



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON YOUTH, SPORT AND CHILD MATTERS

FOR THE

FIRST SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

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REPORT OF THE COMMITTEE ON YOUTH, SPORT AND CHILD MATTERS FOR THE FIRST SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

1.0 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of Mr Edgar Sing'ombe, MP (Chairperson); Mrs Chrizoster Phiri Halwindi, MP (Vice Chairperson); Mr Misheck Mutelo, MP; Mr Pavyuma Kalobo, MP; Mr Chinga Miyutu, MP; Mr George Kasabila Kandafula, MP; Mr Sydney Mushanga, MP; Mr Golden Mwila, MP; Mr Micheal Zondani Jay Katambo, MP and Mr Allen Banda, MP.

The Honourable Madam Speaker
National Assembly
Parliament Buildings
LUSAKA

Madam,

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

2.0 FUNCTIONS OF THE COMMITTEE

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

3.0 COMMITTEE'S PROGRAMME OF WORK

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

- (a) consideration of the Action-Taken Report on the Report of the Committee for the Fifth Session of the Twelfth National Assembly; and
- (b) consideration of the topical issue: "*Management of Child care facilities in Zambia.*".

4.0 PROCEDURE ADOPTED BY THE COMMITTEE

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

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 is the consideration of

outstanding issues from the Action-Taken Report on the Report of the Committee for the Fifth Session of the Twelfth National Assembly, and consideration of 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.

PART I –

6.0 CONSIDERATION OF THE TOPICAL ISSUE

6.1 MANAGEMENT OF CHILD CARE FACILITIES IN ZAMBIA

6.2 Background

In 2001, the Zambian Government embarked on the Child Care Upgrading Programme (CCUP) through the Ministry of Community Development and Social Services with the support of United Nations International Children's Emergency Fund (UNICEF). The Programme aimed at transforming child care services in Zambia. The Child Care Upgrading Programme addressed five main areas of concern which required changes. The areas of concern were as set out below.

- i. The identification of all child care facilities in Zambia, including day care centres, children's voluntary homes, street children's shelters, and places of safety.
- ii. The registration of all child care facilities.
- iii. The collection of information on child care facilities and their employees, and the establishment of a national database.
- iv. The upgrading of skills levels of staff in child care facilities throughout the country, particularly social work practitioners, child care auxiliaries and community workers.
- v. The development and application of minimum standards for the operation of child care facilities.

Ultimately, these changes meant that the child care system should be able to respond adequately to changing times so that children's services were more responsive to their needs and children grew up to be responsible citizens contributing to national development.

In order to ensure that the rights of children were protected, the minimum standards of care for child care facilities had been developed and it was the wish of the Government, therefore, that the standards were supported and implemented by all child care facilities, so that the services provided were in line with the United Nations Convention on the Rights of the Child, and the national laws and policies.

In this regard, the Committee undertook a study on the management of care facilities in Zambia. The study sought to achieve the specific objectives set out hereunder.

- i. Ascertain the adequacy of the legal and policy framework governing the regulation of child care facilities in Zambia.
- ii. Appreciate the registration process of child care facilities and their regulation in Zambia.

- iii. Appreciate measures put in place to curb any form of child trafficking from child care facilities in Zambia.
- iv. Appreciate the skills levels of staff in child care facilities throughout the country, particularly social work practitioners, child care auxiliaries and community workers.
- v. Ascertain the efforts being made to reunite the children in child care facilities with their families, as well as efforts being made to encourage community-based care and kinship models, if any.
- vi. Appreciate the financing mechanisms and budgetary allocations by Government towards the smooth running of child care facilities, if any.
- vii. Understand the gaps and challenges in the smooth running of child care facilities in Zambia.
- viii. Make recommendations on the way forward.

6.3 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.

6.3.1 Adequacy of the Legal and Policy Framework Governing the Regulation of Child Care Facilities in Zambia

a) Legal Framework

Stakeholders informed the Committee that there were a number of laws in Zambia that provided for the protection and care of children in child care facilities. The main pieces of legislation were set out below.

i. The Juvenile Act, Chapter 53 of the Laws of Zambia

The Act provided for the custody and protection of juveniles in need of care and correction of juvenile delinquency. The objective of this Act was to among others, ensure that the standards of care in child care facilities were observed and that the inspection of childcare facilities was compliant with the laws of Zambia.

ii. The Adoption Act, Chapter 54 of the Laws of Zambia

The Act provided for the making and registration of adoption orders, the registration and control of adoption societies and the supervision of adopted children in childcare facilities by the Commissioner for Juvenile Welfare.

iii. The Anti Gender-Based Violence Act, No. 1 of 2011

The Act protected victims of gender-based violence, whether it was the infliction of physical, sexual or mental injury. The Act mandated home visits by the police, social workers, counsellors, medical practitioners and other key professionals on receipt of a report of gender-based violence.

iv. Anti-Human Trafficking Act, No. 11 of 2008

The Act prohibited the sale of children or servitude and activities in which a child performed legally punishable criminal acts, such as trafficking in drugs or prohibited goods.

v. The Non-Governmental Organisations Act, No. 16 of 2009 and the Societies Act Chapter 119 of the Laws of Zambia

The two Acts provided for the regulations that guided the management of child care facilities. *The Non-Governmental Organisations Act, No. 16 of 2009* covered areas of registration for anybody or an institution that showed interest in taking children into their care.

b) Policy Framework

Stakeholders informed the Committee that there were a number of policies in Zambia that provided for the protection and care of children in child care facilities, some of which were as set out below.

i. The National Child Policy

The National Child Policy ensured that children had the right to grow up in a safe and supportive environment free from violence, abuse, neglect, and exploitation through the coordination of all child welfare and development implementation programmes. This was done through strengthening coordination with stakeholders involved in child welfare and development programmes and building capacity in child services providers.

ii. The National Social Protection Policy

This covered the range of policies and programmes needed to reduce the lifelong consequences of poverty and exclusion. The formulation of the National Social Protection Policy was one of the Government's dedicated efforts to ensure that the role of social protection in pro-poor growth remained central and increased in systemic efficiency. In this regard, social protection measures ensured that they addressed the different levels and forms of poverty and vulnerability for all Zambians.

iii. The Minimum Standards of Care for Child Care Facilities Regulations and Procedures (2014)

The minimum standards for child care facilities were a result of tireless efforts by the Ministry of Community Development and Social Services to provide holistic care and support to children in centres and institutions caring for children. In order to ensure that the rights of children were protected, the minimum standards of care for child care facilities was developed in compliance with the United Nations Convention on the Rights of the Child, which under Article 3 (3) stated that "set standards of care for children should exist".

iv. The Alternative Care and Reintegration Guidelines, 2017

These guidelines had been developed to assist the Government and other stakeholders to improve the protection and alternative care of children, reintegrate children with their families where appropriate, create a pool of foster parents and provide adoption services where a child needed a new permanent family. They aimed at preventing children from being informally and inappropriately placed in child care facilities and to develop alternatives. The guidelines showed how policies and standards about caring for children should be applied in order to care and protect children who were or might be separated from their families. The guidelines provided guidance on how to make decisions in the best interest of the child. The guidelines also set out the key steps for appropriately and safely placing children in family-based alternative care arrangements.

In view of the above legal and policy framework, stakeholders submitted that Zambia had an adequate legal and policy framework governing the regulation of childcare facilities. However, there were gaps in the enforcement of these existing laws and policies.

6.3.2 The Registration Process of Child Care Facilities and Their Regulation in Zambia

Stakeholders submitted that before any person could open a child care facility in Zambia, a needs assessment had to be carried out by the institution showing the need for residential care for children without parental care. If the individual or organisation could demonstrate that there were no local family-based alternatives, such as kinship care, community care or foster care and that there was a need for a child care facility, they had to obtain a letter of recommendation from the Department of Social Welfare, including confirmation that preliminary standards to operate a child care facility had been met. This letter could then be presented to the Registrar for Non-Governmental Organisations to register a home or organisation as required by law under the *Non-Governmental Organisations Act, No. 16 of 2009*.

The Committee was informed that if the application was successful, a certificate of registration would then be issued. This must be taken to the Department of Social Welfare, within a year of registration, where an application for a certificate of recognition (licence) was made. This was in line with sections 32 and 43 of the *Juveniles Act, Chapter 53 of the Laws of Zambia*, which required that all voluntary homes and private homes needed to notify the Department of Social Welfare of their existence.

Stakeholders submitted that the legal authority for the regulation of child care was based on the provisions of the Laws of Zambia. It was submitted that under Article 24 (2) of the Constitution of Zambia, all young persons shall be protected against physical or mental ill treatment and all forms of neglect, cruelty or exploitation. *The Juveniles Act, Chapter 53 of the Laws of Zambia*, under section 8(1) outlined the powers of the Commissioner for Juvenile Welfare and Juveniles Inspectors. It provided that it shall be the duty of the Department of Social Welfare, through its duly gazetted officers, to inspect at regular intervals all child care facilities and child placing agencies that were subject to the provisions of the law. It was submitted that inspections were to be conducted on a quarterly basis, and should be made as deemed necessary by the Department without prior notice.

Stakeholders informed the Committee that if any child care facility operated without a valid certificate issued by the Department of Social Welfare, the Department may include a temporary restraining order to restrain the institution, society, agency, corporation, person or persons, or any other group operating the child care facility from continuing the violation. The Committee was also informed that section 36 (c) of the *Juveniles Act*, provided for the removal of a child or children from any premises or persons found contravening any of the provisions.

Stakeholders further informed the Committee that the Department of Social Welfare had developed a programme of visits to monitor compliance with the minimum standards of care and ensured that children were protected and properly cared for. The visits included regular ones to provide advice and develop a monitoring plan and investigation visits, where there had been a complaint about a facility.

6.3.3 Measures Put in Place to Curb Any Form of Child Trafficking from Child Care Facilities in Zambia

Stakeholders submitted that there were a number of measures that had been put in place in order to curb any form of child trafficking from childcare facilities in Zambia. The under listed were among the measures that had been put in place.

- i. Child care facilities had their own security measures stipulated in child safeguarding policies through which employees were oriented on. When children were placed in facilities by the Department of Social Welfare, there was always an admission letter which came with other relevant documents like police reports on circumstances surrounding the child in need of care, and any visitor that came to see any child needed to produce a pass from the Department of Social Welfare allowing them to visit a child or children in the facility. A visitor was not allowed to enter a child care facility without documentation from the Department of Social Welfare.
- ii. The enactment of the *Anti-Human Trafficking Act, No. 11 of 2008* to curb any possible trafficking of children from institutions of care.
- iii. The establishment of the National Secretariat on Human Trafficking under the Ministry of Home Affairs and Internal Security was another milestone to strengthen the monitoring of the human trafficking situation in the country.
- iv. Section 36 (c) of the *Juveniles Act* created an offence for the removal of a child or children from any premises in contravention of any of the provisions.
- v. Section 8(1) of the *Juveniles Act* empowered the Commissioner for Juvenile Welfare and Juveniles Inspectors to inspect at regular intervals (on quarterly basis) and without prior notice, all childcare facilities and child placing agencies that were subject to the provisions of the law.
- vi. Regular and sometimes impromptu inspection visits by oversight institutions such as the Human Rights Commission also ensured that managers were on guard as to the prospects of illegal removal of children from their care facilities.
- vii. The minimum standards for child care facilities extensively prescribed procedures and policies that each childcare facility had to implement. The standards served to make sure that children were protected and prevented from experiencing abuse, neglect, exploitation

or trafficked. These procedures sought to make sure that any cases of children that were abused or being trafficked were identified as soon as possible.

6.3.4 Statistics of Cases of Child Trafficking from Child Care Facilities the Zambia Police Service Has Dealt with In the Last Ten Years, If Any

The Committee was informed that the Zambia Police Service had so far dealt with only one case of suspected child trafficking in the last ten years.

6.3.5 Skills Levels of Staff in Child-Care Facilities throughout the Country, Particularly Social Work Practitioners, Child Care Auxiliaries and Community Workers

Stakeholders informed the Committee that the minimum standards for care for childcare facilities outlined the skills levels that needed to be in place for all staff working in a childcare facility. These skills varied depending on the roles and functions as set out below.

The Committee was informed that facility directors must be qualified persons to care for children and manage a facility in an appropriate manner. The minimum standards of care provided that for one to be a facility director, one needed to meet all of the necessary qualifications. These qualifications were a grade twelve school certificate, a recognised diploma in childcare or a related field approved by Technical Education Vocation and Entrepreneurship Training Authority (TEVETA), satisfactorily completed at least two years of relevant work in the childcare sector, proven management and financial capacities to run a facility according to the minimum standards, obtained police clearance certificate (Certificate for Criminal Record) and must have signed the institutional child protection policy.

Stakeholders submitted that child-care workers in childcare facilities must meet all of the necessary qualifications. The qualifications for a childcare worker according to the minimum standards of care were that one needed to be aged eighteen years or above, hold a grade twelve school certificate or above, satisfactorily completed a career certificate or vocational training programme in the provision of child-care, obtained police clearance certificate and signed the institutional child protection policy.

The Committee was informed that interns and volunteers did assist in a childcare facility, provided they met all the necessary qualifications. These qualifications were that one needed to be aged eighteen years or above, attained a minimum of grade nine at secondary school, obtained police clearance certificate, signed the institutional child protection policy and needed to be supervised by a qualified member of staff.

In view of the above, all the stakeholders who appeared before the Committee submitted that skills levels among most staff in child care facilities was generally low. This was due to the fact that most of the child care facilities depended on volunteer workers who in most cases had lower academic and professional qualifications.

6.3.6 Efforts Being Made to Reunite Children in Child Care Facilities with Their Families, As Well As Efforts Being Made to Encourage Community-Based Care and Kinship Models

The Committee was informed that the Government had continued to promote the transition of children from institutional to family-based care through the reintegration of girls and boys into their birth families or via placement into family-based alternative care arrangements. Some of the programmes and initiatives in place were as set out below.

(a) Development of Reintegration and Alternative Care Guidelines

Stakeholders submitted that the Ministry of Community Development and Social Services, through the Department of Social Welfare had developed reintegration and alternative care guidelines for children that had been separated with their families. The guidelines served to outline core working principles, clarify legal obligations, roles and responsibilities and, network procedures. Further, the guidelines promoted cross-cutting principles of good practice for organisations that were actively involved in the reintegration process. This was in line with the deinstitutionalisation policy which encouraged that children needed to grow up in a family as opposed to them growing up in orphanages or institutions of care, which had been proved to negatively affect the development of children. It was, therefore, important for children to be brought up in families. If their birth family could not be traced or were proved to be incapable of taking care of the child, then other forms of alternative care were employed. The available forms of alternative care were adoption, kinship, and foster care.

(b) National Alternative Care Technical Working Group

The Committee was informed that in 2017, the Ministry of Community Development and Social Services established the National Alternative Care Technical Working Group. This was a national mechanism to support more harmonised and coordinated implementation of alternative care programmes within the overall child and family welfare system.

(c) Strengthening the Workforce and Developing Case Management Guidance

The Committee was informed that since 2017, the Ministry of Community Development and Social Services with support from UNICEF had supported social services workforce strengthening, with a specific focus on building the capacity of social welfare officers, to support the transition of children in residential care to family-based care. This included reintegration with a child's birth parents and placement of children in family-based alternative care. Additionally, in 2018, the Ministry was supported to engage and formalise a partnership with the University of Zambia (UNZA) and Mulungushi University to develop a curriculum for in-service and pre-service short courses on alternative care and case management. So far, a total of 153 officers from the Department of Social Welfare had been trained countrywide with active focus on child care.

(d) Strengthening Families to Care for Children

Stakeholders informed the Committee that there were several initiatives in Zambia designed to strengthen the capacity of families to properly care for children. A central component of Government support to families had been the social cash transfer programme, which aimed to improve the quality of life for the most vulnerable and poor households, including the care for children in such families. Because cash support was often insufficient to enable families to care for children well, other means of family strengthening were also underway, including livelihoods support and vocational training for parents, especially mothers. This blended approach of providing cash transfers and case management services was piloted during the COVID-19 pandemic to reduce the risk of family separation and to support reintegration.

(e) Case Management

Stakeholders submitted that the Government continued to strengthen policy implementation by promoting case management as an approach in the delivery of child care and protection services. Standard case management tools had been developed and were promoted for use by both the Government and civil society organisations working with children in need of care, non-governmental organisations, faith and church-based groups were also working hard to provide programmes and services that reduced family separation and promoted family reintegration. Case management was an important methodology used by social workers. It used standardised guidance to identify needs, make referrals to appropriate services, monitor children and families, and keep effective records. Case management tools had been developed in Zambia specifically to support the provision of services to children in need of care.

Despite the above measure being in place, some stakeholders submitted that efforts at reintegration of children with their families had not entirely been successful for a number of reasons. Some of the reasons identified were as set out hereunder.

- i. The lack of information on children's family background made it difficult to locate relations with whom the children could be reunited post facility care.
- ii. Lack of transport to enable responsible social welfare officers conduct family tracing and conduct the necessary family assessments where information was available.
- iii. The poor family circumstances of the families where the children came from made reintegration difficult.
- iv. Non-improvement of the living conditions of the family made it unwise to reintegrate the children with those families.
- v. Some children did not want to be reunited with their families as they feared of being confronted by the same poor living conditions.

6.3.7 The Financing Mechanisms and Budgetary Allocations by Government towards the Smooth Running of Child Care Facilities

Stakeholders informed the Committee that child care facilities received funding from local and international sources. Other sources of funding included organisations' income generating

activities, such as selling broiler chickens and running community schools that charged minimal school fees and were open to the public.

The Committee was informed that the Government through the Ministry of Community Development and Social Services had been releasing grants for child welfare programming that included the administration of child care facilities. The grants were sent to the Ministry which in turn divided and disbursed to child care facilities on rotational basis due to inadequate funding. The total disbursed funds for the years, 2019, 2020 and 2021 amounted to K1, 294,317.67 (One Million, two hundred, ninety-four thousand, three hundred and seventeen kwacha and sixty-seven ngwee). The table below detailed the breakdown of grants.

GRZ GRANTS TO CHID CARE FACILITIES FOR THE LAST THREE YEARS		
2019	DATE GRANT DISBURSED TO MCDSS	AMOUNT RECEIVED
	4th April	24,166.67
	23rd May	24,166.67
	25th June	48,333.33
	1st August	48,333.33
	15th October	24,167
	16th December	24,167
	Total	193,333.67
2020	DATE GRANT DISBURSED TO MCDSS	AMOUNT RECEIVED
	4th March	41,916.00
	2nd April	41,916.00
	27th May	41,916.00
	1st July	41,916.00
	10th August	41,916.00
	10th September	41,916.00
	11th September	41,916.00
	2nd October	209,580
	Total	502,992.00
2021	DATE GRANT DISBURSED TO MCDSS	AMOUNT RECEIVED
	28th January	49,832.67
	23rd March	49,833.00
	19th April	49,833.00
	19th April	448,493.33
	Total	597,992.00

TOTAL GRANTS RECEIVED PER YEAR		
2019		193,333.67
2020		502,992.00
2021		597,992.00
	Total grants received for Child Care Facilities for the three years (2019, 2020, 2021)	1,294,317.67

In light of the above, all the stakeholders who appeared before the Committee submitted that the Government budgetary allocations to child care facilities were usually inadequate and erratic, and sometimes never released at all. This negatively affected the smooth running of the facilities. One stakeholder informed the Committee that after a period of ten years, they only received a grant of K 4,000.00 last year.

6.3.8 Gaps and Challenges in the Smooth Running of Child Care Facilities in Zambia

Stakeholders highlighted a number of challenges that existed in the running of child care facilities in Zambia as set out below.

- i. Inadequate funding to support child welfare programming including support for general administration of child care facilities by Government made it very expensive to take care of children in the facilities.
- ii. Inadequate staff and capacity of the social workforce in child care facilities. In the face of poor funding from the Government, it was very difficult to employ highly qualified and experienced caregivers, psychologists, social work experts, nurses and other relevant staff.
- iii. Covid-19 caused severe impact on child protection services including for children in child care facilities. Lack of a well-functioning management information system (MIS) and limited information technology equipment and staff capacity to record data for children in their care.
- iv. Little efforts on advocacy surrounding family-based care models.
- v. There was a very weak monitoring mechanism by the Department of Social Welfare of the child care facilities to ensure that they were complying to the minimum standards of care.
- vi. Inadequate transport by the Department of Social welfare negatively affected their operations in some instances.
- vii. Lack of traceable contact details of the families of these children in the child care facilities sometimes made it difficult to reunite them with their families.
- viii. Most workers in the childcare facilities lacked the necessary skills and knowledge for the smooth running of child care facilities and this affected service delivery.
- ix. Most of the programmes in a number of child care facilities were externally financed and, therefore, any external shocks greatly negatively affected the operations in the facilities. There was generally little support from within the country.

- x. Resentment from some relatives when it came to the reintegration of children back into the community. Some of the relatives declined taking children back fearing responsibilities, they felt institutional care was better.
- xi. Challenges in obtaining legal documents like passports and National Registration Cards for children without trace of relatives.
- xii. Unstandardised case management in all facilities.
- xiii. Delayed enactment of the Child Code Bill into law which sought to promote the best interest of a child in a number of aspects.

6.4 LOCAL TOUR

6.4.1 Local tour for Lusaka, Copperbelt and North Western Provinces

In order to consolidate its findings from the long meetings on its study on the Management of Child Care Facilities in Zambia, the Committee toured selected child care facilities in Lusaka, Copperbelt and North Western Provinces as tabulated below.

ITEM NO.	PROVINCE	DISTRICT	FACILITY
1	Lusaka	Chongwe	Kasisi Orphanage Children's Home
		Chilanga	Little Servants of Devine Providence of Zambia
2	Copperbelt	Ndola	St Anthony Child Care
			Child Life Touch Child Care
		Chingola	Lusungu Orphanage
		Kitwe	Village of Hope Orphanage
3	North Western	Solwezi	Kilelabalanda Orphanage
			Cheshire Homes

The Committee also toured the Department of Social Welfare Offices in the three provinces visited.

The findings of the Committee were as set out hereunder.

i. Little Servants of Devine Providence of Zambia

a) Capacity of the facility

The Committee was informed that the centre was run by Sisters of the Little Servants of Devine Providence of Zambia and had forty-five physically challenged female children with different disabilities, most of whom were abandoned children. The youngest child in the facility was aged five years while the oldest person was aged thirty-eight years.

b) Admission

The Committee was informed that the admissions to the facility were done by the District Social Welfare Office as well as through recommendations from community leaders.

c) Funding

The Committee was informed that the centre entirely depended on donations from the Providence of God for its operations and did not receive any grants from the Government for its operations. The facility also bemoaned the low community support. The Committee was further informed that the facility engaged in poultry farming, grew mushrooms and vegetables for consumption, and as income generating ventures to support the running of the facility.

d) Challenges faced by the facility

The Committee was informed that the facility only had capacity to accommodate forty-five physically challenged children making it difficult for the centre to admit more children in need of care. The Committee heard that the centre had five care givers to attend to forty-five children with different special needs. The Committee was informed that the centre was not receiving Government grants to support its operations and that there was generally low community support. Other challenges faced by the facility were the high cost of electricity for its operations and lack of a health care facility within the centre for the disabled children.

ii. Kasisi Children's Home

a) Capacity of the facility

The Committee was informed that the facility was run by the Dominican Sisters and admitted children aged one day to eighteen years. The facility had the capacity to handle 200 children, who included abandoned, neglected, orphaned and abused children. The facility had 197 children in residence and seven non-residents, currently. The facility was manned by seven Sisters assisted by sixty care givers.

b) Funding

The Committee heard that the facility received much of its funds from donors and well-wishers in addition to periodic grants from the Government. The facility operated in a conducive environment with well cleaned interiors and surroundings. The Committee heard that during the last inspection by the Provincial Social Welfare team, the institution met all the requirements as enshrined in the minimum standards of care document from the Ministry of Community Development and Social Services.

c) Health care

The Committee was informed that the facility had a mini clinic, which was manned by a nurse, clinical officer and two doctors who attended to the children at the expense of the facility.

d) Challenges faced by the facility

The Committee was informed that it was difficult for the facility to obtain national registration cards for children whose committal orders had no details of their parents. It was a requirement that the committal order for a child should have details of the parents of the child. In addition, it was difficult for the facility to buy drugs for children with special needs, in the event that such drugs were not in stock from the Government collection facility. The facility also struggled to pay the salaries of hired medical staff and hence made a plea to have at least one medical personnel on Government payroll to be deployed at the facility. The Committee further heard that the facility had difficulty to re-unite children without trace information about their families.

iii. St Anthony Children’s Village

a) Capacity of the facility

The Committee was informed that the facility was managed by the Dominican Missionary Sisters and it admitted children that were referred by the Department of Social Welfare. The facility had 120 children with thirty-five care givers. The facility also had children with special needs as tabulated below.

Item No.	Type of Disease	Number of Children
1	Cerebral Palsy	28
2	Hydrocephaly and Microcephaly	3
3	Mentally challenged	23
4	Chronic Conditions (severe sickle cell aneamia)	2
5	Physically Challenged	5
	TOTAL	61

b) Special care unit

The Committee was informed that the facility accepted children with cerebral palsy who were often neglected and kept locked up at home as cerebral palsy and other related disabilities were not easily accepted in most families, especially after the death of parents. The children in the special care unit received daily physiotherapy treatment.

c) Funding

The Committee heard that the facility received much of its funding from donors and well-wishers. The Ministry of Community Development and Social Services also provided periodic grants. In the last quarter, the facility received a grant of K 5,000.00.

d) Health care

The Committee was informed that the facility had a clinic and was provided with drugs from the District Health Office. However, the clinic lacked personnel from the Ministry of Health to offer health care services to the children.

e) Challenges faced by the facility

The Committee was informed that the number of mentally challenged children was growing and that posed a challenge of how to look after them as there was no specialised staff. Furthermore, the facility did not have sufficient funds to run the facility and as a result it could not replace the dilapidated kitchen equipment. The facility was also grappling with the high electricity bills and the huge wage bill for care givers. In some cases, children that had been re-integrated with their families came back to the facility.

iv. Child Life Touch Care

a) Capacity of the facility

The Committee was informed that the facility had a capacity to handle twenty-one children, and had twelve girls and nine boys, that were enrolled through the Department of Social Welfare. In terms of education for the children, the Committee was informed that all the children were in school and on 100 percent Government sponsorship.

b) Funding

The Committee was informed that the facility depended on funding from well-wishers as well as periodic grants from the Government.

c) Challenges faced by the facility

The facility had inadequate funds to effectively run its operations and had high electricity bills.

v. Lusungu Orphanage

a) Capacity of the facility

The Committee was informed that the facility was managed by Bishop Ng'ambi Caddy with the help of a board, and had twenty children referred by the Department of Social Welfare aged from one day to eighteen years. The Committee also heard that the facility had employed two trained social welfare officers to look after the children.

b) Funding

The Committee was informed that the facility mostly depended on resources generated by the facility itself through tailoring, a hammer mill, massive gardening, and small scale livestock farming. The Committee was further informed that through the money raised, the facility was able to send the children to school up to university level. In addition, the facility received grants from well wishers and the Government.

c) Health care

The Committee was informed that the facility had a clinic which was run by two trained care givers who attended to minor sicknesses.

d) Challenges faced by the facility

The following challenges were highlighted:

- a) The facility had not yet received a certificate of recognition despite meeting all the minimum standards of care and sponsoring children effectively.
- b) The facility had no ready market for its products and struggled to sell to the chain stores due to bureaucracy.
- c) Paying for the committal orders at court for the children to be admitted to the facility was a challenge despite the children being referred from the Ministry of Community Development and Social Services.
- d) The feeding of the children and the exorbitant electricity bills were other challenges. The Covid-19 crisis had negatively affected the ability of the facility to support the children as the institution survived on the different income generating ventures. However, due to Covid-19, prices for stock feed had greatly increased and hence the facility needed capitalisation.

vi. Kilelabalanda Orphanage

The Committee was informed that the facility was managed by Mrs Zelita Mulenga with other members of the community, and had twenty-four children. The facility admitted children that were referred by the Department of Social Welfare and their ages ranged from six years to when they completed their grade twelve.

a) Funding

The Committee was informed that the facility mostly depended on resources from Kanshanshi Mine as well as funds raised through contracts for bush clearing with the Zambia Electricity Supply Corporation Limited (ZESCO). The money raised enabled it to send the children to school. The Committee was further informed that donations from well-wishers and grants from Government were another source of funding for the facility.

b) Health care

The Committee was informed that the facility did not have a health facility and hence, depended on nearby hospitals for health care services.

c) Committal Orders for the Children

The Committee was informed that the facility had no committal orders from the courts for all the children under its custody.

d) Minimum Standards of Care

The Committee was informed that the facility did not have any minimum standards of care and was operating without the guidelines under the minimum standards of care.

e) Challenges faced by the facility

The Committee was informed that the facility faced the challenges outlined below.

- a) No piped water supply and hence the facility relied on a borehole.
- b) High electricity bills.
- c) The security of the children was compromised in the absence of a wall fence around the facility.
- d) Erratic funding from the Government as the grant of K4, 000.00 was last received in 2019.
- e) The high cost of rehabilitation of broken down infrastructure.

vii. Solwezi Cheshire Homes

The Committee was informed that the facility was managed by Sisters of St John the Baptist under the Catholic Church, and had sixty-three children. The facility admitted disabled children that were referred by the Department of Social Welfare as well as those that were taken to the facility by their parents. The age of the children ranged from four years to twenty-five years.

a) Funding

The Committee was informed that the facility mostly depended on donors from Netherlands as well as funds raised through a chicken run, tailoring, a small garden and a private school run by the facility. The money raised from these ventures allowed the facility to send the children to school. The Committee was also informed that donations from well-wishers as well as grants from Government were another source of the funding for the facility.

b) Health care

The Committee was informed that the facility did not have a health facility for children that fell ill, and therefore, depended on nearby health facilities for health care services.

c) Committal Orders for the Children

The Committee was informed that the facility had no committal orders from the courts for all the children under its custody.

d) Challenges faced by the facility

The Committee was informed that the facility faced the challenges outlined below.

- i. High cost of electricity.
- ii. Inadequate infrastructure including limited class room space and inappropriate beds which were not user friendly for the disabled children.
- iii. Challenges in accessing materials at the University Teaching Hospital, for making artificial limbs for the disabled children.

viii. Village of Hope Orphanage

The Committee was informed that the facility was managed by Reverend Evelyn Chitente and other support staff, and had nineteen children in the facility while thirty-five children were being supported from their homes. The facility admitted children that were referred by the Department of Social Welfare and their age ranged from five years to fifteen years.

a) Funding

The Committee was informed that the facility mostly depended on donors from Pentecostal Assemblies of Canada as well as funds raised through a private school run by the facility. The Government had deployed teachers to the school. The Committee was also informed that through money raised, the facility was able to send the children to school. The Committee heard that well-wishers as well as grants from the Government were another source of funds for the facility.

b) Health care

The Committee was informed that the facility had a health facility that provided health care services to the children.

c) Committal Orders for the Children

The Committee was informed that the facility had no committal orders from the courts for all the children under its custody, but was currently working closely with the District Social Welfare Office to ensure that all children had committal orders in the facility.

ix. Tour of the Provincial and District Social Welfare Offices in the Three Provinces

The Committee toured the Provincial Social Welfare Offices in Ndola and Solwezi as well as the District Social Welfare Office in Kitwe. In all the provinces and districts visited, the Committee heard that the number of social welfare officers was not sufficient to effectively meet the demands from the communities. The other common challenge observed by the Committee was the poor infrastructure for the offices of the Social Welfare Officers, especially in Ndola, Kitwe and Chingola Districts.

The Committee was informed by the District Social Welfare Officer in Kitwe that there was an urgent need for another vehicle to be procured for the District as the current vehicle usually attended to matters relating to social cash transfer at the expense of the child care facilities. The Committee heard that the Department of Social Welfare in Kitwe was in the process of acquiring committal orders for all the children in the child care facilities as the judiciary in the District had

waived the fees payable for one to obtain a committal order for a child to be admitted in a child care facility.

The Committee heard from the Social Welfare Officers on the two facilities visited in North Western Province that they were in the process of acquiring committal orders for the children under the custody of the two facilities. Further, the Committee heard that North Western Province did not have any place of safety for children or a transit home, which made it very difficult for the Department of Social Welfare to effectively deal with those child care facilities that were in breach of the laws in the management of child care facilities.

6.5 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

Having interacted with the various stakeholders and considering the submissions received, and the tour undertaken, the Committee makes the observations and recommendations outlined below.

6.5.1 Poor and Erratic Funding by the Government to Child Care Facilities

The Committee notes with concern the submissions by all stakeholders who run child care facilities that the Government budgetary allocations to child care facilities are usually inadequate and erratic and sometimes never released at all.

The Committee recommends that the Government should establish a well-defined mechanism that will cure the erratic and, in some cases, non-release and or provision of grants by the Government to some child care facilities.

6.5.2 Compliance to the Minimum Standards of Care

The Committee observes that in order to ensure that the rights of children are protected, the minimum standards of care for child care facilities have been developed in compliance with the United Nations Convention on the Rights of the Child. The Committee further observes that not all child care facilities in Zambia fully comply with the enforcement of the minimum standards of care in the management of child care facilities. The case in point is a child care facility in Solwezi which the Committee found operating without compliance to the minimum standards of care.

In light of this, the Committee urges the Government to ensure that inspections to the child care facilities by the Department of Social Welfare are enhanced so as to ensure compliance to the minimum standards of care by the child care facilities.

6.5.3 Strengthening of the National Social Protection Policy

The Committee observes that severe poverty in families forces some children to end up in child care facilities. In order to cure this, there is an urgent need by the Government to double up its efforts in strengthening the national social protection policy.

The Committee, therefore, urges the Government to effectively promote policies and programmes aimed at reducing the lifelong consequences of poverty and exclusion.

6.5.4 Skills Levels of Staff in Child Care Facilities

The Committee learnt that in most child care facilities in Zambia, most of the care givers did not have the required minimum qualifications as prescribed by the minimum standards of care for child care facilities. This was mainly attributed to poor funding to most facilities as they could not manage to employ qualified staff and in some cases depended on volunteers for their operations.

In this vain, the Committee strongly urges the Government to implement a compulsory gradual training programme that will ensure that all the care givers in child care facilities have the minimum qualifications. This would safe- guard the best interest of the children in their custody.

6.5.5 Donor Support Dependency

The Committee observes that most of the child care facilities in Zambia depended on external donors for support to run their programmes. The Committee contend that this could result in major operational challenges for child care facilities, if the donors withdrew the financial support.

In light of the above, the Committee urges the Government to consider increasing financial support to child care facilities as well as sensitising local citizens and organisations on the need to support children in child care facilities.

6.5.6 Re-integration with Families

The Committee observes that the best system to bring up and train a child is the family support system, and that child care facilities only come in as a last resort. There is therefore, an urgent need to ensure that where possible, children should quickly be reintegrated into their families.

In view of the foregoing, the Committee strongly urges the Government to come up with a deliberate policy that will discourage creation of more child care facilities, but encourage kinship care and foster care systems to care for children.

6.5.7 Inadequate Transport and Staff Levels in Most Departments of Social Welfare

The Committee observes that in some cases, inadequate transport by the Departments of Social Welfare has on a number of occasions hindered the smooth operations of their duties, such as regular inspections to the child care facilities to ensure compliance by the child care givers. Further, the Committee observes that one of the challenges faced by the Department of Social Welfare was the low levels of Social Welfare officers around the country in carrying out their mandate. A case in point was in Kitwe where the Committee learnt from the district social welfare office that there was a challenge in terms of transport to effectively conduct re-

integration programmes as the available vehicle concentrated more on social cash transfer issues at the expense of child care facilities.

In view of the above, the Committee urges the Government to effectively invest in the smooth operations of the Department of Social Welfare and in the provision of adequate transport to all the Departments of Social Welfare around the country, as well as to urgently consider the recruitment of adequate Social Welfare Officers to effectively carry out the mandate of the Department, such as regular inspections to ensure compliance to the laws of the land.

6.5.8 Electronic Monitoring Data Base

The Committee appreciates the need to account for all the children kept in the child care facilities in order to remove any forms of suspicion of cases of child trafficking from child care facilities.

In this regard, the Committee recommends that the Government should create an electronic data base that will show the names of all the children in child care facilities and where they are kept, so as to monitor their movements.

6.5.9 Enactment of the Child Code Bill into Law

The Committee observes that the Child Code Bill which brings together all the laws governing the child's welfare and harmonises the definition of a “child”, has remained in draft form and has not been enacted into law for several years, despite having a number of progressive provisions protecting children including those in child care facilities.

The Committee urges the Government to urgently enact the Child Code Bill into law as it contains a number of good provisions that are aimed at improving the welfare of the children, including those in child care facilities.

6.5.10 Family Tracing Challenge

The Committee observes that family tracing is an initial step towards the reunification and re-integration of children with their families. However, in the nationwide assessment of child care facilities, the facilities reported having challenges in conducting family tracing exercises due to lack of information on some children's family background as well as lack of funds to carry out the extensive exercise.

In view of the above, the Committee urges the Government to urgently sensitise concerned stake holders, more especially the Zambia Police as they are usually the first contacts, to ensure that sufficient information which can help to reunite the child with their family is properly recorded when accepting children in their custody before transmission to the child care facilities.

6.5.11 Irregular Inspections by the Department of Social Welfare

The Committee observes that majority of the stakeholders who appeared before it submitted that the inspections to monitor compliance by the Department of Social Welfare in the child care facilities is so irregular, and that in some cases are not even conducted at all.

In light of the above, the Committee urges the Government to strongly review the operations under the Department of Social Welfare to ensure that they successfully conduct their statutory function of inspections of child care facilities to ensure compliance to the minimum standards as well as to preserve the best interest of children.

6.5.12 Committal Orders

The Committee observes that in all the child care facilities visited on the Copper belt and in North Western provinces most of the children in the child care facilities had no committal orders from the courts to legally grant custody of the children.

In view of the above, the Committee urges the Government, through the Ministry of Community Development and Social Services as a matter of urgency to ensure that all the children in child care facilities country wide have committal orders, as this is one of the ways that will help in accounting for the children in the facilities.

6.5.13 Payments for Committal Orders

The Committee observes that before collection of a committal order from the courts for the admission of a child in a child care facility, there is need for payment of a prescribed fee to the courts before the committal order is made. The Committee further observes that due to lack of funds by the department of social welfare, who refer the children to child care facilities, the child care facilities are instead made to pay for the committal orders, an occurrence which is frowned upon by the facility owners. Furthermore, the Committee observes that in Kitwe District, the Judiciary has waived payment for committal orders to allow the department of social welfare to obtain committal orders for all the children in the child care facilities.

In view of the above, the Committee urges the Government, through the Judiciary to consider waiving payments for the committal orders for children being admitted and those who are already in child care facilities.

6.5.14 Material for Artificial Limbs

The Committee observes through a tour to Solwezi Cheshire Homes that the institution is finding it hard to access the material from the University Teaching Hospital used to make artificial limbs for the children, as the material was not readily available.

In view of the above, the Committee urges the Government to put in measures that will eradicate the vice of shortage of material for the artificial limbs, and lighten the burden faced by Solwezi Cheshire Homes including other facilities not visited.

6.5.15 Health Personnel

The Committee observes that some of the child care facilities visited during the local tour have clinics that attend to children in the facilities when they get sick. The Committee further observes that the facilities are being manned by health staff privately engaged by the facilities, especially those not yet deployed.

In light of the above, the Committee recommends that all health personnel around the country that are providing a service in child care facilities should be considered for employment by the Government and be deployed in the facilities, to ease the problems faced by most child care facilities to deal with chronic illnesses.

6.5.16 High Cost of Electricity

The Committee observes that in all the child care facilities visited during the local tour, there was an outcry by the facility owners of the high cost of electricity despite being on social tariff, and hence resorting to the use of charcoal.

In view of the above, the Committee urges the Government to put up a mechanism that will ensure that the burden of electricity cost for some facilities is alleviated.

PART II

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

7.1 THE SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS OF CHILDREN AND YOUNG PEOPLE IN ZAMBIA

7.1.1 Limited Budgetary Allocation

The previous Committee had observed that a critical review of previous budgets under the health and education sectors clearly showed that there had been an insignificant effort in financing specifically the enhancement of sexual and reproductive health and rights (SRH and R) for children and young people in Zambia. Further, the previous Committee had observed that Zambia remained reliant on donors for financing reproductive and maternal health, which was 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 was 90 per cent funded by donors. In this vein, the previous Committee had recommended for an increased budget for SRH services for the children and young people in Zambia.

Executive's Response

It was reported in the Action-Taken Report that the Ministry of General Education planned to engage the Ministry of Finance and National Planning for improved budget allocation as the current allocation was inadequate.

Committee's Observations and Recommendations

The Committee notes the response from the Executive and resolves to await a progress report on the matter.

7.1.2 Age of consent

The previous Committee had noted that Zambia had no law or policy in place to prescribe the age at which children and young people could freely access sexual reproductive health services from service providers who in some cases required parental consent.

The previous Committee had therefore, recommended 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.

Executive's Response

It was reported in the Action-Taken Report that there was no legal age restriction on access to contraceptive services and commodities in Zambia. The Government had developed several policies to ensure access to all types of services dealing with reproductive health concerns, and specifically family planning by adolescents and youth without consent of guardians or relatives.

Following the Executive's response, which was contrary to the information that the previous Committee had gathered from a workshop it had attended by the Ministry of Health on age of consent, the Permanent Secretary at the Ministry of Health was written to for purposes of providing an accurate response.

In its response to the Committee, the Ministry of Health submitted that it had embarked on a country wide consultation of key stakeholders on the age of consent for various health services including sexual and reproductive health services. Participants comprising young people, parents and community leaders in all provinces, civil society organisations, young people from the Zambia Youth Platform, the House of Chiefs, relevant Parliamentary Committees, Ministry of National Guidance and Religious Affairs, other line Ministries and Ministry of Health Middle Management made recommendations on the age of consent to the services outlined below.

- i. Minor and major surgical /obstetric procedures;
- ii. Therapeutic services (Treatment);
- iii. Emergency services;
- iv. Access to health information;
- v. Participation in research;

- vi. Contraceptive services;
- vii. Voluntary male medical circumcision; and
- viii. HIV testing and Anti Retro Viral Therapy.

The proposals for the age of consent to health services ranged between ten and eighteen years. The next steps of the policy formulation process will include making a presentation on the findings on the age of consent to the Ministerial Cabinet Liaison Committee, preparation of draft Cabinet Memorandum to seek Cabinet approval to develop the policy and appointment of the technical committee to spearhead the policy development process.

Committee's Observations and Recommendations

The Committee reiterates the recommendation of the previous Committee that the Government should carry out a thorough research 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. The Committee resolves to await a progress report on the matter.

7.1.3 Child Marriage

The previous Committee had observed 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 contributed to the practice of child marriage. The previous Committee noted that despite the above Government effort, child marriages were still on the increase in Zambia, especially on account of Zambia's dual legal system.

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

Executive's Response

It was reported in the Action-Taken Report that the Child Code Bill which stipulated among other things the minimum age for marriage had gone through the legislative committee and was at the time being finalised by the Ministry of Justice for submission to Parliament.

Committee's Observations and Recommendations

The Committee notes the Executive's response and resolves to await a progress report on the submission of the Child Code Bill to Parliament.

7.1.4 Definition of Child

The previous Committee had noted that while it had been recognised that the definition of "child" needed urgent attention, the issue of the definition of "child" remained unclear under the existing circumstances. In light of the above, the previous Committee had recommended for the

harmonisation of the definition of “child” in various statutes with the provisions in the Republican Constitution as it remained the supreme law of the land.

Executive’s Response

It was reported in the Action-Taken Report that the definition of “Child” was addressed in the Child Code Bill. This was a Bill that would harmonise all laws and regulations pertaining to children.

Committee’s Observations and Recommendations

The Committee notes the Executive’s response and resolves to await a progress report on the harmonisation of the definition of “child” in a number of statutes.

7.1.5 Comprehensive Sexuality Education

The previous Committee had noted that some stakeholders welcomed the teaching of comprehensive sexuality education (CSE) as they believed that evidence showed that reproductive health issues such as HIV, unwanted pregnancies, and unsafe abortion among children and young people were closely linked to insufficient knowledge about sexuality and reproduction and lack of access to contraceptives. The previous Committee had further noted 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 previous Committee had noted that other stakeholders were against the teaching of comprehensive sexuality education in schools in its current form as it was 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 previous Committee had recommended that there was an urgent need to review the comprehensive sexuality education course content that was used when teaching pupils. The review needed to consider traditional values of Zambia.

Executive’s Response

It was reported in the Action-Taken Report that Cabinet Office appointed a multi-ministerial technical committee in November 2020 to review the CSE content. The roadmap and budget had since been submitted to the office of the Secretary to the Treasury for consideration to begin the review process. Before the actual review, the technical committee would visit three districts in each of the ten provinces of Zambia to receive written submissions from members of the public on issues surrounding CSE.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await a progress report on the review of the comprehensive sexuality education content.

8.0 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

8.1 IMPLEMENTATION OF THE YOUTH DEVELOPMENT FUND IN ZAMBIA

8.1.1 Fund Management

The previous Committee had noted the response from the Executive 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 Youth Development Fund (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. The previous Committee had noted the response from the Executive and resolved to await a progress report on the transfer of all empowerment programmes including YDF to the Citizens Economic Empowerment Commission (CEEC).

Executive's Response

It was reported in the Action-Taken Report that a joint Cabinet Memorandum was circulated to all line Ministries for comments proposing the ceding of all empowerment programmes under the Government to CEEC. However, the Cabinet Memorandum was not supported. As a result of this the Government adopted a multi-sectoral approach of implementing empowerment programmes which the Ministry of Youth, Sport and Arts was following. In addition, the Ministry had put in place measures to ensure that funds were recovered from the multi-sectoral youth empowerment programme that was launched on 15th August, 2020. Some of the measures that were put up were as follows:

i. Monitoring and Evaluation (M and E) Committee

Through the M and E Committee highlighted in the implementation Guidelines, the Ministry would be conducting debt recovery by monitoring the youth projects periodically. The Committee would also be recommending appropriate action in case of negative variances in the management of approved projects as stipulated in the Youth Empowerment Guidelines. A tool had been developed for this exercise.

ii. Credit Management Committees

The Ministry had constituted a Credit Management Committee to among others things, confirm delivery of equipment (and whether operational or not), and issue debentures to the cooperatives.

The Committee would work hand in hand with the Monitoring and Evaluation Committee on Debt Recovery.

iii. Use of Super Interns

The Ministry had engaged super interns to start following up with the youth groups and cooperatives who were paid in 2020 under the mult-sectoral Youth Empowerment Programme by calling the beneficiaries and visiting them. In addition, the seventy groups that received in December, 2020, and were due to start paying back at the end of March, 2021 had been written to and were being reminded on a daily basis to pay. The total amounts expected when the seventy groups paid for the month of March is K320,368. So far K100,184.56 as of 7th April, 2021 had been recovered for the month of March from the groups and cooperatives. The Ministry has continued to follow up on groups and cooperatives that had not paid.

iv. Text Messages

The Ministry had devised text messages using the bulk messaging system that would be automatically sent to all the beneficiaries as reminders on their mobile phones to pay back the loans. The system then prompted reminders to all listed beneficiaries at a given time, stating the amount due for payment.

v. Credit Reference Bureau Arrangement

The Department would not excuse the youth groups for failing to pay the instalments due to loss of business, competition or low customer turn out as indicated in the guidelines. Therefore, all defaulters would be reported and listed on the Credit Reference Bureau. In addition, the agreement which was signed by all the beneficiaries, notified them of this provision before they signed.

vi. Mindset Shift

The Ministry working with cooperating partners had planned training on financial literacy and other matters to facilitate mindset shift.

Committee's Observations and Recommendations

The Committee reiterates its earlier recommendation that the management of the YDF must be moved to CEEC and resolves to wait for a progress report on the matter.

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

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

The previous Committee had noted the response from the Executive that the Youth Development Fund would be handed over to CEEC and its implementation would be done in line with 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. The previous Committee noted the Executive response and awaited a progress report on the handover of the Youth Development Fund to CEEC.

Executive's Response

It was reported in the Action-Taken Report that since the proposal to cede empowerment funds with CEEC was not supported, the Ministry of Youth, Sport and Child Development had put in place committees and guidelines to facilitate management and implementation of youth empowerment programmes.

Committee's Observations and Recommendations

The Committee notes the response from the Executive and reiterates its earlier recommendation that there is need for the Government to urgently provide a legal framework to govern the management and implementation of the YDF.

8.1.3 Political Interference

The previous Committee had noted the response from the Executive that there was a proposal to move the Youth Development Fund to the CEEC, which would indeed help in separating the Fund from political activities. The previous Committee noted the Executive response and resolved to await a progress report on the proposed transfer of the Fund to CEEC which would help in separating it from political activities.

Executive's Response

It was reported in the Action-Taken Report that since the proposal to cede empowerment funds with CEEC was not supported, the Ministry of Youth, Sport and Arts had put in place committees and guidelines to facilitate management and implementation of youth empowerment programmes. These measures had removed the face of political connotations during disbursement events of the empowerment funds.

Committee's Observations and Recommendations

The Committee notes the response from the Executive and reiterates its earlier recommendation and further resolves to wait for a progress report on the matter as the transfer of empowerment funds to CEEC which was aimed at curbing political interference was not supported.

9.0 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

9.1 CHILD MARRIAGE IN ZAMBIA

9.1.1 Definition of a Child

The previous Committee had been following up its recommendation to harmonise the laws relating to the definition of a child. The Previous Committee noted the response from the Executive 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.

The Executive in its update to the Committee in February, 2021, had submitted that the draft Child 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. The Bill had taken into consideration stakeholder's concerns including the issue of the definition of 'child'. The Committee had noted the response from the Executive and resolved to await a progress report on the enactment of the Child Code Bill into law.

Executive's Response

It was reported in the Action-Taken Report that the Ministry of Justice had finalised the drafting of the Child Code Bill. The Bill was submitted to Cabinet that resolved that the Bill should undergo further consultation before publication and presentation before Parliament. It was anticipated that the Bill would be presented before Parliament during the September, 2021 sitting.

Committee's Observations and Recommendations

The Committee reiterates its earlier recommendation and resolves to await a progress report on the presentation of the Child Code Bill before Parliament, which is anticipated to address various issues including the definition of 'child'.

9.1.2 Inadequacy and Inaccessibility of Schools in Rural Areas

The previous Committee had noted the response from the Executive that the status of the forty-seven secondary schools under the 115 secondary schools 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 1x 2 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. The previous Committee noted the response from the Executive and resolved to await a progress report on the remaining works that were expected to be completed in the first quarter of 2021.

Executive's Response

It was reported in the Action-Taken Report that all the eighty-two secondary schools were operational and phase two construction was in progress. However, some of the phase one targets were not completed as shown in the table below.

Summary of Phase One

Phase one component	Completed	Pending	Total	Comment
i. 1x2 classroom block	81	1	82	1 at fittings, electrical and plumbing levels
ii. 1x2 Home economics and science lab	48	34	82	19 at fittings, electrical and plumbing level, and 13 at painting and glazing
iii. 1 No. Ablution block	48	34	82	18 at fittings, electrical and plumbing level, and 14 at painting and glazing
iv. Borehole drilling	76	6	82	

The construction under phase two was in progress. Phase two comprised 1x3 classroom block; administration block; one toilet block (girls); one dormitory (girls); one ablution for the dormitory; one cooking shelter and two 1x2 semi-detached staff houses. Out of these components, only 31 classroom blocks and 1 ablution block had been completed, as tabulated below.

Phase two component	Completed	Pending	Total	Comment
a) 1x3 Classroom Block	31	51	82	14 at fittings, electrical and plumbing levels
b) Administration Block		82	82	72 completed gable level
c) Ablution Block	1	81	82	71 completed gable level
d) Teachers' Flats		164	164	69 completed gable level
e) Dormitory		10	10	5 completed Gable level
f) Ablution for Dormitory		10	10	5 completed gable level
g) Cooking Shelter		10	10	Has not started yet

The Committee was also informed that the Government developed a policy to complete infrastructure that was at 80 percent completion and so far, the Ministry had completed eighteen school projects. The Ministry had operationalised forty-six schools in a phased approach by targeting selected buildings to facilitate partial opening.

Committee's Observations and Recommendations

The Committee reiterates its previous recommendation and resolves to await a progress report on the completion of the projects in phase one.

10.0 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

10.1 YOUTH UNEMPLOYMENT IN ZAMBIA

10.1.1 Apprenticeship Act, Chapter 275 of the Laws of Zambia

The previous Committee had noted the response from the Executive that the Government had 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 18th to 20th 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 at the time discussing the final modalities regarding the draft Bill before submitting the same to the Ministry of Justice for final legislative drafting.

In noting the response from the Executive, the previous Committee had resolved to await a progress report on the review of the *Apprenticeship Act, Chapter 275 of the Laws of Zambia*.

Executive's Response

It was reported in the Action-Taken Report that the review of the *Apprenticeship Act Chapter 275 of the laws of Zambia* was on course. The Ministry of Labour and Social Security in collaboration with the Ministry of Higher Education had developed the Work Based Learning Bill and drafted the Cabinet Memorandum to facilitate the review process. The Ministries of Higher Education and Labour and Social Security were at the time validating the documents before circulating to line ministries for further consultations. Once the consultation and validation processes were concluded, the Cabinet Memorandum would be submitted to Cabinet for approval.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await a progress report on the review of the *Apprenticeship Act, Chapter 275 of the Laws of Zambia*.

10.1.2 Labour Market Information System

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

Executive's Response

It was reported in the Action-Taken Report that due to prioritisation of health and security personnel in light of the prevailing Covid-19 pandemic and forthcoming 2021 general elections, the financial position of the Treasury would not support the facilitation of training users and procurement of ICT equipment. The Government would endeavour to highlight this important matter of recruitment and training during the 2022-2024 medium term expenditure framework, revenue permitting.

Committee's Observations and Recommendations

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

10.1.3 National Youth Development Council Board

The previous Committee had noted the response from the Executive that through the Ministry of Youth, Sport and Child Development, 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 of Youth, Sport and Child Development to finalise and submit to Ministry of Justice and eventually to Parliament for enactment. The previous 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 previous Committee was further informed that the Government would appoint a Board once the revised Act was put in place. In noting the response from the Executive, the previous Committee reiterated its previous recommendation and resolved to await a progress report on the review process for the *National Youth Development Council Act, Chapter 144 of the Laws of Zambia* which would eventually provide for the appointment of the National Youth Development Council (NYDC) Board.

Executive's Response

It was reported in the Action-Taken Report that the Report and the Draft Bill for the *National Youth Development Council Act, Chapter 144 of the Laws of Zambia* was handed over to the Ministry by Zambia Law Development Commission (ZLDC). To this effect, the Ministry had finalised the consultative processes and had since submitted the Bill to the Ministry of Justice to facilitate finalisation of the Bill.

Committee's Observations and Recommendations

The Committee notes the response from the Executive and resolves to await a progress report on the matter.

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

11.1 THE JUVENILE JUSTICE SYSTEM IN ZAMBIA

11.1.1 Inadequate Courtroom Space

The previous Committee had noted the response from the Executive that the Treasury was fully aware of the necessity of court infrastructure in the delivery of justice. However, the tight fiscal position at the time 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.

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

Executive's Response

It was reported in the Action-Taken Report that in the 2021 budget, no amount was allocated to the construction of court infrastructure with requisite juvenile facilities. This was as a result of the tight resource envelope on which the budget was formulated, coupled with an increase in constitutional and statutory expenditures due to the 2021 general elections. It was further reported that the matter would be prioritised in the 2022-2024 medium term as the revenue position improved.

Committee's Observations and Recommendations

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

11.1.2 Failure to bring Juveniles to Court

The previous Committee had noted the response from the Executive that the Government acknowledged the transport challenges that were being faced by the Judiciary in the execution of its mandate. The previous Committee was informed that, in August, 2020, the Treasury released K20 million for the purchase of fifty-five motor vehicles to ease transportation challenges for the Judiciary. The previous Committee expressed its dissatisfaction with the response from the Executive as it did not address the Zambia Police as well as the Zambia Correctional Services but focused on the Judiciary instead. In light of the above, the previous Committee reiterated its previous recommendation and resolved to await a progress report on this matter.

Executive's Response

It was reported in the Action-Taken Report that the Treasury remained committed to support the activities involved in the delivery of justice for all key stakeholders such as the Judiciary, Zambia Police and Zambia Correctional Services. However, the financial support of these activities would be done in a phased manner due to the prevailing resource constraints. It was also reported that the release of K20 million towards the purchase of motor vehicles in 2020 for court operations under the Judiciary reflected this commitment.

Committee's Observations and Recommendations

The Committee notes the response from the Executive and resolves to await a progress report on the solution to challenges of inadequate transport by the Zambia Police Service, as well as the Zambia Correctional Service.

11.1.3 Lost Documentation on Case Files

The previous Committee had noted the response from the Executive that the Government noted the importance of the expanded rollout of the case management system, and continued to endeavour to increase on the progress that was made in the rollout of the system to all Subordinate Courts by purchasing equipment or scanning of documents and electronic storage of documents, funds permitting.

The previous 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

It was reported in the Action-Taken Report that the Judiciary had plans to purchase more equipment and support electronic storage of documents for purpose of the implementation of the electronic case management system for all Subordinate Courts countrywide. However, this was dependent on the availability of funds.

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 matter.

11.1.4 Court Facilities not Child-Friendly

The previous Committee had noted the response from the Executive and reiterated its previous recommendation that the Office of the Secretary to the Treasury should ensure that adequate funds were allocated for construction of child-friendly court rooms. The previous Committee had resolved to await a progress report on the matter.

Executive's Response

It was reported in the Action-Taken Report that the Treasury remained committed to support the provision of child-friendly courtrooms. As such, the construction of these court rooms would be prioritised in the 2022-2024 medium term, as the revenue position improved. This was because the medium term at the time consisted of huge constitutional and statutory expenditures in form of the 2021 general elections and scheduled external debt service obligations.

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 matter.

11.1.5 Inadequate Reformatory Schools

The previous Committee had reiterated its recommendation to ensure that adequate funds were allocated for the construction of more reformatory and approved schools in the country. The previous Committee had awaited a progress report on the matter.

Executive's Response

It was reported in the Action-Taken Report that the Treasury remained committed to facilitate the construction of reformatory schools countrywide. As such, the construction of these schools would be prioritised in the 2022-2024 medium term as the revenue position improved. This was because the medium term at the time consisted of huge constitutional and statutory expenditures in form of the 2021 general elections and scheduled external debt service obligations.

Committee's Observations and Recommendations

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

11.1.6 Staffing Levels at Subordinate Courts

The previous Committee had noted the Executive's response on the matter. The previous Committee had therefore, reiterated its last recommendation and implored the Office of the Secretary to the Treasury to ensure that Treasury authority was granted for the recruitment and training of the relevant staff including typists and real-time court reporters. The previous Committee awaited a progress report on the matter.

Executive's Response

It was reported in the Action-Taken Report that the Government was fully aware of the low staffing levels under the Judiciary. However, no provision for recruitments had been allocated to the Judiciary in the 2021 budget due to prioritisation of health and security personnel in light of the prevailing Covid-19 pandemic and 2021 general elections. The Executive submitted that the Government would endeavour to recruit personnel in various sectors including the justice system, in a phased approach during the 2022-2024 medium term, revenue permitting.

Committee's Observations and Recommendations

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

12.0 CONCLUSION

The Committee notes that severe poverty in most of the families is one of the main reasons why some children end up in child care facilities and hence, the urgent need to support the management of child care facilities in Zambia. However, the management of child care facilities

in Zambia faces various challenges, such as, inadequate qualified staff, erratic and in some cases lack of funding from the Government, and poor reintegration mechanisms. These factors, among others, lead to serious operational problems, which negatively affect the best interest of children in child care facilities in Zambia.

The Committee is of the view that, in order to improve the quality of life for the children in child care facilities, there is an urgent need by the Government to improve in the provision of grants to child care facilities. Further, the Committee is of the view that it is time the Government prioritised the promotion of kinship care as well as foster care of children in the country as a way of discouraging children to remain in child care facilities permanently.

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



Mr Edgar Sing'ombe, MP
CHAIRPERSON

June, 2022
Lusaka

APPENDIX I – List of National Assembly Officials

Mr F Nabulyato, Acting Principal Clerk of Committees (SC)
Mrs C K Mumba, Acting Deputy Principal Clerk of Committees (SC)
Mrs A M Banda, Senior Committee Clerk (SC)
Mr A Himululi, Committee Clerk
Ms V Tembo, Typist
Mr M Chikome, Committee Assistant
Mr D Lupiya, Committee Assistant
Mr M Kantumoya, Parliamentary Messenger

APPENDIX II – List of Stakeholders

SAVE THE CHILDREN

Ms J Musonda, Country Director
Ms K Shelu, Regional Director
Ms A Hoban, Director Programmes and Quality Development
Ms M Chavula, Technical Specialist-Child Rights Governance
Mr K Mwansa, Technical Specialist- Child Protection
Mr H Maunda, Advocacy Campaigns Communications and Media Coordinator

ST LAWRENCE HOME OF HOPE

Mr J Rakoloski, Director

ALLIANCE FOR CHILDREN

Ms D Muzukutwa, Executive Director
Mr S Kanyembo, Director Social Services

EVANGELICAL FELLOWSHIP OF ZAMBIA

Mr A Mwenda, Executive Director
Mr C Simwanza, Youth Coordinator

WORLD VISION

Mr M Musumali, Child Protection Technical Specialist
Ms M Phiri, Manager Child Protection
Ms C Mweemba, Associate Director- Advocacy
Mr W Kaira, Integrated Programmes Director

CHILDFUND

Mr S Machingaidze, Country Director
Ms P Chama, Communications Specialist
Mr C Hamusunse, Child Protection Specialist

ZAMBIA AGENCY FOR PEOPLE LIVING WITH DISABILITIES

Mr N Goma, Acting Director General
Ms J Mulenga, Rehabilitation and Research
Ms M Miti, Senior Planner

SOS CHILDREN`S VILLAGE

Ms M Moonga, National Gender and Advocacy Officer
Ms D Yezi, Head of Programmes
Ms R Chipoya, Programme Advisor Safeguarding

ZAMBIA STATISTICS AGENCY

Mr M Musepa, Interim-Statistician General
Mr B Musonda, Statistician
Mr J Mweetwa, Demographer
Ms H N Zimbizi, Senior Demographer

KABWATA ORPHANAGE

Ms A Miyanda, Chairperson
Ms M Shacholi, Administration

HOUSE OF CHIEFS

Senior Chief Ishindi, Member
His Royal Highness Chief Bundabunda, Member
Ms J K Mulenga, Clerk-House of Chiefs
Ms G Z Chasaya, Committee Clerk

LITTLE SWEETHEARTS CHILD CARE CENTRE AND PRE-SCHOOL

Ms K W Chilwesa, Centre Director
Ms P Chisebuka, Deputy Director

ZAMBIA NATIONAL SERVICE

Lt Col G N Miyutu, Director Legal
Col. F Kafimba, Deputy Chief Administration Training
Col. M Mpundu, Deputy Chief Administration Training

MINISTRY OF COMMUNITY DEVELOPMENT AND SOCIAL SERVICES

Ms B C Darko, Permanent Secretary
Ms B Moya, Director Child Affairs
Mr K Mwamba, Director
Mr L Chipampa, Assistant Director-Child Affairs

MINISTRY OF YOUTH, SPORT AND ARTS

Mr C Kangwa, Permanent Secretary
Ms B Mooya, Director Child Affairs
Mr A Hampema, Senior Planner
Ms W K Chirwa, Chief Planner

HUMAN RIGHTS COMMISSION

Ms F Chibwasha, Director
Mr K Malila, Focal Points Person Child Rights

MINISTRY OF FINANCE AND NATIONAL PLANNING

Mr M Chikuba, Permanent Secretary- BEA
Mr L Mwelwa, Assistant Director- EF
Mrs B B Sinyangwe, Senior Economist
Mr L Chipampe, Chief Child Development Officer

MINISTRY OF HOME AFFAIRS AND INTERNAL SECURITY

Mr J Akafumba, Permanent Secretary
Mr A Mukisi, Parliamentary Liaison Officer

UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND

Ms K Brasic Chief Child Protection
Ms M C Malupande, Child Protection Officer