



REPUBLIC OF ZAMBIA

REPORT

OF THE

**COMMITTEE ON YOUTH, SPORT AND CHILD MATTERS ON THE REPORT OF
THE AUDITOR GENERAL ON THE GOVERNMENT MEASURES TO REDUCE
INCIDENCES OF CHILD LABOUR IN ZAMBIA FOR THE PERIOD 2018-2022**

FOR THE

THIRD SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

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FOREWORD

Honourable Madam Speaker, the Committee on Youth, Sport and Child Matters, has the honour to present its Report on the consideration of the Report of the Auditor General on the Government Measures to Reduce Incidences of Child Labour in Zambia. The Committee is mandated to consider any report of the Auditor General that may be referred to it by the House, as provided for under Standing Orders 197 (o) and 198 (g), of the National Assembly Standing Orders, 2021.

In view of the foregoing, the Committee sought both written and oral submissions from various stakeholders, who are listed at Appendix II. The Committee held eight meetings to consider submissions from various stakeholders. The Report highlights a summary of the concerns raised by the stakeholders, responses by the Ministry of Labour and Social Security and the observations and recommendations made by the Committee.

Madam Speaker, the Committee is grateful to the stakeholders who tendered both written and oral submissions. The Committee also wishes to thank you, for affording it an opportunity to scrutinise the Report of the Auditor General on the Government Measures to Reduce Incidences of Child Labour in Zambia. Further, appreciation is extended to the Clerk of the National Assembly and his staff, for the support and guidance rendered throughout the Committee's deliberations.



Mr Ronald K Chitotela, MP
CHAIRPERSON

November, 2023
LUSAKA

ACRONYMS

ARISE	Achieving Reduction of Child Labour in Support of Education
DCLC	District Child Labour Committees
DSCCL	District Steering Committee on Child Labour
ILO	International Labour Organisation
JCM	Jesus Cares Ministries
LMIS	Labour Market Information System
MLSS	Ministry of Labour and Social Security
MCDSS	Ministry of Community Development and Social Services
MOE	Ministry of Education
MYSA	Ministry of Youth, Sport and Arts
NAP	National Action Plan
NCLP	National Child Labour Policy
NSCCL	National Steering Committee on Child Labour
NGO	Non-Governmental Organisations
SPRIZ	Support for Poverty Reduction in Zambia
UNICEF	United Nations Children's Fund
YWCA	Young Women's Christian Association

REPORT OF THE COMMITTEE ON YOUTH, SPORT AND CHILD MATTERS ON THE REPORT OF THE AUDITOR GENERAL ON THE GOVERNMENT MEASURES TO REDUCE CHILD LABOUR IN ZAMBIA, FOR THE THIRD SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

1.0 Composition of the Committee

The Committee consisted of Mr Ronald Chitotela, MP (Chairperson); Ms Emeldah Munashabantu, MP (Vice-Chairperson); Mr Ackleo I A Banda, MP; Mr George Chisanga, MP; Mr Heartson Mabeta, MP; Mr Sipho Hlazo, MP; Ms Jean N Chisenga, MP; Mr Allen Banda, MP; Mr Jay E Banda, MP and Dr Alex Katakwe, MP.

2.0 Background to the Audit

The Auditor General informed the Committee that the Performance Audit Report on the Government Measures to Reduce Incidences of Child Labour in Zambia was conducted in accordance with the provisions of Article 250 of the *Constitution of Zambia, Chapter 1 of the Laws of Zambia* (, the *Public Audit Act, Chapter 378 of the Laws of Zambia* and the *Public Finance Management Act, No 1 of 2018*. The main objective of performance auditing, was to promote economical, effective and efficient governance as well as contribute to the accountability, transparency and quality delivery of public services.

2.1 Motivation of the Audit

The Auditor General reported that Zambia had a young population aged between one and eighteen years. This age group was within the age bracket that was vulnerable to child labour. The Committee was further informed that child labour affected the citizens as it could be detrimental to economic development. Child labour was also a violation of fundamental human rights and hindered children's development. According to the United Nations Children's Fund (UNICEF), child labour can result in extreme bodily and mental harm, and in some instances death. It can also lead to slavery and sexual or economic exploitation. Child labour cuts off children from schooling and health care, restricting their fundamental rights and threatening their future.

In view of the above, the Performance Audit Report was conducted in order to establish the measures which had been put in place by the Ministry of Labour and Social Security (MLSS), to reduce incidences of child labour in Zambia.

2.2 Audit Objective

The objective of the audit was to assess the effectiveness of the measures put in place by the MLSS, in order to reduce incidences of child labour in Zambia.

2.3 Scope of the Audit

The Committee was informed that the audit covered the period 2018 to 2022 and the main auditee was the MLSS. However, the Ministry of Community Development and Social Services (MCDSS), the Ministry of Education (MOE) and the Ministry of Youth, Sport and Arts (MYSA) were also engaged as stakeholders, in order to establish the extent of coordination with the MLSS.

The audit revealed that MLSS had provincial offices in all the ten provinces of Zambia and was present in fifty-four of the 116 districts. The audit also sampled twelve districts out of the fifty-

four districts, namely Mongu, Kaoma, Nkeyema, Chipata, Lundazi, Chipangali, Kitwe, Ndola, Sinazongwe, Gwembe, Choma and Pemba. The sample size was purposively selected, based on a mix of districts that had established District Child Labour Committees (DCLC) and were implementing projects which were aimed at reducing child labour as well as those districts which had not established the DCLC.

2.4 Audit Questions

The Audit was designed to answer the questions set out below.

- (i) To what extent has the MLSS developed and reviewed policies and legislation that reduced incidences of child labour?
- (ii) To what extent has the MLSS ensured the effective implementation, enforcement and management of programmes, aimed at reducing child labour?
- (iii) To what extent has the MLSS ensured effective coordination with stakeholders to reduce child labour?

2.5 General Audit Recommendations

The Performance Audit Report highlighted the recommendations listed below, which, if implemented accordingly, would reduce child labour incidences in Zambia.

- i. Prioritise the available resources, in order to ensure that DCLCs were established and reactivated in the districts, in order to spearhead the enforcement of child labour laws.
- ii. Actualise the National Database Centre, in order to capture all matters related to child labour. This would ensure that data would be aggregated at the national level and resources directed accordingly.
- iii. Consider developing a stand-alone child labour data collection tool, for purposes of collecting uniform data on child labour.
- iv. Ensure that the Labour Officers' capacity was built, through the provision of training programmes, in order to equip the officers with the current developments on child labour.
- v. Ensure that guidelines were put in place to provide for child labour inspections in the informal sector, which was highly susceptible to child labour incidences.
- vi. Ensure that activities centred around child labour were planned and implemented using a multi-sectoral approach with relevant stakeholders, in order to ensure that efforts to combat child labour were not duplicated.
- vii. Ensure the regular monitoring of project implementers, in order to validate data and statistics obtained from the implementing partners. This would ensure the availability of up-to-date, as well as accurate data on child labour.
- viii. Leverage on coordination with relevant stakeholders to enhance the awareness of communities on child labour in the country.

3.0 CONSIDERATION OF SUBMISSIONS ON THE AUDIT FINDINGS BY THE STAKEHOLDERS AND THE COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

The Committee considered submissions from various stakeholders listed at Appendix II. The submissions from the stakeholders, including the Permanent Secretary from the MLSS, as well as the Committee's observations and recommendations are as set out hereunder.

3.1 Specific Audit Concerns

3.1.1 Review and Development of Policies and Legislation to Prevent Child Labour

Stakeholders Concerns

Stakeholders submitted that there was need for the MLSS to develop and revise laws and policies to effectively address child labour incidences. The stakeholders further held the view that the Government needed to strengthen the existing legislation and align it with international standards, such as the International Labour Organisation (ILO) conventions relating to child labour. Other stakeholders also urged the Government to ensure that there was harmonisation of laws regarding child labour and general laws aimed at protecting the rights and wellbeing of children, for easier enforcement. Furthermore, there were some stakeholders who raised concern that although policies and legislation regarding child labour had been put in place, these policies and legislation defined a child differently.

Ministry's Response

The Committee was informed that the MLSS had developed policies and legislation such as the National Child Labour Policy and the *Employment Code Act, No 3 of 2019* in order to reduce child labour and ensure the maximum protection of children from child labour. The Committee was further informed that the MLSS had also developed the National Action Plan (NAP) on the elimination of the worst forms of child labour for the period 2020 to 2025, which was finalised in December, 2020 and launched on 12th June, 2021. Further, in order to strengthen the protection of children in the country against various vices, the Ministry reported that the Government enacted the *Children's Code Act, No 12 of 2022*. Section thirteen of the Act took into consideration matters related to child labour. Section fourteen of the Act also prohibited the involvement of children in armed conflict, which was considered as one of the worst forms of child labour.

Committee's Observations and Recommendations

The Committee in noting the submission by the MLSS recommends that the Government should strengthen existing legislation and policies on child labour and align them with international standards, such as the ILO conventions relating to child labour. The Committee further recommends that the DCLCs should ensure that they advocate for policy reforms and amendments to strengthen child labour laws based on the gaps identified in the policies during implementation and enforcement. Furthermore, the Committee recommends that the various pieces of legislation in question should be harmonised in order to have one common definition of a child as provided for in the Constitution, which is the supreme law of the land.

3.1.2. Prevention, Withdraw, Rehabilitation and Reintegration of Children Engaged in Child Labour

Stakeholders Concerns

Stakeholders expressed concern that the MLSS was not able to meet the targeted number of inspections aimed at withdrawing, rehabilitating and reintegration of children engaged in child labour, due to insufficient financial and human resource to enforce child labour laws. For example, in 2018, thirty-eight inspections were conducted out of the planned 500 and in 2019, the MLSS conducted 160 inspections out of the planned 500.

Ministry's Response

The Committee was informed that the MLSS remained committed to ensuring that children were protected and withdrawn from child labour activities. In view of the foregoing, the MLSS in collaboration with various partners implemented the interventions submitted below, aimed at reducing child labour.

- i. Joint inspections were done in conjunction with other Government ministries such as the MCDSS and other Non-Governmental Organisations (NGOs) aimed at providing support to children suspected to be engaged in child labour. The children engaged in child labour were withdrawn from such activities and where parents of such children were vulnerable, they were supported by the Government, through the Social Cash Transfer Scheme or other schemes and were re-integrated back in schools.
- ii. The establishment of the National Steering Committee on Child Labour (NSCCL) which coordinated child labour activities at the national level. The NSCCL had drawn membership from the Government ministries, NGOs, ILO and the International Organisation for Migration (IOM). The Committee had held two meetings in 2023.
- iii. The MLSS conducted random surveillance visits to sites and places suspected to be high risk areas of child labour.
- iv. The Ministry undertook routine inspections to establishments and follow-up inspections were undertaken to ensure that the recommendations made were implemented accordingly.
- v. Seasonal inspections were undertaken during the time that tobacco farmers employed seasonal workers. This was aimed at ensuring that children were not employed to work in the tobacco fields.
- vi. The Ministry undertook sensitisation campaigns on the dangers of engaging in child labour and any form of hazardous work.
- vii. The MLSS established the DCLC in Nkeyema and Kaoma districts, which were headed by the District Labour Officer.

As a result of these interventions and with the support of cooperating partners, a total of 1,225 children were withdrawn from child labour activities in 2022, against a planned target of 2,000 children.

Committee's Observations and Recommendations

The Committee in noting the submissions recommends that Treasury authority be granted for MLSS to recruit labour inspectors in all the districts in order to fight child labour incidences. Further, the Child labour inspections must be budgeted for and funded adequately. In addition, the Government should put up strong mechanisms to strengthen the DCLCs to enable them conduct operations to rescue children from exploitative work environments, as well as ensure that the children withdrawn are provided with the appropriate rehabilitation measures, including access to education, healthcare and skills development programs.

3.1.3 Establishment of the National and District Child Labour Committees

Stakeholders Concerns

Stakeholders were concerned that although the MLSS had established the NSCCL, it was not active as there were no minutes to show what activities or interventions were carried out to reduce child labour during the period under review.

Ministry's Response

The Committee was informed that the MLSS had established the NSCCL though not active at the time of the audit. However, the NSCCL was operational at the time the Ministry appeared before the Committee and had since held two meetings in 2023. Further, in order to curb child labour the MLSS had established twenty-two DCLC out of fifty-four districts in which they had a presence,

Committee's Observations and Recommendations

The Committee notes the responses and recommends that NSCCL should convene meetings either bi-annually or quarterly in order to strategise and provide guidance on measures that can be put in place to address child labour issues in the country. The Committee further recommends that the District Steering Committee on Child Labour (DSCCL) should also become active and conduct regular meetings in order to ensure effective implementation of the Child Labour Policy.

3.1.4 National Database and Information

Stakeholders Concerns

Stakeholders were concerned that the National Database and Information System on child labour was not in place as revealed by the audit. This was despite the MLSS having established a Data Centre with assistance from ILO who provided computers and furniture. The Data Centre was not operational as the monitoring and reporting framework was not in place to aid the collection of data in the districts for input into the System.

Ministry's Response

The Committee was informed that the MLSS in 2022 began the implementation of the Labour Market Information System (LMIS). The LMIS was envisioned to be an integrated System for labour market information, including child labour. The Ministry had procured computers, tablets, printers and routers for fifty-four districts for the implementation of the LMIS. The System had an inspection module and was in the process of adding more modules to cater for various information needs of the labour market including child labour.

Committee's Observations and Recommendations

The Committee observes with concern that a National Database and Information System on child labour cases was not in place at the time of the audit, despite the MLSS having established a Data Centre. In view of the above, the Committee recommends that the Government should develop a National Database and Information system on Child Labour which should segregate data by age, gender, as well as disability and assign responsibility to manage the database to a specific public office. A national system will create consistent prevalence data on children affected by child labour, which is necessary for evidence-based policymaking and budget allocation.

3.1.5 Development of a Tracking Mechanism on Child Labour

Stakeholders Concerns

Stakeholders expressed concern that there was no system in place to track and follow up children that had been withdrawn from child labour either by the MLSS or other cooperating partners. In addition, the MLSS did not have tracking mechanisms such as data capturing and monitoring tools for child labour cases.

The stakeholders further expressed concern that the MLSS relied on cooperating partners such as Achieving Reduction of Child Labour in Support of Education (ARISE), Jesus Cares Ministries (JCM) and the Young Women's Christian Association (YWCA) to withdraw and rehabilitate children. For instance, Sinazongwe, Chipata and Chipangali districts relied on cooperating partners to track children withdrawn from child labour. The audit also established that cooperating partners did not submit progress reports for validation despite a provision in the memorandum of understanding.

Ministry's Response

The Committee was informed that the MLSS had an ongoing collaboration with the MDCSS to identify and withdraw children found in child labour. The Ministry further stated that efforts had also been put in place to establish a tracking system in the LMIS which had since been activated and was being rolled out to all labour offices country wide. In addition, a Monitoring and Evaluation Unit had since been created and two officers were appointed to analyse data from the LMIS.

Committee's Observations and Recommendations

The Committee in noting the submissions recommends that MLSS should develop a tracking system to ensure that children that are withdrawn from child labour are tracked and followed up. This will provide the Government with the necessary information on the development of children affected by child labour. The Committee contends that without a tracking mechanism, the MLSS may provide inaccurate information on the status of children engaged in child labour and it would be difficult to establish whether they have been successfully rehabilitated and reintegrated into society or not.

3.1.6 Coordinated Child Labour Inspections

Stakeholders Concerns

Stakeholders expressed their disappointment at the MLSS lack of plans to conduct child labour inspection. A review of the documents at the provincial and district offices did not reveal any plans. The lack of child labour inspections by labour inspectors affected the coverage of children in communities who were vulnerable to child labour.

Ministry's Response

The MLSS acknowledged that it was unable to deploy labour officers to all the districts due to inadequate staffing, coupled with the poor funding of child labour programmes. This adversely affected many aspects of child labour implementation, including coordination. However, the Ministry was quick to mention that the 2023 National Budget had set aside a total of K362,780 for child labour activities such as the World Day Against Child Labour, child labour awareness, monitoring and the withdrawal of children from child labour.

Committee's Observations and Recommendations

The Committee observes that the MLSS was not able to achieve the planned activities due to inadequate and inconsistent funding during the period under review. In view of the foregoing, the Committee recommends that the Government should adequately fund the MLSS to enable it undertake child labour inspections in both the public and private sector. This will help to reduce incidences of child labour in communities vulnerable to child labour. The Committee further recommends that the MLSS should review and expand the Ministry's structure and operations in

the remaining sixty-two districts by recruiting labour inspectors to facilitate the effective monitoring of children in communities. The Committee further urges the MLSS to conduct sensitisation campaigns in communities on the effects and legal implications of child labour. This action will ensure that parents and guardians are made aware of the children's rights and activities that violate children's rights.

3.1.7 Capacity of Labour Inspectors to Conduct Labour Inspections

Stakeholders Concerns

Stakeholders were concerned that during the period under review, the MLSS did not have adequate labour inspectors to coordinate and investigate child labour cases in all the districts. The staff establishment revealed that the MLSS had a total of eighteen from the proposed eighty-six labour inspectors in the new structure. This resulted in work overload for the few labour officers, especially those operating from the field stations because they had to monitor child labour programmes and also carry out the inspections of business premises to ensure compliance with labour laws.

Other stakeholders also expressed concern that the districts did not have a Child Labour Unit, specialised in managing matters of child labour. This was also due to inadequate inspectors.

Ministry's Response

The MLSS acknowledged the findings of the Auditor General on this matter. The Committee was informed that the Ministry was present in sixty-five districts of which, fifty-four were established and operational, while eleven were administrative. However, the Ministry had been engaging the Treasury to increase its presence to cover all the districts of the country. Regarding the child labour monitoring and inspections, the Ministry was coordinating this with various ministries and NGOs.

Committee's Observations and Recommendations

The Committee observes with concern that the districts do not have a Child Labour Unit specialised in managing matters of child labour, due to the inadequate number of labour inspectors. The Committee recommends that adequate staff, dedicated to child labour matters, should be recruited and must be held accountable for the planning, implementation and monitoring of child labour activities in the districts. The Committee further recommends the establishment of a functional DCLC which should coordinate the collaboration with other ministries, cooperating partners and relevant stakeholders. The requisite personnel must be well vested in child and gender sensitive models for case management.

3.1.8 Monitoring of Programmes and Projects on Child Labour

Stakeholders Concerns

Stakeholders expressed concern that the MLSS in collaboration with key stakeholders did not conduct regular monitoring of various programmes, projects and activities pertaining to the reduction of child labour. This was as a result of the discontinuation of most projects in 2018, as revealed by the audit.

Ministry's Response

The MLSS informed the Committee that staffing levels were a challenge in all the districts, as there was only one officer to carry out all the activities relating to labour matters such as enforcement, occupational health and dispute resolution. Some districts did not have positions for labour officers while in other districts, the available officers were deployed for administrative convenience.

Committee's Observations and Recommendations

The Committee is concerned that project monitoring was affected by lack of adequate staff, transport and funding for fuel. In this regard the Committee recommends that during the budgeting process, the MLSS should request for additional funds from the Ministry of Finance and National Planning to enable it recruit labour inspectors and have adequate transport to improve the coverage of programmes relating to the prevention of child labour. The Committee further recommends that the MLSS should consider holding monthly and quarterly monitoring and evaluations for projects and programmes on child labour. The Committee contends that this will ensure that the programmes that target to reduce child labour occurrences are a true reflection of the situation in country. This will also promote clean, accurate, reliable and timely access to information that can be used to inform policy direction and for the effective implementation of programmes. In addition, the Ministry should also consider using a multi sectoral approach with relevant stakeholders to ensure that child labour is reduced.

4.0 Committee's General Observation and Recommendation

The Committee observes that child labour is one of the many impediments to the growth of children in every society. The Committee further observes that child labour is commonly driven by family and community poverty, paired with lack of access to decent work for adults and youth. This results in income insecurity; weak social protection; and lack of access to quality education and other public services. Although the Auditor General's Report reveals that the MLSS has the responsibility of administering and enforcing labour laws and labour relation matters, in order to reduce incidences of child labour. However, the Committee notes with concern that the Ministry's mandate has not been achieved through the Audit and therefore, urges the Government to take drastic measures that will arrest all forms of child labour in the country. In this regard, the MLSS should address all challenges faced in the implementation, enforcement and management of child labour programmes.

5.0 Conclusion

The Committee commends the Office of the Auditor General for conducting the Performance Audit on the Government Measures to Reduce Incidences of Child Labour in Zambia. The Committee is hopeful that the Government will address the issues raised in the Audit Report and in the Report of the Committee, in order to eradicate the vice of child labour



Mr Ronald K Chitotela, MP
CHAIRPERSON

November, 2023
LUSAKA

APPENDIX I - List of National Assembly Staff

Mrs Doreen N C Mukwanka, Acting Principal Clerk of Committees (SC)

Mrs Chitalu K Mumba, Deputy Principal Clerk of Committees (SC)

Mrs Christabel T Malowa, Acting Senior Committee Clerk (SC 1)

Mr Fanwel M Chiwama, Committee Clerk

Ms Inutu Mwiya, Administrative Assistant

Mr Dannel Lupiya, Committee Assistant

Mr Muyembi Kantumoya, Parliamentary Messenger

APPENDIX II - List of Witnesses

Office of the Auditor General
Ministry of Labour and Social Security
Ministry of Youth, Sport and Art
Ministry of Community Development and Social Services
Ministry of Education
Ministry of Home Affairs and Internal Security
Save the Children
Plan International
Mother of Millions
World Vision
Caritas Zambia