



REPUBLIC OF ZAMBIA

REPORT

OF THE

**COMMITTEE ON LEGAL AFFAIRS, GOVERNANCE, HUMAN RIGHTS,
GENDER MATTERS AND CHILD AFFAIRS**

ON THE

**ADDRESS BY HIS EXCELLENCY MR EDGAR CHAGWA LUNGU,
PRESIDENT OF THE REPUBLIC OF ZAMBIA ON THE PROGRESS MADE
IN THE APPLICATION OF NATIONAL VALUES AND PRINCIPLES**

FOR THE

**FIRST SESSION OF THE TWELTH NATIONAL ASSEMBLY
APPOINTED ON THURSDAY, 6TH OCTOBER, 2016**

Printed by the National Assembly of Zambia

REPORT

OF THE

**COMMITTEE ON LEGAL AFFAIRS, GOVERNANCE, HUMAN RIGHTS,
GENDER MATTERS AND CHILD AFFAIRS**

ON THE

**ADDRESS BY HIS EXCELLENCY MR EDGAR CHAGWA LUNGU,
PRESIDENT OF THE REPUBLIC OF ZAMBIA ON THE PROGRESS MADE
IN THE APPLICATION OF NATIONAL VALUES AND PRINCIPLES**

FOR THE

**FIRST SESSION OF THE TWELTH NATIONAL ASSEMBLY
APPOINTED ON THURSDAY, 6TH OCTOBER, 2016**

TABLE OF CONTENTS

No.	Paragraph	Page
1.	Composition of the Committee	1
2.	Functions of the Committee	1
3.	Meetings of the Committee	2
4.	Procedure adopted by the Committee	2
5.	Background	2
6.	Stakeholder Comments on Salient Features of the Address	3
	(i) Morality and Ethics	3
	(ii) Patriotism and National Unity	7
	(iii) National Unity	11
	(iv) Democracy and Constitutionalism	11
	(v) Good Governance and Integrity	12
	(vi) Human Dignity, Equality, Equity, Social Justice and Non-Discrimination	13
	(vii) Sustainable Development	14
	(viii) Bill of Rights	16
	(ix) Transformation Agenda	16
	(x) Coordination Mechanism	17
7.	Conclusion	18
8.	Appendix I – List of Officials	19
9.	Appendix II – List of Witnesses	20

REPORT OF THE COMMITTEE ON LEGAL AFFAIRS, GOVERNANCE, HUMAN RIGHTS, GENDER MATTERS AND CHILD AFFAIRS ON THE ADDRESS BY HIS EXCELLENCY MR EDGAR CHAGWA LUNGU, PRESIDENT OF THE REPUBLIC ZAMBIA ON THE PROGRESS MADE IN THE APPLICATION OF NATIONAL VALUES AND PRINCIPLES FOR THE FIRST SESSION OF THE TWELFTH NATIONAL ASSEMBLY

Consisting of:

Mr C L Bwalya, MP (Chairperson); Ms E Phiri, MP; Mr C Nanjuwa, MP; Mrs P G M Jere, MP; Mr M Jere, MP; Mr H Shabula, MP; Mr K A Mukata, MP; and Mr T C Ngulube, MP.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir

Your Committee has the honour to present its Report on the Address by His Excellency Mr Edgar Chagwa Lungu, President of the Republic of Zambia, on the Progress made in the Application of National Values and Principles for the First Session of the Twelfth National Assembly.

Functions of the Committee

2. In addition to any other duties placed upon it by the Honourable Mr Speaker or any Standing Order or any other order of the Assembly, the duties of the Committee on Legal Affairs, Governance, Human Rights, Gender Matters and Child Affairs are as follows:

- (a) study, report and make appropriate recommendations to the Government through the House on the mandate, management and operations of the Government ministries, departments and agencies under their portfolio;
- (b) carryout detailed scrutiny of certain activities being undertaken by the Government ministries, departments and agencies under their portfolio and make appropriate recommendations to the House for ultimate consideration by the Government;
- (c) make, if considered necessary, recommendations to the Government on the

need to review certain policies and certain existing legislation;

- (d) examine annual reports of Government ministries and departments under their portfolios in the context of the autonomy and efficiency of Government ministries and departments and determine whether the affairs of the said bodies are being managed according to relevant Acts of Parliament, established regulations, rules and general orders;
- (e) consider any Bills that may be referred to them by the House;
- (f) consider International Agreements and Treaties in accordance with Article 63 of the Constitution;
- (g) consider special audit reports referred to them by the Speaker or an order of the House;
- (h) where appropriate, hold public hearings on a matter under their consideration;
- (i) conduct familiarisation visits to relevant Government ministry, department or any place within or outside Zambia;
- (j) consider petitions as may be referred to them by the Speaker or an order of the House; and
- (k) consider any matter referred to the by the Speaker or an order of the House.

Meetings of the Committee

3. Your Committee held ten meetings to consider the Presidential Address.

Procedure adopted by the Committee

4. In carrying out a detailed analysis of the Address delivered to the House by the President of the Republic of Zambia on 17th March, 2017, your Committee called for both written and oral submissions from different stakeholders. The list of institutions who gave oral and/or written evidence to your Committee is at Appendix II of the Report.

Background

5. The Address was delivered by the President of the Republic of Zambia on 17th March, 2017 pursuant to Articles 8, 9 and 86 of the Republican Constitution and touched on the values and principles set out hereunder.

- (a) Morality and Ethics
- (b) Patriotism and National Unity
- (c) Democracy and Constitutionalism

- (d) Good Governance and Integrity
- (e) Human Dignity, Equality, Social Justice and non-Discrimination
- (f) Sustainable Development
- (g) Bill of Rights
- (h) Coordination Mechanism
- (i) Transformation Agenda

According to the President, the main objective of the Address was to serve as a platform for the Nation to reflect and debate on the state of the Nation with respect to the application of national values and principles.

In this regard, your Committee requested witnesses from State institutions to state:

- (a) what was being done to actualise the national aspirations highlighted in the Address;
- (b) challenges being experienced, if any, in the actualisation process; and
- (c) suggestions on the way forward.

Non-state actors on the other hand were requested to state whether the measures that were being implemented to actualise the aspirations highlighted in the Presidential Address were adequate.

STAKEHOLDER COMMENTS ON SALIENT FEATURES OF THE ADDRESS

6. Comments by the stakeholders on the salient features of the Presidential Address are summarised hereunder. Each comment is followed by the observations and recommendations of your Committee on the matter.

MORALITY AND ETHICS

(Page 6, Paragraph 14)

“We see symptoms of moral decay in the ever increasing cases of examination malpractices, absenteeism at places of work, child defilement and gender based violence, to mention, but a few...”

The Permanent Secretary, Ministry of National Guidance and Religious Affairs informed your Committee that in order to help inculcate a high standard of morals, and ethical values, the Ministry would work with the ministries responsible for education and other stakeholders to mainstream Christian values and national principles in curricula of learning institutions.

In addition, the Commissioner, Anti-Corruption Commission informed your Committee that the Commission devised the National Integrity Program as a catalyst for instilling good morals and ethical values among employees in their various work environments. This programme was being implemented through its flagship activity of Integrity Committees. As a result of this programme the Public Service Code of

Ethics was put in place and launched in 2008. So far, over twenty institutions had developed similar codes of ethics. The Commissioner also submitted that the Commission had also developed programs targeting the youths in schools across the country.

The stakeholders submitted that moral and ethical decay generally stemmed from a lack of enforcement of rules and regulations that guide the conduct of people in society. While welcoming the statement that Government would strengthen the framework guiding the scope, implementation and enforcement of morals and ethics among Government officers, the stakeholders were concerned that misconduct unless met with serious consequences would render current efforts futile. They added that this went hand in hand with the necessity of ensuring that the rule of law was observed consistently as that was the most visible way that citizens could be required to act prudently and ethically.

The stakeholders were also of the view that the Address could have gone further to identify the root causes of poor moral and ethical standards in the Country. They noted that whilst alcohol was mentioned as one of the contributing factors to high levels of immorality and non-observance of ethics in Zambia, the Nation must address the main drivers of abuse of alcohol and drugs which are unemployment, affordability and accessibility of these items. They were of the view that without any analysis to identify the root causes of the problem, the measures suggested would not be adequate.

In this regard, the stakeholders suggested that in order to resolve these vices and promote morality and good ethical behaviour, Zambia should:

- (a) review the teaching of Religious Education preferably using the model of Syllabus 2044;
- (b) make Religious Education a compulsory subject in schools;
- (c) design and teach courses in Christian Ethics in tertiary institutions;
- (d) improve accessibility to economic opportunities and benefits by de-politicising the management of markets, bus stations and sale of land;
- (e) promote and defend media freedoms; and
- (f) promote and defend the rule of law by having highly professional and impartial staff in State agencies such as the Police Service.

Committee's Observations and Recommendations

Your Committee is in agreement with the President's recognition of the existence of moral decay in society as evidenced through such acts as the ever increasing cases of examination malpractices, absenteeism at places of work, child defilement and gender based violence. Your Committee is of the view that the Presidential Address should be seen as an opportunity to bring about nation-wide change.

- (a) Government should take up concrete steps to ensure the observance of the rule of law so that crime or any other unethical conduct is punishable without segregation;
- (b) Government should review the current curricula in all learning institutions in order to capture the aspirations of the Constitution; and
- (c) Government should ensure that the capacity of key Government institutions in upholding moral and ethical values and principles in the country is enhanced.

(Page 7, Paragraph 18)

“By so doing, the officers also agree that their performance will be evaluated in accordance with the Code. To this effect, I am redirecting the Secretary to Cabinet to ensure that this is strictly adhered to.”

The Secretary to the Cabinet explained to your Committee that in line with the President’s commitment to ensuring that the national values and principles become a fundamental part of the institutional and individual persons’ conduct, Government had undertaken the actions set out hereunder.

(a) Enactment of the Service Commissions Act No. 10 of 2016

This Act provides for a principled and value based decentralised human resources management system for the Public Service and redefines the functions of the Service Commissions as regulatory, oversight and appellate. This also includes monitoring and evaluating compliance with the Code of Ethics, human resource management principles and values and any other standards and guidelines on human resource management. The Act also provides for the establishment of human resource management committees in Government institutions to promote transparency in the management of human resources. The Commencement Order had since been signed by His Excellency the President.

(b) Public Officers Ethics Bill, 2017 and State Officers Bill, 2017

The Bills were being drafted and were intended to strengthen the framework for guiding the scope, implementation, and enforcement of morals and ethics among Public and State Officers to ensure that Public and State Officers were accountable and above board in the conduct of the affairs of the State.

(c) Teachers Ethics Code Regulations

The Teaching Service Commission in conjunction with the Teaching Council of Zambia had developed a Code of Ethics to regulate the conduct and behavior of those in the teaching profession. Morally upright teachers would produce disciplined pupils with high moral and ethical values. The Ministry of Justice was currently drafting the Teachers Ethics Code Regulations to give effect to the Code.

(d) African Union Public Service Charter

In 2015, the Government ratified the African Union Public Service Charter which aims at boosting professionalism and ethics in African administration and to promote universal values and the principles of democracy, good governance, human rights and the right to development. The Principles of the Charter were domesticated in the *Constitution Amendment Act, 2016* and the *Service Commissions Act, 2016*.

(e) Performance Management Frameworks

Government was in the process of strengthening the performance management framework through the introduction of performance based contract system and the development of a Government Strategic Management and Performance Accountability layman's draft Bill. The layman's draft Bill was undergoing consultation.

Committee's Observations and Recommendations

Your Committee is pleased to note that the Government has started carrying out progressive steps to put in place the legislative and policy framework to facilitate the attainment of the national aspirations highlighted in the Presidential Address.

Your Committee, therefore, urges the Government to:

- (a) expeditiously conclude drafting of the relevant pieces of legislation and have them presented to Parliament for enactment;
- (b) embark on nation-wide civic education to sensitise the people about the national values and importance of ethical conduct; and
- (c) engage with the private sector so that it can embrace the aspiration of the leadership in respect of national values and principles.

(Page 9, Paragraph 22)

“Let me also urge all parents, teachers and religious leaders to take a lead in inculcating high standards of morals and ethical values in our people, especially the young, starting from our families, communities, schools and places of worship.”

The Secretary to the Cabinet informed your Committee that the Ministries of National Guidance and Religious Affairs; General Education; and Higher Education had been directed to ensure that the curricula were reviewed to include the national values and principles, and national symbols. The Government would promote the internalisation of national values and principles through the media.

Committee's Observations and Recommendations

Your Committee appreciates the fact that effective inculcation of ethical values needs to be inclusive and recommends that in addition to using the formal systems,

Government should come up with deliberate plans to engage the youth who are outside the school system. Your Committee also urges the Government to take steps to engage the traditional leadership and the church.

(Page 10, Paragraph 25 and 26)

“Equally worrying is the sale of alcoholic beverages in bus stations, markets and other public places.... I am directing the ministries responsible for national guidance and religious affairs, health, education, community development and social welfare, tourism and arts, local government, and commerce to coordinate their actions and ensure effective management of the production and sale of alcohol.”

The Permanent Secretary, Ministry of Health submitted that Government was in the process of formulating an alcohol and substance abuse policy. The policy would also address the production and sale of alcohol.

Committee’s Observations and Recommendations

Your Committee observes that this is a complex matter which needs a multifaceted approach. Your Committee is, however, aware that the Country has adequate laws governing the production, packaging, sale and consumption of alcohol and drugs. Your Committee, therefore, urges the Government to:

- (a) ensure strict enforcement of laws;
- (b) embark on nation-wide sensitisation programmes on the dangers of alcohol and drugs.
- (c) create employment opportunities for youths.

PATRIOTISM AND NATIONAL UNITY

(Page 12, Paragraph 28 to 31)

“Every Zambian should identify themselves with the national emblems that represent our sovereignty and national identity: our National Anthem; our Coat of Arms; and our national flag. We must, therefore, endeavour to show our patriotism to this great nation by taking deliberate actions to understand and interpret what these national symbols and monuments represent.”

Your Committee heard from witnesses from Government ministries that patriotism in the recognition and use of national symbols and emblems was demonstrated by ensuring that the national anthem was sung at all national events including conferences, workshops and major meetings. The national flag was always hoisted at all Government premises.

The stakeholders acknowledged the lack of respect for the national symbols and emblems which they observed was mainly due to failure by the authorities to continue propagating the need to respect them. They noted that it was now common for private

institutions including schools not to start organised events with the singing of the National Anthem.

Committee's Observations and Recommendations

Your Committee acknowledges that over the years, lack of patriotism towards national symbols and emblems has become a common practice and agrees with the President that action must be urgently taken in order to restore pride in national symbols. Your Committee, therefore, urges the Government to put measures in place to ensure that the national symbols are respected not only in public institutions, but also in private organisations. Your Committee also urges political parties and other organisations to respect the singing of the National Anthem by not using party or any other symbols.

(Page 15, Paragraph 36)

“The recent happenings, where Zambians are conniving with foreigners to illegally harvest our natural resources such as the Mukula Tree and wildlife is another illustration of our lack of patriotism.”

The Permanent Secretary, Ministry of Lands and Natural Resources informed your Committee that in order to control the illegal and indiscriminate cutting and harvesting of valuable indigenous trees, the Ministry had put in place the following measures:

- (a) issuance of forest concession licences, tree felling permits and forest produce conveyance permits in accordance with the *Forests Act No. 4 of 2015*, which provides for regulation of forest produce to avoid forest degradation and deforestation;
- (b) prohibition of movement of round wood or logs for over 100 km from concession licence areas in accordance with *Statutory Instrument No. 50 of 2016*;
- (c) prohibition of the export of round wood or logs in accordance with *Statutory Instrument No. 94 of 2016*, which measures were meant to promote processing of timber within the areas where the trees were harvested thereby creating local jobs and promoting value addition within the country; and
- (d) banning the transiting of trucks carrying round wood or logs of various indigenous tree species from other countries through Zambia as contained in *Statutory Instrument No. 31 of 2017*. This measure was aimed at curbing the illegal harvesting of trees in Zambia which are being purported to have been harvested in the neighbouring countries and transiting through Zambia.

In terms of challenges affecting the actualisation of the aspirations pertaining to the protection of natural forests, the Permanent Secretary stated that while Government had commenced the recruitment of forest range guards, the current numbers were inadequate to ensure the protection of valuable forests. Further, inadequate funding had continued to affect the operations of the forestry sector to undertake, among

others, monitoring of the forest operations. There was, therefore, urgent need to employ more forest range guards and increase funding as well as transportation to the forestry sector so as to improve the monitoring operations of the sector.

Committee's Observations and Recommendations

Your Committee is deeply concerned with the increase in unpatriotic tendencies by the citizens which could be attributed to many factors. Your Committee is of the view that to reverse this trend, there is need for a holistic approach and therefore, urges the Government to:

- (a) undertake nation-wide sensitisation programme the masses against unpatriotic tendencies;
- (b) create opportunities for alternative livelihoods for unemployed youths; and
- (c) strict enforcement of laws to punish those found wanting.

(Page 16, Paragraph 41 and 43)

“I am equally concerned about the illegal manner in which land is being sold to foreigners. It is saddening that land is sometimes sold so cheaply that the value at which it is being given out could be as low as cheap handouts. I am, therefore, directing the Minister of Lands and Natural Resources to bring to Cabinet a revised lands act and land policy, which will ensure that our land is protected for our future generations.”

The Permanent Secretary, Ministry of Lands and Natural Resources explained that the major challenge was for the Ministry to determine which Zambians were being used as a front by foreigners who did not qualify to own land. Further, there was lack of a comprehensive land policy to guide in the administration of land which was contributing to illegal activities in land administration.

The Permanent Secretary submitted that in order to ensure that foreigners acquire land in accordance with the laws, the Ministry would expedite the finalisation of the land policy in order to use it as a yard stick in the administration of land in the Country. Secondly, the Ministry would expedite the review and harmonisation of the various pieces of legislation pertaining to land administration to bring sanity in the Country.

Further, the Permanent Secretary stated that in order to ensure that foreigners did not acquire land cheaply, Government had issued *Statutory Instrument No. 106 of 2016*, which ensured that citizens and non-citizens were differentiated during acquisition of land by making non-Zambians pay more. He lamented, however, that secondary land transactions were beyond the control of the Ministry. This matter would also be addressed through the land policy which was being finalised.

The stakeholders were of the view that lack of patriotism was caused by high levels of poverty, corruption and non-adherence to the rule of law. In order to increase levels of patriotism in Zambia, they contended that the Country should:

- (a) inculcate a sense of being Zambian at an early stage. In this regard, early childhood education should be designed in such a way as to teach national values seriously and not just academic excellence;
- (b) ensure that customary land, should never be sold;
- (c) ensure that laws protecting customary land are at par with those guiding leasehold tenure such that a person holding land under customary tenure does not need to convert it to leasehold to obtain a deed of title; and
- (d) ensure nation-wide civic education on the importance of national values and principles.

Committee’s Observations and Recommendations

Your Committee agrees with the President that patriotism is very cardinal to the wellbeing of a nation and notes regret that the levels of patriotism in Zambia have been on the decline. Your Committee, therefore, urges the Government to:

- (a) design and implement civic education programmes for children both in school and outside school; and
- (b) Undertake civic education in the community with the involvement of community, traditional and church leaders and the media.

(Page 18, Paragraph 46)

“Similarly, we need to bring sanity into our local authorities who give away land sometimes and sadly so in our local heritage sites, ecosystem enclaves, to an extent that natural habitats for our indigenous species get disturbed.”

The Permanent Secretary, Ministry of Lands and Natural Resources explained that one of the challenges that had resulted in such areas as heritage sites and ecosystem enclaves being allocated was lack of understanding of such areas by some traditional leaders and some local authorities who had proceeded to recommend for allocation of such land. As a way forward, there was need to sensitise the traditional leaders and local authorities on the importance of protecting and preserving such important areas; and there was need also to clearly demarcate these heritage sites to ensure that they were not encroached upon.

Committee’s Observations and Recommendations

Your Committee is in agreement with the President on the need to stop local authorities alienating land of historical significance such local heritage sites and ecosystem enclaves. Your Committee notes the Permanent Secretary submission that sometimes this occurred due to ignorance on the part of the authorities. Your Committee therefore urges the Government to sensitise all local authorities and traditional leaders on the need to preserve these places.

NATIONAL UNITY

(Page 19, Paragraph 51 and 53)

“Despite our divergent ethnic, social, religious and political backgrounds, we have a shared heritage and destiny as a country, which obliges us to co-exist in unity. As Zambians, we must, therefore, take deliberate steps to work together to amicably solve pressing issues for the sake of national unity, stability and prosperity...”

The Permanent Secretary, Ministry of Chiefs and Traditional Affairs informed your Committee that in order to promote national unity and co-existence, the Ministry in its 2017 budget had allocated funds for printing of the 1958 boundary and topographical maps whose aim was to promote peace, co-existence and unification of chiefdoms in the country through the promotion of the “*One Zambia One Nation*” slogan.

The stakeholders expressed concern that the nation was not told as to what deliberate steps would be taken to foster national unity. The stakeholders informed your Committee that it would be progressive if efforts were made towards promoting dialogue and embracing people with divergent views. The stakeholders noted that the media had a large role to play in promoting national unity.

Committee’s Observations and Recommendations

Your Committee welcomes the Presidential call for national unity and agrees with the stakeholders that Government should take concrete steps to promote national unity.

DEMOCRACY AND CONSTITUTIONALISM

(Page 23, Paragraph 59)

“Despite these achievements, there is still room for improvement to enhance our democratic principles. We need to address all the lacunas in our Constitution.”

The stakeholders informed your Committee that they were happy that multi-party democracy had been reaffirmed as the best form of government for Zambia by the President. They, however, called on the Government to ensure that there was no regression in terms of the strides made towards strengthening democracy through political intolerance, regression in media freedoms and freedom of expression and association amongst members of civil society.

The stakeholders also noted that the root cause of poor adherence to democracy and constitutionalism was as a result of failure to respect the rule of law and give way to corruption and impunity. They, therefore, suggested that citizens and the Government should protect and promote human rights which was non-negotiable. Further, Zambia should hold a referendum to enhance the current Bill of Rights so that social economic and cultural rights can be enforceable.

Committee’s Observations and Recommendations

Your Committee welcomes the acknowledgment by the President that more can be done to improve democracy in the Country and particularly to address lacunas in the Constitution. Your Committee is also aware that the Ministry of Justice had started putting in place measures to review the Constitution. Your Committee, therefore, urges the Ministry of Justice to expedite the process of attending to the shortfalls in the Constitution.

GOOD GOVERNANCE AND INTEGRITY

(Page 24, Paragraph 61)

“Good governance encompasses respect for human rights, the rule of law, transparency, accountability and effective participation of citizens in national affairs.”

The Permanent Secretary, Ministry of Home Affairs submitted that the Ministry was resolved to promote the application of the rule of law and equality of all before the law. In this regard, the Ministry had been providing courses in Human Rights and *Public Order Act* for law enforcement officers and had incorporated it in the training curriculum for both pre-service and in-service programmes. The Ministry had also intensified regular lectures to law enforcement officers on the application of the rule of law and equality of all before the law in order to promote good governance.

To enhance transparency and accountability in the application of the *Public Order Act*, the Ministry had embarked on sensitisation activities for members of the public on the availability of the Zambia Police Service Delivery Charter.

The Ministry had further signed memoranda of understanding with the Office of the Auditor-General and the Financial Intelligence Centre (FIC) and continued to work closely with the Anti-Corruption Commission to ensure good governance and integrity. Integrity committees were being established in all the Government departments to help inculcate morality and ethics in the employees.

The Permanent Secretary, Ministry of Community Development and Social Services informed your Committee that in accordance with *the Non-Governmental Organizations Act No. 16 of 2009*, the Ministry was mandated to register Non-Governmental Organizations (NGOs) and ensure that they adhered to the set standards and guidelines. Furthermore, the Ministry had developed a draft National NGO Policy and once it was approved by Cabinet it would inform the review of the current NGO Act to address some of the concerns raised by some NGOs.

The stakeholders submitted that there was limited and poor transparency, accountability and participation of citizens in the governance processes in the Country. They gave an example of the *Public Order Act* which in their view was often used to curtail any divergent views and the public media which only carried the voice of Government and that of the ruling party and its supporters.

Committee’s Observations and Recommendations

Your Committee notes that the President in his Address recognised that good governance encompasses respect for human rights, the rule of law, transparency, accountability and effective participation of citizens in national affairs. Your Committee is of the view that the Government should go a step further by sensitising all State institutions to respect human rights and uphold the rule of law in the execution of their mandates.

(Page 28, Paragraph 71)

“In this regard, Government is now more determined than ever before to implement decentralisation by devolution while upholding the principles of fiscal decentralisation in line with the provisions of our Constitution.”

The Secretary to the Cabinet submitted to your Committee that progress had been made in the implementation of the Decentralisation Policy especially in respect of the ministries responsible for health and education. He noted that the coming of the Services Commission would help clarify the process and expedite the decentralisation process. He added that to achieve the aspirations for a devolved system of governance, the Government was in the process of drafting the Local Government Bill, 2017 and the Constituency Development Fund Bill, 2017.

Committee’s Observation and Recommendations

Your Committee notes the steps the Government is taking to ensure the implementation of the Decentralisation Policy but urges the Government to ensure that stakeholders including the public are engaged and kept informed of what is happening in this regard.

HUMAN DIGNITY, EQUALITY, EQUITY, SOCIAL JUSTICE AND NON-DISCRIMINATION

(Page 31, Paragraph 78)

“In our country today, human dignity is being violated in multiple ways. Our people have, and continue to suffer humiliation through acts that diminish their self-worth.”

The Secretary to the Cabinet explained that in order to avert violation of human dignity, the Government was in the process of drafting the *National Social Protection Bill, 2017*. The Bill which was intended to deal with the social protection of the vulnerable persons, was currently being finalised by the Ministry of Justice. Secondly, the *Gender Equity and Equality Act*, the *Persons with Disabilities Act* and *Human Rights Commission Act* were being reviewed while the Government was developing the *Children’s Code Bill* in line with the Convention on the Rights of the Child to entrench the national values and principles.

The Permanent Secretary, Ministry of Chiefs and Traditional Affairs informed your Committee that child marriage is a manifestation of gender inequality, reflecting social norms that perpetuate discrimination against girls. In order to curb the scourge, the Government had continued to engage Chiefs in sensitising their subjects aimed at ending intergenerational cycle of poverty.

The Permanent Secretary, Ministry of Community Development and Social Services submitted that in order to enhance human dignity, equity, social justice and non-discrimination in society, the Ministry had various social protection interventions in place. These include: the Social Cash Transfer Programme, the Public Welfare Assistance Scheme (PWAS) and operational grants to Social Welfare Institutions under the Department of Social Welfare.

The stakeholders suggested that Zambia should educate its citizenry to appreciate the need to respect the dignity of every person through actions that promote equity and non-discrimination. They noted that the ability to fight and speak out against injustice would help to create a critical mass that was sensitive to the needs of other people especially the poor. They further proposed that Government institutions such as the Police Service, Zambia National Broadcasting Corporation, Zambia Daily Mail and Times of Zambia needed to be seen to respect the dignity of all Zambians and treat them equitably and cover them in a non-discriminatory manner.

Committee’s Observations and Recommendations

Your Committee observes that human dignity is an essential part of every human being and every society must strive to preserve it. Your Committee concurs with the President that people in Zambia have continued to suffer humiliation through acts that diminish their self-worth such as rape and defilement. Your Committee urges the Government to take a lead in observing and respecting human rights of citizens. Further, the Government should take steps to eliminate all forms of humiliations to citizens such as torture by punishing the individual officers if found wanting. Further, the Government should ensure State institutions which are mandated to promote and protect human rights are given adequate support to undertake their mandates.

SUSTAINABLE DEVELOPMENT

(Page 43, Paragraph 104 and 105)

“my Government has put in place a climate change policy aimed at increasing our climate change mitigation and adaptation interventions in a multi-sectoral approach. To address the effects of climate change and ensure sustainable development, Government has put in place interventions such as afforestation and reforestation, promotion of conservation farming and diversification of agriculture, including the promotion of fish farming.”

The Permanent Secretary, Ministry of Lands and Natural Resources submitted that the Government had embarked on dissemination of the National Policy on Climate

Change to various stakeholders across the country to facilitate its implementation and ensure sustainable development. The policy provides a coordinated response to climate change and an effective institutional framework.

One of the major challenges faced in addressing the effect of climate change was inadequate resources, particularly financial resources required to implement ambitious programmes and failure to use alternative sources of energy especially in rural areas and unsustainable harvesting of trees which has contributed to deforestation.

In order to ensure concerted efforts in addressing climate change, there was need for a sustained engagement with multiple cooperating partners and adequate allocation of domestic resources on climate change. There was also need to strengthen awareness campaigns to educate the public on climate change; and promotion of alternative use of renewable energy sources.

The Permanent Secretary, Ministry of Community Development and Social Services submitted that in order to contribute to sustainable development in society, the Ministry offered various empowerment programmes. These programmes were aimed at uplifting the lives of vulnerable people so as to enable them contribute to national development. The Ministry also had programmes such as the Food Security Pack, the Economic Empowerment Programmes such as village banking and the Community Self-Help Initiatives under the Department of Community Development.

The stakeholders informed your Committee that the greatest mover of climate change is irresponsible agriculture and mining. A good example is the mode of existing farming methods of clearing millions of plant species, leaving open spaces that were exposed to soil erosion. Moreover, the use of chemicals to kill weeds and fertilize the soil are a danger to the environment.

The stakeholders proposed the need for a paradigm shift to focus more on small scale farmers using agro-ecology. They noted that this would ensure sustainable farming that was suitable for the protection of the environment.

Committee's Observations and Recommendations

Your Committee observes that this matter needs a long term solution as it hinges on lifestyles and livelihoods. Your Committee therefore urges the Government to come up with and implement measures to address the matter. These should include:

- (a) sensitisation of the public on the effects of climate change;
- (b) funding research in sustainable farming methods for small-scale farmers; and
- (c) provision of alternative sources of energy to rural communities

BILL OF RIGHTS

(Page 45, Paragraph 110)

“The demand by some sections of civil society that a referendum for an expanded bill of rights be held now is obviously untenable. We need to dialogue over this matter especially bearing in mind the cost and considering the fact that we are just coming out of two very costly elections within a short period of less than two years.”

The stakeholders expressed concern that the Republican President did not give a clear direction on what the Government intended to do in order to expand the current Bill of Rights. They noted that they expected the President to provide precise guidelines on how and when the current Bill of Rights would be amended.

As regards the cost of holding a national referendum, the stakeholders noted that democracy was expensive and anyone who subscribed to the principles of democracy must also be ready to take the responsibility to make resources available to ensure that citizens freely participate in the governance system. The stakeholders were, therefore, of the view that it was imperative that resources were found to hold another national referendum to introduce an enhanced Bill of Rights.

Committee’s Observations and Recommendations

Your Committee appreciates the view expressed by stakeholders that the Bill of Rights should be enhanced without further delay, but also notes the statement by the President that the Country may not be in position to hold the referendum at the moment due to cost implications. Your Committee, therefore, urges the Government to facilitate dialogue with stakeholders and come up with a roadmap on the way forward.

TRANSFORMATION AGENDA

(Page 36 and 37, Paragraph 111 and 114)

“To execute this transformation, we have to change our mindset by getting rid of the entrenched behaviours and structures that are in conflict with the defined national values and principles.”

The Secretary to the Cabinet acknowledged that to instill a culture of patriotism, moral and ethical conduct, and promote national unity required a change of mindsets. To this effect, the Ministries of National Guidance and Religious Affairs, General Education and Higher Education had been directed to ensure that the curricula were reviewed to include the national values and principles, and national symbols. The Government would promote the internalisation of national values and principles through the media.

He added that Government had also established the National School of Government to, among other things, inculcate values and principles in the Public Service. Further, the Public Service Management Division and Service Commissions had been conducting sensitization programs for Heads of Departments and Public Officers since the launch of the Code of Ethics for the Public Service in 2008. Recently, Public Service Management Division Circular No. 9 of 2017, had been issued to direct

Government Ministries/Institutions to sensitize and ensure that every employee signed up to the Code of Ethics for the Public Service.

The stakeholders noted the steps taken by Government, but submitted that much more needed to be done. For example, Zambia needs Training for Transformation in which people would learn how to analyse their problems, challenge injustices and the evil people do, and finally take action to transform their lives. Training for Transformation helped to transform people's thinking and view-points as well as influence the positive behaviour in those that are fully trained.

COORDINATION MECHANISM

(Page 48, Paragraph 116 and 118)

“The successful application of the national values and principles requires effective coordination and leadership. To this effect, the newly created Ministry of Religious Affairs and National Guidance will spearhead this task. In this regard, I direct the Secretary to Cabinet to develop a framework to assist in gathering evidence in the application of national values at national, organisational, community and individual levels.”

The Secretary to the Cabinet submitted to your Committee that the Constitution had created a number of institutions that were mandated in part to monitor and enforce the national values and principles. These include:

- (a) the Service Commissions mandated to monitor compliance to the Public Service values and principles provided in the Constitution;
- (b) the Public Protector to deal with unfair administrative decisions in State Institutions and promote the values of human dignity, equity, social justice, equality and nondiscrimination;
- (c) the Auditor General to promote good governance and integrity in the management of public resources;
- (d) the Anti-Corruption Commission to institute measures to promote morality and ethics, good governance and integrity; and
- (e) the Human Rights Commission to promote human dignity, equity, social justice, equality and non-discrimination.

Arising from the above, the directive by His Excellency the President to establish a framework for collecting evidence to assist in monitoring progress in the application of national values and principles could not have come at a better time and the process to develop the framework had commenced.

The Permanent Secretary, Ministry of National Guidance and Religious Affairs informed your Committee that the Government had developed an all-empassing framework for coordinating National Value Based transformation covering the period 2017 to 2021. The Permanent Secretary regretted that the Policy had not been operationalised on account of the Ministry being in its infancy and in the process of

setting up the institutional framework. The Ministry was yet to recruit competent staff and acquire office furniture.

Committee's Observations and Recommendations

Your Committee observes that the Ministry of National Guidance and Religious Affairs which has been designated as the focal point for the coordination of the implementation of the national values and principles is still in its infancy and does not have the institutional capacity to undertake the task at hand. Your Committee, therefore, urges the Government to support the set up of the Ministry so that it can effectively perform its mandate.

CONCLUSION

7. In conclusion, your Committee wishes to express its gratitude to you, Mr Speaker and to the Clerk of the National Assembly for the support rendered to it during its deliberations. Your Committee is also indebted to all the witnesses who appeared before it for their co-operation in providing the necessary memoranda and briefs.

Your Committee is hopeful that the observations and recommendations contained in this report will go a long way in helping the House and the Nation in reflecting on what is contained in the Presidential Address delivered on 17th March, 2017.

C L Bwalya, MP
CHAIRPERSON

June, 2017
LUSAKA

APPENDIX I

List of Officials

Mr S C Kawimbe, Principal Clerk of Committees
Ms M K Sampa, Deputy Principal Clerk of Committees
Mr F Nabulyato, Senior Committee Clerk (SC)
Mr S Chiwota, Committee Clerk
Mr G Zulu, Committee Clerk
Mrs R T Mwila, Stenographer
Mr C Bulaya, Committee Assistant
Mr M Chikome, Committee Assistant
Mr D Lupiya, Parliamentary Messenger

APPENDIX II

List of Witnesses

Ministry of National Guidance and Religious Affairs

Ms K S M Chifwepa, Permanent Secretary
Ms P Mwewa, Director
Mr B Chubumpa, Chief Accountant
Mr D L Namafente, Assistant Director
Mr Y Kakusa, Acting Parliamentary Liaison Officer

Anti-Corruption Commission

Mr K Phiri, Acting Director-General
Mr Z Soko, Director – Corruption Presentation
Mr T Moono, Chief Corporate Affairs

Ministry of Lands and Natural Resources

Mr T Kaunda, Permanent Secretary
Mr J Minango, Surveyor General
Mr I Makumba, Director – Forestry
Mrs V Mwiche, Director – Planning and Information
Mr E Mwila, Director – Human Resource Administration
Mr E M Shitima, Chief Natural Resources Management Officer
Ms D Zulu, Public Relations Officer
Mr C Silwimba, Chief Lands Officer
Mr W M Mwale, Acting Senior Registrar
Ms N Chellah, Planner
Mr M Sindano, Senior Planner

Ministry of Labour and Social Security

Mr B Mulenga, Permanent Secretary
Mr C Kazuji, Labour Commissioner
Mr F Ngosa, Chief Inspector of Factories
Mr E Sichembe, Chief Productivity Measurement Officer
Mr B Mumba, Acting Chief Planner

Ministry of Chiefs and Traditional Affairs

Mr M M Pwete, Permanent Secretary
Ms J Mulenga, Clerk – House of Chiefs
Ms C Kasoma, Principal Traditional Affairs Officer
Mr J Mpishi, Director – Chiefs and Traditional Affairs
Mr E Kasanga, Acting Director – Planning

Local Government Association of Zambia

Mr M Mbolela, Executive Secretary
Mr I Zulu, Research and Development Officer

Zambia Congress of Trade Unions

Mr M Nyambose, Deputy Secretary General
Mr M Chembe, Director – Public Relations
Mr E C Musonda, Director – Finance
Mr C Mukuka, Secretary-General

Ministry of Home Affairs

Mr C L Mulenga, Permanent Secretary
Mr G Mwanza, Director – Administration
Mr E Chiteta, Acting Director
Mr P H Choolwe, Assistant Director
Mr E Njovu, Head – Research
Ms T Mhende, Chief Registrar

Ministry of Community Development and Social Services

Dr H J Sikwela, Permanent Secretary
Mr K Mwila, Director – Human Resource Administration
Mr S Chapula, Director – Planning
Mr H Nkhoma, Director – Social Welfare
Mr C Ngoi, Acting Director – Community
Mr S Michelo, Registrar
Ms N Soko, Parliamentary Liaison Officer

Zambia Conference of Catholic Bishops

Fr C Lungu, Secretary-General
Mr E Kanganosa, Programme Specialist
Mr W Kangala, Programme Officer

Human Rights Commission

Ms F Chibwasha, Director
Mr M Muleya, Chief – Information, Education and Training
Mr K Banda, Chief – Legal

Ministry of Water Development, Sanitation and Environmental Protection

Mr K Nyundu, Acting Permanent Secretary
Mr G F Gondwe, Director – Environmental and Natural Resources
Mr J Ng’onga, Director – Human Resource Administration
Ms M M Moyo, Chief Accountant
Mr F N Ngoma, Acting Director
Mr O Katooka, Acting Director – Water Supply and Sanitation
Mr T Musonda, Chief Planner

Ministry of Health

Mr J Moyo, Permanent Secretary (Administration)

Dr F Bwalya, Director – Public Health

Dr M Bweupe, Director – Policy and Planning

Dr K Malama, Director – Health Promotion

Dr M Nthele, Director – Clinical Care

Mr E Malikana, Assistant Director – Health Policy

Ms D Siampwizi, Acting Assistant Director – Human Resource Management

Ministry of Youth, Sport and Child Development

Ms A M Musunga, Permanent Secretary

Mr J C Zulu, Director – Child Development

Mr A Banda, Director – Human Resource Administration

Mr R Mvula, Principal Accountant

Mr G Chilikwazi, Head – Procurement Supply Unit

Mr G Muyaule, Chief Sports Development Officer

Mr D Musonda, Child and Youth Development Officer (Inspections)

Ms K Mubanga, Acting Senior Planner

Ms J Phiri, Planner

Mr B Musonda, Planner

Cabinet Office

Dr R Msiska, Secretary to the Cabinet

Mr M Sakala, Director

Ministry of Justice

Ms T D Oteng, Permanent Secretary (Administration)

Mr C Kalimbika, Director – Governance

Mr M M Lukwasa, Director

Mr A Choobe, Director – Human Resource Administration

Ms C C Zulu, Administrator General and Official Receiver

Ms C Hard, Assistant Chief Staff Advocate

Mr A Nkunika, Chief Parliamentary Counsel

Ms M Chibambo, Parliamentary Counsel

Law Association of Zambia – written submission

Ms L Kasonde, President