

**SECOND REPORT OF THE COMMITTEE ON LEGAL AFFAIRS, GOVERNANCE,
HUMAN RIGHTS AND GENDER MATTERS FOR THE FOURTH SESSION OF
THE TENTH NATIONAL ASSEMBLY APPOINTED ON THURSDAY 25
SEPTEMBER, 2009**

Consisting of;

Mr J J Mwiimbu, MP (Chairperson); Mr B E Chimbaka, MP; Mr B Sikazwe, MP; Mr L H Chota, MP; Rev V M Sampa-Bredt, MP; Mrs S T Masebo, MP; Mr K Kakusa, MP; and Mr G B Mwamba, MP.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir,

Your Committee has the honour to present its Second Report for the Fourth Session of the Tenth National Assembly.

Functions of the Committee

2.0 In addition to any other duties placed upon it by Mr Speaker or any Standing Order or any other order of the Assembly, the duties of your Committee are to:

- (a) study and report on the mandate, management and operations of the Ministry of Justice and the Gender in Development Division, Departments and/or agencies under their portfolios;
- (b) carry out detailed investigations or scrutiny of certain activities being undertaken by the ministries, departments and/or agencies under their portfolios 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) consider, in detail, the annual reports of the agencies and/or departments under the Ministry of Justice; and
- (e) consider any Bills that may be referred to it by the House.

Meetings of the Committee

3.0 Your Committee held eleven meetings during the period under review to study the topic, "Review of the Electoral Process in Zambia".

Your Committee also considered outstanding issues from the Action-Taken Report on the Committee's First Report for the Fourth Session of the Tenth National Assembly and made local tours of selected areas.

Procedure Adopted

4.0 In order to obtain the necessary information, your Committee invited various stakeholders to submit memoranda on the specified topical issue. Subsequently, the stakeholders were requested to appear before your Committee to orally brief them.

Report of the Committee

5.0 Your Committee's Report, therefore, is in two parts. Part I deals with the topical issue and the resultant local tours and Part II contains outstanding issues from your Committee's previous Reports.

PART I

CONSIDERATION OF TOPICAL ISSUE

TOPIC: REVIEW OF THE ELECTORAL PROCESS IN ZAMBIA

6.0 The Conduct of Elections in Zambia is governed by the Constitution of Zambia, Cap 1, of the Laws of Zambia, the *Electoral Act No. 12 of 2006*, and Statutory Instruments made under the Act and the *Local Government Elections Act, Cap 282*, of the Laws of Zambia.

The elections in Zambia are administered by the Electoral Commission of Zambia (ECZ) which has constitutional and statutory functions. These functions include supervising voter registration, conducting Parliamentary and Presidential elections, delimiting constituencies, supervising referenda, conducting and supervising the local government elections and by-elections.

The conduct of elections is affected by, among other things, the updating of the Voters Register, the issuance of National Registration Cards to would-be voters, the distances to polling stations and the delimitation of constituencies.

There has, however, been growing discontent on the operations of the electoral system and institutions in Zambia. Irregularities have often been reported by observer groups after some elections, which has led to erosion of public confidence in the electoral processes. Consequently, civil society groups and members of the general public have exerted pressure on the Government for constitutional and electoral reform.

Your Committee invited the following witnesses who represented the views of the major stakeholders, being the Government, Cooperating Partners, Non-Governmental Organisations and Civil Society Organisations:

- a) Ministry of Home Affairs;
- b) Ministry of Justice;
- c) Electoral Commission of Zambia (ECZ);
- d) The Registrar General, Department of National Registration;
- e) Zambia Law Development Commission (ZLDC);
- f) Non-Governmental Organisations Coordinating Council (NGOCC);
- g) Foundation for Democratic Process (FODEP);
- h) Southern African Centre for the Constructive Resolution of Disputes (SACCORD);
- i) Anti-Voter Apathy Project (AVAP);
- j) United Nations Development Programme (UNDP);
- k) Transparency International Zambia (TI-Z);
- l) Women and Law in Southern Africa (WLSA);
- m) Caritas Zambia; and
- n) The three church mother bodies.

Summary of Submissions by Government

6.1 The Ministry of Justice, the Registrar General's Office, Ministry of Home Affairs and the Electoral Commission of Zambia presented the views of the Executive on the topic as set out below.

Your Committee was informed that elections in Zambia were conducted pursuant to the Constitution of Zambia as outlined hereunder.

Article 75 (1) states that “Every citizen of Zambia who has attained the age of eighteen years shall, unless he is disqualified by Parliament from registration as a voter for the purposes of elections to the National Assembly, be entitled to be registered as such a voter under a law in that behalf, and no other person may be so registered.”

(2) “Every person who is registered in any constituency as a voter for the purposes of elections to the National Assembly shall, unless he is disqualified by Parliament from voting in such elections on the grounds of his having been reported guilty of such an offence by the court trying an election petition or, on the grounds of his being in lawful custody at the date of the elections, be entitled so to vote in that Constituency in accordance with the provisions made by or under an Act of Parliament, and no other person may so vote.”

Pursuant to these Constitutional provisions, a person registered as a voter is entitled to vote in Presidential elections as stipulated in Article 34 (1) and (6), in elections to the National Assembly as stipulated in Article 63 (2) and also in local government elections held in accordance with the *Local Government Act, Cap 282*.

On the need to review the laws relating to the conduct of elections in Zambia, your Committee was informed that the current electoral laws were extensively reviewed in 2006 following numerous recommendations made by the Electoral Reform Technical Committee which was appointed by the Government to review the Electoral System in Zambia. In its final report, the Electoral Reform Technical Committee made several recommendations, some of which required amending the Constitution while others only required amending the electoral laws.

Your Committee was further informed that the Electoral Reform Technical Committee recommended, among other things, that Article 34 (8) of the Constitution should be amended so that presidential elections could be conducted on the basis of a majoritarian system where the winning candidate would have to receive not less than fifty per cent (50%) plus one vote of the valid votes cast. The recommendation was made on the premise that such a provision would enhance the legitimacy of the president to hold office. This recommendation was incorporated into the Mung’omba Draft Constitution and was recently debated by the National Constitutional Conference (NCC). The provision would be referred to a referendum as there was no agreement reached by the Conference on the recommendation.

Another significant recommendation of the Electoral Technical Committee was that Zambia should adopt a Mixed Member Representation system under which the National Assembly would consist of:

- a) one hundred and sixty members directly elected on the basis of a simple majority under the first-past-the-post segment of the mixed member representation system;
- b) thirty seats on the basis of the proportional representation segment of the mixed member representation system from a list of candidates submitted to the Electoral Commission by each political party contesting the elections; and
- c) not more than ten members nominated by the President and that at least thirty percent of the nominees should be women.

The ERTC also recommended that-

- a) where a member of the National Assembly who holds a proportional representation seat causes a vacancy, in the National Assembly, due to death or resignation, that vacancy should be filled by the next candidate on the political party’s list; and

- b) where a member of the National Assembly, who occupies a proportional representation seat, is expelled from the political party that has been allocated that seat, the seat should be filled by the next candidate on the political party's list.

Your Committee was informed that these recommendations were incorporated in the Draft Constitution and had already been debated at the NCC and appropriate decisions made in some cases with modifications, as in the case where the Conference increased the number of constituency-based seats to 240.

Your Committee learnt that the other recommendations that the Committee made could be effected by revising the provisions of the *Electoral Act*. The recommendations in this category included the following:

- 1) "That the continuous registration of voters be implemented. This recommendation, although already in the *Electoral Act No. 13 of 1991*, was maintained in *Electoral Act No. 12 of 2006* which under section 4(2), provides that, "the Commission shall compile, maintain and update on a continuous basis a register of voters, which shall include the names of all persons entitled to vote in any election under this Act, local government election under the *Local Government Elections Act* or referendum under the *Referendum Act*."

Related to that, the Committee also recommended that in the case of presidential, parliamentary and local government elections, continuous voter registration should be suspended immediately the election date is announced and in the case of a by-election, the continuous registration of voters be suspended in the district in which the by-election is taking place, immediately the election date is announced.

- 2) "That transparent ballot boxes with individual serial numbers be introduced. This recommendation was adopted. The *Electoral Act No. 12 of 2006* under section 44(1) provides that, "the Commission shall use transparent ballot boxes in an election which shall be capable of being securely closed." Further, Regulation 28(1) of the Electoral (General) Regulations Statutory Instrument No. 92 of 2006 provides that, "every ballot box shall be transparent and constructed that, after it is sealed under Regulation 29, the ballot papers can be placed therein by voters, but not be taken out without breaking the seals."
- 3) "That the ballot paper design should include portraits of presidential and parliamentary candidates and that consideration be given in future to include local government candidates on the ballot paper. It also recommended that deep colour coding be introduced in order to differentiate the ballot papers for presidential, parliamentary and local government elections."

These recommendations were provided for in the *Electoral Act No. 12 of 2006* in section 43(3) which provides that, "a ballot paper shall include a portrait of the candidate nominated for elections to the office of the President, as a Member of Parliament" and section 43(4) provide that, "a ballot paper shall be colour coded so as to differentiate the ballot paper for use in a Presidential or National Assembly election."

- 4) "That the electoral process should provide special voting days for defence and security personnel on operations, election officials scheduled to serve on the election day and other eligible voters such as the sick, the aged and pregnant women. This recommendation was adopted and the *Electoral Act No. 12 of 2006* in section 24 provides that, "the Commission shall allow a person to apply for a special vote if that person is registered as a voter, due to that person's physical infirmity, disability,

pregnancy or absence from that polling district while serving as an officer or monitor in the election concerned, or while on duty as a member of the security services in connection with the election.”

- 5) “That the Local Government Elections should be held conterminously with the Presidential and Parliamentary Elections.”
- 6) “That Article 77(2) of the Constitution be amended so that in delimiting constituencies, the Electoral Commission of Zambia, should not only take into account the availability of means of communication and geographical features of the area to be divided into constituencies, but also the population and distribution of eligible voters.”

The recommendation was provided for in section 38 of the *Electoral Act No. 12 of 2006* which provides that, “the Commission shall determine the boundaries of a polling district by taking into account any factor within the proposed polling districts that could affect the free, fair and orderly conduct of elections, including, the availability of suitable venue for a polling station; the number and distribution of eligible voters; district and provincial boundaries; the accessibility of a polling station to voters given the radius of the proposed polling district, the availability of transport, telecommunications facilities and any geographical or physical feature that may impede access to the polling station and district and provincial boundaries.”

Following the repeal and replacement of the *Electoral Act No. 13 of 1991*, the *Electoral Act No.12 of 2006* provides a comprehensive legal framework under which elections have been conducted since its enactment. The Act provides for a comprehensive process for elections to the office of the President and to the National Assembly; empowers the Electoral Commission in matters relating to elections; it also empowers the Commission to make regulations providing for the registration of voters, and for the manner of conducting elections.

Your Committee was informed that considering the numerous issues that were incorporated into the law, the Government did not consider that there was an immediate need to revise the law any further. Furthermore, the Constitution, in Article 76, establishes the Electoral Commission of Zambia and vests, in the Commission, the power to supervise the registration of voters, to conduct Presidential and Parliamentary elections and to review the boundaries of the Constituencies into which Zambia is divided for the purposes of election to the National Assembly.

On the delimitation of constituencies, your Committee was informed that the delimitation of Constituencies was governed by the Constitution and the *Electoral Act No. 12 of 2006*. Article 77(1) of the Constitution provides that: “Zambia shall be divided into Constituencies, for purposes of elections to the National Assembly so that the number of such Constituencies, the boundaries of which shall be such as the Electoral Commission prescribes, shall be equal to the number of seats of elected members in the National Assembly.”

Article 77(2) of the Constitution further provides that “in delimiting Constituencies, the Commission shall have regard to the availability of means of communication and the geographical features of the area to be divided into Constituencies, provided that the Constituencies shall be so delimited that there shall be at least ten constituencies in each administrative Province.”

Section 37 of the *Electoral Act No. 12 of 2006* provides that “the Commission shall establish polling districts for the whole of the territory of the Republic and determine the boundaries of each polling district in accordance with the criteria provided in section 38.”

Your Committee was informed that if the recommendation under the draft Constitution to increase the number of constituency-based seats in the National Assembly was adopted and the new Constitution is enacted, there will be need for a further delimitation of constituencies as both the current Constitution – Article 77(1), and the draft Constitution, provide that the number of constituencies shall be equal to the number of seats of elected members in the National Assembly.

Given the above provisions of the current Constitution, the Government was of the view that it was not necessary to amend the law relating to the delimitation of constituencies; in as far as the same was related to delimiting constituencies in order to provide for the increased number of constituency-based seats in the National Assembly.

On whether there were any legal impediments for the Government to make amendments to the *Electoral Act*, your Committee were informed that it was possible to amend the Electoral laws as long as the amendments did not require any Constitutional amendment.

The Electoral Commission of Zambia informed your Committee that their effectiveness as a Commission was compromised to some extent as it was not able to execute its mandate in full due to lack of adequate and timely funding from the Treasury.

The Commission depended on government funding through the Ministry of Finance and National Planning and, depending on whether funding was available, it may not get its requirements. In most cases, the Commission had not received its full complement of its budgetary requirements. This has hindered the Commission from carrying out its mandate effectively. Erratic funding had seriously compromised the independence and autonomy of the Commission as the Commission's operations were dependent on the funding schedule of the Ministry of Finance and National Planning.

A case in point of erratic funding was the funding for the Continuous Voter Registration and the decentralisation of the Commission. The law for Continuous Voter Registration was passed by Parliament in 2001 and as of December 2009, the law had not been implemented due to lack of funding.

On the issue of decentralisation of the Commission, your Committee was informed that the Commission had planned to implement the Continuous Voter Registration by fully decentralising its operations through establishing offices with permanent staff in all the seventy-two districts. This would have accorded the Commission direct supervision of its staff and ensured that the officers were accountable to the Commission, and thus improve efficiency in the districts. This also would have allowed eligible citizens to have access to voter registration services all year round, namely; new registration, transfers, amendment of details and removal of deceased voters from the register. However, it was clearly not possible for the Commission to decentralise its operations within the level of funding in the budget.

On the need for review of legislation pertaining to the conduct of elections in Zambia, the ECZ Commissioner informed your Committee that the Commission had commenced the review of the electoral legislation as one of the ways of strengthening the electoral process. Among the issues being considered was the mechanism for Diaspora-voting by citizens resident abroad and the strengthening of the Electoral Code of Conduct (ECC). The Commission was also harmonising the law governing local government elections so that all elections are governed by one statute. Other amendments to be determined by the new Constitution would also have a bearing on the review of electoral legislation pertaining to the conduct of elections.

On the need for review of legislation pertaining to the operations of the Electoral Commission of Zambia, your Committee was informed that the NCC was reviewing the operations of the

Commission in order to make the institution more effective and transparent. The mode of appointment of Members of the Commission was being reviewed as well. This would also enhance the ECZ's preparedness for elections.

On whether the ECZ was toothless in enforcing electoral regulations, your Committee was informed that when there was an offence, the enforcement of the laws was a preserve of the police while, for an electoral dispute, ECZ had Conflict Resolution Committees in place which enforced the Electoral Code of Conduct.

The Issuance of National Registration Cards

Your Committee recognises the importance of the National Registration Cards (NRCs) in the electoral process and, therefore, invited comments from the Ministry of Home Affairs on the exercise.

Your Committee was informed that all districts throughout the country have an office of National Registration, Passport and Citizenship. Furthermore, the Department of National Registration undertook mobile registration exercises targeted at very remote areas where district registration offices were not available in order to ensure that all eligible Zambians are availed an opportunity to acquire a National Registration Card or replace a lost one.

Your Committee was further informed that the challenges faced in the issuance of National Registration Cards included the following:

- non-computerisation of records which made it difficult for verification purposes and storage of registration books;
- use of Polaroid films which most times had a short life span, which meant that the department had to make purchases at intervals to avoid allowing the consignment to expire; and
- inadequate human resources; the department has only been partially restructured due to non-availability of funds resulting into very few officers in the field attending to the ever increasing demand for National Registration Card applicants.

Your Committee was further informed that the Ministry of Home Affairs was considering the computerisation of operations of the National Registration, Passport and Citizenship Office. Consultations with various stakeholders and potential donors has reached an advanced stage. It was envisaged that the computerisation would improve the storage and retrieval of information for verification purposes.

Furthermore, the Ministry of Home Affairs plans to open two more sub-stations in Lusaka to decongest the Lusaka Boma Office and one more each in Ndola and Kitwe.

Your Committee was informed that the departmental staffing was inadequate and there had been no increase in staffing levels prior to 2008. With the approval of the restructuring programme of the Ministry, there was an increase of about 120 employees recruited and sent to the districts but the figure was below the required number of employees.

On whether there was a need to have a birth certificate when getting one's NRC, your Committee was informed that the challenge was to ensure that the people getting them were Zambians, as the NRC gave Zambians their citizenship.

On the challenges faced by the people, especially those in rural areas, to get birth certificates and the insistence to have the child's father's details before an NRC could be issued, your

Committee learnt that the challenge was to have support documentation such as village registers for verification. On the issue of the insistence by registration officers to prove the father's parentage before the NRC could be issued, the Registrar-General promised to look into the issue and improve on the current status.

On the perception that the Mobile Registration exercise was not reaching the intended target and that it was not publicised adequately, your Committee was informed that the department conducted campaigns using District Commissioners to sensitise village headmen who would in turn sensitise their communities on the exercise. Your Committee further learnt that the department was set to issue a number of NRCs and so far over 400, 000 were issued in 2009.

Views of other Stakeholders

6.2 Other stakeholders consulted included Civil Society Organisations, Non-Governmental Organisations, the church mother bodies and Cooperating Partners who assist with funding of some of the activities of the Electoral Commission of Zambia. A summary of their views is presented below.

The stakeholders generally acknowledged the importance of the ECZ to democratic governance. They agreed that the independence, autonomy and transparency of the Electoral Commission were central to ensuring that the electoral outcome enjoyed wider credibility and acceptance.

Your Committee was informed that in the past, ECZ had persistently been criticised for inefficient management of elections by voters, electoral candidates, political parties, civil society organisations and the citizenry at large. Findings of several courts in election petitions indicated flaws, incompetence and dereliction of duty in the conduct of some elections on the part of the Electoral Commission of Zambia.

Your Committee was informed that ECZ has not only been accused of lacking impartiality in managing elections, but also of being subject to manipulation and control of the Executive. The deficiencies in the electoral system were revealed in the rising numbers of petitions after every general election.

The stakeholders' views were that, since the Chairperson and not more than four (4) Members of the Commission were appointed by the President and ratified by Parliament, the independence of the Commission was often questioned. They further argued that since the President played a critical role in the appointment of the Commissioners, the ECZ lacked sufficient political insulation to manage the electoral process.

On the issue of appointment of Commissioners, your Committee was informed that there should be consensus on who should be appointed to sit on the Electoral Commission in terms of institutions represented, such as the church, civil society organisations, political parties, the House of Chiefs and eminent persons in order to ensure wider participation of key interest groups.

The stakeholders stated that an independent committee with a broad-based composition should be constituted for the recruitment of candidates for appointment as Commissioners. These candidates should be chosen from applicants short-listed after an advertisement in the public media for all interested Zambians to apply.

Your Committee learnt that a 'free election' was an election which allowed for the fundamental freedoms of movement and expression for candidates, the media, the electorate

and other interested and concerned parties before, during and after polling day; freedoms of assembly, association and freedom from intimidation and violence in connection with the election and the campaign.

Your Committee further learnt that a 'fair election' was one which afforded all candidates an equal opportunity to win. It offered a transparent electoral process before, during and after polling day. A good electoral system was one which had electoral laws for the conduct of the elections as a cardinal prerequisite for free and fair elections. There were to be no impediments to inclusion in the electoral register and discriminatory treatment of candidates by the police and the courts of law.

The stakeholders stated that the electoral system must provide equal opportunities for all players, non-partisan voter programs and orderly election campaigns which included the observance of a code of conduct. For an election to qualify as 'fair', there should be equal access to the public media and where it was provided for, an impartial allotment of public funds to political parties and a ban on misuse of government facilities for campaign purposes.

They further observed that the media plays a critical role in information dissemination and information sharing during elections. From the 2001 Tripartite Elections to date, biased media coverage had been observed. Public media was biased towards the ruling party whereas the private media favoured the opposition. This showed that the media was in breach of the code of conduct for the media.

Your Committee was informed that the Electoral Code of Conduct, though being regarded as an instrument that would help in levelling the playing field, was observed to be in breach by all political players. Upon nomination of candidates, political parties and their candidates subscribe to the Code of Conduct. However, the observance of the Code always ended with subscription.

Currently, the Code of Conduct lacks an enforcement mechanism and this has made political parties and other stakeholders take advantage. The Code of Conduct, if observed and enforced, could greatly contribute to the realisation of free, fair and credible elections.

The other stakeholders further submitted that the *Public Order Act (POA)* was one of the instruments that impacted on the electoral process. In a competitive democracy, freedom of the people to assemble in public in order to express their views on political matters was critical. The freedom of expression and assembly were essential elements in a free and open society.

The POA serves as a base for holding legal public meetings, demonstrations and processions and was enforced by the Zambia Police. However, at times there has been political interference in the enforcement of the POA making some people believe that it was being used as an oppressive tool and, therefore, it impairs political parties in the conduct of election campaigns.

They submitted that the POA could be used as the best tool to ensure peace and orderliness in the conduct of campaign meetings, rallies, processions and demonstrations.

In view of the challenges being faced by the Members of Parliament in terms of service and development delivery due to the vastness of some of the constituencies, there was need for the delimitation of constituencies.

They stated that constituencies should be manageable, sizeable and easy to visit in order to have effective representation. Stakeholders were of the view that the delimitation process

must be managed by an independent and impartial body devoid of political influence. It was very important that the process must be devoid of political manipulation of electoral boundaries to favour particular groups or political interests.

Therefore, the delimitation of constituencies was a noble call and should be done through a consultative process with high levels of transparency.

Given that a number of Zambia's rural constituencies were inaccessible because of bad road networks and inaccessibility during the rain seasons, it was imperative that the ECZ devised a system of getting results more quickly and in a transparent manner such as the use of air transport or the transmission of results should be direct from the counting centres.

Stakeholders recommended that Government Ministries should be compelled to release their vehicles to be used during elections and these should be clearly labelled by polling station to assist in transporting ballot boxes to the counting centre.

They further recommended that all polling agents from each polling station must accompany the ballot boxes to the counting centre and must be present when the seals are being broken.

On the need for continuous voter registration, the stakeholders submitted that one of the constitutional functions of the ECZ was to supervise the registration of voters and review the voters' register or the voters roll. An accurate and acceptable voters' register was important for democratic, free and fair elections. Therefore, an individual's franchise was formed by a voters register.

The Electoral (Regulation of Voters) Regulations, Statutory Instrument No. 55 of 2001, empowers the ECZ to implement the continuous registration of voters and specifies when the ECZ may temporarily suspend the exercise for the purpose of an election or for the up-dating of the registers.

It was noted that the ECZ recommended to the Government, in 1999, to undertake a continuous voter's registration exercise and the Government passed the law in April, 2001. However, implementation has proved difficult. Thus, from 2001 to date, the ECZ had failed to implement the continuous voter registration.

Stakeholders stated that the calls for continuous voter registration should be supported if the country is to have a clean and updated voters' roll. The current voters' roll compiled in 2006 was outdated due to lack of an updating mechanism. The current number of registered voters in the register was a distorted figure due to transfers or relocations, loss of voters' cards and deaths.

The stakeholders further recommended that, in order to have an inclusive voter participation, Zambians living in the Diaspora should be accorded an opportunity to apply for registration as voters. The Electoral Act should be amended to enable them vote in Presidential Elections at the Zambian Missions abroad such as the initiatives implemented by other countries in the SADC Region, like South Africa, Namibia and Botswana.

On the institutions involved in the electoral process, the stakeholders submitted that the Zambia Police Force plays a critical role in the electoral process in terms of security coverage. The Police Force should do everything possible to ensure the safety and security of candidates and voters, electoral materials, polling staff, election officials, national and international observers.

They were of the view that the Police must be adequately funded by the Government during the elections in order for them to operate effectively. However, it was observed that the

Zambia Police Force did not give adequate security coverage to the opposition political parties during campaign rallies and gave preference to the ruling party campaigns.

Your Committee was further informed that in order to avoid the suspicions associated with the delays in the release of the election results and the rushed declaration and swearing in ceremony of the perceived winner in the Presidential election, the returning officer in the Presidential election could declare the 'winning candidate', but the winner must not be sworn in until all the contentious issues raised by the participating parties on the results have been cleared by the courts within ninety days from the date of the declaration of the winner.

There was also need to undertake capacity building of the Conflict Management Committees (CMCs) so that these committees are able to take steps that would help parties that felt aggrieved in the electoral process.

The stakeholders stated that there were three aspects that needed to be considered when it came to legislation that provide for the conduct of elections in Zambia.

These are:

- 1) review of the *Electoral Act* so that the 50% plus 1 electoral formula is incorporated and also for the presidential candidate to have a running mate;
- 2) review of the Electoral Code of Conduct so that it is effectively enforced; and
- 3) review of the continuous voter registration legislation so that this process becomes properly continuous.

The stakeholders were of the view that, in the case of a petition against the results of the elections, the 'winning candidate' should not be sworn in and the Chief Justice should not preside over the petition but the Deputy Chief Justice or, in the alternative, the Deputy Chief Justice should be the returning officer in the presidential election.

Your Committee was informed that should the Constitution-making process not be completed before the next elections, there was need to work on the Electoral Regulations and the Code of Conduct and make amendments to them before the elections.

Support to the Electoral Process in Zambia by Cooperating Partners

The UN/UNDP's involvement in elections was based on UN General Assembly Resolution 46/137 of December 1991 and its successor resolutions. A cardinal aspect of the resolution was that UNDP's support was always in response to a request from the Government of the Republic of Zambia through the Electoral Commission of Zambia for support. It should be noted that UN or UNDP did not observe elections where UNDP was providing technical assistance. Where UN sent observer missions or coordinated observer missions, prior clearance of the UN Security Council was often obtained.

UNDP has extended electoral assistance to Zambia since 1998. In the 2009 – 2012 Electoral Cycle Support, UNDP mobilised US\$14.2 million from Canada, European Commission, Finland and Netherlands to support a long term capacity development programme. The programme is based on the electoral cycle approach and has the following major outputs:

- (i) capacity development of ECZ and Department of National Registration Passport and Citizenship;
- (ii) continuous voter registration;

- (iii) digitalisation of the National Registration data and issuance of new registration cards;
- (iv) legislative review;
- (v) support to increased participation of women as candidates and as voters;
- (vi) media monitoring;
- (vii) enhanced civic and voter education; and
- (viii) enhanced political parties' participation.

Your Committee was informed that UNDP subscribes to the electoral cycle approach, which addresses elections as a process and not as an event i.e., the election itself. In this approach, the electoral cycle begins soon after an election and serves to promote a meaningful and comprehensive participation of voters and all stakeholders in elections. In this regard, electoral assistance focuses on the capacity building of national institutions associated with the Zambian electoral process and also provides a platform for dialogue on electoral policies, legal framework and procedures. Further, it facilitates increased synergies and efficient use of resources.

On the current support 2009 – 2012, your Committee was informed that the overall objective of the project was to support the capacity development of the Electoral Commission of Zambia (ECZ) and related national institutions within the electoral process and, in particular, the Department of National Registration, Passport and Citizenship (DNRPC) of the Ministry of Home Affairs. This broad objective is expected to increase national capacity to address emerging national electoral challenges as well as increase the integrity of the electoral process and public confidence in the electoral systems in Zambia.

Building on the previous findings, a broader civic education outreach is to be enhanced through the engagement and strengthening of Civil Society Organisations (CSOs). Through these, grassroots level participation in the democratic process is being facilitated along with the wider civic education campaign. The media, as one of the main actors in democratic development is also being supported to increase their professionalism and improve the understanding of the electoral process.

Your Committee was informed that this project is funded by the cooperating partners and the regular governmental budget. It is supported by five cooperating partners: the European Commission, Canada, the Netherlands, Finland and UNDP, that contributed a total of US\$14, 214,030 while the Government's direct contribution is US\$5.596 million (ECZ – US\$3, 596 million and DNRPC – US\$2 million) over a four year period.

They submitted that the project strategy focuses on maintaining a balance between event-specific election assistance and longer term support for the electoral institutions, systems and processes that underpin a democratic society. In this regard, the project is focused on addressing institutional and individual capacity development for the components below.

The project has the main outputs outlined below.

Institutional Capacity Development of ECZ

The project supports:

- i) restructuring of the Commission to enhance its institutional capacity and support selected activities in the context of the decentralisation of ECZ, including capacity

enhancement for the development of effective planning strategies within ECZ such as implementation of quality assurance measures on various operations of ECZ and facilitate a multi-year strategic planning and budgeting exercise;

- ii) election Information Management System which includes enhancement of modules for registration and polling location system to keep track of the locations used for registration, elections and nominations; Geographical Information System (GIS) database integration, voter register and location register, form tracking systems; voter register modules for amendments to existing records and deletion of deceased persons in preparation for continuous registrations;
- iii) results management system and its expansion to include an audit module; candidate management system and its expansion to include a strong verification module and ballot template production module; accreditation system for observers, monitors, elections agents and media;
- iv) enhancement of web access and media to various data; intranet for the ECZ to facilitate information sharing; a logistics module and tracking system for field status and incident reporting; field staff and helpline tools; and media and complaints tracking;
- v) integration of Logistic Systems with Procurement and Planning;
- vi) electoral staff training programme; and
- vii) enhanced State and Non-State Stakeholders' relations.

Continuous Voter Registration

The support in this regard is aimed at:

- i) enhancing coordination between ECZ and DNRPC;
- ii) improving the integrity, inclusiveness, comprehensiveness, accuracy, accessibility, transparency, security and credibility of voters register;
- iii) replacing the Polaroid based system;
- iv) updating network, hardware and software; and
- v) establishing a permanent voters register. This component which included implementation of voter registration operations would be a US\$4, 024,080 budget over four years and funded by both Cooperating Partners (CPs), UNDP and ECZ.

Digitalisation of Civil Registry

Support to the DNRPC is targeted at upgrading the national register by facilitating the issuance of National Registration Cards to all eligible citizens. In this regard, support to the DNRPC includes:

- (i) upgrading computer software and hardware for the DNRPC, especially, as it related to data sharing with the Ministry of Home Affairs;

- (ii) system design to ensure compatibility of biometric data needs of the ECZ and that of the DNRPC;
- (iii) training of DNRPC staff, both at HQ and provincial level;
- (iv) strengthening the village register as a basis for updating the national register in rural areas;
- (v) establishing and securing a database including disaster recovery, fallback procedures and business continuity;
- (vi) nation-wide campaign of biometric data capturing with mobile kits;
- (vii) establishing of a National Database Centre at DNRPC;
- (viii) implementation of the Automated Finger Print Identification System (AFIS) for preventing double entries and malpractices; and
- (ix) issuance of new NRCs carrying biometric features storable and retrievable at the National Database Centre.

Review of Legislative Framework

UNDP submitted that the project:

- i) supports ECZ in the production of procedures and guidelines following the adoption of the new Constitution and related Electoral Acts and in provision of training and handbooks to ECZ officials, the Police and the Anti-Corruption Commission (ACC) to sensitise them on their responsibilities to enforce the law and penalise electoral misconduct; the project also provides for a review of the election petition process to ensure that it is a viable and fair means of redress in the event of electoral malpractices; in addition, the project is directed towards the implementation of reforms that may be adopted in the new constitution as and when they are introduced into legislation or during the constitutional review process;
- ii) supports formal and informal electoral dispute resolution mechanisms; and
- iii) supports constitutional reform advocacy work through working with the courts to assure their understanding of election appeals and advocate for the adoption of special procedures in view to align the decisions of the courts with the electoral timeframe.

Support Constitutional Reform Advocacy Work

The project foresees work with the courts to assure their understanding of election appeals and advocate for the adoption of special procedures in view of aligning the decisions of the courts with the electoral timeframe.

A possible activity in this context would be to assess the possibility of out-of-country voting in line with the current discussions at the NCC.

Facilitation of participation of Women in Electoral Processes

Given the strong Civil Society Organisations working in the area of women's political rights in Zambia, UNDP intends to give continued support to these organisations to enable them:

- i) conduct lobbying and advocacy work;
- ii) provide training for previously elected female candidates; and
- iii) provide training of prospective and newly elected female candidates.

Enhance effective Media Monitoring Mechanisms

The project is focused on three aspects: training for journalists on election reporting, accurate information dissemination, creation of a media monitoring and peer review mechanism (self regulation).

Enhance Civic, Voter Education and Domestic Observation Programmes

The component is focused on addressing five main challenges that have emerged from past elections. These are:

- i) preparation of the population for results that may be different from their own expectations;
- ii) preparation of political parties for managing expectations as part of conflict prevention;
- iii) deepening of ECZ/CSO engagement in delivering civic/voter education;
- iv) development and implementation of a continuous civic education programme and a mechanism for certification of individuals capable of delivering civic/voter education also including participation of the Ministry of Education; and
- v) supporting training of CSOs dealing with domestic observation on principles and methodologies of election observation, electoral law, and the electoral process and the project would support the production of training material in favour of the selected CSOs.

Enhance Political Parties' Capacities

UNDP submitted that this component follows the best practices and activities developed using the established UNDP neutral scope and criteria set in the UNDP Handbook on Working with Political Parties, which has compiled a good deal of UNDP experience in this area.

This project supports:

- (i) training and sensitisation activities including leadership capacity building, resource mobilisation, electoral administration, (campaign techniques would be part of these activities);

- (ii) enhancement of capacity of ECZ-political party relationship by promoting dialogue and consensus building on critical issues of legal or administrative reform, to better sensitise parties to the mandate and workings of the ECZ, and to better sensitise the ECZ to the needs and wants of the political actors;
- (iii) enhancement of political parties' primaries through capacity development of parties to promote them as fora for debate and policy consideration, rather than simply vehicles for the imposition of voting arrangements. It also supports development of transparent and participatory structures for decision-making, to develop awareness of issues relevant to human development, to foster conciliatory approaches that would be more inclined to see conflict mediation and resolution and the establishment of cross-party caucuses on sectoral issues of national importance, that would also build trust and confidence between competing political interests; and
- (iv) establishment of resource centres for political parties at national and provincial levels to enable all parties have access to resources in line with their activities. These centres are to have necessary equipment to allow all parties to gather and disseminate information to the public.

REPORT OF THE COMMITTEE ON THE TOUR OF SELECTED DEPARTMENTS OF NATIONAL REGISTRATION OFFICES

7.0 Your Committee undertook a tour of selected Department of National Registration Offices to ascertain the following:

- the availability of materials for the issuance of the National Registration Cards;
- the average number of people captured at the National Registration Centres per day;
- the status of the mobile registration exercise;
- measures put in place to sensitise and inform people of the mobile registration exercise; and
- challenges faced.

Your Committee visited the Kasama, Luwingu, Ndola and Mufulira offices of the Department of National Registration.

At the end of the tour, your Committee's main findings are set out hereunder:

- The National Registration offices they visited operated from dilapidated buildings. The Mufulira office is the most deplorable.
- The process of issuing National Registration Cards is cumbersome as everything is done manually.
- All registration centres have problems, with a large number of over aged citizens applying for National Registration Cards for the first time, especially those from the remote areas and there was victimisation of the elderly people trying to get NRCs for the first time.
- The issue of the insistence of having both parents present before an NRC could be issued to the child was still rampant. The most affected were women taking children with no fathers who were being discriminated against.

- A number of officers managing the centres appear not to be properly trained.
- Information dissemination and sensitisation on the mobile registration exercise is inadequate. There is very little, if any, collaboration among community leaders such as councillors, school heads, chiefs and the clergy.
- The mobile exercise has been allocated a very short time. In rural areas, such as Luwingu and also in the Copperbelt, a great number of people have not been captured. At Chilengwa Basic School in Masala, Ndola, which is one of the mobile registration centres, your Committee witnessed a very big number of applicants, some of whom had spent some days sleeping in the open.
- In Luwingu, your Committee observes that a large number of people could not be captured in the previous exercise because of impassable roads as the activity was done during the rainy season. Moreover, some people are reported to have gone into the bush to gather caterpillars.

COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

8.0 Having interacted with various stakeholders and based on their findings from the tour of selected Department of National Registration offices, your Committee's observations and recommendations are set out hereunder.

OBSERVATIONS

- (i) The Electoral Commission of Zambia lacks capacity in terms of financial resources, staff and transport to carry out its mandate effectively due to inadequate and untimely funding.
- (ii) The Electoral Commission of Zambia has failed to undertake some of the most important activities, such as continuous voter registration (CVR), which are provided for in the *Electoral Act* since the enactment of the Act. A number of people are disenfranchised as a result of the Government's non-implementation of continuous voter registration which is a legal provision.
- (iii) ECZ does not have the powers to enforce the Electoral Code of Conduct which governs the conduct of all stakeholders in an election.
- (iv) Zambia has been experiencing biasness in the manner in which the media report during the election period. The private media have tended to favour the opposition whereas the public media have tended to favour the party that is in power, thereby breaching the Code of Conduct for media practitioners.
- (v) The use of government resources, especially by the ruling party, during elections is rampant.
- (vi) Poor publicity of the mobile registration exercise for the issuance of NRCs by the Department of National Registration and the persistent shortages of materials used for the exercise leads to long queues at registration centres. The manner in which the process is being conducted raises a lot of concerns on its objective. The way the sensitisation has been carried out has made it difficult for people, especially rural dwellers, to effectively benefit from the exercise.

- (vii) The elderly people, the disabled and pregnant women are disadvantaged and discouraged from voting due to long queues at polling stations.
- (viii) Concern was raised that some constituencies, especially, in rural areas, were too large to be managed by one Member of Parliament.
- (ix) Members of Parliament lack adequate resources to fully service their constituencies.
- (x) The current composition of the Electoral Commission of Zambia does not give confidence to the electorates due to the mode of their appointment.

RECOMMENDATIONS

Your Committee, therefore, recommends that:

- (i) the Government must fund the ECZ adequately and timely in order for them to carry out their mandate effectively;
- (ii) the autonomy of the ECZ must be enhanced to ensure that stakeholders build confidence in the electoral system;
- (iii) the ECZ must be empowered to enforce the Electoral Code of Conduct;
- (iv) there is need to enforce the Code of Conduct for media practitioners to ensure that there is unbiased reporting during the election period;
- (v) punitive measures must be put in place to deter political leaders from using Government resources during elections;
- (vi) stiffer penalties must be enacted for anyone found buying voters cards as they disenfranchise the electorate.
- (vii) there is need to engage the citizenry in sensitisation programmes so that all are made aware of the importance of acquiring National Registration Cards, and information dissemination on mobile registration should be properly collaborated with the use of the Zambia News and Information Services (ZANIS) and the involvement of community leaders at all times;
- (viii) people conducting elections must be trained to assist the elderly, the disabled and pregnant women to vote quickly to avoid such people staying away from voting;
- (ix) the Department of National Registration must be computerised in order for it to respond to modern expectations and to expedite the process of issuance of NRCs;
- (x) there is need to delimit constituencies which are too vast to be managed by one Member of Parliament;
- (xi) Members of Parliament must be entitled to resources such as vehicles and fuel at the Constituency offices in order to empower them to visit their constituencies;
- (xii) the Government, ECZ and other stakeholders must ensure that all laws pertaining to elections are isolated from the main Constitutional making process, harmonised, rationalised, consolidated and amended before the 2011 tripartite elections in order to enhance democracy;

- (xiii) there should be consensus on who should be appointed to sit on the Electoral Commission in terms of institutions represented, such as the church, civil society organisations, political parties, members of the House of Chiefs and eminent persons, to ensure wider participation of key interest groups; and
- (xiv) the Department of National Registration must ensure that the issue of the insistence of having details of both parents before an NRC could be issued to a child is done away with as it is discriminatory and unfair.

REPORT OF THE COMMITTEE ON THE TOUR OF SELECTED DETENTION FACILITIES AS A FOLLOW UP ON THE ACTION-TAKEN REPORT

9.0 Your Committee undertook local tours to Northern, Luapula and Copperbelt Provinces to have an on-the-spot check of selected prisons and a probation hostel for girls.

The following institutions were visited:

- (i) Milima Prison, Kasama;
- (ii) Luwingu Prison, Luwingu;
- (iii) Mukobeko Prison, Kabwe; and
- (iv) Insakwe Probation Hostel for Girls, Ndola.

The objectives of the tours were to assess:

- (i) progress made on the construction of prison staff houses at Mukobeko Maximum Prison in Kabwe;
- (ii) adequacy of prison officers, the living conditions, the state of uniforms, beddings and security;
- (iii) progress made on the construction of a new prison in Luwingu and the state of the old prison, if inmates are still held in it; and
- (iv) living conditions of girls in the probation hostel and the number of girls accommodated there.

Committee's Observations and Recommendations

Your Committee observes the following:

- the Northern region has 123 officers looking after an inmate population of 1, 300. This implies that there is a ratio of one officer against thirteen inmates;
- Milima Prison holds 457 inmates, out of whom 272 are male convicts, 145 male remandees, eight female convicts, seventeen male juvenile convicts, seven female remandees, seven male juvenile remandees and one female juvenile remandee;
- the region produced 1, 000 x 50 kg bags of beans in the farming season 2008/2009 and Milima contributed 250 x 50 kg bags, the revenue raised from the sale of farm products at Milima was a sum of K125, 000, 000 in the 2008/2009 season;
- in addition, Milima Prison produced 432 x 50 kg of maize and raised a sum of K16, 000, 000, however, the revenue raised is sent to the Headquarters for sharing with other regions;

- the prison is not allowed to retain some of the revenue it raises in order to attend to urgent issues such as the provision of water or procurement of vehicles, the Regional Commander has no reliable transport;
- all the cells at Milima do not have running water as inmates draw water from outside the prison yard; although four boreholes have been sunk, they have not been equipped;
- the sanitation situation in the cells leaves much to be desired as each cell accommodates fifty-two inmates, although each is designed to take in twenty but there is only one toilet built for each cell;
- some inmates are scheduled for transfer to other prisons in order to decongest the prison but this can not be done due to lack of transport;
- the Milima Prison kitchen has four electric pots out of which only two are usable;
- your Committee is impressed with the effort made to provide some sort of education to both the adult and juvenile inmates as a make shift library with a few books and a classroom with equally make shift desks and benches has been organised;
- at Milima Prison, there are eight HIV/AIDS and TB patients who share one cell who are attended to by medical personnel at a clinic within the Prison premises whilst the serious patients are referred to the hospital;
- your Committee observes that the provision of Legal Aid, especially to remandees who are waiting judgement, is not adequate;
- many remandees have waited for a long time for judgement as there is no resident judge in Kasama as the High Court sits quarterly;
- at Luwingu Prison, your Committee observes that the general living conditions of inmates is appalling even though the prison was closed after having been declared unfit for human habitation in 2006; there are thirty-six inmates and six remandees still being held in the prison;
- a site for a new prison in Luwingu has been located and surveyed and the construction should have commenced in 2008 but the then Zambia National Tender Board rejected the application by the Prisons Building Unit to construct the new prison; the tender for the construction of the prison is to be advertised in order to select a contractor, as a result, the construction of a new prison in Luwingu has been delayed; and
- at Mukobeko Maximum Prison, it was noted that twenty new houses have been constructed and the project is about to be completed and it was observed that the construction is of very good quality and at a reasonable cost of just over K200 million for each unit; the project is cost effective as labour is provided by inmates.

Committee's Recommendations

Your Committee recommends as follows:

- prisons should be allowed to apply for Appropriation in Aid so that they can be allowed to retain some of the revenue which they raise from business ventures for purchasing goods and services;

- there is need to decentralise procurement to Provincial level in order to enable them attend to urgent needs such as transport and uniforms;
- there is need to provide adequate water reticulation in all prisons in order to ensure that the sanitation situation is improved;
- staff levels must be seriously considered with a view to recruiting adequate officers for all prisons to avoid security risks;
- the Government must provide enough funds for purchasing raw materials for the manufacture of uniforms;
- the Prisons Building Unit should be allowed to bid for the contract to construct the new prison in Luwingu, the Zambia Public Procurement Authority should visit the housing project at Mukobeko Maximum Prison to assess the Unit's capacity; and
- the Government must expedite the appointment of a resident judge for Kasama High Court to speed up judgements.

THE INSAKWE PROBATION HOSTEL FOR GIRLS

Committee's Observations

Your Committee is impressed with the general cleanliness of the hostel. However, it observes that while the infrastructure has the capacity of holding forty-eight juvenile girls, only fourteen are accommodated. It is of the view that the institution is underutilised whereas there are hundreds of girls who are in dire need of such facilities.

Your Committee further observes that:

- the institution is operating illegally because it is not gazetted;
- while girls have hostels for the needy, no such institution has been established for boys;
- girls who have committed serious offences such as murder are mixed with those who only need assistance; and
- there seems to be no proper linkages between the probation hostel and related institutions such as the prisons.

Committee's Recommendations

Your Committee, therefore, recommends as follows:

- there is need for the hostel to accommodate more girls who are in need;
- the Government should endeavour to establish at least one such institute in each province and a similar institution for boys should be established;
- the Government should urgently have the probation hostel gazetted in order to legalise its operations;

- a system must be worked out to separate the girls who have committed serious offences from those who are admitted because they need aid; and
- linkages between the probation hostel and other relevant institutions such as the Prisons should be established so that juveniles who have reformed in reformatories are transferred to probation centres and those who pose a danger to others in probation centres are transferred to reformatories.

PART II

CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE FIRST REPORT OF THE COMMITTEE FOR THE FOURTH SESSION OF TENTH NATIONAL ASSEMBLY

WOMEN IN DECISION-MAKING POSITIONS

10.0 Your previous Committee recommended that all international covenants that Zambia has signed aimed at reducing gender discrimination must be domesticated and incorporated into national laws.

The Government responded that it was making progressive efforts towards domestication of all signed international covenants aimed at reducing gender discrimination. First and foremost, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the most comprehensive international instrument and encompasses all other relevant instruments, such as the recently signed SADC Protocol on Gender and Development which awaits ratification.

An exercise of CEDAW mapping was under way. The specific objectives of the exercise were to:

- (a) review the Zambian legislation to identify which provisions of the Convention on the Elimination of All Forms of Discrimination Against Women have been incorporated therein;
- (b) identify provisions which need to be incorporated into Zambian legislation and which section of the legislative frameworks under which these provisions should be considered; and
- (c) review any other relevant regulations to determine the extent to which they conform to the provisions of the CEDAW.

Your Committee, therefore, urges the Government to expedite the ratification of the SADC Protocol on Gender and Development and the presentation of the draft Bill on Gender Based Violence to Parliament for enactment.

10.1 Your previous Committee recommended that gender-responsive budgeting measures must be implemented to help build women's awareness about accountability and enable more responsive governance.

The Government responded that GIDD, in 2009, undertook to train line Ministries in gender budgeting and gender responsive planning. About three district meetings were conducted targeting the planners and policy makers. The aim of the training was to equip stakeholders with the necessary skills so that in all their ministerial programmes and projects, there was gender responsiveness in terms of resources being allocated. GIDD intended to intensify the training in order to build capacity in gender responsive budgeting.

Your Committee urges the Government to emphasise the importance of gender responsive budgeting and ensure that all public sector and private sector policy makers are encouraged and enlightened on how to use gender responsive budgeting in their planning.

10.2 Your previous Committee recommended that the Government must ensure that it puts in place affirmative action measures to eliminate all barriers which prevent women from participating in decision-making positions.

The Government responded that, through GIDD, it had developed a strategy for engendering the Public Service. Among other things, the strategy sought to remove barriers in recruitments and promotions in the Public Service. With the implementation of the strategy, it was hoped that more women would be recruited and promoted to decision making positions.

Your Committee urges the Government to expedite the implementation of the strategy for engendering the Public Service and also extend it to the private sector. It must also ensure that this strategy is disseminated to all line ministries and the various unions representing the workers.

LOCAL TOUR REPORT

SESHEKE PRISON

10.3 Your previous Committee had recommended that some boreholes be sunk at the prison to improve water supply.

The Government responded that a borehole would be sunk at the prison in the course of the year 2010.

Your Committee awaits a progress report on the sinking of the borehole.

SENANGA PRISON

10.4 Your previous Committee had recommended that the sewer system needed to be worked on to avert an outbreak of disease.

The Government responded that it had been undertaking construction works to address the problem with the sewer system at the prison. The construction works which began in May 2009 were still going on.

Your Committee waits to be availed the progress report on the construction works on the sewer system at the prison.

OUTSTANDING ISSUES IN THE ACTION TAKEN REPORT ON THE SECOND REPORT OF THE COMMITTEE FOR THE THIRD SESSION OF THE TENTH NATIONAL ASSEMBLY

CORPORATE GOVERNANCE AND CORPORATE SOCIAL RESPONSIBILITY IN ZAMBIA

11.0 Your previous Committee had recommended that a harmonisation of all statutes that hinged on corporate governance should be done. Your Committee further urged the Government to avail them a progress report on the issue.

In response, the Government reported that the harmonisation of all statutes that hinge on corporate governance would be undertaken as part of the review of the *Companies Act*. Some of the other laws that may be reviewed as a consequence of reviewing the *Companies Act* include the *Arbitration Act*, No. 19 of 2000, *Banking and Financial Services Act*, Cap. 387, *Finance (Control and Management) Act*, Cap. 347, *Industrial and Labour Relations Act*, Cap. 269, *Employment Act*, Cap. 269, *Legal Aid Act*, Cap. 34, *Environmental Protection and Pollution Control Act*, Cap. 204.

Other pieces of legislation that may be reviewed as a consequence of reviewing the *Companies Act* are the Acts establishing the Environmental Council of Zambia, Patents and Company Registration Office, Auditor-General's Office and the Anti-Corruption Commission.

Your Committee awaits a progress report on the review of the various Acts and the harmonisation of the statutes.

RIGHTS OF ORPHANS AND VULNERABLE CHILDREN IN ZAMBIA WITH SPECIAL EMPHASIS ON CHILDREN IN ORPHANAGES

11.1 Your previous Committee was awaiting a progress report on the establishment of the Zambia Council for the Child which would look into issues affecting the operations of orphanages.

In response the Government had indicated that the establishment of the Zambia Council for the Child could only proceed once a decision had been made whether to have one Act on child matters or to continue with the five child-related laws currently in place. The Government was studying the Ghana case where there was one Act on child matters to learn from their experiences. Once this was determined then a national symposium would be called to deliberate on the way forward, including the establishment of the Zambia Council for the Child.

Your Committee awaits an update on the progress made in the establishment of the Zambia Council for the Child.

Conclusion

12.0 In conclusion, your Committee wishes to express their gratitude to you, Mr Speaker, and the Clerk of the National Assembly for the support rendered to it during the year. Your Committee is indebted to all witnesses who appeared before it for their cooperation in providing the necessary memoranda and briefs.

Your Committee is hopeful that the observations and recommendations contained in this report will help in the improvement of the electoral system and processes in Zambia leading to democratic elections and confidence building in the electoral machinery of the nation.

June, 2010
LUSAKA

J J Mwiimbu, MP
CHAIRPERSON