of developing an Integrated Database on Youth, Sport and Child issues in line with the new Government guidance. Further, Cabinet Office issued Cabinet Office Circular No. 11 of 2020 for appointing Youth Focal Point Persons who shall help in gathering information of youth activities in the country and feed into the data base.

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

The Committee notes the response and resolves to await a progress report on the development of an integrated database on youth, sport and child issues in line with the new Government guidance. The Committee will also await an update on the creation of a robust monitoring and evaluation mechanism for the YDF.

### **13.7 Political Interference**

The Committee in the previous Session had observed that sometimes politicians from the ruling party officiated at the events where YDF cheques were presented to beneficiaries, creating a perception that the Fund was being used as a channel for the ruling party to reward its sympathisers. In this vein, the Committee had recommended that members of the public should be sensitised on the role the politicians played in the effective implementation of the Fund. Further, the Government should ensure that party activities were clearly separated from important Government functions. Henceforth, distribution of cheques should be done only by Government officials, not political party officials.

### **Executive's Response**

In the Action-Taken Report, the Executive stated that the Government noted the Committee's recommendation and wished to state that the proposal to move the Fund to the CEEC would indeed help in separating the Fund from political activities.

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

The Committee notes the Executive response and resolves to await a progress report on the proposed transfer of the Fund to CEEC which will help in separating it from political activities.

## **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 in the previous Session 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 noted the response 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 marriage were enforced. The Committee had resolved 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.

## **Executive's Response**

In the Action-Taken Report, the Executive stated that the Draft Child Code Bill was at internal legislative Committee Stage at the Ministry of Justice, where gaps that had been identified in the Bill through the Ministries of Youth, Sport and Child Development and Community Development and Social Services were being addressed. Further, the Draft Bill took into consideration all the concerns from various stakeholders, including the Judiciary and Zambia Law Development Commission, which were critical in ensuring that this consolidated piece of legislation, once enacted, would be comprehensive and adequate in providing for sections that would address the welfare of children in Zambia, and in preserving, protecting and promoting their rights. Currently, the Ministry of Justice was compiling the final draft of the Bill in readiness for submission to Cabinet, for review and approval. It was anticipated that the Bill would be presented to Parliament during the September 2020 sitting.

In an update in February, 2021, the Executive stated that the draft Children's Code Bill was being finalised by the Ministry of Justice. It was anticipated that the Bill would be presented to Parliament during the Fifth Session of the Twelfth National Assembly.

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

The Committee notes the response from the Executive and resolves to await a progress report on the enactment of the Children's Code Bill.

### **14.2 Inadequacy and Inaccessibility of Schools in Rural Areas**

The Committee had noted the response 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 had also wanted 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. The Committee had resolved 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.

## **Executive's Response**

In the Action Taken-Report, the Executive stated that the Government took note of the Committee's recommendation and stated that the status of the

forty-seven secondary schools under the 115 secondary school being constructed country wide remained largely the same due to financial constraints. The completion of the works was dependent on the availability of financial resources. However, the Ministry had planned to operationalise the schools in a phased manner by targeting selected buildings in line with the finances at the time. Further, the Eighty two secondary schools were being constructed in a phased manner. Phase 1 consisted of 1x2 classroom block; 1x2 science/home economics block and one toilet block (boys) including related sewer disposal and water supply systems. Eighty out of the Eighty two secondary schools were now operational. The construction of phase 2 works had since commenced consisting of 1x3 classroom block; administration block; one toilet block (girls) and two 1x2 semi-detached staff houses. The works under this Phase were expected to be completed in the first quarter of 2021.

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

The Committee notes the response from the Executive and resolves to await a progress report on the remaining works that are expected to be completed in the first quarter of 2021.

### **14.3 Necessary School Resources**

The Committee had noted the response 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. The Committee had resolved to wait for a progress report on when the Government would provide power and computers in all schools countrywide.

### **Executive's Response**

In the Action-Taken Report, the Executive stated that out of the 115 classroom blocks meant for computer laboratories, the Ministry of General Education had been building and, in some cases, completing unfinished previous works on classroom blocks meant for computer laboratories. Seventy-One classroom blocks meant for computer laboratories had been completed.

Moreover, the Government shall enhance collaboration between the Ministry of General Education and REA and other institutions offering alternative sources of energy such as use of solar panels and fuel generators to ensure planned intervention for schools that were affected with non-availability of electricity were addressed as soon as resources were made available. Regarding purchasing of computers for schools, the Government had engaged partners such as USAID, ZICTA, UNICEF and other stakeholders to complement Government efforts in providing schools with ICT equipment. In addition, the Ministry was working in collaboration with the World Bank

through the USAID, Zambia Education Enhancement Project (ZEEP) and Keeping Girls in School in procuring ICT equipment meant for selected schools in rural and remote areas.

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

In noting the response from the Executive, the Committee reiterates its earlier recommendation on the matter and awaits a progress report.

#### **14.4 Insufficient Budgetary Allocation**

The Committee had noted the response from the Executive that the Ministries of Youth, Sport and Child Development and Gender were committed to ensuring that budgetary allocations 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. The Committee had resolved 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 had indicated that the budgetary allocations for these programmes had reduced.

### **Executive's Response**

In the Action-Taken Report, the Executive submitted that the implementation of gender equality, women empowerment and child protection programmes was multi-sectoral and the Government had continued to implement measures to ensure mainstreaming of gender programmes into national and sectoral policies and budgets in order to facilitate gender responsive development. The Government acknowledged the need to increase budgetary allocations for these key programmes. However, due to the tight fiscal space, most programmes, including gender equality, women empowerment and child protection programmes experienced a reduction in their 2020 budgetary allocations. The Committee was informed that the Treasury would endeavour to increase budgetary allocations to key programmes in the 2021-2023 medium term, revenues permitting.

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

In noting the response from the Executive, the Committee reiterates its earlier recommendation and resolves to wait for a progress report on the.

## **14.5 Standard Structure of Trusts**

The Committee had noted the response from the Executive 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. The Committee had resolved to wait for a progress report on the possibility of establishing Chiefdom Trusts.

### **Executive's Response**

The Government, through the Ministry of Chiefs and Traditional Affairs had been in discussion with Musika Development Initiative Limited, a non-profit company, on how best the two (02) institutions could collaborate in the promotion of development initiatives in Chiefdoms, with the ultimate result of uplifting Chiefdom inhabitants' living standards. The result of the discussions had been the development of the draft Memorandum of Understanding (MOU) that would guide the envisaged collaboration.

One of the clauses in the draft Memorandum of Understanding between the Ministry of Chiefs and Traditional Affairs and Musika Development Initiatives Limited was that Musika would offer technical assistance through its technical staff to the Ministry of Chiefs and Traditional Affairs in facilitating the establishment of Chiefdom Trusts, among other matters.

The Ministry of Chiefs and Traditional Affairs had since submitted the draft Memorandum of Understanding to the Attorney General, Ministry of Justice, for their consideration, guidance and possible clearance before it could be signed.

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

The Committee reiterates its earlier recommendation and 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 in the previous Session made the observations and recommendations set out below.

### **15.1 Entrepreneur Career Path for Sports Managers**

The Committee had noted the earlier response from the Executive that the Ministry of Youth, Sport and Child Development would work closely with the National Sports Council of Zambia (NSCZ) to develop a well-defined commercial entrepreneur career path. The Committee had also noted 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. In noting the submission, the Committee had resolved to await a progress report on the process of establishment of a sports channel as a way of commercialising sport marketing and exposing athletes to higher levels.

### **Executive's Response**

The Committee was informed through the Action-Taken Report, that the process of establishing a sports channel on the Zambia National Broadcasting Corporation (ZNBC) in collaboration with Topstar had reached an advanced stage. The delay in the signing of a Memorandum of Understanding and implementation of the initiative had been as a result of changes in management at Topstar in the country which had been compounded by suspension of work by Topstar Management in China due to Covid-19.

Further, the Committee was informed that once the physical education unit at UNZA was transformed into a Department and the Sports Education and Accreditation System was implemented, all sports practitioners, including sports managers, would be able to operate professionally in the country. This would provide a well-defined commercial entrepreneur career path to attract managers who might market and expose athletes to higher levels.

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

While noting the response from the Executive, the Committee reiterates its earlier recommendation and resolves to await a progress report on the establishment of a sports channel as a way of commercialising sport marketing and exposing athletes to higher levels.

## **15.2 Unstable Energy Tariff Structure**

The Committee had noted the response from the Executive 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. In noting the response, the Committee had urged the Ministry to expeditiously initiate engagement with the Ministry of Finance regarding provision of incentives to companies that supported sport in the country. The Committee had resolved to await a progress report on this matter.

### **Executive's Response**

The Committee was informed in the Action-Taken Report that the Government remained committed to supporting and promoting sport in the country through tax and non-tax incentives to the sector. The Committee was also informed that Government had put in place a facility where the Ministry of Finance paid import taxes on goods imported by Government

agencies and institutions using the voucher system, thereby exempting public institutions and paying tax. Therefore, the requirement under this arrangement was that the Government agency, including the Ministry of Youth, Sport and Child Development (MYSCD), to which the goods were consigned should submit original form CE20 (Customs Declaration Form) issued by the Zambia Revenue Authority; original invoices from the supplier of the goods consigned to the Government agency; and a cover letter requesting for payment of duties through the voucher.

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

The Committee wishes to express its dissatisfaction with the response from the Executive as it does not address the recommendation from the Committee. In view of the above, the Committee reiterates its earlier recommendation and resolves to await a progress report on the matter.

### **15.3 Functioning Sports Advisory Committees**

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

### **Executive's Response**

In the Action-Taken Report, it was reported that the 2020 fiscal year had been characterised by the adverse effects of the Covid-19 pandemic that resulted in the Government recruiting medical personnel to fight and contain the spread of the Covid-19 pandemic. In this regard, all the funds that were allocated for recruitment of personnel in other sectors, including the Ministry of Youth, Sport and Child Development (MYSCD), were exhausted by the recruitment of frontline medical personnel. It was further reported that the Government would endeavour to recruit personnel in various sectors, including sport, in a phased approach during the 2021-2023 medium term, revenues permitting.

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

The Committee reiterates its recommendation and resolves to await a progress report on the operationalisation of the revised and approved organisational structure.

### **15.4 Sports Advisory Structures**

The Committee had noted the response from the Executive that the Ministry of Youth, Sport and Child Development would ensure that district sports advisory structures were established in districts where they were non-existent. In noting the response, the Committee was disappointed that no action appeared to have been taken by the Ministry on this matter. In this vein, the Committee had called for urgent action and resolved to wait for a progress report on the establishment of advisory structures in districts where they were non-existent

### **Executive's Response**

The Committee was informed in the Action-Taken Report that a request had been made to provinces for the Provincial Administrations to recommend names of individuals to be appointed in the Provincial and District Advisory Committees. This process was expected to be completed by the end of 2020. Provincial Sports Development Officers had been engaged to ensure follow ups were made.

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

While noting the response from the Executive, the Committee reiterates its previous recommendation and resolves to await a progress report on the establishment of advisory structures in districts where they are non-existent.

## **CONSIDERATION 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 in the last Session had made the observations and recommendations set out below.

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

The Committee had noted the response from the Executive that the Ministry of Youth, Sport and Child Development 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. In noting the response, the Committee had urged the Executive to expedite the approved revised organisational structure and resolved to await a progress report on the matter.

### **Executive's Response**

The Committee was informed that the Ministry of Youth, Sport and Child Development had resubmitted the three Revised Sector Devolution Plans to Cabinet Office for Approval. The functions to be devolved to local authorities were as set out below.

### **FUNCTIONS TO BE DEVOLVED**

#### **➤ SPORTS DEVELOPMENT PROGRAMME**

Under this Programme, the Ministry would devolve- Community Sport. This function involved promotion and strengthening of community based sports activities throughout the country. This enhanced community spirit, equality of opportunity and personal development. It also promoted social integration, recreational and competitive sport in schools, clubs, towns and cities as it contributed to community confidence and a spirit of teamwork. Within this function was imbedded the following sub-functions:

- a) Sports for all; and
- b) Focus on youth sport.  
Currently these functions were done by volunteers and District Sport Advisory Committees (DSACs).

#### **➤ YOUTH DEVELOPMENT PROGRAMME**

Under the Youth Development Programme, there were two sub-programmes, Youth Skills Development and Youth Empowerment. The aim of this Programme was to effectively, efficiently and sustainably realise and actualise the full potential of the youth in order to contribute to national development. The Ministry would devolve the function of - Registration of the Youth Organisations. This would involve registration/accreditation of youth organisations, non-governmental youth organisations and other youth development facilities at district level. This function was currently being performed by the NYDC.

#### **➤ CHILD DEVELOPMENT AND WELFARE PROGRAMME**

The programme was aimed at coordinating and promoting child development, survival, protection and participation in order to ensure that children survive, thrive and reach their full potential. Under this the Ministry would devolve - Rehabilitation and Re-integration of Street Children through District Child Protection Committees and NGOs, this function involved removal of children from the streets, rehabilitating and re-integrating them into their families.

However, the Committee was informed that the 2020 fiscal year had been characterised with the adverse effects of the Covid-19 pandemic that resulted in the Government recruiting medical personnel to fight and contain the spread of the COVID-19 pandemic. In this regard, the Committee was informed that the Government would endeavor to recruit personnel in various sectors to facilitate the decentralisation of the Ministry of Youth, Sport and Child Development to district level as requested by the Committee in a phased approach during the 2021-2023 medium term.

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

The Committee reiterates the last recommendation and resolves to await a progress report on the decentralisation of the Ministry of Youth, Sport and Child Development to district level.

### **16.2 Decentralisation of the Youth Development Fund**

The Committee had noted the response from the Executive 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. The Committee had called for an expeditious conclusion of the review of the implementation process of all empowerment funds and awaited a progress report on the decentralisation of the Youth Development Fund.

### **Executive's Response**

The Committee was informed in the Action-Taken Report that the Government, under the Ministry of Youth, Sport and Child Development had concluded its internal reviews of the Youth Development Fund. The allocation of loans under the Youth Development Fund had been discontinued. However, the Government had continued with the loan recoveries. In order to enhance youth empowerment new and remodelled youth empowerment programmes had been set up. However, the empowerment funds were being moved to CEEC, which had structures at provincial level.

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

In noting the response from the Executive, the Committee resolves to await a progress report on the finalisation of the transfer of the empowerment funds under the YDF to the CEEC.

### **16.3 Job Fairs**

The Committee had noted the response from the Executive that the Ministry of Youth, Sport and Child Development 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, the Ministry would

ensure that job fairs were introduced, and the Ministry would work out modalities for their operationalisation. In noting the response from the Executive, the Committee had resolved to await a progress report on the introduction of job fairs.

### **Executive's Response**

The Government reported that stand-alone Job Fairs had not been held due to financial constraints. However, the Ministry of Higher Education, through TEVET Institutions, had continued to interface with Industry through industrial attachments and eventual employment of graduates. Once the financial situation improved, the Job Fairs would be held.

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

In noting the response from the Executive, the Committee resolves to await a progress report on the introduction of Job Fairs.

## **16.4 Apprenticeship Act, Chapter 275 of the Laws of Zambia**

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

### **Executive's Response**

The Government in the Action-Taken Report stated that it continued with the process of reviewing the *Apprenticeship Act, Chapter 275 of the Laws of Zambia* during the period under review. Further, Consultative meetings with key stakeholders on this matter were held by the Ministry of Labour and Social Security in collaboration with the International Labour Organisation (ILO) from 18<sup>th</sup> to 20<sup>th</sup> February, 2020 in Siavonga District. The Layman's Bill, which was aligned to the Work Based Learning Framework, had since been drafted. The Ministries of Labour and Social Security and Higher Education were currently discussing the final modalities regarding the draft Bill before submitting the same to the Ministry of Justice for final legislative drafting.

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

In noting the response from the Executive, the Committee reiterates its previous recommendation and resolves to await a progress report on the review of *the Apprenticeship Act, Chapter 275 of the Laws of Zambia*.

## **16.5 Labour Market Information System**

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

### **Executive's Response**

The Committee was informed in the Action-Taken Report that the training of users and procurement of ICT equipment could not be done due to financial constraints. These two important activities would be undertaken once funds were made available to the Ministry of Labour and Social Security.

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

The Committee reiterates its previous recommendation and resolves to await a progress report on the training of users and procurement of ICT equipment.

## **17.0 YOUTH PARTICIPATION IN DECISION MAKING**

The Committee had noted the response from the Executive 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. In noting the submission from the Executive, the Committee had resolved to wait for a progress report regarding the establishment of the Youth Parliament.

### **Executive's Response**

The Committee was informed in the Action Taken Report that the National Youth Development Council was working on reviewing the methodology of hosting the Youth Parliament in view of the restrictions on public gatherings due to Covid-19. Currently discussions with United Nations Development Programme for possible funding were on-going.

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

In light of the above response which does not address the recommendation, the Committee reiterates its previous recommendation and resolves to await a progress report regarding the establishment of the Youth Parliament and not the hosting of the Youth Parliament.

### **17.1 Child Development Curricula**

The Committee had noted the response from the Executive 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-term 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. In noting the submission, the Committee had resolved to await a progress report on the review of the curriculum for primary schools.

### **Executive's Response**

The Government, through the Ministry of General Education, acknowledged the fact that the curriculum was the "backbone" of the education system as it spelled out what would be taught and learned at each and every level in order to help achieve social and economic development. It was in line with this that the Government comprehensively reviewed and developed the curriculum in 2013. This allowed for the curriculum to be interlinked from one level to the other. The revised curriculum was launched in 2014 using a phased implementation approach. This allowed for the Government to procure materials required for each phase being implemented as one grade phased in while the other phased out. Now that the five year period had been reached, the Ministry of General Education would once again be required to conduct a needs assessment on curriculum review while putting all necessary resources in place to carry out a review of the entire curriculum from ECE, primary, secondary and tertiary level. This was a cost effective way of reviewing the curriculum, unlike doing it level by level. However, the desk review of the curricula from ECE to Primary based on the submissions from stakeholders at the implementation level and those made during the Joint Annual Review (JAR) meetings was yet to be done in 2020 due to non availability of funds. Once this stage was done, it would be linked to the review at secondary and tertiary level in the years to come and the needs assessment that would be conducted.



## **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 curriculum for primary schools.

### **17.2 National Youth Development Council Board**

The Committee had noted the response from the Executive 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 awaited the final Draft Bill from the Zambia Law Development Commission to facilitate the process for its enactment. In noting the submission, the Committee had resolved to wait for a progress report because the Ministry was 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.

### **Executive's Response**

The Government, through the Ministry of Youth, Sport and Child Development, noted the recommendation made by the Committee. The Committee was informed that the Zambia Law Development Commission (ZLDC) facilitated the review process and the validation was done. The ZLDC had handed over the report and the Draft Bill to the Ministry to finalise and submit to Ministry of Justice and eventually to Parliament for enactment. The Committee was further informed that the Government would appoint a Board before the end of 2020. The necessary consultations were on-going.

In an update in February, 2021, the Executive, through the Ministry of Youth, Sport and Child Development, stated that the Zambia Law Development Commission (ZLDC) facilitated the review process and the validation was done. The ZLDC had handed over the report and the Draft Bill to the Ministry to finalise and submit to Ministry of Justice and eventually to Parliament for enactment. The Committee was further informed that the Government would appoint a Board once the revised Act was put in place.

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

In noting the response from the Executive, the Committee reiterates its previous recommendation and resolves to await a progress report on the review process for *the National Youth Development Council Act, Chapter 144 of the Laws of Zambia* which will eventually lead to the appointment of the NYDC Board.

### **17.3 Acquisition of Land**

The Ministry of Youth, Sport and Child Development 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. In noting the submission, the Committee had resolved to await a progress report on the acquisition of land for the youth.

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

The Government took note of the concern of the Committee and reported that it had started the process of finding land for youth projects across the country. On 8<sup>th</sup> July, 2020, letters were written to all Provincial Lands Officers to work with the local authorities, including the chiefs, to identify land for youth projects in their respective provinces. This land was to be used by the youth for various agricultural activities such as fish farming, field cropping, animal husbandry and other agricultural activities.

The Ministry of Lands and Natural Resources had since received positive feedback from the provinces. Senior Chief Sailunga of the Lunda People of North Western Province, for example, had identified and confirmed availability of 2000 hectares of land in Mwinilunga District to be acquired by the youths for various agriculture activities.

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

In noting the response from the Executive, the Committee resolves to await a progress report on the acquisition of land for the youths.

### **18.0 REPORT ON THE FOREIGN TOUR TO THE REPUBLIC OF KENYA**

#### ***18.1 Adoption of the Youth for Political Positions***

The Committee had noted the response from the Executive that the amendments to the Constitution were presented to Parliament during the June, 2019 Meeting and the amendments went through First Reading. The Bill contained 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 in Parliament. Upon consideration, the Forum resolved to withdraw the Bill to allow for further consultations before the Bill could be presented to Parliament. In noting the submission, the Committee had resolved to wait for a progress report on the enactment of a legislative framework that would compel political parties to involve youths in adoptions for political positions and offices and also in their governance structures.

### **Executive's Response**

The Government noted the Committee's recommendation and stated that, the Constitution of Zambia (Amendment) Bill, No. 10 of 2019 was still before Parliament and the Government reiterated that the Bill contained 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.

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

In noting the response from the Executive, 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**

### **19.1 Transformation of the Social Workers' Association of Zambia**

The Committee had noted the response from the Executive 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. In noting the submission from the Executive, the Committee had resolved to await a progress report on the enactment of the Social Workers' Association of Zambia Bill.

### **Executive's Response**

The Government reported in the Action-Taken Report that the drafting of the Social Workers' Association of Zambia Bill was completed and the Bill was presented to Cabinet. It was anticipated that the Bill would be presented to Parliament during the September 2020 sitting.

In an update in February, 2021, the Executive stated that in 2018 at its 4<sup>th</sup> Cabinet Meeting held on 5<sup>th</sup> March, Cabinet approved in principle drafting of the Social Workers' Association of Zambia Bill. The Ministry of Justice, based on instructions from the Ministry of Community Development and Social Services, embarked on the Bill drafting process. After the Bill was drafted,

the Ministry of Community Development and Social Services conducted provincial consultations and validation meetings across the country.

On the 12<sup>th</sup> October, 2020, the Bill was tabled before the Legislative Committee Meeting. Following that meeting, the Ministry of Community Development and Social Services on 13<sup>th</sup> October, 2020 submitted further instructions to the Ministry of Justice after addressing the comments and observations made by the Legislative Committee.

The Ministry of Community Development and Social Services was currently waiting for further guidance from Cabinet Office for the next processes in the enactment of the Social Workers' Association of Zambia Bill.

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

The Committee reiterates its previous recommendation and resolves to await a progress report on the enactment of the Social Workers' Association of Zambia Bill.

### **19.2 Financing Mechanisms for Youth Development Projects**

The Committee had noted the response from the Executive 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. In noting the submission from the Executive, the Committee had resolved to await a progress report on the review of the *National Youth Development Council Act, Chapter 144 of the Laws of Zambia*.

### **Executive's Response**

The Committee was informed in the Action-Taken Report that the validation meeting on the draft bill was held by the stakeholders. The Zambia Law Development Commission had handed over the Report to the Government for finalisation, onward submission to Ministry of Justice and eventually to Parliament for enactment. The organisational structure of NYDC had been reviewed.

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

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

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

The Committee had noted the response from the Executive that the Ministry had since received communication from the Public Service Management Division (PSMD) to attach staff to Levy Mwanawasa Stadium from within the

Ministry and other line Ministries due to continued financial constraints. In noting the submission from the Executive, the Committee had resolved to await a progress report on the deployment of permanent staff to manage the Levy Mwanawasa Stadium.

### **Executive's Response**

The Committee was informed that the structure for Levy Mwanawasa Stadium was approved and that currently only funding for the positions was being awaited before recruitment and placement of appropriate personnel to the organisation.

The Committee was also informed that serving officers from various Government institutions had been attached to the stadium through Provincial Administration, Copperbelt Province. These officers were currently placed at the stadium and were tasked with the overall responsibility of ensuring the efficient and effective running of the stadium. In addition to the officers, there were two senior officers employed on contract while twenty four support staff (Clerical Officers, Office Assistants, General Workers, Electricians, Kitchen Staff and Drivers) had also been employed on contract.

The Division would continue to liaise with Provincial Administration, Copperbelt Province and Ministry of Youth and Sport in order to ensure the facility was provided with adequate staff while awaiting funding for the structure.

### **Staff Returns – Levy Mwanawasa Stadium Taskforce**

#### **1. Management1**

##### **1.1 Filled Positions**

<b>S/N</b>	<b>POSITION</b>	<b>NAME OF OFFICER</b>		<b>STATUS</b>
01	Ag/Director	Nosiku Akufuna-Mwaba		GRZ Employee
02	Head Security/Ag. Assistant Director	Isaac Mukelabai		GRZ Employee
03	Stadium Engineer	Steve Makunku	01	GRZ Employee
04	Financial Officer	Mulenga Chishimba	01	GRZ Employee
05	Executive Officer	Suya Shawa Chileshe	01	GRZ Employee
06	Marketing Officer	Mortson Kasoma	01	On Contract
07	Procurement Officer	Agness Kayula	01	On Contract

## 1.2 Approved but not funded Position

S/N	POSITION	NAME OF OFFICER		STATUS
09	Assistant Director		01	
10	Hospitality Officer		01	
11	Horticulturalist		01	
12	Stenographer		01	
13	Sports Officer		02	

## 2. Technical Staff attached to LMS Taskforce

S/N	NAME OF OFFICER	ORGANISATION	STATUS
01	David Kasongo	ZNBC	Audio/Visual Equipment
02	Musonda Mazimba	ZAMTEL	Internet Connectivity & Communication System
03	Joseph Mwale	ZAMTEL	Internet Connectivity & Communication System
04	Kajunga Soko	ZESCO	Electrical Installations & Faults
05		ZESCO	Electrical Installations & Faults
06	M'Kandawire	Kafuba Water	Water & Sewerage Systems
07	Rexford Lombe	Ndola City Council	Fire Fighting Equipment

### 3. Support Staff

01	Charles Chisenga	Clerical Officer	On Contract
02	Modester Sinyinza	Carpenter	
03	Vincent Kafula	Plumbing Handyman	
04	Esther Phiri	Office Assistant	
05	Kelvin Mwansa	Office Assistant	
06	Pelajjah Lunda	General worker-Cleaner	
07	Rosa Lunda	General worker-Cleaner	
08	Agnes Kauseni	General worker-Cleaner	
09	Francisco Chilinda	Scarfolder	
10	Francis Tembo	General Worker	
11	Darius Samanenga	General Worker	
12	Chilekani Sinkamba	General Worker	
13	Joshua Tuwele	General Worker	
14	Jonathan Mwansa	General Worker	
15	Zora Sichone	General Worker	
16	Katota Kumelo	Electrical	
17	Muyinazo Dumba	Electrical Handyman	
18	Aston Sichilima	Kitchen Staff-Waitress	
19	Agness Nkonde	Kitchen Staff-Waitress	
20	Nosiku Lubinda	Assistant Chef	
21	Elizabeth Muyabi	Assistant Chef	
22	Beatrice Chirwa	Kitchen Staff	
23	Cosam Phiri	Driver	
24	Weston Lusale	Driver	

### Committee's Observations and Recommendations

While appreciating the response from the Executive, the Committee reiterates its previous recommendations and resolves to await a progress report on the deployment of permanent staff to manage the Levy Mwanawasa Stadium.

#### 19.4 The Football Association of Zambia Debt to Levy Mwanawasa Stadium

The Committee had noted the response from the Executive that the Ministry had been in constant communication with Football Association of Zambia (FAZ) over the settlement of the outstanding debt. FAZ had since committed to offset the debt in installments. The Committee was further informed that in an effort to avoid further debt, the management at the Stadium required that FAZ pay upfront for the use of the stadium. In noting the submission from the Executive, the Committee had resolved to await a progress report on the liquidation of the FAZ debt to the Levy Mwanawasa Stadium.

### Executive's Response

The Committee was informed in the Action-Taken Report that Football Association of Zambia had begun offsetting the debt to Levy Mwanawasa

Stadium in installments. FAZ had assured the Government that all funds raised during International Games shall be paid towards servicing the debt.

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

The Committee notes the response from the Executive and seeks an update on the liquidation of the FAZ debt to the Levy Mwanawasa Stadium.

#### **19.5 Teenage Pregnancy in Zambia**

The Committee had noted the response from the Executive 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. In noting the submission from the Executive, the Committee had resolved to await a progress report on the enactment of the Marriage Bill.

### **Executive's Response**

The Committee was informed in the Action-Taken Report that the drafting of the Marriage Bill was on-going and it was anticipated that the Bill would be presented to Parliament during the September 2020 sitting.

In an update in February, 2021, the Executive stated that the Bill was still undergoing drafting by the Ministry of Justice after further consultations with stakeholders. Once the drafting was concluded, the Bill would be submitted for approval by Cabinet. It was anticipated that the Bill would be presented to Parliament during the course of the Thirteenth Assembly.

### **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.

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

The Committee had noted the response from the Executive 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 amendment of the law.

In noting the submission, the Committee was disappointed over the continued and inordinate delay in reviewing *the National Sports Council of Zambia Act, Chapter 144 of the Laws of Zambia*. The Committee, had therefore, called upon the Executive to expedite the consultative process which was being spearheaded by the ZLDC so that the necessary proposals for amendments could be presented to Parliament for enactment without



further delay. The Committee had resolved to await a progress report on the matter.

### **Executive's Response**

The Committee was informed in the Action-Taken Report that the Zambia Law Development Commission finalised the consultative process with all relevant stakeholders and handed over the report of the consultative meetings to the Government, through the Ministry of Youth, Sport and Child Development, as well as the Terms of Reference for the drafts person in 2019. However, due to inadequate funds, the Ministry could not engage a Draftsperson to develop the NSCZ Draft Bill. The Government, through the Ministry of Youth, Sport and Child Development and the Ministry of Justice were working to draft the Bill and positive feedback had been received in this regard.

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

The Committee reiterates its previous recommendation and resolves to await a progress report on the review of *the National Sports Council of Zambia Act, Chapter 144 of the Laws of Zambia*.

## **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 in the last Session considered the Action-Taken Report on its Report 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. The Committee made various observations and recommendations, to which the Executive responded as set out below.

#### **20.1 Inadequate Courtroom Space**

The Committee had noted the response from the Executive that 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. The Committee had resolved to leave the matter open until there was evidence to show an increase in the budgetary allocation to the Judiciary for the construction of more courtrooms.

## **Executive's Response**

The Committee was informed in the Action-Taken Report that the Treasury was fully aware of the necessity of court infrastructure in the delivery of justice. However, the current tight fiscal position had resulted in the scaling down of expenditure on capital projects, among others, in order to meet the constitutional and statutory expenditures, such as debt service and salaries for the civil service. The construction of court infrastructure with requisite juvenile facilities would be prioritised over the 2021-2023 medium term.

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

In noting the response from the Executive, the Committee reiterates its previous recommendation on the matter and resolves to wait for an update.

### **20.2 Failure to bring Juveniles to Court**

The Committee had noted the response from the Executive that 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. The Committee had reiterated the last position by impressing upon the Office of the Secretary to the Treasury to ensure that adequate funds were allocated for the purchase of appropriate transport meant for transportation of juveniles suspected of being in conflict with the law to court. The Committee had resolved to await a progress report on the matter.

## **Executive's Response**

The Committee was informed in the Action-Taken Report that the Government acknowledged the transport challenges being faced by the Judiciary in the execution of its mandate. The Committee was informed that, in August, 2020, the Treasury released K20.0 million for the purchase of fifty-five motor vehicles to ease transportation challenges for the Judiciary.

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

The Committee expresses its dissatisfaction with the response from the Executive as it does not address the Zambia Police as well as the Zambia Correctional Services but focuses on the Judiciary instead. In light of the above, the Committee reiterates its previous recommendation and resolves to await a progress report on this matter.

### **20.3 Lost Documentation on Case Files**

The Committee had noted the response from the Executive that 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. The Committee had resolved to await an update on the full implementation of the electronic case management system in all courts in the country.

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

The Government noted the importance of the expanded rollout of the case management system, and continued to endeavor to increase on progress made so far in the rollout of the system to all Subordinate Courts by purchasing equipment or scanning of documents and electronic storage of documents, funds permitting.

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

The Committee expresses its dissatisfaction on the response as it does not address the concern raised in the 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.

### **20.4 Court Facilities not Child-friendly**

The Committee had noted the response from the Executive that the Government, through the Ministry of Justice, adopted the recommendation by the Committee. However, the construction of child-friendly courtrooms required funding. The Committee had reiterated its last position by impressing upon the Office of the Secretary to the Treasury to ensure that adequate funds were allocated for construction of child-friendly court rooms. The Committee had resolved to await a progress report on the matter.

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

The Committee was informed in the Action-Taken Report that the Government was fully *aware* of the necessity of requisite for court infrastructure, in the creation of a child friendly environment in the Justice System in Zambia. The Judiciary had, therefore, developed the preliminary designs of modern court rooms with the pre-requisite child-friendly facilities and continued to lobby the Treasury for funding for the construction of child-friendly court rooms.

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

The Committee reiterates its previous recommendation 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 resolves to await a progress report on the matter.

### **20.5 Inadequate Reformatory Schools**

The Committee had noted the response from the Executive that 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 meant that the facility 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 remained 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.

The Committee had reiterated its position by impressing upon the Office of the Secretary to the Treasury to ensure that adequate funds were allocated for construction of more reformatory and approved schools in the country and awaited a progress report on the matter.

## **Executive's Response**

The Committee was informed in the Action-Taken Report that the Government was fully aware of the necessity, for construction of more reformatory schools in the country. However, the current tight revenue position had led to the implementation of austerity measures. One such measure was the completion of on-going projects and the suspension of contracting new projects. In this regard, before embarking on any new projects, priority would be given to the completion of on-going projects under the justice system that were at least 80 percent complete as the revenue position improved.

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

The Committee reiterates its previous recommendation by impressing upon the Office of the Secretary to the Treasury to ensure that adequate funds are allocated for the construction of more reformatory and approved schools in the country. The Committee awaits a progress report on the matter.

### **20.6 Staffing Levels at Subordinate Courts**

The Committee had noted the response from the Executive that 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.

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

## **Executive's Response**

The Committee was informed in the Action-Taken Report that the Government acknowledged the low staffing levels in some of the subordinate courts and the risk it posed to the efficient delivery of justice. Currently, there were thirty court reporters undergoing training. However, the Government would endeavour to recruit personnel in various sectors,

including justice system, in a phased approach during the 2021-2023 medium term revenue permitting.

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

In noting the Executive response, the Committee reiterates its last recommendation and implores 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 sexual reproductive health and rights of children and young people are human rights and hence need to be supported and implemented. However, implementation of the sexual reproductive health services to children and young people has been marred by various challenges, including limited budget allocations, incoherent approach of a number of policies, limited information dissemination, limited capacity among technocrats, persistent barriers to access adolescent friendly health services and lack of universal acceptance of comprehensive sexuality education, among others. These factors, among others, lead to serious operational problems, which results in dismal performance in the provision of sexual reproductive health services to children and young people in Zambia.

The Committee is of the view that, in order for the provision of sexual reproductive health services to children and young people to succeed in Zambia, there is need for an increase in budgetary allocations towards sexual reproductive health services for children and young people in Zambia. In addition, there is an urgent need to review the comprehensive sexuality education syllabus so that it is not in contrast with the Zambian traditional mores as well as to make it more culturally appropriate and, therefore, acceptable to all citizens.

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 Offices of the Speaker and Clerk of the National Assembly.

Mr C Miyutu, MP  
**CHAIRPERSON**

April, 2021  
**Lusaka**

## **APPENDIX I – List of National Assembly Officials**

Ms C Musonda, Principal Clerk of Committees  
Mr F Nabulyato, Deputy Principal Clerk of Committees (SC)  
Mrs C K Mumba, Senior Committee Clerk (FC)  
Mr A Himululi, Committee Clerk  
Mrs D H Manjoni, Personal Secretary II  
Mr M Chikome, Committee Assistant  
Mr D Lupiya, Committee Assistant  
Mr M Kantumoya, Parliamentary Messenger